EXECUTIVE NOTE

THE SPORTS GROUNDS AND SPORTING EVENTS (DESIGNATION) (SCOTLAND) AMENDMENT ORDER 2012

S.S.I. 2012/164

The above instrument was made in exercise of the powers conferred by section 18 of the Criminal Law (Consolidation) (Scotland) Act 1995. It amends the Sports Grounds and Sporting Events (Designation) (Scotland) Order 2010 (S.S.I 2010/199). The instrument is subject to negative resolution procedure.

Policy Objectives

Alcohol and other controls at sporting events were introduced in Scotland in 1980 for reasons of public order and safety.

The principal purpose of the instrument is to ensure that the football matches to be played at Hampden Park, Glasgow as part of the 2012 London Olympics programme are designated for the purposes of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995. The wording used reflects that used for England and Wales and ensures a consistency of approach across the UK as well as bringing a major football tournament in line with other major football events in Scotland.

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).

In light of information received from the Scottish Football League, the opportunity is also taken to amend the home grounds of East Fife FC, Stirling Albion FC, Livingston FC and

Ross County FC for the purposes of The Sports Grounds and Sporting Events (Designation) (Scotland) Order 2010 Schedule 1.

It is proposed that the four 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.

Consultation

The views of Strathclyde Police and the Crown Office and Procurator Fiscal Service have been taken as to designation of the football matches to be played at Hampden Park as part of the 2012 London Olympics programme.

No formal consultation process has taken place with football clubs as the Order merely seeks to amend the names of the home grounds of East Fife FC, Stirling Albion FC, Livingston FC and Ross County FC. The clubs have been subject to the provisions of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995.

No consultation has taken place with National Stadium Limited, the operators of Hampden Park as the stadium is already designated for the purposes of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995.

Financial Effects

The instrument has no financial effects on the Scottish Government or local government. It will have no effect either on any of the football clubs identified in this Order as the clubs have been subject to the provisions of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995. Hampden Park is already a designated sports ground for the purposes of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995.

Scottish Government Sport and Physical Activity Division
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