



Football Spectators Act 1989

1989 CHAPTER 37

PART II

FOOTBALL MATCHES OUTSIDE ENGLAND AND WALES

Preliminary

14 Scope and interpretation of this Part.

- (1) This Part of this Act applies in relation to football matches played in any country outside England and Wales which are designated football matches and the following provisions have effect for its interpretation.
- (2) “Designated football match” means any such match of a description for the time being designated for the purposes of this Part by order made by the Secretary of State or a particular such match so designated.
- (3) The power to make orders under subsection (2) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) [^{F1}An “international football banning order”] means an order of a court under section 15 or 22 below requiring the person to whom the order applies to report to a police station on the occasion of designated football matches.
- (5) The offences “relevant” for the making by a court of a [^{F1}an international football banning order] are those specified in Schedule 1 to this Act as relevant offences (with or, as the case may be, without a declaration of relevance).
- (6) In the application of Schedule 1 to this Act for the purposes of this Part of this Act the references in that Schedule to designated football matches are references to football matches designated for the purposes of Part I of this Act except that in paragraphs (h), (i), (k) [^{F2}, (l) and (n) to (p)] they include references to football matches designated under subsection (2) above; and section 1(8) [^{F3}and (8A)] above applies for the interpretation of references to periods relevant to designated football matches.

Status: Point in time view as at 27/09/1999. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Part II. (See end of Document for details)

- (7) The “enforcing authority” means such organisation established by the Secretary of State under [^{F4}section 57 of the Police Act 1996] (common services organisations) as the Secretary of State designates for the purposes of this Part of this Act by order made by statutory instrument.
- (8) An order under subsection (2) above may, in relation to any description of football match or any particular football match specified in the order, direct that reporting is obligatory for all persons subject to [^{F1}international football banning orders] or that reporting is obligatory only for such persons subject to [^{F1}international football banning orders] as are required to report under section 19(3)(b) below.
- (9) In this Part of this Act—
- “country” includes territory;
- [^{F5}“declaration of relevance”, in relation to an offence specified in paragraphs (f) to (l) and (n) to (p) of Schedule 1 to this Act, means the declaration specified in that paragraph;]
- “imprisonment” includes any form of detention (or, in the case of a person under twenty-one years of age sentenced to custody for life, custody),
- “prison” includes any place where a person is detained or in such custody and
- “discharge” from prison does not include temporary discharge.

Textual Amendments

- F1** Words in s. 14(4)(5)(8) substituted (27.9.1999) by 1999 c. 21, **ss. 1(2)(a)-(c)**, 12(2) (with s. 12(3))
- F2** Words in s. 14(6) substituted (27.9.1999) by 1999 c. 21, **ss. 2(4)**, 12(2) (with s. 12(3))
- F3** Words in s. 14(6) substituted (27.9.1999) by 1999 c. 21, **ss. 2(3)**, 12(2) (with s. 12(3))
- F4** Words in s. 14(7) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104, **Sch. 7 Pt. II para. 42**
- F5** Definition of
“declaration of relevance”
in s. 14(9) substituted (27.9.1999) by 1999 c. 21, **ss. 2(5)**, 12(2) (with s. 12(3))

Modifications etc. (not altering text)

- C1** S. 14(6)(9) applied (27.9.1999) by 1986 c. 64, **s. 31(2)(3)** as substituted (27.9.1999) by 1999 c. 21, **ss. 7(1)**, 12(2) (with s. 12(3))

VALID FROM 28/08/2000

[^{F6}Banning orders]

Textual Amendments

- F6** Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

^{F7}14A [Banning orders made on conviction of an offence.]

- (1) This section applies where a person (the “offender”) is convicted of a relevant offence.

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- (2) If the court is satisfied that there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated football matches, it must make such an order in respect of the offender.
- (3) If the court is not so satisfied, it must in open court state that fact and give its reasons.
- (4) A banning order may only be made under this section—
 - (a) in addition to a sentence imposed in respect of the relevant offence, or
 - (b) in addition to an order discharging him conditionally.
- (5) A banning order may be made as mentioned in subsection (4)(b) above in spite of anything in sections 12 and 14 of the Powers of the Criminal Courts (Sentencing) Act 2000 (which relate to orders discharging a person absolutely or conditionally and their effect).
- (6) In this section, “the court” in relation to an offender means—
 - (a) the court by or before which he is convicted of the relevant offence, or
 - (b) if he is committed to the Crown Court to be dealt with for that offence, the Crown Court.

Textual Amendments

F7 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

[^{F8}14B Banning orders made on a complaint.

- (1) An application for a banning order in respect of any person may be made by the chief officer of police for the area in which the person resides or appears to reside, if it appears to the officer that the condition in subsection (2) below is met.
- (2) That condition is that the respondent has at any time caused or contributed to any violence or disorder in the United Kingdom or elsewhere.
- (3) The application is to be made by complaint to a magistrates’ court.
- (4) If—
 - (a) it is proved on the application that the condition in subsection (2) above is met, and
 - (b) the court is satisfied that there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated football matches,the court must make a banning order in respect of the respondent.]

