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Your reference:

The Chief Executive
County Councils
Metropolitan District Councils
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Common Council of the City of London

Dear Sir

HOME OFFICE CIRCULAR NO 96/1988

**FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT : PART III - SPORTS
GROUNDS - CERTIFICATION OF STANDS AND THE SAFETY OF PLACES OF
SPORT REGULATIONS 1988**

Introduction

1. This circular, together with annexes A - D, introduces the provisions of Part III of the Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act) and the Safety of Places of Sport Regulations 1988, which come into force on 1 January 1989. A copy of the Commencement No 4 Order, under which Part III comes into force, is enclosed.

Implementation

2. Part III is the final phase of implementation of those parts of the 1987 Act dealing with spectator safety at places of sport in line with the Government's proposals contained in the Consultative Document published in 1986. It brings into effect a system of safety certification and subsequent inspection of stands able to accommodate under cover at least 500 spectators ("regulated stands") at sports grounds not designated as requiring a safety certificate under section 1 of the Safety of Sports Grounds Act 1975 (SSGA). Detailed advice on Part III, section by section, is contained in Annex A. A suggested format for a notice of determination that a stand is a regulated stand is at Annex D.

3. Action taken by local authorities in response to HOC 5/1986 to identify stands able to accommodate at least 500 spectators should mean that most, if not all, such stands have already been

E.R.

**Enclosures: Commencement No 4 Order
The Safety of Places of Sport Regulations 1988
Guidance for Ground Management on the Operation
of Part III
Application Forms for a safety certificate**

Copies for information to:-

**Association of County Councils
Association of Metropolitan Authorities
London Boroughs Association.
Association of District Councils
Association of Chief Police Officers
Clerks to Police Authorities
Clerks to Fire & Civil Defence Authorities
Chief Officers of Police
Magistrates Association
Justices Clerks Society
Sports Council**

**PART III OF THE FIRE SAFETY & SAFETY OF PLACES OF SPORT ACT 1987:
SAFETY CERTIFICATION FOR REGULATED STANDS AT SPORTS GROUNDS**

Introduction

1. The provisions of Part III of the Fire Safety & Safety of Places of Sport Act 1987 (the 1987 Act) supplement the provisions of the Safety of Sports Ground Act 1975 (SSGA) with the aim of improving the safety of spectators in stands at sports grounds which are not designated as requiring a safety certificate under the SSGA. They follow closely the Government's proposals contained in the Consultative Document published by the Home Office/Scottish Office in June 1986 in response to the Final Report of the Popplewell Inquiry. Part III is brought into force from 1 January 1989. It is the final stage of implementation of the 1987 Act's provisions on spectator safety at sports grounds and provides for a system of safety certification for stands determined by the local authority as able to hold 500 or more spectators under cover ("regulated stands").

2. Part III provides a regime of safety certification similar to that under the SSGA but applies only to covered stands which, in general, were seen by the Popplewell Inquiry as most likely to pose risks from fire or structural deficiency (or both). The provisions of Part III apply to all types of sports ground as defined in section 41 of the 1987 Act and section 17 of the SSGA.

General approach

3. The safety certificate forms the main instrument of control under Part III of the 1987 Act. There are two sorts of safety certificate, general and special. The general certificate is the main mechanism and is to be issued for an indefinite period for specified activities taking place at the sports ground. A special safety certificate may be issued for a specified event or events not covered by the general certificate. A safety certificate is required for each regulated stand that is to be used by spectators for viewing activities at the sports ground. It is the local authority who determine, subject to a right of appeal to the courts, whether a stand is a regulated stand and issue a safety certificate. The stand in question remains a regulated stand unless the local authority subsequently determine otherwise. Supplementary advice on safety certification is contained in Annex C.

4. In determining whether a stand is a regulated stand (ie able to accommodate 500 or more spectators under cover) local authorities are required to act in accordance with any guidance issued by the Secretary of State under section 26(8). Such guidance has been issued under cover of Home Office Circular 97/1988. Local authorities are also required, under section 34, to arrange for the periodic inspections of sports grounds which contain regulated stands in accordance with guidance from the Secretary of State. Such guidance has also been issued under cover of Home Office Circular 97/1988.

SUBSTANCE OF PART III OF THE 1987 ACT

Section 26 : Safety certificates for stands at sports grounds

5. Section 26 provides for the new system of safety certificates for stands at sports grounds. Under subsection (1) Part III is applied to all sports grounds which

- a. provide covered accommodation in stands for spectators, and
- b. are not designated under section 1 of the SSGA.

Under subsection (2) a safety certificate is required in respect of the use of each stand which provides covered accommodation for 500 or more spectators to view activities at the ground (known as a "regulated stand" under subsection (5)). Where more than one regulated stand exists at a sports ground the local authority may issue one certificate to cover all such stands. The figure of 500 can be varied by the Secretary of State by Order subject to negative resolution procedure of Parliament (subsections (3) and (4)). There are no plans at the present time to obtain such an Order.

6. Local authorities may care to note that it is only when a stand is used for the purpose of viewing activities at the ground that a safety certificate is required. The use of a stand for some other purpose, such as an internal activity (eg an exhibition) would not require a safety certificate under Part III.

7. Subsection (6) places the function of determining whether a stand is a regulated stand and the issue of a safety certificate on the local authority who, under subsection (7), may apply any appropriate criteria but who, under subsection (8), must act in accordance with any guidance from the Secretary of State. This guidance has been issued under the cover of Home Office Circular 97/1988. Under subsection (9) the final determination of the local authority, subject only to an appeal to the courts (see paragraphs 19-20 below) concludes the question of whether a stand is a regulated stand. This mechanism, together with service of notice of the determination under section 28(2) on the "responsible person" (see paragraphs 11-14 below) ensures that a safety certificate must be applied for if the stand is to be used by spectators for viewing activities at the ground.

8. Paragraphs (a) and (b) of subsection (10) describe respectively "general" and "special" safety certificates as defined in subsection (11). Here again local authorities may wish to note that a safety certificate for a stand relates to the use of the stand for viewing an activity or activities. Subsection (11) provides self-explanatory definitions. "Stand" includes the uncovered portion of the structure for certification purposes. It will be noted that by use of the phrase "(not merely temporary)" the definition of "stand" excludes from certification temporary stands.

Section 27 : Contents of safety certificates for stands

9. Subsection (1) requires a safety certificate to contain such terms and conditions as the local authority consider necessary or expedient to secure reasonable safety in the stand and which may involve alterations or additions to it or any installations in or serving it (for example cables, ducts, plant equipment). There are no obligatory terms and conditions. However, under subsection (2) safety certificates must include terms and conditions required by an Order made under section 39 which enables the Secretary of State to make an Order modifying the provisions of Part III as they apply to any particular class of stand. No Order has been made under this section and there are no current plans to do so. (see paragraph 33 below)

10. Subsection (3) precludes conditions in safety certificates relating to police presence unless the extent of the presence is reserved for determination by the chief officer of police. Subsection (4) provides that a certificate may include a condition on the keeping of records relating to attendance (in practice this would apply only where access to the stand is controlled, see Annex C) and the maintenance of safety in the stand. Subsection (5) requires a general safety certificate to include a plan of the stand or stands to which it applies and the area in the immediate vicinity of it/them. Terms and conditions in any safety certificate should be framed where appropriate by reference to that plan. Subsection (6) allows for different terms and conditions to be included in the safety certificate for different activities taking place at the ground. Subsection (7) ensures that safety certificates do not derogate from any requirements imposed by any regulations made under section 6(2) of the SSGA. No regulations have been made under that section and there are no current plans to do so.

