

Statutory Instruments 2004 Nos. 2409 and 2410: The Football Spectators (Prescription) Order 2004 & The Football (Offences) (Designation of Football Matches) Order 2004

The above Orders came into force on 11 October 2004. They amend the definition of a regulated football match under the Football Spectators Act 1989 (football banning order legislation), and the definition of a designated match under the Football (Offences) Act 1991.

Football disorder and football banning order legislation applies to what are termed in law as being “regulated” and “designated” football matches. Matches involving Premier and Football League clubs were covered by the previous definition (SIs 2000/2126 and 2000/2329). However, the definition reflected the position prior to the Football Conference (now a three division feeder league to the Football League) being expanded and refined to provide automatic promotion/relegation between its top division and the Football League.

One consequence of this development was that individuals subject to football banning orders who associate themselves with clubs relegated to the Football Conference were able to attend some matches in the Football Conference and in minor cup competitions. Another was that offences committed in connection with these matches could not be classified as football related, as they were not covered by Schedule 1 (as amended) of the Football Spectators Act 1989, and the courts could not impose banning orders on conviction for such offences.

The amended definition of a regulated football match applies to all persons subject to football banning orders, irrespective of when their ban was imposed

The amended definitions correct previous anomalies. It is no longer relevant whether or not a match is played in a ground designated under the Safety at Sports Ground Act 1975. However, it should be noted that some football related alcohol offences are not currently covered by the new definition. This is because a separate designation order covers offences under the Sporting Events (Control of Alcohol etc.) Act 1985. This order is currently being reviewed but until any change has been approved by Parliament, offences committed under the 1985 Act at matches involving Conference and League of Wales clubs' matches fall outside of the definition of a football-related offence for banning order purposes, unless the opposition is a FA Premier or Football League club. Further advice will be issued when the designation order for the 1985 Act is amended.

The amended definitions now cover all matches involving clubs in the FAW Welsh Premier League.

There is no change to the definition of matches played outside of

England and Wales.

For details on how the legislation now applies please see the attached Operational Guidance note.

DEFINITION OF REGULATED & DESIGNATED FOOTBALL MATCHES (OCTOBER 2004)

Guidance note

Guidance on Football Related Legislation is provided in Home Office Circular 34/2000.

This note covers the main impact of amended definitions of what constitutes regulated and designated football matches in England and Wales. The amendments are provided in Statutory Instruments:

- The Football Spectators (Prescription) Order 2004/2409; and
- The Football (Offences) (Designation of Football Matches) Order 2004/ 2410

The Statutory Instruments came into effect on 11 October 2004.

There is no change to the definition of a regulated football match played outside of England and Wales.

The new definition for matches played in England and Wales is:

"an association football match in which one or both of the participating teams represents a club which is for the time being a member (whether a full or associate member) of the Football League, the Football Association Premier League, the Football Conference or the League of Wales, or represents a country or territory"

In practice this means that: -

- all individuals subject to football banning orders are prevented from attending any match involving one or more member club of the Football League, FA Premier League, Football Conference (all three divisions) or FAW Welsh Premier League clubs, or any international fixture played in England and Wales;
- any offence listed in Schedule 1 of the Football Spectators Act 1989 (attached) committed in connection with a match covered by the new definition can be designated a football-related offence for football banning order purposes - this means that on conviction, there is a obligation in law on the court to impose a football banning order or explain in open court why they have decided not to impose such an order;
- Exceptions are offences committed under the Sporting Events (Control of Alcohol etc.) Act 1985. A separate Statutory Instrument covers this Act. Only matches in which one or both of the

participating teams represent a club which is a member of the FA Premier League or the Football League, or international matches or matches in European club competition are covered. Home Office is currently reviewing this Order in consultation with key agencies.

- The amended definition applies to all football banning orders, not just those made after 11 October 2004. All persons subject to a banning order made prior to 11 October 2004 are prevented from attending any regulated football match, as defined by The Football Spectators (Prescription) Order 2004/2409.

Home Office
Football Disorder Section
October 2004

FOOTBALL SPECTATORS ACT 1989

Schedule 1 (as amended)

Relevant Offences

1. This Schedule applies to the following offences:
 - a. any offence under section 2(1), 5(7), 14J(1) or 21C(2) of this Act;
 - b. any offence under section 2 or 2A of the Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol, containers and fireworks) committed by the accused at any football match to which this Schedule applies or while entering or trying to enter the ground;
 - c. any offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;
 - d. any offence involving the use or threat of violence by the accused towards another person committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;
 - e. any offence involving the use or threat of violence towards property committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave, the premises;