Textual Amendments

F8 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

Modifications etc. (not altering text)

C2 Ss. 14B, 21A, 21B restricted (28.7.2000) by 2000 c. 25, **s. 5(2)-(5)**,

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[^{F9}14C Banning orders: supplementary.

- (1) In this Part, “violence” means violence against persons or property and includes threatening violence and doing anything which endangers the life of any person.
- (2) In this Part, “disorder” includes—
 - (a) stirring up hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins, or against an individual as a member of such a group,
 - (b) using threatening, abusive or insulting words or behaviour or disorderly behaviour,
 - (c) displaying any writing or other thing which is threatening, abusive or insulting.
- (3) In this Part, “violence” and “disorder” are not limited to violence or disorder in connection with football.
- (4) The magistrates’ court may take into account the following matters (among others), so far as they consider it appropriate to do so, in determining whether to make an order under section 14B above—
 - (a) any decision of a court or tribunal outside the United Kingdom,
 - (b) deportation or exclusion from a country outside the United Kingdom,
 - (c) removal or exclusion from premises used for playing football matches, whether in the United Kingdom or elsewhere,
 - (d) conduct recorded on video or by any other means.
- (5) In determining whether to make such an order—
 - (a) the magistrates’ court may not take into account anything done by the respondent before the beginning of the period of ten years ending with the application under section 14B(1) above, except circumstances ancillary to a conviction,
 - (b) before taking into account any conviction for a relevant offence, where a court made a statement under section 14A(3) above (or section 15(2A) below or section 30(3) of the ^{M1}Public Order Act 1986), the magistrates’ court must consider the reasons given in the statement,

and in this subsection “circumstances ancillary to a conviction” has the same meaning as it has for the purposes of section 4 of the ^{M2}Rehabilitation of Offenders Act 1974 (effect of rehabilitation).
- (6) Subsection (5) does not prejudice anything in the ^{M3}Rehabilitation of Offenders Act 1974.]

Textual Amendments

F9 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

Marginal Citations

M1 1986 c. 64.
M2 1974 c. 53.
M3 1974 c. 53.

Status: Point in time view as at 27/09/1999. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Part II. (See end of Document for details)

[^{F10}14D Banning orders made on a complaint: appeals.

- (1) An appeal lies to the Crown Court against the making by a magistrates' court of a banning order under section 14B above.
- (2) On the appeal the Crown Court—
 - (a) may make any orders necessary to give effect to its determination of the appeal, and
 - (b) may also make any incidental or consequential orders which appear to it to be just.
- (3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) is to be treated for the purposes of this Part as if it were an order of the magistrates' court from which the appeal was brought.]

Textual Amendments

F10 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), Sch. 1 para. 2; S.I. 2000/2125, art. 2

[^{F11}14E Banning orders: general.

- (1) On making a banning order, a court must in ordinary language explain its effect to the person subject to the order.
- (2) A banning order must require the person subject to the order to report initially at a police station in England and Wales specified in the order within the period of five days beginning with the day on which the order is made.
- (3) A banning order must, unless it appears to the court that there are exceptional circumstances, impose a requirement as to the surrender in accordance with this Part, in connection with regulated football matches outside the United Kingdom, of the passport of the person subject to the order.
- (4) If it appears to the court that there are such circumstances, it must in open court state what they are.
- (5) In the case of a person detained in legal custody—
 - (a) the requirement under this section to report at a police station, and
 - (b) any requirement imposed under section 19 below,is suspended until his release from custody.
- (6) If—
 - (a) he is released from custody more than five days before the expiry of the period for which the order has effect, and
 - (b) he was precluded by his being in custody from reporting initially,the order is to have effect as if it required him to report initially at the police station specified in the order within the period of five days beginning with the date of his release.]

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Textual Amendments

F11 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), [Sch. 1 para. 2](#); S.I. 2000/2125, [art. 2](#)

[^{F12}14F Period of banning orders.

- (1) Subject to the following provisions of this Part, a banning order has effect for a period beginning with the day on which the order is made.
- (2) The period must not be longer than the maximum or shorter than the minimum.
- (3) Where the order is made under section 14A above in addition to a sentence of imprisonment taking immediate effect, the maximum is ten years and the minimum is six years; and in this subsection “imprisonment” includes any form of detention.
- (4) In any other case where the order is made under section 14A above, the maximum is five years and the minimum is three years.
- (5) Where the order is made under section 14B above, the maximum is three years and the minimum is two years.]

Textual Amendments

F12 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), [Sch. 1 para. 2](#); S.I. 2000/2125, [art. 2](#)

[^{F13}14G Additional requirements of orders.

