

EXPLANATORY MEMORANDUM TO
THE TICKET TOUTING (DESIGNATION OF FOOTBALL MATCHES) ORDER 2007

2007 No. 790

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 sets out the definition of a designated association football match for the purposes of the football ticket touting legislation in the Criminal Justice and Public Order Act 1994.

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

3.1 None.

4. Legislative Background

4.1 Section 166(2A) of the Criminal Justice and Public Order Act 1994 (as amended by the Violent Crime Reduction Act 2006) empowers the Secretary of State to make an order designating football matches for the purposes of Section 166 of the Act.

4.2 This is the first use of the new free-standing power for the designation of matches under Section 166(2A) of the amended 1994 Act. Previously a designated football match for the purposes of ticket touting legislation meant a football match of a description, or a particular football match, for the time being designated for the purposes of Part I of the Football Spectators Act 1989 or which was a regulated football match for the purposes of Part II of that Act.

4.3 This instrument is being made to establish the specific criteria of a designated association football match for the purposes of the football ticket touting legislation. The instrument replicates the existing designation of a regulated football match for the wider purposes of Part II of the Football Spectators Act 1989.

4.4 Ticket touting legislation makes it unlawful for an unauthorised person to sell a ticket for a designated game, or otherwise to dispose of such a ticket to another person. Reference to selling a ticket includes a reference to offering to sell a ticket, exposing a ticket for sale, making a ticket available for sale by another, advertising that a ticket is available for purchase, and giving a ticket to a person who pays or agrees to pay for some other goods or services or offering to do so.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

7.1 Legislation covering ticket touting applies to football matches because of the unique importance of segregation in reducing the potential for increased friction and disorder between rival fans. Ticket touting compromises this segregation, and for overseas matches can increase the risk to supporters who obtain tickets.

7.2 Section 166(2)(c) of the Criminal Justice and Public Order Act 1994, as amended by the Violent Crime Reduction Act 2006, establishes the power of the Secretary of State to make an order by Statutory Instrument, in pursuance of a resolution of either House of Parliament, designating descriptions of football matches for the purposes of section 166 of the Criminal Justice and Public Order Act 1994. Amendments within the Violent Crime Reduction Act 2006, to be commenced on 6th April 2007, update ticket touting provisions in connection with football to cover unauthorised internet ticket sales and other ticket touting practices designed to avoid prosecution under current provisions.

7.3 The Order continues the policy objective of designating all association football matches played in England and Wales at which there is a risk of disorder if segregation were to be compromised. The Order replicates the existing coverage of matches, as designated under the Football Spectators Act 1989.

7.4 The Order does this by designating all association football matches in England and Wales 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.

7.5 The Order also designates association football matches played outside England and Wales involving a national team representing England or Wales, or a team representing a club which is a member of the Football League, Football Association Premier League, Football Conference, or League of Wales. Also designated are matches in competitions or tournaments organised by or under the authority of FIFA or UEFA in which any of such English or Welsh domestic or national teams is eligible to participate or has participated

7.6 Eligibility to participate in, and participation in, any FIFA or UEFA organised match is not dependent on qualification for latter stages of a competition, or the finals of a tournament.

7.7 In practice, designation covers all matches in which an English or Welsh club side or national team could participate. This is necessary to avoid ticket touting for matches which would otherwise only become regulated matches once the competing teams are known. For example tickets for future Cup Finals and other prestigious matches, or tickets for matches in international tournaments (e.g. the World Cup) before it is known whether or not an English or Welsh club or national side has qualified.

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. The designation of football matches under this order is no different to the existing designation of football matches under the Football Spectators (Prescription) Order 2004 No. 2409 as amended by the Football Spectators (Prescription) (Amendment) Order 2006 No. 761.

9. Contact

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martin.gooday@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.