

## EXPLANATORY MEMORANDUM TO

### THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (AMENDMENT) ORDER 2020

2020 No. 35

#### 1. Introduction

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

#### 2. Purpose of the instrument

- 2.1 This Order designates The Peninsula Stadium, occupied by Salford City Football Club, as a ground requiring a safety certificate under the Safety of Sports Grounds Act 1975 (“the 1975 Act”).
- 2.2 It also amends an existing designation in the Safety of Sports Grounds (Designation) Order 2015 (S.I. 2015/661) (“the 2015 Order”) to reflect changed circumstances.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

##### *Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

#### 4. Extent and territorial application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England.

#### 5. European Convention on Human Rights

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

#### 6. Legislative context

- 6.1 Section 1(1) of the 1975 Act provides that the Secretary of State may designate by order any sports ground in England and Wales as requiring a safety certificate from the relevant local authority if, in the Secretary of State’s opinion, it has accommodation for more than 10,000 spectators or, in the case of a sports ground at which football is played and which is occupied by a member of the Football Association Premier League Limited or the Football League Limited, for more than 5,000 spectators.

- 6.2 Designations that had been made under the 1975 Act, in respect of sports grounds in England and Wales, which were still considered to meet the applicable conditions, were consolidated in the 2015 Order.
- 6.3 This Order amends the 2015 Order in two ways. It designates The Peninsula Stadium, occupied by Salford City Football Club, as the club has been promoted to the Football League Limited and the ground now meets the capacity criteria for designation. This Order also amends the 2015 Order so as to designate Gigg Lane under article 2(1) of the 2015 Order instead of article 2(2) as a result of Bury Football Club no longer being a member of the Football League Limited or the Football Association Premier League Limited.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The 1975 Act helps to ensure high standards of spectator safety at sports grounds by requiring any sports ground designated under that Act to obtain a safety certificate from the local authority for the area in which that sports ground is situated. Primary responsibility for ensuring compliance with the required standards lies with the local authority.
- 7.2 Safety certificates must contain such terms and conditions as the local authority considers necessary or expedient to secure reasonable safety at the designated sports ground. The 1975 Act provides for a number of criminal offences; for example, where spectators are admitted to a designated sports ground when no valid safety certificate is in place, or where any term or condition of a safety certificate is contravened.
- 7.3 If a designated sports ground no longer meets the criteria for designation as set out in section 1(1) of the 1975 Act as a result of changing circumstances (e.g. demolition or modification), the local authority should formally notify the Secretary of State and request that it be de-designated. If a club is relegated from the Football League Limited, the club's ground may require de-designation, but this will be dependent upon the capacity of the ground. If the club's ground has a capacity of 10,000 or more spectators, the ground will continue to be designated, but on a different basis.
- 7.4 This Order designates The Peninsula Stadium to reflect the fact that Salford City Football Club has been promoted to the Football League Limited, and that in the Secretary of State's opinion the ground has accommodation for more than 5,000 spectators and as such satisfies the criteria for designation under the 1975 Act.
- 7.5 It also amends an existing designation in the 2015 Order to designate Gigg Lane under article 2(1) of the 2015 Order instead of article 2(2) as a result of Bury Football Club no longer being a member of the Football League Limited or the Football Association Premier League Limited. This is required because while the sports ground is no longer a ground occupied by a member of the Football League Limited, it is the Secretary of State's opinion that this ground accommodates more than 10,000 spectators. This sports ground is no longer known as JD Stadium.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union.

## **9. Consolidation**

- 9.1 The Department has no plans at present to consolidate the various minor amendments made to the 2015 Order.

## **10. Consultation outcome**

- 10.1 Salford City Football Club, Salford City Council and the relevant police forces, fire and ambulance services have been consulted in respect of the designation of The Peninsular Stadium, and no objection was made.
- 10.2 Bury Football Club, Bury Council and the relevant police forces, fire and ambulance services have been consulted in respect of the re-classification of the designation for Gigg Lane, and no objection was made.

## **11. Guidance**

- 11.1 The Sports Grounds Safety Authority (SGSA) has published technical guidance on a range of matters associated with sports grounds safety, including its Guide to Safety at Sports Grounds (also known as “the Green Guide”). This is published by the SGSA (ISBN 978-1-9164583-0-7, 6th Edition) and is available for purchase at: <https://sgsa.org.uk/greenguide-availablenow/>.
- 11.2 Guidance for local authorities and sports clubs with designated sports grounds is also available on the SGSA’s website at <https://sgsa.org.uk/regulation/about-designated-grounds>.

## **12. Impact**

- 12.1 An impact assessment has not been prepared for this Order because the impact is not significant.

### *The Peninsula Stadium*

- 12.2 The impact on business, charities or voluntary bodies in relation to the designation of The Peninsula Stadium is limited to whichever body is responsible for ensuring that Salford City Football Club obtains a safety certificate from Salford City Council and complies with its terms and conditions.
- 12.3 The impact on the public sector is limited to Salford City Council, being the local authority for the area in which The Peninsula Stadium is situated, as well as (to a lesser degree) the Sports Grounds Safety Authority.

### *Gigg Lane*

- 12.4 The impact on the public sector is limited to Bury Council, being the local authority for the area in which Gigg Lane is situated, as well as (to a lesser degree) the Sports Grounds Safety Authority.

## **13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

## **14. Monitoring and review**

- 14.1 The Department keeps all designation orders under review, as well as the underlying policy objectives articulated in the 1975 Act. If the circumstances in which a sports

ground operates change – for example, where the local authority notifies the Secretary of State that a sports ground no longer meets the criteria for designation – the order by which it was designated may be revoked or amended.

- 14.2 This Order does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015 the Minister of State for Sport, Media and Creative Industries has made the following statement:

“Individual designation orders apply only to the premises named in the relevant order. This Order designates The Peninsula Stadium in Salford and, re-assigns the designation of Gigg Lane in Bury - to reflect a change in the basis on which a safety certificate is required for the purposes of the Safety of Sports Grounds Act 1975. A statutory review of this Order would be concerned only with these two sports grounds. I am satisfied it would not be appropriate in the circumstances to make provision for a review in this Order. To review each designation order individually would incur disproportionate cost. The underlying safety policy objectives are kept under constant review by the Department for Digital, Culture, Media and Sport. If the policy was to change, it would very likely require changes to all designation orders, rather than simply this Order.”

- 14.3 In any event, The Safety of Sports Grounds (Designation) (Amendment) Order 2015 (S.I. 2015/1556) amended the 2015 Order to include a review provision. A report must be published by 30th September 2020, and no more than every five years after that. This means that all designations will soon receive a comprehensive review.

## **15. Contact**

- 15.1 Fiona Wood, at the Department for Digital, Culture, Media and Sport (telephone: 020 7211 6133 or email: [Fiona.Wood@culture.gov.uk](mailto:Fiona.Wood@culture.gov.uk)), can be contacted with any queries regarding the instrument.
- 15.2 Anna Deignan, Deputy Director for Sport at the Department for Digital, Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Nigel Adams MP, Minister of State for Sport, Media and Creative Industries at the Department for Digital, Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.