STATUTORY INSTRUMENTS

# 1990 No. 993

# SPORTS GROUNDS AND SPORTING EVENTS

## The Football Spectators (Corresponding Offences in Scotland) Order 1990

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| *Made - - - -* | *1st May 1990* |
| *Laid before Parliament* | *9th May 1990* |
| *Coming into force* | *1st June 1990* |

At the Court at Buckingham Palace, the 1st day of May 1990

Present,

The Queen's Most Excellent Majesty in Council

Whereas it appears to Her Majesty that the offences under the law of Scotland described in Schedule 1 to this Order correspond to offences specified in Schedule 1 to the Football Spectators Act 1989(**a**);

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 22(1) of the Football Spectators Act 1989(**b**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**1.**—(1) This Order may be cited as the Football Spectators (Corresponding Offences in Scotland) Order 1990 and shall come into force on 1st June 1990.

(2) In this Order "the 1989 Act" means the Football Spectators Act 1989.

**2.**—(1) The offences under the law of Scotland which are described in Schedule 1 to this Order are hereby specified as offences corresponding to the offences specified in Schedule 1 to the 1989 Act.

(2) In Schedule 1 to this Order–

(a) the expression "period relevant to" shall be construed in accordance with section 1(8) of the 1989 Act, and

(b) "specified football match" means any association football match played in Scotland involving a team which represents–

(i) a country or territory, or

(ii) a club from England or Wales which is, at the time the match is played, a member (whether a full or associate member) of the Football League, or

(iii) a club which is, at the time the match is played, a member of the Scottish Football League.

**3.** The Crown Office, Edinburgh, is hereby specified as the authority in Scotland which is to certify the conviction of a person there of an offence specified in Schedule 1 to this Order, the nature and circumstances of the offence and whether or not the conviction is the subject of proceedings there questioning it.

(**a**) 1989 c.37.

(**b**) The power in section 22(1) is supplemented by section 22(9) of that Act.

**4.** The form of the certificate certifying the matters referred to in article 3 above is hereby prescribed in Schedule 2 to this Order.

*G. I. de Deney*
Clerk of the Privy Council

## SCHEDULE 1

Article 2

## OFFENCES UNDER THE LAW OF SCOTLAND CORRESPONDING TO OFFENCES IN SCHEDULE 1 TO THE 1989 ACT

**1.** Any offence under section 72 (possession of containers at sporting event), 73 (possession of alcohol at sporting event) or 74 (drunkeness at sporting event) of the Criminal Justice (Scotland) Act 1980(**a**) committed by the accused at any specified football match or while entering or trying to enter the ground.

**2.** Any offence of breach of the peace or under any provision of Part III of the Public Order Act 1986(**b**) (racial hatred) committed during a period relevant to a specified football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises.

**3.** Any offence of assault committed during a period relevant to a specified football match at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises.

**4.** Any offence of malicious mischief or under section 78 of the Criminal Justice (Scotland) Act 1980 (vandalism) committed during a period relevant to a specified football match while the accused was at, or was entering or leaving or trying to enter or leave, the premises.

**5.** Any offence under section 50(1) of the Civic Government (Scotland) Act 1982(**c**) (drunkenness) committed while the accused was on a journey to or from a specified football match, being an offence which related to football matches.

**6.** Any offence under section 69 (alcohol on vehicle travelling to or from sporting event) or section 70A (alcohol on certain other vehicles) of the Criminal Justice (Scotland) Act 1980(**d**) committed while the accused was on a journey to or from a specified football match being an offence which related to football matches.

**7.** Any offence of breach of the peace or under any provision of Part III of the Public Order Act 1986 committed while the accused was on a journey to or from a specified football match being an offence which related to football matches.

**8.** Any offence under section 4 or 5 of the Road Traffic Act 1988(**e**) (driving etc. when under the influence of drink or drugs or with an alcohol concentration above the prescribed limit), committed while the accused was on a journey to or from a specified football match being an offence which related to football matches.

**9.** Any offence of assault committed while the accused or the person assaulted was on a journey to or from a specified football match being an offence which related to football matches.

