

EXPLANATORY MEMORANDUM

THE FOOTBALL (OFFENCES) (DESIGNATION OF FOOTBALL MATCHES) ORDER 2004 2004 No. 2410

**This explanatory memorandum is laid before Parliament
by Command of Her Majesty**

**This memorandum contains information for House of Lords Select Committee on the
Merits of Statutory Instruments**

Department responsible: Home Office

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 designated football match under the Football (Offences) Act 1991. The revision expands the definition to cover all matches involving member clubs of the Football Conference and the League of Wales.

Legislative Background:

2. The instrument is made under section 1(1) of the Football (Offences) Act 1991.

Extent:

3. The instrument applies to England and Wales.

European Convention on Human Rights:

4. In the view of the Minister of State for the Home Department, Caroline Flint, the provisions of the instrument are compatible with the Convention Rights.

Policy background:

5. The current definition of a designated football match (as set out in Statutory Instrument 2000 No. 2329) excludes matches involving Football Conference members which are not played on grounds designated under the Safety of Sports Grounds Act 1975. This condition means some matches involving clubs in the Football Conference are not covered by the by the current definition. Offences including missile throwing, racist chanting and pitch incursion committed at matches not designated cannot be prosecuted as football-related offences. On conviction, the courts are unable to impose football banning orders.
6. League of Wales matches are not covered by the current definition. Its member clubs also play in European competition, some of these matches are not covered by the current definition.
7. Section 4(2) sets out association football matches to be designated under the 1991 Act. 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.

Consultation:

8. The change has been agreed by the Football Conference, Football League, Football Association Premier League, League of Wales, Football Association of Wales and Football Licensing Authority. All organisations are supportive of the change.

Impact:

9. There will be no negative impact upon the football clubs whose home games become designated matches. The impact is that individuals engaging in missile throwing, racist chanting or pitch incursion will be committing offences under the 1991 Act. Upon conviction the court can impose a football banning order.

Contact:

10. Further information on this instrument can be obtained from:
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