



# Football Spectators Act 1989

## 1989 CHAPTER 37

### [<sup>F1</sup>PART II

#### REGULATED FOOTBALL MATCHES]

#### [<sup>F1</sup>Banning orders]

#### Textual Amendments

**F1** Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

#### <sup>F2</sup>14A [Banning orders made on conviction of an offence.]

- (1) This section applies where a person (the “offender”) is convicted of a relevant offence.
- (2) If the court is satisfied that there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated football matches, it must make such an order in respect of the offender.
- (3) If the court is not so satisfied, it must in open court state that fact and give its reasons.
- [<sup>F3</sup>(3A) For the purpose of deciding whether to make an order under this section the court may consider evidence led by the prosecution and the defence.
- (3B) It is immaterial whether evidence led in pursuance of subsection (3A) would have been admissible in the proceedings in which the offender was convicted.]
- (4) A banning order may only be made under this section—
  - (a) in addition to a sentence imposed in respect of the relevant offence, or
  - (b) in addition to an order discharging him conditionally.
- [<sup>F4</sup>(4A) The court may adjourn any proceedings in relation to an order under this section even after sentencing the offender.

*Status: Point in time view as at 06/04/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Cross Heading: Banning orders. (See end of Document for details)*

- (4B) If the offender does not appear for any adjourned proceedings, the court may further adjourn the proceedings or may issue a warrant for his arrest.
- [ If the court adjourns or further adjourns any proceedings under subsection (4A) or <sup>F5</sup>(4BA) (4B), the court may remand the offender.
- (4BB) A person who, by virtue of subsection (4BA), is remanded on bail may be required by the conditions of his bail—
- (a) not to leave England and Wales before his appearance before the court, and
  - (b) if the control period relates to a regulated football match outside the United Kingdom or to an external tournament which includes such matches, to surrender his passport to a police constable, if he has not already done so.]
- (4C) <sup>F6</sup>... the court may not issue a warrant [<sup>F7</sup>under subsection (4B) above] for the offender's arrest unless it is satisfied that he has had adequate notice of the time and place of the adjourned proceedings.]
- (5) A banning order may be made as mentioned in subsection (4)(b) above in spite of anything in sections 12 and 14 of the Powers of the Criminal Courts (Sentencing) Act 2000 (which relate to orders discharging a person absolutely or conditionally and their effect).
- [<sup>F8</sup>(5A) The prosecution has a right of appeal against a failure by the court to make a banning order under this section—
- (a) where the failure is by a magistrates' court, to the Crown Court; and
  - (b) where it is by the Crown Court, to the Court of Appeal.
- (5B) An appeal under subsection (5A)(b) may be brought only if the Court of Appeal gives permission or the judge who decided not to make an order grants a certificate that his decision is fit for appeal.
- (5C) An order made on appeal under this section (other than one directing that an application be re-heard by the court from which the appeal was brought) is to be treated for the purposes of this Part as if it were an order of the court from which the appeal was brought.]
- (6) In this section, “the court” in relation to an offender means—
- (a) the court by or before which he is convicted of the relevant offence, or
  - (b) if he is committed to the Crown Court to be dealt with for that offence, the Crown Court.

#### Textual Amendments

- F2** Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**
- F3** S. 14A(3A)(3B) inserted (20.1.2004) by **Anti-social Behaviour Act 2003** (c. 38), **ss. 86(5), 93**; S.I. 2003/3300, **art. 2(f)(ii)**
- F4** Ss. 14A(4A)-(4C) inserted (1.7.2005) by **Serious Organised Crime and Police Act 2005** (c. 15), **ss. 139(10), 178(8)**; S.I. 2005/1521, **art. 3(1)(s)**
- F5** S. 14A(4BA)(4BB) inserted (6.4.2007) by **Violent Crime Reduction Act 2006** (c. 38), s. 66(2), **Sch. 3 para. 2(1)**; S.I. 2007/858, **art. 2(k)**
- F6** Word in s. 14A(4C) repealed (6.4.2007) by **Violent Crime Reduction Act 2006** (c. 38), s. 66(2), **Sch. 3 para. 2(2), Sch. 5**; S.I. 2007/858, **art. 2(k)(n)(v)**

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- F7** Words in s. 14A(4C) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 3 para. 2(2)**; S.I. 2007/858, art. 2(k)
- F8** Ss. 14A(5A)-(5C) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 3 para. 3(1)**; S.I. 2007/858, art. 2(k)

**<sup>F9</sup>[14B Banning orders made on a complaint.**

<sup>F10</sup>(1) An application for a banning order in respect of any person may be made by—

- (a) the relevant chief officer, or
- (b) the Director of Public Prosecutions,

if it appears to him that the condition in subsection (2) is met.]

