EXPLANATORY MEMORANDUM TO

THE FOOTBALL SPECTATORS (SEATING) ORDER 2012

2012 No. 1470

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. Purpose of the instrument

2.1 This order directs the Sports Grounds safety Authority ("SGSA") to include an "all-seater" condition in any licence issued under section 10 of the Football Spectators Act 1989 to admit spectators to football matches at New York Stadium, the home ground of Rotherham United Football Club (RUFC) Limited.

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

3.1 None

4. Legislative Context

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. Descriptions of 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.

4.2 The SGSA is responsible under section 10 for issuing licenses 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 SGSA requiring it to include conditions relating to seating, and it is this power which is being exercised in relation to the above order. Before issuing such a direction, the Secretary of State is required to consult the SGSA which may, if it sees fit, make recommendations to him. Similar orders have been issued most years since 1994 under the Government's "all-seater" policy for football clubs in the FA Premier League and the Football League Championship (see Policy Background section below).

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.
5.2 The Football Spectators Act 1989 (under which the order is made) extends to England and Wales.

6. European Convention on Human Rights

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 Following the final report of the 1989 Inquiry 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.

7.2 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.

7.3 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. The all-seater policy will also continue to apply where a club that is subject to an all-seater order moves to a new ground. In these circumstances, an all-seater order would, subject to consultation (see below), be made for the new ground.

7.4 Rotherham United Football Club (RUFC) Limited currently plays in League Two (4th division of football) but having spent more than three years in the top two divisions, the club's grounds are subject to an all-seater requirement. As the club is moving to a new all-seater stadium (New York Stadium) for the start of the next season and it has the potential to attract sizeable crowds, a decision was taken to make an all-seater order with respect to the new ground. This is in line with other previous orders.

7.5 This order formally directs the SGSA to include the all-seater requirement as a condition of the club's licence to admit spectators. The main benefit will be improved assurance of spectator safety and effective crowd management at this ground.

- ***Consolidation***

7.6 The Instrument does not amend another instrument.

8. Consultation outcome

8.1 The Secretary of State has consulted the SGSA in relation to Rotherham United Football Club (RUFC) Limited's stadium (New York Stadium) which in turn had consulted with the local certifying authority and the club. No objections were raised.

9. Guidance

9.1 There is no specific guidance issued to ensure compliance with this Instrument.

10. Impact

10.1 The impact on business, charities or voluntary bodies is minimal and the only impact will be on the football club named in this instrument which will be required to ensure that its ground is all-seater for the beginning of the 2012/13 football season. The ground is already an all-seater stadium and so it will satisfy this condition.

10.2 The impact on the public sector is that the Sports Grounds Safety Authority will have to include a term in any licence to admit spectators it awards to Rotherham United Football Club (RUFC) Limited requiring its ground to be all-seater.

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 Not applicable

13. Contact

13.1 Simon Richardson at the Department for Culture, Media and Sport. Tel: 020 7211 6420 or email: simon.richardson@culture.gsi.gov.uk can answer any queries regarding the instrument.