EXPLANATORY MEMORANDUM TO

THE FOOTBALL SPECTATORS (2014 WORLD CUP CONTROL PERIOD) ORDER 2014

2014 No. 144

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 This Order prescribes the control period under the Football Spectators Act 1989 for the 2014 FIFA (Fédération Internationale de Football Association) World Cup finals tournament in Brazil. The control period begins on 2nd June 2014, which is ten days before the first match in the tournament finals, and ends when the last match in the tournament is finished or cancelled. The last match is due to be played on 13th July 2014.

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

3.1 None.

4. Legislative Context

4.1 The instrument is made under sections 14(6) and 22A(2) of the Football Spectators Act 1989 ("the 1989 Act").

4.2 During a control period the powers contained in sections 19 (requirements for those subject to banning orders to report to a police station and surrender their passport) and 21A and 21B (summary powers to detain and refer to a court with a view to the making of a banning order) of the 1989 Act can be used.

4.3 Statutory Instruments have defined the control periods for previous World Cup finals tournaments since 2002. Orders for the 2010 World Cup (S.I. 2010/130) and 2006 World Cup (S.I. 2006/988) were made using the power in section 22A(2) of the 1989 Act to commence the control period ten days before the first match, in order to secure effective enforcement of the control period.

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 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 FIFA 2014 World Cup is a major international tournament which supporters who are at particular risk of engaging in disorder or other criminality may attempt to attend. A control period is therefore considered appropriate. The control period will enable the enforcing authority (the Football Banning Orders Authority ("FBOA")) and police to prevent persons subject to a banning order and other supporters who might pose a risk, from travelling to Brazil, neighbouring or transit countries and contributing to violence or disorder.

7.2 During a control period the powers contained in section 19 (requirements for those subject to banning orders to report to a police station and surrender their passport) and section 21A and 21B (summary police powers to detain those suspected of violence or disorder, and to refer them to a court) of the 1989 Act can be used.

7.3 Section 19 empowers the enforcing authority to issue a notice to an individual subject to a banning order to report to their designated police station and surrender their passport as specified by their notice. Individuals subject to football banning orders can apply, should they have good reason to do so, to the enforcing authority for an exemption from the passport surrender or reporting requirements under section 20. Passports are returned either following specific matches or the tournament final.

7.4 Local police will take enforcement action against any banned individual who fails to comply with the instructions issued by FBOA. Details of banned individuals to whom the enforcing authority have issued section 19 notices are shared with police undertaking ports policing operations during the control period, to ensure such individuals cannot travel to the tournament. Failure to comply with reporting instructions is a criminal offence. On conviction, the individuals can receive up to 6 months imprisonment, a £5,000 fine and a further banning order (under section 14A(1) of the 1989 Act). These are effective means of ensuring persons who pose a risk of contributing to violence or disorder at an overseas regulated match or tournament are prevented from doing so.

7.5 Summary police powers under sections 21A and 21B of the 1989 Act provide a long stop measure, enabling police to prevent a known troublemaker from travelling before the local force has had the opportunity to seek a banning order from the court. Section 21B empowers the police to issue a notice to an individual if there are reasonable grounds for suspecting that he or she has caused or contributed to violence or disorder in the United Kingdom or elsewhere, and if there are reasonable grounds to believe that imposing a

banning order would help to prevent violence or disorder at or in connection with any of the matches in the finals tournament.

7.6 The notice requires the individual to appear before a magistrates' court within 24 hours, in the meantime not to leave England and Wales, and to surrender his passport. The magistrates' court will then treat the notice as an application for a banning order under the section 14B "on complaint" procedure.

7.7 In order to enable police to enforce the control period effectively, this control period will start ten days before the tournament's first match, rather than five days, as provided for in section 22A(2) of the 1989 Act.

- ***Consolidation***

7.8 This is not applicable.

8. Consultation outcome

8.1 There is an expectation that a control period will be in place as part of the security arrangements for the 2014 World Cup finals, as was the case for previous World Cup finals in 2002, 2006 and 2010, and European Championship finals in 2004, 2008 and 2012. To assist the enforcing authority and local police effectively use the control period they have requested the control period commences ten days before the finals tournament's first match.

9. Guidance

9.1 When this instrument is made FBOA will notify all individuals subject to football banning orders of the duration of the control period. Notifications will advise subjects of their dates for passport surrender and reporting obligations under section 19 of the Football Spectators Act 1989, and of the procedure for applying for an exemption from the passport surrender or reporting requirements.

10. Impact

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

10.2 The impact on the public sector is to enable effective enforcement of the enforcing authority's reporting requirements. UK and host security arrangements for the 2014 FIFA World Cup finals tournament will be assisted by effective enforcement of passport surrender and reporting requirements for persons subject to football banning orders.

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

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The objective of the control period is to prevent individuals subject to a football banning order from contributing to violence or disorder in connection with the 2014 FIFA World Cup finals tournament.

12.2 The Home Office UK Football Policing Unit, which includes FBOA, will monitor reporting compliance through liaison with local police and co-ordinate enforcement action in respect of non-compliance. Police ports' operations during the control period will ensure persons subject to a banning order, and persons appropriate for the commencement of immediate banning order proceedings under section 21 of the 1989 Act, do not travel overseas. The Home Office will report to partner agencies within six months of the end of the control period.

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.