STATUTORY INSTRUMENTS

1976 No. 1300 (S. 111)

SPORTS GROUNDS
The Safety of Sports Grounds (Scotland) Regulations 1976

Made - - - -	*5th August* 1976
Laid before Parliament	*13th 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 of all other powers enabling me in that behalf, and after consultation with such persons or bodies of persons as appear to me requisite, I hereby make the following regulations:—

Citation, commencement and extent

1. These regulations, which extend to Scotland only, may be cited as the Safety of Sports Grounds (Scotland) Regulations 1976 and shall come into operation on 1st November 1976.

Interpretation

2.—(1) In these regulations—

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

"appointed person" means a person appointed by the Secretary of State in terms of section 5(4) or 5(6) of the Act;

"designated stadium" has the meaning assigned to it by section 1(4) of the Act;

"interested party" has the meaning assigned to it by section 5(5) of the Act;

"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;

"local authority" has the meaning assigned to it by section 17(1) of the Act;

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

"qualified person" has the meaning assigned to it by section 3(1) of the Act;

"safety certificate", "general safety certificate" and "special safety certificate" have the meanings assigned to them by section 1 of the Act.

(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.

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.

(**a**) 1975 c. 52.

(**b**) 1889 c. 63.

(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 (or where the application is in respect of a series of occasions, the date of the first of those occasions) for which the said certificate is required.

(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 in these regulations in respect of the issue or refusal of a special safety certificate can be carried out within that lesser period.

Application for 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) In the case of an application for the issue or transfer of a special safety certificate, the local authority shall, within 14 days of receipt of the application determine, in accordance with section 3(1) or 4(5) of the Act, whether the applicant or the proposed transferee is a qualified person.

(2) In the case of an application for the issue of a safety certificate, if the local authority determines that the applicant is not a qualified person, it shall forthwith serve on him under section 5(1) of the Act a notice of that determination and shall include therein a statement of the reasons for the determination.

(3) In the case of an application for the transfer of a safety certificate, if the local authority determines that the proposed transferee is not a qualified person it shall forthwith serve on him under section 5(1) of the Act a notice of that determination and shall include therein a statement of the reasons for the determination, and shall serve a copy of such notice on the holder of the certificate.

Transfer of safety certificate

6. When the local authority transfers a safety certificate or refuses, on grounds other than that the proposed transferee is not a qualified person, to transfer a safety certificate it shall forthwith give notice of such transfer or such refusal to the holder of the certificate and to the proposed transferee.

Issue or refusal of special safety certificate

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

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

(b) has determined that the applicant is not a qualified person but has been notified under regulation 9(3) that the applicant has appealed to the Secretary of State under 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, shall give notice to the applicant forthwith of the refusal and the reasons for it.

(2) Where the local authority decides to issue a special safety certificate 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

8.—(1) When 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 (together with a statement of reasons in the case of a refusal) to all specified interested parties and to any other 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, where applicable, any amendments made thereto, 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

9.—(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) 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 an applicant for the issue of a special safety certificate under regulation 7(1);

(ii) in the case of an appeal under section 5(3) of the Act by the holder of a certificate, the receipt of the certificate or of notice of refusal under regulation 8(1) or notice of amendment under section 4(1)(a) of the Act;

(iii) in the case of any other interested party the receipt by him of notice under regulation 8(1) or, where no such notice is received, the publication referred to in regulation 8(3).

(3) Within the periods specified in paragraph (2) the appellant shall serve a copy of his notice of appeal on—

(a) the local authority;

(b) (where an appellant is not the holder of the safety certificate) the holder of the safety certificate; and

(c) all other specified interested parties;

and shall cause a copy of his notice of appeal to be published in a newspaper.

(4) Within 28 days of the receipt of the notice of appeal 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, whether it wishes to appear before an appointed person.

(5) 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 (3).

(6) 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 (3).

(7) An appeal which is not made in accordance with the provisions of this regulation may be deemed 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.

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

Notification of determination of appeal

10. The Secretary of State shall, as soon as reasonably practicable after determination of the appeal, give notice to the appellant and to those parties specified at (a), (b) and (c) of regulation 9(3) of the determination of the appeal and the reasons for his determination.

Fees

11. 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.

Service of documents

12. Section 14 of the Act shall have effect for the service of any notice or other document under these regulations.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
5th August 1976.

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 Regional/Islands Council and must, in the case of an application for a general safety certificate, be accompanied by an up-to-date plan of the stadium.)

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, eg, 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. In terms of section 3(4) of the Act the local authority may require the applicant to submit further information and plans.

(To be completed in all cases.)

Name and postal address of the sports stadium.

Name and postal address 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 (club registration, 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 (ie 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(s) for which Special Safety Certificate is required.

2. Date(s) of event(s).

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, and competitors, on any similar event held at the stadium.

Event	*Date held*	*Total Attendance*		
		Seated Spectators	*Standing Spectators*	*Competitors*

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 in Scotland designated by the Secretary of State as requiring such certificates and in respect of appeals in connection with their issue, amendment, replacement or transfer. The Regulations also empower local authorities to determine the fees to be charged for safety certificates.

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