



HOME OFFICE
Queen Anne's Gate LONDON SW1H 9AT
Direct line: 01-213
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Our reference: FEP/87 6/233/14

Your reference:

25 November 1987

Chief Executives - County Councils +
Metropolitan District Councils
London Boroughs
Common Council of the City of London

Dear Sir,

HOME OFFICE CIRCULAR NO 71/1987

FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987:-
IMPLEMENTATION OF PART II (SAFETY OF SPORTS GROUNDS)

Introduction

1. As foreshadowed by HOC No 42/1987 the Secretary of State has now made a commencement order under section 50(2) of the Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act) bringing in Part II of the 1987 Act with effect from 1 January 1988.

2. This circular, together with Annex A, introduces the provisions of Part II of the 1987 Act and gives advice on the effects and operation of them. Advice on those provisions of Part I of the 1987 Act (fire safety) which are to be brought into force by the first commencement order is the subject of Fire Precautions Act Circular, 14/1987.

Implementation of Part II (Safety of Sports Grounds)

3. Part II of the 1987 Act, consisting of sections 19 - 25, amends the Safety of Sports Grounds Act 1975 (the 1975 Act) in line with the Government's proposals contained in the Consultative Document published in June 1986 in response to the safety recommendations of the Popplewell Inquiry set up following the fire tragedy at Valley Parade on 11 May 1985. The main changes effected by Part II are as follows:-

Section 19:- removes the distinction between sports "ground" and sports "stadium" with consequential modifications to section 2(2) of the 1975 Act dealing with the contents of safety certificates.

Section 20:- empowers the Secretary of State to vary the designation threshold of 10,000 under section 1 of the 1975 Act.

Section 21:- precludes conditions in safety certificates relating to police presence unless the extent of the presence is reserved for the Chief Officer of Police.

Section 22:- directs appeals under section 5 of the 1975 Act to the courts.

Sections 23 and 24:- replaces the existing emergency procedure under section 10 by introducing prohibition notices in the case of serious risks to spectators; and provision to appeal against them.

Section 25:- places a duty on local authorities to enforce the 1975 Act and to arrange for annual inspections of designated sports grounds in accordance with guidance from the Secretary of State.

4. Annexes A and B to Home Office circular No 7/1986 which gives advice on the 1975 Act should be noted as necessary and cross referenced to this circular. Particular attention is drawn to the latest guidance on the new procedure for the issue of prohibition notices to deal with serious risks to spectators. Local authorities are asked to copy all such notices to the Home Office for information until further notice. To assist local authorities to draw up a prohibition notice a suggested format is reproduced at Annex B to this circular.

Safety of Sports Grounds Regulations 1987

5. A copy of the revised regulations is also enclosed with this circular. The regulations reflect the changes brought about by sections 22 and 24 of the 1987 Act and lay down time limits for appeals. Provisions on procedures for applications for safety certificates, their issue, amendment, transfer and replacement are incorporated in the regulations which also authorise the determination of fees to be charged in respect of applications for the issue, amendment, transfer and replacement of safety certificates.

Transitional

6. Under the provisions of Schedule 5 of the 1987 Act any existing court order made under section 10 of the 1975 Act remains in force. Similarly any appeal lodged prior to 1 January 1988 and still extant on that date will remain subject to the appeal procedures of the Safety of Sports Grounds Regulations 1976 (SI 1976/1263).

Resource and manpower implications

7. The contents of this circular do not result in any cost or manpower implications other than those arising from the inspections to be carried out on designated sports grounds under section 10B(1) as introduced by section 25 of the 1987 Act. Circulation of Statutory Guidance under section 10B(2) of the 1975 Act on these inspections together with any supplementary

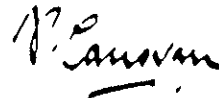
advice is being done separately and will cover, as necessary, any resource implications arising therefrom.

Supplementary

8. The information and advice in this circular and in Annex A on the 1987 Act are given in good faith but it should be understood that ultimately only the courts can rule authoritatively on points of law.

