



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 107/15

23 June 2015

NIAR 346-15

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Stadium safety legislation prior to the Safety of Sports Grounds (Northern Ireland) Order 2006

1 Current legislation

The Safety of Sports Grounds (Northern Ireland) Order 2006 is the primary legislation governing spectator safety at major stadia in Northern Ireland¹. It sets out a safety certification system to be implemented by local councils and overseen by Sport Northern Ireland on behalf of the Department of Culture, Arts and Leisure.

The legislation does not itself specify safety standards to be applied within sports grounds; those standards are specified in the accompanying Guide to Safety at Sports Grounds (otherwise known as the 'Red Guide'), which is published by the Department of Culture, Arts and Leisure².

The explanatory memorandum to the Order states that, 'the aim of having such a certification scheme is to improve the level of safety for spectators at sports grounds in Northern Ireland'³.

¹ Safety of Sports Grounds (Northern Ireland) Order 2006: <http://www.legislation.gov.uk/nisi/2006/313/contents>

² Department of Culture, Arts and Leisure. 2007. *The Northern Ireland Guide to Safety at Sports Grounds*. Belfast.

³ Safety of Sports Grounds (Northern Ireland) Order 2006, Explanatory Memorandum.

2 The situation before the Safety of Sports Grounds (Northern Ireland) Order 2006

Prior to the Safety of Sports Grounds Order, no certification system was in existence for sports grounds in Northern Ireland. It has been suggested that stadium safety legislation had not been deemed necessary in Northern Ireland until 2006⁴.

Indeed, the succession of changes which had occurred in England following the recommendations of the Taylor Report in 1989, including all-seat stadia, the setting up of a specific stadium safety body, the importance of emergency access to the pitch, and other measures⁵, had not been taken up in Northern Ireland. The Football League in England and Wales and the Scottish Football League introduced regulations that clubs in the highest divisions must comply with the recommendations of the Taylor Report by August 1994. The Irish Football Association did not make such regulations.

Northern Ireland was not included in the statutory remit of the Football Licensing Authority, set up by the Football Spectators Act 1989 to oversee implementation of the stadium licensing system.

Most of the provisions of the Safety of Sports Grounds (Northern Ireland) Order 2006 were not commenced until 31 December 2009, with the exception of Articles 9 to 12 allowing for the issue of prohibition notices for sports grounds by district councils if they are of the view that spectators could be at serious risk of injury⁶.

However, the introduction of stadium safety legislation and guidelines similar to those already implemented in Great Britain was recommended by an Interdepartmental Working Group established in Northern Ireland in 1992 following the release of the Taylor Report⁷.

Furthermore, an Advisory Panel established in 2000 by the Minister for Culture, Arts and Leisure recommended that legislation making provisions for safety at sports grounds should be created. The panel recommended that legislation should place a requirement on the management authority of larger venues to obtain a safety certificate from district council, with terms and conditions setting out structural and stewarding requirements⁸.

Some legislation did exist prior to the introduction of the Safety of Sports Grounds (Northern Ireland) Order 2006, but none of this dealt specifically with spectator safety in sports stadia or sports grounds. District councils had used legislation which already

⁴ Kyriacou, L. 2014. 'Football Frontiers: Competition and Conflict in Belfast', *Conflict in Cities and the Contested State*. Working Paper 30. University of Cambridge: p32.

⁵ Home Office. 1989. *The Hillsborough Stadium Disaster. Inquiry by the Rt Hon Lord Justice Taylor: Final Report*. London: HMSO: pp94–96.

⁶ Department of Culture, Arts and Leisure. 2007. 'Safety of Sports Grounds (Northern Ireland) Order 2006 – Article 9 Prohibition Notices', Safety of Sports Grounds Information Circular No: DCAL/SSG/01/2007; Department of Culture, Arts and Leisure. 2009. 'Safety of Sports Grounds (Northern Ireland) Order 2006 – Notification of Commencement of Remaining Articles', Safety of Sports Grounds Information Circular No: DCAL/SSG/02/2009.

⁷ Interdepartmental Working Group Report. 1998. *Safety at Sports Grounds in Northern Ireland*, unpublished.

⁸ Department of Culture, Arts and Leisure. 2001. *Creating a Soccer Strategy for Northern Ireland: Report from the Advisory Panel to the Minister for Culture, Arts and Leisure*. Belfast.

existed at the time to put in place procedures and standards to which clubs should adhere. The legislation in place prior to 2006, along with the deficiencies inherent in each case (as expressed by DCAL in 2004), were as follows:

Legislation	Summary	Deficiencies
Health and Safety at Work (NI) Order 1978	This act requires all employers to ensure people in their employment are not exposed to health and safety risks.	Both this order and the regulations below were generally workplace based and primarily aimed at employers. While clubs would have a general duty of care for spectators, health and safety measures were only required 'in so far as is reasonably practical', thus limiting the requirements which district councils could place on sports venues in that the ability of clubs to meet the cost of improvements had to be considered.
Health and Safety (Enforcing Authority) Regulations (NI) 1993	Now revoked, these regulations gave district councils responsibility for enforcement of health and safety legislation at premises providing recreational and sporting activities.	As above.
Fire Services (Amendment) NI Order 1993	Now repealed, this order related specifically to fire safety and incorporated relevant provision contained in the Fire Safety and Safety of Places of Sport Act 1987, which applied in Great Britain.	This order was primarily aimed at fire safety and was much less concerned with other forms of risk. While extending the powers of district councils for enforcing statutory safety requirements, it failed to specify adequately what those requirements should be, particularly within the specific context of a sports ground.
Management of Health and Safety at Work Regulations (NI) 2000	These regulations require employers to carry out suitable and sufficient risk assessment of their activities, including both employees and anyone else who may be affected.	As with the Health and Safety at Work (NI) Order 1978 above, these regulations are primarily work-based, and take an 'as far as is reasonably practical', rather than an absolute, approach to safety standards.
Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985	Under the provisions of this act, an Entertainment Licence would be issued by the district council for an event being held in an indoor arena.	The Licence was not required for sporting events, though some venues – such as the Odyssey Arena – would apply the same criteria for Belfast Giants matches or athletics events as for non-sporting events.

Table 1: Legislation in place prior to the Safety of Sports Grounds (Northern Ireland) Order 2006⁹

⁹ Department of Culture, Arts and Leisure. 2004. *Policy Proposal on New Legislation for Safety at Sports Grounds in Northern Ireland*. Belfast.