EXPLANATORY MEMORANDUM TO

The Safety of Sports Grounds (Fees and Appeals) (Amendment) Regulations (Northern Ireland) 2012

SR 2012 No. 219

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department of Culture, Arts and Leisure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under Articles 19(1)(b) and 27(1) and (2) of the Safety of Sports Grounds (Northern Ireland) Order 2006 and is subject to the negative resolution procedure.

2. Purpose

The purpose of these Regulations is:

2.1 To prescribe the fees that may be charged by district councils for the issue, amendment, replacement or transfer of a special safety certificate for a designated sports ground or a regulated stand.

3. Background

3.1 Legislation already exists which sets the fees a district council can charge for general safety certificates. Prescribing the fees for special safety certificates will mitigate against the cost of compliance for the owners/operators of sports grounds whilst allowing district councils to recoup some of the cost of the certification process. It will also help to ensure a consistency of approach across the 26 district councils.

4. Consultation

4.1 In accordance with Article 27(2) of the 2006 Order, the Department consulted with the owners/operators of sports grounds designated under the Order together with the 26 district councils and the relevant governing bodies. A total of nine responses were received. Three of these (Sport NI, IFA and Belfast City Council) had either no comment or were content with the proposals. Two councils (Armagh and Newtwonabbey) wanted a move to full cost recovery. Two councils (Craigavon and Dungannon & South Tyrone) wanted a full review of the fees. One council (Ballymena) described the proposed fees as unsatisfactory but suggested no alternative. One council (Ballymoney) suggested an alternative, higher fees structure.

5. Equality Impact

5.1 The Department has screened the proposed Regulations for compliance with Section 75 of the NI Act 1996 and considered that an EQIA is not necessary.

6. Regulatory Impact

6.1 It is anticipated that the majority of the sports clubs and/or organisations affected by the new legislation will be considered to be small businesses or voluntary organisations.

6.2 The impact of this rule will be to mitigate against the cost of compliance for the owners/operators of sports grounds whilst still allowing councils to recoup some of their costs in the certification process. It will have no impact on charities.

7. Financial Implications

7.1 The Department is satisfied that the balance between cost and benefit in introducing these amendment regulations is justified.

8. Section 24 of the Northern Ireland Act 1998

8.1 It is not expected that any of the amendments set out in the draft Statutory Rule will have any Section 24 implications or impact on Human Rights or European Community law.

9. EU Implications

9.1 This rule will not transpose a European Directive.

10. Parity or Replicatory Measure

10.1 Subordinate legislation in Great Britain, The Safety of Sports Grounds Regulations 1987, provides for a local authority to determine the fee to be charged in respect of an application for the issue, amendment, replacement or transfer of a special safety certificate but such fee shall not exceed an amount commensurate with the work actually and reasonably done by or on behalf of the local authority.

11. Additional Information

11.1 Not applicable