EXPLANATORY MEMORANDUM TO

THE FOOTBALL (OFFENCES) (DESIGNATION OF FOOTBALL MATCHES) (AMENDMENT) ORDER 2022

2022 No. 610

1. Introduction

1.1 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. The intention is to expend coverage of the Act to elite domestic women's football as set out in section 7.1.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

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

6. Legislative Context

6.1 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 teams from the FA Women's Super League and FA Women's Championship. The existing designation order is the Football (Offences) (Designation of Football Matches) Order 2004 (S.I. 2004/2410) www.legislation.gov.uk/uksi/2004/2410/, as amended by the Football (Offences) (Designation of Football Matches) (Amendment) Order 2011 (S.I. 2011/1187) www.legislation.gov.uk/uksi/2011/1187/.

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 the Football (Offences) (Designation of Football Matches) Order 2004 (S.I. 2004/2410) covers all women's international football matches and women's club matches against European opposition. Designation is being extended to all matches

involving teams in the top two divisions of women's domestic football in recognition of the substantial increase in attendances and the accordant risk that entails.

Explanations

What did any law do before the changes to be made by this instrument?

7.2 The extant designation order covers all women's international football matches and women's club matches against European opposition but did not cover elite women's domestic football. Domestic football at all levels is covered by generic legislation. Arrests can be made according to the offending behaviour, for example as an offence under the Public Order Act 1986. The order also updates reference to the Scottish Professional Football League.

Why is it being changed?

7.3 The profile of, and attendances at, elite women's domestic football has increased substantially in recent years. This increases the risk of disorder offences by fans. It is now an appropriate time to extend coverage of the Football (Offences) Act 1991 to elite women's domestic football.

What will it now do?

7.4 Missile throwing, racist or indecent chanting, and pitch incursion at all matches involving elite women's football teams will now be offences under the Football (Offences) Act 1991, as they are for matches involving elite men's football teams.

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 is the second amendment to the Football (Offences) (Designation of Football Matches) Order 2004, following the Football (Offences) (Designation of Football Matches) Order 2011. The Home Office is not consolidating the orders on this occasion.

10. Consultation outcome

10.1 This has been discussed with the Football Association who run the FA Women's Super League and FA Women's Championship. The Football Association are supportive of extending coverage of the Football (Offences) Act 1991 to the two competitions. No further consultation took place due to the order having no impact on businesses outside of the Football Association and its member clubs that participate in the Women's Super League and Championship.

11. Guidance

11.1 Notification will be given to all persons currently the subject of a football banning order and to relevant police.

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 impact on business and no significant impact on the 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 This legislation will be monitored internally. If it is found to be necessary, the legislation may be amended accordingly.

15. Contact

15.1 Martin Gooday at the Home Office email: martin.gooday@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 Kit Malthouse MP at the Home Office can confirm that this Explanatory Memorandum meets the required standard.