

EXPLANATORY MEMORANDUM TO
THE FOOTBALL SPECTATORS (2022 WORLD CUP CONTROL PERIOD) ORDER
2022

2022 No. 977

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

- 2.1 This Order prescribes the control period under the Football Spectators Act 1989 for the 2022 FIFA (Fédération Internationale de Football Association) World Cup. The control period begins on 10th November 2022, which is ten days before the first match of the Tournament and ends when the last football match included in the Tournament is finished or cancelled (due to be 18th December 2022, subject to rescheduling or postponement).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

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 and Wales.

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 The instrument is made under sections 14(6) and 22A(2) of the Football Spectators Act 1989 (“the 1989 Act”). Section 14(6) provides that a control period in relation to an external football tournament ordinarily begins 5 days before the first football match of that tournament. Section 22A(2) provides a power to make regulations to amend this and allow a control period to begin a period of not more than 10 days before the first football match of the tournament.
- 6.2 During a control period the powers contained in sections 19 (the imposition of requirements by an enforcing authority on those subject to football 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 football banning order) of the 1989 Act can be used.
- 6.3 Football banning orders prevent subjects from attending regulated football matches in the UK and selected overseas matches and tournaments where the enforcing authority has notified the subject.

- 6.4 Statutory instruments have defined the control periods for previous European Championship and World Cup final tournaments since 2002. Orders for the 2006, 2010, 2014 and 2018 World Cup final tournaments, and the 2012 and 2016 European Championship final tournaments, used the power in section 22A(2) of the 1989 Act to commence their control periods ten days before the first match, in order to ensure effective enforcement of the control periods.

7. Policy background

What is being done and why?

- 7.1 The 2022 FIFA World Cup is a major international football tournament for which the England and Wales national teams have qualified. Individuals subject to football banning orders or who police assess as posing a risk may attempt to travel to matches outside of the United Kingdom with a view to engaging in disorder or other criminality. The control period will enable the enforcing authority, which is the Football Banning Orders Authority (FBOA), as well as the police, to effectively prevent persons subject to a banning order and other supporters who might pose a risk from travelling to nations hosting tournament matches, neighbouring or transit countries, and contributing to violence or disorder. As at 1 August 2021 (the last published official statistics <https://www.gov.uk/government/statistics/football-related-arrests-and-banning-orders-england-and-wales-2020-to-2021-season/football-related-arrests-and-banning-orders-england-and-wales-2020-to-2021-season>) 1,359 football banning orders were in force.
- 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 persons suspected of violence or disorder, and to refer them to a court) of the 1989 Act can be used. Section 19 empowers the FBOA 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. Individuals subject to football banning orders can apply to the FBOA for an exemption from their requirements under section 20.
- 7.3 To enable police and the FBOA to enforce the control period effectively, this control period will start ten days before the tournament's first match, rather than five days, as provided for by section 22A(2) of the 1989 Act. This will enable police to inform the FBOA of compliance with reporting requirements, and co-ordinated enforcement action to take place. Starting the control period ten days before the tournament further limits the opportunity for banned individuals to travel to Qatar.
- 7.4 Local police will take enforcement action against any banned individual who fails to comply with the instructions issued by FBOA. Details of banned individuals to whom the FBOA have issued section 19 notices are shared with police undertaking ports policing operations during the control period, to ensure such individuals cannot travel to the tournament. Failure to comply with reporting instructions is a criminal offence.
- 7.5 Summary police powers under sections 21A and 21B of the 1989 Act enable police to detain an individual from travelling when there are reasonable grounds to suspect that that person has caused or contributed to any violence or disorder. Section 21B empowers the police to issue a notice to an individual requiring him to attend a magistrates' court at a time, or between times, not to leave England and Wales before that time and to surrender his passport.

- 7.6 The notice will require the individual to appear before a magistrates' court within 24 hours, and the court will then treat the notice as an application for a banning order.
- 7.7 In addition, bail conditions can be imposed on individuals requiring them to surrender their passports during a control period under section 14A (banning orders made on conviction of an offence) and section 14B (banning orders made on complaint) of the 1989 Act.

8. European Union Withdrawal and Future Relationship

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

9. Consolidation

- 9.1 This instrument does not consolidate any legislation.

10. Consultation outcome

- 10.1 No consultation has been undertaken. There is both a need and an expectation that an effective control period will be established as part of the security arrangements for the 2022 FIFA World Cup final tournament, as has been the case for previous World Cup and European Championship final tournaments.

11. Guidance

- 11.1 Once this instrument is made the FBOA will notify all individuals subject to football banning orders of the duration of the control period. Notifications will advise subjects of their dates for passport surrender, reporting obligations under section 19 of the Football Spectators Act 1989, and the procedure for applying to the FBOA for an exemption from passport surrender and reporting requirements. The FBOA work closely with the police to coordinate passport surrender, reporting and enforcement action.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because no impact on the private or voluntary sector is foreseen.

13. Regulating small business

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

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is for the UK Football Policing Unit (UKFPU), which includes the FBOA, to work closely with local police during the tournament. UKFPU will lead a post-tournament review of passport surrender, matchday reporting, exemption applications and football banning order proceedings initiated during the control period.

15. Contact

- 15.1 Martin Gooday at the Home Office email: martin.gooday@homeoffice.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Paul Regan, Deputy Director for Neighbourhood Crime Unit, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Minister for Crime and Policing at the Home Office can confirm that this Explanatory Memorandum meets the required standard.