

## **SL1 – The Justice (2011 Act) (Amendment of Schedule 3) Order (Northern Ireland) 2026**

Dear Kathy

Following instruction by the Department for Communities (DfC), the Department of Justice (DoJ) proposes to make a Statutory Rule under powers conferred by section 35(4) of the Justice Act (Northern Ireland) 2011 (“the 2011 Act”). The Rule is subject to the negative resolution procedure before the Assembly.

### **Purpose of the Statutory Rule**

The purpose of the Rule is to amend Schedule 3 to the 2011 Act to update references to football bodies, championships and leagues in relation to regulated matches for the purposes of Part 4 of the 2011 Act.

By way of background, Part 4 of the 2011 Act created offences to promote good behaviour by fans of association football, Gaelic games and rugby. The offences are unauthorised pitch incursion; offensive chanting; missile throwing; the possession of flares or fireworks; and the possession of alcohol on hired buses en route to regulated matches. It also introduced football banning orders for the purpose of helping to prevent violence and disorder at association football matches. A court is able to make a banning order prohibiting a person from attending certain football matches for a set period. It is a criminal offence to fail to comply with a football banning order.

Chapter 1 of Part 4, and Schedule 3, set out the definitions for regulated matches and the period of a regulated match. Chapter 2 deals with the new offences at regulated matches. Chapter 3 deals with alcohol on vehicles travelling to a regulated match. Chapter 4 deals with banning orders.

Specifically, the Rule:

- omits from the 2011 Act outdated references to the “Irish Football Association” and the “Football Association of Ireland”, replacing them with the Northern Ireland Football League and the League of Ireland respectively; and
- takes the opportunity to update the names of relevant football championships and leagues.

The Rule does not amend any Gaelic games or rugby terminology.

### **Previous engagement with the Justice Committee**

None.

### **Financial Implications**

As the Rule updates the applicable bodies listed in Schedule 3, there are no financial implications.

### **Consultation**

Given the narrow scope of the amendments proposed, and the fact that no new policy is being formed, or significant changes are being proposed, a consultation is not considered necessary. In addition, there is no statutory duty to consult under the 2011 Act when seeking to amend Schedule 3.

### **Compliance with Section 24 of the Northern Ireland Act 1998**

As the Rule updates the applicable bodies listed in Schedule 3, Convention rights and rights under the Windsor Framework are not engaged.

### **Consideration by the Executive Committee**

As the Rule updates the applicable bodies listed in Schedule 3, referral to the Executive Committee is not required.

### **Equality Impact**

As the Rule updates the applicable bodies listed in Schedule 3, Section 75 is not engaged.

### **Regulatory Impact**

None. The Rule updates the applicable bodies listed in Schedule 3.

### **Rural Needs Impact**

None. The Rule updates the applicable bodies listed in Schedule 3.

### **Data Protection Impact**

None. The Rule updates the applicable bodies listed in Schedule 3.

### **Child Rights Impact Assessment**

None. The Rule updates the applicable bodies listed in Schedule 3.

### **Any other information**

The provisions in Part 4 were included in the 2011 Act as the result of an agreement at that time between the newly-formed DoJ and the then Department of Culture, Arts and Leisure (DCAL). There had been considerable policy work on safety of sports grounds carried out by DCAL in the previous number of years in conjunction with DoJ (and up until 2010, the Northern Ireland Office). By the time the provisions were ready, DCAL did not have an available legislative vehicle. As the provisions were considered to be at the intersection of sport and criminal justice, it was agreed that they would be taken forward in a Justice Bill. The policy ownership for the Part 4 provisions remained with DCAL. The relevant policy responsibilities then transferred to the Department for Communities (DfC) when Northern Ireland government departments were rearranged in 2016.

DoJ has no day-to-day contact with any of the sporting bodies referenced in Schedule 3; nor does it have any expertise in or responsibility for the detail of football governance in Northern Ireland. Accordingly, DoJ has operated on the basis that, should any amendment be required to Part 4 of the 2011 Act, then it would require instruction of same by DfC.

