

FOOTBALL (DISORDER) ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Football Matches: Prevention of Violence or Disorder

5. *Section 1* introduces the three Schedules to the Act. The most important of these is Schedule 1, which makes substantial amendments to the Football Spectators Act 1989.

Section 2: Disclosure of Information

6. This section amends section 2 of the Police Act 1997 (functions of the National Criminal Intelligence Service) to enable NCIS to disclose information for the purposes of the Football Spectators Act 1989 to third parties prescribed by regulations made by the Secretary of State.

Section 3: Supplementary and Consequential Provision

7. This section enables the Secretary of State to make supplementary and consequential provisions necessary to meet the purposes of the Act by order.

Section 5: Commencement and Duration

8. This brings section 1 of the Act into force on a day appointed by the Secretary of State, and provides that the powers to make banning orders on complaint (section 14B), to detain people for enquiries about their involvement in violence or disorder (section 21A), or to issue notices requiring people to attend the magistrates' court and preventing them from leaving England and Wales (section 21B) shall expire one year after the Act comes into force unless Parliament renews them by an affirmative resolution. It further provides that these powers shall in any case expire two years after they come into force.

Schedule 1

9. *Schedule 1* amends the Football Spectators Act 1989 and in particular inserts the following provisions into that Act:

Banning Orders

10. **Section 14** provides definitions of "*Regulated Football Matches*", i.e. matches to which the measures proposed in the Act are relevant; "*banning order*"; and the "*control period*", i.e. the period of five days before a regulated football match or external tournament played outside England and Wales.
11. **Section 14A** sets out the arrangements under which a court may impose a banning order on an individual convicted of a football related offence as defined in the Schedule of Relevant Offences.
12. **Section 14B** empowers the police to apply to a magistrates' court by complaint for the imposition of a banning order on an individual. The court must make such an order

if it is shown that the person has previously caused or contributed to any violence or disorder in the UK or elsewhere (not necessarily associated with football) and if it is satisfied that there are reasonable grounds for believing that a banning order would help prevent football related violence or disorder in England and Wales or elsewhere. The court may take into account evidence from before the date when this part of the Act comes into force.

13. **Section 14C** defines “*violence*” and provides examples of behaviour constituting “*disorder*”. It also sets out matters which the court may take into account in deciding whether or not to impose a banning order. This includes overseas court or tribunal decisions; deportation or exclusion from a country outside the UK; removal or exclusion from football grounds in the United Kingdom or elsewhere; and conduct recorded on video or other means.
14. **Section 14D** sets out the appeals procedure in respect of banning orders imposed on persons made subject to an order made on an application under section 14B.
15. **Section 14E** makes reporting to a specific police station and (unless there are exceptional circumstances) surrender of passport mandatory conditions of a banning order. The condition of passport surrender will apply on the occasions when the individual is required by the enforcing authority under the Act (the Football Banning Orders Authority) to report to a police station during the control periods associated with regulated matches played outside the UK.
16. **Section 14F** sets out the minimum and maximum period of a banning order made as a result of a conviction leading to imprisonment for a football related offence (between 6 and 10 years), an order made as a result of a conviction for such an offence for which imprisonment was not imposed (between 3 and 5 years), and an order made other than on conviction of a football related offence (between 2 and 3 years).
17. **Section 14G** confers a discretionary power on the court to impose additional requirements when imposing a banning order.
18. **Section 14H** sets out the arrangements for seeking termination of an order.
19. **Section 14J** sets out the penalty for breach of any requirement of or under an order.

Football Banning Orders Authority

20. **Section 19** sets out the role and functions of the enforcing authority which is responsible for notifying persons subject to banning orders of the occasions when they are required to report to a police station and to comply with any requirements of the order.

Summary Measures

21. **Section 21A** empowers a police constable in uniform, during any control period, to detain any person where there are reasonable grounds for suspecting that he may have caused or contributed to violence and disorder at any time in the past and reasonable grounds to believe making a banning order in his case would help prevent violence or disorder in connection with regulated football matches. The period of detention shall last only until a decision has been made as to whether a notice under section 21B should be issued, and may not be longer than 4 hours, or 6 hours with the authority of an inspector.
22. **Section 21B** empowers a constable in uniform, during a control period, to issue a notice to any person on the grounds set out in section 21A. The effect of the notice is to require that person to appear at a magistrates’ court at a time specified in the notice, not to leave England and Wales before that time, and to surrender his passport (unless the control period in force relates to a game in Scotland or Northern Ireland). The notice must state the officer’s grounds for giving it. The time specified for the appearance before the magistrates’ court must be within 24 hours of the issue of the notice, or, if

*These notes refer to the Football (Disorder) Act 2000
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the person has previously been detained, within 24 hours of the start of his period of detention. The notice will be treated by the magistrates' court as an application for a banning order in respect of the person concerned. A person issued with such a notice may be arrested if a constable reasonably believes this to be necessary to secure his compliance with the order.

23. **Section 21C** provides that the powers set out in sections 21A and 21B may only be exercised in relation to British citizens, sets out the maximum penalty for failure to comply with a notice preventing departure from England and Wales (six months imprisonment), and empowers the court to remand the person concerned and, if he is remanded on bail, to impose bail conditions which include a prohibition on leaving England and Wales.

Relevant (football related) Offences

24. Schedule 1 to the Football Spectators Act 1989 is amended by adding to the existing list of football related offences:
- offences involving the possession and/or misuse of flares or fireworks at football matches
 - offences involving the use, carrying or possession of an offensive weapon or a firearm; and
 - offences of breach of a banning order or police notice.

Schedule 2

25. **Schedule 2** makes minor and consequential amendments to other legislation.

Schedule 3

26. **Schedule 3** contains consequential repeals.