



HOME OFFICE

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The Chief Executive of the
County Council

The Director-General of the
Greater London Council

Your reference

Our reference BNT/74 477/13/1

Date 29 August 1975.

Dear Sir,

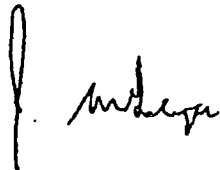
HOME OFFICE CIRCULAR NO 150/1975

SAFETY OF SPORTS GROUNDS ACT 1975

1. As foreshadowed in paragraph 1 of Home Office Circular No.129/1975 of 24 July, the Safety of Sports Grounds Bill has now received Royal Assent. The purpose of the new Act is to implement the main recommendations contained in the Report of the Inquiry into Crowd Safety at Sports Grounds (Cmd 4952:1972) which was prepared by Lord Wheatley following the serious accident at Ibrox Park football ground in January 1971 when 66 people died. A copy of the Act, together with an explanatory note, is attached.
2. The Home Secretary has now made an order under section 19(6) bringing the whole of the Act into force with effect from 1 September 1975. From that date, therefore, local authorities will be able to exercise, if necessary, the powers of entry and inspection in respect of sports grounds conferred on them by section 11. It will also be open to them, in an emergency, to apply to a magistrates' court for an order under section 10 prohibiting or restricting the admission of spectators to the whole or any part of a sports ground. It will be noticed that these two sections are concerned with sports grounds generally (as defined in section 17).
3. Most of the Act, however, is concerned with designated sports stadia and will not therefore apply until the first designation order has been made. Before making such an order the Home Secretary is under a duty to consult such persons or bodies of persons as appear to him requisite. The necessary consultations will accordingly begin with the local authorities, the football interests and other bodies concerned as soon as possible on the scope and timing of the first designation order. Further guidance on the procedure to be followed when a ground is designated under the Act as requiring a safety certificate will be issued in due course.

4. Although the information in this circular and the accompanying note is given in good faith it should be understood that only the courts can give an authoritative ruling on points of law.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'J McIntyre', written in a cursive style.

(J McIntyre)

ENCS:

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Greater London Council

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and the Association of Metropolitan Authorities.

SAFETY OF SPORTS GROUNDS ACT 1975

NOTE BY THE HOME OFFICE

BACKGROUND

1. The purpose of the Act is to implement the main recommendations contained in the Report of the Inquiry into Crowd Safety at Sports Grounds (Cmd 4952: 1972). This report was prepared by Lord Wheatley who undertook his inquiry, at the then Government's request, following the tragedy at Ibrox Park football ground in January 1971 when 66 people died and over 140 were injured.

WHEATLEY REPORT

2. Lord Wheatley had no doubt that present controls over safety at football grounds were inadequate. He found that the existing voluntary system of certification of grounds introduced by the Football Association some years ago laid down no requirements as to the competence of persons who carry out the annual inspections of grounds and there were no guidelines to assist those persons in their assessment of safety standards. Moreover, a review of the statutory provisions relevant to the safety of spectators at football grounds convinced Lord Wheatley that the law also fell short of providing proper and effective control over football grounds as a whole. The building regulations, for example, provide for the basic structural safety of new buildings within a football ground but they do not apply to existing buildings, except where alterations are to be carried out, nor do they apply to a ground as a whole. In any case, most football grounds were built before national building regulations were introduced.

3. Lord Wheatley concluded that only a specially devised statutory scheme could ensure comprehensive controls at football grounds in the interests of safety. He recommended a statutory licensing control administered by the "top tier" of local authorities. He proposed that these controls should be introduced by stages, the larger or more important grounds, broadly speaking, being dealt with first. Lord Wheatley also recommended that there should be a right of appeal for the clubs concerned against any decision of the licensing authority. What is quite clear throughout the report is Lord Wheatley's awareness of the need to reconcile the paramount aim of ensuring the safety of spectators with what would be reasonable and practicable for the clubs.

4. Lord Wheatley also provided, as a technical appendix to his report, guidelines to safety standards at football grounds designed to assist the local authorities in their task of enforcement.

CONSULTATIONS ON THE REPORT

5. When the Report was published, those bodies mainly concerned, including the local authority associations and the football authorities, were consulted about Lord Wheatley's proposals. The football authorities made it clear that they were apprehensive at the financial implications for the

clubs, but there was general agreement with the proposals themselves. Detailed consultations were held on the guidelines contained in the technical appendix to the Report and these, duly amended, were finally published by the Home Departments in November 1973 as a special booklet, "Guide to Safety at Sports Grounds".

GUIDE TO SAFETY AT SPORTS GROUNDS

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

7. While the basic principles set out in the Guide are relevant to all sports stadia, modifications may well be necessary where sports other than football are involved. These will be discussed with the appropriate authorities at the time. A copy of the Guide is attached.

THE GENERAL APPROACH TO THE ACT

8. Lord Wheatley recommended that the introduction of any system of control should be phased so that the more important grounds, regularly attracting the larger attendances, should be dealt with first. It is intended, accordingly, that only those grounds consistent with Lord Wheatley's category 1 should be dealt with first, that is to say, the international grounds, the English First and Second Division and the Scottish Premier Division Clubs, about 60 in all. But the full system of control under the Act will not apply to Lord Wheatley's category 4, namely, grounds with accommodation for fewer than 10,000 spectators. The intention is that safety at these grounds should be secured largely by voluntary action on the part of the club concerned in consultation with the local authority.

