EXPLANATORY MEMORANDUM TO

THE FOOTBALL SPECTATORS (PRESCRIPTION) (AMENDMENT) ORDER 2010

2010 No. 584

1. This explanatory memorandum has been prepared by Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order amends the definition of a regulated association football match for the purposes of the football banning order legislation (the Football Spectators Act 1989).

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

3.1 None.

4. Legislative Context

4.1 Section 14(2) of the Football Spectators Act 1989 empowers the Secretary of State to make an order prescribing regulated football matches for the purposes of Part II of the 1989 Act.

4.2 The 1989 Act (as amended by the Football (Disorder) 2000 Act) provides the framework for football banning orders. Individuals subject to orders are prohibited from attending regulated football matches, and the enforcing authority can require subjects to report to a police station on the days of specific regulated overseas matches.

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

7. Policy background

7.1 The definition of a regulated match in the United Kingdom is amended to include matches in which one or more clubs are members of the Scottish Premier League or Scottish Football League. Some supporters of Scottish clubs, and supporters of English or Welsh clubs with links to Scottish risk (“hooligan”) groups, are subject to banning orders imposed in England and Wales. This amendment will prevent such individuals from attending regulated matches in Scotland without the need for police and courts in Scotland to duplicate the banning order process.

7.2 The definition of a regulated match in the United Kingdom is further amended to include matches played in the Football Association Cup, from the first round proper onwards. This is because a small number of matches are played in this competition (an average of one per season) between two teams both members of league competitions below Football Conference level. Such matches pose a risk of disorder equivalent to other matches in the competition but are not covered by the existing definition.

7.3 The definition of a regulated match outside the United Kingdom is amended to include matches in which one or more clubs are members of the Scottish Premier League or Scottish Football League for the same reason cited above in 7.1.

7.4 The definition of a regulated match outside the United Kingdom is amended to specifically include football matches which are part of the 2012 Olympics. Such matches played in England and Wales are already covered by the existing designation. This amendment extends coverage to 2012 Olympics matches played in Scotland.

7.5 This Order amends the Football Spectators (Prescription) Order 2004 (SI 2004/2409), as amended by the Football Spectators (Prescription) (Amendment) Order 2006 (SI 2006/761).

8. Consultation outcome

8.1 This Order is being in part to reflect changes to the Football Spectators Act 1989 made by sections 103 to 107 of the Policing and Crime Act 2009 (c.26). Consultation of stakeholder agencies (police, other criminal justice agencies and football authorities) took place before drafting relevant provisions in the 2009 Act, and subsequently on an informal basis during multi-agency meetings.

9. Guidance

9.1 When this Order is made the Football Banning Orders Authority will notify all individuals subject to football banning orders which types of football matches are now covered by their banning order. Home Office will issue guidance to stakeholders setting out the new coverage.

10. Impact

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

10.2 The impact on the public sector is that football banning orders made in England and Wales are recognised and enforceable in Scotland and Northern Ireland, and that similar orders made under Scottish legislation are enforceable in England, Wales and Northern Ireland.

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 Appropriate legislative coverage of the various categories of football matches is subject to continuous monitoring by Home Office and the UK Football Policing Unit. Should the nature or level of public order risk change, the legislation will be amended accordingly.

13. Contact

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