EXPLANATORY MEMORANDUM TO

THE FOOTBALL SPECTATORS (PRESCRIPTION) (AMENDMENT) ORDER 2013

2013 No. 1709

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 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 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 persons to report to a police station on the days specific regulated overseas matches are played.

4.2 This Order amends the definition of a regulated association football match to include matches played in the United Kingdom involving one or more member clubs of the Scottish Professional Football League. This competition was formed following a merger of the Scottish Premier League and Scottish Football League to form one body. These competitions' member clubs' matches were covered by the existing definition of a regulated match.

4.3 The Order also clarifies that a regulated association football match played within England or Wales, involving one or more club whose home ground is outside of England or Wales, is a regulated football match.

5. Territorial Extent and Application

5.1 This instrument applies to 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 instrument amends the definition of a regulated football match in the United Kingdom to reflect the merger of the Scottish Premier League and Scottish Football League into the Scottish Professional Football League. This amendment will ensure persons subject to banning orders in England and Wales are prevented from attending football matches in the top four divisions of Scottish football.

7.2 Additionally, the Football Banning Orders Authority will continue to be empowered to issue reporting notices to persons subject to a banning order in England and Wales who follow a Scottish club, in order to require that person to report to a police station on the days a football match is played abroad.

7.3 The instrument also clarifies that an association football match played in England and Wales, involving one or more clubs whose home ground is outside England and Wales, is a regulated football match. Examples of such matches are Champions League and Europa League Finals played in England or Wales, and matches involving clubs from outside England and Wales playing friendly and other exhibition matches in England or Wales.

7.4 Finally, the instrument removes a historic reference to matches played as part of the 2012 Olympics.

- Consolidation

7.5 Since the amendments are relatively minor it is not considered appropriate to consolidate the relevant orders on this occasion.

8. Consultation outcome

8.1 This Order is being made to reflect changes to the structure of senior Scottish Football, which was decided at a meeting of the organisations on 28 June 2013.

9. Guidance

9.1 When this Order is made the Football Banning Orders Authority will notify all individuals subject to football banning orders that the conditions of their banning order prevent them from attending matches involving member clubs of the Scottish Professional Football League. The Home Office will issue guidance to stakeholders advising them of the amended coverage.

10. Impact

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

10.2 The impact on the public sector is that football banning orders issued in England and Wales continue to be recognised and enforceable at senior association football matches in Scotland. Similar orders made in Scotland are enforceable at football matches in England and Wales.

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 association football matches is kept under review by the Home Office and the UK Football Policing Unit. If the nature or level of public order risk changes, the legislation will be amended accordingly.

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.