

SCHEDULES

SCHEDULE 2

Section 1.

MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Appeal Act 1968 (c. 19.)

- 1 In section 10 of the Criminal Appeal Act 1968 (appeal against sentence), in subsection (3)(c), for sub-paragraph (iv) there is substituted—
“(iv) a banning order under section 14A of the Football Spectators Act 1989; or”, and sub-paragraphs (vi) and (vii) are omitted.

Police and Criminal Evidence Act 1984 (c. 60.)

- 2 In section 24 of the Police and Criminal Evidence Act 1984 (arrestable offences), in subsection (2), for paragraph (q) there is substituted—
“(q) an offence under section 14J or 21C of the Football Spectators Act 1989 (failure to comply with requirements imposed by or under a banning order or a notice under section 21B)”, and paragraph (r) is omitted.

Public Order Act 1986 (c. 64.)

- 3 The Public Order Act 1986 is amended as follows.
4 Sections 30 to 34 (domestic football banning orders) are omitted.
5 In section 35 (photographs)—
(a) for each mention of “a domestic football banning order” or “the domestic football banning order” there is substituted “a banning order” or “the banning order” respectively,
(b) at the end of subsection (2) there is inserted “and “banning order” has the same meaning as in Part II of the football spectators act 1989”,
(c) at the end of subsection (3) there is inserted “or (in the case of a banning order made under section 14B of the Football Spectators Act 1989) the complainant”.
- 6 Section 36 (prescribed matches) is omitted.
7 In section 37 (extension to other sporting events),—
(a) in subsection (1), for “sections 30 to 35” there is substituted “section 35 of this Act and Part II of the Football Spectators Act 1989”,
(b) in subsection (2), for “those sections” there is substituted “that section and that Part”.

Status: This is the original version (as it was originally enacted).

Legal Aid Act 1988 (c. 34.)

- 8 (1) The Legal Aid Act 1988 is to have effect in relation to proceedings under—
- (a) sections 14B and 14D of the Football Spectators Act 1989,
 - (b) sections 14G and 14H of that Act (so far as relating to banning orders made under section 14B), and
 - (c) sections 21B(2) and 21D of that Act,
- as if those proceedings had been included in the definition of “criminal proceedings” in article 1(2) of the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000.
- (2) Sub-paragraph (1) is to have effect subject to any provision made by an order under section 3 of this Act or under section 108(1) of, or paragraph 1(1) of Schedule 14 to, the Access to Justice Act 1999.

Football Spectators Act 1989 (c. 37.)

- 9 The Football Spectators Act 1989 is amended as follows.
- 10 For each mention of “an international football banning order” or “the international football banning order” there is substituted “a banning order” or (as the case may be) “the banning order”.
- 11 For each mention in Part II of “designated football match” or “designated football matches” there is substituted “regulated football match” or (as the case may be) “regulated football matches”.
- 12 In section 1(8A) (scope and interpretation)—
- (a) for “(n), (o) or (p)” there is substituted “1(q), (r), (s) or (t)”,
 - (b) for “football match designated for the purposes” there is substituted “regulated football matches (within the meaning”.
- 13 In section 7 (disqualification for membership of scheme)—
- (a) in subsection (1), after “football matches” there is inserted “or a banning order under Part II of this Act”,
 - (b) in subsection (5), for the words from “specified” to the end there is substituted “to which Schedule 1 to this Act applies”,
 - (c) subsection (6) is omitted.
 - (d) in subsection (10), for paragraph (a) there is substituted—
 - “(a) “declaration of relevance” means a declaration by the court that the offence related to football matches”.
- 14 In section 18 (information)—
- (a) in subsection (1)—
 - (i) at the end of paragraph (b) there is inserted “and to any prescribed person”,
 - (ii) in paragraph (d), for the words following “the order is” there is substituted “detained in legal custody, shall (as soon as reasonably practicable) send a copy of it to the person in whose custody he is detained”,
 - (b) in subsection (2)—
 - (i) for “section 17” there is substituted “section 14H”,

Status: This is the original version (as it was originally enacted).

- (ii) after “authority” in paragraph (b) there is inserted “and to any prescribed person”,
 - (iii) in paragraph (c), for the words following “banning order is” there is substituted “detained in legal custody, shall (as soon as reasonably practicable) send a copy of the terminating order to the person in whose custody he is detained”,
 - (c) for subsection (3) there is substituted—
 - “(3) Where a person subject to a banning order is released from custody and, in the case of a person who has not reported initially to a police station, is released more than five days before the expiry of the banning order, the person in whose custody he is shall (as soon as reasonably practicable) give notice of his release to the enforcing authority.”
- 15 In section 20 (exemptions)—
- (a) in subsection (1), for the words from “all or” to “(3A) above” there is substituted “the requirements imposed by or under this Part, or any of them”,
 - (b) in subsection (2), for the words following “application is” there is substituted “made during the control period in relation to any match to which the application applies, the officer responsible for a police station may grant the exemption as respects that match, subject to subsection (3) below”,
 - (c) in subsection (4), for the words from “all or” to “above” there is substituted “the requirements imposed by or under this Part, or any of them, as respects any match or matches to which the application relates”,
 - (d) in subsection (6), for the words following “(4) above” there is substituted “the banning order is to have effect subject to the exemption and, accordingly, no requirement is to be imposed under section 19 which is inconsistent with the exemption”,
 - (e) in subsection (10), for the words from “any duty” to “above” there is substituted “the requirements imposed by or under this Part, or any of them”.
- 16 In section 21(3) (functions of enforcing authority: supplementary), for “international football banning orders” there is substituted “banning orders”.
- 17 In section 22 (football banning orders arising out of offences outside England and Wales)—
- (a) in subsections (1) and (1A), for “specified in Schedule 1 to this Act” there is substituted “to which Schedule 1 to this Act applies”,
 - (b) for subsection (8) there is substituted—
 - “(8) Sections 14E to 14J and 18 to 21 shall apply in relation to a person subject to a banning order under this section as they apply in relation to a person subject to a banning order made by a magistrates' court under section 14A.”
- 18 After section 22 there is inserted—
- “22A Other interpretation, etc**
- (1) In this Part—

Status: This is the original version (as it was originally enacted).

“British citizen” has the same meaning as in the British Nationality Act 1981,

“country” includes territory,

“declaration of relevance” has the same meaning as in section 7,

“enforcing authority” means a prescribed organisation established by the Secretary of State under section 57 of the Police Act 1996 (central police organisations),

“passport” means a United Kingdom passport within the meaning of the Immigration Act 1971,

“prescribed” means prescribed by an order made by the Secretary of State.

- (2) The Secretary of State may, if he considers it necessary or expedient to do so in order to secure the effective enforcement of this Part, by order provide for section 14(5) and (6) above to have effect in relation to any, or any description of, regulated football match or external tournament as if, for any reference to five days, there were substituted a reference to the number of days (not exceeding ten) specified in the order.
- (3) Any power of the Secretary of State to make an order under this Part is exercisable by statutory instrument.
- (4) An instrument containing an order made by the Secretary of State under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

19 In section 27 (citation etc.)—

(a) after subsection (4) there is inserted—

“(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”,

(b) in subsection (5)—

(i) for “30 to 37 of the Public Order Act 1986 (which provide for football banning orders)” there is substituted “35 and 37 of the Public Order Act 1986”,

(ii) the words following “this Act” are omitted.

Criminal Justice and Public Order Act 1994 (c. 33.)

20 In section 166 of the Criminal Justice and Public Order Act 1994 (unauthorised sale of tickets), in subsection (2), in paragraph (c), “or Part II” is omitted and at the end there is inserted “or which is a regulated football match for the purposes of Part II of that Act”.