



PO-CH/NL/0372  
PART A



Part A

**CONFIDENTIAL**  
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Begins: 24/11/88.  
Ends: 17/11/89.

  
PO -CH /NL/0372  
  
PART A

Chancellor's (Lawson) Papers:

**THE FOOTBALL SPECTATORS  
BILL 1988**

DD's: 25 Years



6/12/95.

PO -CH /NL/0372  
PART A



28 NOV 1988

CONFIDENTIAL

DEPARTMENT OF THE ENVIRONMENT  
2 MARSHAM STREET LONDON SW1P 3EB  
01-276 3000



My ref:

Your ref:

SECRETARY	
NO	28 NOV 1988
<del>XXXXXXXXXX</del>	
IS	

FINANCIAL SECRETARY	
REC.	28 NOV 1988
ACTION	MR. REVOLTA
COPIES TO	PPS, 24 NOV 1988
	CST, PMQ, EST
	MR. P. H. Brook
	Party Clerk

Dear Robin,

FOOTBALL SPECTATORS BILL

You will have seen that the Lord President has now given policy approval for both Nicholas Ridley's and Douglas Hurd's proposals for this Bill and that we are asked to have it ready for introduction in the Lords before Christmas. There are a number of issues on the DOE proposals that I should raise with you, two that affect the drafting of the Bill and two that concern what we say about it:

1. The power to extend the national membership scheme to other sporting events.

Nicholas' letter of 28 September proposed that the power which the Bill would give him to designate football matches for the purposes of the national membership scheme should also allow the designation of other sporting events, should that prove necessary (paragraph 1 of annex 2 to the letter).

A number of Parliamentary colleagues have approached me about the possibility that the Bill might allow this and have expressed their concern. They feel that it casts an undesirable and unnecessary shadow over other sports, which have very little history of crowd trouble and for which the national membership scheme would be inappropriate. On reflection, I think that they have a point. We have designed the national membership scheme with football in mind and it would not be suitable in its present form except for a very small number of other sports. If there were to be serious trouble at other sporting events, colleagues would expect us to come back to Parliament with proposals specifically designed for the sport concerned and I think that they would be right to do so.

For these reasons, subject to your agreement, I propose that we should omit the provision allowing the extension of the scheme to other sports.



2. The creation of a further criminal offence, on the grounds of failure to produce a membership card on request.

Nicholas' letter proposed that it should be an offence for a football spectator to gain entry, or to attempt to gain entry, to a ground for (or to be present in a ground during) a designated football match without being in possession of a valid membership card (except as allowed by the scheme). The football authorities would like us to add a further offence, for anyone "to fail to produce his or her card on demand to a police officer or authorised officer if inside the ground or to a police officer if outside the ground, or upon arrest for a football-related offence."

Some members of my working party came down against the football authorities' proposal on the grounds that this additional offence was unnecessary and that it could be a requirement of the scheme itself that members should produce cards on demand. I am conscious of the need to keep the number of new criminal offences created by this Bill to a minimum but, in this case, I am inclined to accept the football authorities' wishes, though I would limit the offence to refusal to produce a card inside the ground.

The arguments in favour of adding this offence seem to me to be fourfold:

- a. it would further deter spectators from attending matches without a valid card, or with someone else's card;
- b. it would enable the police to insist on troublemakers producing their cards for identification;
- c. it would allow the police and/or stewards to confiscate cards from troublemakers;
- d. It would make the point that where relevant we have been willing to strengthen the provisions of the bill on the advice of the football authorities.

Subject to your agreement, I propose therefore to ask Parliamentary Counsel to add this offence to the Bill.

3. The discretion of the Football Membership Authority to withdraw membership from troublemakers.

The working party recommended a two-pronged approach to withdrawing membership from those who misbehave at football matches:

- a. mandatory rules, laid down in legislation, for withdrawing membership from those convicted of a relevant offence, for two or five years depending on the sentence;



- b. discretion for the Football Membership Authority to withdraw membership according to their own criteria, both in addition to the mandatory bans and in cases of misbehaviour not involving conviction for an offence.

The Bill as drafted provides for (a) and allows for (b) but requires the FMA to specify the way in which it will exercise its discretion in the scheme which it submits to the Secretary of State for the Environment, for his approval. As soon as the Bill is published, we are bound to be asked about the way in which we envisage that the FMA's discretion will be exercised and I should be grateful for your agreement to the line I propose to take.