Section 28 : Issue of certificates

11. This section identifies to whom safety certificates should be issued, lays down procedures for determining whether a stand is a regulated stand, and for the issue of certificates. Subsection (1) sets out who qualifies for a safety certificate. In the case of a general safety certificate this is the ground management; for a special safety certificate it is the person organising the activity at the ground in question. In many cases, of course, the holder of the general safety certificate will also qualify to hold the special safety certificate.

12. Under subsection (2), where it appears to the local authority that a stand at a sports ground in their area is a regulated stand, they have to make a preliminary determination on whether or not the stand is a regulated stand. If the local authority determine that it is, they must then issue a notice of determination and the effect of it on the person who appears to qualify for the general safety certificate (ie the person who appears to qualify under subsection (1)(a)). A suggested draft notice of determination is attached at Appendix D.

13. Subsection (3) provides that the preliminary determination becomes a final determination after two months. Subsection (4) allows for revocation of that determination at any time before it becomes final or on consideration of an application for a safety certificate. These two subsections allow ground management an opportunity to discuss and review with the local authority any information or proposals which might cause the local authority to revise their determination and save recourse to the appeal procedure. Subsection (5) allows the local authority to withdraw (rather than revoke) the notice of determination before it becomes final and serve it on a different person - for example where information has come to light meantime indicating that there has been a change in the management of the ground. When a fresh notice is served the two month period under subsection (2) begins again.

14. Subsection (6) lays a duty on the local authority to make certain determinations on applications for general safety certificates. (Subsection (10) (see below) imposes certain procedural requirements on the local authority on receipt of such an application.) Subsection (6)(a) provides for applications for general safety certificates which are made otherwise than in response to a notice served by the local authority under subsection (2); such applications would be made where the applicant is of the opinion that the stand in question is a regulated stand. Under subsection (6)(a) the local authority must determine whether the stand in question is a regulated stand and, if it is, whether the applicant qualifies for the general safety certificate. A determination under (6)(a) that a stand is a regulated stand is immediately a final determination. Subsection (6)(b) concerns an application for a general safety certificate in response to a notice served by the local authority under subsection (2). Provided that the local authority do not then decide to revoke their preliminary determination that the stand is a regulated stand (in the light of further information) they must determine whether the applicant is qualified to hold a general safety certificate. Once these issues have been resolved a general safety certificate must, under subsection (7), be issued to a qualified applicant unless such a certificate is already in operation in which case an application should be made under section 29(5) for the transfer of the certificate.

15. Subsection (8) concerns the issue of a special safety certificate. Such a certificate is only issued if there is already a general safety certificate in operation. The local authority have a discretion as to whether or not to issue a special safety certificate.

16. In all cases where a local authority determine that an applicant for a safety certificate does not qualify for one they must serve on him notice under subsection (9) stating their determination.

17. Subsection (10) requires the local authority to send a copy of an application for a safety certificate to the chief officer of police and, where the local authority is in Greater London or a metropolitan county, to the fire authority; elsewhere, a copy must be sent to the building authority. The local authority must

also consult these authorities about the terms and conditions to be included in the certificate.

18. Subsection (11) enables the local authority to serve a notice on an applicant requiring such information or plans etc as they consider necessary to issue a safety certificate. The plan could be for an area larger than the stands. Subsection (12) provides that if an applicant fails to comply with the requirement for information or plans within any time specified in the notice or as extended by the local authority his application will be deemed to have been withdrawn. Thereafter, if a fresh application is not made and spectators are admitted to a regulated stand an offence will be committed under section 36.

Section 29: Amendment, cancellation etc of certificates

19. Subsection (1)(a) provides for the cancellation of a safety certificate where it appears to the local authority who have issued it that the stand in question is not or has ceased to be a regulated stand - for example if the original determination was mistaken or if the covered accommodation is reduced to below 500. In these circumstances subsection (1)(a) requires the local authority to revoke the determination and, by notice to the holder, cancel the safety certificate. Subsection (1)(b) enables the local authority to amend the terms and conditions of the safety certificate by notice to the holder, and subsection (1)(c) enables them to replace the safety certificate. Subsection (2) enables the powers under subsection (1)(a) - (c) to be exercised without an application from the holder (see also paragraph 21 below). Subsection (3) applies the provisions of section 27 to an amended or replacement safety certificate. When the local authority amend a certificate under subsection (1)(b), the notice must, under subsection (4), specify the operative date of the amendment which can be later than the date of the notice. This enables the local authority to anticipate completion of any remedial work or delay operation of a condition to allow for changes to be made.

20. Subsection (5) concerns the transfer of safety certificates. It places a duty on the local authority to determine whether a person is qualified to have a safety certificate issued to him on transfer from the holder (see paragraph 11 above) and notify him of the determination. If the person is qualified the safety certificate may be transferred to him. Application for transfer may be made by the holder or by the person to whom transfer is proposed (subsection (6)).

21. Copies of the application must be sent by the local authority to the chief officer of police and, where the local authority is in Greater London or a metropolitan county, to the fire authority, and elsewhere to the building authority (subsection 7). These authorities must also be consulted on any proposal to amend, replace or transfer the safety certificate (subsection (8)).

22. Subsection (9) provides for the surrender of a safety certificate whereupon it ceases to have effect. Subsection (10)

gives a local authority discretion to cancel a safety certificate if the holder dies or, if a body corporate, is dissolved.

Section 30 : Appeals

23. All appeals under Part III are to the courts. Subsection (1) gives a right of appeal against a final determination that a stand is a regulated stand. Subsection (2) provides a right of appeal against a determination that an applicant is not qualified (or would not qualify in the case of transfer) for the issue of a safety certificate. Subsection (3) confers a right of appeal against a refusal by the local authority to issue a special safety certificate (other than on grounds of qualification). Subsection (4) gives "interested parties", who are defined in subsection (8), the right of appeal against

- a. inclusion of anything in or omission of anything from a safety certificate;
- b. refusal to amend or replace a safety certificate.

All appeals have to be brought within the period prescribed by Regulations made under section 31, in England and Wales by way of complaint for an order to a Magistrates Court (subsections (5) and (6)).

24. Under subsection (9) where a local authority have served notice on an applicant of their determination that he does not qualify for the issue of a safety certificate he is, unless he appeals, deemed to have withdrawn his application once the appeal period has expired (see also paragraph 26 below on offences under section 36). Subsection (10) identifies the deemed date of withdrawal of an application in the case of an appeal which is not upheld by the court or is withdrawn by the applicant. Subsection (11) suspends the operation of any term or condition in a safety certificate pending an appeal, and subsection (12) prescribes who, in addition to the local authority, may appeal to the Crown Court against an Order by the Magistrates Court.

Section 31: Regulations

25. Under this section the Secretary of State is empowered to make regulations prescribing the procedures and application particulars for the issue etc of safety certificates, authorising local authorities to determine fees in connection with such applications and prescribing the time limits for appeals. The regulations may also contain such incidental and supplementary provisions as the Secretary of State thinks expedient. Regulations under section 31 have been made and come into effect from 1 January 1989 (see Annex B for further details).

