



Football Spectators Act 1989

1989 CHAPTER 37

[^{F1}PART II

REGULATED FOOTBALL MATCHES]

[^{F1}Banning orders]

^{F1}14A [Banning orders made on conviction of an offence.]

(1) This section applies where a person (the “offender”) is convicted of a relevant offence.

[^{F2}(2) The court must make a banning order in respect of the offender unless the court considers that there are particular circumstances relating to the offence or to the offender which would make it unjust in all the circumstances to do so.

(3) Where the court does not make a banning order it must state in open court the reasons for not doing so.]

[^{F3}(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.

[^{F4}(4A) The court may adjourn any proceedings in relation to an order under this section even after sentencing the offender.

(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 ^{F5}(4BA) (4B), the court may remand the offender.

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Changes to legislation: There are currently no known outstanding effects for the Football Spectators Act 1989, Section 14A. (See end of Document for details)

- (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) ^{F6}... the court may not issue a warrant [^{F7}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 [^{F8}sections 79, 80 and 82 of the Sentencing Code] (which relate to orders discharging a person absolutely or conditionally and their effect).
- [^{F9}(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

- 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**
- F2** S. 14A(2)(3) substituted (29.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 192(1), 208(1)** (with s. 192(5)); S.I. 2022/520, reg. 6(b)
- 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)**
- 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** Words in s. 14A(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 107** (with **Sch. 24 para. 447, Sch. 27**); S.I. 2020/1236, reg. 2

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F9 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)

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