

Statutory Instrument 2005 No. 3204: The Sports Grounds and Sporting Events (Designation) Order 2005

The above Order comes into force on 14 December 2005. It amends the definition of a designated football match under the Sporting Events (Control of Alcohol etc.) Act 1985.

The designation in this Order follows expanding coverage of football banning order and football offences legislation last year to include the Football Conference (all three divisions) and the Welsh Premier League (Statutory Instruments 2409 and 2410 of 2004).

Provisions of the Sporting Events (Control of Alcohol etc.) Act 1985 have traditionally applied to Premier and Football League grounds and only impacted on non-league clubs when they hosted a Premier or Football League side, or competed in the latter stages of the FA Cup. This position reflected that prior to the Football Conference assuming a more significant status with multiple exchanges of clubs with the Football League through promotion/relegation. This development has resulted in troublemakers associated with erstwhile Football League clubs, but now Football Conference clubs, contributing to alcohol-fuelled public disorder. The amended designation follows consultation with football authorities and police to deliver a proportionate response.

To reflect these developments designation of the Act's provisions are being expanded to include matches involving Football Conference National Division clubs. **This designation does not extend the definition to cover lower leagues' matches, including the Football Conference's regional divisions**, unless they are competing against senior opposition whose seniority makes the match a designated class of sporting event. The situation at lower levels will continue to be monitored.

The only impact on clubs below the Football Conference National Division will be when they play matches against sides from the Football Conference National Division (e.g. FA Cup, FA Trophy, friendlies). All matches played by non-league clubs against clubs in the FA Premier League and Football League were already covered by the existing designation. The Football Conference's own membership rules already require clubs in its National Division to include within generic ground regulations conditions forbidding spectators from drunken entry, the consumption of alcohol within view of the playing area and the possession of fireworks, flares or similar.

For details on how the legislation now applies please see the attached Operational Guidance note.

DESIGNATION OF THE CLASSES OF SPORTS GROUND AND SPORTING EVENTS FOR THE PURPOSES OF THE SPORTING EVENTS (CONTROL OF ALCOHOL ETC.) ACT 1985 (DECEMBER 2005)

Guidance note

Guidance on Football Related Legislation is provided in Home Office Circular 34/2000.

This note covers the impact of amended definitions of what constitutes designated sports grounds and designated classes of sporting events for the purposes of the Sporting Events (Control of Alcohol etc.) Act 1985. The amendments are provided in Statutory Instrument The Sports Grounds and Sporting Events (Designation) Order 2005/3204. The Statutory Instrument comes into effect on 14 December 2005.

Full text of the Statutory Instrument can be found on the Office of Public Sector Information website <http://www.opsi.gov.uk/si/si2005/20053204.htm>.

The Sporting Events (Control of Alcohol etc.) Act 1985 sets out provisions to deal with alcohol at and in connection with travel to or from sporting events. Section 9 of the Act provides for the Secretary of State to designate by order sports grounds and sporting events under the Act.

The new definition of designated sports ground is:

Any sports ground in England or Wales.

The new definition of a designated class of sporting event is:

1. Association football matches in which one or both of the participating teams represents a club which is for the time being a member (whether a full or associate member) of the Football League, the Football Association Premier League, the Football Conference National Division, the Scottish Football League or Welsh Premier League, or represents a country or territory.

2. Association football matches in competition for the Football Association Cup (other than in a preliminary or qualifying round).

The Act only applies within England and Wales.

The licensing provisions of the Sporting Events (Control of Alcohol etc.) Act 1985 were repealed by Statutory Instrument The Licensing Act 2003 (Commencement No. 7 and Transitional Provisions) Order 2005. The public order provisions of the Act remain extant and prevent:-

- drunken entry into a football ground (which, in practice, to be an arrestable offence includes disorderly behaviour);
- the consumption of alcohol within view of the playing area including, during the restricted time period (15 minutes before the start of the event and 15 minutes after the end of the event), rooms in designated sports grounds from which designated sporting events may be directly viewed;
- the consumption of alcohol on certain coaches, trains and motor vehicles travelling to a designated football match;
- the possession of fireworks or flares.

These are football-related offences when committed in relation to a football match covered by The Sports Grounds and Sporting Events (Designation) Order 2005/3204 which may subsequently attract a football banning order preventing further attendance at matches as prescribed by the court.

Home Office
Football Disorder Unit
13 December 2005

Any football match involving one or more club who is a member of the Football Conference National Division and the FAW Welsh Premier League are covered by the provisions of the Sporting Events (Control of Alcohol etc.) Act 1985

Some examples of matches detailing whether or not they are covered by the Sporting Events (Control of Alcohol etc.) Act 1985:-

Cambridge United (Football Conference National Division) versus Canvey Island (Football Conference National Division) in the Football Conference National Division is now covered, due to the clubs' Football Conference National Division status.

Yeading (Football Conference South) versus Hereford United (Football Conference National Division) in the FA Trophy is now covered, due to the Football Conference National Division club's senior status.

Ilkeston Town (Northern Premier League) versus Lancaster City (Football Conference North) in the FA Trophy is not covered as neither club compete in the Football Conference National Division, Welsh Premier League, Football League or FA Premier League.

Barrow (Football Conference North) versus Fleet Town (Isthmian Division One) in the FA Cup First Round Proper continues to be covered, although both clubs compete below the Football Conference National Division, matches in the FA Cup from the First Round Proper onwards continue to be covered.

Corby Town (Southern League Eastern Division) versus Northampton Town (Football League Division Two) in a pre-season friendly continues to be covered, due to the Football League Division Two club's senior status.

Aberystwyth Town (Welsh Premier League) versus Newtown (Welsh Premier League) is now covered, matches involving one or more members of the Welsh Premier League are covered.

Dorchester Town (Football Conference South) versus Bognor Regis Town (Football Conference South) in the Football Conference South would not be covered as neither club compete in the Football Conference National Division, Welsh Premier League, Football League or FA Premier League.

There is a theoretical change to the definition of matches played outside of England and Wales, as Football Conference National Division clubs are now covered. However in practice these clubs do not play matches outside of England and Wales.

Membership of league competitions changes following promotion and relegation movement each season. The following clubs are members of the Football Conference National Division and the FAW Welsh Premier League for the 2005/6 season:-

Football Conference National Division

Accrington Stanley
Aldershot Town
Altrincham
Burton Albion
Cambridge United
Canvey Island
Crawley Town
Dagenham & Redbridge
Exeter City
Forest Green Rovers
Gravesend & Northfleet
Grays Athletic
Halifax Town
Hereford United
Kidderminster Harriers
Morecambe
Scarborough
Southport
Stevenage Borough
Tamworth
Woking
York City

Welsh Premier League

Aberystwyth Town
Airbus UK
Bangor City
Caernarfon Town
Caersws
Carmarthen Town
Connah's Quay Nomads
Cwmbran Town
Grange Harlequins
Haverfordwest County
Llanelli
Newi Cefn Druids
Newtown
Port Talbot Town
Porthmadog
Rhyl
TNS
Welshpool Town

13 December 2005
Home Office