- (1) A banning order may, if the court making the order thinks fit, impose additional requirements on the person subject to the order in relation to any regulated football matches.
- (2) The court by which a banning order was made may, on an application made by—
 - (a) the person subject to the order, or
 - (b) the person who applied for the order or who was the prosecutor in relation to the order,
 vary the order so as to impose, replace or omit any such requirements.
- (3) In the case of a banning order made by a magistrates’ court, the reference in subsection (2) above to the court by which it was made includes a reference to any magistrates’ court acting for the same petty sessions area as that court.]

Textual Amendments

F13 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), [Sch. 1 para. 2](#); S.I. 2000/2125, [art. 2](#)

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[^{F14}14H Termination of orders.

- (1) If a banning order has had effect for at least two-thirds of the period determined under section 14F above, the person subject to the order may apply to the court by which it was made to terminate it.
- (2) On the application, the court may by order terminate the banning order as from a specified date or refuse the application.
- (3) In exercising its powers under subsection (2) above, the court must have regard to the person's character, his conduct since the banning order was made, the nature of the offence or conduct which led to it and any other circumstances which appear to it to be relevant.
- (4) Where an application under subsection (1) above in respect of a banning order is refused, no further application in respect of the order may be made within the period of six months beginning with the day of the refusal.
- (5) The court may order the applicant to pay all or any part of the costs of an application under this section.
- (6) In the case of a banning order made by a magistrates' court, the reference in subsection (1) above to the court by which it was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.]

Textual Amendments

F14 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

[^{F15}14J Offences.

- (1) A person subject to a banning order who fails to comply with—
 - (a) any requirement imposed by the order, or
 - (b) any requirement imposed under section 19(2B) or (2C) below,is guilty of an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.]

Textual Amendments

F15 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

Restriction orders

15 Restriction orders.

- [^{F16}(1) Subject to subsection (3) below—**

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- (a) a court by or before which a person is convicted of a relevant offence, or
 (b) if a person convicted of such an offence is committed to the Crown Court to be dealt with, the Crown Court on dealing with him for the offence,
- shall have the power to make an international football banning order in relation to him.
- (2) Subject to subsection (3) below, it shall be the duty of the court to make an international football banning order in relation to the accused if it is satisfied that there are reasonable grounds to believe that making the order would help to prevent violence or disorder at or in connection with designated football matches.
- (2A) Where the court has power to make an international football banning order in relation to the accused but does not do so, it shall state in open court that it is not satisfied that there are such reasonable grounds as are mentioned in subsection (2) above and give reasons why it is not satisfied.
- (3) An international football banning order may only be made—
- (a) in addition to a sentence imposed in respect of the offence of which the accused is (or was) convicted; or
 (b) in addition to an order discharging him absolutely or conditionally.
- (4) An international football banning order may be made as mentioned in subsection (3) (b) above notwithstanding anything in sections 1A and 1C of the Powers of the Criminal Courts Act 1973 (which relate to orders discharging a person absolutely or conditionally and their effect).
- (5) An international football banning order shall specify the police station in England or Wales at which the person subject to the order is to report initially.]
- [^{F17}(5A) The court may, if it thinks fit, impose conditions in the order which the person subject to the order shall comply with.
- (5B) Those conditions may include conditions with respect to the surrender of the passport of the person subject to the order not more than five days before the date of each designated football match in relation to which he is required to report to a police station.
- (5C) A passport surrendered by the person subject to the order on the occasion of a designated football match must be returned to him as soon as reasonably practicable after the match has taken place.]
- (6) The court shall, on making the order in relation to the accused, explain its effect to him in ordinary language.
- (7) In section 10(3) of the ^{M4}Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after sub-paragraph (iii) there shall be inserted “or
 (iv) a restriction order under section 15 of the Football Spectators Act 1989;”.

Textual Amendments

F16 S. 15(1)-(5) substituted (27.9.1999) by 1999 c. 21, ss. 1(1), 12(2) (with s. 12(3))

F17 S. 15(5A)-(5C) inserted (27.9.1999) by 1999 c. 21, ss. 3(1), 12(2) (with s. 12(3))

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Marginal Citations

M4 1968 c. 19.

16 Effect of order.

[^{F18}(1) Subject to subsection (3) and section 17 below, an international football banning order has effect in relation to a person convicted of a relevant offence for a period determined by the court making the order—

- (a) which begins with the date of the making of the order,
- (b) which is not longer than the maximum period, and
- (c) which is not shorter than the minimum period.

(1A) The maximum period—

- (a) in a case where the person was sentenced in respect of that offence to a period of imprisonment taking immediate effect, is ten years, and
- (b) in any other case, is five years.

(1B) The minimum period—

- (a) in a case where the person was sentenced in respect of that offence to a period of imprisonment taking immediate effect, is six years, and
- (b) in any other case, is three years.]

