



Football Spectators Act 1989

1989 CHAPTER 37

PART I

FOOTBALL MATCHES IN ENGLAND AND WALES

Licences to admit spectators

8 The Football Licensing Authority.

- (1) There shall be a body called the Football Licensing Authority (in this Part of this Act referred to as “the licensing authority”) which shall perform the functions assigned to it by this Part of this Act.
- (2) The licensing authority shall consist of a chairman and not less than 4 nor more than 8 other members.
- (3) The chairman and other members of the licensing authority shall be appointed by the Secretary of State.
- (4) Schedule 2 to this Act shall have effect with respect to the licensing authority.
- (5) The expenses of the licensing authority shall be paid by the Secretary of State.

VALID FROM 01/08/1993

9 Offence of admitting spectators to unlicensed premises.

- (1) Subject to subsection (2) below, if persons are admitted as spectators to, or permitted to remain as spectators on, any premises during a period relevant to a designated football match without a licence to admit spectators being in force, any responsible person commits an offence.
- (2) Where a person is charged with an offence under this section it shall be a defence to prove either that the spectators were admitted in an emergency or—

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- (a) that the spectators were admitted without his consent; and
 - (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.
- (3) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

Commencement Information

II S. 9 wholly in force at 1.8.1993 see s. 27(2)(3) and S.I. 1993/1690, art. 2.

10 Licences to admit spectators: general.

- (1) The licensing authority may, on an application duly made by a responsible person, grant a licence to admit spectators to any premises for the purpose of watching any designated football match played at those premises.
- (2) An application for a licence in respect of any premises shall be made in such manner, in such form and accompanied by such fee as may be determined by the Secretary of State.
- (3) The licensing authority shall not refuse to grant a licence without—
 - (a) notifying the applicant in writing of the proposed refusal and of the grounds for it;
 - (b) giving him an opportunity to make representations about them within the period of twenty-eight days beginning with the service of the notice; and
 - (c) taking any representations so made into account in making its decision.
- (4) A licence to admit spectators to any premises may authorise the admission of spectators to watch all designated football matches or specified descriptions of designated football matches or a particular such match.
- (5) A licence to admit spectators shall be in writing and shall be granted on such terms and conditions as the licensing authority considers appropriate and, if the Secretary of State gives to the licensing authority a direction under section 11 below, the conditions may include conditions imposing requirements as respects the seating of spectators.
- (6) A licence to admit spectators may also include conditions requiring specified descriptions of spectators to be refused admittance to the premises to watch designated football matches or specified descriptions of designated football matches or a particular such match.
- (7) Where a designation order includes the provision authorised by section 1(4)(b) above as respects the admission of spectators to any ground as authorised spectators, the licensing authority may, by notice in writing to the licence holder, direct that, for the purposes of any match or description of match specified in the direction, the licence shall be treated as including such specified terms and conditions as respects the admission of spectators as authorised spectators as the licensing authority considers appropriate; and the licence shall have effect, for that purpose, subject to those terms and conditions.

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- (8) It shall be a condition of every licence that any authorised person shall be entitled, on production, if so required, of his authority—
- (a) to enter at any reasonable time any premises on which a designated football match is being or is to be played;
 - (b) to make such inspection of the premises and such inquiries relating to them as he considers necessary for the purposes of this Part of this Act; or
 - (c) to examine any records relating to the operation of the national football membership scheme on the premises, and take copies of such records.
- (9) A licence to admit spectators shall, unless revoked or suspended under section 12 below or surrendered, remain in force for a specified period.
- (10) Subject to subsection (11) below, the licensing authority may at any time, by notice in writing to the licence holder, vary the terms and conditions of the licence.
- (11) The licensing authority shall not vary the terms or conditions of a licence without—
- (a) notifying the licence holder in writing of the proposed alterations or additions;
 - (b) giving him an opportunity to make representations about them within the period of twenty-one days beginning with the service of the notice; and
 - (c) taking any representations so made into account in making the decision.
- (12) In taking any decision under this section the licensing authority shall have regard, among the other relevant circumstances, to the following matters or to such of them as are applicable to the decision, that is to say—
- (a) whether the premises and the equipment provided and procedures used at the premises are such as to secure that, except (in the case of the procedures) in an emergency, only authorised spectators are admitted to designated football matches;
 - (b) whether and to what extent the requirements imposed for that purpose by the national football membership scheme on responsible persons have been complied with;
 - (c) whether the equipment provided, procedures used and other arrangements in force at the premises are such as are reasonably required to prevent the commission or minimise the effects of offences at designated football matches; and
 - (d) such other considerations as the Secretary of State determines from time to time and notifies to the licensing authority.
- (13) Subject to subsection (14) below, if any term or condition of a licence is contravened any responsible person commits an offence.
- (14) Where a person is charged with an offence under subsection (13) above it shall be a defence to prove—
- (a) that the contravention took place without his consent; and
 - (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.
- (15) A person guilty of an offence under subsection (13) above shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (16) The fees charged on the issue of licences—
- (a) may be fixed so as to reimburse the licensing authority their expenses under this Part of this Act; and

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(b) shall be paid by the licensing authority to the Secretary of State.

