

EXPLANATORY MEMORANDUM TO
THE FOOTBALL SPECTATORS (SEATING) ORDER 2008

2008 No. 1749

1. Introduction

1.1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1. This order directs the Football Licensing Authority (“FLA”) to include an “all-seater” condition in licences issued under section 10 of the Football Spectators Act 1989 to admit spectators to football matches at the home grounds of Swansea City Football Club, Doncaster Rovers Football Club and Rotherham United Football Club.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None

4. Legislative Background

4.1. Section 9 of the Football Spectators Act 1989 makes it an offence to admit spectators to a designated football match without a licence to admit spectators being in force. Descriptions of football matches are designated by the Secretary of State by order under s1(2) of the 1989 Act and the current designation is set out in the Football Spectators (Designation of Football Matches in England and Wales) Order 2000 (S.I. 2000/3331). It includes any association football match which is played at a sports ground in England or Wales which is registered with the FA Premier League or Football League as the home ground of a club which is a member of the FA Premier League or Football League at the time the match is played. The FLA is responsible under section 10 for issuing licences to admit spectators on such terms and conditions as it considers appropriate. The Secretary of State has power under section 11 to issue a direction by order to the FLA requiring it to include conditions relating to seating, and it is this power which is being exercised in relation to the above order. Before issuing such a direction, the Secretary of State is required to consult the FLA which may, if it thinks fit, make recommendations to him. Similar orders have been issued every year since 1994 under the Government’s “all seater” policy for football clubs in the FA Premier League and Coca-Cola Championship (see Policy Background section below).

5. Extent

- 5.1. The Football Spectators Act 1989 (under which this order is made) extends to England and Wales.

6. The European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1. Following the Final Report of the 1989 Enquiry by the Rt Hon Lord Justice Taylor into the Hillsborough Stadium Disaster, the Government adopted an all-seater policy for all clubs in English football's top two divisions. Since this Report, the FLA's licensing regime has led to major structural improvements at football grounds, making them much safer places for spectators.

Under the all-seater policy clubs promoted to the Championship (the 2nd division of Football) are given three years in which to undertake any work required to upgrade their ground to all-seater after which time an all-seater condition is imposed on their licence to admit spectators. By allowing clubs three years, the Government believes that clubs will have a reasonable timeframe in which to complete any work required to comply with this policy.

Where a club has spent three years or more in the top two divisions it will continue to be subject to the all-seater policy regardless of whether it remains in these divisions or it is relegated.

- 7.2. In May 2008 Swansea City and Doncaster Rovers Football Clubs were promoted to the Championship and became subject to the all-seater policy. However, as both clubs already play in all-seater stadia the requirement to implement the all-seater policy within three years following their promotion has already been satisfied.

Rotherham United Football Club currently play in League Two (the 4th division of Football) but having previously spent more than three years in the top two divisions, the club remains subject to an all-seater requirement. A decision was taken to make an order for the club's new ground since it is an all-seater stadium and has the potential to attract sizeable crowds.

- 7.3. The Secretary of State has consulted the FLA in relation to the above stadia. This order formally directs it to include the all-seater requirement as a condition of the three clubs' licences to admit spectators. The main benefit will be improved assurance of spectator safety and effective crowd management at these two grounds.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this order as it implements a general policy of requiring certain stadia to be all-seater in relation to three specific stadia. The impact of the overall policy, i.e. the costs of all-seater accommodation and the effect on safety, was considered at the time that the designation system was set up and it is therefore unnecessary to consider the impact of each individual designation.

9. Contact

9.1. Fraser Skilling at the Department for Culture, Media and Sport. Tel: 020 7211 6107 or email: fraser.skilling@culture.gsi.gov.uk can answer any queries regarding the instrument.