The Committee may be aware of ongoing judicial review proceedings that have been brought against DoJ which concern the existing references in Schedule 3 of the 2011 Act to the Irish Football Association, and the 2013 appointment of the Northern Ireland Football League as operators of the Irish League, in relation to football banning orders. As the proceedings have been adjourned to allow this legislative process to conclude, neither DfC nor DoJ intend to provide any further comment on the litigation at this time.

DfC is not a party to the judicial review. However, as it has responsibility for the policy of the regulated match provisions in the 2011 Act, this is a case of inter-Departmental working being required to give effect to policy. As such, DfC has now formally instructed DoJ to amend the relevant text in Schedule 3 to the 2011 Act.

DfC has undertaken to advise DoJ when future amendments are required to Schedule 3.

#### **Proposed timing of consideration of the SL1**

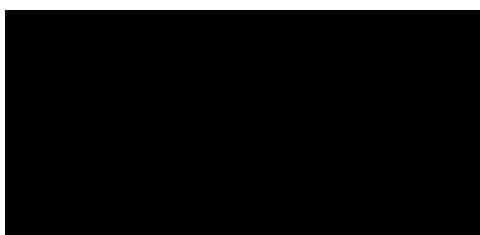
It is proposed that the Justice Committee consider this SL1 and draft Statutory Rule at their Committee meeting scheduled for XX June 2026 and that papers have been submitted to them in accordance with the four-week timeframe.

#### **Proposed operational date**

Subject to the timing and outcome of the Committee's scrutiny, it is proposed that the Rule will come into operation as soon as possible and prior to the start of the new football season.

The draft of the proposed Rule and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for Justice. The Committee may also wish to consider copying the Rule and Explanatory Memorandum to the Communities Committee.

Yours sincerely





**DALO**

**cc. Human Rights Commission  
Equality Commission**

**2026 No. 0000**

**JUSTICE**

**The Justice (2011 Act) (Amendment of Schedule 3) Order (Northern Ireland) 2026**

*Made* - - - - *May 2026*

*Coming into operation* - - *May 2026*

The Department of Justice makes the following Order in exercise of the powers conferred by section 35(4) of the Justice Act (Northern Ireland) 2011<sup>(1)</sup>.

**Citation and commencement**

1. This Order may be cited as the Justice (2011 Act) (Amendment of Schedule 3) Order (Northern Ireland) 2026 and shall come into operation on -- May 2026.

**Amendment of the Justice Act (Northern Ireland) 2011**

2.—(1) Schedule 3 to the Justice Act (Northern Ireland) 2011 (regulated matches) is amended as follows.

(2) In paragraph 1—

- (a) omit the entry ““the IFA” means the Irish Football Association;”;
- (b) omit the entry ““the FAI” means the Football Association of Ireland;”;
- (c) at the appropriate places insert—
  - ““the EFL” means the English Football League;”;
  - ““the LOI” means the League of Ireland;”;
  - ““the NIFL” means the Northern Ireland Football League;”.

(3) In paragraph 3, for sub-paragraphs (a) to (d), substitute—

- “(a) the NIFL Premiership,
- (b) the NIFL Championship,
- (c) the LOI Men’s Premier Division, or
- (d) the LOI Men’s First Division.”.

(4) In paragraph 4, for sub-paragraphs (a) to (f), substitute—

- “(a) the Football Association Premier League,
- (b) the EFL Championship,
- (c) the EFL League One,
- (d) the EFL League Two,
- (e) the National League,

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<sup>(1)</sup> 2011 c.24.

- (f) the Scottish Premiership,
- (g) the Scottish Championship,
- (h) the Scottish League One,
- (i) the Scottish League Two, or
- (j) the Cymru Premier.”.

Sealed with the Official Seal of the Department of Justice on -- May 2026.



*Naomi Long MLA  
Minister of Justice*

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends Schedule 3 to the Justice Act (Northern Ireland) 2011 to update references to football bodies, championships and leagues in relation to regulated matches for the purposes of Part 4 of the Justice Act (Northern Ireland) 2011.