EXPLANATORY MEMORANDUM TO

THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (AMENDMENT) (ENGLAND) (NO. 3) ORDER 2023

2023 No. 755

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 His Majesty.

2. Purpose of the instrument

2.1 This Order amends the Safety of Sports Grounds (Designation) Order 2015 (S.I. 2015/661, "the 2015 Order") to revoke the designation of Victoria Park, occupied by Hartlepool Football Club as a sports grounds requiring a safety certificate under the Safety of Sports Grounds Act 1975 ("the 1975 Act"). In addition, it also revokes the designation of Spotland Stadium (currently known as the Crown Oil Arena), occupied by Rochdale Association Football Club and Rochdale Hornets Rugby League Football Club.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 Section 1(1) of the 1975 Act provides that the Secretary of State may designate by Order any sports ground in England and Wales as requiring a safety certificate from the relevant local authority if, in the Secretary of State's opinion, that sports ground has accommodation for more than 10,000 spectators or, in the case of a sports ground at which football is played and which is occupied by a member of the Football Association Premier League Limited or the Football League Limited, for more than 5,000 spectators. The Safety of Sports Grounds (Accommodation of Spectators) Order 1996 (S.I. 1996/499) substituted the number 5,000 for the number of spectators specified in section 1(1) of the 1975 Act in respect of sports grounds in England and Wales at which football is played and which is occupied by a member of the Football Association Premier League Limited or the Football League Limited.

6.2 Designations that had been made under the 1975 Act in respect of sports grounds in England and Wales, which were still considered to meet the applicable conditions, were consolidated in the 2015 Order.

6.3 This Order amends the 2015 Order so as to de-designate Victoria Park, occupied by Hartlepool Football Club, and Spotland Stadium, occupied by Rochdale Association Football Club and Rochdale Hornets Rugby League Football Club. Victoria Park and Spotland Stadium were listed in Schedule 2 of the 2015 Order as sports grounds requiring a safety certificate under the 1975 Act, as they were occupied by a member of the Football Association Premier League or the Football League Limited.

6.4 Victoria Park and Spotland Stadium are no longer occupied by a member of the Football Association Premier League Limited or the Football League Limited and therefore no longer meet the condition to be designated as sports grounds in England and Wales at which football is played, which have accommodation for more than 5,000 spectators, and which are occupied by a member of the Football Association Premier League Limited or the Football League Limited.

6.5 Victoria Park and Spotland Stadium do not have accommodation for more than 10,000 spectators. Therefore, neither ground can be designated as grounds with accommodation for more than 10,000 spectators under Schedule 1 of the 2015 Order in the alternative.

7. Policy background

What is being done and why?

7.1 The 1975 Act helps to ensure high standards of spectator safety at sports grounds by requiring any sports ground designated under that Act to obtain a safety certificate from the local authority for the area in which that sports ground is situated. Primary responsibility for ensuring compliance with the required standards lies with the local authority.

7.2 Safety certificates must contain such terms and conditions as the local authority considers necessary or expedient to secure reasonable safety at the designated sports ground. The 1975 Act provides for a number of criminal offences; for example, where spectators are admitted to a designated sports ground when no valid safety certificate is in place, or when any term or condition of a safety certificate is contravened.

7.3 If a designated sports ground no longer meets the criteria set out in the 1975 Act, the ground is required to be de-designated.

7.4 This Order amends the 2015 Order so as to revoke the designations of Victoria Park and Spotland Stadium in Schedule 2 of the 2015 Order. This is because these grounds are no longer grounds occupied by a member of the Football Association Premier League Limited or the Football League Limited following the relegation of Hartlepool Football Club and Rochdale Association Football Club from the English Football League.

7.5 Neither Victoria Park nor Spotland Stadium have accommodation for more than 10,000 spectators. As such, neither ground can be designated as grounds with accommodation for more than 10,000 spectators under Schedule 1 of the 2015 Order in the alternative. This means that the conditions for designation as a sports grounds requiring a safety certificate under the 1975 Act are no longer satisfied.

7.6 Where a designation of a sports ground is revoked because it no longer meets the criteria for designation under the 1975 Act, a safety certificate from the local authority may nevertheless be required under the Fire Safety and Safety of Places of Sport Act 1987 ("the 1987 Act") for any regulated stands within the ground.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 The Department has no plans at present to consolidate the various amendments made to the 2015 Order.

10. Consultation outcome

10.1 In accordance with the consultation requirement in section 18(4) of the 1975 Act, Rochdale Borough Council and Hartlepool Borough Council have been consulted as the relevant local authorities, alongside the relevant ground owners, police, fire and ambulance services in respect of the above amendments in relation to Victoria Park and Spotland Stadium, and no objections were made.

11. Guidance

11.1 The Sports Grounds Safety Authority ("the SGSA") has published technical guidance on a range of matters associated with sports ground 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/greenguide-availablenow/.

11.2 Guidance for local authorities and sports clubs with designated sports grounds is also available on the SGSA's website at https://sgsa.org.uk/designated-grounds/

12. Impact

12.1 The impact on business, charities or voluntary bodies in relation to the amendments in respect of Victoria Park and Spotland Stadium is that these grounds will no longer require a safety certificate under the 1975 Act, although they may require a safety certificate under the 1987 Act for any regulated stands within the grounds.

12.2 The impact on the public sector is limited to Rochdale Borough Council and Hartlepool Borough Council as the local authorities for the areas in which Victoria Park and Spotland Stadium are situated, as well as (to a lesser degree) the SGSA. The relevant local authorities will be required to assess the grounds to determine whether a safety certificate is required under the 1987 Act for any regulated stands within the grounds.

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

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 A statutory review clause is included in the 2015 Order as a result of an amendment made by the Safety of Sports Grounds (Designation) (Amendment) Order 2015 (S.I.2015/1556). A report was published on 8 September 2020 and subsequent reports must be published no more than every five years thereafter.

14.2 In addition to this, if the circumstances in which a sport 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 in the 2015 Order may be amended or revoked.

15. Contact

15.1 Beth Powell at the Department for Culture, Media and Sport (telephone: 07592103127 or email: beth.powell@dcms.gov.uk) can be contacted with any queries regarding the instrument.

15.2 Ben Dean, Director of Sport and Gambling at the Department for Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Stuart Andrew, Parliamentary Under Secretary of State at the Department for Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard