STATUTORY INSTRUMENTS

1976 No. 1263

SPORTS GROUNDS

The Safety of Sports Grounds Regulations 1976

Made - - -	*3rd August* 1976
Laid before Parliament	*12th August* 1976
Coming into Operation	*1st November* 1976

In exercise of the powers conferred upon me by section 6(1) and (4) of the Safety of Sports Grounds Act 1975(**a**), and after such consultation as is mentioned in section 18(4) thereof, I hereby make the following Regulations:—

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Safety of Sports Grounds Regulations 1976 and shall come into operation on 1st November 1976.

(2) These Regulations shall not extend to Scotland or the Isles of Scilly.

Interpretation

2.—(1) Save where the context otherwise requires—

"the Act" means the Safety of Sports Grounds Act 1975;

"appointed person" means a person appointed by the Secretary of State in pursuance of section 5(4) of the Act;

"entitled person" has the meaning assigned to it by Regulation 9(1);

"hearing" means a hearing by an appointed person in pursuance of section 5(4) of the Act;

"newspaper" means a newspaper circulating in the locality in which the stadium is located;

"specified interested party" means an interested party specified in paragraphs (*a*) to (*d*) of section 5(5) of the Act and, in the case of a person specified in paragraph (*b*), whose name is contained in the application;

"unspecified interested party" means an interested party other than a specified interested party.

(2) The Interpretation Act 1889(**b**) shall have effect for the interpretation of these Regulations as it has effect for the interpretation of an Act of Parliament.

(3) For the purpose of these Regulations section 14 of the Act shall have effect in relation to the sending of a notice or document as it has effect in relation to the service of a notice or document.

(a) 1975 c. 52. (b) 1889 c. 63.

Application for safety certificates

3.—(1) An application for a safety certificate shall be in the form contained in the Schedule to these Regulations or a form to the like effect.

(2) Subject to the provisions of the next following paragraph, an application for a special safety certificate shall be made not less than 3 months before the date of the occasion in question (or where the application is in respect of a series of occasions, the date of the first of those occasions).

(3) The local authority may permit such an application to be made within a lesser period than 3 months if it is satisfied that the procedures (including the appeal procedures) provided for in the Act and these Regulations in connection with the grant or refusal of a special safety certificate can be carried out within that lesser period.

Amendment etc. of safety certificates

4.—(1) Applications for the amendment, replacement or transfer of a safety certificate shall be in writing and shall contain such information as shall be necessary for the local authority to consider and determine the application.

(2) An application as aforesaid shall contain the names and addresses of any persons who to the applicant's knowledge will or may be concerned in ensuring compliance with the terms and conditions of the safety certificate as amended, replaced or transferred.

Determination that applicant or transferee is not a qualified person

5.—(1) Where a local authority determines that any person is not a qualified person, it shall include in the notice of that determination served on him in pursuance of section 5(1) of the Act, the reasons for the determination and the notice shall be served on him forthwith.

(2) In the case of an application for the grant or transfer of a special safety certificate, the local authority shall determine, in pursuance of section 3(1) or 4(5) of the Act, whether or not the applicant or proposed transferee is a qualified person within 14 days of receipt of the application.

Issue or refusal of special safety certificate

6.—(1) Where there is an application for the grant of a special safety certificate and the local authority—

(*a*) has determined that the applicant is a qualified person, or

(*b*) has determined otherwise but has been notified under Regulation 8(5) that he has appealed to the Secretary of State in pursuance of section 5 of the Act,

the authority shall, within 28 days of the receipt of the application, determine whether it should refuse the application on other grounds and, if it decides to do so, give notice to the applicant forthwith of the refusal and the reasons for it.

(2) When a special safety certificate is issued, it shall be issued not less than 28 days before the occasion, or the first of the series of occasions, as the case may be, to which it relates.

Notices to interested parties by local authority

7.—(1) Where the local authority issues or amends a safety certificate or refuses to amend or replace a safety certificate, it shall forthwith give notice in writing of the issue or amendment or of the refusal and the reasons for it to all specified interested parties and any unspecified interested parties known to the local authority.

