

**EXPLANATORY MEMORANDUM TO
THE FOOTBALL SPECTATORS (2010 WORLD CUP CONTROL PERIOD)
ORDER 2010**

2010 No. 130

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This Order describes the control period under the Football Spectators Act 1989 for the 2010 FIFA (Fédération Internationale de Football Association) World Cup finals tournament in South Africa. The control period begins on 1st June 2010, that is ten days before the first match in the tournament, and ends when the last match in the tournament is finished or cancelled. The last match is due to be played on 11th July 2010.

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

3.1 None.

4. Legislative Context

4.1 The instrument is made under sections 14(6) and 22A(2) of the Football Spectators Act 1989.

4.2 During a control period the powers contained in sections 19 (requirements for those subject to banning orders to report to a police station and surrender their passport) and 21A and 21B (summary powers to detain and refer to a court with a view to the making of a banning order) of the 1989 Act are excisable.

4.3 Statutory Instruments have defined the control periods for the World Cup and European Championship finals tournaments since 2002. Orders for the 2006 World Cup (S.I. 2006/988) and 2008 European Championship (S.I. 2008/1165) also made use of the power in section 22A(2) of the Football Spectators Act 1989 to commence the control period ten days before the first match in order to secure effective enforcement of the control period.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

7.1 The FIFA 2010 World Cup is a major international tournament which supporters who pose a risk of contributing to violence or disorder may attempt to attend, and for which a control period is therefore considered appropriate. The control period will enable the enforcing authority and police to prevent persons subject to a banning order and other supporters who pose such a risk from travelling to South Africa, neighbouring or transit countries and contributing to violence or disorder.

7.2 During a control period the powers contained in section 19 (requirements for those subject to banning orders to report to a police station and surrender their passport) and section 21A and 21B (summary police powers to detain those suspected of violence or disorder, and to refer them to a court) of the Football Spectators 1989 Act are exercisable.

7.3 Section 19 empowers the enforcing authority (the Football Banning Orders Authority) to issue a notice to an individual subject to a banning order to report to their designated police station and surrender their passport as specified by their notice. Passports are returned either after specific matches or the tournament Final.

7.4 Local police take enforcement action against any banned individual who fails to comply with their reporting instructions. Details of banned individuals to whom the enforcing authority have issued section 19 notices are circulated to ports police during the control period to ensure such individuals cannot travel to the tournament. Failure to comply with reporting instructions is a criminal offence. On conviction, the individuals can receive up to 6 months imprisonment, a £5,000 fine, or both and a further banning order (in accordance with section 14J(1)). These are effective means of ensuring persons who pose a risk of contributing to violence or disorder at an overseas regulated match or tournament are prevented from doing so.

7.5 Summary police powers under sections 21A and 21B of the 1989 Act provide a long stop measure, enabling police to prevent a known troublemaker from travelling before the local force has had the opportunity to seek a banning order from the court. Section 21B empowers the police to issue a notice to an individual to appear at court if there are reasonable grounds for suspecting that he has caused or contributed to violence or disorder in the United Kingdom or elsewhere, and if there are reasonable grounds to believe that imposing a banning order would help to prevent violence or disorder at or in connection with any of the matches in the finals tournament.

7.6 The notice requires the individual to appear before a magistrates' court within 24 hours, in the meantime not to leave England and Wales, and to surrender his passport. The magistrates' court will then treat the notice as an application for a banning order under the section 14B "on complaint" procedure.

7.7 In order to enable police to effectively enforce reporting requirements, and commence intelligence-led ports operations in good time, the control period will start ten days before the tournament's first match, rather than five days, as provided for in section 22A(2).

8. Consultation outcome

8.1 There is an expectation that a control period will be in place as part of the security arrangements for the 2010 World Cup, as there was for previous World Cup finals in 2002 and 2006, and European Championship finals in 2004 and 2008.

9. Guidance

9.1 When this instrument is made the Football Banning Orders Authority will notify all individuals subject to football banning orders of the duration of the control period. This early notification will advise them of the dates of their reporting obligations under section 19 of the Football Spectators Act 1989, and advise them of the procedure for applying, should they have good reason, for exemption from reporting requirements under section 20.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is to implement effective enforcement of the enforcing authority's reporting requirements. UK and host security arrangements for the 2010 World Cup will be facilitated by effective enforcement of persons subject to football banning orders reporting requirements.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The objective of the control period is to prevent individuals subject to a football banning order from contributing to violence or disorder in connection with the 2010 World Cup.

12.2 The Football Banning Orders Authority will monitor reporting compliance through liaison with local police. The UK Football Policing Unit (UKFPU) will co-ordinate enforcement action against non-compliance and police ports operations. UKFPU will report to partner agencies within six months of the end of the control period.

13. Contact

Martin Gooday at the Home Office Tel: 0207 035 1815 or email: martin.gooday@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.