Section 32: Alterations and Extensions

26. Subsection (1) requires the holder of a general safety certificate to notify the local authority of any proposed alteration or extension to a regulated stand or its installations

which is likely to affect the safety of people in the stand before he begins to carry out the proposals. Subsection (2) emphasises the need for such a notice in relation to entrances and exits and means of access and escape. The purpose of this section is to guard against any alterations being made without the local authority's knowledge and which might affect the safety of spectators. Failure to give notice is made an offence by section 36(7)(b).

Section 33: Exclusion of other statutory requirements

27. Subsection (1) harmonizes Part III with other legislation by disapplying provisions of several Acts whilst a general safety certificate for a regulated stand is in force. Subsection (2) suspends the operation of any term or condition in a licence relating to a matter which is also covered by the safety certificate for as long as the certificate is in operation. Subsection (3) ensures that a person failing to meet a requirement of a local Act will not commit an offence under that Act if meeting the requirement would involve a contravention of the terms or conditions of a safety certificate.

Section 34: Enforcement

28. Subsection (1) provides for local authorities to enforce the provisions of Part III and to arrange for periodical inspections of sports grounds at which there are regulated stands. Such inspections shall (by virtue of subsection (2)) be in accordance with any guidance by the Secretary of State. This guidance has been issued under cover of Home Office Circular 97/1988.

Section 35: Powers of entry and inspection

29. This section confers for the purposes of Part III a right of entry to a sports ground at any reasonable time on persons authorised by the local authority, chief officer of police, in London or a metropolitan county the fire authority, elsewhere the building authority, to inspect the stands and make any necessary enquiries. Authorised persons may be required to produce their authority and may examine and copy records relating to regulated stands. The powers under this section apply to all sports grounds and are in addition to powers under section 11 of the SSGA.

Section 36: Offences

30. Paragraphs (a) and (b) of subsection (1) create an offence if spectators are admitted to a regulated stand on an occasion when no safety certificate covering their use of the stand is in operation (see paragraphs 5, 6, and 8 above); or if any term or condition in a safety certificate is contravened. The offence is committed by the "responsible person" as defined in subsection (3) and, if the safety certificate is in operation, the holder of it. No offence is committed if the local authority have not made

a final determination or if application for a safety certificate has been made and it has not been withdrawn or deemed to have been withdrawn (subsection (2)). Subsection (4) provides for penalties on conviction and subsection (5) provides a defence on the grounds of proof that spectators were admitted or the contravention took place without the defendants consent and that he took all reasonable precautions and exercised all "due diligence" to avoid commission of the offence by himself or any person under his control. Subsection (6) provides a defence for a responsible person on the grounds of proof that he did not know the stand was a regulated stand (for example if notice had not been served on the right person). Subsection (7) creates offences in connection with the provision of information under sections 28(11) and 32(1) or obstruction under section 35. Subsections (8) and (9) apply the offence provisions to a body corporate its officers and members.

Section 37: Civil and other liability

31. This section limits the effects of the provisions of Part III in civil proceedings, and on requirements in public, local or private Acts or in rights of action to those provided expressly in Part III.

Section 38: Service of documents

32. This section makes provisions for the service of notices or other documents required or authorised under Part III. Subsection (1) makes general provision for such service, subsection (2) deals with service on corporations or partnerships and subsection (3) identifies the address to which notices or documents are to be sent.

Section 39: Power to modify Part for classes of stand

33. Subsection (1) enables the Secretary of State to modify the provisions of Part III in the way they should be applied to any specified class of stand. The power is exercised by Order subject to negative resolution (subsection (3)) and after consultation (subsection (4)). Under subsection (2) different modifications can be made for different activities at a sports ground and may include such supplementary or transitional provision as considered expedient. Section 39, together with section 27(2), would enable the Secretary of State to stipulate that terms and conditions of a safety certificate should take account of different ways in which stands are used by spectators (see paragraph 9 above). It is an important reserve power which is unlikely to be necessary provided terms and conditions of safety certificates are framed to take account of the differences experienced and observed within the stands at different sorts of sports grounds (see also Annex C).

Section 40: Application to Crown

34. Subsection (1) applies sections 26 to 29 to premises occupied by the Crown but substituting for the reference to a local authority a reference to the Secretary of State who will therefore be responsible for the certification of such premises. Subsection (2) provides that nothing within Part III authorises entry of premises occupied by the Crown.

Section 41: Interpretation

35. This section provides self-explanatory definitions of words used in Part III.

Home Office
Fire and Emergency Planning Department
G1 Division

**PART III OF THE FIRE SAFETY & SAFETY OF PLACES OF SPORT ACT 1987:
THE SAFETY OF PLACES OF SPORT REGULATIONS 1988**

General

1. The Safety of Places of Sport Regulations 1988 (1988 Regulations) under section 31(1) and (2) of the Fire Safety and Safety of Places of Sport Act 1987 (1987 Act) have been made and come into force on 1 January 1989. The 1988 Regulations are similar to, but distinct from, the Safety of Sports Grounds Regulations 1987 (S.I.1987/1941). Terms and expressions used in the 1988 Regulations, eg safety certificate, therefore have the same meaning as under section 41 of the 1987 Act and refer to Part III of that Act, not the Safety of Sports Grounds Act 1975. They prescribe the form and procedures for applications for safety certificates under Part III, provide for the issue of notices of certain decisions and authorise local authorities to charge fees for work done by them or on their behalf in connection with applications for issue etc of safety certificates. The Regulations also prescribe the time limits for appeals against local authority decisions taken under Part III.

Substance of Regulations

2. Regulations 1 and 2 concern citation and interpretation. Regulation 3 deals with applications. Paragraph (1) of Regulation 3 and the Schedule to the Regulations prescribe the form in which applications for the issue of a safety certificate, either a general or special certificate, are to be made. For a general safety certificate the application form envisages that it will be accompanied by details of the stand including the plans where available. For a special safety certificate details of the stand will already be known from the general safety certificate application but additional information about the activities and any changes proposed as a result of those activities may be required by the local authority. Applications for both general and special safety certificates are directed at providing information about the stand when it is used by spectators for viewing activities at the ground (not when it is used for some other purpose such as an exhibition or conference for which a safety certificate is not needed). Applications should also provide details of the status of the applicant to enable the local authority to determine whether he qualifies to hold a certificate. Paragraph (2) lays down that applications for cancellation, amendment, replacement or transfer of a safety certificate have to be made in writing and, except for cancellation, details must be given by the applicant of anyone who is believed to be concerned with ensuring compliance with terms and conditions of the safety certificate.

3. Regulation 4 deals with notices of decisions taken by the local authority. Notices issued under Regulation 4 are in addition to those issued under the 1987 Act itself by the local authority. Under paragraph (1) of Regulation 4 the decisions described in (a) - (c) must be notified by notice in writing to the interested parties (as set out in paragraph (8)). The notice must also include details of when and where a copy of the safety certificate and a copy of the relevant application may be inspected (paragraph (6)). In the case of a refusal decision under (c) the reasons for the refusal should be included in the notice.

4. Paragraph (2) requires the local authority to issue notice on an applicant who has been refused a special safety certificate other than on the grounds that he is not a qualified person. The notice should include reasons for the decision.

5. Paragraph (3) is concerned with the transfer of certificates and requires the local authority to serve on the holder of a safety certificate a copy of any notice issued under section 29(5) of the 1987 Act. (This ensures that both the holder and the would-be holder of the safety certificate are aware of the adverse decision.) Similarly, where it is decided that the applicant is qualified to hold a certificate but it is decided not to transfer it, that decision must be notified to both the applicant and the holder giving reasons for the decision.

