

EXPLANATORY MEMORANDUM TO
THE SPORTS GROUNDS AND SPORTING EVENTS (DESIGNATION) ORDER 2005
2005 No. 3204

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 14th December 2005. It revises the definition of designated classes of sports ground and of designated classes of sporting events under the Sporting Events (Control of Alcohol etc.) Act 1985. The revision expands the definition to cover all football matches involving a member club of the Football Conference National Division and the Football Association of Wales (FAW) Welsh Premier League.

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

3.1 None.

4. Legislative Background

4.1 The instrument is made under section 9(2) and (3) of the Sporting Events (Control of Alcohol etc.) Act 1985.

5. Extent

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The current definition of a designated football match (as set out in S.I. 1985/1151, as amended by S.I. 1987/1520 and S.I. 1992/1554) does not cover matches involving clubs in the Football Conference National Division and the FAW Welsh Premier League. The Sporting Events (Control of Alcohol etc.) Act 1985 prevents:-

- drunken entry into a football ground (which, in practice, to be an arrestable offence includes disorderly behaviour);
- the consumption of alcohol within view of the playing area;
- the consumption of alcohol on certain coaches, trains and motor vehicles travelling to a designated football match;

- the possession of fireworks or flares.

7.2 The above provisions have traditionally applied to Premier and Football League grounds and only impacted on non-league clubs when they hosted a Premier or Football League side. This position reflected that prior to the Football Conference assuming a more significant status with multiple exchange of clubs with the Football League through promotion/relegation. This has resulted in a number of erstwhile Football League clubs, with large supporter bases including small but troublesome hooligan groups, becoming part of the Conference set-up.

7.3 The designation in this Order follows expanding coverage of football banning order and football offences legislation last year to include the Football Conference (all three divisions) and the Welsh Premier League.

7.4 To reflect these developments designation of the Act's provisions are being expanded to include matches involving Football Conference National Division clubs. This designation does not extend the definition to cover lower leagues, including the Football Conference's regional divisions, although the situation will continue to be monitored.

7.5 The only impact on clubs below the Football Conference National Division will be when they play matches against sides from the Football Conference National Division or Welsh Premier League (e.g. FA Cup, FA Trophy, friendlies). Non-league clubs' matches against clubs in the top four divisions are already covered by the existing designation. The Football Conference's own membership rules already require clubs in its National Division to include within their ground regulations conditions forbidding spectators from drunken entry, the consumption of alcohol within view of the playing area and the possession of fireworks, flares or similar.

7.7 This Statutory Instrument continues to apply the designation process to association football matches only. Schedule 1 sets out sports grounds to be designated under the 1985 Act. This will be any sports ground in England or Wales. Schedule 2 sets out the classes of sporting events to be designated under the 1985 Act. This will be any association football 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 National Division, the Scottish Football League or the FAW Welsh Premier League, or represents a country or territory. The Sporting Events (Control of Alcohol etc.) Act 1985 only applies if both ground and event are designated.

7.6 Home Department interest covers the public order provisions of the Act. Other sections cover alcohol licensing, responsibility for which rests with the Department for Culture, Media and Sport. Those sections of the Act which cover alcohol licensing will be repealed by the Licensing Act 2003 by an Order coming into effect on 24 November 2005. With repeal of the licensing provisions it is now timely to expand coverage of the extant public order provisions of the Act without any unnecessary impact upon licensing.

7.7 The revision continues the emphasis of designation applying to matches involving senior association football clubs. It takes into account the Football Conference's increased exchange of clubs with the Football League and increased

attendances, and the regular participation of FAW Welsh Premier League clubs in European club competition.

7.8 The impact will be enabling effective policing of football matches, with trouble makers subject to the same measures as those who attach themselves to Premier League and Football League clubs. Under Schedule 1 (as amended) of the Football Spectators Act 1989 such offences are football-related offences. Upon conviction the court can impose a football banning order.

7.9 The Scottish Football League is included as one of its member clubs, Berwick Rangers, play in England.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Martin Gooday at the Home Office, telephone: 0207 035 1815 or email: martin.gooday@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.