

DEPARTMENT OF NATIONAL HERITAGE

16 November 1995

The Chief Executive:

County Councils

Metropolitan District Councils

London Borough Councils

Common Council of the City of London

Prospective Unitary Authorities

Dear Sir,

Safety of Sports Ground Act 1975: Prohibition Notices

1. The purpose of this Notice is to remind Chief Executives of their powers and responsibilities under section 10 of the Safety of Sports Grounds Act 1975, which allows local authorities to issue prohibition notices for sports grounds if they are of the opinion that spectators are likely to be at serious risk of injury. The contents of this Notice do not impose any new or additional burdens on local authorities. This guidance is of particular relevance to football grounds outside the FA Premier and Football Leagues.

General

2. The Department of National Heritage has received several enquiries from local authorities asking for clarification of the controls which exist to ensure that sports grounds are safe for spectators. Particular concern has arisen over those grounds which, due to the fact that they have a capacity for less than 10,000 spectators, have not been designated under section 1(1) of Sports Grounds Act 1975, and are therefore not subject to the requirements of a safety certificate. Enquiries have also been received about the application at such grounds of the Fire Safety and Safety of Places of Sport Act 1987. While low attendances at such grounds normally result in few, if any, problems occurring, there may be occasions when unusually large crowds attend, which could lead to a risk of injuries as the infrastructure may be inadequate, and club officers inexperienced, in coping with such numbers. Such an occasion could be an FA Cup match involving a non-league club being drawn at home to a team in the Football League or the FA Premier League, or if such a fixture is arranged as a "pre-season friendly".

Statutory controls

Safety of Sports Grounds Act 1975

3. Section 10 (1) of the Safety at Sports Grounds Act 1975, as amended by the Fire Safety and Safety of Places of Sport Act 1987 (see paragraph 13), enables a local authority to serve a prohibition notice on a club if the authority consider 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 or restrict the admission of spectators either generally or on a specified occasion. It is therefore suited to dealing with special high risk occasions such as those described above.

4. Guidance on section 10 of the 1975 Act was issued in Home Office Circular (HOC) 150/1975. This makes clear that 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 local authority and the club concerned are expected to secure the provision of a reasonable standard of safety on a voluntary basis".

5. A prohibition notice shall, inter alia, specify those deficiencies which have given rise to the authority'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. (See section 10 (2) (c) of the 1975 Act).

6. A prohibition notice may also include directions setting out the steps which the club must take to reduce the risks to a reasonable level. (See section 10 (4) of the 1975 Act). A suggested format for a prohibition notice was issued at Annex B to HOC 71/1987, which is itself attached to Annex A to this notice.

Fire Safety and Safety of Places of Sport Act 1987

7. Part III of the 1987 Act sets out the procedures for safety certification of wholly or partially covered stands accommodating 500 or more spectators, with such stands being designated as regulated stands and where the accommodation is provided for spectators to view activities at the ground. Section 34 of the 1987 Act states that in order for local authorities to enforce their responsibilities under the Act it is their duty to arrange for the periodical inspection of sports grounds at which there are regulated stands, and to abide by any guidance issued by the Secretary of State. There is also a power in section 35 to authorise a person to enter a sports ground for the purposes of inspection whether or not there is known to be a regulated stand. Guidance on the inspection of sports grounds was issued in HOC 97/1988 which is attached at Annex B.

8. The guidance note states that the duty in section 34 of the 1987 Act applies to the whole of a sports ground which contains a regulated stand, irrespective of whether or not a safety certificate has been issued. The guidance goes on to say that "it will be for each local authority to decide, in the light of local knowledge, the extent of inspection of other parts of a sports ground which contains a certificated stand, and the inspection requirement for a sports ground containing an uncertificated stand". Local knowledge would include not only the general condition of the ground but also whether any matches were likely which might attract unusually large numbers of supporters.

Practical considerations

9. It is important that local authorities 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. Section 10 (6) of the

1975 Act explains how to identify the person upon whom a prohibition notice should be served. Section 10 (7) explains that a prohibition notice may take effect either immediately or after a specified period. Section 10 (9) allows a prohibition notice to be amended, after it has been issued, by the service of a subsequent notice. Section 10A sets out the appeal procedures which are available against the provisions of a prohibition notice. It should be noted that the bringing of an appeal does not suspend the application of a prohibition order. Although in some circumstances - if the local authority 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.

