# EXPLANATORY MEMORANDUM TO

# THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (No.2) ORDER 2009

## 2009 No. 1394

**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 designates the ground occupied by Cardiff City Football Club and Cardiff Blues rugby club as a sports ground requiring a safety certificate under the Safety of Sports Grounds Act 1975.

## 3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]

3.1 None

## 4. Legislative Context

4.1 The Safety of Sports Grounds Act 1975 provides for local authorities to issue safety certificates for designated sports grounds. Safety certificates 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, in particular, where no safety certificate is in place or where the conditions of the safety certificate have been contravened.

4.2 Section 1(1) of the 1975 Act provides that the Secretary of State may by order designate as a sports ground requiring a safety certificate any sports ground which in his opinion has accommodation for more than 10,000 spectators.

4.3 This order designates the Cardiff City Stadium. Similar designation orders have been issued most years since 1976 in respect of other sports grounds.

## 5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

5.2 The Safety of Sports Grounds Act 1975 (under which the order is made) extends to England, Wales and Scotland.

## 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 The policy background to the 1975 Act is to improve spectator safety at sports grounds. The primary responsibility for ensuring safety lies with local authorities.

7.2 The reason for designating this ground as a sports ground requiring a safety certificate is that the Cardiff City Stadium (home of Cardiff City Football Club and Cardiff Blues) is a newly built stadium that the clubs will be using as their home ground from the beginning of the 2009/10 football and rugby union seasons. The new ground has a capacity of 26,816 spectators.

- ***Consolidation***

7.3 The Instrument does not amend another instrument.

## 8. Consultation outcome

8.1 The club and the relevant local authority, police and fire services have been consulted and no objections have been raised to the designation.

## 9. Guidance

9.1 There is no specific guidance issued to ensure compliance with this Instrument. 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 impact on business, charities or voluntary bodies is minimal and the only impact will be on the sports clubs named in this Instrument which will be required to ensure that they comply with the terms of the safety certificate issued by the local authority.

10.2 The impact on the public sector is that the local authority for the area in which the sports ground is situated will be required to issue a safety certificate for the sports ground designated in this Instrument.

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 Fraser Skilling at the Department for Culture, Media and Sport. Tel: 020 7211 6107 or email: fraser.skilling@culture.gov.uk can answer any queries regarding the instrument.