EXPLANATORY MEMORANDUM TO

THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (No.2) ORDER 2012

2012 No. 1666

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 grounds occupied by Fleetwood Wanderers Limited (trading as Fleetwood Town Football Club) and Rotherham United Football Club (RUFC) Limited as sports grounds requiring a safety certificate under the Safety of Sports Grounds Act 1975.

3. Matters of special interest to the Joint 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 The Safety of Sports Grounds (Accommodation of Spectators) Order 1996 (SI 1996/499) reduced the number of spectators to 5,000 in respect of sports grounds in England and Wales at which association football matches are played and which are occupied by a club which is a member of the FA Premier League or the Football League.

4.4 This order designates the Highbury Stadium located in Fleetwood and the New York Stadium located in Rotherham, both being sports grounds at which association football matches are played, which are occupied by a football club that is a member of the Football League, and which in the opinion of the Secretary of State have accommodation for more than 5,000 spectators. Similar designation orders have been issued in most years since 1976 in respect of other sports grounds.

5. Territorial Extent and Application

5.1 This Order applies to England and Wales.
5.2 The Safety of Sports Grounds Act 1975 (under which this Order is made) extends to England, Wales and Scotland.

6. European Convention on Human Rights

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 safety lies with local authorities.
7.2 The reason for designating these grounds as sports grounds requiring a safety certificate are: The Highbury Stadium (the home ground of Fleetwood Wanderers Limited, trading as Fleetwood Town Football Club) and the New York Stadium (the newly built home ground of Rotherham United Football Club (RUFC) Limited) are each grounds at which association football matches are played and which are occupied by a football club which is a member of the Football League. The Highbury Stadium has accommodation for 5,092 spectators and the New York Stadium has accommodation for 12,009. To address any potential safety concerns at these grounds, the Secretary of State believes that each ground should be designated so that the local authorities for the areas in which they are situated can carry out the safety certification process.

- ***Consolidation***

7.3 The Order does not amend another instrument.

8. Consultation outcome

8.1 The respective clubs and the relevant local authorities, 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 the football clubs named in this Order which will be required to ensure that they comply with the terms of the safety certificate issued by the respective local authority.

10.2 The impact on the public sector is that the local authorities for the areas in which the sports grounds are situated will be required to issue safety certificates for the sports grounds 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 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 Order.