

**EXPLANATORY MEMORANDUM TO**  
**THE FOOTBALL SPECTATORS (2024 UEFA EUROPEAN CHAMPIONSHIP**  
**CONTROL PERIOD) ORDER 2024**

**2024 No. 272**

**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. Declaration**

2.1 Chris Philp, Minister for Crime, Policing and Fire at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Paul Regan, SCS for the Neighbourhood Crime Unit, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

**3. Contact**

3.1 Martin Gooday at the Home Office email: martin.gooday@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

**Part One: Explanation, and context, of the Instrument**

**4. Overview of the Instrument**

*What does the legislation do?*

4.1 This instrument establishes a control period<sup>1</sup> for the 2024 UEFA (Union of European Football Associations) European Championship. The control period begins on 4<sup>th</sup> June 2024, 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 14<sup>th</sup> July 2024, subject to rescheduling or postponement).

4.2 During the control period the enforcing authority for football banning orders, the Football Banning Orders Authority (FBOA), can request persons subject to such orders to surrender their passport to local police (paragraphs 5.5 to 5.6). Police have additional powers during a control period to commence immediate banning order proceedings against persons who pose a risk of involvement in football-related violence and disorder (paragraphs 5.7 to 5.8).

*Where does the legislation extend to, and apply?*

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

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<sup>1</sup> As defined by s14(6) of the Football Spectators Act 1989.

## 5. Policy Context

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

- 5.1 The 2024 UEFA European Championship is a major international football tournament for which the England men's national team has qualified. The Wales men's national team will compete in a playoff stage in March 2024 to determine if they qualify for the final tournament. The tournament will be held in Germany in June and July this year. The Foreign, Commonwealth and Development Office expects over 500,000 fans to travel to Germany from the United Kingdom over the course of the tournament.
- 5.2 Football banning orders prevent subjects from attending regulated football matches in the UK and selected overseas matches and tournaments where the enforcing authority, the FBOA, has notified the subject. As at 1 August 2023 (the last published official statistics<sup>2</sup>) 1,624 football banning orders were in force.
- 5.3 Individuals subject to football banning orders or who police assess as posing a risk may attempt to travel to Germany with a view to engaging in disorder or other criminality. This instrument therefore establishes a control period for this tournament that will effectively prevent persons subject to a football banning order and other supporters who might pose a risk from travelling to Germany, neighbouring or transit countries, and contributing to violence or disorder.
- 5.4 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, as provided for by section 22A(2) of the 1989 Act. The control period will begin on 4th June 2024 and will end when the last football match included in the Tournament is finished or cancelled (due to be 14th July 2024). Starting the control period ten days before the tournament will enable police to inform the FBOA of compliance with reporting requirements (covered in paragraph 5.6 below) and allow co-ordinated enforcement action to take place. It further limits the opportunity for banned individuals to travel to Germany and transit countries.
- 5.5 During the control period, section 19 of the 1989 Act 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 of the 1989 Act.
- 5.6 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.
- 5.7 Police have additional powers during a control period to commence immediate banning order proceedings against persons who pose a risk of involvement in football-related violence and disorder. Summary police powers under sections 21A and 21B of the 1989 Act enable police to prevent 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

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<sup>2</sup> <https://www.gov.uk/government/statistics/football-related-arrests-and-banning-orders-2022-to-2023-season/football-related-arrests-and-banning-orders-england-and-wales-2022-to-2023-season>

to leave England and Wales before that time and to surrender his passport. 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. Failure to comply with the above is a criminal offence.

- 5.8 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.
- 5.9 Establishing a tournament control period is consistent with the approach taken for previous tournaments. Statutory instruments have defined the control periods for previous European Championship and World Cup final tournaments since 2002. The orders for the 2012 and 2016 European Championship and the 2006, 2010, 2014, 2018 and 2022 World Cup 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.

## **6. Legislative and Legal Context**

### *How has the law changed?*

- 6.1 This instrument prescribes the control period under the Football Spectators Act 1989 for the 2024 UEFA European Championship. The control period begins on 4th June 2024, 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 14th July 2024), subject to rescheduling or postponement.

### *Why was this approach taken to change the law?*

- 6.2 This is the only possible approach to establish a tournament-long control period.

## **7. Consultation**

### *Summary of consultation outcome and methodology*

- 7.1 There is both a need and an expectation that an effective control period will be established as part of the security arrangements for the 2024 UEFA European Championship final tournament, as has been the case for previous European Championship and World Cup final tournaments, therefore the Government does not deem it necessary to consult on this control period.

## **8. Applicable Guidance**

- 8.1 Guidance is not required because the police and FBOA are already familiar with the powers that are available to them during control periods. The UK Football Policing Unit provides briefings for those officers responsible for collating the passports from individuals subject to football banning orders. Each force is also asked by the UK Football Policing Unit to plan for a proactive response to deal with those who fail to hand in their passports.

## **Part Two: Impact and the Better Regulation Framework**

### **9. Impact Assessment**

- 9.1 A full Impact Assessment has not been prepared for this instrument because this Order enables the statutory enforcing authority to operate in the most effective way for a short, defined period and no significant financial impact is anticipated.

#### *Impact on businesses, charities and voluntary bodies*

- 9.2 There is no, or no significant, impact on business, charities or voluntary bodies because it relates to the powers of the relevant statutory enforcing authority and policing.
- 9.3 The legislation does not impact small or micro businesses.
- 9.4 There is no, or no significant, impact on the public sector because the additional powers during the control period are within the enforcing authority and policing's business as usual operations.

### **10. Monitoring and review**

#### *What is the approach to monitoring and reviewing this legislation?*

- 10.1 The approach to monitoring 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.
- 10.2 The instrument does not include a statutory review clause.

## **Part Three: Statements and Matters of Particular Interest to Parliament**

### **11. Matters of special interest to Parliament**

- 11.1 None.

### **12. European Convention on Human Rights**

- 12.1 The Minister for Crime, Policing and Fire has made the following statement regarding Human Rights:

“In my view the provisions of the Football Spectators (2024 UEFA European Championship Control Period) Order 2024 are compatible with the Convention rights.”

### **13. The Relevant European Union Acts**

- 13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).