The Bill will require the Football Membership Authority to set up a tribunal to hear appeals from people whose membership is withdrawn at the authority's discretion. I shall also expect the scheme to provide for those concerned to be notified that their membership is to be withdrawn and to make representations. The scheme will need to spell out the criteria by which decisions on withdrawal of membership are to be taken. I propose to make clear that the Secretary of State will look carefully at these aspects in approving the scheme.

Subject to these constraints, I think that it will be important to allow the Football Membership Authority considerable discretion to impose bans on top of those laid down by the mandatory rules, in cases of serious offences, including life bans for the worst offenders; and a similar degree of discretion in cases not involving conviction, eg where persistent drunkenness or abusive language or other misbehaviour is involved. The lines along which the FMA proposes to exercise this discretion will be subject to the Secretary of State's approval but I do not think it desirable to lay down detailed limits in advance.

4. A Government announcement that information about convictions for football-related offences after a given date will be made available to the Football Membership Authority.

It is essential to the credibility of the scheme that recently convicted football hooligans should be denied membership when the scheme takes effect. The working party's report dealt with this as follows, (as drafted by Home Office officials): "It may be possible, to invite the Association of Chief Police Officers to ask forces to keep records of convictions, for example for offences occurring on club premises, and to notify these to the FMA before the initial applications are processed. The information would cover the name, date of birth, address, offence and sentence. Similarly, the police could be asked to draw the attention of clubs to persons whom they were ejecting from, or arresting at, a ground, so that these details too would be available to the FMA from the clubs at the outset of the scheme.



The working party recommends that the Government should determine with the police and the football authorities suitable arrangements for ensuring that troublemakers are not admitted to the scheme. An early announcement by the Government should make it clear that previous convictions for football-related offences may be taken into account in deciding who shall be disqualified from membership."

Assuming that you agree that this is desirable, I wonder if you would think it appropriate to make an announcement, when the Bill is published, that you were asking ACPO to keep records of relevant convictions from that day onwards?

I would be grateful to know if you are content with these proposals, by 7 December if possible please.

I am copying this letter to the Prime Minister, Nicholas Ridley, the Lord Chancellor, the Lord President, the Lord Privy Seal, the Attorney General, the Chief Secretary to the Treasury, Ian Grist, First Parliamentary Counsel and to Sir Robin Butler.

*Yours ever,*

*Colin*

COLIN MOYNIHAN



*PPS*



SECRETARY
REC. - DEC 1988
<i>[Handwritten]</i>

10 DOWNING STREET  
LONDON SW1A 2AA

From the Private Secretary

5 December 1988

*Dear Philip*

*MP*

**FOOTBALL SPECTATORS BILL**

The Prime Minister has seen a copy of Mr Moynihan's letter of 24 November to Lord Ferrers.

Mrs Thatcher agrees it would be sensible to omit the provision allowing an extension of the scheme to other sports. The Prime Minister is doubtful about the proposal to create a new offence of failure to produce a membership card on request. Subject to the views of colleagues, the Prime Minister is content with Mr Moynihan's proposals at points three and four in his letter.

I am sending a copy of this letter to Nick Sanderson (Home Office), Roger Bright (Department of the Environment), Paul Stockton (Lord Chancellor's Office), Ms Alison Smith (Lord President's Office), Nick Gibbons (Lord Privy Seal's Office), Michael Saunders (Law Officers' Department), Miss Carys Evans (Treasury), Stephen Williams (Welsh Office), B A Shillito (Parliamentary Counsel Office) and to Trevor Woolley (Cabinet Office).

FINANCIAL SECRETARY	
REC.	- 6 DEC 1988
ACTION	Mr Revolka
COPIES TO	PPS, CST, PMG, EST,
	Mr P.H. Brook
	Party Clerk

*Z*

*Analy*

*pp* (DOMINIC MORRIS)

Philip Stamp, Esq.,  
Department of the Environment.





Our Ref : DL47/267/02

Dear Colin,

FOOTBALL SPECTATORS BILL

Thank you for sending me a copy of your letter of 24 November which raised four matters about the proposals for the Football Spectators Bill.

I agree that the power to extend the national membership scheme to other sporting events should be omitted from the Bill for the reasons given.