**10.** Any offence of malicious mischief or under section 78 of the Criminal Justice (Scotland) Act 1980 (vandalism) committed while the accused was on a journey to or from a specified football match being an offence which related to football matches.

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(**a**) 1980 c.62.
(**b**) 1986 c.64.
(**c**) 1982 c.45.
(**d**) Section 70A was inserted by paragraph 10 of Schedule 1 to the Public Order Act 1986.
(**e**) 1988 c.52.

## SCHEDULE 2

Article 4

## FORM OF CERTIFICATE TO BE GIVEN BY THE CROWN OFFICE, EDINBURGH, TO CERTIFY THE CONVICTION OF A PERSON IN SCOTLAND OF AN OFFENCE SPECIFIED IN SCHEDULE 1 TO THE FOOTBALL SPECTATORS (CORRESPONDING OFFENCES IN SCOTLAND) ORDER 1990

I [*insert name*], a [*insert name of office held*] in the Crown Office, Edinburgh, hereby certify as follows:

(a) [*insert name and, if known, address and date of birth of convicted person*] was on [*insert date of conviction*] convicted by [*insert name of court*] of the offence of [*insert name of offence, together (where relevant) with enactment contravened*] and sentenced to [*insert name of punishment imposed*];

(b) the offence was committed–

**Delete whichever is inappropriate*

* (i) at the football match at [*insert name of place where match was held*] on [*insert date*], being a match which was between [*insert names of teams*], in the following circumstances [*state circumstances in which offence was committed*]; or

* (ii) while *[entering] *[trying to enter] the ground for the football match at [*insert name of place where match was held*] on [*insert date*], being a match which was between [*insert names of teams*], in the following circumstances [*state circumstances in which offence was committed*]; or

*(iii) at [*state time when offence was committed*], which is a time relevant to the football match at [*insert name of place where match was held*], being a match which was between [*insert names of teams*], because–

*[the match started at .....], or

*[the match was advertised to start at .....], or

*[spectators were first admitted to the ground at .....], or

*[the match ended at .....], or

*[although the match was postponed, it was advertised to start at .....], or

*[although the match did not take place, it was advertised to start at .....]

at [*insert name or description of premises where offence was committed and whether the accused was at, or was entering or leaving or trying to enter or leave, those premises*] in the following circumstances [*state circumstances in which offence was committed*]; or

*(iv) while the accused was on a journey *[to] *[from] the football match at [*insert name of place where match was held*] on [*insert date*], being a match which was between [*insert names of teams*], the offence was one that related to football matches and was committed in the following circumstances [*state circumstances in which the offence was committed*];

(c) the conviction–

* (i) is not the subject of proceedings in a court of law in Scotland questioning it; or

* (ii) has been the subject of proceedings in a court of law in Scotland questioning it and the final result of those proceedings is as follows [*insert result*];

(d) the information given above is, to the best of my knowledge and belief, true.

Signed

Date

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of, and Schedule 1 to, this Order specifies offences under the law of Scotland which appear to Her Majesty to correspond to certain of the offences specified in Schedule 1 to the Football Spectators Act 1989. Under section 22 of that Act proceedings may be commenced before magistrates against a person who resides or is believed to reside in an area in England or Wales if that person has been convicted of such offence. Under such proceedings a restriction order may be made against such a person. Under section 19 of that Act the person to whom such an order applies may be required to report to a police station in England or Wales on the occasion of a football match played in any country outside England and Wales of a description for the time being designated by order under section 14(2) of that Act.

Article 3 specifies the Crown Office, Edinburgh, as the authority in Scotland by which a certificate may be made certifying a person's conviction for one of the offences specified in Schedule 1 to this Order. Article 4 prescribes the form of the certificate. Under section 22(10) of the Football Spectators Act 1989 such a certificate is admissible in proceedings under Part II of that Act (which concerns restriction orders) as evidence of the facts therein stated. Under section 22(11) such facts are to be taken as proved (on production of the certificate and proof that the person against whom the proceedings are brought is the person whose conviction is certified) unless the contrary is proved.

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