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HOME OFFICE CIRCULAR NO 7/1986

SAFETY OF SPORTS GROUNDS ACT 1975: LOCAL GOVERNMENT ACT 1985

#### Introduction

1. HOC 54/85 and 5/1986 were copied to Chief Executives of Metropolitan District Councils and London Boroughs in view of the forthcoming transfer to them of responsibility in the Metropolitan counties and Greater London for the administration of the Safety of Sports Grounds Act 1975 (SSGA). The purpose of this circular is to advise successor authorities of the changes to the SSGA brought about by the Local Government Act 1985 (LGA) and to give guidance on discharging these responsibilities. It is not intended to affect any internal or locally agreed arrangements which may be in train to ensure that all those who have an interest in securing safety at sports grounds are fully consulted.

#### SSGA 1975

2. The SSGA gave effect to the main recommendations contained in the Report of the Inquiry into Crowd Safety at Sports Grounds which was prepared by Lord Wheatley following the serious accident at Ibrox Park Football Ground in 1971.

3. The main provisions of the Act are:

- a. A power, exercisable by the Secretary of State, to designate sports stadia with a capacity for more than 10,000 spectators. Once designated, a stadium will require a safety certificate from the local authority.
- b. An obligation on the local authority to issue such certificates.

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c. A discretion for the local authority to set terms and conditions under the certificate with the object of securing a reasonable degree of safety for spectators. Safety certificates are of 2 kinds - firstly, the general safety certificate (the main form of control) and, secondly, the special safety certificate (for occasions or activities not covered by the general certificate).

d. A right of appeal to the Secretary of State, in relation to the issue of safety certificates and their contents, the procedure for which is set out in regulations made under s.6(1) of the Act.

e. Rights of various interested bodies (police, building authorities or, in the Metropolitan county areas after "abolition", fire authorities) to consultation, access to grounds and information and to the appeals procedure.

f. An emergency procedure for restricting the admission of spectators to a wider range of sports grounds than those to which the designation provisions apply, if the risk to spectators is seen (by the courts) as justifying this.

g. Powers of entry and inspection to sports grounds; and prescribed penalties for offences under the Act.

A sports ground is, broadly speaking, any place where sports or other competitive activities take place in the open air and where accommodation has been provided for spectators. A sports stadium is a sports ground where accommodation for spectators wholly or substantially surrounds the area used for the activities taking place therein.

### LGA 1985

4. The combined effect of s.16 and Schedule 8 paragraph 7 of the LGA is to transfer to Metropolitan District Councils and London Boroughs the functions, duties and powers as the local authority responsible for administering the SSGA in place of the Metropolitan County Councils and Greater London Council. A summary check list of these responsibilities is contained at Annex A for ease of reference.

5. Paragraph 7(3) of Schedule 8 of the LGA redefines "local authority" in England and Wales for the purposes of the SSGA as meaning:

a. in Greater London, the London Borough Council or the Common Council of the City of London;

b. in England, in the Metropolitan counties, the district council;

c. in England outside Greater London and the Metropolitan counties, or in Wales, the county council

6. In order to avoid any anomaly or duplication arising out of the Metropolitan District Councils' and London Boroughs' responsibilities

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as "Building Authority", paragraph 7(2) of Schedule 8 of the LGA redefines, for the purposes of the SSGA, "building authority" in England and Wales as meaning:

- a. in England, outside Greater London, and the Metropolitan counties, or in Wales, the district council.

The effect of this, together with amendments to Sections 3(3), 4(7) and (8), 5(5), 10(4) and 11 of the SSGA resulting from paragraph 7(1) of Schedule 8 of the LGA, is that in Metropolitan counties and Greater London, where the "building authority" and "local authority" are synonymous, the local authority is not required to refer safety certificate applications to the building authority or consult it about the terms and conditions of a certificate. Similarly the building authority in these areas does not have the status of "interested party" and has no need of the right to authorise entry and inspection of a sports ground because these powers are vested in it as the local authority.

7. An additional change brought about by paragraph 7(1) affects the role and status of the Fire Authority in Greater London and the Metropolitan counties. The converse of paragraph 6 applies in respect of the Fire Authority which, from 1 April 1986, has the status of "interested party" in Metropolitan counties and Greater London. In these areas the local authority is required to refer safety certificate applications to the Fire Authority and consult it about the terms and conditions of a safety certificate; and the Fire Authority will have the right to authorise entry and inspection of a sports ground. The reason for these changes is that the newly constituted fire authorities will not (as in the past) be the same as the local authority.

### Transitional Arrangements

8. Under article 2 of the Local Government Reorganisation (Transitional Provisions) Order 1985 (SI 1985 No 1781), London Borough Councils and Metropolitan District Councils will acquire certain anticipatory powers including powers in respect of safety certificates for sports grounds. The provisions of SI 1985/1781 were explained in DOE circular LGA(L) (DOE) 13/LGA(MC)(DOE)16 of 26 November 1985. The Secretary of State takes the view that Metropolitan County Councils and the GLC are not empowered to issue new safety certificates or amend existing safety certificates to take effect on or after 1 April 1986: SI 1985/1781 therefore allows successor authorities to consider, before 1 April, applications for certificates to come into effect on or after 1 April. Successor authorities will therefore wish to ensure that they are kept informed of the progress of safety certificate applications or amendments to existing certificates now under consideration by the Metropolitan County Councils or GLC. Much of this information will automatically have come to successor authorities in their present role as building authorities but they may nonetheless wish to establish early contact with the current 'certificating' authority to ensure a smooth transfer of responsibility from 1 April 1986 without impairing the safety cover afforded by the certification process. In this context successor authorities will no doubt wish to bear in mind that applications for special safety certificates for events on or after 1 April 1986 may require advance consideration if a certificate is to be issued in time. Similarly, successor authorities will doubtless wish to be acquainted with any other action or initiatives currently in hand by the present certificating authority in respect of sports grounds in their area.