9. Any enquiries about the contents of this circular should be directed to Mr D Macnamara 01-213 7338.

Yours faithfully



P CANOVAN

enclosures 1) Safety of Sports Grounds Regulations
2) Commencement No 1 Order

copies for information to:-

ACC

AMA

LBA

ADC

ACPO

*Clerks to Police Authorities

+Clerks to Fire and Civil Defence Authorities

Chief Officers of Police

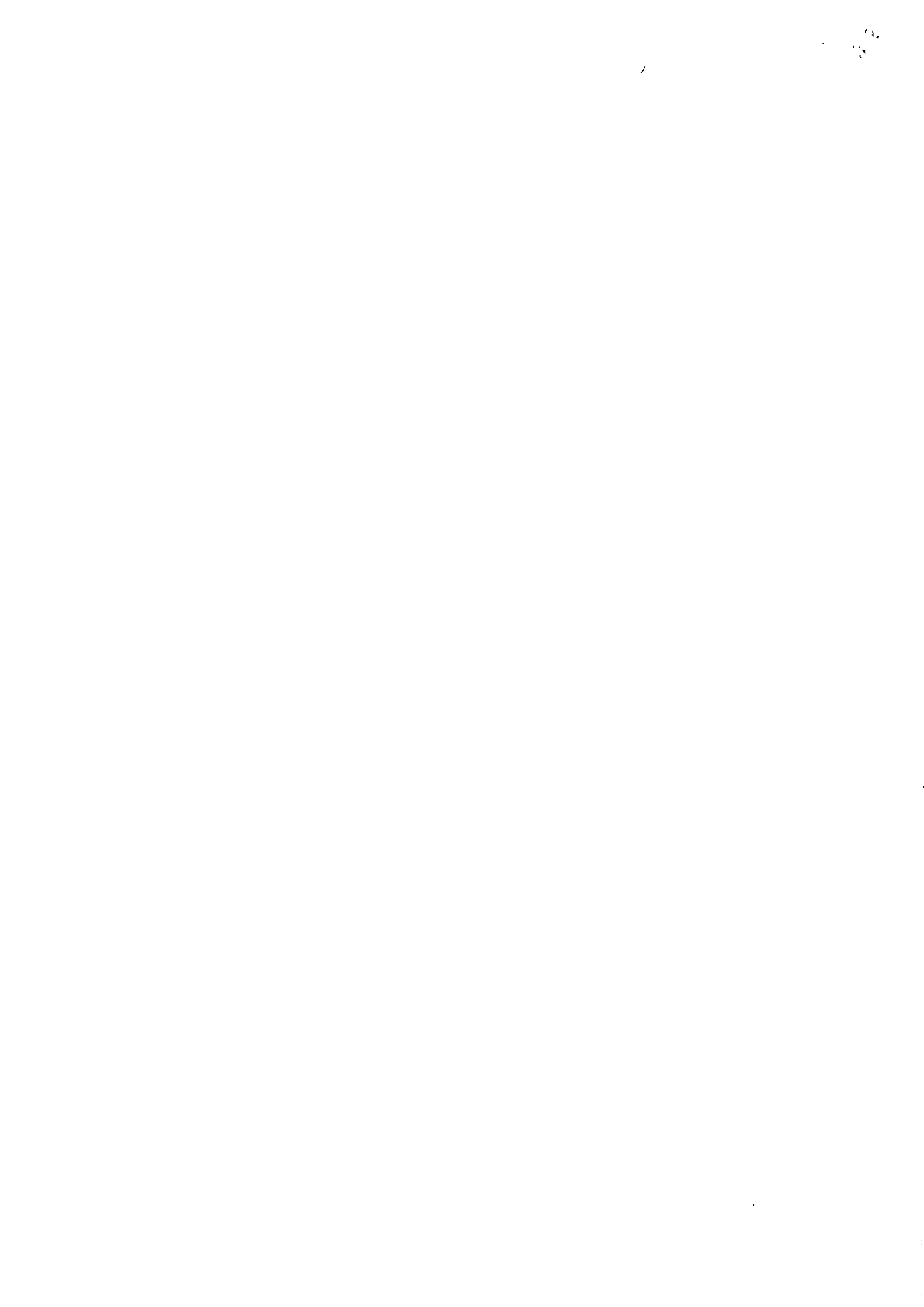
Magistrates Association

Justices Clerks Society

Sports Council

*without enclosures

+without enclosure (2)