[ In subsection (1) “the relevant chief officer” means—

- <sup>F11</sup>(1A) (a) the chief officer of police of any police force maintained for a police area; or  
(b) the chief constable of the British Transport Police Force.]

(2) That condition is that the respondent has at any time caused or contributed to any violence or disorder in the United Kingdom or elsewhere.

(3) The application is to be made by complaint to a magistrates’ court.

(4) If—

- (a) it is proved on the application that the condition in subsection (2) above is met, and
- (b) the court is satisfied that there are reasonable grounds to believe that making a banning order would help to prevent violence or disorder at or in connection with any regulated football matches,

the court must make a banning order in respect of the respondent.]

<sup>F12</sup>(5) If the magistrates’ court adjourns proceedings on an application under this section, the court may remand the person in respect of whom the application is made.

(6) A person who, by virtue of subsection (5) above, is remanded on bail under section 128 of the Magistrates’ Courts Act 1980 may be required by the conditions of his bail—

- (a) not to leave England and Wales before his appearance before the court, and
- (b) if the control period relates to a regulated football match outside the United Kingdom or to an external tournament which includes such matches, to surrender his passport to a police constable, if he has not already done so.]

**Textual Amendments**

- F9** Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, art. 2
- F10** S. 14B(1) substituted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 3 para. 4(1)(a)**; S.I. 2007/858, art. 2(k)
- F11** S. 14B(1A) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 3 para. 4(1)(b)**; S.I. 2007/858, art. 2(k)
- F12** S. 14B(5)(6) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 3 para. 2(3)**; S.I. 2007/858, art. 2(k)

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**Modifications etc. (not altering text)**

C1 Ss. 14B, 21A, 21B restricted (28.7.2000) by 2000 c. 25, s. 5(2)-(5),

[<sup>F13</sup>14C **Banning orders: supplementary.**

- (1) In this Part, “violence” means violence against persons or property and includes threatening violence and doing anything which endangers the life of any person.
- (2) In this Part, “disorder” includes—
  - (a) stirring up hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins, or against an individual as a member of such a group,
  - (b) using threatening, abusive or insulting words or behaviour or disorderly behaviour,
  - (c) displaying any writing or other thing which is threatening, abusive or insulting.
- (3) In this Part, “violence” and “disorder” are not limited to violence or disorder in connection with football.
- (4) The magistrates’ court may take into account the following matters (among others), so far as they consider it appropriate to do so, in determining whether to make an order under section 14B above—
  - (a) any decision of a court or tribunal outside the United Kingdom,
  - (b) deportation or exclusion from a country outside the United Kingdom,
  - (c) removal or exclusion from premises used for playing football matches, whether in the United Kingdom or elsewhere,
  - (d) conduct recorded on video or by any other means.
- (5) In determining whether to make such an order—
  - (a) the magistrates’ court may not take into account anything done by the respondent before the beginning of the period of ten years ending with the application under section 14B(1) above, except circumstances ancillary to a conviction,
  - (b) before taking into account any conviction for a relevant offence, where a court made a statement under section 14A(3) above (or section 15(2A) below or section 30(3) of the <sup>M1</sup>Public Order Act 1986), the magistrates’ court must consider the reasons given in the statement,

and in this subsection “circumstances ancillary to a conviction” has the same meaning as it has for the purposes of section 4 of the <sup>M2</sup>Rehabilitation of Offenders Act 1974 (effect of rehabilitation).
- (6) Subsection (5) does not prejudice anything in the <sup>M3</sup>Rehabilitation of Offenders Act 1974.]