- f. any offence involving the use, carrying or possession of an offensive weapon or a firearm committed during a period relevant to a football match to which this Schedule applies at any premises while the accused was at, or was entering or leaving or trying to enter or leave the premises.
- g. any offence under section 12 of the Licensing Act 1872 (persons found drunk in public places, etc.) of being found drunk in a highway or other public place committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches;
- h. any offence under section 91(1) of the Criminal Justice Act 1967 (disorderly behaviour while drunk in a public place) committed in a highway or other public place while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches;
- i.
- j. any offence under section 1 of the Sporting Events (Control of Alcohol etc.) Act 1985 (alcohol on coaches or trains to or from sporting events) committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches;
- k. any offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred) committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches;
- l. any offence under section 4 or 5 of the Road Traffic Act 1988 (driving etc. when under the influence of drink or drugs or with an alcohol concentration above the prescribed limit) committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches;
- m. any offence involving the use or threat of violence by the accused towards another person committed while one or each of them was on a journey to or from a football match to which this Schedule applies being an offence as respects which the court makes a declaration that the offence related to football matches;
- n. any offence involving the use or threat of violence towards property committed while the accused was on a journey to or from a

designated football match being an offence as respects which the court makes a declaration that the offence related to football matches;

- o. any offence involving the use, carrying or possession of an offensive weapon or firearm committed while the accused was on a journey to or from a football match to which this Schedule applies being an offence as regards which the court makes a declaration that the offence related to football matches.
- p. any offence under the Football (Offences) Act 1991.
- q. any offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of the Act (racial hatred) -
 - (i) which does not fall within paragraph (c) or (k),
 - (ii) which was committed during a period relevant to a football match to which this Schedule applies, and
 - (iii) as respects which the court makes a declaration of relevance that the offence related to a match or to that match and any other football match which took place during that period;
- r. any offence involving the use or threat of violence by the accused towards another person –
 - (i) which does not fall within paragraph (d) or (m),
 - (ii) which was committed during a period relevant to a match to which this Schedule applies, and
 - (iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period;
- s. any offence involving the use or threat of violence towards property -
 - (i) which does not fall within paragraph (e) or (n) above,
 - (ii) which was committed during a period relevant to a football match to which this Schedule applies, and
 - (iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period;
- t. any offence involving the use, carrying or possession of an offensive weapon or a firearm –
 - (i) which does not fall within paragraph (f) or (o) above,
 - (ii) which was committed during a period relevant to a football match to which this Schedule applies and;
 - (iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football matches which took place during that period;

- u. any offence under section 166 of the Criminal Justice and Public Order Act 1994 (sale of tickets by unauthorised persons) which relates to tickets for a football match.
2. Any reference to an offence in paragraph 1 above includes –
 - (a) a reference to any attempt, conspiracy or incitement to commit that offence; and
 - (b) a reference to aiding and abetting, counselling or procuring the commission of that offence
 3. For the purposes of paragraphs 1(g) to (o)
 - (a) a person may be regarded as having been on a journey to or from a football match to which this Schedule applies whether or not he attended or intended to attend the match; and
 - (b) a person's journey includes breaks (including overnight breaks).
 4. In this Schedule "football match" means a match which is a regulated football match for the purposes of Part II of this Act.

All football matches involving one or more club who is a member of the Football Conference (all three divisions) and the FAW Welsh Premier League are now covered by the Football Spectators Act 1989 and the Football (Offences) Act 1991.

Membership of these competitions changes following promotion and relegation movement at the end of every season. The following clubs are members of the Football Conference and FAW Welsh Premier League for 2005/6 season:-

Conference National

Accrington Stanley
Aldershot Town
Altrincham
Burton Albion
Cambridge United
Canvey Island
Crawley Town
Dagenham & Redbridge
Exeter City
Forest Green Rovers
Gravesend & Northfleet
Grays Athletic
Halifax Town
Hereford United
Kidderminster Harriers
Morecambe
Scarborough
Southport
Stevenage Borough
Tamworth
Woking
York City

Conference South

Basingstoke Town
Bishop's Stortford
Bognor Regis Town
Cambridge City
Carshalton Athletic
Dorchester Town
Eastbourne Borough
Eastleigh^
Farnborough Town
Havant & Waterlooville
Hayes
Histon^
Lewes

Maidenhead United
Newport County
St Albans City
Sutton United
Thurrock
Welling United
Weston-super-Mare
Weymouth
Yeading^

Conference North

Alfreton Town
Barrow
Droylsden
Gainsborough Trinity
Harrogate Town
Hednesford Town^
Hinckley United
Hucknall Town
Hyde United^
Kettering Town
Lancaster City
Leigh RMI
Moor Green
Northwich Victoria
Nuneaton Borough
Redditch United
Stafford Rangers
Stalybridge Celtic
Vauxhall Motors
Worcester City
Workington AFC^
Worksop Town

Welsh Premier League

Aberystwyth Town
Airbus UK
Bangor City
Caernarfon Town
Caersws
Carmarthen Town
Connah's Quay Nomads
Cwmbran Town
Grange Harlequins^
Haverfordwest County
Llanelli
Newi Cefn Druids
Newtown

Port Talbot Town
Porthmadog
Rhyl
TNS
Welshpool Town

Note: clubs denoted by ^ have been promoted to this level for 2004/5 season. Last season their matches were not covered by the legislation (unless the opposition were a club from a higher level)

Updated 8 July 2005
Home Office

Football disorder legislation coverage of the Football Conference

With the new season approaching it could be useful to reinforce awareness that football banning order and football disorder legislation applies to all matches involving member clubs of the Football Conference National, North and South divisions.

