EXPLANATORY MEMORANDUM TO

THE FOOTBALL SPECTATORS (2018 WORLD CUP CONTROL PERIOD) ORDER 2017

2017 No. 1257

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 This Order prescribes the control period under the Football Spectators Act 1989 for the 2018 FIFA (Fédération Internationale de Football Association) World Cup in Russia. The control period begins on 4 June 2018, which is ten days before the first match of the tournament, and ends when the last match in the tournament is finished or cancelled. The last match is due to be played on 15 July 2018.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

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"). Section 14(6) provides that a control period in relation to an external football tournament ordinarily begins 5 days before the first football match of that tournament. Section 22A(2) provides a power to make regulations to amend this and allow a control period to begin a period of not more than 10 days before the first football match of the tournament.

4.2 During a control period the powers contained in sections 19 (the imposition of requirements by an enforcing authority on 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 take effect.

4.3 Statutory instruments have defined the control periods for previous European Championship and World Cup final tournaments since 2002. Orders for the 2006, 2010 and 2014 World Cup final tournaments, and the 2012 and 2016 European Championship final tournaments, used the power in section 22A(2) of the 1989 Act to commence their control periods ten days before the first match, in order to ensure effective enforcement of the control periods.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

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

6. European Convention on Human Rights

6.1 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 2018 FIFA World Cup final tournament is a major international football tournament for which the England national team has qualified. Individuals who pose a risk may attempt to travel to Russia with a view to engaging in disorder or other criminality. The control period will enable the enforcing authority (the Football Banning Orders Authority ("FBOA")) and police to effectively prevent persons subject to a banning order and other supporters who might pose a risk, from travelling to Russia, neighbouring or transit countries and contributing to violence or disorder. There were 1,929 extant football banning orders as at 7 August 2017.

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 take effect. Section 19 empowers the FBOA 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 to the FBOA for an exemption from their requirements under section 20.

7.3 To enable police and the FBOA 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 by section 22A(2) of the 1989 Act. This will enable police to inform the FBOA of compliance with reporting requirements, and co-ordinated enforcement action to take place. Starting the control period ten days before the tournament further limits the opportunity for banned individuals to travel to Russia.

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 FBOA 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.

7.5 Summary police powers under sections 21A and 21B of the 1989 Act enable police to detain an individual from travelling when there are reasonable grounds to suspect that that person has caused or contributed to any violence or disorder. Section 21B empowers the police to issue a notice to an individual requiring him to attend a magistrates' court at a time, or between times, not to leave England and Wales before that time and to surrender his passport.

7.6 The notice will require the individual to appear before a magistrates' court within 24 hours, and the court will then treat the notice as an application for a banning order.

Consolidation

7.7 This is not applicable.

8. Consultation outcome

8.1 No consultation has been undertaken. There is both a need and an expectation that an effective control period will be established as part of the security arrangements for the 2018 World Cup final tournament, as has been the case for previous World Cup and European Championship final tournaments

9. Guidance

9.1 Once this instrument is made the 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, reporting obligations under section 19 of the Football Spectators Act 1989, and the procedure for applying for an exemption from passport surrender and 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 more effective enforcement of passport surrender requirements and banning order proceedings during a tournament-long control period, rather than a series of control periods for individual matches that would require additional police and enforcing authority resources.

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

11. Regulating small business

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

12. Monitoring & review

12.1 The Home Office UK Football Policing Unit (UKFPU), which includes the FBOA, will monitor reporting compliance through liaison with local police, and co-ordinate enforcement action in respect of non-compliance. UKFPU will liaise with police ports operations during the control period to assist with any persons subject to a banning order detained attempting to travel overseas, and where police have commenced immediate banning order proceedings against appropriate individuals. The outcomes will be reviewed internally during 2018.

13. Contact

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