



Fire Safety and Safety of Places of Sport Act 1987

1987 CHAPTER 27

PART II

SAFETY OF SPORTS GROUNDS

Application of Safety of Sports Grounds Act 1975 to all sports grounds

19 Application of Safety of Sports Grounds Act 1975 to all sports grounds

- (1) For the purpose of extending the provisions of the Safety of Sports Grounds Act 1975 (in this Part referred to as "the principal Act") which apply to sports stadia to other sports grounds and making a minor correction the amendments to the principal Act specified in Schedule 2 to this Act shall have effect.
- (2) In consequence of those amendments the following other amendments of the principal Act shall be made, that is to say—
 - (a) for section 2(2) (obligatory terms of safety certificates) there shall be substituted the following subsection—

“(2) In so far as an order under section 15A below so requires as respects any class of sports ground, a safety certificate shall include such terms and conditions as may be provided for in the order.”;
 - (b) section 15 (power of Secretary of State to extend the principal Act to other classes of sports grounds) shall cease to have effect;
 - (c) there shall be inserted as section 15A the following section—

“15A Power to modify Act for classes of grounds.

- (1) The Secretary of State may, as respects any specified class of sports ground, by order modify the provisions of this Act (except section 1(1) above) in their application to sports grounds of that class.

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- (2) An order under this section may—
- (a) make different modifications in relation to different activities at the same class of ground; and
 - (b) include such supplementary and transitional provision as the Secretary of State thinks expedient.”; and
 - (d) in section 18 (orders and regulations), after subsection (1), there shall be inserted the following subsection—

“(1A) Regulations under any provision of this Act may make different provision for different classes of sports ground.”

Designation: spectator capacity

20 Designation of grounds: variation in qualifying spectator capacity

After section 1(1) of the principal Act (designation of sports grounds with spectator capacity of more than 10,000) there shall be inserted the following subsections—

“(1A) The Secretary of State may by order substitute, for the number for the time being specified in subsection (1) above, such other number as he considers appropriate; but no order made under this subsection shall affect the validity of any designation previously made.

(1B) An order under subsection (1A) above may make different substitutions for different classes of sports ground.”

Safety certificates

21 Safety certificates: police presence

In section 2 of the principal Act (contents of safety certificates), after subsection (2), there shall be inserted the following subsection—

“(2A) No condition of a safety certificate shall require the provision of the services at the ground of any members of a police force unless the extent of the provision of their services is reserved for the determination of the chief officer of police of the force.”

22 Safety certificates: appeals

(1) Section 5 of the principal Act (appeals to Secretary of State against determinations etc. of local authority) shall have effect with the amendments specified in subsections (2) to (6) below.

(2) In subsections (1), (2) and (3) for the words "Secretary of State" wherever occurring, there shall be substituted the word "court".

(3) After subsection (3) there shall be inserted the following subsections—

“(3A) An appeal to the court under this section in England and Wales shall be by way of complaint for an order, the making of the complaint shall be deemed

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to be the bringing of the appeal and the Magistrates' Courts Act 1980 shall apply to the proceedings.

(3B) An appeal to the court under this section in Scotland shall be by summary application.

(3C) In England and Wales any of the following persons may appeal to the Crown Court against an order under this section, namely—

- (a) the local authority; and
- (b) any interested party.

(3D) In Scotland any of the following persons may appeal against an order made in an appeal under this section, namely—

- (a) the local authority; and
- (b) any interested party,

notwithstanding that that person was not party to the proceedings on the application.”

(4) Subsection (4) shall be omitted.

(5) In subsection (5), for the words "subsections (3) and (4) above", there shall be substituted the words "this section".

(6) Subsections (6), (7) and (8) shall be omitted.

(7) In section 6(1) of the principal Act (power to make regulations) for paragraph (c) (appeals), there shall be substituted the following paragraph—

“(c) prescribe the time within which appeals under section 5 above are to be brought.”

