(These notes refer to the Football (Disorder) (Amendment) Act 2002 (c.12) which received Royal Assent on 1st May 2002).

FOOTBALL (DISORDER) (AMENDMENT) ACT 2002

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Football (Disorder) (Amendment) Act which received Royal Assent on 1st May 2002. They have been prepared by the Home Office in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by Parliament.

2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act.

THE ACT

3. The purpose of the Act is to renew for a five year period commencing on the day on which section 1 of the Football (Disorder) (Amendment) Act 2002 comes into force, two sets of powers which were inserted in the Football Spectators Act 1989 by the Football (Disorder) Act 2000, but which would have lapsed on 27th August 2001 if not renewed by statutory instrument. The Football (Disorder) (Duration of Powers) Order 2001 No. 2646 renewed the two sets of powers until 27th August 2002. There is no provision further to renew the powers by statutory instrument.

4. The first of the two sets of powers in question is contained in section 14B of the 1989 Act. It created a procedure known as the banning order made on complaint. Under this procedure, the police may make an application for a banning order, under the terms of which a person may be forbidden to attend football matches in England and Wales and be required to report to a police station on the occasion of matches outside England and Wales. The application is made by way of complaint to a magistrates' court. The court must make the order if it is shown that the person has previously caused or contributed to violence or disorder in the UK or elsewhere and if it is satisfied that there are reasonable grounds for believing that a banning order would help prevent football related violence or disorder.

5. The second set of powers is contained in sections 21A and 21B of the 1989 Act. It created a new summary procedure which is intended to prevent people from leaving the country while the police seek a banning order on complaint. This procedure is intended to deal with the situation in which the police become aware, perhaps as a result of disorderly behaviour at the port of departure, that a person travelling to a football match overseas may be likely to participate in disorder. This power applies only during "control periods" (defined in section 14(5)) in relation to specified football matches taking place overseas.

6. Section 21A created a preliminary power for the police to detain a person for up to six hours provided that they have reasonable grounds for suspecting that the person has previously caused or contributed to violence or disorder in the UK or elsewhere, and for believing that making a banning order would help to prevent violence or disorder in connection with football matches. The purpose of this power is to allow the police time to make further enquiries before taking the step of prohibiting the person from leaving the country and of applying for a banning order.

7. Section 21B allows the police to give a person a notice in writing requiring him to appear before a magistrates' court at a specified time, not to leave England and Wales, and under certain circumstances to surrender his passport, if the police have reasonable grounds for suspecting he has previously caused or contributed to violence or disorder in the United Kingdom or elsewhere, and for believing that a banning order would help to prevent violence or disorder in connection with football matches. The issue of this notice serves as an application to the magistrates' court to make a banning order on complaint in relation to that person.

COMMENTARY ON SECTIONS

Section 1: Amendment of Football (Disorder) Act 2000

8. Section 1 substitutes section 5(2) and repeals 5(3) to 5(5) of the 2000 Act, together with a related reference in section 3 of the Act. The effect is to continue in force, for a five year period from the date of commencement of this section, the provisions for banning orders on complaint and summary measures relating to detention and reference to the court contained in the Football Spectators Act 1989. These powers would otherwise have expired after one year from the date of their coming into force, or after a maximum of two years if continued in force by an affirmative statutory instrument.

Section 2: Expenses

9. Section 2 confirms that all costs attributable to the measures in this Act will be met from sums payable out of money provided by Parliament.

Section 3: Short title, commencement and extent

10. Section 3 sets out the short title of the Act; provides that section 1 will come into force on a day to be appointed by the Secretary of State by means of an order made by statutory instrument; and provides that the Act extends to England and Wales only, since the provisions which are being continued in force apply only in that jurisdiction.

COMMENCEMENT DATE

13. Section 1 of the Act will come into force on a day to be appointed by the Secretary of State by order made by statutory instrument. Sections 2 and 3 came into force on Royal Assent.

Stage	Date	Hansard reference
House of Commons		
Introduction	19th July 2001	Vol. 372, Col. 460
Second Reading	15th October 2001	Vol. 372, Col. 979-1024
Committee	17th October 2001	Vol. 373, Col. 1274
Report and Third Reading	14th November 2001	Vol. 374, Col. 919-948
House of Lords		
Introduction	15th November 2001	Vol. 628, Col. 691
Second Reading	20th December 2001	Vol. 630, Col. 357-384
Committee	21st January 2002	Vol. 630, Col. 1335-1342
Report	4th February 2002	Vol. 631, Col. 461
Third Reading	14th February 2002	Vol. 631, Col. 1194-1195

Royal Assent – 1st May 2002 House of Lords Hansard Vol. 634, Col. 681
House of Commons Hansard Vol. 384, Col. 949