(2) The duty to report imposed by [^{F19} an international football banning order] on the person subject to the order is a duty—

- (a) to report initially to the police station specified in the order within the period of five days beginning with the date of the making of the order, and
- (b) subject to any exemption, to report on the occasion of designated football matches when required to do so under section [^{F20}19(3)(a) or (b)] below to [^{F21}the police station in England and Wales specified in the notice by which the requirement is imposed at the time or between the times specified in the notice.]

(3) The duty to report shall, in the case of a person sentenced to or serving a term of imprisonment, be suspended until his discharge from prison and the order shall have effect, if he is discharged more than five days before the expiry of the period for which the order has effect and he was precluded by his being in prison from reporting initially, as if it required him to report initially to [^{F22}the police station specified in the order] within the period of five days beginning with the date of his discharge.

[^{F23}(3A) The duty to comply with conditions imposed by an international football banning order is a duty, subject to any exemption, to comply with those conditions when required to do so under section 19(3)(a) or (b) below.]

(4) A person who, without reasonable excuse, fails to comply with the duty to report [^{F24}, or the duty to comply with conditions,] imposed by [^{F19} an international football banning order] commits an offence.

(5) A person guilty of an offence under subsection (4) above shall be liable on summary conviction to imprisonment for a term not exceeding [^{F25}six months] or to a fine not exceeding [^{F25}level 5] on the standard scale or to both.

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Textual Amendments

- F18** S. 16(1) substituted (27.9.1999) by 1999 c. 21, **ss. 4(1), 12(2)** (with s. 13(2))
- F19** Words in s. 16(2)(4) substituted (27.9.1999) by 1999 c. 21, **ss. 1(2)(b), 12(2)** (with s. 12(3))
- F20** Words in s. 16(2)(b) substituted (27.9.1999) by 1999 c. 21, **ss. 3(2)(a), 12(2)** (with s. 12(3))
- F21** Words in s. 16(2)(b) substituted (27.9.1999) by 1999 c. 21, **ss. 3(2)(b), 12(2)** (with s. 12(3))
- F22** Words in s. 16(3) substituted (27.9.1999) by 1999 c. 21, **ss. 3(3), 12(2)** (with s. 13(2))
- F23** S. 16(3A) inserted (27.9.1999) by 1999 c. 21, **ss. 3(4), 12(2)** (with s. 13(2))
- F24** Words in s. 16(4) inserted (27.9.1999) by 1999 c. 21, **ss. 3(5), 12(2)** (with s. 13(2))
- F25** Words in s. 16(5) substituted (7.8.1998) by 1998 c. 37, s. **84(1)** (with s. 120(1), Sch. 9 para. 9); S.I. 1998/1883, **art. 3**

17 Application to terminate restriction order.

- [^{F26}(1) A person in relation to whom an international football banning order has had effect for at least two-thirds of the period determined under section 16(1) above may apply to the court which made the order to terminate it.]
- (2) On such an application the court may, having regard to the person's character, his conduct since the order was made, the nature of the offence which led to it and any other circumstances of the case, either by order terminate [^{F27}the international football banning order] (as from a date specified in the terminating order) or refuse the application.
- (3) Where an application under this section is refused, a further application in respect of the restriction order shall not be entertained if made within the period of six months beginning with the day of the refusal.
- (4) The court may order the applicant to pay all or any part of the costs of an application under this section.
- (5) In the case of [^{F27}an international football banning order] made by a magistrates' court, the reference in subsection (1) above to the court by which it was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.
- (6) Section 63(2) of the ^{M5}Magistrates' Courts Act 1980 (power to suspend or rescind orders) does not apply to [^{F27}an international football banning order.]

Textual Amendments

- F26** S. 17(1) substituted (27.9.1999) by 1999 c. 21, **ss. 4(2), 12(2)** (with s. 12(3))
- F27** Words in s. 17(2)(5)(6) substituted (27.9.1999) by 1999 c. 21, **ss. 1(2)(b)(d), 12(2)** (with s. 12(3))

Marginal Citations

- M5** 1980 c. 43.

18 Information.

- (1) Where a court makes [^{F28}an international football banning order]the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
- (a) shall give a copy of it to the person to whom it relates;

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- (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority;
 - (c) shall (as soon as reasonably practicable) send a copy of it to the police station (addressed to the officer responsible for the police station) at which the person subject to the order is to report initially; and
 - (d) in a case where the person subject to the order is sentenced by the court to or is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of it to the governor of the prison or other person to whose custody he will be committed or in whose custody he is, as the case may be.
- (2) Where a court terminates [an international football banning order] under section 17 above, the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
- (a) shall give a copy of the terminating order to the person to whom [F28the international football banning order] relates;
 - (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority; and
 - (c) in a case where the person subject to [F28the international football banning order] is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of the terminating order to the governor of the prison or other person in whose custody he is, as the case may be.
- (3) Where a person subject to [F28an international football banning order] is discharged from prison and, in the case of a person who has not reported initially to a police station, is discharged more than five days before the expiry of [F28the international football banning order,] the governor of the prison or person in whose custody he is, as the case may be, shall (as soon as reasonably practicable) give notice of his discharge to the enforcing authority.
- (4) References in this section to the clerk of a magistrates' court shall be construed in accordance with section 141 of the M6Magistrates' Courts Act 1980, reading references to that Act as references to this section.