**Textual Amendments**

F13 Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), Sch. 1 para. 2; S.I. 2000/2125, art. 2

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#### Marginal Citations

- M1 1986 c. 64.
- M2 1974 c. 53.
- M3 1974 c. 53.

#### <sup>F14</sup>[14D Banning orders made on a complaint: appeals.

- (1) An appeal lies to the Crown Court against the making by a magistrates' court of a banning order under section 14B above.

[ An appeal lies to the Crown Court against the dismissal by a magistrates' court of an <sup>F15</sup>(1A) application for the making of a banning order under section 14B above.]

- (2) On [<sup>F16</sup>an appeal under this section] the Crown Court—
  - (a) may make any orders necessary to give effect to its determination of the appeal, and
  - (b) may also make any incidental or consequential orders which appear to it to be just.
- (3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) is to be treated for the purposes of this Part as if it were an order of the magistrates' court from which the appeal was brought.]

#### Textual Amendments

- F14** Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**
- F15** S. 14D(1A) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 3 para. 3(2)**; S.I. 2007/858, **art. 2(k)**
- F16** Words in s. 14D(2) substituted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 3 para. 3(3)**; S.I. 2007/858, **art. 2(k)**

#### <sup>F17</sup>[14E Banning orders: general.

- (1) On making a banning order, a court must in ordinary language explain its effect to the person subject to the order.
- (2) A banning order must require the person subject to the order to report initially at a police station in England and Wales specified in the order within the period of five days beginning with the day on which the order is made.

[ A banning order must require the person subject to the order to give notification of <sup>F18</sup>(2A) the events mentioned in subsection (2B) to the enforcing authority.

- (2B) The events are—
- (a) a change of any of his names;
  - (b) the first use by him after the making of the order of a name for himself that was not disclosed by him at the time of the making of the order;
  - (c) a change of his home address;
  - (d) his acquisition of a temporary address;

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- (e) a change of his temporary address or his ceasing to have one;
  - (f) his becoming aware of the loss of his travel authorisation;
  - (g) receipt by him of a new travel authorisation;
  - (h) an appeal made by him in relation to the order;
  - (i) an application made by him under section 14H(2) for termination of the order;
  - (j) an appeal made by him under section 23(3) against the making of a declaration of relevance in respect of an offence of which he has been convicted.
- (2C) A notification required by a banning order by virtue of subsection (2A) must be given before the end of the period of seven days beginning with the day on which the event in question occurs and—
- (a) in the case of a change of a name or address or the acquisition of a temporary address, must specify the new name or address;
  - (b) in the case of a first use of a previously undisclosed name, must specify that name; and
  - (c) in the case of a receipt of a new travel authorisation, must give details of that travel authorisation.]
- (3) A banning order must <sup>F19</sup>... impose a requirement as to the surrender in accordance with this Part, in connection with regulated football matches outside the United Kingdom, of the passport of the person subject to the order.
- <sup>F20</sup>(4) .....
- (5) In the case of a person detained in legal custody—
- (a) the requirement under this section to report at a police station, and
  - (b) any requirement imposed under section 19 below,
- is suspended until his release from custody.
- (6) If—
- (a) he is released from custody more than five days before the expiry of the period for which the order has effect, and
  - (b) he was precluded by his being in custody from reporting initially,
- the order is to have effect as if it required him to report initially at the police station specified in the order within the period of five days beginning with the date of his release.]
- [<sup>F21</sup>(7) A person serving a sentence of imprisonment to which an intermittent custody order under section 183 of the Criminal Justice Act 2003 relates is to be treated for the purposes of this section as having been detained in legal custody until his final release; and accordingly any reference in this section to release is, in relation to a person serving such a sentence, a reference to his final release.]
- [<sup>F22</sup>(8) In this section—
- “declaration of relevance” has the same meaning as in section 23;
  - “home address”, in relation to any person, means the address of his sole or main residence;
  - “loss” includes theft or destruction;
  - “new” includes replacement;
  - “temporary address”, in relation to any person, means the address (other than his home address) of a place at which he intends to reside, or has resided, for a period of at least four weeks.]

