EXPLANATORY MEMORANDUM TO

THE FOOTBALL SPECTATORS (RELEVANT OFFENCES) REGULATIONS 2022

2022 No. [XXXX]

1. Introduction

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

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This instrument adds to the list of relevant offences in Schedule 1 to the Football Spectators Act 1989 ("the 1989 Act") which, following conviction for such an offence, can trigger the making of a football banning order. The offences added are the possession or supply of a Class A drug committed at a regulated football match or while entering or trying to enter the ground. The intention of the instrument is to reduce drug-fuelled violence and disorder at regulated football matches.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This instrument is the first use of the powers conferred by section 14(9) of the 1989 Act to amend the list of offences in Schedule 1 to the 1989 Act. Section 14(9) was inserted by amendment within the Police, Crime, Sentencing and Courts Act 2022.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England and Wales.

5. European Convention on Human Rights

5.1 The Minister for Crime and Policing has made the following statement regarding Human Rights:

"In my view the provisions of the Football Spectators (Relevant Offences) Regulations 2022 are compatible with the Convention rights."

6. Legislative Context

6.1 This instrument uses the powers conferred by section 14(9) of the 1989 Act to add to the list of relevant offences in Schedule 1 to the 1989 Act which, following conviction for such an offence, can trigger the making of a football banning order. It adds any offence under section 4(3) or 5 of the Misuse of Drugs Act 1971 (possession or supply etc. of controlled substances) committed in relation to a Class A drug, as defined in section 2(1)(b) of that Act, at any regulated football match (as defined by the Football Spectators (Prescription) Order 2022 (S.I. 2022/617) or while entering or trying to enter the ground.

7. Policy Background

7.1 The instrument will make it possible for the police or Crown Prosecution Service to initiate football banning order proceedings against a person convicted of offences of possession or supply of Class A drugs, as defined by the Misuse of Drugs Act 1971, at a regulated football match or while entering or trying to enter the ground.

7.2 A football banning order is a preventative behavioural order that prevents persons from attending regulated (elite level) football matches in England and Wales for a period of three to five years (six to ten years if a custodial sentence is imposed following conviction for the offence that triggers the banning order application). The enforcing authority can request that banned individuals report to local police before overseas regulated football matches and tournaments.

7.3 Police have raised with Government serious concerns about the impact the use of cocaine is having on the behaviour of fans at football matches in England and Wales. Police view cocaine use by an element of fans as a significant catalyst for violence and disorder at football and have collated an evidence base to support this position. The football authorities have expressed similar concerns to Government. Other Class A drugs are highly harmful; accordingly users may endanger themselves and others inside football stadia.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This instrument does not consolidate any legislation.

10. Consultation outcome

10.1 Police, the Football Association, the FA Premier League and the English Football League all requested that Class A drugs offences be added to Schedule 1, on the basis that doing so will reduce violence and disorder at football matches in England and Wales.

11. Guidance

11.1 When this instrument is made the Home Office will advise football and safety authorities of its effect, and the UK Football Policing Unit (UKFPU) will advise police in England and Wales of its effect.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because there is no significant impact on the private or public sector.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is to review future data on football-related arrests and football banning orders collated by the UKFPU.

15. Contact

15.1 Kunal Chavda at the Home Office email: kunal.chavda1@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

15.2 Paul Regan, Deputy Director for Neighbourhood Crime Unit, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 The Minister for Crime and Policing at the Home Office can confirm that this Explanatory Memorandum meets the required standard.