Textual Amendments

F28 Words in s. 18(1)(2)(3) substituted (27.9.1999) by 1999 c. 21, ss. 1(2)(b)(d) (with s. 12(3))

Marginal Citations

M6 1980 c. 43.

Reporting

19 Functions of enforcing authority and local police.

- (1) The enforcing authority and the officer responsible for the police station at which he reports initially shall have the following functions as respects any person subject to [F29an international football banning order].
- (2) On a person reporting initially at the police station, the officer responsible for the station may make such requirements of that person as are determined by the enforcing authority to be necessary or expedient for giving effect to [F29international football banning orders].

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- (3) During the currency of [^{F29}an international football banning order] in force in relation to any person the enforcing authority shall perform the following functions on the occasion of any designated football match, that is to say—
- (a) where the match is one for which reporting is obligatory for all persons subject to [^{F29}international football banning orders], the authority shall, by notice in writing to that person,
- [^{F30}(i) require him to report to the police station specified in the notice at the time or between the times specified in the notice; and
- (ii) require him to comply with the conditions (if any) imposed by the order]
- (b) where the match is one for which reporting is obligatory for such persons only as are required to report under this paragraph, the authority shall, if that person is one as respects whom subsection (4) below is satisfied, by notice in writing to that person,
- [^{F30}(i) require him to report to the police station specified in the notice at the time or between the times specified in the notice; and
- (ii) require him to comply with the conditions (if any) imposed by the order]
- (4) [^{F31}No requirements under subsection (3)(b)] above shall be imposed by the enforcing authority on any person [^{F32}unless imposing them] is, in their opinion, necessary or expedient in order to reduce the likelihood of violence or disorder at, or in connection with, the designated football match; and the authority may establish criteria for determining whether [^{F33}requirements under that paragraph ought to be imposed on any person or class of person].
- (5) The enforcing authority, in exercising their functions under this section, shall have regard to any guidance issued by the Secretary of State under section 21 below.
- (6) A person who, without reasonable excuse, fails to comply with any requirement imposed on him under subsection (2) above shall be guilty of an offence.
- (7) A person guilty of an offence under subsection (6) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Textual Amendments

- F29** Words in s. 19 substituted (27.9.1999) by 1999 c. 21, ss. 1(2)(b)(c), 12(2) (with s. 12(3))
- F30** Words in s. 19(3)(a)(b) substituted (27.9.1999) by 1999 c. 21, ss. 3(6), 12(2) (with s. 12(3))
- F31** Words in s. 19(4) substituted (27.9.1999) by 1999 c. 21, ss. 3(7)(a), 12(2) (with s. 12(3))
- F32** Words in s. 19(4) substituted (27.9.1999) by 1999 c. 21, ss. 3(7)(b), 12(2) (with s. 12(3))
- F33** Words in s. 19(4) substituted (27.9.1999) by 1999 c. 21, ss. 3(7)(c), 12(2) (with s. 12(3))

20 Exemptions from requirement to report as respects a match.

- (1) A person who is subject to [^{F34}an international football banning order] may—
- (a) as respects a particular designated football match, or
- (b) as respects designated football matches played during a period,
- apply to the authority empowered to grant exemptions under this section (“the exempting authority”) to be exempt from [^{F35}all or any of the duties under section 16(2) (b) and (3A) above] as respects that match or matches played during that period.

Status: Point in time view as at 27/09/1999. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Part II. (See end of Document for details)