(8) In section 7 of the principal Act (supplementary provisions relating to determinations and appeals)—

(a) in subsection (1), for the words from "person" to the end of paragraph (b) there shall be substituted the words "applicant for a safety certificate, he shall be deemed to have withdrawn his application" and for the words after "section 6' above", there shall be substituted the words "an appeal against the authority's determination may be brought.";

(b) for subsection (2), there shall be substituted the following subsection—

“(2) Subsection (1) above shall not have effect if an appeal is brought before the expiry of the period there mentioned, but if the appeal is withdrawn or the court upholds the authority's determination, the appellant shall be deemed to have withdrawn his application on the date of the withdrawal of his appeal or of the court's determination.”;

(c) in subsection (3), for the words "notice is given of an appeal" there shall be substituted the words "an appeal is brought", the words ", subject to subsection (4) below," shall be omitted and for the words "Secretary of State" there shall be substituted the word "court"; and

(d) subsections (4) and (5) shall be omitted.

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Grounds involving serious risk to spectators

23 Special procedure in case of serious risk: prohibition notices

- (1) For section 10 of the principal Act (emergency procedure by magistrates' court order), there shall be substituted the following section—

“10 Special procedure in case of serious risk: prohibition notices.

- (1) If the local authority are of the opinion that the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted, the authority may serve a notice (in this Act referred to as a "prohibition notice") on such persons as are specified in subsection (6) below.
- (2) A prohibition notice shall—
- (a) state that the local authority are of that opinion;
 - (b) specify the matters which in their opinion give or, as the case may be, will give rise to that risk; and
 - (c) direct that no, or no more than a specified number of, spectators shall be admitted to, or to a specified part of, the sports ground until the specified matters have been remedied.
- (3) A prohibition notice may prohibit or restrict the admission of spectators generally or on a specified occasion.
- (4) A prohibition notice may include directions as to the steps which will have to be taken to reduce the risk to a reasonable level and these may require alterations or additions to the ground or things to be done or omitted which would contravene the terms or conditions of a safety certificate for the ground or for any stand at the ground.
- (5) No prohibition notice shall include directions compliance with which would require the provision of the services at the sports ground of any members of a police force unless the chief officer of police of the force has consented to their inclusion and the extent of the provision of their services is reserved for his determination.
- (6) A prohibition notice shall be served on the persons specified in the following paragraphs in the circumstances specified in those paragraphs, that is to say—
- (a) if a general safety certificate is in operation for the ground, on the holder of it;
 - (b) if the prohibition or restriction applies to an occasion in respect of which a special safety certificate for the ground is in operation, on the holder of it;
 - (c) if no safety certificate is in operation for the ground, on the person who appears to the local authority to be responsible for the management of the ground;
 - (d) if the prohibition or restriction applies to an occasion and no safety certificate is in operation for the ground, on each person who appears

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to the local authority to be responsible for organising an activity at the ground on that occasion;

- (e) if a general safety certificate is in operation for a stand at the ground, on the holder of it;
- (f) if the prohibition or restriction applies to an occasion in respect of which a special safety certificate for a stand at the ground is in operation, on the holder of it;

but the validity of a prohibition notice served on any person under any of the foregoing provisions shall not be affected by a failure to serve another person required to be served with such a notice under those provisions.