Conclusion

10. Section 10 of the Safety of Sports Grounds Act 1975 applies to all sports grounds, whether designated or not, and whether or not they have a safety certificate under either the 1975 or 1987 Acts or have no certificate at all. Section 10 of the 1975 Act empowers a local authority to issue a notice prohibiting or restricting the admission of spectators to all or part of a ground if the authority considers that spectators cannot be accommodated in reasonable safety.

11. Local authorities will, in the majority of cases, already be aware of the condition of sports ground stadiums in their areas following their inspections of these stadiums under section 34 or 35 of the Fire Safety and Safety of Places of Sport Act 1987. Local authorities will also be aware of forthcoming sporting events in their localities and will wish to assure themselves that, where an unusually large crowd can reasonably be anticipated, the structure of, and crowd management at, the ground are such as to ensure the reasonable safety of the spectators (Local Authorities will wish to consult relevant parties such as the fire authority, police or structural engineers where necessary).

12. We would expect local authorities to treat prohibition orders as a last resort should acceptable arrangements not be agreed with the clubs concerned. For example, it may be decided that the match should be played at a more suitable ground elsewhere. However, local authorities will wish to be reminded of their powers to ensure that there is no repetition of the accidents which have occurred in previous years at sports grounds which have received unusually large numbers of spectators.

Supplementary

13. A list of the guidance notes produced by the Home Office in connection with the Safety at Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987 is at Annex C for information; the Home Office were responsible for safety at sports grounds prior to the creation of the Department of National Heritage. The amendments to the 1975 Act which were introduced by the 1987 Act should be borne in mind when referring to these Notices (see HOC 71/1987); in particular, the amendment to section 10 of the 1975 Act which authorises local authorities to issue prohibition notices without recourse to a magistrates' court.

Advice

14. Further advice on prohibition notices for football grounds is available from:

Keith Sears
Sports Grounds Safety Authority
East Wing – 3rd Floor, Fleetbank House
2-6 Salisbury Square
London EC4Y 8JX
Tel: 020-7930-6693

General advice on this notice is available from:

Department of National Heritage
Sport and Recreation Division
2-4 Cockspur Street
LONDON SW1Y 5DH
Tel: 020 7211 6079
Fax: 020 7211 6149

Yours faithfully
(Signed): Simon Broadley
Head of Sport and Recreation Division
DNH Note SARDC1

ANNEX A

[Click here to view Home Office Circular 71/1987](#)

ANNEX B

[Click here to view Home Office Circular 97/1988](#)

ANNEX C

[Safety of Sports Grounds Act 1975](#)

[Fire Safety and Safety of Places of Sport Act 1987](#)

List of Relevant Home Office Circulars

- 150 /1975 Safety of Sports Grounds Act 1975
- 30 /1976 Safety of Sports Grounds Act 1975 - first designation order and accompanying regulations
- 187 /1976 Safety of Sports Grounds Act 1975 - special safety certificates
- 54 /1985 A: Committee of Inquiry into crowd safety and control at sports grounds (Interim Report)
- B: Chief Fire Officer Reports
- 5 /1986 Committee of Inquiry into crowd safety and control at sports grounds (Final Report)
- 7 /1986 Safety of Sports Grounds Act 1975 - Local Government Act 1985
- 71 /1987 Fire Safety and Safety of places of Sport Act 1987 - Implementation of Part II (Safety of Sports Grounds)
- 72 /1987 Fire Safety and Safety of Places of Sport Act 1987 - Implementation of Part II (Safety of Sports Grounds) Section 25
- 19 /1988 Fire Safety and Safety of Places of Sport Act 1987 - Implementation of Part IV - indoor sports licenses
- 96 /1988 Fire Safety and Safety of Places of Sport Act 1987 - Part III (sports grounds) certification of stands and the safety of sport regulations 1988
- 97 /1988 Fire Safety and Safety of Places of Sport Act 1987 - Part III - safety of stands at sports grounds
- A: Statutory guidance by the Secretary of State under section 26 (8)
- B: Statutory guidance by the Secretary of State under section 34 (2)
- 11 /1990 Final Report of the Hillsborough Inquiry