EXPLANATORY MEMORANDUM TO

THE FOOTBALL SPECTATORS (PRESCRIPTION) (AMENDMENT) ORDER 2025

2025 No. 871

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Dame Diana Johnson, Minister for Policing and Crime Prevention at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Lizzy Gummer, Deputy Director for the Neighbourhood Crime Unit at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Martin Gooday at the Home Office Telephone: 03000725495 or email: fdpteam@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Football Spectators Act 1989 (the 1989 Act) is designed to maintain public order relating to football matches. It provides for the imposition of preventative football banning orders (FBOs) and outlines the offences for which a court can impose an FBO following a conviction. The football competitions and matches to which the 1989 Act applies are set out in the Football Spectators (Prescription) Order 2022.

4.2 This Order updates the definition of a "regulated football match" to reflect changes in the names and ownership of four football competitions. It ensures that the Women's Super League (formerly the Football Association Women's Super League) and the Women's Super League 2 (formerly the Football Association Women's Championship) continue to fall within the scope of the Football Spectators Act 1989 for the purposes of issuing and enforcing FBOs. The Order also updates the name of the league at the fifth and sixth tier of men's football in England from the Football Conference to the National League, and the top tier of men's football in Wales from the Cymru Premier League to the Cymru Premier to reflect current terminology and ensure legal clarity.

4.3 This Order also updates the definition of a "regulated football organisation" for the purposes of applying for FBOs in relation to certain online hate crime offences (e.g. racist or homophobic abuse) under the Communications Act 1988, Malicious Communications Act 2003, and the Online Safety Act 2023. It ensures that the regulated football organisation known as Women's Super League Football, which took over responsibility for the Women's Super League and Women's Championship

(now renamed Women's Super League 2) from the Football Association, continues to fall within scope of the Football Spectators Act 1989.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 This instrument updates the names of certain football competitions and the ownership of two of those competitions to reflect recent changes in naming conventions (as outlined in paragraph 4.2) and ownership (as outlined in paragraph 4.3). These updates ensure it is clear that the top two tiers of women's football in England, the fifth and sixth tiers of men's football in England, and the top tier of men's football in Wales continue to fall within the definition of a "regulated football match" for the purposes of the Football Spectators Act 1989.

5.2 The instrument also ensures that the top two tiers of women's football in England continue to be recognised as a "relevant football organisation" under the 1989 Act in relation to certain online hate crime offences e.g. racist or homophobic abuse (that are closely linked to football, even where such offences occur away from matches or outside of match days. This enables the courts to impose FBOs against individuals convicted of such offences where there is a "prescribed connection" to a "relevant football organisation"

5.3 Maintaining coverage of these competitions under the 1989 Act is important to reduce football-related violence, disorder and antisocial behaviour; to prevent individuals subject to banning orders from attending matches; and to enable the courts to impose banning orders under sections 14A and 14B of the 1989 Act where appropriate

What was the previous policy, how is this different?

5.4 The previous and current policy for the 1989 Act to apply to matches involving teams in the top two tiers of women's football in England, the fifth and sixth tiers of men's football in England, and the top tier of men's football in Wales, has not changed. The policy for the owner of the top two tiers of women's football in England to be recognised as a "relevant football organisation" for the purposes of the 1989 Act is also unchanged. This Order ensures that coverage of the 1989 Act remains uninterrupted and clear, despite changes in naming conventions and ownership.

6. Legislative and Legal Context

How has the law changed?

6.1 This Order does not introduce any substantive legal changes. It reflects updates to naming conventions and organisational ownership to ensure the continued and consistent application of the Football Spectators Act 1989.

Why was this approach taken to change the law?

6.2 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Home Office engaged with Women's Super League Football, the National League and the Football Association of Wales to confirm the accuracy of the updated names of the relevant organisations and their competitions. No consultation was undertaken, as the purpose of this Order is to maintain consistency with existing policy rather than to introduce substantive change.

8. Applicable Guidance

8.1 No formal guidance is required. When this Order is made, the Home Office will advise relevant stakeholders, including the police and football authorities, of the updated naming conventions.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no impact on businesses.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because there is no change in policy.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because there is no change in policy.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Home Office monitors the operation of this legislation through ongoing engagement with relevant stakeholders, including the police, the Crown Prosecution Service, and the football authorities. As part of this process, stakeholders are encouraged to notify the Home Office in advance of any changes to the names of their competitions or to the ownership of their organisation.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").