EXPLANATORY MEMORANDUM TO THE

FOOTBALL SPECTATORS (SEATING) ORDER 2004 NO.1737

1. Introduction

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

2. Description

2.1. This order directs the Football Licensing Authority ("FLA") to include an "all-seater" requirement in licenses issued under section 10 of the Football Spectators Act 1989 to admit spectators to football matches at the home grounds of Rotherham United and Wigan Athletic Football Clubs.

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

3.1. None

4. Legislative Background

4.1. Section 9 of the Football Spectators Act 1989 makes it an offence to admit spectators to a designated football match without a licence to admit spectators being in force. Football matches are designated by the Secretary of State by order under s1(2) of the 1989 Act and the current designation is set out in the Football Spectators (Designation of Football Matches in England and Wales) Order 2000 (S.I. 2000/3331). It includes any association football match which is played at a sports ground in England or Wales which is registered with the FA Premier League or 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. The FLA is responsible under section 10 for issuing licences to admit spectators on such terms and conditions as it considers appropriate. The Secretary of State has power under section 11 to issue a direction by order to the FLA requiring it to include conditions relating to seating, and it is this power which is being exercised in relation to the above order. Similar orders have been issued every year since 1994 under the Government's "all seater" policy for football clubs in the FA Premier League and First Division of the Football League (see Policy Background section below).

5. **Extent**

5.1. The Football Spectators Act 1989 (under which this order is made) extends to England and Wales.

6. **Policy background**

6.1. 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 FA Premier League clubs and clubs in the First Division of the Football League. Since this Report, the FLA's licensing regime has led to major structural improvements at football grounds, making them much safer places for spectators.

6.2. Clubs are allowed three years to implement the all seater policy after they are promoted to the First Division. Rotherham United was promoted in 2001 and its three year grace period expires on 1 August 2004. Wigan Athletic was promoted this year but already occupies an all seater ground.

6.3. This order formally directs the FLA to include the all seater requirement as a condition of the clubs' licenses to admit spectators. The main benefit will be improved assurance of spectator safety and effective crowd management at these two grounds.

7. **Impact**

7.1. A Regulatory Impact Assessment has not been prepared for this order.

7.2. The impact on the public sector is to impose additional requirements on the FLA.

8. **Contact**

8.1. Chris Taylor at the Department for Culture, Media and Sport. Tel: 020 7211 6107 or email: Chris.Taylor@culture.gsi.gov.uk can answer any queries regarding the instrument.

DEPARTMENT FOR CULTURE, MEDIA & SPORT

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