ANNEX A TO HOME OFFICE CIRCULAR NO 71/1987

FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987

Advice note by the Home Office on Part II of The Fire Safety and Safety of Places of Sport Act 1987 (The 1987 Act) amending The Safety of Sports Ground Act 1975 (The 1975 Act)

Introduction

1. The general background to the 1975 Act together with a summary of local authority powers and functions under that Act, and procedures for the issue of safety certificates is set out in Annexes A - D of Home Office Circular 7/1986 issued 7 February 1986 (taken from earlier Home Office circulars 150/1975, 130/1976 and 187/1976). This guidance should therefore be read in conjunction with Annexes A - D of Home Office Circular 7/1986 which will need to be cross-referenced.
 2. The Popplewell Inquiry set up after the fire tragedy at Valley Parade concluded that the 1975 Act had worked satisfactorily at designated grounds but recommended changes to improve its operation. The Government's response was contained in a consultative document published in June 1986. Parts II and III of the 1987 Act implement these proposals and introduction of Part II as from 1 January 1988 is the first phase of this implementation.
 3. The main mechanism for securing safety at sports grounds remains the safety certificate. Guidance on safety standards is contained in the Guide to Safety at Sports Grounds (The Green Guide) revised in October 1986. Local authorities are reminded of the advice contained in paragraph 5 of Annex B to Home Office Circular 7/1986 highlighting the need to maintain flexibility in order to take account of the different circumstances at individual grounds.
- SUBSTANCE OF THE AMENDMENTS EFFECTED BY PART II OF THE 1987 ACT**
- Section 19: Application of the 1975 Act to all sports grounds**
4. Section 19, together with the textual amendments of Schedule 2 to the 1987 Act removes the distinction in the 1975 Act between a sports "ground" and a sports "stadium". As amended the provisions of the 1975 Act apply to all sports grounds as defined in section 17(1) of that Act. The Secretary of State may thus designate any category of sports ground without first having to make an order extending the provisions of the Act to that particular class of ground.
 5. In consequence of this wider power, section 2 of the 1975 Act (originally formulated with "stadia" in mind, particularly football stadia) has also had to be amended, by section 19 (2) of the 1987 Act, so that safety certificates are no longer required to contain certain obligatory terms and conditions. The Secretary of State is however empowered to stipulate by order the contents of a safety certificate for any class of sports ground.

In this way those grounds of a particular type, or grounds used for a particular sport need not be subject to requirements which would be inappropriate to them.

6. As there are no present plans to extend designation to other classes of sports ground it is not envisaged that an order under this new power will be necessary. The discretion given to local authorities under section 2(1) of the 1975 Act means that with the possible exception of clauses in safety certificates relating to police presence (see paragraph 9 below) the contents of safety certificates will not automatically require amendment as a result of the removal of the obligatory terms of section 2 of the 1975 Act. Safety certificates should continue to specify maximum spectators; include terms and conditions as to size, situation of entrances/exits to and from the ground and parts of it (including means of escape in the case of fire or other emergency) plus means of access to any such entrances and exits; terms and conditions should continue to require those entrances, exits and means of access to be properly maintained and kept free from obstruction; and terms and conditions should continue to deal with the number, strength and situation of any crush barriers.

7. Section 19(2) also widens the regulation powers given to the Secretary of State by insertion of a new subsection (1A) to section 18 of the 1975 Act thereby enabling regulations to make different provision for different classes of sports grounds.