I am not wholly convinced of the need for a further offence of failure to produce a membership card on request. But, on the assumption that such an offence would be triable only in the magistrates' courts I would not seek to raise objections to it. It would be helpful, however, to have an indication of the likely number of prosecutions for such an offence so that my Department can assess the likely impact on legal aid expenditure.

I have few observations on the proposal that the Football Membership Association should establish a tribunal to hear appeals from those whose membership is withdrawn at the authority's discretion. This seems to be a fair and proper proposal. It has not been suggested that my Department should become involved in the administration of, or appointments to, this tribunal but my Tribunals Policy Branch would be willing to give your Department advice on its construction if requested.

Finally, I am content to leave the question of transitional arrangements, provided they are workable, to the draftsman.

I am copying this letter to the recipients of yours.

- 8 DEC 1988

Yours ever,

Jones

Colin Moynihan Esq MP  
Parliamentary Under Secretary of State  
Department of Environment  
2 Marsham Street  
London SW1P 3EB

*Handwritten signature*

HOUSE OF LORDS,  
LONDON SW1A 0PW

7 December 1988

CHIEF SECRETARY	
REC.	- 8 DEC 1988
ACTION	<i>Handwritten initials</i>
COMES TO	

FINANCIAL SECRETARY	
REC.	- 8 DEC 1988
ACTION	Mr Revoltun
COMES TO	PPS, CST, PM G, EST, Mr P.H. Brook Party Clerk





FINANCIAL SECRETARY	
REC.	- 3 DEC 1988
ACTION	Mr Revolver
COPIES TO	PPS CST, PM G, EST
	Mr P. H. Brook
	Party Clerk

QUEEN ANNE'S GATE LONDON SW1H 9AT

8 December 1988

2

MP

Dear Mr. ...

### FOOTBALL SPECTATORS BILL

I write to give you my considered proposals for the restriction order provisions outlined in my letter of 10 October to the Lord President and to respond to Colin Moynihan's letter of 24 November to Robin Ferrers.

#### Restriction Orders

I remain committed to the principle of making available to the courts the power to order someone to report to an agency in England and Wales when certain matches take place abroad. But I see a sharp distinction between the severity of disqualification from football membership and the proposed restriction order. Disqualification is a direct way of excluding hooligans from football grounds. It is readily controlled from the centre (by the Football Membership Authority); it effectively catches a disqualified football hooligan who tries to enter any designated ground; but if during his disqualification he wishes to have nothing more to do with football and violence, the authorities need have nothing more to do with him.

There is no comparable way of stopping someone from attending matches abroad without also significantly restricting his liberty. A positive duty to report rather than the negative requirement not to go to matches is a sanction inevitably broader in its effect. It restricts the individual from going where he chooses on days when he must report, whether or not he would have tried to attend the match in question, and if he forgets to report and stays at home he may commit a criminal offence. These are serious considerations. Moreover, the Bill as a whole will already be controversial and it is wise to avoid increasing that further.

/We therefore

The Rt Hon Nicholas Ridley, MP  
Secretary of State  
Department of the Environment



We therefore need to strike a balance. I think the best way forward is a power which the courts would use if they considered it would help to prevent violence or disorder at football matches abroad and which, if imposed, should be for a mandatory period of two years.

Although the power to specify which matches trigger the reporting requirement would be open ended, I have some thoughts about how wide that should normally go. Our objective is to prevent hooligans travelling to matches abroad during the term of a restriction order, but we ought to avoid making them report when they would be most unlikely to travel. I consider that full international matches should normally be covered as should particularly major club games. Beyond that I would like to see the reporting agency given discretion (on advice from the police, if the agency were some other body) to waive reporting. If a local team were playing abroad, those subject to a restriction order in the home area of the club would be likely to be "called in" on the day; and similarly hooligans known to be eager to travel whatever the occasion might be required to report more frequently. Without this flexibility the scheme would be less effective and more costly to operate.

#### Foreign Convictions

The Lord Chancellor helpfully suggested in his letter of 21 October that the power should also cover convictions abroad, to which I agreed in principle. Although all the details are yet to be worked out (and would to some extent rely on order and rule making powers in the Bill) I am now satisfied that this should be achievable and propose to include these provisions in the Bill. There would be a list of countries whose convictions could be accepted, and evidence would have to be produced in a magistrates' court that the offence if committed in this country would have been a football-related one. It would be right in my view for the police to gather evidence initially and begin proceedings, and for these then to be taken forward by the Crown Prosecution Service.

