EXPLANATORY MEMORANDUM TO

THE FOOTBALL SPECTATORS (2020 UEFA EUROPEAN CHAMPIONSHIP CONTROL PERIOD) ORDER 2020

2020 No. 11

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 2020 UEFA (Union of European Football Associations) European Championship. The control period begins on 7th June 2020, which is five days before the first match of the Tournament and ends when the last football match outside the United Kingdom which is included in the Tournament is finished or cancelled (which, subject to postponement, is due to be 4th July 2020).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

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 The instrument is made under section 14(6) 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.

6.2 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 can be used.

6.3 Statutory instruments have defined the control periods for previous European Championship and World Cup final tournaments since 2002.

7. Policy background

What is being done and why?

7.1 The 2020 UEFA European Championship final tournament is a major international football tournament for which the England and Wales national teams have qualified. Individuals who pose a risk may attempt to travel to matches outside of the United Kingdom 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 nations hosting tournament matches, neighbouring or transit countries, and contributing to violence or disorder. There were 1,771 extant football banning orders as at 1 August 2019.

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. 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 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.

7.4 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.

7.5 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.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

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 not applicable.

10. Consultation outcome

10.1 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 2020 UEFA European Championship final tournament, as has been the case for previous European Championship and World Cup final tournaments.

11. Guidance

11.1 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 to the FBOA for an exemption from passport surrender and reporting requirements. The FBOA work closely with the police to coordinate passport surrender, reporting and enforcement action.

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 An Impact Assessment has not been prepared for this instrument because there is no impact on business.

13. Regulating small business

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

14. Monitoring & review

14.1 The approach to monitoring of this legislation is for the Home Office UK Football Policing Unit (UKFU), which includes the FBOA, to work closely with local police during the tournament. UKFPU will lead a post-tournament review of passport surrender, matchday reporting, exemption applications and football banning order proceedings initiated during the control period.

15. Contact

15.1 Martin Gooday at the Home Office can be contacted with any queries regarding the instrument. Please email: martin.gooday@homeoffice.gov.uk or call 0207 035 1815.

15.2 Andy Johnson, Deputy Director for the Crime Strategy Unit, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Kit Malthouse MP, Minister for Crime, Policing and the Fire Service, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.