Section 20: Designation of grounds - variation in qualifying spectator capacity

8. Section 20 inserts subsections (1A) and (1B) in section 1 of the 1975 Act to give the Secretary of State power to vary by order the numerical threshold above which grounds may be designated as requiring a safety certificate. The threshold is at present set at 10,000 by the Act.

Section 21: Safety certificates - police presence

9. Section 21 adds subsection (2A) to section 2 of the 1975 Act. Where the local authority includes in a safety certificate a provision which requires the presence of the police, the subsection requires that determination of their number is to be left to the Chief Officer of Police. This is already the usual if not invariable practice and this provision does no more than give statutory force to existing arrangements. Safety certificate conditions which do not comply with this provision will however be void and local authorities are advised to ensure that any such conditions comply with the new provisions.

Section 22: Safety certificates - appeals

10. Section 22 of the 1987 Act directs appeals under section 5 of the 1975 Act to the courts instead of to the Secretary of State as hitherto. Such an appeal is to the Magistrates Court by way of making a complaint (new subsection (3A) of section 5). There is also provision for an appeal to the Crown Court against

an order made by a Magistrates Court on determining a complaint. Such an appeal may be made by the local authority or by any "interested party" as defined in section 5 of the 1975 Act.

11. Subsections (4), (6), (7) and (8) of section 5 are repealed in consequence of the removal of the Secretary of State's functions in respect of appeals. However the Secretary of State is given the power to prescribe by regulation the time within which appeals under section 5 of the 1975 Act are to be brought. These regulations will also come into effect as from 1 January 1988. There is however transitional provision contained in paragraph 6 of Schedule 5 to the 1987 Act to preserve the existing appeal procedures/powers in respect of appeals made to the Secretary of State before 1 January 1988 and which are still extant on that date.

12. Section 22(8) of the 1987 Act makes a number of consequential amendments to section 7 of the 1975 Act (determinations and appeals/supplementary). Subsection (8)(a) amends section 7(1) of the 1975 Act so that it provides for an application to be deemed to be withdrawn if the local authority serve a notice under section 5(1) that an applicant is not qualified for the issue of a certificate, once the time limit for an appeal has expired. It also removes from the 1975 Act section 7(1)(b) which misleadingly implies that the local authority can determine without an application having been made that an existing holder of a safety certificate no longer qualifies to hold it. Subsection (8)(b) amends section 7(2) to make provision to suspend the effect of the local authority decision that an applicant is not a qualified person if an appeal is made in the prescribed time limits. This suspension has effect until the appeal is either withdrawn or determined by the court in favour of the authority. Subsection 8(c) amends section 7(3) of the 1975 Act and subsection (8)(d) repeals the provision in section 7 of the 1975 Act by which a court could, on the application of the local authority, give immediate effect to a term or condition of a safety certificate which had been suspended as a result of an appeal.

Section 23: Special procedure in case of serious risk - prohibition notices: and

Section 24: Prohibition Notices: appeals

13. Section 23 of the 1987 Act replaces the existing section 10 of the 1975 Act with provision for a system of prohibition notices. Section 24 of the 1987 Act provides for appeals against a prohibition notice.

14. A prohibition notice may be served in respect of any sports ground as defined in section 17(1) of the 1975 Act or part of such a sports ground. The criteria for issuing a prohibition notice are set out in the new section 10(1) and local authorities should not feel inhibited from using the new powers when necessary. These powers are nonetheless potentially far reaching (see also paragraph 20 below) and local authorities are therefore asked to ensure that they are used with due discretion. In practice, the considerations leading to the issuing of a prohibition notice are likely to be comparable to those which now

apply to seeking a court order, and prohibition notices should in general be used as a last rather than a first resort, after consultations with the ground operator have failed to secure reasonable safety improvements and amendment of a safety certificate (where issued) is not considered to be an effective way of dealing with the risk(s). It is, of course, nonetheless important for local authorities to ensure that they have an effective machinery for the issue of such a notice urgently should the need arise. Authorities may therefore wish to consider delegating to a limited number of senior officers the authority to act on behalf of the council and issue such a notice containing directions.