I should be grateful for Tom King's and Malcolm Rifkind's views on where Northern Ireland and Scotland might come into this. Would they be content for restriction orders to be imposed in England and Wales in respect of convictions in Northern Ireland or Scotland? That would of course be without any obligation on the authorities in Northern Ireland or Scotland to notify convictions - it would be no more than a facility open to use if that was wanted.



### Sporting Events Other than Football

I have no objection to dropping from the Bill the power to extend the membership scheme further, as proposed in Colin's letter of 24 November.

### Compulsion to Produce a Membership Card on Request

His suggestion for a specific offence of failing to produce a membership card on request was discussed during the deliberations with the Working Party. Your officials have since raised it with mine. While I appreciate the political attraction of being seen to meet points raised by the football authorities, I am not persuaded of the need for the creation of a criminal offence along these lines. One of the first things the police are likely to do to troublemakers apprehended in grounds is to ask them for identification. If they refuse to produce their membership card, this is a reasonable basis for suspecting that they have committed the offence of being an unauthorised person at a designated match. The law will then take its course. I would not be happy with the idea of the police confiscating membership cards. The power to do so does not in any case flow automatically from a power to require production. If the police were to confiscate they would be widely seen not as impartial enforcers of the law but as agents of the clubs. In certain circumstances, confiscation on the spot could lead to the sort of disorder that this Bill is designed to prevent.

I think that the question of production and confiscation of cards could be dealt with effectively without a criminal offence and we would be happy to help you develop this idea. The membership scheme could specify that cards must be produced on entry and on demand and that breaches of conditions of the scheme would lead to withdrawal of card. Applicants would have to agree to these conditions before receiving their cards. Loss of card and with it the right to attend a football match is surely a sufficient deterrent for the football fan who might choose not to comply with the scheme. The less coercion we have to put into this scheme, the fewer will be the difficulties with Parliament, police and public.

### FMA Discretion

We need to reflect on this a little. Is there in fact much benefit in elaborate discretion to add to a mandatory five year disqualification? Apart from signalling particular disapproval by banning one hooligan for an additional two or three years, I doubt that such a move achieves much in practice. Most offenders

/subject to a



subject to a five year disqualification will have received short terms of imprisonment - well under a year. But if we are talking about really serious offences: murder on the terraces for example, the period in prison would be far longer than the mandatory ban anyway. In most cases the statutory period would be entirely adequate. It is important not to give the FMA disproportionate powers. For example an unlimited ban on attending matches, for behaviour which does not even amount to a criminal offence would be difficult to justify. There is also the handing point that apparently open-ended discretion for the FMA might be yet more ammunition for the Bill's opponents who already see the whole scheme as draconian. Nevertheless, even if a disqualification had elapsed, the FMA could still refuse an application to (re-)join the scheme if, at the time, they considered a serious conviction several years ago still to be relevant, subject always to the Rehabilitation of Offenders Act.

I think, in short, there are good arguments for restricting the FMA's discretion to perhaps two years maximum, on top of any mandatory disqualification. It would help to present the Bill as measured and proportionate to the mischief it addresses.

Disclosure About Offences Committed Before the Membership Scheme Comes into Effect

I can confirm that Mr Anderton, Chief Constable of Greater Manchester Police and Chairman of the relevant ACPO Committee wrote to all chief constables on 1 October asking them to record all arrests and ejections from football grounds. Subject to the rules for the FMA becoming clear, and agreement with the Association of Chief Police Officers on the exact circumstances of disclosure, this information could be used by the FMA to consider imposing a discretionary ban on initial applicants for membership. Our officials could consider further with the police whether information needs separately to be held on convictions.

The public message now should be to confirm emphatically that the FMA will have discretion to take previous criminal or anti-social behaviour into account when the scheme is set up and applications are considered. I doubt whether it is necessary to go into the mechanics now, or to give a start date which might constrain us later once the rules are being worked out. It would therefore be better to avoid pinning the announcement on ACPO's exercise to put records aside. I agree that publication of the Bill would be the right time to comment.

/Penalty for



Penalty for Unauthorised Entry to a Football Ground

I gather that Colin Moynihan also asked Home Office Ministers to consider whether the maximum penalty of a level 3 fine (current maximum £400) and/or one month imprisonment was sufficient for the offences of unauthorised entry to a match (Clause 2 of the draft Bill).

