

SCHEDULES

SCHEDULE 1

AMENDMENTS OF THE FOOTBALL SPECTATORS ACT 1989

4 After section 21 there is inserted—

“21A Summary measures: detention

(1) This section and section 21B below apply during any control period in relation to a regulated football match outside England and Wales or an external tournament if a constable in uniform—

- (a) has reasonable grounds for suspecting that the condition in section 14B(2) above is met in the case of a person present before him, and
- (b) has reasonable grounds to believe that making a banning order in his case would help to prevent violence or disorder at or in connection with any regulated football matches.

(2) The constable may detain the person in his custody (whether there or elsewhere) until he has decided whether or not to issue a notice under section 21B below, and shall give the person his reasons for detaining him in writing.

This is without prejudice to any power of the constable apart from this section to arrest the person.

(3) A person may not be detained under subsection (2) above for more than four hours or, with the authority of an officer of at least the rank of inspector, six hours.

(4) A person who has been detained under subsection (2) above may only be further detained under that subsection in the same control period in reliance on information which was not available to the constable who previously detained him; and a person on whom a notice has been served under section 21B(2) below may not be detained under subsection (2) above in the same control period.

21B Summary measures: reference to a court

(1) A constable in uniform may exercise the power in subsection (2) below if authorised to do so by an officer of at least the rank of inspector.

(2) The constable may give the person a notice in writing requiring him—

- (a) to appear before a magistrates' court at a time, or between the times, specified in the notice,
- (b) not to leave England and Wales before that time (or the later of those times), and

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- (c) 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 the constable, and stating the grounds referred to in section 21A(1) above.
- (3) The times for appearance before the magistrates' court must be within the period of 24 hours beginning with—
 - (a) the giving of the notice, or
 - (b) the person's detention under section 21A(2) above,
 whichever is the earlier.
- (4) For the purposes of section 14B above, the notice is to be treated as an application for a banning order made by complaint by the constable to the court in question and subsection (1) of that section is to have effect as if the references to the chief officer of police for the area in which the person resides or appears to reside were references to that constable.
- (5) A constable may arrest a person to whom he is giving such a notice if he has reasonable grounds to believe that it is necessary to do so in order to secure that the person complies with the notice.
- (6) Any passport surrendered by a person under this section must be returned to him in accordance with directions given by the court.

21C Summary measures: supplementary

- (1) The powers conferred by sections 21A and 21B above may only be exercised in relation to a person who is a British citizen.
- (2) A person who fails to comply with a notice given to him under section 21B above is guilty of an offence and 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.
- (3) Where a person to whom a notice has been given under section 21B above appears before a magistrates' court as required by the notice (whether under arrest or not), the court may remand him.
- (4) A person who, by virtue of subsection (3) 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.

21D Summary measures: compensation

- (1) Where a person to whom a notice has been given under section 21B above appears before a magistrates' court and the court refuses the application for a banning order in respect of him, it may order compensation to be paid to him out of central funds if it is satisfied—

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- (a) that the notice should not have been given,
 - (b) that he has suffered loss as a result of the giving of the notice, and
 - (c) that, having regard to all the circumstances, it is appropriate to order the payment of compensation in respect of that loss.
- (2) An appeal lies to the Crown Court against any refusal by a magistrates' court to order the payment of compensation under subsection (1) above.
- (3) The compensation to be paid by order of the magistrates' court under subsection (1) above or by order of the Crown Court on an appeal under subsection (2) above shall not exceed £5,000 (but no appeal may be made under subsection (2) in respect of the amount of compensation awarded).
- (4) If it appears to the Secretary of State that there has been a change in the value of money since the coming into force of this section or, as the case may be, the last occasion when the power conferred by this subsection was exercised, he may by order substitute for the amount specified in subsection (3) above such other amount as appears to him to be justified by the change.
- (5) In this section, "central funds" has the same meaning as in enactments providing for the payment of costs."