

EXPLANATORY MEMORANDUM TO THE

THE FOOTBALL SPECTATORS (PRESCRIPTION) ORDER 2004

2004 No. 2409

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This instrument will, subject to annulment in pursuance of a resolution of either House, come into force on 11 October 2004 and revise the definition of a regulated football match under the Football Spectators Act 1989. The revision expands the definition to cover all matches involving member clubs of the Football Conference and the League of Wales.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Background:

4.1 The instrument is made under sections 14(2), 18(1) and (2) and 22A(1) of the Football Spectators Act 1989, and section 3(1)(a) of the Football (Disorder) Act 2000.

5. Extent:

5.1 The instrument applies to England and Wales.

6. European Convention on Human Rights:

6.1 In the view of the Parliamentary Under Secretary of State for the Home Department, Caroline Flint, the provisions of the instrument are compatible with the Convention Rights.

7. Policy background:

7.1 The current definition of a regulated football match (as set out in Statutory Instrument 2000 No. 2126) excludes matches involving Football Conference members which are not played on grounds designated under the Safety of Sports Grounds Act 1975. This condition means that individuals subject to football banning orders are not prevented from attending matches involving Football Conference League clubs unless the matches are played in designated grounds. It also means that the courts are only able to impose football banning orders on individuals convicted of football related offences in connection with matches played at designated grounds.

7.2 League of Wales matches are not covered by the current definition. Member clubs also play in European competition, some of these matches are not covered by the current definition.

- 7.3 Article 3(2) sets out association football matches to be prescribed as regulated matches under the Football (Spectators) Act 1989. This will be any match in which one or both participating teams represent a club which is a member of the Football League, Football Association Premier League, Football Conference or League of Wales, or represents a country or territory.
- 7.4 Article 4(2) sets out association football matches outside England and Wales to be prescribed as regulated matches under the Football (Spectators) Act 1989. This will be any match involving a national team appointed by the Football Association of England to represent England, or the Football Association of Wales to represent Wales, or a match in which one or both participating teams represent a club which is a member of the Football League, Football Association Premier League, Football Conference or League of Wales.
- 7.5 Consultation has taken place with the Football Conference, Football League, Football Association Premier League, League of Wales, Football Association of Wales and the Football Licensing Authority. All organisations are supportive of the change.

8. Impact:

- 8.1 There will be no negative impact upon the football clubs whose home games become regulated matches. Individuals subject to football banning orders will be prevented from attending all Conference League and League of Wales matches as opposed to just those played in stadia designated under the Safety at Sports Grounds Act. The courts will be able to impose football banning orders against individuals convicted of football-related offences committed in connection with the matches now covered by the new definition.

9. Contact:

- 9.1 Further information on this instrument can be obtained from:
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