



# Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

## PART 2

### PUBLIC ORDER ETC.

#### CHAPTER 1

##### FOOTBALL BANNING ORDERS

###### *Making and content of orders*

### 52 Making of order on application to the sheriff

- (1) The chief constable of [<sup>F1</sup>the Police Service of Scotland] may apply for a football banning order against any person—
  - <sup>F2</sup>(a) .....
  - <sup>F2</sup>(b) .....
- (2) An application under subsection (1) may be made to any sheriff—
  - (a) in whose sheriffdom the person against whom the order is sought resides;
  - (b) in whose sheriffdom that person is believed by the applicant to be; or
  - (c) to whose sheriffdom that person is believed by the applicant to be intending to come.
- (3) An application under subsection (1) is to be made by summary application.
- (4) A sheriff may make a football banning order if satisfied that—
  - (a) the person against whom the order is sought has at any time contributed to any violence or disorder in the United Kingdom or elsewhere; and
  - (b) there are reasonable grounds to believe that making the order would help to prevent violence or disorder at or in connection with any football matches.

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*Changes to legislation:* There are currently no known outstanding effects for the Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 52. (See end of Document for details)

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- (5) Subsections (6) and (8) apply where a sheriff is determining whether to make a football banning order against a person.
- (6) The sheriff may take into account the matters mentioned in subsection (7) (amongst others), so far as considering it appropriate to do so.
- (7) Those matters are—
- (a) any decision of a court or tribunal outside the United Kingdom in respect of the person;
  - (b) the person's deportation or exclusion from a country or territory outside the United Kingdom;
  - (c) the person's removal or exclusion from premises used for playing football matches, whether in the United Kingdom or elsewhere;
  - (d) the person's conduct recorded on video or by any other means.
- (8) The sheriff may not take into account anything done by the person before the beginning of the relevant period, except circumstances ancillary to a conviction.
- (9) In subsection (8)—
- “the relevant period” means the period of 10 years ending with the day on which the application for the order was made; and
- “circumstances ancillary to a conviction” has the same meaning as it has for the purposes of section 4 of the Rehabilitation of Offenders Act 1974 (c. 53).
- (10) Subsection (8) does not prejudice anything in the Rehabilitation of Offenders Act 1974 (c. 53).
- (11) On making a football banning order, the sheriff must explain to the person (if present in court) in ordinary language the effect of the order.
- (12) But failure to comply with subsection (11) does not affect the order's validity.

#### Textual Amendments

- F1** Words in s. 52(1) substituted (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(12\)\(a\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F2** S. 52(1)(a)(b) repealed (1.4.2013) by [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), s. 129(2), [Sch. 7 para. 33\(12\)\(b\)](#); S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)

**Changes to legislation:**

There are currently no known outstanding effects for the Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 52.