I am satisfied that this is sufficient, for example by comparison with other criminal offences, and bearing in mind that repeat offences can be prosecuted separately. That in no sense underestimates the importance of having an effective criminal sanction against this potential abuse of the Membership Scheme.

Criminal Offence of Contravening Licence Conditions

My officials have discussed with yours the need for a criminal offence which would arise when a club acted contrary to its licence conditions (currently Clause 8(9) of the draft Bill). The criminal law does have a useful role to play in underpinning parts of the scheme which the Bill will create and I understand the attraction of simply making a breach of a licence condition a criminal offence also. But given that non-criminal remedies are available, I do not think we need criminal sanctions as well. Where there is a serious breach, a club's licence can be suspended or revoked under the Bill, though I recognise that this power is likely to be used only with great reluctance. Where the breach is less serious it would seem a better course to include in the Bill a power enabling the FMA to impose financial penalties on the club eg in the same way as the Football League fines clubs for breaches of League regulations. Agreed, that depends on the FMA being ready to invoke their powers against the clubs, but rather than arguing for amending the criminal law I suggest that it has implications for how the FMA should be constituted. This administrative approach would also have the benefit of not involving the courts further in the policing of the scheme. I hope you will agree that we need not use the criminal law to underpin this part of the Bill.

I am copying this letter to the Prime Minister, "H" colleagues, the Attorney General and Sir Robin Butler.

*Yours,  
Douglas*





FINANCIAL SECRETARY	
REC.	12 DEC 1988
ACTION	Mr. Revolta
COPIES TO	PPS, CST, PMG, EST Mr. Brook Parly Clerk.

Department of the Environment  
2 Marsham Street  
London SW1P 3EB

R/PSO/75575/88

12 DEC 1988

Dear Home Secretary

12 December 1988

### FOOTBALL SPECTATORS BILL

Thank you for your letter of 8 December to Nicholas Ridley. I am replying in Nicholas' absence to the points you made.

#### Restriction Orders

Your announcement that the courts are to be empowered to order offenders to report to an agency in England and Wales when certain matches are to be played abroad has been very well received - particularly by the football authorities and football supporters' groups and by some of our own supporters who are worried about the national membership scheme. I fear that we shall lose much of the credit we have gained if the mandatory length of a restriction order is two years, especially if, as I understand you intend, the period runs from the time that the order is imposed, whether or not the offender is sentenced to imprisonment at the same time.

This could mean that an offender who commits a crime serious enough to warrant a two year prison sentence would be free to travel to matches abroad as soon as he is released from prison. If the sentence imposed involved a shorter period of imprisonment, it would nonetheless attract a mandatory disqualification from the national membership scheme of five years (under clause 6 of the Bill). There could, therefore, be a period of 3 years in which the offender was unable to attend a match in this country but remained able to travel to matches abroad (and potentially to cause trouble).

I fear that these considerations could seriously weaken both the effectiveness of restriction orders in preventing trouble at matches abroad and the value of the provision in winning support for the Bill as a whole. On both counts, my recommendation would be that the restriction orders should run for the same periods as mandatory disqualification from the national membership scheme, 2 or 5 years as appropriate, from the date at which disqualification has effect. I would be grateful if we could discuss this before the Bill is submitted to L committee.



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Foreign convictions

I am very glad that you think that the power to impose restriction orders can be extended to cover offences abroad, as the Lord Chancellor suggested. I hope that Tom King and Malcolm Rifkind will agree that offences committed in Northern Ireland and Scotland can be included.

Sporting events other than football

I am grateful for the Prime Minister's and your agreement that we should drop the power to extend the Bill's provisions to other sporting events.

Compulsion to produce a membership card on request

I remain unhappy about your position on the specific offence for failure to produce a membership card on request. The effectiveness of the scheme depends upon the police or stewards being able to demand to see a membership card in the event of trouble inside a ground. I believe that they need the backing of a criminal sanction. Perhaps we could discuss.

FMA discretion

As the Bill is drafted, the FMA has discretion to disqualify people from membership in two areas:

1. on top of the period of mandatory disqualification of two or five years, following conviction for a relevant offence;
2. in cases of misbehaviour, where no offence has been committed.

If I read your letter correctly, your position is that in both these areas, the maximum period for which we should allow this discretion to be exercised, within the scheme, is two years. I am afraid that, while this period may be adequate in most cases, it continues to seem to me to be inadequate to deal with persistent hooligans. This issue does not affect the drafting of the Bill but it would be highly desirable if we could resolve it by the time of introduction. Perhaps we could discuss?

