



Football Spectators Act 1989

1989 CHAPTER 37

PART II

FOOTBALL MATCHES OUTSIDE ENGLAND AND WALES

Restriction orders

15 Restriction orders.

[^{F1}(1) Subject to subsection (3) below—

- (a) a court by or before which a person is convicted of a relevant offence, or
- (b) if a person convicted of such an offence is committed to the Crown Court to be dealt with, the Crown Court on dealing with him for the offence,

shall have the power to make an international football banning order in relation to him.

(2) Subject to subsection (3) below, it shall be the duty of the court to make an international football banning order in relation to the accused if it is satisfied that there are reasonable grounds to believe that making the order would help to prevent violence or disorder at or in connection with designated football matches.

(2A) Where the court has power to make an international football banning order in relation to the accused but does not do so, it shall state in open court that it is not satisfied that there are such reasonable grounds as are mentioned in subsection (2) above and give reasons why it is not satisfied.

(3) An international football banning order may only be made—

- (a) in addition to a sentence imposed in respect of the offence of which the accused is (or was) convicted; or
- (b) in addition to an order discharging him absolutely or conditionally.

(4) An international football banning order may be made as mentioned in subsection (3)(b) above notwithstanding anything in [^{F2}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).

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

- (5) An international football banning order shall specify the police station in England or Wales at which the person subject to the order is to report initially.]
- [^{F3}(5A) The court may, if it thinks fit, impose conditions in the order which the person subject to the order shall comply with.
- (5B) Those conditions may include conditions with respect to the surrender of the passport of the person subject to the order not more than five days before the date of each designated football match in relation to which he is required to report to a police station.
- (5C) A passport surrendered by the person subject to the order on the occasion of a designated football match must be returned to him as soon as reasonably practicable after the match has taken place.]
- (6) The court shall, on making the order in relation to the accused, explain its effect to him in ordinary language.
- (7) In section 10(3) of the ^{M1}Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after sub-paragraph (iii) there shall be inserted “or
(iv) a restriction order under section 15 of the Football Spectators Act 1989;”.

Textual Amendments

- F1** S. 15(1)-(5) substituted (27.9.1999) by 1999 c. 21, ss. 1(1), 12(2) (with s. 12(3))
- F2** Words in s. 15(4) substituted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), Sch. 9 para. 125
- F3** S. 15(5A)-(5C) inserted (27.9.1999) by 1999 c. 21, ss. 3(1), 12(2) (with s. 12(3))

Marginal Citations

- M1** 1968 c. 19.

16 Effect of order.

- [^{F4}(1) Subject to subsection (3) and section 17 below, an international football banning order has effect in relation to a person convicted of a relevant offence for a period determined by the court making the order—
- (a) which begins with the date of the making of the order,
- (b) which is not longer than the maximum period, and
- (c) which is not shorter than the minimum period.
- (1A) The maximum period—
- (a) in a case where the person was sentenced in respect of that offence to a period of imprisonment taking immediate effect, is ten years, and
- (b) in any other case, is five years.
- (1B) The minimum period—
- (a) in a case where the person was sentenced in respect of that offence to a period of imprisonment taking immediate effect, is six years, and
- (b) in any other case, is three years.]

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- (2) The duty to report imposed by [F5 an international football banning order] on the person subject to the order is a duty—
- (a) to report initially to the police station specified in the order within the period of five days beginning with the date of the making of the order, and
 - (b) subject to any exemption, to report on the occasion of designated football matches when required to do so under section [F6 19(3)(a) or (b)] below to [F7 the police station in England and Wales specified in the notice by which the requirement is imposed at the time or between the times specified in the notice.]
- (3) The duty to report shall, in the case of a person sentenced to or serving a term of imprisonment, be suspended until his discharge from prison and the order shall have effect, if he is discharged more than five days before the expiry of the period for which the order has effect and he was precluded by his being in prison from reporting initially, as if it required him to report initially to [F8 the police station specified in the order] within the period of five days beginning with the date of his discharge.
- [F9(3A) The duty to comply with conditions imposed by an international football banning order is a duty, subject to any exemption, to comply with those conditions when required to do so under section 19(3)(a) or (b) below.]
- (4) A person who, without reasonable excuse, fails to comply with the duty to report [F10, or the duty to comply with conditions,] imposed by [F5 an international football banning order] commits an offence.
- (5) A person guilty of an offence under subsection (4) above shall be liable on summary conviction to imprisonment for a term not exceeding [F11 six months] or to a fine not exceeding [F11 level 5] on the standard scale or to both.