6. Paragraph (4) requires the local authority to serve notice on an applicant of any decision to refuse an application for the cancellation of a safety certificate under section 29(1)(a) of the 1987 Act and giving reasons for the decision; and paragraph (5) requires the local authority to serve a copy of the notice of the decision on the other interested parties as soon as practicable thereafter. Paragraph (6) provides that the notice should include the information of when and where a copy of the safety certificate and any application may be inspected.

7. Paragraph (7) requires local authorities to publish a notice in a local newspaper setting out the decision taken under paragraph 1 above. The publication should include the information of when and where a copy of the safety certificate and any relevant application may be inspected (as in paragraph (6)). Paragraph (8) defines "interested parties".

8. Regulation 5 lays down the time limits for appeals under section 30 of the 1987 Act. Paragraph (1) lays down the time limit of 28 days in the case of an appeal against a determination that a stand is a regulated stand. This period is calculated from the date when any preliminary determination becomes a final determination under section 28(3) of the Act (paragraph (1)(a)) or in the case of a final determination under section 28(6) the date of the receipt of the notice of that determination (paragraph (1)(b)).

9. Other appeals under the 1987 Act must under paragraph (2) of Regulation 5 be brought within 28 days in the case of a general safety certificate and 7 days in the case of a special safety certificate from the "relevant date". Paragraph (3) of Regulation 5 sets down what is meant by the "relevant date".

10. Regulation 6 deals with fees. Paragraph (1) of Regulation 6 enables local authorities to determine the fee to be charged in respect of an application (whether or not successful) for the issue, amendment, replacement or transfer of a safety certificate or in respect of an application for the cancellation of such a certificate for a stand which has ceased to be a regulated stand. Paragraph (2) provides that any fee must not exceed an amount commensurate with the work actually and reasonably done by or on behalf of the local authority.

Home Office
Fire and Emergency Planning Department
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**PART III OF THE FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT
1987 : ISSUE AND CONTENT OF SAFETY CERTIFICATES**

Introduction

1. This Annex provides some additional advice on the issue and content of safety certificates which local authorities may care to take into consideration when drawing up safety certificates for regulated stands under Part III of the Fire Safety and Safety of Places of Sport Act (the 1987 Act). Although directed at certification under Part III, the underlying principles of the advice in this Annex may also assist local authorities when reviewing terms and conditions to be contained in safety certificates for sports grounds designated under the Safety of Sports Grounds Act 1975 (SSGA). Local authorities may find it useful to cross-reference this Annex with Annex A to Home Office Circular 71/1987 and Annexes C and D to Home Office Circular No 7/1986 - some of the advice of which is reproduced below.

2. The following advice is given in good faith but it should be remembered that only the courts can interpret on points of law.

Reasonable Safety

3. Part III of the 1987 Act, like the SSGA, provides that terms and conditions within safety certificates should be such as are considered necessary or expedient to secure reasonable safety. It would probably be unreasonable, even if it were practicable, to seek the absolute safety of everyone occupying a stand at a sports ground. The courts might also be sympathetic to an appeal against a term or condition which entailed expenditure on measures to combat a risk which was seen to be remote or did not arise at all at the particular ground or stand. Local authorities should therefore consider operating on the principle that the addition to safety which any particular measure will produce needs to be balanced against its cost. In some cases certain measures may have to be taken whatever the cost, irrespective of the size or profitability of the undertaking. But where the difficulty and cost of the remedy are high, and careful assessment shows the risk is not significant, it may not be necessary to insist on action; if the risk is significant it may be possible to opt for a solution which will reduce it to an acceptable level at modest cost.

General

4. An application for a general safety certificate under Part III should normally be accompanied by information about the stand, a proper plan of the stand and its installations. In practice, not all the information necessary to draw up a safety

certificate will always be provided at the time of the initial application. However, local authorities are able to require, by notice, under section 28(11) further details to enable them to consider the application. For an application for a special safety certificate under Part III much information would already be available from the general safety certificate application; but additional information may be required if, for example, the activities which are to take place at the sports ground for which a special safety certificate is needed are such that the spectator accommodation in the stand is altered or affected.

5. A special safety certificate under Part III is issued at the discretion of the local authority (subject to a right of appeal). There is no time limit in which a safety certificate, whether general or special, has to be issued. However, a special safety certificate will need to be issued before the event, allowing time for any appeal. Local authorities may therefore wish to give ground management advice on the likely time scale which will be needed and to remind them that a last minute application might constitute sufficient grounds for refusal. In general an application lodged 3 months before an event should give sufficient time for the procedures (including an appeal) to be carried out. Local authorities may nonetheless feel able to agree to a shorter period where they are satisfied that the application can be finalised within the lesser period of time given.

Consultation

6. It is envisaged that consultation between the local authority and ground management will take place in drawing up the terms and conditions to be contained within any safety certificate issued under Part III. In this way much valuable information can be obtained in order to apply the principles of the Guide to Safety at Sports Grounds (the Green Guide) so as to meet the safety needs of the particular stand(s) at the ground in question (see also paras 9-15 below). Local authorities will be aware of the statutory requirement to consult the police and, in London and metropolitan counties, the fire authority, elsewhere, the building authority, and are reminded of the potential advantages of a safety team approach as a way of ensuring that the professional knowledge and skills of the various disciplines can be brought to bear on drawing up a safety certificate.

Scope and content of safety certificates

7. Provision is made in section 27(6) for different terms and conditions to be included in a general safety certificate for a stand for different activities at the ground. Where a ground is used for several activities local authorities may therefore wish to include, as far as possible, all the activities within the general safety certificate, reserving the need to issue a special safety certificate for a "one off" event when the viewing arrangements are likely to be affected in such a way as to require additional considerations and safeguards which cannot be included in the general safety certificate. Section 27 does not

have to vary to meet different needs, but as a general rule local authorities may wish to consider inclusion of terms and conditions which address

- a. structural stability where elements of the stand are judged, from preliminary inspections, as likely to be inadequate for their intended function.
- b. the maximum number of spectators who should be admitted to the stand(s) and different parts of it (them) bearing in mind the considerations set out in paragraphs 10 - 13 below;
- c. the number, size and situation of entrances to and exits from the stand(s) or any part of it (them) including means of escape in case of fire or other emergency; and the means of access to any such entrances and exits;
- d. requirements for entrances and exits and means of access to be properly maintained and kept free of obstruction;
- e. other fire precaution measures;
- f. the provision for crush barriers, if any, their number, strength and location;
- g. provision for stewards, steward training, fire drill procedures, first aid.
- h. need for records of maintenance, inspections and/or tests and training.

8. If it is evident that a stand is rarely filled to capacity the local authority may consider it proper to base the safety requirements on the actual levels of attendance. In such circumstances the terms and conditions of the general safety certificate may not be sufficient for a particularly attractive event or fixture when a larger than normal crowd can be expected to attend. As some such fixtures could arise at relatively short notice, local authorities may wish to work out in advance, the modifications and/or additional controls to the normal terms and conditions of the general safety certificate which would enable an increase in the number of spectators to be accommodated; for example, an increase in the limit might be conditional upon the employment of additional stewards, or more sophisticated fire fighting equipment with trained stewards to operate it.

