EXPLANATORY MEMORANDUM TO

THE FOOTBALL (OFFENCES) (DESIGNATION OF FOOTBALL MATCHES) (AMENDMENT) ORDER 2011

2011 No. 1187

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

2. Purpose of the instrument

2.1 The purpose of this instrument is to amend the definition of a designated association football match for the purposes of the Football (Offences) Act 1991.

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

3.1 None

4. Legislative Context

4.1 This instrument amends the designation of football matches covered by the Football (Offences) Act 1991 in England and Wales to include all matches involving one or more team from outside England and Wales, FA Cup matches from the first round proper onwards, and Scottish Football League matches.

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

7. Policy background

- ***What is being done and why***

7.1 The Football (Offences) Act 1991 makes it an offence to throw any object at or towards the pitch or spectator areas; take part in indecent or racialist chanting; or go onto the pitch without lawful authority or lawful excuse.

The extant designation order covers all international football matches and any club match involving one or more senior team (from the Football Conference upwards). However, the order does not cover a club match involving two teams from outside England and Wales. Examples of such matches this amendment will cover are finals matches in UEFA competitions, high profile friendly matches involving two clubs

from outside England and Wales, and friendly matches involving one or more club side, of whatever seniority, which may pose a public order risk for various reasons.

The order extends the designation to Scottish Football League matches played in England and Wales (to include Berwick Rangers home matches) and all matches in the FA Cup from the 1st Round proper onwards. The order also updates references to the Welsh Premier League.

These amendments make the designation under the Football (Offences) Act consistent with the designation orders for football banning order legislation (made under the Football Spectators Act 1989) and ticket touting legislation (made under the Criminal Justice and Public Order Act 1994). Such matches can have an associated public order risk which the Football (Offences) Act provisions would mitigate.

The impact will be to enable safe and effective policing of football matches, with coverage of the Act brought into line with other football-related legislation. Under Schedule 1 (as amended) to the Football Spectators Act 1989, offences under the Football (Offences) Act 1991 are football-related offences. Upon conviction the court can impose a football banning order as a preventative measure.

- ***Consolidation***

7.2 This is the first amendment to the Football (Offences) (Designation of Football Matches) Order 2004. The Home Office is not consolidating the Orders on this occasion.

8. Consultation outcome

8.1 The need to update the designation order henceforward, and with particular reference to the 2011 Champions League Final, has been discussed between Home Office, the UK Football Policing Unit, British Transport Police and other agencies involved in staging and policing the event. All parties agree it is desirable for the legislation to be amended in this way to minimise public order risks.

9. Guidance

9.1 Notification and guidance will be given to all stakeholders and enforcement agencies to explain the new obligation and to ensure that it is fulfilled.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible.

10.2 The impact on the public sector is to minimise risk in connection with football matches. Lower risk can mean that fewer police need be deployed, freeing police resources to deal with local police and community priorities.

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

11. Regulating small business

11.1 The legislation applies to small business.

11.2 To minimise the impact of the requirements on firms employing up to 20 people, the approach taken is that the legislation simplifies understanding by bringing the designation of matches for the purposes of the Football (Offences) Act 1991 in line with those under the Football Spectators Act 1989 and for the purposes of the football ticket touting legislation in the Criminal Justice and Public Order Act 1994

11.3 The basis for the final decision on what action to take to assist small business is minimising risk, proportionality and standardisation.

12. Monitoring & review

12.1 The outcome will be subject to internal review after 12 months and the legislation may be amended accordingly.

13. Contact

Martin Gooday at the Home Office Tel: 0207 035 1815 or email: martin.gooday@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.