



# Football Spectators Act 1989

## 1989 CHAPTER 37

### PART II

#### FOOTBALL MATCHES OUTSIDE ENGLAND AND WALES

##### *Restriction orders*

#### **15 Restriction orders**

- (1) A court by or before which a person is convicted of a relevant offence or, if a person convicted of such an offence is committed to it to be dealt with, the Crown Court on dealing with him for the offence, may make a restriction order in relation to him.
- (2) No restriction order may be made unless the court is satisfied that making such an order in relation to the accused would help to prevent violence or disorder at or in connection with designated football matches.
- (3) A restriction 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 a probation order.
- (4) A restriction order may be made as mentioned in subsection (3)(b) above notwithstanding anything in sections 2 and 13 of the Powers of Criminal Courts Act 1973 (which relate to probation orders).
- (5) A restriction order shall specify the police station in England or Wales at which the person subject to the order is to report initially.
- (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 Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after sub-paragraph (iii) there shall be inserted “or

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(iv) a restriction order under section 15 of the Football Spectators Act 1989;”.

## **16 Effect of order**

- (1) Subject to subsection (3) below and section 17 below, the period for which a restriction order has effect in relation to a person convicted of a relevant offence is—
  - (a) in a case where he was sentenced in respect of that offence to a period of imprisonment taking immediate effect, five years, and
  - (b) in any other case, two years,beginning with the date of the making of the order.
- (2) The duty to report imposed by a restriction 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 19(3)(b) below to any police station in England or Wales at the time or between the times specified in the notice by which the requirement is imposed.
- (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 any police station within the period of five days beginning with the date of his discharge.
- (4) A person who, without reasonable excuse, fails to comply with the duty to report imposed by a restriction 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 one month or to a fine not exceeding level 3 on the standard scale or to both.

## **17 Application to terminate restriction order**

- (1) A person in relation to whom a restriction order has had effect for at least one year may apply to the court by which it was made 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 the restriction 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.

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- (5) In the case of a restriction 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 Magistrates' Courts Act 1980 (power to suspend or rescind orders) does not apply to a restriction order.

## **18 Information**

- (1) Where a court makes a restriction 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;
  - (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 a restriction 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 the restriction 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 the restriction 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 a restriction 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 the restriction 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 Magistrates' Courts Act 1980, reading references to that Act as references to this section.