

EXPLANATORY MEMORANDUM TO
THE FOOTBALL SPECTATORS (2008 EUROPEAN CHAMPIONSHIP CONTROL
PERIOD) ORDER 2008

2008 No. 1165

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Order describes the control period under the Football Spectators Act 1989 for the UEFA (Union of European Football Associations) EURO 2008 European Championship finals tournament in Austria and Switzerland. The control period begins on 28th May 2008, that is ten days before the first match in the tournament, and ends when the last match in the tournament is finished or cancelled. The last match is due to be played on 29th June 2008.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The instrument is made under sections 14(6) and 22A(2) of the Football Spectators Act 1989.

4.2 During a control period the powers contained in sections 19 (requirements for those subject to banning orders to report to a police station and surrender their passport) and 21A and 21B (summary powers to detain and refer to a court with a view to the making of a banning order) of the 1989 Act are excisable.

4.3 Previous Statutory Instruments defined the control period for the 2002 World Cup (S.I. 2002/1143), the 2004 European Championship (S.I. 2004/1029) and the 2006 World Cup (S.I. 2006/988). As with this Order the 2006 S.I. also made use of the power in section 22A(2) of the Football Spectators Act 1989 to commence the control period ten days before the finals tournament's first match in order to secure effective enforcement of the control period.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 During a control period the powers contained in section 19 (requirements for those subject to banning orders to report to a police station and surrender their passport) and section 21A and 21B (summary police powers to detain those suspected of violence or disorder, and to refer them to a court) of the 1989 Act are exercisable.

7.2 Section 19 empowers the enforcing authority (the Football Banning Orders Authority) to require any individual subject to a banning order to report to their designated police station and surrender their passport as specified by their notice. Passports are returned after the match or the tournament Final.

7.3 Details of banned individuals the enforcing authority have issued section 19 notices to are circulated to ports police during a control period. Local police take enforcement action against any banned individual who fails to comply with their reporting instructions. Failure to comply is a criminal offence. On conviction, the individuals can receive 6 months imprisonment, a £5,000 fine and a further banning order (in accordance with section 14J(1)). This is an effective means of ensuring persons who pose a risk of contributing to violence or disorder at an overseas regulated match are prevented from doing so.

7.4 The summary police powers under sections 21A and 21B provide a long stop measure enabling the police to prevent a known troublemaker from travelling before the local force has had the opportunity to seek a banning order from the court. Section 21B of the 1989 Act empowers the police to issue a notice to an individual if there are reasonable grounds for suspecting that he has caused or contributed to violence or disorder in the United Kingdom or elsewhere, and if there are reasonable grounds to believe that imposing a banning order would help to prevent violence or disorder at or in connection with any of the matches in the finals tournament.

7.5 The notice requires the individual to appear before a magistrates' court within 24 hours, in the meantime not to leave England and Wales, and to surrender his passport. The magistrates' court will then treat the notice as an application for a banning order under the section 14B "on complaint" procedure.

7.6 To assist police enforce the control period effectively, it will start ten days before the tournament's first match, rather than five days, as provided for in section 22A(2).

7.7 Although neither the England nor Wales national team has qualified for the Euro 2008 finals it is a major international tournament which risk supporters may attempt to attend for which a control period is therefore considered appropriate. The control period will enable the enforcing authority and police to prevent persons subject to a banning order and other risk supporters from travelling to Austria, Switzerland or transit countries and contributing to violence or disorder.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

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martin.gooday@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.