Disclosure about offences committed before the membership scheme comes into effect

I am grateful for your confirmation that chief constables have been asked to record arrests and ejections from football grounds and for your agreement to comment on this publicly when the Bill is published.



CONFIDENTIAL

Penalty for unauthorised entry to a football ground

I accept your guidance that a maximum penalty of a level 3 fine or one month's imprisonment is sufficient for this offence.

Criminal offence of contravening licence conditions

I am unhappy about the proposal that it should not be a criminal offence to contravene the conditions of a licence to admit spectators. It will be an offence, under clause 7 of the Bill, to admit spectators to a designated match without a licence. Unless it is also an offence to contravene the conditions of a licence, we run the risk that football clubs will ignore those conditions once they have obtained their licence. The only effective sanction open to the licensing authority (probably the Secretary of State) would then be to withdraw the licence altogether - a very drastic step. It seems better to me to follow the precedents of cinema licensing, theatre licensing, petrol licensing and, no doubt many other licensing functions (all of which have wide powers for the licensing authority to impose conditions) and treat ignoring both the requirement for a licence and the conditions of a licence in the same way, ie as criminal offences. We have, however, in deference to your views agreed to a lesser penalty for breach of conditions, though, in fact the precedents we have looked at impose the same penalty.

Again, perhaps we could discuss this?

/ I am copying this letter to the recipients of yours.

*Philip Stang*

15/ COLIN MOYNIHAN

( Approved by the Minister and signed  
in his absence )

The Rt Hon Douglas Hurd CBE MP  
Home Office



CONFIDENTIAL



MP

REC.	16 DEC 1988
	<del>16 DEC 1988</del>

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

14 December 1988

FINANCIAL SECRETARY	
REC.	16 DEC 1988
ATTN:	Mr Revolta
COPIED TO:	PPS, CST, PMG, EST, Mr P.H. Brook Party Clerk
FOOTBALL SPECTATORS BILL	

Dear Philip

The Prime Minister has seen a copy of the Home Secretary's letter of 8 December to the Secretary of State for the Environment.

On Restriction Orders the Prime Minister will want to take a final decision on the duration of the reporting requirement at the meeting with colleagues next week, and in the light of all the factors affecting the passage of the Bill through the House. The Prime Minister's initial view, however, is that she is not convinced that the reporting requirement should be limited to two years; and she inclines to the view that the reporting period should match the period of the ban on an individual attending matches in the UK.

I am copying this letter to the Private Secretaries to Members of H Committee, Michael Saunders (Law Officers' Department) and Trevor Woolley (Cabinet Office).

*Yours ever*  
*Dominic*

DOMINIC MORRIS

Philip Mawer, Esq.,  
Home Office

CONFIDENTIAL



16 DEC 1988

MP

Y SWYDDFA GYMREIG

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel. 01-270 3000 (Switsfwrdd)  
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Oddi wrth yr Is-Ysgrifennydd Seneddol

CT/4867/88



WELSH OFFICE

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

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From The Parliamentary Under-Secretary

FINANCIAL SECRETARY	
REC	16 DEC 1988
IAN GRIST MP	
ACTION	Mr Revoluta
	PPS, CST, PMG, EST,
	Mr P.M. Brook
	Mr Berwick

15 December 1988

John Corbin,

Thank you for sending me a copy of your letter of 20 November about the Football Spectators Bill. I have seen the responses from the Prime Minister, the Lord Chancellor, the Home Secretary and the letter from Michael Forsyth on 7 December.

The consensus appears to be:-

- a. To omit from the Bill the provision allowing the extension of the scheme to other sports;
- b. To not create a new offence for failure to produce a membership card inside the ground;
- c. To allow the Football Membership Authority discretion to impose attendance bans on top of those laid down by the Mandatory Rules;
- d. To announce that previous convictions for football related offences may be taken into account in deciding who shall be disqualified from membership and that the Association of Chief Police Officers are to keep records of relevant convictions.

I agree with these views.

As to the effect of the Bill in Wales, it must be drafted so as to allow the Secretary of State for Wales to designate which matches in Wales the Membership Scheme is to apply to, not necessarily on an identical basis with designation in

/England.

