EXPLANATORY MEMORANDUM TO

THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (AMENDMENT) (NO. 2) ORDER 2018

2018 No. 1047

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Digital, Culture, Media and Sport and is laid before Parliament by Command of Her 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") so as to designate the New Lawn stadium occupied by Forest Green Rovers Football Club as a sports ground requiring a safety certificate under the Safety of Sports Grounds Act 1975 ("the 1975 Act").

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As the instrument is subject to negative resolution procedure, there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and territorial application

4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of this instrument is England and Wales.

4.3 Competence to exercise the powers which were conferred on the Secretary of State under the 1975 Act in respect of Scottish sports grounds passed to Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

5. European Convention on Human Rights

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

6. Legislative context

6.1 Under section 1 of the 1975 Act, the Secretary of State may by order designate any sports ground in England and Wales as requiring a safety certificate if, in his opinion, it has accommodation either 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 Premier League or the Football League, for more than 5,000 spectators.

6.2 All designations made under the 1975 Act in respect of sports grounds in England and Wales were consolidated in the 2015 Order. This Order amends the 2015 Order to designate the New Lawn stadium in Nailsworth, Gloucestershire, as a sports ground which requires a safety certificate.

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 where any term or condition of a safety certificate is contravened.

7.3 Forest Green Rovers Football Club was promoted to the Football League at the end of the 2017/2018 football season. The team plays its home matches at the New Lawn stadium. Being of the opinion that that stadium has accommodation for more than 5,000 spectators and having consulted with such persons and bodies as appear to him requisite (described in section 10 below), the Secretary of State has decided that the New Lawn stadium should be designated as a sports ground for the purposes of the 1975 Act.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

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

10. Consultation outcome

10.1 Forest Green Rovers Football Club, Gloucester District Council, and relevant police forces and fire services have been consulted in respect of the designation of the New Lawn stadium, and no objection was made.

11. Guidance

11.1 The Sports Grounds Safety Authority 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 Stationery Office (ISBN 9780117020740, 5th Edition) and is also made available for free at: www.safetyatsportsgrounds.org.uk/publications/green-guide.

12. Impact

12.1 The impact on business, charities or voluntary bodies is limited to whichever bodies are responsible for ensuring that Forest Green Rovers Football Club obtains a safety certificate from the local authority and complies with its terms and conditions.

12.2 The impact on the public sector is limited to Gloucester District Council, being the local authority for the area in which the New Lawn stadium is situated, as well as (to a lesser degree) the Sports Grounds Safety Authority.

12.3 An Impact Assessment has not been prepared for this instrument because the impact is minimal.

13. Regulating small business

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

14. Monitoring and review

14.1 The department keeps all designation orders under review, as well as the underlying policy objectives articulated in the 1975 Act. If a sports ground ceases to require designation – for example, where the local authority notifies the Secretary of State that a sports ground no longer meets the criteria for designation – the order by which it was designated may be revoked.

14.2 This Order does not include a statutory review clause. In line with the requirements of the Small Business, Enterprise and Employment Act 2015, the Minister for Sport and Civil Society has made the following statement:

"Individual designation orders apply only to the premises named in the relevant order. This Order designates the New Lawn stadium in Nailsworth, Gloucestershire, as requiring a safety certificate for the purposes of the Safety of Sports Grounds Act 1975. For this reason, a statutory review of this Order would be concerned only with the question of whether this sports ground should continue to be designated. I am satisfied it would not be appropriate in the circumstances to make provision for a review in this Order. To review each designation order individually would incur disproportionate cost. The underlying safety policy objectives are kept under constant review by the Department for Digital, Culture, Media and Sport. If the policy was to change, it would very likely require changes to all designation orders, rather than simply this Order."

15. Contact

15.1 Fiona Wood at the Department for Digital, Culture, Media and Sport (telephone: 020 7211 6133; email: fiona.wood@culture.gov.uk) can be contacted with any queries regarding the instrument.

15.2 Nico Heslop, Deputy Director for Sport at the Department for Digital, Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Tracey Crouch, Minister for Sport and Civil Society at the Department for Digital, Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.