15. Prohibition notices must contain the information specified in new section 10(2). Local authorities are also encouraged to include in the notice directions under new section 10(4) detailing the required remedial measures. A notice can apply generally or to a specific occasion (new section 10(3)). A notice may not however include directions compliance with which would require the provision of police unless the Chief Officer of Police has consented to their inclusion (new section 10(5)). The extent of the provision is also reserved for his determination.

16. A prohibition notice and any amendment to it should be served on the persons specified in new section 10(6). Where it applies to an occasion for which a special safety certificate is in force, notice should be served on both the holder of the special safety certificate and the holder of the general safety certificate. Failure to do so does not however affect the validity of the notice.

17. New section 10(7) provides that a prohibition notice can take effect immediately if the risk to spectators is imminent or, in other cases, at the end of the period specified in the notice. Where the notice is to take immediate effect, the notice must state that the local authority are of the opinion that the risk to spectators is or, as the case may be, will be imminent.

18. A copy of the prohibition notice and any amendment to it must be sent to the officer and authorities named in new section 10(8). In most cases these authorities are likely to be represented in any safety team and are likely to have been consulted in advance.

19. Under section 10(9) a prohibition notice may be amended and any amendment must specify the date on which it is to come into operation (section 10(10)). Under section 10(11) a prohibition notice may be withdrawn. Section 23(2) of the 1987 Act amends section 12 of the 1975 Act (offences) to take account of the changes to section 10. Section 23(3) adds to the definitions of section 17(1) of the 1975 Act.

Appeals

20. Section 24 of the 1987 Act introduces new section 10A to the 1975 Act which provides for a system of appeals against prohibition notices issued under new section 10 as inserted by section 23 of the 1987 Act. The bringing of an appeal does not

suspend the operation of the notice or of any amendment to it (section 10A(6)) so, particularly if the notice is to apply to a "one-off" fixture, it is important that it is served, wherever possible, well in advance so as to enable the recipient to exercise effectively his right of appeal. The appeal procedure is by way of complaint to a Magistrates Court. On appeal the court may cancel the notice or affirm the notice, either in its original form or as amended, or with such modifications as the court thinks fit. There is provision for a further right of appeal to the Crown Court against the decision of the Magistrates Court. Persons entitled to make such an appeal are listed in new section 10A(7). "An aggrieved person" referred to in sub-section (7)(a) is defined in sub-section (9).

Section 25: Enforcement : Inspections and offence of obstruction

21. Section 25(1) of the 1987 Act adds a new section 10B to the 1975 Act which provides for local authorities to enforce the Act's provisions and, for that purpose, to arrange for the inspection of designated grounds at least once every twelve months in accordance with any guidance from the Secretary of State.

22. Section 25(2) updates section 12(6)(d) of the 1975 Act by amending the term "wilfully" to "intentionally".

G2 Division
Fire & Emergency Planning Department

[Name and address of local authority]

Safety of Sports Grounds Act 1975

PROHIBITION NOTICE

Name (a)

Address (b)

- being - *the holder of a general safety certificate for (c)
- *the holder of a special safety certificate for (c)
 - *the person who appears to the (e) council to be responsible for the management of (c)
 - *a person who appears to the (e) council to be responsible for organising an activity at (c)

on (d)

Notice is hereby given that (e) Council are of the opinion that the admission of spectators to *[the (c) sports ground]*[parts of the (c) sports ground which are] specified in the Schedule to this notice *[involves]*[will involve] a risk to them so serious that until steps have been taken to reduce it to a reasonable level the admission of spectators to *[the ground] *[that part of the ground] ought to be *[prohibited] *[restricted].

The matters which in the council's opinion *[give] *[will give] rise to that risk are as follows

The (e) Council hereby direct that *[no spectators]*[no more than the number of spectators specified in the schedule which forms part of this notice] shall be admitted to *[that sports ground] *[the parts of that sports ground specified in the schedule] until those matters detailed above have been remedied.