- (2) The enforcing authority may grant exemptions under this section in all cases; but where the application is for an exemption as respects matches to be played within the period of five days beginning with the date of the application, or a particular match to be played within that period, the officer responsible for a police station may, subject to subsection (3) below, grant the exemption.
- (3) The officer responsible for a police station shall not grant an exemption without referring the question of exemption to the enforcing authority, unless he considers that it is not reasonably practicable to do so.
- (4) The exempting authority shall exempt the applicant from [^{F36}all or any of the duties under section 16(2)(b) and (3A) above] if he shows to the authority's satisfaction—
 - (a) that there are special circumstances which justify his being so exempted; and
 - (b) that, because of those circumstances, he would not attend the match or matches if he were so exempted.
- (5) The exempting authority shall, in taking any decision under subsection (4) above, have regard to any guidance issued by the Secretary of State under section 21 below.
- (6) Where an exemption is granted by the exempting authority to a person under subsection (4) above the duties of the authority under section 19(3) above and of that person [^{F37}under section 16(2)(b) and (3A) above shall, to the extent of the exemption, be suspended] as respects the match or matches to which the exemption applies.
- (7) A person who is aggrieved by the refusal of the exempting authority to grant him an exemption under subsection (4) above may, after giving the authority notice in writing of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which he resides.
- (8) On any appeal under subsection (7) above the court may make such order as it thinks fit.
- (9) The court may order the appellant to pay all or any part of the costs of an appeal under subsection (7) above.
- (10) Any person commits an offence who, in connection with an application under this section to be exempted from [^{F38}any duty under section 16(2)(b) or (3A) above]—
 - (a) makes a statement which he knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or
 - (b) produces, furnishes, signs or otherwise makes use of a document which he knows to be false or misleading in a material particular or recklessly produces, furnishes, signs or otherwise makes use of a document which is false or misleading in a material particular.
- (11) A person guilty of an offence under subsection (10) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

- F34** Words in s. 20(1) substituted (27.9.1999) by 1999 c. 21, ss. 1(2)(b), 12(2) (with s. 12(3))
- F35** Words in s. 20(1) substituted (27.9.1999) by 1999 c. 21, ss. 3(8), 12(2) (with s. 12(3))
- F36** Words in s. 20(4) substituted (27.9.1999) by 1999 c. 21, ss. 3(9), 12(2) (with s. 12(3))
- F37** Words in s. 20(6) substituted (27.9.1999) by 1999 c. 21, ss. 3(10), 12(2) (with s. 12(3))

Status: Point in time view as at 27/09/1999. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Part II. (See end of Document for details)

F38 Words in s. 20(10) substituted (27.9.1999) by 1999 c. 21, ss. 3(11), 12(2) (with s. 12(3))

21 Functions of enforcing authority: supplementary provisions.

- (1) The Secretary of State may issue to the enforcing authority such guidance as he considers appropriate for the purposes of the exercise of their functions under sections 19 and 20 above.
- (2) The Secretary of State shall make such arrangements as he considers appropriate for publishing the guidance issued from time to time under subsection (1) above.
- (3) The Secretary of State may make regulations regulating the giving by the enforcing authority to persons subject to [^{F39}international football banning orders] of notices under section 19 above ^{F40}. . . ; and it shall be the duty of the enforcing authority to comply with the regulations.
- (4) Regulations under subsection (3) above may exclude the operation of section 25 below.
- (5) The power to make regulations under subsection (3) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Where any notice is given under section 19 above by the enforcing authority in accordance with regulations under subsection (3) above, the notice shall be taken to have been received by the person to whom it was addressed unless he proves that he did not receive the notice and did not know and had no reasonable cause to believe that [^{F41}requirements had been imposed on him under section 19 above].
- (7) Where any notice is given under section 19 above by the enforcing authority in accordance with section 25 below, subsection (6) above shall apply as it applies to such a notice given in accordance with regulations under subsection (3) above.
- (8) The Secretary of State may pay to the enforcing authority any expenses incurred by them in exercising their functions under sections 19 and 20 above.

Textual Amendments

F39 Words in s. 21 substituted (27.9.1999) by 1999 c. 21, ss. 1(2)(c), 12(2) (with s. 12(3))

F40 Words in s. 21(3) repealed (27.9.1999) by 1999 c. 21, ss. 3 (12), 12(2) (with s.12(3))

F41 Words in s. 21(6) substituted (27.9.1999) by 1999 c. 21, ss. 3(13), 12(2) (with s. 12(3))

VALID FROM 28/08/2000

[^{F42}21A Summary measures: detention.

- (1) This section and section 21B below apply during any control period in relation to a regulated football match outside England and Wales or an external tournament if a constable in uniform—
 - (a) has reasonable grounds for suspecting that the condition in section 14B(2) above is met in the case of a person present before him, and

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- (b) has reasonable grounds to believe that making a banning order in his case would help to prevent violence or disorder at or in connection with any regulated football matches.
- (2) The constable may detain the person in his custody (whether there or elsewhere) until he has decided whether or not to issue a notice under section 21B below, and shall give the person his reasons for detaining him in writing.
- This is without prejudice to any power of the constable apart from this section to arrest the person.
- (3) A person may not be detained under subsection (2) above for more than four hours or, with the authority of an officer of at least the rank of inspector, six hours.
- (4) A person who has been detained under subsection (2) above may only be further detained under that subsection in the same control period in reliance on information which was not available to the constable who previously detained him; and a person on whom a notice has been served under section 21B(2) below may not be detained under subsection (2) above in the same control period.]