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### Guidance to the SSGA procedures

9. A copy of the SSGA and the Regulations (Statutory Instrument 1263 1976) are enclosed with this circular. A detailed description of the Act and its provisions is contained at Annex B. The Regulations set out the procedures and time limits associated with safety certificate applications and appeals. These same regulations also empower local authorities to determine fees in respect of applications for the issue or amendment of safety certificates. A guide to the procedure for the issue of a general safety certificate is at Annex C. Similarly, the procedure for the issue of a special safety certificate is at Annex D.

10. The following points are highlighted as being of particular potential interest to local authorities:

a. Procedure under s.10. Paragraph 21 of Annex B refers. Authorities may wish to note that this procedure can be applied to all sports grounds within the meaning of the Act, not just to stadia. It is hoped that authorities will not feel inhibited from invoking the procedure, as necessary, where they perceive the risks to be such that urgent action is required to provide reasonable safety for spectators.

b. The Guide to Safety at Sports Grounds (Football) (The Green Guide). Attention is drawn to paragraphs 5 and 6 of Annex B and paragraph 3 of Annex C. Authorities will no doubt bear in mind the contents of paragraph 4 of HOC 54/1985 dealing with action on the Interim Report of the Inquiry contains additional recommendations on the content and structuring of the Green Guide which will be revised as soon as possible. In the meantime the existing guide, a copy of which is enclosed, may be used until such time as the revised version is available.

### Inquiry into Crowd Safety and Control at Sports Grounds

11. The Final Report of Mr Justice Popplewell's Committee of Inquiry into Crowd Safety and Control at Sports Grounds was published on 16 January 1986 (Command 9710). A separate Home Office circular, number 5/1986, was sent to local authorities - including Metropolitan District Councils and London Borough Councils - on 20 January 1986, giving details of the Government's response to the safety recommendations contained in the Report, and next steps.

### Other

12. A list of designated stadia for England and Wales is attached at Annex E. Management of those stadia in Metropolitan counties and Greater London have been informed of the change in responsibility for administration of the SSGA and have been advised to copy applications for special safety certificates or amendments to existing general certificates to successor authorities (see Annex F).

13. This circular is copied to Chief Executives of County Councils, Secretaries of the successor authority coordinating committees, and to Chief Fire Officers for information. Paragraph 10 is of particular relevance.

**E.R.**

14. Any enquiries should be directed to:

Mrs R Davies (01) 213 5566

Mr D J Mould (01) 213 3582

Yours faithfully



P CANOVAN

Enclosures

- 1 copy SSGA 1975
- 1 copy SI 1263 (Regulations)
- 1 copy Green Guide

SUMMARY OF PROVISIONS RELATING TO THE POWERS, DUTIES  
AND FUNCTIONS OF LOCAL AUTHORITIESDuties of the local authority

- S.2(1)(2) and S.3(1)(2)  
Safety of Sports  
Grounds Act 1975
- To determine whether or not an applicant for a safety certificate is a "qualified" person - ie likely to be able to prevent contravention of the terms of issue; and if so to issue such a certificate which must contain certain minimum safety specifications.
- S.4(5)  
Safety of Sports  
Grounds Act 1975
- To determine the qualification of a transferee of a certificate.
- S.3(3),4(7),4(8)  
Safety of Sports  
Grounds Act 1975
- In Metropolitan counties and Greater London, to copy such applications to, and consult, the Chief Officer of Police and the fire authority, elsewhere to copy and consult the Chief Officer of Police and the "building authority".
- S.4(4)  
Safety of Sports  
Grounds Act 1975
- To specify the date of operation in any notice of amendment of a safety certificate.
- S.5(1)  
Safety of Sports  
Grounds Act 1975
- To serve notice on the person concerned of the decision that he is not a "qualified person".
- S.5(8)  
Safety of Sports  
Grounds Act 1975
- To give effect to any determination by the Secretary of State of an appeal lodged under section 5 of the Act.

Powers of the local authority

- S.2  
Safety of Sports  
Grounds Act 1975
- To insert into a certificate of safety such terms and conditions as are considered necessary or expedient to secure safety at a stadium, and discretion to include within the certificate a condition requiring records to be kept of spectator attendances and safety maintenance; and to include different terms/conditions for different events.
- S.3(4)  
Safety of Sports  
Grounds Act 1975
- To require an applicant to furnish information or plans as considered necessary by the authority.
- S.4(1)  
Safety of Sports  
Grounds Act 1975
- To amend or replace a safety certificate.
- S.4(10)  
Safety of Sports  
Grounds Act 1975
- To cancel a safety certificate on death of the holder or dissolution of the corporate body.
- S.7(4)(5)  
Safety of Sports  
Grounds Act 1975
- To apply to a Magistrates' Court for a safety condition to operate pending an appeal against that condition to the Secretary of State.
- S.10(1)(2)  
Safety of Sports  
Grounds Act 1975
- To apply as a matter of emergency to a Magistrates' Court for an order to limit or prohibit spectators at a sports ground to apply for modification of an order.
- S.10(4)  
Safety of Sports  
Grounds Act 1975
- To appeal to Crown Court against an order under section 10(1) and (2) or refusal of an application for such an order.
- S.11  
Safety of Sports  
Grounds Act 1975
- To authorise entry to a sports ground to inspect or make enquiries.

## SAFETY OF SPORTS GROUNDS ACT 1975

BackgroundWheatley Report

1. The terms of the Inquiry extended to sports grounds generally but because the immediate concern at the time related to soccer grounds, its Report concentrated on crowd safety in such grounds, and included Rugby Union and Rugby League grounds. Lord Wheatley had no doubt, that the then existing controls over safety at football grounds were inadequate. He found that the voluntary system of certification of grounds introduced by the Football Association some years previously laid down no requirements as to the competence of persons who carried out the annual inspections of grounds and there were no guidelines to assist those persons in their assessment of safety standards. Moreover, a review of the statutory provisions relevant to the safety of spectators at football grounds convinced Lord Wheatley that the law also fell short of providing proper and effective control over football grounds as a whole. The building regulations, for example, provide for the basic structural safety of new buildings within a football ground but they do not apply to existing buildings, except where alterations are to be carried out, nor do they apply to a ground as a whole. In any case, most football grounds were built before national building regulations were introduced.
2. Lord Wheatley concluded that only a specially devised statutory scheme could ensure comprehensive controls at football grounds in the interests of safety and he recommended a statutory licensing system. He proposed that these controls should be introduced by stages, the larger or more important grounds, broadly speaking, being dealt with first. Lord Wheatley also recommended that there should be a right of appeal for the clubs concerned against any decision of the licensing authority. The Report showed Lord Wheatley's awareness of the need to reconcile the paramount aim of ensuring the safety of spectators with what would be reasonable and practicable for the clubs.
3. Lord Wheatley also provided, as a technical appendix to his report, guidelines to safety standards at football grounds designed to assist the local authorities in their task of enforcement.



#### Consultations on the Report

4. When the Report was published, those bodies mainly concerned, including the local authority associations and the football authorities, were consulted about Lord Wheatley's proposals. The football authorities made it clear that they were apprehensive at the financial implications for the clubs, but there was general agreement with the proposals themselves. Detailed consultations were held on the guidelines contained in the technical appendix to the Report and these, duly amended, were finally published by the Home Departments in November 1973 as a special booklet, "Guide to Safety at Sports Grounds". It was revised in 1975 in the light of practical experience of its application and specifically targeted on football grounds.

#### Guide to Safety at Sports Grounds (Football)

5. The Guide to Safety at Sports Grounds has no statutory force. Its primary purpose is to set out principles or guidelines which the local authorities will no doubt wish to keep in mind in enforcing the Act. The Guide therefore deals with matters such as the provision of adequate entrances and exits, means of escape, the slope of terracing, the strength and siting of crush barriers, the construction of staircases, and measures to ensure the safe movement of spectators both under normal and emergency conditions. The Guide is not a set of requirements to be rigidly applied, regardless of individual circumstances. As Lord Wheatley recognised, it is important to maintain the maximum flexibility in any system of control so as to take account of the differing circumstances at individual grounds: factors such as age, size and mode of construction differ widely from ground to ground.

6. While the basic principles set out in the Guide are relevant to all sports stadia, modifications may well be necessary where sports other than football are involved.

#### General Approach to the Act

7. The main instrument of control under the Act is the safety certificate issued by the local authority. A safety certificate is needed in respect of every stadium which is the subject of a designation order, made by the Secretary of State. The certificate enables the local authority to impose such terms and conditions as are necessary to ensure a reasonable standard of safety at the stadium in question.

8. The approach to designation was based on a phased programme so that the more important grounds regularly attracting the largest attendances were dealt with first. The international stadia at which soccer and Rugby Union were played plus stadia used by soccer clubs in Division 1 of the Football League were designated in 1976. This was followed in 1979 by designation of stadia of clubs in Division 2 of the League and thereafter on promotion of a club to Division 2. Following the fire at Bradford City FC in May 1985 all the remaining stadia liable to designation used by clubs in Divisions 3 and 4 of the Football League, and qualifying stadia of clubs in Division 1 and 2 of the Rugby League were designated.

#### Substance of the Act

9. The first 5 sections establish the main system of control under the Act, that is to say, the safety certificate, issued by the local authority for the area in which the stadium is situated, which is required for every sports stadium designated for that purpose by order of the Secretary of State.

10. Section 1 empowers the Secretary of State by order to designate any sports stadium having accommodation for more than 10,000 spectators as requiring a safety certificate. Safety certificates are of two kinds, general and special. A general safety certificate is the main continuing form of control and is issued for an indefinite period in respect of a specified activity or activities regularly taking place at the stadium. A special safety certificate may be issued at the discretion of the local authority for a special event or other circumstances not covered by the general safety certificate. Such an event might be an evangelistic rally which might call for special arrangements if, for example, seating were provided for the congregation on the playing area. A special safety certificate can be issued only in respect of a sports stadium for which a general safety certificate is already in force.

11. The contents of safety certificates are dealt with in section 2. The local authority is empowered to include in the certificate such terms and conditions as are necessary to secure, at the stadium in question, a reasonable degree of safety. Without prejudice to this general power, the section requires certificates to contain terms and conditions relating to major matters such as entrances and exits, means of escape in emergency, the number, strength and situation of crush barriers, and the maximum number of spectators who may be admitted to the stadium or any part of it. To remove any possibility of doubt, sub-section (3) makes it clear that a certificate may include a condition relating to the keeping of records relating to attendance and the maintenance of safety.

12. An earlier Bill, introduced in 1973, limited the terms and conditions imposed under a safety certificate to what was necessary to secure a reasonable degree for "members of the public." There was some difficulty over this term because it might have excluded, for example, members of supporters' clubs. This particular problem was by the definition of "spectator" in section 17, that is, any person occupying accommodation provided for spectators. On the other hand, it seemed right that all the people present on the occasion of a match or other activity for which a ground has a certificate should be taken into account for the purpose of the safety certificate, for example, people using a squash court or other facilities at the ground. Accordingly, the general power of the local authority under section 2(1) to include in a safety certificate such terms or conditions as are necessary omits any reference to people and speaks only of securing "reasonable safety at the stadium", (although the terms "safety", as defined in section 17, does not include danger arising from participation in a sport). Certain provisions must, however, be specifically linked with spectators (who are, after all, the people the Act is mainly designed to protect and who will be greatly in the majority). Thus section 2(2) requires the certificate to state the maximum number of spectators who may be admitted.

13. Section 3 sets out the broad procedure to be followed when a local authority receives an application for a safety certificate. It requires them to determine whether an applicant is, in their opinion, a qualified person, ie a person likely to be in a position to prevent contravention of the terms and conditions imposed in the certificate. If so, they are then under a duty to issue a general safety certificate to him. In this respect, the general safety certificate is different from the fire certificate issued under the Fire Precautions Act 1971: the latter is issued only after necessary safety works have been completed, whilst the safety certificate under this Act can be issued almost from the outset, and is an instrument of continuing control. The issue of a special safety certificate, however, is left to the discretion of the local authority, as already explained, because only they can judge whether it is appropriate to issue it for the special occasion in question.

14. In Metropolitan Counties and Greater London (from 1 April 1986) the local authority is required to send a copy of any application for a certificate to the police and the Fire Authority, and must consult them about the terms and conditions

to be included in the certificate. Elsewhere a copy must be sent to, and consultation take place with, the police and the Building Authority. The need for such consultation is self-evident: there must be close co-ordination of the interests of the different authorities directly concerned with different aspects of safety at football grounds.

15. Section 4 provides for the amendment, replacement, transfer, surrender and cancellation of safety certificates. It is of primary importance that a local authority should have power to amend a safety certificate where it appears appropriate for them to do so, for example, if they find in the course of a routine inspection that a part of a ground has become so dangerous as to demand an immediate restriction on its use or some other necessary safeguard. Again, they must have power to relax a requirement where, for example, certain improvements have been carried out to make this possible.

16. Section 5 provides for appeals by interested parties against decisions or requirements of the local authority in connection with safety certificates. Appeals lie to the Secretary of State, who has power to set up a formal inquiry.

17. Section 6(2) empowers the Secretary of State to make regulations relating to the safety of spectators at sports grounds. This is in the nature of a reserve power which could be used, for example, to give backing to requirements of the local authorities which in the light of experience had been shown to be essential. This section also empowers the Secretary of State to make regulations for various other purposes connected with the Act. To date no regulations have been made under this sub-section.

18. Section 7 provides for some supplementary matters on determinations and appeals. Sub-sections (1) and (2) provide for the deemed withdrawal of an application for, or the surrender of, a safety certificate when a local authority determines that a person is not, or has ceased to be, qualified to hold it. The section also provides for the suspension of a condition in a certificate pending determination of an appeal against the inclusion of that condition, although a court, on the application of the local authority, may order that such a condition remain in force pending the determination of the appeal.

race-courses. Only a class of sports ground may be the subject of an extension order under this clause: an individual sports ground (other than a stadium) cannot be designated until section 1 of the Act has been applied by an order under section 15 to the class of sports ground to which it belongs. To date, the powers under this section have not been used.

25. Section 16 applies the Act, subject to necessary modifications, to the Crown. Section 17 deals with interpretation.

26. Section 18 provides that orders and regulations, except commencement orders, made under the Act are subject to the negative resolution procedure. It also imposes a duty on the Secretary of State, before making any orders or regulations, except commencement orders or orders relating to the Isles of Scilly, to consult with such persons as appear to him requisite.

## SAFETY OF SPORTS GROUNDS ACT 1975

## PROCEDURE REGARDING APPLICATIONS FOR GENERAL SAFETY CERTIFICATES

1. The Safety of Sports Grounds Regulations 1976 provide that any application for a safety certificate shall be made in the form contained in the Schedule to the Regulations or a form to the like effect. An application should be accompanied by detailed information as to the structure, capacity, etc of the stadium, including plans of the stadium, certificates relating to the testing of crush barriers and evidence of the applicant's status. It is, however, open to a local authority, under section 3(4) of the Act, to require, by notice in writing, such further information of this kind as it may consider necessary to enable it to determine the terms and conditions to be included in the certificate.

2. On receipt of an application for a general safety certificate, the local authority must first determine whether the applicant is a qualified person, ie a person likely to be in a position to prevent contravention of the terms and conditions to be imposed in the certificate. If it considers him to be such a person the authority is then under a duty to issue a general safety certificate to him. In the case of a general safety certificate, where considerations of time are not paramount, the regulations impose no specific time limit for such a determination. In any event, it seems prima facie unlikely that an application for a general safety certificate would be made by an unqualified person. There is, however, a right of appeal against a determination by a local authority that an applicant is not a qualified person (see paragraph 10).

3. In Metropolitan counties and Greater London (from 1 April 1986) the local authority is required, by section 3(3) of the Act, to send a copy of any application for a safety certificate (general or special) to the appropriate Chief Officer of Police and the fire authority, and must consult them about the terms and conditions to be included in the certificate. Elsewhere in England and Wales the local authority must send a copy to and consult with the Chief Officer of Police and the building authority. In framing such conditions, local authorities will no doubt wish to keep in mind the principles or guide lines set out in the Guide to Safety at Sports Grounds. In this connection local authorities are reminded that, this non-statutory document is not a set of requirements to be rigidly applied regardless of individual circumstances. The maximum flexibility should be maintained to take account of the different circumstances of individual grounds deriving from differences in such matters as age, size and mode of construction. In this regard, it should also be noted that the Act provides that the

terms and conditions should be such as "necessary or expedient to secure reasonable safety" and it would be unreasonable, even if it were practicable, to seek the absolute safety of everyone attending the sports stadium.

4. It is envisaged that there will be a good deal of consultation between the local authority and the stadium representatives in the process of drawing up the certificate conditions. In this way, if evidence is advanced that a ground is rarely filled to capacity, the local authority may consider it proper to base its requirements on actual levels of attendance over a given period rather than on maximum capacity. On the rare occasions on which a capacity crowd could be expected, separate provision might be made for this contingency on the lines indicated in paragraph 7 below. Again, if a stand were found to be structurally weak, the local authority might, in consultation with the stadium representatives, offer the choice of having any necessary remedial works carried out or of restricting admission to the stand until it had been strengthened.

5. As will be apparent from the foregoing paragraphs, the form and content of a safety certificate is likely to vary according to the circumstances of the individual case. Accordingly, a standard form of certificate would not be appropriate. It must however contain full details of the terms and conditions imposed including, in particular, the matters referred to in section 2(2) of the Act and have annexed to it a plan of the stadium by reference to which the terms and conditions will be framed. The certificate when first issued may contain restrictive conditions which can then be relaxed or deleted by amendment of the certificate. The local authority may find it convenient to list, in a covering letter to the certificate, such modifications as will be subsequently permitted, eg in the form of a statement of the increased spectator capacities to be allowed for the separate sections of the ground when the various stages of any future works programme agreed with the stadium authorities are completed. This arrangement, by excluding from the certificate itself proposed conditions which would apply only to future works, should serve to obviate confusion. At the same time, however, care must be taken not to exclude from the certificate any restriction germane to current conditions, since section 5(3) of the Act provides for an interested party to appeal to the Secretary of State against the inclusion of anything in, or the omission of anything from, a safety certificate, and these rights must not be prejudiced in any way in consequence of the form of the certificate.

6. As regards the scope of a general safety certificate, section 2(5) of the Act provides that different terms and conditions may be included for different activities. Although, therefore, a stadium may be in regular use only as a football ground, in cases where it is also used from time to time to stage other events it would be desirable, and in many cases obviate the need for special safety certificates, if the terms and conditions appropriate to those events were to be included in the general certificate. It is suggested that any such events for which it is considered desirable to provide might conveniently be divided into 2 classes:-

1. those sufficiently similar in character to the main purpose of the stadium for the normal terms and conditions to be equally applicable;

2. those of a fundamentally different character, eg boxing matches, pop concerts, etc which may involve all or part of the playing area being given over to spectator accommodation and for which separate terms and conditions will have to be devised. It is not, of course, necessary to provide for these contingencies in cases where no clear need is foreseen by the stadium authorities.

7. There may also be circumstances in which the terms and conditions applicable to the normal activity of the stadium may be found to be inappropriate, eg when a special event, such as a cup tie or a "local Derby", is expected to attract significantly more than the usual attendance. In the case especially of cup replays these special events may arise with only a few days' notice, within which it would not be possible to accommodate the whole of the statutory procedure appropriate to the grant of a special safety certificate. In order to overcome this difficulty, it would seem desirable for the local authorities and stadium authorities to seek to work out in advance the modifications to the normal terms and conditions which might be appropriate to such occasions, eg the admission of increased numbers to certain areas on the condition that extra stewards and police are employed, that notice is given to the local authority, and so on, and to provide for their incorporation in the general safety certificate.

8. Once a general safety certificate has been issued, subject to the determination of any appeal, the terms and conditions can be varied only by formal amendment of the certificate, which may be at the initiative either of the holder of the certificate or of the local authority (see section 4(2) of the Act) and will presumably reflect changes in circumstances occurring since the grant of the



original certificate. It will thus be to the mutual benefit of local authorities and clubs/stadium authorities for a close liaison to be maintained after the issue of the certificate and certainly while any further works of safety measures are being carried out. It is likely to be in the stadium operators' financial interest to get the safety certificate amended as soon as possible after work has been completed, and they should accordingly ensure that the local authority is kept informed of progress. For its part the local authority will no doubt wish to co-operate by arranging matters so that, following completion of the work, the certificate can be amended without delay.

9. After a certificate has been granted, an application may be made for the transfer of the certificate to another person. Similarly, while a local authority is considering an application for a certificate and before the certificate has been granted, it may be asked to substitute some person other than the original applicant as the person to whom the certificate should be granted. These are, however, likely to be rare occurrences in the case of general safety certificates, where an application will normally be made on behalf of a club or a stadium organisation by an authorised official of the club or representative of the organisation. However, if it does happen, the local authority will be required in both cases to determine whether the substituted nominee is a qualified person. Thereafter, in the first case, the procedure laid down in the regulations to giving notice of, and the reasons for, the determination will apply together with any necessary appeals procedure. In the second case, there is no reason why the local authority should not treat the application in all respects as a new application in the terms of the original one and process it from the point it had already reached.

10. In addition to the right of appeal by an applicant for a general safety certificate against the determination that he is not a qualified person (see paragraph 2 above), which, of course, applies also in the case of a proposed transfer of a certificate, the Act provides a further right of appeal to any "interested party" (which term includes the holder of the safety certificate) against the inclusion of anything in or the omission of anything from a safety certificate or against a refusal to amend or replace a safety certificate. The regulations provide that, in the case of a general safety certificate, notice of any such appeal shall be given within 28 days following receipt of a notice of the local authority's decision, or, in the case of persons who are not notified, the publication by the local authority of its decision in a newspaper circulating in the locality.

11. In this connection, Regulation 7 requires a local authority, on issuing or amending a safety certificate or refusing to do so, to give notice to certain specified "interested parties" and also to advertise their action in the press. It is regretted that it has been necessary to incur the trouble and expense of advertising, but, since Section 5(5) of the Act is not specific in the definition which it provides of "interested party", no other means could be found of ensuring that all persons who might validly claim to be "interested parties" within the meaning of the Act should be able to acquaint themselves with the local authority's decision, and failure to bring the decision to their notice could result in a denial of their rights of appeal or of a hearing by the Secretary of State. For the same reason a similar obligation has been imposed on an appellant (by Regulation 8(7)) to advertise his intention to appeal, and a person wishing to appear before a person appointed by the Secretary of State under Section 5(4) of the Act is required to give notice within 28 days of such advertisement.

12. Any appellant is required (by Regulation 8(5)) to give the local authority notice of appeal, accompanied by the relevant documents appertaining to the appeal. It will then be for the local authority, in accordance with Regulation 8(9), to inform the Secretary of State in writing within 28 days whether it wishes to oppose the appeal. With any such notice, the local authority is required to submit its reasons and any relevant supporting documents and to state whether it wishes a hearing under Section 5 of the Act. (The procedure governing the conduct of all such hearings is set out in Regulation 10.)

13. It is also open to the Secretary of State, if he considers it necessary, to order a public inquiry under Section 5(6) of the Act in relation to any appeal. In such a case, the procedure to be followed is laid down in Regulation 12.

14. It would be helpful if local authorities could continue the existing practice of copying to the Home Office newly issued or amended safety certificates.

## SAFETY OF SPORTS GROUNDS ACT 1975

PROCEDURE REGARDING APPLICATIONS FOR SPECIAL SAFETY CERTIFICATES

1. The regulations provide that any application for a safety certificate shall be made in the form contained in the Schedule to the Regulations or a form to the like effect. Part II of the form and its frontispiece should be completed in the case of applications for special safety certificates. In any case where an application for a special safety certificate is not made by the holder of the general safety certificate, it should be accompanied by evidence of the applicant's status. Details of any planned changes to the normal standing and seating arrangements for spectators should be provided, together with such further information in support of the application as is considered necessary to enable the local authority to discharge its functions under the Act. However, it is open to a local authority, under section 3(4) of the Act, to require, by notice in writing, any further information of this kind which they may think it necessary to have to enable them to determine the terms and conditions to be included in the special safety certificate.

2. A major difference in the grant of general and special safety certificates is that, once the local authority has determined that an applicant is a qualified person, the issue of a general safety certificate becomes mandatory, whereas the issue of a special safety certificate remains at its discretion. But an applicant has a right of appeal to the Secretary of State against a refusal (see following paragraphs for details).

3. An application for a special safety certificate should normally be made at least 3 months before the date of the proposed event, but a local authority has discretion to permit an application within a lesser period if it is satisfied that the procedures (including appeals procedures) required under the Act and Regulations can, in the particular case, be carried out within that lesser period when the applicant is known to be a qualified person. On receipt of an application for a special safety certificate, the local authority must first determine whether the applicant is a qualified person, ie a person likely to be in a position to prevent contravention of the terms and conditions to be imposed in the certificate. The local authority is required by regulation 5 to make this determination within 14 days of receiving the application. There is a right of appeal against a determination by a local authority that an applicant is not a qualified person (see paragraph 9), and, under regulation 5, the applicant must be furnished with the reasons for such a determination.

4. It next requires to be considered whether the application should be refused on grounds other than that the applicant is not a qualified person. This decision must, in accordance with regulation 6, be made within 28 days of the receipt of the application, not only in cases where the local authority has determined that the applicant is a qualified person but also in those where it has determined that he is not and an appeal has been lodged and remains to be considered. There is also a right of appeal against a refusal on grounds other than a determination that the applicant is not a qualified person (see paragraph 9). In the event of such a refusal, therefore, the local authority is again required, under regulation 6, to give the applicant the reasons for its decision.

5. When the first 2 stages have been completed, should it have been decided that a special safety certificate should be issued, the local authority in metropolitan counties and Greater London (from 1 April 1986) is required, by section 3(3) of the Act, to send a copy of the application to the Chief Officer of Police and to the fire authority and to consult them about the terms and conditions to be included in the certificate. Elsewhere in England and Wales the local authority must send a copy to, and consult with, the Chief Officer of Police and the building authority. The special safety certificate must, in accordance with regulation 6(2), then be issued not less than 28 days before the proposed event is due to take place.

6. The form and content of a special safety certificate is likely to vary according to the circumstances of each individual case and a standard form of certificate would not be appropriate. (In suitable cases, however, regard may be had to the guide lines set out in the Guide to Safety at Sports Grounds (Football) on the basis indicated in paragraph 3 of the paper relating to the "Procedure Regarding Applications for General Safety Certificates".) Any special safety certificate must, however, contain full details of the terms and conditions imposed, including in particular the matters referred to in section 2(2) of the Act, and as required by section 2(4) should be framed where appropriate by reference to the plan attached to the general safety certificate.

7. Once a special safety certificate has been issued, subject to the determination of any appeal, the terms and conditions can be varied only by formal amendment of the certificate. This may be on the application of the holder of the certificate or at the discretion of the local authority (see section 4(2) of the Act). This seems an unlikely eventuality in the case of a special safety

certificate, otherwise than in the exceptional case where the certificate has been issued well in advance of the event to which it relates. Any such amendment must, however, be publicised as in paragraph 10 below.

8. Considerations of time render the transfer of a special safety certificate to another person an equally unlikely contingency. Any possible difficulties in this connection are likely to be obviated, however, if the holder of the general safety certificate applies for the special certificate. Nevertheless, should an application for transfer be made, the local authority must decide within 14 days if the proposed transferee is a qualified person and, if it decides to the contrary, the procedure laid down in the regulations relating to giving notice of, and the reasons for, the determination will apply, as will the appropriate appeals procedure, should the need arise. In the case of an application for transfer before a special safety certificate has actually been issued, there is no reason why the local authority should not treat the application in all respects as a new application in the terms of the original and process it from the point already reached.

9. Reference has already been made to the rights of appeal against a determination that the applicant is not a qualified person (paragraph 3) and against the refusal of an application on other grounds (paragraph 4). In addition the Act provides (in section 5(3)) a right of appeal to any "interested party" against the inclusion of anything in or the omission of anything from a safety certificate or against a refusal to amend or replace a safety certificate. The regulations provide that, in the case of a special safety certificate, notice of any such appeal shall be given within 7 days following receipt of a notice of the local authority's decision, or, in the case of persons who are not notified, the publication by the local authority of the decision in a newspaper circulating in the locality.

10. As in the case of a general safety certificate, regulation 7 requires a local authority, on issuing or amending a safety certificate or refusing so to amend it, to give notice to certain specified "interested parties" and also to advertise its action in the press. A similar obligation falls on an appellant (under regulation 8(7)) to advertise his intention to appeal, and a person wishing to appear before a person appointed by the Secretary of State under section 5(4) of the Act is required to give notice within 7 days of such advertisement. (The reasons underlying these requirements are set out in paragraph 11 of the paper relating to the 'Procedure Regarding Applications for General Safety Certificates'.)

11. Any appellant is required (by regulation 8(5)) to give the local authority notice of appeal, accompanied by the relevant documents appertaining to the appeal. It will then be for the local authority, in accordance with regulation 8(9), to inform the Secretary of State in writing within 7 days whether it wishes to oppose the appeal. With any such notice, the local authority is required to submit its reasons and any relevant supporting documents and to state whether it wishes a hearing under section 5(4) of the Act. (The procedure governing the conduct of all such hearings is set out in regulation 10.)

12. It is also open to the Secretary of State, if he considers it necessary, to order a public inquiry under section 5(6) of the Act in relation to any appeal. In such a case, the procedure to be followed is laid down in regulation 12.

13. It would be helpful if local authorities could continue the existing practice of copying to the Home Office any special safety certificates issued.

