

EXPLANATORY MEMORANDUM TO
THE SAFETY OF SPORTS GROUNDS (DESIGNATION) ORDER 2015
2015 No.661

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**
 - 2.1 Under the Safety of Sports Grounds Act 1975 (“the 1975 Act”), the Secretary of State may by order designate a sports ground in England and Wales as requiring a safety certificate if certain conditions are met.
 - 2.2 This instrument consolidates, with amendments, all designations previously made by order under the 1975 Act in respect of sports grounds in England and Wales.

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

None.

4. **Legislative context**
 - 4.1 Under section 1 of the 1975 Act, the Secretary of State may designate by order any sports ground in England and Wales as requiring a safety certificate if, in his opinion, it has accommodation either for more than 10,000 spectators or, in the case of any sports ground at which football is played and which is occupied by a member of the Football Premier League or Football League, for more than 5,000.
 - 4.2 At present, over 200 sports grounds in England and Wales are designated under the 1975 Act by 51 orders. This instrument consolidates, with amendments, designations which are still required, and revokes all of those orders. In this instrument, the names of sports grounds and their addresses have been updated, together with the current occupier’s details, where these have changed since the original designation. No sports ground is being designated for the first time by this instrument.

5. **Territorial extent and application**

This instrument applies to England and Wales. Competence to exercise the power in the 1975 Act to designate sports grounds in Scotland passed to Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

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 The Red Tape Challenge (RTC) was launched by the Prime Minister on 7th April 2011. The RTC seeks to reduce the overall burden of regulation where possible, including by improving existing regulation through consolidation and removing regulation where it no longer remains necessary.
- 7.2 As part of its commitment to the RTC, the Department agreed to consolidate the existing designation orders made under the 1975 Act relating to sports grounds in England and Wales. A total of 51 orders are being consolidated.
- 7.3 Any sports ground which was previously designated as requiring a safety certificate is not reproduced in the consolidating order if it no longer satisfies the conditions to which the Secretary of State's power to designate is subject.

8. Consultation outcome

- 8.1 The Department consulted each local authority in whose area a designated sports ground was located. Local authorities are responsible for issuing safety certificates in respect of any ground which has been designated under the 1975 Act. Where a ground no longer meets the designation criteria (including because it has been demolished or is no longer in use), the Sports Ground Safety Authority advises local authorities¹ that the local authority should notify the Secretary of State and request the ground be de-designated.
- 8.2 The purpose of the consultation carried out with the local authority in relation to this instrument was to confirm:
- i. that a previously designated sports ground continued to meet the criteria for designation under the 1975 Act and, if so,
 - ii. the name of the ground, its address and the current occupier(s) to be included in this instrument.
- 8.3 Where a sports ground has been de-designated because it no longer meets the criteria for designation, the Sports Ground Safety Authority was also consulted.

9. Guidance

None.

¹ For example, at: <http://www.safetyatsportsgrounds.org.uk/advice/faqs/ground-designation-how-do-i-apply>.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 No impact on the public sector is foreseen.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

Where a ground meets the criteria for designation under the 1975 Act, designation will continue to apply to the clubs specified in this instrument that are small businesses. Where a sports ground has been de-designated because it no longer qualifies for designation under the 1975 Act, the club concerned may require a safety certificate under the Fire Safety and Safety of Places of Sports Act 1987 for any regulated stands within the ground. This instrument will therefore ensure that sports grounds are regulated appropriately for a ground of that size.

12. Monitoring and review

12.1 Where the conditions for designation set out in section 1(1) of the 1975 Act are met by a new sports ground or as a result of the modification of an existing ground, the Sports Ground Safety Authority advises local authorities within whose area the ground is situated (working together with the relevant occupier) to make an application to the Secretary of State for that ground to be designated.

12.2 If a designated sports ground is to be demolished or is permanently modified so as to reduce the capacity below the applicable threshold, the Sports Ground Safety Authority advises local authorities that they should notify the Secretary of State and request that the ground be de-designated.

13. Contact

Nick Pontefract at the Department for Culture, Media and Sport (020 7211 6036 and Nick.Pontefract@culture.gov.uk) can answer any queries regarding the instrument.