EXPLANATORY MEMORANDUM TO

THE SAFETY OF SPORTS GROUNDS (DESIGNATION) ORDER 2015

2015 No. 1556

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 amends the Safety of Sports Grounds (Designation) Order 2015 (S.I. 2015/661) to provide for the designation of the Recreation Ground, Bath, occupied by Bath Rugby Club, and the Hive Stadium, Edgware, Middlesex, as sports grounds requiring a safety certificate under the Safety of Sports Grounds Act 1975.

2.2. It revokes the Safety of Sports Grounds (Designation No.2) Order 2015 (S.I. 2015/1374) under which the Hive Stadium is currently designated.

2.3. It also inserts a review provision into the Safety of Sports Grounds (Designation) Order 2015.

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

3.1. None.

4. Legislative Context

- ***Safety of Sports Grounds Act 1975***

4.1. Section 1(1) of the Safety of Sports Grounds Act 1975 ('the 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 his opinion, it has accommodation:

- for more than 10,000 spectators, or
- in the case of a sports ground at which association football matches are played and which is occupied by a football club which is a member of the Football Premier League or Football League Limited - more than 5,000 spectators.

4.2. Safety certificates must contain such terms and conditions as the local authority considers necessary or expedient to secure reasonable safety at the sports ground. The Act creates offences in relation to the admission of spectators to a designated sports ground where no safety certificate is in place or where the conditions of the safety certificate have been contravened.

4.3. This order designates The Recreation Ground, being a sports ground:

4.3.1. which is occupied by Bath Rugby, and

4.3.2. which in the opinion of the Secretary of State has accommodation for more than 10,000 spectators, as a sports ground requiring a safety certificate under the 1975 Act.

4.4. It also designates The Hive Stadium, being a sports ground:

4.4.1. which is in England at which association football matches are played,

4.4.2. which is occupied by Barnet Football Club, a member of the Football League Limited, and

4.4.3. which in the opinion of the Secretary of State has accommodation for more than 5,000 spectators.

5. Territorial Extent and Application

5.1. This Order applies to England and Wales.

5.2. The Safety of Sports Grounds Act 1975 extends to England, Wales and Scotland. Competence to exercise this power in section 1(1) to designate sports grounds in Scotland passed to Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

6. European Convention on Human Rights

6.1. As the Order 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. The policy aim of the 1975 Act is to improve spectator safety at sports grounds. The primary responsibility for ensuring compliance with the 1975 Act lies with local authorities.

7.2. The Recreation Ground, Bath occupied by Bath Rugby, having a capacity for more than 10,000 spectators, satisfies the criteria for designation under the 1975 Act. To address any potential safety concerns at the ground, the Secretary of State therefore believes that the ground should be designated so that Bath City Council can carry out the safety certification process.

• ***Consolidation***

7.3. The Order also revokes the Safety of Sports Grounds (Designation No.2) 2015 (S.I. 2015/1374) under which the Hive Stadium is currently designated. The designation will now be included in the list of designated sports grounds in the Safety of Sports Grounds (Designation) Order 2015 (S.I. 2015/661), which also comes into force on 1st October 2015.

8. Consultation outcome

8.1. Bath Rugby, Bath City Council, and relevant police forces and fire services have been consulted and no objections have been raised to either designation.

9. Guidance

9.1. There is no specific guidance issued to ensure compliance with this Order. However, local authorities are able to refer to the technical advice contained in the Government's *Guide to Safety at Sports Grounds*, 5th Edition, The Stationery Office, 2006 ISBN 0-11-702074, also known as the Green Guide.

10. Impact

10.1. The only impact on business, charities or voluntary bodies will be on Bath Rugby Club and Barnet Football Club, which will be required to ensure compliance with the terms of the safety certificate issued by the relevant local authority.

10.2. The impact on the public sector is that the relevant local authority for the area in which the sports ground is situated (Bath City Council and Harrow Council), will be required to issue a safety certificate for the sports ground designated in this Order.

10.3. An Impact Assessment has not been prepared for this Order.

11. Regulating small business

11.1. The Order does not apply to small business.

12. Monitoring & review

12.1. The Order amends the Safety of Sports Grounds (Designation) Order 2015, to include a review provision, in accordance with section 28 of the Small Business, Enterprise and Employment Act 2015. The requirement for review is not limited to the extent of the designation of The Recreation Ground in Bath and The Hive Stadium in Edgware, Middlesex, being made by this Order. It will apply to the 2015 Order in its entirety.

13. Contact

13.1. Fiona Wood at the Department for Culture, Media and Sport (Tel: 020 7211 6133 or email: Fiona.Wood@culture.gov.uk) can answer any queries regarding the Order.