

January 2007

DEPARTMENT OF CULTURE, ARTS AND LEISURE

For the attention of: All Northern Ireland District Councils Chief Executives

Safety of Sports Grounds (Northern Ireland) Order 2006 - Article 9 Prohibition Notices

1. The purpose of this Information Circular is to inform Chief Executives of the powers and responsibilities of District Councils under Article 9 of the Safety of Sports Grounds (Northern Ireland) Order 2006. Article 9 allows District Councils to issue Prohibition Notices for sports grounds if they are of the opinion that spectators are likely to be at serious risk of injury.

Background

2. On the 14th February 2006, The Safety of Sports Grounds (Northern Ireland) Order 2006 {**2006 No.313 (N.I. 2)**} was made and on the 14th March 2006 the following Articles in the Order came into operation. Articles 1 to 3, 9 to 12, 19 and 22 to 27. The remaining Articles will come into operation at a later date.

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3. The Department of Culture, Arts and Leisure wrote to all Chief Executives of District Councils on 7th April 2006 to make them aware of the new Order and informing them of which Articles were in Operation (copy attached at Annex A).
4. Although the Articles in relation to the designation of sports grounds have yet to come into operation the Articles relating to the issuing of a Prohibition Notice are already in operation.

It should be noted that the Order allows for Districts Councils to issue Prohibition Notices at any sports grounds, not just those that may require a safety certificate, if they are of the opinion that spectators are likely to be at serious risk.

Statutory controls

Safety of Sports Grounds (Northern Ireland) Order 2006

5. Article 9(1) of the Safety of Sports Grounds (Northern Ireland) Order 2006 enables a District Council to serve a Prohibition Notice if the Council considers that "the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted". A Prohibition Notice may prohibit

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or restrict the admission of spectators either generally or on a specified occasion.

6. The power to issue Prohibition Notices applies to any sports ground whether or not it is required to have a safety certificate. In practice it is not expected that the power will often need to be exercised. In the case of a small football stadium, for example, not subject to the designation order procedure, consultations between the District Council and the club concerned would be expected to secure the provision of a reasonable standard of safety on a voluntary basis.
7. A prohibition notice shall, inter alia, specify those matters which have given rise to the council's concerns, and shall either prohibit or restrict to a specified number the admission of spectators to either the whole ground or a specified part of the ground.
8. A Prohibition Notice may also include directions setting out the steps which the club must take to reduce the risks to a reasonable level. A sample prohibition notice is attached at Annex B. This notice is similar to the Prohibition notice suggested by the Football Licensing Authority for use in Great Britain. However, District Councils should feel free to use their own design of a Prohibition Notice.

Practical considerations

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9. It is important that District Councils ensure that they have effective machinery in place for issuing Prohibition Notices, are aware of how, and upon whom, these should be served, and have decided the appropriate level at which to delegate the issuing of such notices. It will be for each District Council to make their own arrangements in accordance with their own 'Enforcement Policy'. Article 9 provides that councils must send a copy of any prohibition notice to the Chief Constable and the Fire Rescue Services Board. However, in the interim until the 'overseeing body' has been established the Department of Culture, Arts and Leisure would like copies of all Prohibition Notices to be sent to Ciaran Mee in DCAL (Contact details in paragraph 16 of this circular). District Councils may also wish to consider which other enforcing authorities within their own structures should receive copies.
10. Article 9 (6) of the 2006 Order specifies on whom a Prohibition Notice should be served. Article 9 (7) states that a Prohibition Notice may take effect either immediately it has been issued or after a specified period. Article 9 (9) allows for a Prohibition Notice to be amended, after it has been issued, by the service of a subsequent notice.
11. Article 10 sets out the appeal procedures for those in receipt of a Prohibition Notice. It should be noted that the bringing of an appeal

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does not suspend the application of a Prohibition Notice.

In some circumstances - if the District Council for instance believe that a risk to spectators is imminent - a Prohibition Notice can be issued to take immediate effect, it is expected that in normal circumstances, and wherever possible, if a Prohibition Notice is to be served this will be done in time for the recipient to exercise effectively his right of appeal.

12. Article 11 specifies the offences in relation to Prohibition Notices.

Conclusion

13. Article 9 of the Safety of Sports Grounds (Northern Ireland) Order 2006 applies to all sports grounds, whether they will be designated or not, and whether or not they will require a safety certificate under the 2006 Order.

Article 9 of the 2006 Order empowers a District Council to issue a notice prohibiting or restricting the admission of spectators to all or part of a ground if it considers that spectators would be placed at serious risk.

14. District Councils may already be aware of the condition of the sports grounds/stadiums in their areas following health and safety inspections of these venues. District Councils may also be aware of forthcoming

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sporting events in their localities and will wish to assure themselves that, where an unusually large crowd or other unusual circumstances can reasonably be anticipated, the structure of, and crowd management at, the venue are such as to ensure the reasonable safety of the spectators (District Councils will wish to consult relevant parties such as the PSNI and the Northern Ireland Fire & Rescue Service).

15. It is the view of the Department that District Councils would treat the issuing of Prohibition Notice as a last resort and in circumstances where acceptable arrangements are not agreed with the clubs/organisations concerned. For example, it may be decided that the event should be held at a more suitable venue.

Advice

16. Further advice on this information circular is available from:

Ciaran Mee
Department of Culture, Arts and Leisure
Interpoint
20-24 York Street
Belfast BT15 1AQ
Tel: 028 90 258950
Fax: 028 90 258876

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M J Cory

Director of Sports, Museums & Recreation Division

ANNEX A - Letter to District Councils dated 7th April 2006

ANNEX B - Sample Prohibition Notice

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