
STATUTORY INSTRUMENTS

2006 No. 313

The Safety of Sports Grounds (Northern Ireland) Order 2006

PART IV

GENERAL AND SUPPLEMENTARY

Power to make regulations

- 19.**—(1) The Department may by regulations—
- (a) prescribe the procedure (subject to the provisions of this Order) for the issue, amendment, replacement, transfer and cancellation of safety certificates under Parts II and III and the particulars to be given in applications for their issue, amendment, replacement or transfer;
 - (b) prescribe the fees (if any) to be charged in respect of such applications or in respect of applications for the cancellation of safety certificates under Part III for stands which have ceased to be regulated stands; and
 - (c) prescribe the time within which appeals under Articles 8, 10 and 17 are to be brought.
- (2) The Department may by regulations make provision for securing safety at sports grounds.
- (3) Regulations under paragraph (2) may provide, without prejudice to its generality, that records shall be kept—
- (a) of the attendance of spectators at sports grounds; and
 - (b) relating to the maintenance of safety at sports grounds.
- (4) Regulations under paragraph (2)—
- (a) may provide that a breach of the regulations shall be an offence punishable as provided by the regulations, but
 - (b) shall not provide that a person guilty of such an offence shall be liable to punishments greater than those specified in Article 11(3).

Alterations and extensions

- 20.**—(1) If while a general safety certificate under Part II is in operation with respect to a sports ground—
- (a) it is proposed to alter or extend that sports ground or any of its installations; and
 - (b) the alteration or extension is likely to affect the safety of persons at the sports ground,
- the holder of the certificate shall, before the carrying out of the proposals is begun, give notice of the proposals to the council.
- (2) If while a general safety certificate under Part III is in operation with respect to a regulated stand—
- (a) it is proposed to alter or extend the stand or any of its installations; and
 - (b) the alteration or extension is likely to affect the safety of persons in the stand,

the holder of the certificate shall, before the carrying out of the proposals is begun, give notice of the proposals to the council.

(3) In particular—

- (a) paragraph (1) requires notice when it is proposed to alter the entrances to or exits from a sports ground or any part of it (including any means of escape in case of fire or other emergency) or the means of access to any such entrances or exits; and
- (b) paragraph (2) requires notice when it is proposed to alter the entrances to or exits from a regulated stand (including any means of escape in case of fire or other emergency) or the means of access to any such entrances or exits.

(4) Any person who fails to give notice required by this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) In this Article “means of access” includes means of access from a road.

Exclusion of other statutory requirements

21.—(1) While a general safety certificate under Part II is in force in relation to a sports ground, the relevant statutory provisions shall not apply to it.

(2) While a general safety certificate under Part III is in force for a regulated stand at a sports ground, the relevant statutory provisions shall not apply to it

(3) For the purposes of paragraphs (1) and (2), the relevant statutory provisions are—

- (a) section 37(1) of the Public Health Acts Amendment Act 1890 (c. 59) (platforms for public occasions);
- (b) any provision of the [Fire Services \(Northern Ireland\) Order 1984 \(NI 11\)](#) or of a fire certificate issued under that Order in so far as it relates to any matter in relation to which requirements are imposed by the terms and conditions of the safety certificate; and
- (c) any provision of a local Act in so far as it relates to any matter in relation to which requirements are imposed by those terms and conditions.

(4) Paragraph (5) applies where—

- (a) a statutory provision provides for the licensing of premises of any class or description by reason of the use of such premises (“the relevant use”); and
- (b) the authority responsible for licences under that provision is required or authorised to impose terms, conditions or restrictions in connection with such licences.

(5) So long as there is in operation with respect to the premises a safety certificate under Part II or III covering the relevant use of the premises, any term, condition or restriction imposed with respect to those premises in connection with any licence under the statutory provision in question shall be of no effect in so far as it relates to any matter in relation to which requirements are imposed by the terms and conditions of that certificate.

(6) A person required by or under a local Act to do anything that would involve a contravention of the terms or conditions of a safety certificate under Part II or III shall not be treated as having contravened that Act if he fails to do it.

Enforcement

22.—(1) It shall be the duty of every council to enforce within its district the provisions of this Order and of regulations made under it and for that purpose to arrange for the inspection at least once in every 12 months of—

- (a) designated sports grounds; and

(b) other sports grounds at which there are regulated stands.

(2) In performing the duty under paragraph (1) so far as it requires sports grounds in their districts to be inspected, councils shall act in accordance with such guidance as the Department may give them.

Powers of entry and inspection

23.—(1) An authorised person may, on production if so required of his authority, enter a sports ground at any reasonable time, and—

(a) make such inspection of it and such inquiries relating to it as he considers necessary for the purposes of Part II, and in particular may—

(i) examine records of attendance at the ground and records relating to the maintenance of safety at the ground; and

(ii) take copies of such records;

(b) make such inspection of the stands and such inquiries relating to them as he considers necessary for the purposes of Part III, and in particular may—

(i) examine records of the number of spectators accommodated, and the maintenance of safety, in the regulated stands at the ground; and

(ii) take copies of such records.

(2) In paragraph (1) “authorised” means authorised by—

(a) the council;

(b) the Chief Constable;

(c) the Fire Authority; or

(d) the Department.

(3) Any person who—

(a) intentionally obstructs any person in the exercise of powers under this Article; or

(b) without reasonable excuse refuses, neglects or otherwise fails to answer any question asked by any person in the exercise of such powers,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Civil liability

24. Except in so far as this Order otherwise expressly provides, and subject to section 20(1) of the Interpretation Act (Northern Ireland) 1954 (c. 33) (offences under two or more laws), the provisions of this Order shall not be construed as—

(a) conferring a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of this Order or of any regulations made under this Order or of any of the terms or conditions of a safety certificate under Part II or III; or

(b) affecting any requirement or restriction imposed by or under any other statutory provision; or

(c) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Order.

Power to modify this Order

25.—(1) The Department may by order—

- (a) modify the provisions of Part II (except Article 4(1)) or this Part as respects their application to any specified class of sports ground;
- (b) modify the provisions of Part III or this Part as respects their application to any specified class of stand at sports grounds.

(2) An order under this Article may make different provisions in relation to different activities taking place at sports grounds.

Application to the Crown

26.—(1) Articles 4 to 7, 13 to 16 and 19(2) bind the Crown, but shall have effect, in relation to premises occupied by the Crown, with the substitution of a reference to the Department for any reference to the council.

(2) Nothing in this Order shall be taken to authorise the entry of premises occupied by the Crown.

Orders and regulations

27.—(1) Orders and regulations made by the Department under this Order—

- (a) shall be subject to negative resolution; and
- (b) may contain such incidental, supplementary, consequential and transitional provisions as the Department thinks necessary or expedient.

(2) Before making any order or regulations under this Order, the Department shall consult with such persons or bodies as appear to it appropriate.

(3) Paragraphs (1)(a) and (2) do not apply to an order under Article 1(2).