POLICY NOTE

THE SPORTS GROUNDS AND SPORTING EVENTS (DESIGNATION) (SCOTLAND) AMENDMENT ORDER 2024

SSI 2024/352

The above instrument was made in exercise of the powers conferred by section 18 of the Criminal Law (Consolidation) (Scotland) Act 1995 and all other powers enabling the Scottish Ministers to do so. The instrument is subject to negative procedure.

Summary Box

The Sports Grounds and Sporting Events (Designation) (Scotland) Order 2014 (SSI 2014/5) ("the 2014 Order") designates 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 above instrument amends the list of designated sports grounds in schedule 1 of the 2014 Order to reflect a promotion to and a relegation from the relevant levels of the Scottish football pyramid.

Policy Objectives

Alcohol-related and other controls at sporting events were introduced in Scotland in 1980 for reasons of public order and safety. Provision for such controls (with corresponding offences and police powers of enforcement) is currently set out in Part II (sporting events: control of alcohol etc.) of the Criminal Law (Consolidation) (Scotland) Act 1995 ("the 1995 Act").

The principal purpose of the instrument is to update the list of designated sports grounds (home grounds of Scottish football clubs) in schedule 1 of the 2014 Order. These changes are required in light of a promotion to and a relegation from the relevant levels of the Scottish football pyramid and to ensure consistency of approach over the application of the alcohol and other controls and offences framework set out in Part II of the 1995 Act.

Part II of the 1995 Act establishes criminal offences, including offences concerning the possession of alcohol and "controlled containers", and of being intoxicated by alcohol, in the "relevant area" of a designated sports ground during "the period of a designated sporting event". The offences under Part II of the 1995 Act which are relevant to the above instrument are that it is an offence to:

- be in possession of alcohol or a controlled container in, or while attempting to enter, the "relevant area" of a designated sports ground[1] at any time during the "period of a designated sporting event"[2];

[1] "The relevant area" of a designated sports ground includes corporate areas overlooking the field of play unless the blinds are closed or curtains drawn (however, subject to a licence being granted, it would not be an offence to drink in hospitality areas in the grounds of the stadium and in stadium car parks as these areas would not fall within the definition of "the relevant area" of a designated sports ground)

[2] "The period of a designated sporting event" means the period commencing two hours before the start and ending one hour after the end of a designated sporting event (with different definitions of this period applying in the circumstances where the start of an event is delayed or the event is postponed or cancelled)

• be drunk in, or be drunk while attempting to enter, the "relevant area" of a designated sports ground at any time during the "period of a designated sporting event"; and
• be in possession of alcohol or be drunk on a coach or train specifically hired for the carrying of supporters for all or part of the journey to or from a designated sporting event at a designated sports ground.

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

The Policy objective of the above instrument is to ensure the list of designated sports grounds in the 2014 Order reflects the home grounds of the current football teams within the relevant levels of the Scottish football pyramid, to ensure that the relevant offences under Part II of the 1995 Act, outlined above, and the corresponding enforcement powers of the police, will apply to those sports grounds.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility
The Scottish Ministers have made the following statement regarding children's rights.

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Sports Grounds and Sporting Events (Designation) (Scotland) Amendment Order 2024 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration
This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation
No formal consultation process has taken place with the football clubs as the instrument merely seeks to update the list of home grounds of Scottish football clubs at the relevant levels of the Scottish football pyramid which are classed as "designated sports grounds" for the purposes of Part II of the 1995 Act. The clubs are subject to the provisions of Part II of the 1995 Act, the impact of which is widely known and understood within football.

Consultation has taken place with the Scottish Football Association ("SFA") to ensure that the lists of designated sports grounds and designated sporting events in the 2014 Order reflect the current position. Consultation has also taken place with the SFA and SPFL since the end of the 2023/24 season on the scope and extent of the lists of designated sports grounds and designated sporting events, to ensure these remain fit for purpose. The Scottish Government has agreed with both the SFA and SPFL that the scope and extent of both lists should remain as is currently the case and that the lists should simply be updated as needed.

Impact Assessments
A Business and Regulatory Impact Assessment ("BRIA") has been not been completed for this instrument due to the instrument being expected to have a minimal impact on the football sector and due to recognition that this is an annual process regarding a very widely known set

of restrictions and which is required to reflect promotions and relegations in the Scottish football pyramid.

A Child Rights and Wellbeing Impact Assessment has been completed on the draft instrument and is attached. There are no children's rights impact issues.

Financial Effects
The instrument has no financial effects on the Scottish Government or local government. The restrictions which apply under Part 2 of the 1995 Act and the 2014 Order (as amended) are long-standing and widely known to clubs within the football pyramid and so any clubs impacted would be aware of what, if any, operational changes are required to comply with the legislation due to being promoted to a higher level of the football pyramid.

Scottish Government
Directorate for Population Health

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