

EXPLANATORY MEMORANDUM TO
THE SAFETY OF SPORTS GROUNDS (DESIGNATION) (AMENDMENT)
(ENGLAND) (NO. 2) ORDER 2023

2023 No. 425

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 His Majesty.

2. Purpose of the instrument

- 2.1 This Order amends the Safety of Sports Grounds (Designation) Order 2015 (S.I. 2015/661, “the 2015 Order”) to update the entry for Brentford Community Stadium, occupied by Brentford Football Club and London Irish Rugby Football Club, to Gtech Community Stadium following a change in the stadium name. This Order also amends the 2015 Order so as to designate Tottenham Hotspur Stadium, occupied by Tottenham Hotspur Football Club, as a sports ground requiring a safety certificate under the Safety of Sports Grounds Act 1975 (“the 1975 Act”), following Tottenham Hotspur Football Club’s move from White Hart Lane, its former stadium.

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 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, that sports ground 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 so as to update the entry for Brentford Community Stadium, occupied by Brentford Football Club and London Irish Rugby Football Club, to Gtech Community Stadium following a change in the stadium name.
- 6.4 This Order also amends the 2015 Order so as to designate Tottenham Hotspur Stadium, occupied by Tottenham Hotspur Football Club, as a sports ground requiring a safety certificate under the 1975 Act, following Tottenham Hotspur Football Club's move from White Hart Lane, its former stadium.

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 when any term or condition of a safety certificate is contravened.
- 7.3 This Order amends the 2015 Order so as to amend the entry for Brentford Community Stadium, occupied by Brentford Football Club and London Irish Rugby Football Club, to reflect that the stadium is now named Gtech Community Stadium.
- 7.4 This Order also amends the 2015 Order so as to designate Tottenham Hotspur Stadium, following Tottenham Hotspur Football Club's move from White Hart Lane, and to reflect that, in the Secretary of State's opinion, Tottenham Hotspur Stadium is a sports ground in England at which football is played, which is occupied by a club that is a member of the Football Association Premier League Limited, and which has accommodation for over 5,000 spectators, and as such satisfies the criteria for designation under the 1975 Act. Tottenham Hotspur moved grounds during the 2018-2019 season and the club, local authority and the Sports Grounds Safety Authority ("SGSA") worked together to ensure that the new ground was ready to admit spectators and this Order now designates the new stadium. The ground has been operating in a safe manner during the intervening period.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

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

10. Consultation outcome

- 10.1 Hounslow Council and Haringey Council have been consulted as the relevant local authorities, alongside the relevant ground owners, police, fire and ambulance services

in respect of the above amendments in relation to Gtech Community Stadium and Tottenham Hotspur Stadium, and no objections were made.

11. Guidance

- 11.1 The SGSA has published technical guidance on a range of matters associated with sports ground 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/designated-grounds/>

12. Impact

- 12.1 The impact on business, charities or voluntary bodies in relation to the amendments in respect of Gtech Community Stadium and Tottenham Hotspur Stadium is limited to whichever body is responsible for ensuring that the ground owners obtain safety certificates from the relevant local authority and complies with the terms and conditions.
- 12.2 The impact on the public sector is limited to Hounslow Council and Haringey Council as the local authorities for the areas in which Gtech Community Stadium and Tottenham Hotspur Stadium are situated, as well as (to a lesser degree) the SGSA.
- 12.3 A full Impact Assessment has not been prepared for this instrument because it has no significant impact on business, charities or voluntary bodies.

13. Regulating small business

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

14. Monitoring & review

- 14.1 A statutory review clause is included in the 2015 Order as a result of an amendment made by the Safety of Sports Grounds (Designation) (Amendment) Order 2015 (S.I.2015/1556). A report was published on 8 September 2020 and subsequent reports must be published no more than every five years thereafter.
- 14.2 In addition to this, if the circumstances in which a sport 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 designation for that sports ground in the 2015 Order may be amended or revoked.

15. Contact

- 15.1 Beth Powell at the Department for Culture, Media and Sport (telephone: 07592103127 or email: beth.powell@dcms.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Adam Conant, Head of Sport at the Department for Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Lucy Frazer, Secretary of State at the Department for Culture, Media and Sport, can confirm that this Explanatory Memorandum meets the required standard.