(2) The local authority in giving notice as aforesaid shall inform the persons to whom notice is given that a copy of the safety certificate and the application for the grant, amendment or replacement, as the case may be, may be inspected and where and at what times such inspection may be made.

(3) The local authority shall cause the notice and information referred to in paragraph (2) to be published in a newspaper as soon as may be after the aforesaid issue, amendment or refusal.

Appeals to the Secretary of State

8.—(1) A person wishing to appeal under section 5 of the Act shall give notice of appeal to the Secretary of State setting out the grounds of his appeal and stating whether he wishes to appear before an appointed person.

(2) The appellant shall send to the Secretary of State with his notice of appeal—

(*a*) any documents which he wishes to submit as evidence in support of his appeal or a statement of his intention to submit such documents;

(*b*) a list of those persons (with their addresses) whom he wishes to be heard, or who may be approached by the appointed person for a written reference together with, in the case of persons to be heard, a statement of what he expects each person to say on his behalf.

(3) Notice of appeal shall be given—

(*a*) when the appeal relates to a general safety certificate, within 28 days

(*b*) when the appeal relates to a special safety certificate, within 7 days

of—

(i) in the case of the applicant, the holder of the certificate or the proposed transferee, the receipt by him of notice under section 5(1) of the Act or in the case of the applicant Regulation 6(1);

(ii) in the case of the holder of a certificate and an appeal under section 5(3) of the Act, the receipt of the certificate or the notification of refusal;

(iii) in the case of any other person entitled to appeal, the receipt by him of notice under Regulation 7(1) or, where no such notice is received, the publication referred to in Regulation 7(3).

(4) Where the appellant in accordance with paragraph (2)(*a*) states his intention to submit documents, the documents shall be submitted—

(*a*) where the appeal relates to a general safety certificate, within 28 days

(*b*) where the appeal relates to a special safety certificate, within 7 days

after the last day on which notice of appeal may be given in accordance with paragraph (3).

(5) Within the periods laid down in paragraphs (3) and (4), as the case may be, the appellant shall serve a copy of his notice of appeal and copies of the documents, list and statements referred to in paragraph (2) on the local authority and, where appropriate, on the holder of the certificate or the proposed transferee of the certificate.

(6) The appellant shall, within the periods laid down in paragraph (3), serve copies of his notice of appeal on all specified interested parties and shall inform each of them in writing where and when copies of the aforementioned documents, list and statements may be inspected.

(7) The appellant shall, within the periods laid down in paragraph (3), arrange for the publication in a newspaper of a copy of his notice of appeal and the information referred to in paragraph (6).

(8) Interested parties shall be permitted to inspect and take copies of the documents, list and statements referred to in paragraph (2).

(9) Within 28 days of the receipt of the notice of appeal where the appeal is in connection with a general safety certificate or within 7 days in the case of a special safety certificate, the local authority shall send to the Secretary of State a notice stating whether it wishes to oppose the appeal and, if it does, its reasons for doing so, and whether it wishes to appear before an appointed person and shall send with the notice any documents which it wishes the Secretary of State to consider.

(10) The local authority shall send forthwith copies of the notice and documents referred to in paragraph (9) to the appellant and specified interested parties and to any unspecified interested parties who have requested the local authority to do so.

(11) If an interested party other than the appellant wishes to appear before an appointed person he shall give notice in writing to the Secretary of State not later than 28 days (in the case of a general safety certificate) or 7 days (in the case of a special safety certificate) after the notice of appeal has been published in accordance with paragraph (7) and shall accompany his notice with a statement in writing summarising the principal facts and arguments which he wishes to present at the hearing and giving details of any documents he may wish to submit and the names and addresses of any witnesses he may wish to call.

(12) The appellant may withdraw his appeal at any time, but shall forthwith notify in writing those to whom he sent his notice of appeal that he has done so and shall cause an announcement of the withdrawal of the appeal to be published as soon as may be in the newspaper referred to in paragraph (7).

(13) An appeal which is not made in accordance with the provisions of this Regulation may be determined by the Secretary of State to have been withdrawn and thereafter that appellant may appeal only with the leave of and in accordance with any conditions laid down by the Secretary of State.

(14) Where the Secretary of State has determined an appeal to have been withdrawn, he shall notify those concerned by such means as he thinks fit.