9. When drawing up terms and conditions in any safety certificate local authorities will doubtless keep in mind the advice of the Green Guide (see paragraphs 10 and 11 below) and the "reasonableness" of the requirements (see paragraph 3 above). The quality or standard of measures should be stated so that the holder knows what is required under what conditions, and does not have to rely on carrying out work "to the satisfaction of" or "as may be required by" the authority. Terms and conditions specifying work needed should include details of the increase in the permitted spectator limit or, if there is no increase, the restrictions on the capacity or operation if the work is not

done. The following are two examples of the sort of detail that might, with adaptation to suit individual circumstances, be included in a term or condition.

Example A. (Where it is a condition that attendance records are kept to a standard required by the authority).

"[Except as mentioned below] the holder shall keep a record [in the form contained in Appendix of this certificate] for [each] [the] regulated stand to which this certificate applies of the number of spectators admitted on each occasion when the stand[s] is [are] used for the purpose of viewing the [specified] activities at the ground [specified below] ...".

If a record is not required for low attendances an additional clause might be added:-

"The number of spectators admitted on any occasion need not be entered in the record described in paragraph above where on any occasion the total admission to the ground is certified by the holder [in the record] as not having exceeded "x" by entering the words [quote] which should be signed and dated by [the holder]."

Example B (where emergency lighting is the requirement)

"Emergency lighting for use in the event of failure of the general lighting shall be provided on [exit] route(s) marked [] on plan [] and shall include illuminated exit signs at exits marked [] on plan [].

Emergency lighting provided under paragraph above shall be installed in accordance with paragraphs 166 to 169 of the Guide to Safety at Sports Ground [except that].

On completion of the installation a certificate of completion [in the form specified in Appendix [] of this certificate] shall be obtained from a [specify] and that certificate shall [be retained by the holder] [sent within [x days] to the authority].

Until installation as required in paragraph above is carried out and a certificate obtained as in paragraph above [exit route/s marked [] on plan [] is/are not to be used by spectators] [the number of spectators who are to be admitted to the stand is restricted to []] [and areas marked [] on plan [] are not to be occupied].

On completion of installation and on obtaining a certificate of satisfaction required in paragraphs [] above exit routes marked [] on plan [] may be used and the number of spectators who may be admitted to the stand is increased to [] [and the area(s) marked [] on plan [] may be used by spectators.]"

Application of the Green Guide

10. The Guide is not a statutory code providing a set of rigid requirements to be applied in all cases irrespective of the individual circumstances. The diversity of regulated stands is likely to be considerable, varying from basic, covered terracing at, say, non-league football or rugby grounds to large, complex buildings offering a variety of facilities to many thousands of spectators. The advice in the Guide has therefore to be applied to the situation that is seen to exist at a particular ground having taken account of such factors as location, size, construction, condition, together with the activities undertaken at the ground, the numbers and density of spectators who occupy the stand or stands and their movement patterns. The following examples may help to illustrate how the Guide might be interpreted without jeopardising reasonable safety.

i. Where it is known that the safe limit of the stand will not be exceeded (eg because total attendances are within that limit) there may be no necessity to regulate the admission or, in the case of standing accommodation, to require internal division in order to control the dispersal of spectators. In such circumstances, the number, strength and layout of barriers (if any) for standing areas need only reflect the number and density of the spectators to be accommodated.

ii. A partly roofed, open sided, terrace allowing quick movement away from the covered area may not need fire-warning/detection systems.

iii. The strength requirements for protective guard-rails on stairs, gangways or exit routes and balustrading in front of a row of seats may well vary. The last of these is not, for example, usually subjected to high pressures. Similarly, side or end rails to seating rows will need to be designed to accommodate the forces to which they may be subjected. These may also vary and account should be taken of individual circumstances.

iv. Where it is known that spectators vacate an area of a stand more quickly than envisaged by using the Guide's (notional) calculations, that knowledge may be taken into account when assessing requirements for safe egress from a stand.

Horseracing/greyhound racing

11. Unlike crowds at some other sports where spectators are essentially static for the duration of the event, there is a common requirement for greyhound and horseracing spectators to be mobile, with free movement to various internal parts of the stand or racecourse to which they are admitted. Local authorities may find that this mobility requirement regulates the density at which the spectators congregate on terraced areas to below the maximum of 54 persons per 10 square metres (paragraph 222 of the Guide) for "static spectator sports". Even at well attended

meetings, where crowd densities are liable to be high (perhaps approaching the maximum of 54 per 10 square metres) "surging" is not generally experienced. Spectators will probably be static for only a few minutes before moving off to other parts of the stand or ground. This aspect of spectator behaviour should be taken into account when considering the safety requirements of the stand. For example, where barriers are judged to be necessary at all, their function is most likely to be to channel or direct safely the movement of spectators on the terrace, and to mitigate against any "waterfall" effect of someone stumbling at a critical moment, whilst simultaneously allowing the free movement desired by spectators in between races. In such circumstances, continuous barriers (see paragraph 113 of the Guide) will probably not be the most suitable arrangement, and a series of staggered short lengths may be appropriate; the horizontal spacing between barriers should be commensurate with the forces likely to be generated on the terraced areas.

12. In the case of horseracing, access and egress can often be gained to and from a stand from the front where it discharges on to an open "enclosure" area. Except for those parts of the stand to which entry is gained by additional payment, eg reserved seating or boxes spectator movement within this enclosure area (including the stand) is not controlled. As a general rule therefore it will not be appropriate, or possible, to include terms and conditions in a safety certificate specifying the maximum total number of spectators to be admitted to the stand or requiring records of the total number of spectators so admitted. This ought not to create undue difficulty especially when the crowd density on standing areas of the stand is low and such areas are occupied for relatively short periods of time. It follows however that in setting terms and conditions geared to the normal use of the stand the local authority will have to take account of the possibility that everyone admitted to the enclosure area may use the stand, - although at any given time only a proportion of spectators will do so and even then will be dispersed within it. These considerations may also apply to some stands at greyhound racing courses.

13. Discussions with local management together with observation and information about the numbers admitted to the particular racecourse enclosure or stand at a greyhound racing stadium should help to form a considered view on the level of use and dispersal of spectators on which to base the terms and conditions of the safety certificate. Where a racecourse or greyhound stadium is occasionally used for a particularly attractive event the local authority may wish to build into the safety certificate additional terms and conditions to deal with that occasion as in paragraph 8 above provided that they are satisfied that such measures are sufficient to effect reasonable safety for the number of spectators who are expected to attend.

HOC 96/1988 ANNEX D

FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987

NOTICE OF A PRELIMINARY DETERMINATION UNDER SECTION 28(2) THAT A STAND IS A REGULATED STAND

To

Name (if any) and address of sports ground

Notice is hereby given to _____ (who appears to the _____ Council to be the person responsible for the management of the above-mentioned sports-ground and who is therefore qualified under section 28(1) of the Fire Safety and Safety of Places of Sport Act 1987 (the 1987 Act) to hold a general safety certificate for the regulated stand[s]* at that sports ground) that the council have made a preliminary determination under section 28(2) of the 1987 Act that the stand[s] detailed in the schedule to this notice [is]* [are]* [a]* regulated stand[s]* under section 26(5) of the Act. A regulated stand under section 26(5) is a stand which provides covered accommodation for 500 or more spectators to view activities at the sports ground.

The preliminary determination of the council will become a final determination two months from the date of this notice. If you consider that [the stand]* [any of the stands]* detailed in the schedule to this notice [is]* [are]* not [a]* regulated stand[s]*, or if you consider you are not qualified to hold a general safety certificate you should contact the Council at _____ without delay with your reasons.