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

10. The Act has been designed with football stadia chiefly in view. But other stadia, if necessary, can be brought within the system of local authority control as well as places such as racecourses where large numbers of spectators may be crowded together in stands. Nothing will be done, however, without full and prior consultation with those concerned.

SUBSTANCE OF THE ACT

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

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

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

14. In imposing conditions, local authorities will doubtless follow the principles set out in the Guide to Safety at Sports Grounds, although as already explained, this document has no statutory force. It is envisaged that there will be a good deal of consultation between the local authority and the club, as well as the building authority, the police and the fire service, in the process of drawing up the certificate conditions. For example, if a ground is rarely filled to capacity, the local authority is free in such a case to base its requirements on actual levels of attendance over a given period rather than maximum capacity. On the rare occasions a capacity crowd was expected, the procedure of the special safety certificate could be invoked so that more than the normal permitted number of spectators might be admitted subject to special additional safeguards such as more attendants, admission by ticket only and so on. Again, if a stand were found to be structurally weak, the local authority might restrict admission to it until it had been strengthened. But the club would have the choice whether to have the necessary remedial works carried out, so that the restriction could be removed, or to accept the restriction indefinitely.

15. The earlier Bill, which was introduced in 1975, limited the terms and conditions imposed under a safety certificate to what was necessary to secure a reasonable degree of safety for members of the public.

There was some difficulty over this term because it might have excluded, for example, members of supporters' clubs. This particular problem has been met by the definition of "spectator" in section 17, that is to say, any person occupying accommodation provided for spectators. On the other hand, it seems right that all the people present on the occasion of a match or other activity for which a ground has a certificate should be taken into account for the purposes of the safety certificate, for example, people using a squash court or other facilities at the ground. Accordingly, the general power of the local authority under section 2(1) to include in a safety certificate such terms or conditions as are necessary omits any reference to people and speaks only of securing "reasonable safety at the stadium", (although the term "safety", as defined in section 17, does not include danger arising from participation in a sport). Certain provisions must, however, be specifically linked with spectators (who are, after all, the people the Act is mainly designed to protect and who will be greatly in the majority). Thus section 2(2) requires the certificate to state the maximum number of spectators who may be admitted, and it is a serious offence, under section 12(1) (a) or (c) for spectators to be admitted to a designated stadium where no safety certificate is in operation.

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

17. The local authority are required to send a copy of any application for a certificate to the police and to the building authority, and must consult them about the terms and conditions to be included in the certificate. The need for such consultation is self-evident: there must be close co-ordination of the interests of the different authorities directly concerned with different aspects of safety at football grounds.

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

19. Section 5 provides for appeals by interested parties against decisions or requirements of the local authority in connection with safety certificates. Appeals will lie to the Secretary of State. In this respect, there is a departure from Lord Wheatley's proposal that

appeals should be heard by a specially constituted tribunal. But apart from the need to avoid creating more special tribunals than necessary, most appeals are likely to be on technical matters and it therefore seems appropriate for appeals in this case to be made to a Minister. But the Secretary of State will have power to set up a formal inquiry along the lines recommended by Lord Wheatley, should the need arise.

20. Section 6(2) empowers the Secretary of State to make regulations relating to the safety of spectators at sports grounds. This is in the nature of a reserve power which could be used, for example, to give backing to requirements of the local authorities which in the light of experience had been shown always to be essential. This section also empowers the Secretary of State to make regulations for various other purposes connected with the Act.

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

22. The holder of a general safety certificate is required by section 8 to notify the local authority of any proposed alteration or extension of a stadium. The purpose of the clause is to guard against any alterations being made, without the local authority's knowledge, which might affect the safety of spectators.

23. Section 9 provides for the harmonisation of the Act with other legislation which may affect sports stadia.

24. Section 10 is an important emergency power. Should a magistrates court, on the application of a local authority, consider that the risk to spectators at any sports ground is so great that their admission should be prohibited or restricted until remedial action has been taken, the court may make an order accordingly. This power 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.

25. Section 11 confers rights of entry and inspection on persons appointed by the local authority and others involved in the task of ensuring crowd safety at sports grounds. Section 12 deals with offences and penalties.

26. Section 13 deals mainly with civil liability. Its purpose is to make clear that while nothing in the Act itself confers a right of action in respect of a contravention of regulations or of conditions in a safety certificate, the existing rights of a spectator injured at a football stadium to bring an action for negligence against the occupiers is entirely unaffected by anything in the Act.

27. The Secretary of State is empowered by section 15 to extend to classes of sports grounds other than sports stadia such provisions of the Act as are not already expressed to apply to them. For example, it enables the Secretary of State by order to extend the safety certificate procedure to such places as race-courses. Only a class of sports ground may be the subject of an extension order under this clause: an individual sports ground (other than a stadium) cannot be designated until section 1 of the Act has been applied by an order under section 15 to the class of sports ground to which it belongs.

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

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

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London SW1
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