*The (e) Council is of the opinion that the risk to spectators *[is]*[will be] imminent, and the *[prohibition] *[restriction] is to take effect immediately.

The *[prohibition] *[restriction] is to take effect after /19
, and relates to the admission of spectators *[generally] *[on
the occasion(s) specified in the schedule].

*The (e) Council further direct that the steps specified in the
schedule which forms part of this notice will have to be taken to
reduce the risk to a reasonable level.

Signature

Date

(Block Capitals)

Position held in Council

[Being a person authorised by (e) Council under section 101 of
the Local Government Act 1972 to issue such a notice]

- (a) Name of person on whom the notice is being served
- (b) Address at which it is intended to serve the notice
- (c) Name of sports ground
- (d) Date of event covered by a special safety certificate to
which the notice applies
- (e) Name of the local authority

*delete as appropriate.

Schedule

1.* No more than the following numbers of spectators may be admitted to the ground/the parts of the ground specified below*:

2.* The following steps must be taken to reduce the risk to spectators to a reasonable level:

3.* The prohibition/restriction* applies to the admission of spectators on the following occasions:

*delete as appropriate

THESE NOTES SHOULD BE PRINTED ON THE BACK OF THE
PROHIBITION NOTICE

NOTES

Offences

1. Contravention of any prohibition notice or restriction imposed by a prohibition notice is an offence provided by section 12(1)(e) of the Safety of Sports Grounds Act 1975 (the 1975 Act) as amended by the Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act) and renders the offender liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £2,000) or, on conviction on indictment, to an unlimited fine, or imprisonment for not more than two years, or both.

2. Where any person is charged with an offence under section 12(1)(e) of the 1975 Act it shall be a defence to prove

- (a) that the admission of spectators in contravention of the notice was without his consent; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any other person under his control.

3. Section 12(7) of the 1975 Act provides that where an offence under that Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

4. Where the affairs of a body corporate are managed by its members, section 12(7) of the 1975 Act shall apply in relation to the acts, and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

5. The validity of a prohibition notice served on any person shall not be affected by a failure to serve another person required to be served with such a notice.

Appeals

6. Your attention is drawn to the provision for appeal to a magistrates' court against this notice in section 10A of the 1975 Act as inserted by the 1987 Act.

Regulations made under section 10A(1) of the 1975 Act stipulate that a person on whom a prohibition notice is served may appeal to the court within 21 days after the day on which the notice is served on him.

Where an appeal is brought under this section against a prohibition notice or an amendment of it, the bringing of the appeal does not have the effect of suspending the operation of the notice.



HOME OFFICE
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25 November 1987

Chief Executives - County Councils +
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Introduction

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Section 19:- removes the distinction between sports "ground" and sports "stadium" with consequential modifications to section 2(2) of the 1975 Act dealing with the contents of safety certificates.

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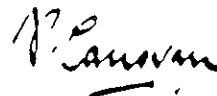
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9. Any enquiries about the contents of this circular should be directed to Mr D Macnamara 01-213 7338.

Yours faithfully



P CANOVAN

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2) Commencement No 1 Order

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Chief Officers of Police

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Sports Council

*without enclosures

+without enclosure (2)

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FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987

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Introduction

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SUBSTANCE OF THE AMENDMENTS EFFECTED BY PART II OF THE 1987 ACT
Section 19: Application of the 1975 Act to all sports grounds

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11. Subsections (4), (6), (7) and (8) of section 5 are repealed in consequence of the removal of the Secretary of State's functions in respect of appeals. However the Secretary of State is given the power to prescribe by regulation the time within which appeals under section 5 of the 1975 Act are to be brought. These regulations will also come into effect as from 1 January 1988. There is however transitional provision contained in paragraph 6 of Schedule 5 to the 1987 Act to preserve the existing appeal procedures/powers in respect of appeals made to the Secretary of State before 1 January 1988 and which are still extant on that date.