You will have a right under section 30(1) of the 1987 Act to appeal to a magistrates court against the final determination within 28 days from the date it becomes final. Subject to the exercise of any appeal, on expiry of that 28 day appeal period a general safety certificate will be required in respect of the use of the regulated stand[s]* by spectators for viewing activities at the sports ground.

It is an offence under section 36(1) of the 1987 Act (punishable on summary conviction to a fine not exceeding the statutory maximum (currently £2,000) or on indictment to a fine or imprisonment for a term not exceeding two years (or both)) if spectators are admitted to a regulated stand when no safety certificate is in operation unless application for a general safety certificate has been made.

Any application for a general safety certificate should be made to the Council at the address given below on the enclosed form[s]*. Further copies of the form can be supplied on request.

Signed

Name in capitals

Position held in local authority

Name/Address of local authority

Date

SCHEDULE TO NOTICE

1. **Number of stands to which the notice applies:**

2. **Name (if any) of each stand:**

3. **Location of each stand:**

4. **Any other identifiable feature of each stand:**

1988 No. 1806 (C.64)

SPORTS GROUNDS AND SPORTING EVENTS

**The Fire Safety and Safety of Places of Sport Act 1987
(Commencement No. 4) Order 1988**

Made - - - - - 21st October 1988

In exercise of the powers conferred upon me by section 50(2) of the Fire Safety and Safety of Places of Sport Act 1987^(a), I hereby make the following Order:

1. This Order may be cited as the Fire Safety and Safety of Places of Sport Act 1987 (Commencement No. 4) Order 1988.
2. The provisions of Part III of the Fire Safety and Safety of Places of Sport Act 1987, together with section 50(4) to (7) of that Act, so far as not already in force, shall come into force on 1st January 1989.

Home Office

21st October 1988

Douglas Hurd
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st January 1989 the provisions of Part III of the Fire Safety and Safety of Places of Sport Act 1987 and the remainder of section 50(4) to (7) of that Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 3, 4, 8, 9, 11 to 14, 16 (partially), 17, 18 (partially), 19 to 25, 46, 49 (partially), 50 (partially), Schedule 1 (partially), Schedule 2, Schedule 4 (partially) and Schedule 5 (partially).	1.1.1988	1987/1762
Sections 42, 43, 45, 49 (partially), Schedule 3, Schedule 4 (partially) and Schedule 5 (partially).	1.6.1988	1988/485
Sections 44 and 48	1.6.1988	1988/626

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STATUTORY INSTRUMENTS

1988 No. 1807

SPORTS GROUNDS AND SPORTING EVENTS

The Safety of Places of Sport Regulations 1988

<i>Made</i> - - - - -	<i>21st October 1988</i>
<i>Laid before Parliament</i>	<i>31st October 1988</i>
<i>Coming into force</i> -	<i>1st January 1989</i>

In exercise of the powers conferred upon me by section 31(1) and (2) of the Fire Safety and Safety of Places of Sport Act 1987(a), and after such consultation as is mentioned in section 31(4) of that Act, I hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Safety of Places of Sport Regulations 1988 and shall come into force on 1st January 1989.

(2) These Regulations do not extend to the Isles of Scilly.

Interpretation

2. For the purposes of these Regulations “the 1987 Act” means the Fire Safety and Safety of Places of Sport Act 1987.

Applications

3.—(1) An application for a safety certificate shall be in the form contained in the Schedule to these Regulations or a form to the like effect and a separate application shall be made in respect of each regulated stand to which spectators are to be admitted.

(2) An application for the cancellation, amendment, replacement or transfer of a safety certificate shall be made in writing and, except in the case of an application for the cancellation of a safety certificate, shall set out the names and addresses of any persons who to the applicant's knowledge will or may be concerned in ensuring compliance with the terms and conditions of a safety certificate as amended, replaced or transferred.

Notices by local authorities

4.—(1) As soon as practicable after a local authority have decided:

- (a) to issue a safety certificate (including an issue by way of replacement of a safety certificate); or
- (b) to amend a safety certificate; or
- (c) to refuse to amend or replace a safety certificate,

they shall serve on every interested party notice in writing of their decision setting out the information referred to in paragraph (6) below, together, in the case of a refusal, with their reasons for it.

(2) Where on an application for a special safety certificate a local authority have determined to refuse that application on grounds other than the one set out in section 28(9) of the 1987 Act, they shall as soon as practicable after that refusal, serve on the applicant notice in writing of their decision, together with their reasons for it.

(3) Where on an application for the transfer of a safety certificate a local authority:

- (a) determine that the person to whom it is proposed to transfer the certificate is not a qualified person, they shall, in addition to the notice referred to in section 29(5) of the 1987 Act, serve on the holder of the certificate a copy of that notice;
- (b) determine that the person to whom it is proposed to transfer the certificate is a qualified person but decide not to transfer the certificate, they shall serve on that person and the holder of the certificate notice in writing of their decision together with their reasons for it.

(4) As soon as practicable after a local authority have decided to refuse an application for the cancellation of a safety certificate under section 29(1)(a) of the 1987 Act, they shall serve on the applicant notice in writing of their decision together with their reasons for it.

(5) As soon as practicable after a local authority have issued a notice under section 29(1)(a) of the 1987 Act cancelling a safety certificate, they shall serve a copy of the notice on the persons referred to in subparagraphs (b), (c) and (d) of paragraph (8) below.

(6) A notice served under paragraph (1) above shall state that a copy of the safety certificate and a copy of any application in respect of which the local authority's decision was taken is available for inspection at a place and at the times specified in the notice.

(7) As soon as may be after the decision referred to in paragraph (1) above, the local authority shall cause to be published in a newspaper circulating in the locality of the regulated stands to which the safety certificate relates a notice setting out that decision and the information referred to in paragraph (6) above.

(8) In this regulation "interested party" means:

- (a) the holder of a safety certificate whose application to have it amended or replaced has been refused;
- (b) any other person known to the local authority to be or likely to be concerned in ensuring compliance with the terms and conditions of the safety certificate;
- (c) the chief officer of police; and
- (d) where the local authority is in Greater London or a metropolitan county, the fire authority or, in any other case, the building authority.

Appeals under section 30 of the 1987 Act

5.—(1) An appeal under section 30(1) of the 1987 Act (appeals against determination that any stand at a sports ground is a regulated stand) shall be brought not later than twenty-eight days:

- (a) in the case of a preliminary determination, after the date when that determination becomes final under section 28(3) of the 1987 Act; or
- (b) in the case of a final determination under section 28(6) of the 1987 Act, after the date of the receipt of the notice of that determination.

(2) An appeal under subsection (2), (3) or (4) of section 30 of the 1987 Act (other appeals) shall be brought in the case of an appeal in respect of:

- (a) a general safety certificate, not later than twenty-eight days; and
- (b) a special safety certificate, not later than seven days,

after the relevant date.

(3) In paragraph (2) above "relevant date" means:

- (a) in the case of a person to whom a safety certificate is issued, the date of the receipt by him of that certificate;
- (b) in the case of a person on whom a notice is served under section 28(9), 29(1)(b) or (5) of the 1987 Act or regulation 4(1), (2) or (3) above, the date of the receipt by him of that notice; and

1988 No. 1807

SPORTS GROUNDS AND SPORTING EVENTS

The Safety of Places of Sport Regulations 1988

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CORRECTIONS

Page 5, Schedule, Part I, paragraph 8(a), line 1:

delete "stands"

substitute "stand",

page 6, Schedule, Part II, heading:

delete "SPECIAL SAFETY CERTIFICATES"

substitute "SPECIAL SAFETY CERTIFICATE".