Last season Home Office received a number of queries from individuals involved in the matchday safety and security operation at Football Conference clubs. These indicated not all parties were aware matches at this level are now covered by the legislation. Consequently it seems on a number of occasions enforcement action was not taken when it would have been appropriate to do so. Furthermore clubs promoted from the Football Conference's feeder leagues were not previously covered, and relevant parties may be unaware.

We have widely disseminated our guidance, but in addition I would be grateful if you could circulate the attached documents to the secretaries of all Football Conference clubs, to reinforce their awareness and enable them to bring it to the attention of the chief officer responsible for policing their club's matches.

The documents are; the generic letter introducing the legislative change and Home Office guidance on the definition of regulated and designated football matches (updated to reflect 2005/6 season league composition). The Statutory Instruments and their Explanatory Memoranda can be viewed at www.opsi.gov.uk/si/si200424.htm.

The expanded coverage has no negative impact or onerous responsibilities for the clubs concerned. Individuals subject to football banning orders are prevented from attending all matches involving one or more teams who are a member of the Football Conference (all three divisions) or Welsh Premier League matches. This removes the discrepancy whereby only matches played on grounds designated under the Safety at Sports Grounds Act (14 clubs prior to enactment) or against Football League or FA Premier League clubs were covered. Additionally offences of missile throwing, racist chanting and pitch incursion can now be prosecuted as football-related offences, and courts are able to impose football banning orders against individuals convicted of these and other football-related offences.

13 August 2004

Football banning orders and football offences

Football banning order and football offences legislation is currently anomalous at the Football Conference level. Some clubs' matches are covered by the Football Spectators Act 1989, Football (Disorder) Act 2000 and Football (Offences) Act 1991, whilst others are not. Similarly only some matches played by League of Wales clubs are covered. Government would like to address these discrepancies, and extend the definitions for regulated and designated matches to cover matches involving member clubs of the entire Football Conference (National, North and South divisions) and the League of Wales.

The Home Office's proposal is to change the definition of both regulated and designated matches (not designation under the control of alcohol, see paragraph 6) to: -

“As association football match in which one or both of the participating teams represents a club which is for the time being a member of the Football League, the Football Association Premier League, the Football Conference or the League of Wales, or represents a country or territory.”

The amended definitions would cover matches played by Football Conference and League of Wales member clubs in all competitions. To make this change the Home Secretary would exercise his powers under the Acts to make two orders, by way of Statutory Instrument.

I invite any comments your organisation has on this proposed change. Please could I have your response by 27 August 2004.

Control of alcohol

The control of alcohol at sporting events is covered by the Sporting Events (Control of Alcohol etc) Act 1985. The Secretary of State designates by order sports grounds and sporting events covered by the Act. I enclose a copy of page 27 from Home Office Circular 34/2000 listing the current designations.

Currently the only matches hosted by “non-league” clubs covered by the Act are those in which the opposition club is a member of the FA Premier League or Football League. There may be a need to redefine the designated classes of sporting events to include football matches in which one or both participant clubs are members of the Football Conference or League of Wales. Amending this definition of designation could be just to cover member clubs of the Football Conference

National division.

Nationwide Football Conference 2004/5 season

Designated Grounds under the Safety at Sports Ground Act 1975

Aldershot Town
Barnet
Carlisle United
Exeter City
Halifax Town
Hereford United
Leigh RMI
Morecambe
Scarborough
York City

Not Designated

Accrington Stanley
Burton Albion
Canvey Island
Crawley Town
Dagenham & Redbridge*
Farnborough Town
Forest Green Rovers
Gravesend & Northfleet
Northwich Victoria
Stevenage Borough
Tamworth
Woking

June 2005

**Football Conference – clubs covered by current football banning order
and football offences SIs**

National Division covered

Aldershot Town
Barnet
Carlisle United
Exeter City
Halifax Town
Hereford United
Leigh RMI
Morecambe
Scarborough
York City

National Division not covered

Accrington Stanley
Burton Albion
Canvey Island
Crawley Town
Dagenham & Redbridge
Farnborough Town
Forest Green Rovers
Gravesend & Northfleet
Northwich Victoria
Stevenage Borough
Tamworth
Woking

Northern Division covered

Kettering Town
Nuneaton Borough
Southport
Worcester City

As at 19 August 2004