

**EXPLANATORY MEMORANDUM TO THE
FOOTBALL SPECTATORS (SEATING) ORDER 2007**

2007 No. 2038

1. Introduction

1.1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. This order directs the Football Licensing Authority (“FLA”) to include an “all-seater” requirement in licenses issued under section 10 of the Football Spectators Act 1989 to admit spectators to football matches at the home grounds of Milton Keynes Dons Football Club and Plymouth Argyle Football Club.

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

3.1. None

4. Legislative Background

4.1. Section 9 of the Football Spectators Act 1989 makes it an offence to admit spectators to a designated football match without a licence to admit spectators being in force. Football matches are designated by the Secretary of State by order under s1(2) of the 1989 Act and the current designation is set out in the Football Spectators (Designation of Football Matches in England and Wales) Order 2000 (S.I. 2000/3331). It includes any association football match which is played at a sports ground in England or Wales which is registered with the FA Premier League or Football League as the home ground of a club which is a member of the FA Premier League or Football League at the time the match is played. The FLA is responsible under section 10 for issuing licences to admit spectators on such terms and conditions as it considers appropriate. The Secretary of State has power under section 11 to issue a direction by order to the FLA requiring it to include conditions relating to seating, and it is this power which is being exercised in relation to the above order. Similar orders have been issued every year since 1994 under the Government’s “all seater” policy for football clubs in the FA Premier League and Coca-Cola Championship (see Policy Background section below).

5. Extent

5.1. The Football Spectators Act 1989 (under which this order is made) extends to England and Wales.

6. The 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. Following the Final Report of the 1989 Enquiry by the Rt Hon Lord Justice Taylor into the Hillsborough Stadium Disaster, the Government adopted an all-seater policy for all FA Premier League clubs and clubs in the Coca-Cola Championship. Since this Report, the FLA's licensing regime has led to major structural improvements at football grounds, making them much safer places for spectators.
- 7.2. Plymouth Argyle Football Club have played in the Championship (2nd division of Football) since 2004. Under our policy all Football League clubs promoted to the Championship are required to implement the all-seater policy within three years following their promotion. Plymouth Argyle Football Club has now had the three year period in which to convert their stadium.

Milton Keynes Dons Football Club currently play in League Two (4th division of Football) but having previously spent more than three years in the top two divisions, the club has been subject to an all seater requirement. A decision was taken to make an order for the club's new ground since it is an all seater stadium and has the potential to attract sizeable crowds.

- 7.3. This order formally directs the FLA to include the all seater requirement as a condition of the clubs' licenses to admit spectators. The main benefit will be improved assurance of spectator safety and effective crowd management at these two grounds.

8. Impact

- 8.1. A Regulatory Impact Assessment has not been prepared for this order as it implements a general policy of requiring certain stadiums to be all-seater in relation to two specific stadiums. The impact of the overall policy, i.e. costs of all-seater accommodation and the effect on safety, was considered at the time that the designation system was set up and it is therefore unnecessary to consider the impact of each individual designation

9. Contact

- 9.1. Rose Lubega at the Department for Culture, Media and Sport. Tel: 020 7211 6073 or email: rose.lubega@culture.gsi.gov.uk can answer any queries regarding the instrument.