Textual Amendments

- F4** S. 16(1) substituted (27.9.1999) by 1999 c. 21, ss. 4(1), 12(2) (with s. 13(2))
- F5** Words in s. 16(2)(4) substituted (27.9.1999) by 1999 c. 21, ss. 1(2)(b), 12(2) (with s. 12(3))
- F6** Words in s. 16(2)(b) substituted (27.9.1999) by 1999 c. 21, ss. 3(2)(a), 12(2) (with s. 12(3))
- F7** Words in s. 16(2)(b) substituted (27.9.1999) by 1999 c. 21, ss. 3(2)(b), 12(2) (with s. 12(3))
- F8** Words in s. 16(3) substituted (27.9.1999) by 1999 c. 21, ss. 3(3), 12(2) (with s. 13(2))
- F9** S. 16(3A) inserted (27.9.1999) by 1999 c. 21, ss. 3(4), 12(2) (with s. 13(2))
- F10** Words in s. 16(4) inserted (27.9.1999) by 1999 c. 21, ss. 3(5), 12(2) (with s. 13(2))
- F11** Words in s. 16(5) substituted (7.8.1998) by 1998 c. 37, s. 84(1) (with s. 120(1), Sch. 9 para. 9); S.I. 1998/1883, art. 3

17 Application to terminate restriction order.

- [F12(1) A person in relation to whom an international football banning order has had effect for at least two-thirds of the period determined under section 16(1) above may apply to the court which made the order to terminate it.]
- (2) On such an application the court may, having regard to the person's character, his conduct since the order was made, the nature of the offence which led to it and any other circumstances of the case, either by order terminate [F13 the international football banning order] (as from a date specified in the terminating order) or refuse the application.

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- (3) Where an application under this section is refused, a further application in respect of the restriction order shall not be entertained if made within the period of six months beginning with the day of the refusal.
- (4) The court may order the applicant to pay all or any part of the costs of an application under this section.
- (5) In the case of [^{F13}an international football 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 for the same petty sessions area as that court.
- (6) Section 63(2) of the ^{M2}Magistrates' Courts Act 1980 (power to suspend or rescind orders) does not apply to [^{F13}an international football banning order.]

Textual Amendments

F12 S. 17(1) substituted (27.9.1999) by 1999 c. 21, ss. 4(2), 12(2) (with s. 12(3))

F13 Words in s. 17(2)(5)(6) substituted (27.9.1999) by 1999 c. 21, ss. 1(2)(b)(d), 12(2) (with s. 12(3))

Marginal Citations

M2 1980 c. 43.

18 Information.

- (1) Where a court makes [^{F14}an international football banning order] the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
 - (a) shall give a copy of it to the person to whom it relates;
 - (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority;
 - (c) shall (as soon as reasonably practicable) send a copy of it to the police station (addressed to the officer responsible for the police station) at which the person subject to the order is to report initially; and
 - (d) in a case where the person subject to the order is sentenced by the court to or is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of it to the governor of the prison or other person to whose custody he will be committed or in whose custody he is, as the case may be.
- (2) Where a court terminates [an international football banning order] under section 17 above, the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
 - (a) shall give a copy of the terminating order to the person to whom [^{F14}the international football banning order] relates;
 - (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority; and
 - (c) in a case where the person subject to [^{F14}the international football banning order] is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of the terminating order to the governor of the prison or other person in whose custody he is, as the case may be.
- (3) Where a person subject to [^{F14}an international football banning order] is discharged from prison and, in the case of a person who has not reported initially to a police

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station, is discharged more than five days before the expiry of [^{F14}the international football banning order,] the governor of the prison or person in whose custody he is, as the case may be, shall (as soon as reasonably practicable) give notice of his discharge to the enforcing authority.

- (4) References in this section to the clerk of a magistrates' court shall be construed in accordance with section 141 of the ^{M3}Magistrates' Courts Act 1980, reading references to that Act as references to this section.

Textual Amendments

F14 Words in s. 18(1)(2)(3) substituted (27.9.1999) by 1999 c. 21, ss. 1(2)(b)(d) (with s. 12(3))

Marginal Citations

M3 1980 c. 43.

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