POLICY NOTE

THE SPORTS GROUNDS AND SPORTING EVENTS (DESIGNATION) (SCOTLAND) AMENDMENT (NO. 2) ORDER 2022

SSI 2022/263

The above instrument was made in exercise of the powers conferred by section 18 of the Criminal Law (Consolidation)(Scotland) Act 1995. The instrument is subject to negative procedure.

Purpose of the instrument. The Sports Grounds and Sporting Events (Designation) (Scotland) Order 2014 ("the 2014 Order") designated the sports grounds, the classes of sporting events played at those grounds and the classes of sporting events outside Great Britain for the purposes of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995 (sporting events: control of alcohol etc.).

The 2014 Order was amended in 2022 to properly reflect the current lists of grounds and events to which the Act should apply at that time. The 2014 Order also needed to be updated to include football matches in the competition for the UEFA Europa Conference League.

This order provides a further update to reflect the relevant sports grounds for the 2022-23 season, taking account of promotions, relegations and other changes following the end of season 2021-22.

Policy Objectives

Alcohol and other controls at sporting events were introduced in Scotland in 1980 for reasons of public order and safety. Provision for such controls is currently set out in Part II of the Criminal Law (Consolidation) (Scotland) Act 1995 ("the 1995 Act").

The principal purpose of the instrument is to update the list of home grounds of Scottish football clubs for the purposes of Schedule 1 of the Sports Grounds and Sporting Events (Designation) (Scotland) Order 2014 as amended in 2022. These changes are required in light of promotions to and relegation from the Scottish football pyramid and to ensure consistency of approach over the application of the alcohol and other controls framework set out in Part II of the 1995 Act.

Part II of the 1995 Act imposes certain restrictions on the sale and consumption of alcohol at designated grounds for designated sporting events.
Designation, as proposed, will mean that it is an offence to:

- be in possession of alcohol or a controlled container in a designated ground for a designated event or attempt to take alcohol in to a designated ground for a designated event*;
- attempt to enter while drunk, or be drunk in, a designated ground at a designated event*;
- carry alcohol or be drunk on a coach or train specifically hired for the carrying of supporters to a designated event at a designated ground;
- drink in corporate areas overlooking the field of play* unless the blinds are closed or

curtains drawn (but does allow, subject to a licence being granted, drinking in hospitality areas in the grounds of the stadium and in stadium car parks).

* During the relevant period of a designated event which is the period commencing two hours before the start and ending one hour after the end of a designated sporting event.

The other controls that are provided for in Part II of the 1995 Act, as part of an overall package, relate to the possession of controlled substances (such as flares or fireworks) and controlled containers (such as bottles).

It is proposed that the football clubs directly affected and other interested parties are notified of the Order when it is laid before Parliament to alert them to the proposed changes and also when the Order clears the Parliamentary process.

Were the 2014 Order not to be updated, the impact would be that it could raise a problem with the application of the legislation as some offences require the accused to have been within a designated sports ground during the period of a designated event, so without the ground being designated, it may be that the offence is not complete.

The Policy objective is therefore to ensure the list of grounds and events reflects the current position to avoid the impact set out above.

Consultation

Consultation has taken place with the Scottish Football Association to ensure the list of grounds and events reflects the current position and with both the SFA and Police Scotland on the scope and extent of the list of grounds and events, for examples to include women's football and senior or junior football. The Scottish Government has agreed with both parties that the scope and extent of the list should remain as is currently the case and that the list should simply be updated.

No formal consultation process has taken place with the football clubs. The clubs are subject to the provisions of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995.

Impact Assessments

A Business and Regulatory Impact Assessment (BRIA) has been completed on the draft SSI and is attached. There are no equality/children's/privacy, etc. impact issues.

Financial Effects

The instrument has no financial effects on the Scottish Government or local government. It may have some effect on the football clubs whose grounds are identified in this Order if they currently permit the sale of alcohol at their grounds from which they receive an income, as the clubs have not previously been subject to the provisions of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995.

Scottish Government
Directorate for Population Health
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