November 1988

LONDON: HER MAJESTY'S STATIONERY OFFICE

- (c) in the case of any other person, the date of the publication of the notice required by regulation 4(7) above.

Fees

6.—(1) Subject to paragraph (2) below, a local authority may determine the fee to be charged in respect of an application for the issue, amendment, replacement or transfer of a safety certificate or in respect of an application for the cancellation of a safety certificate for a stand which has ceased to be a regulated stand.

(2) A fee under paragraph (1) above shall not exceed an amount commensurate with the work actually and reasonably done by or on behalf of the local authority in respect of the application.

Home Office
21st October 1988

Douglas Hurd
One of Her Majesty's Principal Secretaries of State

SCHEDULE

Regulation 3(1)

PART III OF FIRE SAFETY AND SAFETY OF PLACES OF SPORT ACT 1987 APPLICATION FOR A SAFETY CERTIFICATE FOR A REGULATED STAND

When completed, this form should be sent to the Chief Executive of:

- (a) *the county council where the sports ground is situated in a non-metropolitan county in England or Wales; or*
- (b) *the borough council where the sports ground is situated in Greater London; or*
- (c) *the district council where the sports ground is situated in a metropolitan county in England; or*
- (d) *the regional/islands council where the sports ground is situated in Scotland.*

Background notes

A safety certificate under Part III of the Fire Safety and Safety of Places of Sport Act 1987 ("the 1987 Act") is required in respect of the use, at a sport ground which is not a designated sports ground under the Safety of Sports Grounds Act 1975, of each stand which provides covered accommodation for 500 or more spectators to view activities at the ground. Such a stand is referred to as a "regulated stand".

A separate application form is required for each regulated stand at a sports ground (although any certificate issued may cover all such stands).

In most cases the local authority will have made a preliminary determination that a particular stand is a "regulated stand". They will have served notice of this determination on you under section 28(2) of the 1987 Act. That determination will have become a final determination for the purposes of that Act at the end of the period of two months beginning with the date of that notice. You can pursue separately with the local authority the question whether a stand in fact satisfies the criteria, referred to above, which determines whether a stand is a "regulated stand". An "on site" inspection is likely to be necessary in resolving such a question. Alternatively you may yourself realise that the stand is a "regulated stand" and may apply for a safety certificate in respect of it without a preliminary determination being made by the local authority. Where the application is for a *special safety certificate* this question will already have been resolved because a *special safety certificate* is issued only if a *general safety certificate* is in force.

Under the provisions of section 28(7) of the 1987 Act in the case of a general safety certificate or section 28(8) of the 1987 Act in the case of a special safety certificate, the local authority receiving an application for a safety certificate have to determine whether the applicant is qualified to hold the safety certificate. The applicant should therefore provide the information required below to enable the local authority to deal with the application.

A scale plan of the sports ground and of the relevant stands should, if available, accompany this

application. However, under section 28(11) of the 1987 Act, the local authority may require you to provide further information and plans of the ground.

To be completed in all cases

I hereby apply for a *[general] [special] safety certificate in respect of the stand described below at the

sports ground to be issued to

I make the application *[on behalf of] [as]

of †

Date Signed

Address

Tel. No.

* Delete as appropriate

† If applying on behalf of a sports club, company or some other person, insert status (e.g. secretary).

1. (a) Name and address of sports ground

.....
.....

(b) Name of the occupier

Name and address of the owner

.....

Location and name (if any) of the stand for which application is being made

.....

(c) Names and address of any persons other than the proposed holder of the certificate who to his knowledge will or may be concerned in ensuring compliance with the terms and conditions of the safety certificate for which this application is being made.

.....
.....
.....
.....

Complete Part I only for an application for a general safety certificate (to cover activities held over an indefinite period)

Complete Part II only for an application for a special safety certificate (to cover one occasion or a series of occasions)

PART I

GENERAL SAFETY CERTIFICATE

2. List activities for which the stand provides viewing accommodation and which are to be covered by the general safety certificate

.....
.....

3. Give the approximate date of the construction of the stands for which application is made and details of any subsequent extension, major alteration or re-construction of it, together with relevant dates.

.....
.....
.....

4. Give particulars of current fire certificates covering any premises on any part of the sports ground:

- (a) name of issuing fire authority
- (b) name of holder of fire certificate
- (c) date of issue of fire certificate
- (d) description of premises covered by the fire certificate

5. Give particulars of any current statutory licences granted in respect of the sports ground or parts of it:

- (a) name of licensing authority
- (b) name of licensee
- (c) type of licence (liquor, gaming etc.)
- (d) date of expiry
- (e) description of the part or parts of the sports ground covered by the licence

6.-(a) State maximum capacity of the accommodation in the stand for spectators to view activities at the sports ground:

- (i) maximum no. of seated spectators
- (ii) maximum no. of standing spectators

(b) State any restrictions on that capacity:

- (i) seated spectators
- (ii) standing spectators

7. Is the number of spectators admitted to the stand controlled on entry to that stand? Yes/No

8. If the answer to question 7 is "Yes", set out below for each of the last three years (that is, ending on 31st December) and for each of the activities listed in answer to question 2 above (setting out the year and activity in question), the following information, namely-

- (a) the highest number of spectators admitted to the stands on any occasion during each of the last three years, showing separately the number of seated and standing spectators if these figures are known; and
- (b) the total number of spectators admitted during each of the last three years and the number of occasions they were admitted but excluding-
 - (i) any occasion when no charge was made for, or in respect of, admission; and
 - (ii) any occasion when the number of spectators admitted was less than 100.

<i>Year</i>	<i>Activity</i>	<i>Total attendance</i>	<i>Number of occasions</i>	<i>Highest attendance</i>
				(a) seated (b) standing

9. If the answer to question 7 is "No", set out below for each of the last three years (that is, ending on 31st December) and for each of the activities listed in answer to question 2 above (setting out the year and the activity in question), the following information, namely-

- (a) the highest number of spectators who had access to the stand on any occasion during each of the last three years; and
- (b) the total number of spectators who had access to the stand during each of the last three years and the number of occasions when they had access, but excluding-
 - (i) any occasion when no charge was made for, or in respect of, admission to the sports ground so as to have access to the stand; and
 - (ii) any occasion when the number of spectators so admitted was less than 100.

<i>Year</i>	<i>Activity</i>	<i>Total attendance</i>	<i>Number of occasions</i>	<i>Highest attendance</i>

PART II
SPECIAL SAFETY CERTIFICATES

10. Name activity (or activities) for which the stand provides viewing accommodation and which are to be covered by the special safety certificate.

.....
.....

11. Give date(s) of occasion(s) when it is proposed that the stand will be used for the activity (or activities) listed in paragraph 10 above.

12. Set out below the information required in respect of each occasion during the last three years (ending on 31st December) when spectators were admitted, or had access to, the stand to view activities which are the same as, or similar to, those listed in answer to question 10 above. The name and date of the occasions in question should be given together with the total number of spectators who had access to the stand.