(15) Save where the appeal is against a decision that a person is not a qualified person, the Secretary of State may vary any period of time prescribed in this Regulation.

(16) Wherever in accordance with the provisions of Regulation 7 or of this Regulation any person causes a notice to be published in a newspaper, he shall send the relevant cutting from the newspaper to the Secretary of State.

Appearance before an appointed person

9.—(1) Any person who has given notice that he wishes to appear at a hearing shall be entitled to do so (unless in the opinion of the appointed person he is not an interested party) and is hereafter referred to as an entitled person.

(2) The Secretary of State shall give reasonable notice to all persons who have given notice as aforesaid of the date, time and place of the hearing.

(3) Any entitled person may be represented by counsel or solicitor or any other person and a body corporate may appear by its clerk or secretary or by any other officer appointed for the purpose by that body.

Procedure at hearing

10.—(1) Except as otherwise provided in these Regulations the procedure at the hearing shall be such as the appointed person shall in his discretion determine and he shall state at the commencement of the hearing the procedure which, subject to consideration of any submission by an entitled person, he proposes to adopt.

(2) Unless in any particular case the appointed person, with the consent of the appellant, otherwise determines, the appellant shall begin and shall have the right of final reply.

(3) Every entitled person may make an opening statement, call evidence and cross-examine persons giving evidence.

(4) Any evidence may be admitted at the discretion of the appointed person who may direct that documents tendered in evidence may be inspected by any entitled person and that facilities be offered to him to take or obtain copies thereof.

(5) Notwithstanding that they are not contained within any statement required to be served under these Regulations the appointed person may allow any submissions to be made or any documents to be produced so far as may be necessary for enabling the entitled person properly to put his case but shall (if necessary by adjourning the hearing) give the appellant or the local authority or any entitled person, as the case may be, an adequate opportunity of considering any such fresh submission or document.

(6) If an entitled person fails to appear at the hearing, the appointed person may proceed at his discretion.

(7) The appointed person may from time to time adjourn the hearing and, where he does so, shall give reasonable notice to every entitled person of the date, time and place of the adjourned hearing, provided that where the date, time and place of the adjourned hearing are announced at the hearing, no further notice shall be required.

Inspections

11.—(1) The appointed person may make an inspection of the sports stadium before or during the hearing after having given notice to the entitled persons of the date and time at which he proposes to do so.

(2) The appointed person may, and shall if so requested by an entitled person before or during the hearing, inspect the sports stadium after the close of the hearing and shall, in all cases where he intends to make such an inspection, announce during the hearing the date and time at which he proposes to do so.

(3) The entitled persons shall be entitled to accompany the appointed person on any inspection under this Regulation; but the appointed person shall not be bound to defer his inspection if any entitled person is not present at the time appointed.

Inquiries under section 5(6) *of the Act*

12.—(1) When the Secretary of State has appointed a person or persons (hereinafter referred to as "the tribunal") to hold an inquiry by virtue of section 5(6) of the Act (hereinafter referred to as "the inquiry") Regulations 9 to 11 shall apply, so far as possible and subject to the succeeding provisions of this Regulation, to the inquiry as they apply to a hearing by a person appointed under section 5(4).

(2) The Secretary of State shall cause to be published in a newspaper an announcement giving the date of the inquiry, setting out the subject matter of the inquiry and requiring any interested parties intending to appear at the inquiry to give notice of that intention to the Secretary of State.

(3) The notice referred to in paragraph (2) shall be accompanied by a statement in writing summarising the principal facts and arguments which the interested party wishes to present at the inquiry and by details of any documents he may wish to submit and the names and addresses of any witnesses he may wish to call unless the interested party has already given such information to the Secretary of State in pursuance of Regulation 8(11).

(4) As soon as practicable after conclusion of the inquiry, the tribunal shall make a report to the Secretary of State, which shall include its findings of fact and recommendations, if any.

(5) The report shall include recommendations by the tribunal—

(*a*) as to who should be directed, by virtue of section 250(4) of the Local Government Act 1972(**a**), to pay the costs incurred by the Secretary of State in relation to the inquiry;

(*b*) as to the order to be made by the Secretary of State by virtue of section 250(5) of that Act as to the costs of the parties at the inquiry and as to the parties by whom the costs are to be paid;

but the tribunal shall not recommend that any person should pay any costs without first affording that person an opportunity of being heard by it.