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Section 23: Special procedure in case of serious risk - prohibition notices: and

Section 24: Prohibition Notices: appeals

13. Section 23 of the 1987 Act replaces the existing section 10 of the 1975 Act with provision for a system of prohibition notices. Section 24 of the 1987 Act provides for appeals against a prohibition notice.

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suspend the operation of the notice or of any amendment to it (section 10A(6)) so, particularly if the notice is to apply to a "one-off" fixture, it is important that it is served, wherever possible, well in advance so as to enable the recipient to exercise effectively his right of appeal. The appeal procedure is by way of complaint to a Magistrates Court. On appeal the court may cancel the notice or affirm the notice, either in its original form or as amended, or with such modifications as the court thinks fit. There is provision for a further right of appeal to the Crown Court against the decision of the Magistrates Court. Persons entitled to make such an appeal are listed in new section 10A(7). "An aggrieved person" referred to in sub-section (7)(a) is defined in sub-section (9).

Section 25: Enforcement : Inspections and offence of obstruction

21. Section 25(1) of the 1987 Act adds a new section 10B to the 1975 Act which provides for local authorities to enforce the Act's provisions and, for that purpose, to arrange for the inspection of designated grounds at least once every twelve months in accordance with any guidance from the Secretary of State.

22. Section 25(2) updates section 12(6)(d) of the 1975 Act by amending the term "wilfully" to "intentionally".

G2 Division
Fire & Emergency Planning Department

[Name and address of local authority]

Safety of Sports Grounds Act 1975

PROHIBITION NOTICE

Name (a)

Address (b)

- being - *the holder of a general safety certificate for (c)
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 - *the person who appears to the (e) council to be responsible for the management of (c)
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on (d)

Notice is hereby given that (e) Council are of the opinion that the admission of spectators to *[the (c) sports ground]*[parts of the (c) sports ground which are] specified in the Schedule to this notice *[involves]*[will involve] a risk to them so serious that until steps have been taken to reduce it to a reasonable level the admission of spectators to *[the ground] *[that part of the ground] ought to be *[prohibited] *[restricted].

The matters which in the council's opinion *[give] *[will give] rise to that risk are as follows

The (e) Council hereby direct that *[no spectators]*[no more than the number of spectators specified in the schedule which forms part of this notice] shall be admitted to *[that sports ground] *[the parts of that sports ground specified in the schedule] until those matters detailed above have been remedied.

*The (e) Council is of the opinion that the risk to spectators *[is]*[will be] imminent, and the *[prohibition] *[restriction] is to take effect immediately.

Schedule

1.* No more than the following numbers of spectators may be admitted to the ground/the parts of the ground specified below*:

2.* The following steps must be taken to reduce the risk to spectators to a reasonable level:

3.* The prohibition/restriction* applies to the admission of spectators on the following occasions:

*delete as appropriate

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NOTES

Offences

1. Contravention of any prohibition notice or restriction imposed by a prohibition notice is an offence provided by section 12(1)(e) of the Safety of Sports Grounds Act 1975 (the 1975 Act) as amended by the Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act) and renders the offender liable, on summary conviction, to a fine not exceeding the statutory maximum (currently £2,000) or, on conviction on indictment, to an unlimited fine, or imprisonment for not more than two years, or both.

2. Where any person is charged with an offence under section 12(1)(e) of the 1975 Act it shall be a defence to prove

- (a) that the admission of spectators in contravention of the notice was without his consent; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any other person under his control.

3. Section 12(7) of the 1975 Act provides that where an offence under that Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

4. Where the affairs of a body corporate are managed by its members, section 12(7) of the 1975 Act shall apply in relation to the acts, and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

5. The validity of a prohibition notice served on any person shall not be affected by a failure to serve another person required to be served with such a notice.

Appeals

6. Your attention is drawn to the provision for appeal to a magistrates' court against this notice in section 10A of the 1975 Act as inserted by the 1987 Act.

Regulations made under section 10A(1) of the 1975 Act stipulate that a person on whom a prohibition notice is served may appeal to the court within 21 days after the day on which the notice is served on him.