- (7) A prohibition or restriction contained in a prohibition notice shall take effect immediately it is served if the authority are of the opinion, and so state in the notice, that the risk to spectators is or, as the case may be, will be imminent, and in any other case shall take effect at the end of a period specified in the notice.
 - (8) A copy of any prohibition notice shall be sent by the local authority to each of the following, namely—
 - (a) the chief officer of police; and
 - (b) where the local authority is in Greater London or a metropolitan county, the fire authority, or, in any other case, the building authority.
 - (9) The local authority who have served a prohibition notice may, in any case where it appears appropriate to them to do so, amend the prohibition notice by notice served on the persons specified in subsection (6) above (subject to the saving in that subsection), and copies shall be sent to the officer and authorities specified in subsection (8) above.
 - (10) A notice under subsection (9) above amending a prohibition notice shall specify the date on which the amendment is to come into operation.
 - (11) Where a notice has been served under subsection (1) or (9) above the local authority may withdraw the notice at any time.”
- (2) In consequence of those amendments section 12 of the principal Act (offences) shall be amended as follows—
- (a) in subsection (1)(d) (contravention of certificate terms), after the word "contravened" there shall be inserted the words "otherwise than in pursuance of a prohibition notice".
 - (b) in subsection (1)(e) (admission of spectators in contravention of section 10 order), for the words "an order" there shall be substituted the words "a prohibition notice": and
 - (c) in subsection (4) (due diligence defence), for the word "order" there shall be substituted the words "prohibition notice"
- (3) In section 17(1) (definitions)—
- (a) after the definition of "qualified person" there shall be inserted the following—
 - “"prohibition notice" has the meaning assigned to it by section 10(1);”,
 - and
 - (b) in the definition of "safety certificate", after the word "certificate" there shall be inserted the words ", except with reference to a stand at a sports ground,"

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and at the end there shall be inserted the words "and, where it refers to a stand, means a safety certificate (whether general or special) under Part III of the Fire Safety and Safety of Places of Sport Act 1987.

24 Prohibition notices: appeals

After section 10 of the principal Act there shall be inserted the following section—

“10A Appeals against prohibition notices.

- (1) Any person aggrieved by a prohibition notice may appeal to the court against the notice if he does so within such period as the Secretary of State may by regulations prescribe.
- (2) Subsection (1) above applies to any amendment of a prohibition notice as it applies to the prohibition notice in its original form.
- (3) An appeal to the court under this section in England and Wales shall be by way of complaint for an order, the making of the complaint shall be deemed to be the bringing of the appeal and the Magistrates' Courts Act 1980 shall apply to the proceedings.
- (4) An appeal to the court under this section in Scotland shall be by summary application.
- (5) On an appeal under subsection (1) above, the court may either cancel or affirm the notice or, in the case of an appeal against an amendment, annul or affirm the amendment and, if it affirms the notice or the notice as amended, as the case may be, may do so either in its original form or as amended, as the case may be, or with such modifications of the notice as the court may in the circumstances think fit.
- (6) Where an appeal is brought under this section against a prohibition notice or an amendment of it, the bringing of the appeal shall not have the effect of suspending the operation of the notice or the notice as amended, as the case may be.
- (7) In England and Wales any of the following persons may appeal to the Crown Court against an order under this section, namely—
 - (a) any person aggrieved by the notice;
 - (b) the local authority;
 - (c) the chief officer of police; and
 - (d) where the local authority is in Greater London or a metropolitan county, the fire authority, or, in any other case, the building authority.
- (8) In Scotland any of the following persons may appeal against an order made in an appeal under this section, namely—
 - (a) any person aggrieved by the notice;
 - (b) the local authority;
 - (c) the chief officer of police; and
 - (d) the building authority;
 notwithstanding that that person was not party to the proceedings on the application.

- (9) The persons who are, for the purposes of this section, "aggrieved" by a prohibition notice are the persons on whom, in accordance with section 10(6) of this Act, the notice is required to be served."

Enforcement: inspections and obstruction

25 Enforcement: inspections and offence of obstruction

- (1) After the section 10A of the principal Act inserted by section 24 above there shall be inserted the following section—

"10B Enforcement.

- (1) It shall be the duty of every local authority to enforce within their area the provisions of this Act and of regulations made under it and for that purpose to arrange for the periodical inspection of designated sports grounds; but nothing in this subsection shall be taken to authorise a local authority in Scotland to institute proceedings for an offence.
- (2) In performing the duty imposed by subsection (1) above so far as it requires designated sports grounds in their areas to be inspected, local authorities shall act in accordance with such guidance as the Secretary of State may give them.
- (3) For the purposes of subsection (1) above, "periodical" means at least once in every twelve months."
- (2) In section 12(6)(d) of the principal Act (obstruction of person exercising powers of entry and inspection under that Act to constitute an offence), for the word "wilfully" there shall be substituted the word "intentionally".