<i>Year</i>	<i>Occasion</i>	<i>Maximum number of spectators who had access to the stand</i>

13. State what changes or adaptations (if any) are proposed to the stand or to arrangements for entry and control (if any) of spectators to and from the stand.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply throughout Great Britain (except the Isles of Scilly), concern certificates under Part III of the Fire Safety and Safety of Places of Sport Act 1987 (by virtue of sections 26(2) and 41 of that Act referred to as "safety certificates"). Such a certificate which is issued by a local authority (as defined by section 41) is required in respect of the use, at a sports ground which is not a designated sports ground under the Safety of Sports Grounds Act 1975 (c.52), of each stand which provides covered accommodation for 500 or more spectators to view activities at the ground. By virtue of sections 26(5) and 41 of the 1987 Act such a stand is referred to as a "regulated stand".

By virtue of the Fire Safety and Safety of Places of Sport Act 1987 (Commencement No. 4) Order 1988 (S.I. 1988/1806), Part III of the 1987 Act comes into force on 1st January 1989, the same date as the coming into force of these Regulations.

Regulation 3(1) of, and the Schedule to, these Regulations prescribe the form of application for a safety certificate and regulation 3(2) makes provision for other applications in respect of certificates. Regulation 4 requires local authorities to give notice (including, under regulation 4(7), notice in a local newspaper) of certain of their decisions in respect of safety certificates. Regulation 5 prescribes the time within which appeals in respect of a local authority's decision must be brought. Regulation 6 concerns the fees a local authority may charge in respect of work done in connection with applications for the issue etc. of safety certificates.

STATUTORY INSTRUMENTS

1988 No. 1807

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Application for a Safety Certificate for a Regulated Stand

When completed, this form should be sent to the Chief Executive of:

- (a) the county council where the sports ground is situated in a non-metropolitan county in England and Wales; or
- (b) the borough council where the sports ground is situated in Greater London; or
- (c) the district council where the sports ground is situated in a metropolitan county in England; or
- (d) the regional/islands council where the sports ground is situated in Scotland.

BACKGROUND NOTES

A safety certificate under Part III of the Fire Safety and Safety of Places of Sport Act 1987 ("the 1987 Act") is required in respect of the use, at a sports ground which is not a designated sports ground under the Safety of Sports Grounds Act 1975, of each stand which provides covered accommodation for 500 or more spectators to view activities at the ground. Such a stand is referred to as a "regulated stand".

A separate application form is required for each regulated stand at a sports ground (although any certificate issued may cover all such stands).

In most cases the local authority will have made a preliminary determination that a particular stand is a "regulated stand". They will have served notice of this determination on you under section 28(2) of the 1987 Act. That determination will have become a final determination for the purposes of that Act at the end of the period of two months beginning with the date of that notice. You can pursue separately with the local authority the question whether a stand in fact satisfies the criteria, referred to above, which determine whether a stand is a "regulated stand". An "on site" inspection is likely to be necessary in

resolving such a question. Alternatively you may yourself realise that the stand is a "regulated stand" and may apply for a safety certificate in respect of it without a preliminary determination being made by the local authority. Where the application is for a *special safety certificate* this question will already have been resolved because a *special safety certificate* is issued only if a *general safety certificate* is in force.

Under the provisions of section 28(7) of the 1987 Act in the case of a general safety certificate or section 28(8) of the 1987 Act in the case of a special safety certificate, the local authority receiving an application for a safety certificate have to determine whether the applicant is qualified to hold the safety certificate. The applicant should therefore provide the information required below to enable the local authority to deal with the application.

A scale plan of the sports ground and of the relevant stands should, if available, accompany this application. However, under section 28(11) of the 1987 Act, the local authority may require you to provide further information and plans of the ground.

To be completed in all cases

I hereby apply for a *[general] [special] safety certificate in respect of the stand described below at the

_____ of+
sports ground to be issued to

_____ Date _____
_____ Address _____
_____ Signed _____
_____ Tel. No. _____

I make the application *[on behalf of] [as]

* Delete as appropriate

+ If applying on behalf of a sports club, company or some other person, insert status (e.g. secretary).

1 (a) Name and address of sports ground

(b) Name of the occupier

Name and address of the owner

Location and name (if any) of the stand for which application is being made

(c) Names and address of any person other than the proposed holder of the certificate who to his knowledge will or may be concerned in ensuring compliance with the terms and conditions of the safety certificate for which this application is being made.

Complete Part I only for an application for a general safety certificate (to cover activities held over an indefinite period)

Complete Part II only for an application for a special safety certificate (to cover one occasion or a series of occasions)

PART I: GENERAL SAFETY CERTIFICATE

2 List activities for which the stand provides viewing accommodation and which are to be covered by the general safety certificate.

3 Give the approximate date of the construction of the stands for which application is made and details of any subsequent extension, major alteration or re-construction of it, together with relevant dates.

4 Give particulars of current fire certificates covering any premises on any part of the sports ground:

- (a) name of issuing fire authority _____
- (b) name of holder of fire certificate _____
- (c) date of issue of fire certificate _____
- (d) description of premises covered by the fire certificate _____

5 Give particulars of any current statutory licences granted in respect of the sports ground or parts of it:

- (a) name of licensing authority _____
- (b) name of licensee _____
- (c) type of licence (liquor, gaming etc.) _____
- (d) date of expiry _____
- (e) description of the part or parts of the sports ground covered by the licence _____

6 (a) State maximum capacity of the accommodation in the stand for spectators to view activities at the sports ground:

- (i) maximum no. of seated spectators _____
 - (ii) maximum no. of standing spectators _____
- (b) State any restrictions on that capacity:
- (i) seated spectators _____
 - (ii) standing spectators _____

7 Is the number of spectators admitted to the stand controlled on entry to that stand? Yes/No

8 If the answer to question 7 is "Yes", set out below for each of the last three years (that is, ending on 31st December) and for each of the activities listed in answer to question 2 above (setting out the year and activity in question), the following information, namely—

- (a) the highest number of spectators admitted to the stand on any occasion during each of the last three years, showing separately the number of seated and standing spectators if these figures are known; and
- (b) the total number of spectators admitted during each of the last three years and the number of occasions they were admitted but excluding—
 - (i) any occasion when no charge was made for, or in respect of, admission; and
 - (ii) any occasion when the number of spectators admitted was less than 100.

Year	Activity	Total attendance	Number of occasions	Highest attendance (a) seated (b) standing

9 If the answer to question 7 is "No", set out below for each of the last three years (that is, ending on 31st December) and for each of the activities listed in answer to question 2 above (setting out the year and activity in question), the following information, namely —

(a) the highest number of spectators who had access to the stand on any occasion during each of the last three years; and

(b) the total number of spectators who had access to the stand during each of the last three years and the number of occasions when they had access, but including —

(ii) any occasion when no charge was made for, or in respect of, admission to the sports ground so as to have access to the stand; and any occasion when the number of spectators so admitted was less than 100.

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Year	Activity	Total attendance	Number of occasions	Highest attendance

PART II: SPECIAL SAFETY CERTIFICATE

10 Name activity (or activities) for which the stand provides viewing accommodation and which are to be covered by the special safety certificate.

11 Give date(s) of occasion(s) when it is proposed that the stand will be used for the activity (or activities) listed in paragraph 10 above.

12 Set out below the information required in respect of each occasion during the last three years (ending on 31st December) when spectators were admitted, or had access to, the stand to view activities which are the same as, or similar to, those listed in answer to question 10 above. The name and date of the occasions in question should be given together with the total number of spectators who had access to the stand.

Year	Occasion	Maximum number of spectators who had access to the stand

13 State what changes or adaptations (if any) are proposed to the stand or to arrangements for entry and control (if any) of spectators to and from the stand.