GROUNDS DESIGNATED UNDER THE SAFETY OF SPORTS GROUNDS ACT 1975

CLUB GROUNDS	DATE OF DESIGNATION	CLUB GROUNDS	DATE OF DESIGNATION
<u>Football League Club Grounds</u>			
Arsenal	August 1976	Burnley	August 1979
Aston Villa	August 1976	Cambridge United	August 1979
Birmingham City	August 1976	Charlton	August 1979
Bristol City	August 1976	Crystal Palace	August 1979
♠ Cardiff City	August 1976	Fulham	August 1979
Coventry City	August 1976	Luton	August 1979
* Derby County	August 1976	Notts County	August 1979
Everton	August 1976	Oldham	August 1979
Ipswich	August 1976	Orient	August 1979
Leeds United	August 1976	Preston	August 1979
Leicester City	August 1976	Shrewsbury	August 1979
Liverpool	August 1976	Swansea	August 1979
Manchester City	August 1976	Watford	August 1979
Manchester United	August 1976		
Middlebrough	August 1976	Blackburn	August 1980
Newcastle United	August 1976	Grimsby	August 1980
* Norwich City	August 1976		
Queens Park Rangers	August 1976	Rotherham	July 1981
Stoke City	August 1976	Barnsley	July 1981
Sunderland	August 1976		
Tottenham Hotspur	August 1976	Carlisle United	August 1982
West Bromwich Albion	August 1976		
West Ham United	August 1976	Huddersfield	July 1983
♠ Wrexham	August 1976	Portsmouth	July 1983
♠ Wembley	August 1976		
♠ Twickenham	August 1976	Oxford United	July 1984
♠ National Ground, Cardiff	August 1976	Sheffield United	July 1984
		Wimbledon	July 1984
Chelsea	August 1977	Bournemouth	August 1985
Nottingham Forest	August 1977	Aldershot	August 1985
Wolverhampton Wanderers	August 1977	Blackpool	August 1985
		Bradford City	August 1985
		Brentford	August 1985
Bolton	August 1978	Bury	August 1985
♠ Sheffield Wednesday	August 1978	Chester	August 1985
Southampton	August 1978	Chesterfield	August 1985
		Colchester	August 1985
Brighton and Hove Albion	August 1979 <sup>+</sup>	Crewe	August 1985
Bristol Rovers	August 1979		

CLUB GROUNDS	DATE OF DESIGNATION	CLUBS GROUNDS	DATE OF DESIGNATION
Darlington	August 1985	Hull	August 1985
Doncaster	August 1985	Hull Kingston Rovers	August 1985
Exeter	August 1985	Keighley	August 1985
Gillingham	August 1985	Leeds	August 1985
Halifax Town	August 1985	Leigh	August 1985
Hartlepool	August 1985	Oldham	August 1985
Hereford	August 1985	St Helens	August 1985
Hull City	August 1985	Salford	August 1985
Lincoln	August 1985	Swinton	August 1985
Mansfield Town	August 1985	Wakefield Trinity	August 1985
Millwall	August 1985	Warrington	August 1985
Newport County	August 1985	Widnes	August 1985
Northampton Town	August 1985	Wigan	August 1985
Peterborough	August 1985	Workington Town	August 1985
Plymouth Argyle	August 1985		
Port Vale	August 1985		
Reading	August 1985		
Rochdale	August 1985		
Scunthorpe	August 1985		
Southend	August 1985		
Stockport	August 1985		
Swindon	August 1985		
Tranmere Rovers	August 1985		
Walsall	August 1985		
Wigan	August 1985		
York	August 1985		
Rugby League Club Grounds	August 1985		
Barrow	August 1985		
Batley	August 1985		
Bradford Northern	August 1985		
Castleford	August 1985		
Dewsbury	August 1985		
Featherstone Rovers	August 1985		
Halifax	August 1985		
Huddersfield	August 1985		

∅ Designated because their grounds were used for international or quasi-international matches.

\* These clubs appealed but their appeals were withdrawn before any hearings were held.

∄ Year in which all clubs in the second division were designated.





HOME OFFICE  
Queen Anne's Gate London SW1H 9AT

Direct line 01-213  
Switchboard 01-213 3000

Secretary	Your reference
AFC	
RLFC	Our reference
Wembley Stadium Ltd	
R/U Twickenham	Date
	February 1986

Dear Sir

SAFETY OF SPORTS GROUNDS ACT 1975: LOCAL GOVERNMENT REORGANISATION

1. The purpose of this letter is to inform you of the effects on the Safety of Sports Grounds Act 1975 (SSGA) of Local Government reorganisation in the Metropolitan counties and Greater London brought about by the Local Government Act 1985.
2. With effect from 1 April 1986 responsibility for administering the SSGA 1975 will in the Metropolitan counties and Greater London, transfer to the appropriate Metropolitan District Council (MDC) or London Borough (the "successor" authorities). They will be responsible for, among other things, the issue of and amendments to safety certificates. A consequential effect of Local Government reorganisation is that the current certificating authorities in the Metropolitan counties and Greater London are not in the meantime empowered to issue or amend safety certificates for any period commencing on or after 1 April 1986. Such certificates or amendments will fall to be issued by the successor authorities. It is therefore in the interests of applicants in these areas to ensure that applications for special safety certificates, or amendments to existing certificates, which are to come into effect on or after 1 April 1986 are copied to the appropriate successor authority who should be kept informed of developments and progress so as to be in a position to assume responsibility for the case in question with the minimum of delay and inconvenience.

Yours faithfully

cc Football Association  
Football League  
FGIT  
Rugby League