Textual Amendments

F42 S. 21A inserted (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 4**; S.I. 2000/2125, **art. 2**

Modifications etc. (not altering text)

C3 Ss. 14B, 21A, 21B restricted (28.7.2000) by 2000 c. 25, **s. 5(2)-(5)**; S.I. 2000/2125, **art. 2**

VALID FROM 28/08/2000

^{F43}**21B Summary measures: reference to a court.**

- (1) A constable in uniform may exercise the power in subsection (2) below if authorised to do so by an officer of at least the rank of inspector.
- (2) The constable may give the person a notice in writing requiring him—
- (a) to appear before a magistrates' court at a time, or between the times, specified in the notice,
 - (b) not to leave England and Wales before that time (or the later of those times), and
 - (c) if the control period relates to a regulated football match outside the United Kingdom or to an external tournament which includes such matches, to surrender his passport to the constable,
- and stating the grounds referred to in section 21A(1) above.
- (3) The times for appearance before the magistrates' court must be within the period of 24 hours beginning with—
- (a) the giving of the notice, or
 - (b) the person's detention under section 21A(2) above,
- whichever is the earlier.

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- (4) For the purposes of section 14B above, the notice is to be treated as an application for a banning order made by complaint by the constable to the court in question and subsection (1) of that section is to have effect as if the references to the chief officer of police for the area in which the person resides or appears to reside were references to that constable.
- (5) A constable may arrest a person to whom he is giving such a notice if he has reasonable grounds to believe that it is necessary to do so in order to secure that the person complies with the notice.
- (6) Any passport surrendered by a person under this section must be returned to him in accordance with directions given by the court.]

Textual Amendments

F43 S. 21B inserted (28.8.2000) by 2000 c. 25, s. 1(1), Sch. 1 para. 4; S.I. 2000/2125, art. 2

Modifications etc. (not altering text)

C4 Ss. 14B, 21A, 21B restricted (28.8.2000) by 2000 c. 25, s. 5(2)-(5); S.I. 2000/2125, art. 2

VALID FROM 28/08/2000

[^{F44}21C Summary measures: supplementary

- (1) The powers conferred by sections 21A and 21B above may only be exercised in relation to a person who is a British citizen.
- (2) A person who fails to comply with a notice given to him under section 21B above is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.
- (3) Where a person to whom a notice has been given under section 21B above appears before a magistrates' court as required by the notice (whether under arrest or not), the court may remand him.
- (4) A person who, by virtue of subsection (3) above, is remanded on bail under section 128 of the ^{M7}Magistrates' Courts Act 1980 may be required by the conditions of his bail—
 - (a) not to leave England and Wales before his appearance before the court, and
 - (b) if the control period relates to a regulated football match outside the United Kingdom or to an external tournament which includes such matches, to surrender his passport to a police constable, if he has not already done so.]

Textual Amendments

F44 S. 21C inserted (28.8.2000) by 2000 c. 25, s. 1(1), Sch. 1 para. 4; S.I. 2000/2125, art. 2

Marginal Citations

M7 1980 c.43.

Status: Point in time view as at 27/09/1999. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Part II. (See end of Document for details)

VALID FROM 28/08/2000

[^{F45}21D Summary measures: compensation.

- (1) Where a person to whom a notice has been given under section 21B above appears before a magistrates' court and the court refuses the application for a banning order in respect of him, it may order compensation to be paid to him out of central funds if it is satisfied—
 - (a) that the notice should not have been given,
 - (b) that he has suffered loss as a result of the giving of the notice, and
 - (c) that, having regard to all the circumstances, it is appropriate to order the payment of compensation in respect of that loss.
- (2) An appeal lies to the Crown Court against any refusal by a magistrates' court to order the payment of compensation under subsection (1) above.
- (3) The compensation to be paid by order of the magistrates' court under subsection (1) above or by order of the Crown Court on an appeal under subsection (2) above shall not exceed £5,000 (but no appeal may be made under subsection (2) in respect of the amount of compensation awarded).
- (4) If it appears to the Secretary of State that there has been a change in the value of money since the coming into force of this section or, as the case may be, the last occasion when the power conferred by this subsection was exercised, he may by order substitute for the amount specified in subsection (3) above such other amount as appears to him to be justified by the change.
- (5) In this section, "central funds" has the same meaning as in enactments providing for the payment of costs.]

Textual Amendments

F45 S. 21D inserted (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 4**; S.I. 2000/2125, **art. 2**

Relevant offences outside England and Wales

22 Restriction orders arising out of offences outside England and Wales.

- (1) Her Majesty may, by Order in Council, specify offences ("corresponding offences") under the law of any country outside England and Wales which appear to Her to correspond to any offence specified in Schedule 1 to this Act.

[^{F46}(1A) For the purposes of subsection (1) above, an offence specified in an Order in Council under that subsection shall be regarded as corresponding to an offence specified in Schedule 1 to this Act notwithstanding that any period specified in the Order is longer than any corresponding period specified in that Schedule.]

