



THE LEGALITIES OF STANDING

THE LAW ON STANDING AREAS

- The legislation relating to standing in football grounds derives from section 11 of the Football Spectators Act 1989:

-'The Secretary of State may, by order, direct the licensing authority to include in any licence to admit spectators to any specified premises a condition imposing requirements as respects the seating of spectators at designated football matches at the premises; and it shall be the duty of the authority to comply with the direction.'

- Initially it was planned that all Football League Clubs should convert to all-seater status. This was subsequently amended to include just the top two divisions. A similar amendment to allow standing in the Premiership and Championship is also quite possible and would not need a new Act of Parliament.

- In England and Wales, standing is permitted at rugby union and rugby league venues, as well as at speedway and horse-racing. It is also permitted at football grounds outside the top two divisions. We see no justification why top level football clubs should be treated differently.

THE LAW ON STANDING IN ALL-SEATED GROUNDS

- Ever since the introduction of all-seater stadia, many supporters have continued to stand in front of their seats, often for the duration of the game.

- It is widely believed that this practice is illegal. This is not the case, even within Premier League and Championship grounds. The law only provides that these clubs should provide seats for all supporters, not that supporters must sit on them.

- The point is confirmed by the Department for Culture, Media and Sport: *'At no point has it been argued that the individual spectator commits a criminal offence by standing in a seated area'* (Source: Letter to Football Supporters Federation, 2008)

- Standing in seated areas, is, however, contrary to ground regulations. For example, the Football League's model set of ground regulations states: *'Nobody may stand in any seating area whilst play is in progress. Persistent standing in seated areas whilst play is in progress is strictly forbidden and may result in ejection from the ground'*.

- It is notable that the two rules are contradictory, the first bars all 'standing', the second only 'persistent standing'. In practice, standing to go to the toilet or snack bar and standing at 'moments of excitement' is permitted. The boundary between 'moments of excitement' and 'persistent' is rather grey and open to very wide interpretation.

CRIMINAL AND CIVIL LAW

- There are two types of law, criminal law and civil law.
- Criminal laws are offences against the state ('illegal acts'), such as smoking in public places. Police may become involved with enforcing criminal laws.
- Civil laws are contracts between two parties, such as agreements to purchase home insurance.
- The ground regulations of a club (including the ban on persistent standing) form a contract between the supporter and the club.
- By standing, the supporter is in breach of that contract. This is a civil, not a criminal matter.
- Therefore, a supporter cannot be arrested simply for standing. For that reason, it is not a matter that the police should be involved in, unless (for example) a supporter assaults a steward asking to get people to sit down; that would be a criminal offence.

STANDING IN SEATED AREAS – CLUB APPROACHES

- Since standing is an issue between clubs and supporters, it is up to individual clubs how they deal with it.
- Certain clubs are very strict in attempting to tackle this practice, taking measures such as ejecting people who stand. These practices can create significant public order problems and while there is little evidence of them being effective.
- Other clubs take a more relaxed approach to this, particularly where it is not causing problems.

'We take a somewhat relaxed view on (standing) provided the individuals are not causing annoyance to other spectators or obstructing other spectators views.' (Club Safety Officer – in correspondence with FSF member)

'a measure of persistent standing should be tolerated' (Premier League Chief Executive – Source: FLA board minutes, May 2006)

We support sensible approaches such as these as a way of improving the matchday experience for supporters and stewards alike.

For more information visit www.fsf.org.uk/campaigns/safestanding.php.

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