



Football Spectators Act 1989

1989 CHAPTER 37

PART III

GENERAL

23 Further provision about, and appeals against, declarations of relevance.

- (1) Subject to subsection (2) below, a court may not make a declaration of relevance as respects any offence unless it is satisfied that the prosecutor gave notice to the defendant, at least five days before the first day of the trial, that it was proposed to show that the offence related to football matches [^{F1}, to a particular football match or to particular football matches (as the case may be).]
- (2) A court may, in any particular case, make a declaration of relevance notwithstanding that notice to the defendant as required by subsection (1) above has not been given if he consents to waive the giving of full notice or the court is satisfied that the interests of justice do not require more notice to be given.
- (3) A person convicted of an offence as respects which the court makes a declaration of relevance may appeal against the making of the declaration of relevance as if the declaration were included in any sentence passed on him for the offence, and accordingly—
 - (a) in section 10(3) of the ^{M1}Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after the sub-paragraph (iv) inserted by section 15(7) above there shall be inserted “or
 - (v) a declaration of relevance under the Football Spectators Act 1989;”;
 - (b) in section 50(1) of that Act (meaning of “sentence”), at the end there shall be inserted the words “; and a declaration of relevance under the Football Spectators Act 1989 ”; and
 - (c) in section 108(3) of the ^{M2}Magistrates’ Courts Act 1980 (right of appeal to the Crown Court), at the end there shall be inserted the words “ and also includes a declaration of relevance under the Football Spectators Act 1989. ”

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- (4) [^{F2}A banning order] made upon a person's conviction of a relevant offence shall be quashed if the making of a declaration of relevance as respects that offence is reversed on appeal.

[^{F3}(5) In this section “declaration of relevance” means a declaration by a court for the purposes of Schedule 1 to this Act that an offence related to football matches, or that it related to one or more particular football matches.]

Textual Amendments

- F1** Words in s. 23(1) inserted (27.9.1999) by 1999 c. 21, ss. 2(6), 12(2) (with s. 12(3))
- F2** Words in s. 23(4) substituted (28.8.2000) by 2000 c. 25, s. 1(2), Sch. 2 para. 10; S.I. 2000/2125, art. 2
- F3** S. 23(5) inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), Sch. 3 para. 12; S.I. 2007/858, art. 2(k)

Modifications etc. (not altering text)

- C1** S. 23(1)-(3) applied (27.9.1999) by 1986 c. 64, s. 31(2)(3) (as substituted (27.9.1999) by 1999 c. 21, ss. 7(1), 12(2) (with s. 12(3))

Marginal Citations

- M1** 1968 c. 19.
- M2** 1980 c. 43.

24 Offences by bodies corporate.

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or similar officer of the body corporate, or any person purporting to act in that capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

25 Service of documents.

- (1) Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.

[^{F4}(1A) A notice or other document served in accordance with subsection (1) on a person who is the subject of a banning order is to be deemed to be received by him at the time when it is served unless he proves otherwise.]

- (2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (3) For the purposes of this section, and of section 7 of the ^{M3}Interpretation Act 1978 in its application to this section, the proper address of a person, in the case of a secretary or clerk of a body corporate, shall be that of the registered office or principal office of

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that body, in the case of a partner of a firm shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served.

- (4) This section, and the said section 7 in its application to this section, is subject to section 21(4) and (7) above.

Textual Amendments

- F4** S. 25(1A) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 66(2), [Sch. 3 para. 8\(1\)](#); [S.I. 2007/858](#), art. 2(k)

Marginal Citations

- M3** 1978 c. 30.

26 Financial provision.

- (1) Any expenses of the Secretary of State under this Act shall be paid out of money provided by Parliament.
- (2) Any fees received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

27 Citation, commencement, consequential repeal and extent.

- (1) This Act may be cited as the Football Spectators Act 1989.
- (2) The provisions of this Act (other than this section) shall not come into operation until such day as the Secretary of State may appoint by order made by statutory instrument.
- (3) Different days may be appointed under subsection (2) above for different provisions of this Act.
- (4) A statutory instrument appointing a commencement date for ^{F5}... section 13 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

^{F6}[(4A) Any power of Her Majesty to make an Order in Council under this Act, and any power of the Secretary of State to make regulations or an order under this Act, may be exercised so as to make different provision for different purposes]

^{F7}(5)

- (6) This Act ^{F8}... extends to England and Wales only.

Subordinate Legislation Made

- P1** Power of appointment conferred by s. 27(2) partly exercised: [S.I. 1990/690](#), 926
- P2** S. 27(2)(3) power exercised by [S.I. 1991/1071](#)
S. 27(2)(3): s. 27(2)(3) power exercised (1.8.1993) by [S.I. 1993/1690](#)

Textual Amendments

- F5** Words in s. 27(4) repealed (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), s. 66(2), [Sch. 5](#); [S.I. 2007/858](#), art. 2(n)(v)
- F6** S. 27(4A) inserted (28.8.2000) by [2000 c. 25](#), s. 1(2), [Sch. 2 para. 19\(a\)](#); [S.I. 2000/2125](#), art. 2

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- F7** S. 27(5) repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 5**; S.I. 2007/858, art. 2(n)(v)
- F8** Words in s. 27(6) repealed (1.11.2011) by Sports Grounds Safety Authority Act 2011 (c. 6), s. 8(1), Sch. 2 para. 7(2)(b), **Sch. 3**; S.I. 2011/2597, art. 2

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