EXPLANATORY MEMORANDUM TO

THE FOOTBALL SPECTATORS (SEATING) (AMENDMENT) (ENGLAND) ORDER 2025

2025 No. 829

1. Introduction

1.1 This explanatory memorandum has been prepared by Department for Culture, Media and Sport and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Stephanie Peacock, the Minister for Sport, Media, Civil Society and Youth at the Department for Culture, Media and Sport, confirms that this Explanatory Memorandum meets the required standard.

2.2 Adam Conant, Deputy Director for Sport at the Department for Culture, Media and Sport, confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Sarah Hannaford at the Department for Culture, Media and Sport (telephone: 07801 405995 or email: sarah.hannaford@dcms.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 This Order amends the Football Spectators (Seating) Order 2022 (S.I. 2022/728, "the 2022 Order") so as to direct the Sports Grounds Safety Authority ("SGSA") to include the "all-seater condition" (see paragraph 5.2 below) requirements in any licence granted under section 10 of the Football Spectators Act 1989 ("the 1989 Act") to admit spectators to football matches at Hill Dickinson Stadium, the new home ground of Everton Football Club.

Where does the legislation extend to, and apply?

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

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

5. Policy Context

What is being done and why?

5.1 Following the Final Report of the 1989 Enquiry by the Rt Hon Lord Justice Taylor into the Hillsborough Stadium Disaster, the Government adopted an all-seater policy for all clubs in English football's top two divisions. Since this Report, the SGSA's licensing regime has led to major structural improvements at football grounds, making them much safer places for spectators.

5.2 Under the all-seater policy clubs promoted to the Championship (the 2nd division of Football) are given three years in which to undertake any work required to upgrade their ground to all-seater after which time an all-seater condition is imposed on their licence to admit spectators. By allowing clubs three years, the Government believes that clubs will have a reasonable timeframe in which to complete any work required to comply with this policy.

5.3 Where a club has spent three years or more in the top two divisions it will continue to be subject to the all-seater policy regardless of whether it remains in these divisions or it is relegated.

5.4 As Everton Football Club have played in the Premier League (top division of Football) since its creation in 1992, their new stadium, Hill Dickinson Stadium, is required to be designated accordingly.

5.5 All-seater stadia may now provide areas of licensed standing, subject to meeting safety criteria set within the Sports Grounds Safety Authority's licensing regime, as established in the Football Spectators Act 1989. However the all-seater policy remains the default for qualifying stadia, and for all areas of such stadia not licensed for standing.

What was the previous policy, how is this different?

5.6 The underlying policy has remained unchanged since the introduction of the primary legislation. This Order updates the cohort of qualifying stadia to reflect the changed circumstances as listed above.

6. Legislative and legal context

How has the law changed?

6.1 By section 9 of the Act, it is an offence to admit spectators to a designated football match unless a licence to admit spectators is in force for that sports ground. By the Football Spectators (Designation of Football Matches in England and Wales) Order 2000 (S.I. 2000/3331), football matches that are designated for this purpose include any association football match played at a sports ground in England and Wales which is registered with the FA Premier League or the Football League as the home ground of a club which is a member of the FA Premier League or Football League at the time the match is played.

6.2 The SGSA is responsible under section 10 of the Act for issuing and ensuring compliance with licences to admit spectators to sports grounds to watch designated football matches, on such terms and conditions as it considers appropriate.

6.3 The Secretary of State also has power under section 11 of the Act to make an order directing the SGSA to include conditions relating to spectator seating at designated football matches. Before giving such a direction, the Secretary of State must consult the SGSA which may, if it sees fit, make recommendations to the Secretary of State.

Why was this approach taken to change the law?

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

7. Consultation

Summary of consultation outcome and methodology

7.1 The SGSA, along with the relevant local authority, Liverpool City Council, has been consulted, as well as the ground owner, and local police, fire and ambulance services regarding this Order. No objections were raised.

7.2 Additionally, per the Parliamentary Business and Legislation (PBL) Committee's laying requirement, the Minister for Sport, Media, Civil Society and Youth has written to the affected Local MP, Kim Johnson, to inform her about the Football Spectators (Seating) (Amendment) (England) Order 2025.

8. Applicable Guidance

8.1 The Sports Grounds Safety Authority ("the SGSA") has published technical guidance on a range of matters associated with sports grounds safety, including its Guide to Safety at Sports Grounds (also known as the "Green Guide"). This is published by the SGSA (ISBN 978-1-9164583-0-7, 6th Edition) and is available for purchase at: https://sgsa.org.uk/green-guide/.

8.2 The SGSA has recently published Supplementary Guidance 01: 'Safe Standing in Seated Areas', which is available at: https://sgsa.org.uk/document/sg01-safe-standing-in-seated-areas/.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment has not been prepared for this instrument because it has no significant impact on business, charities or voluntary bodies.

Impact on businesses, charities and voluntary bodies

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

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 If the circumstances in which a sports ground operates change - for example, where the local authority notifies the Secretary of State that a sports ground no longer meets the criteria for designation - the designation for that sports ground under the Football Spectators Act 1989 may be amended or revoked.

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 The Minister for Sport, Media, Civil Society and Youth at the Department for Culture, Media and Sport has made the following statement regarding Human Rights:

"In my view the provisions of the Football Spectators (Seating) (Amendment) (England) Order 2025 are compatible with the Convention rights."

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").