(6) The Secretary of State shall, as soon as practicable after receipt of the report, send a copy to each interested party who appeared at the inquiry.

(7) In this Regulation "interested party" has the meaning assigned to it by section 5(5) of the Act but in addition includes the applicant and the local authority.

Notification of determination of appeal

13. The Secretary of State shall, as soon as reasonably practicable after determination of the appeal, give notice to the appellant, the local authority and any interested party who appeared before an appointed person or a tribunal of his decision and the reasons for it.

Fees

14. A local authority may determine the fees to be charged in respect of applications for the issue or amendment of safety certificates but such fees shall not in a particular case exceed an amount commensurate with the work actually and reasonably done.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
3rd August 1976.

(a) 1972 c. 70.

SCHEDULE

SAFETY OF SPORTS GROUNDS ACT 1975

APPLICATION FOR A SAFETY CERTIFICATE

(When completed, this form should be sent to the Chief Executive of the County Council.)

I hereby apply for a special/general* safety certificate in respect of the sports stadium described below to be issued to.....

I make the application on behalf of/as*.....

of .....†

Date..... Signed.....

Address .....

..... Tel. No. .....

* Delete as appropriate.

† If applying on behalf of a sports club, company or some other person, insert status, e.g. secretary.

Under the provisions of section 3(1) of the Act, a local authority receiving an application for a safety certificate has to determine whether the person to whom the certificate may be issued is likely to be in a position to prevent contravention of the terms and conditions of a certificate. The applicant should therefore furnish such information as will enable the local authority to make such a determination.

(To be completed in all cases)

Name and postal address of the sports stadium.

Name of the occupier.

Name and postal address of the owner.

Names and addresses of any persons other than the proposed holder of the certificate who to his knowledge will or may be concerned in ensuring compliance with the terms and conditions of the safety certificate.

(For a General Safety Certificate (to cover the activities to be held over an indefinite period): complete Part I only.)

(For a Special Safety Certificate (to cover one occasion or a series of particular occasions): complete Part II only.)

PART I GENERAL SAFETY CERTIFICATE

1. Activities to be covered by general safety certificate.

2. Approximate date of the construction of the sports stadium and details of any subsequent extension, major improvement or re-construction of the stadium with the relevant dates.

3. Particulars of current fire certificates covering any part of the sports stadium:
   Name of fire authority by whom issued.
   Name of holder of the fire certificate.
   Date of issue of the fire certificate.
   Description of the part or parts of the stadium covered by the fire certificate.

4. Particulars of current statutory licences granted in respect of the sports stadium or parts of it:

Name of licensing authority by whom issued.
Name of licensee.
Type of licence (sale of liquor, gaming etc.).
Date of expiry.
Description of the part or parts of the stadium covered by the licence.

5.—(1) Designed capacity of the stadium:
(*a*) seated spectators;
(*b*) standing spectators.

(2) Current restrictions on designed capacity of the stadium:
(*a*) seated spectators;
(*b*) standing spectators.

6. Average numbers of seated and standing spectators during each of the last three years (Reserve team matches to be excluded).

Year	Activity	No. of occasions activity held	Total attendances		Average attendance (i.e. column 4 divided by column 3)	
			Seated	Standing	Seated	Standing

7. Maximum numbers of seated and standing spectators on any occasion during each of the last three years.

Year	Activity	Date of event	Total attendance	
			Seated	Standing

PART II SPECIAL SAFETY CERTIFICATE

1. Event for which special safety certificate is required.
2. Date(s) of event.
3. Give the number of occasions on which this special event has taken place at the sports stadium during the last three years.
4. Give the maximum attendance of seated and standing spectators on any similar event held at the stadium.

Event	Date held	Total attendance	
		Seated	Standing

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations made under the Safety of Sports Grounds Act 1975 lay down the procedure in respect of applications for safety certificates for sports stadia designated by the Secretary of State as requiring such certificates and in respect of appeals in connection with their grant, amendment or replacement. Local authorities are authorised to determine fees to be charged in respect of applications.

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