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#### Textual Amendments

- F17** Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**
- F18** Ss. 14E(2A)-(2C) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 3 para. 5(2)** (with Sch. 3 para. 5(6)); S.I. 2007/858, art. 2(k)
- F19** Words in s. 14E(3) repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), Sch. 3 para. 5(3), **Sch. 5** (with Sch. 3 para. 5(7)); S.I. 2007/858, art. 2(k)(n)(v)
- F20** S. 14E(4) repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), Sch. 3 para. 5(4), **Sch. 5** (with Sch. 3 para. 5(7)); S.I. 2007/858, art. 2(k)(n)(v)
- F21** S. 14E(7) inserted (26.1.2004 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 57**; S.I. 2003/3282, art. 2, Sch.
- F22** S. 14E(8) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 3 para. 5(5)**; S.I. 2007/858, art. 2(k)

#### <sup>F23</sup>**[14F Period of banning orders.**

- (1) Subject to the following provisions of this Part, a banning order has effect for a period beginning with the day on which the order is made.
- (2) The period must not be longer than the maximum or shorter than the minimum.
- (3) Where the order is made under section 14A above in addition to a sentence of imprisonment taking immediate effect, the maximum is ten years and the minimum is six years; and in this subsection “imprisonment” includes any form of detention.
- (4) In any other case where the order is made under section 14A above, the maximum is five years and the minimum is three years.
- (5) Where the order is made under section 14B above, the maximum is [<sup>F24</sup>five] years and the minimum is [<sup>F24</sup>three] years.]

#### Textual Amendments

- F23** Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**
- F24** Words in s. 14F(5) substituted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 3 para. 6**; S.I. 2007/858, art. 2(k)

#### <sup>F25</sup>**[14G Additional requirements of orders.**

- (1) A banning order may, if the court making the order thinks fit, impose additional requirements on the person subject to the order in relation to any regulated football matches.
- (2) The court by which a banning order was made may, on an application made by—
  - (a) the person subject to the order, or
  - (b) the person who applied for the order or who was the prosecutor in relation to the order,vary the order so as to impose, replace or omit any such requirements.

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- (3) In the case of a banning order made by a magistrates' court, the reference in subsection (2) above to the court by which it was made includes a reference to any magistrates' court acting [<sup>F26</sup>in the same local justice] area as that court.]

#### Textual Amendments

- F25** Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**
- F26** Words in s. 14G(3) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 332(a)**; S.I. 2005/910, art. 3(y)

#### <sup>F27</sup>**[14H Termination of orders.**

- (1) If a banning order has had effect for at least two-thirds of the period determined under section 14F above, the person subject to the order may apply to the court by which it was made to terminate it.
- (2) On the application, the court may by order terminate the banning order as from a specified date or refuse the application.
- (3) In exercising its powers under subsection (2) above, the court must have regard to the person's character, his conduct since the banning order was made, the nature of the offence or conduct which led to it and any other circumstances which appear to it to be relevant.
- (4) Where an application under subsection (1) above in respect of a banning order is refused, no further application in respect of the order may be made within the period of six months beginning with the day of the refusal.
- (5) The court may order the applicant to pay all or any part of the costs of an application under this section.
- (6) In the case of a banning 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 [<sup>F28</sup>in the same local justice] area as that court.]

#### Textual Amendments

- F27** Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**
- F28** Words in s. 14H(6) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 332(b)**; S.I. 2005/910, art. 3(y)

#### <sup>F29</sup>**[14J Offences.**

- (1) A person subject to a banning order who fails to comply with—
- (a) any requirement imposed by the order, or
  - (b) any requirement imposed under section 19(2B) or (2C) below,
- is guilty of an offence.



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- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months, or a fine not exceeding level 5 on the standard scale, or both.]

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**Textual Amendments**

**F29** Pt. II heading, cross-headings and ss. 14-14J substituted for cross-headings and ss. 14-17 (28.8.2000) by 2000 c. 25, s. 1(1), **Sch. 1 para. 2**; S.I. 2000/2125, **art. 2**

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Football Spectators Act 1989, Cross Heading: Banning orders.