- (2) Upon an information being laid before a justice of the peace for any area that a person who resides or is believed to reside in that area has been convicted of a corresponding offence in a country outside England and Wales, the justice may—

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Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Part II. (See end of Document for details)

- (a) issue a summons directed to that person requiring him to appear before a magistrates' court for that area to answer to the information; or
 - (b) subject to subsection (3) below, issue a warrant to arrest that person and bring him before a magistrates' court for that area.
- (3) No warrant shall be issued under subsection (2) above unless the information is in writing and substantiated on oath.
- (4) Where a person appears or is brought before a magistrates' court in pursuance of subsection (2) above, the court, if satisfied that—
- (a) he is ordinarily resident in England and Wales, and
 - (b) has been convicted in the country outside England and Wales of the corresponding offence,
- may, unless it appears that the conviction is the subject of proceedings in a court of law in that country questioning the conviction, make [^{F47}an international football banning order] in relation to him.
- [^{F48}(5) A magistrates' court which has power to make an international football banning order in relation to a person shall be under a duty to make the order in relation to him if it is satisfied that there are reasonable grounds to believe that making the order would help to prevent violence or disorder at or in connection with designated football matches.
- (5A) Where a magistrates' court has power to make an international football banning order in relation to a person but does not do so, it shall state in open court that it is not satisfied that there are such reasonable grounds as are mentioned in subsection (5) above and give reasons why it is not satisfied.]
- (6) In proceedings under subsection (4) above, the court shall have the like powers, including power to adjourn the proceedings and meanwhile to remand the defendant on bail (but not in custody), and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were the trial of an information for a summary offence.
- (7) Any person aggrieved by the decision of a magistrates' court making [^{F47}an international football banning order] under this section may appeal to the Crown Court against the decision.
- (8) [^{F49}Sections 15(5) to (6)] and 16 to 21 above shall apply in relation to a person subject to [^{F47}an international football banning order] under this section as they apply in relation to a person subject to a restriction order made by a magistrates' court under section 15.
- [^{F50}(9) An Order in Council under subsection (1) above relating to any country may include provision specifying the documentary form in which details are to be given of—
- (a) the conviction of a person in that country of a corresponding offence,
 - (b) the nature and circumstances of the offence, and
 - (c) whether or not the conviction is the subject of proceedings in that country questioning it.
- (10) A document in the form so specified—
- (a) shall be admissible in any proceedings under this Part of this Act as evidence of the facts stated in it unless the contrary is proved, and
 - (b) shall be taken as such a document unless the contrary is proved.

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- (11) In proceedings against a person under this section, the facts stated in a document in the form so specified shall, on production of the document and proof that that person is the person whose conviction is set out in the document, be taken to be proved unless the contrary is proved.]
- (12) Any statutory instrument containing an Order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F46** S. 22(1A) inserted (27.9.1999) by 1999 c. 21, ss. 5(2), 12(2) (with s. 12(3))
- F47** Words in s. 22 substituted (27.9.1999) by 1999 c. 21, s. 1(2)(b)(c)(d) (with s. 12(3))
- F48** S. 22(5)(5A) substituted for s. 22(5) (27.9.1999) by 1999 c. 21, ss. 5(3), 12(2) (with s. 12(3))
- F49** Words in s. 22(8) substituted (27.9.1999) by 1999 c. 21, ss. 5(4), 12(2) (with s. 12(3))
- F50** S. 22(9)-(11) substituted (27.9.1999) by 1999 c. 21, ss. 5(5), 12(2) (with s. 12(3))

VALID FROM 28/08/2000

[^{F51}22A Other interpretation, etc.

- (1) In this Part—
- “British citizen” has the same meaning as in the ^{M8}British Nationality Act 1981,
 - “country” includes territory,
 - “declaration of relevance” has the same meaning as in section 7,
 - “enforcing authority” means a prescribed organisation established by the Secretary of State under section 57 of the ^{M9}Police Act 1996 (central police organisations),
 - “passport” means a United Kingdom passport within the meaning of the ^{M10}Immigration Act 1971,
 - “prescribed” means prescribed by an order made by the Secretary of State.
- (2) The Secretary of State may, if he considers it necessary or expedient to do so in order to secure the effective enforcement of this Part, by order provide for section 14(5) and (6) above to have effect in relation to any, or any description of, regulated football match or external tournament as if, for any reference to five days, there were substituted a reference to the number of days (not exceeding ten) specified in the order.
- (3) Any power of the Secretary of State to make an order under this Part is exercisable by statutory instrument.
- (4) An instrument containing an order made by the Secretary of State under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F51** S. 22A inserted (28.8.2000) by 2000 c. 25, s. 1(2), Sch. 2 para. 18; S.I. 2000/2125, art. 2

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Marginal Citations

M8 1981 c. 61.

M9 1996 c. 16.

M10 1971 c. 77.

Status:

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Changes to legislation:

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