(17) In this section—

“authorised person” means any person authorised by the Secretary of State, the licensing authority or the Football Membership Authority;

“specified” means specified in the licence or in the case of subsection (7) in the direction; and

“vary”, in relation to a licence, includes the addition of further terms or conditions.

11 Power of Secretary of State to require conditions in licences relating to seating.

- (1) The Secretary of State may, by order, direct the licensing authority to include in any licence to admit spectators to any specified premises a condition imposing requirements as respects the seating of spectators at designated football matches at the premises; and it shall be the duty of the authority to comply with the direction.
- (2) The requirements imposed by a condition in pursuance of this section may relate to the accommodation to be provided at, or the arrangements to be made as respects the spectators admitted to, the premises.
- (3) A direction may require the licensing authority to include the condition in the licence when granting it or by way of varying the conditions of a licence.
- (4) Before giving a direction under this section in relation to any premises the Secretary of State shall consult the licensing authority which may, if it thinks fit, make recommendations to him.
- (5) The licensing authority shall not make any recommendations under subsection (4) above without consulting the local authority in whose area the premises are situated.
- (6) The power to make an order containing a direction under this section is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section “local authority” has the same meaning as in the ^{M1}Safety of Sports Grounds Act 1975.

Marginal Citations

M1 1975 c. 52.

12 Licences to admit spectators: revocation and suspension.

- (1) The licensing authority may, subject to subsections (2), (3) and (4) below, at any time, by notice in writing to the holder of a licence to admit spectators, revoke the licence or suspend the licence indefinitely or for such period as the authority considers appropriate.
- (2) The licensing authority shall not suspend or revoke a licence under this section unless satisfied that it is necessary to do so having regard to the matters which are relevant for the purposes of this section.
- (3) The matters which are relevant for the purposes of this section are—

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- (a) the matters specified in paragraphs (a), (b) and (c) of section 10(12) above; and
 - (b) such other considerations as the Secretary of State determines from time to time and notifies to the licensing authority.
- (4) The licensing authority shall not revoke or suspend a licence to admit spectators without—
- (a) notifying the licence holder of the proposed revocation or suspension and of the grounds for it;
 - (b) giving him an opportunity to make representations about the matter within the period of twenty-one days beginning with the date of the service of the notice; and
 - (c) taking any representations so made into account in making the decision.
- (5) The licensing authority may, if satisfied that the urgency of the case so requires, suspend a licence under this section without observing the requirements of subsection (4) above but the authority shall, as soon as is practicable, notify the person to whom the licence was granted of the grounds for the suspension.
- (6) A licence suspended under this section shall during the time of suspension be of no effect.
- (7) Where a licence has been suspended under this section the person to whom the licence was granted may at any time apply to the licensing authority to terminate the suspension and the licensing authority may terminate the suspension if it appears to be appropriate to do so having regard to the relevant matters and after taking into account any representations made by the applicant.

13 Licensing authority's powers in relation to safety at football grounds.

- (1) The licensing authority shall have the function of keeping under review the discharge by local authorities of their functions under the ^{M2}Safety of Sports Grounds Act 1975 in relation to sports grounds at which designated football matches are played and shall have the powers conferred in relation to those functions by the following provisions of this section.
- (2) The licensing authority may, by notice in writing to the local authority concerned, require the local authority to include in any safety certificate such terms and conditions as are specified in the notice; and it shall be the duty of the local authority to comply with the requirement.
- (3) Before exercising its power under subsection (2) above to require the inclusion of specified terms and conditions in any safety certificate, the licensing authority shall consult the local authority, the chief officer of police and either the fire authority (where the local authority is in Greater London or a metropolitan county) or the building authority (in any other case).
- (4) As respects those terms and conditions, the local authority need not consult the chief officer of police, the fire authority or the building authority under section 3(3) or 4(8) of the Safety of Sports Grounds Act 1975 before issuing a safety certificate or about any proposal to amend or replace one.
- (5) A notice under subsection (2) above may require the issue under that Act of a safety certificate incorporating the specified terms or conditions or the amendment under that Act of a safety certificate so that it incorporates the specified terms or conditions.

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- (6) Any inspector appointed by the licensing authority may, for the purposes of the discharge by the licensing authority of its function under subsection (1) above, on production, if so required, of his authority—
- (a) enter at any reasonable time any sports ground at which designated football matches are played;
 - (b) make such inspection of the ground and such inquiries relating to the ground as he considers necessary; or
 - (c) examine the safety certificate and any records kept under the Safety of Sports Grounds Act 1975 or this Part of this Act, and take copies of such records.
- (7) The licensing authority may, by notice in writing to any local authority, require the local authority to furnish to the licensing authority such information relating to the discharge by the local authority of its functions under the Safety of Sports Grounds Act 1975 as is specified in the notice; and it shall be the duty of the local authority to comply with the requirement.
- (8) Section 5(3) of the Safety of Sports Grounds Act 1975 (appeals against terms and conditions of safety certificates) shall have effect with the insertion, after paragraph (ii), of the words “but not against the inclusion in a safety certificate of anything required to be included in it by the Football Licensing Authority under section 13(2) of the Football Spectators Act 1989”.
- (9) Any expression used in this section and in the Safety of Sports Grounds Act 1975 has the same meaning in this section as in that Act.

Marginal Citations

M2 1975 c. 52.

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