The Hon Colin Moynihan MP  
Parliamentary Under Secretary of State  
Department of the Environment  
2 Marsham Street  
LONDON

FINANCIAL SECRETARY	



2



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FM LAGOS

TO PRIORITY FCO

TELNO 1062

OF 200915Z OCTOBER 88

INFO PRIORITY TREASURY, BANK OF ENGLAND, DTI, ECGD, WASHINGTON

NIGERIAN ECONOMY

1. DURING A CALL ON OKONGWU, MINISTER OF FINANCE, ON 18 OCTOBER, HE SAID THAT HE HAD SEEN THE IMF TEAM, NOW IN LAGOS, AND WAS CONFIDENT THAT THEY COULD REACH AGREEMENT DURING THE CURRENT VISIT. HE SAID THE TEAM HAD BEEN CRITICAL HOWEVER OF THE UNEVEN WAY IN WHICH NIGERIA HAD BEEN PAYING ITS MORATORIUM INTEREST WHICH HAD DISRUPTED THE SOLIDARITY OF SUPPORT PARTICULARLY IN THE PARIS CLUB, AND SAID HE HAD BEEN URGED TO EVEN UP THE PAYMENTS, PAYING PARTICULAR HEED TO THOSE COUNTRIES WHICH AS YET HAD RECEIVED NONE. I STRESSED THE NEED FOR COMPLETING OUR MORATORIUM INTEREST PAYMENTS DUE ON 30 JUNE AND POINTED OUT HOW MUCH WAS HANGING ON THE MEETING OF THIS COMMITMENT. OKONGWU SAID THE FULL PAYMENTS HAD BEEN AUTHORISED BY THE MINISTRY OF FINANCE AND IT WAS NOW A QUESTION OF THE CENTRAL BANK FINDING THE FUNDS.

2. OKONGWU ALSO MADE A PITCH FOR THE CREATION OF A CONSULTATIVE GROUP FOR NIGERIA WITH THE UK TAKING THE LEAD. I RESPONDED THAT ALTHOUGH WE HAD GIVEN SOME THOUGHT TO THE SUGGESTION WE HAD DOUBTS ABOUT WHETHER IT WAS THE RIGHT ANSWER AT THIS TIME.

3. I HAVE ARRANGED TO MEET JIMENEZ, LEADER OF THE IMF TEAM, ON FRIDAY 21 OCTOBER, FOR AN ACCOUNT OF THEIR VISIT.

HEAP

YYYY

DISTRIBUTION

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MAIN

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ADDITIONAL 1

MR WICKS NO 10 DOWNING ST

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PAGE 2  
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England. Similarly the Secretary of State for Wales will be responsible for licensing to admit spectators to Welsh grounds.

As regards the Football Membership authority, as the body will cover Welsh clubs, if this is to be acceptable here, there will need to be a provision to ensure suitable Welsh representations. Once the Football Membership Authority have developed a draft scheme I assume that this will be approved by the Secretary of State for Wales as well as the Environment Secretary.

I would appreciate if your officials would keep mine fully informed of developments.

As you know we have agreed to consult interested parties in Wales on which matches are to be designated. I propose to announce this by means of an inspired PQ to coincide with the publication of the Bill - a copy of the announcement is attached for your information.

I am copying this letter to the Prime Minister, Lord Chancellor, Lord President, Lord Privy Seal, Attorney General, Chief Secretary to the Treasury, Lord Ferrers, First Parliamentary Counsel, and to Sir Robin Butler.

*Yours ever,*  
*J. A. S.*





STATEMENT BY THE SECRETARY OF STATE FOR WALES

The Bill will apply to England and Wales. I will be responsible for licensing grounds and for designating which football matches in Wales will be subject to the National Membership Scheme. I propose to set up at an early date a Working Party to advise me in Wales as to whether any particular match should be designated.



MP

PARLIAMENTARY CLERK

FROM: S N WOOD

Date: 19 DECEMBER 1988

cc: PS/Chancellor  
PS/Chief Secretary  
PS/Financial Secretary  
PS/Paymaster General  
PS/Economic Secretary  
Mr Anson  
Mr Phillips  
Mrs Case  
Mr Edwards  
Mrs Lomax  
Mr Revolta  
Mr Call

LEGISLATION COMMITTEE, 20 DECEMBER  
L(88)47: FOOTBALL SPECTATORS BILL

Introduction

This Bill provides for the establishment of a national membership scheme for football spectators in England and Wales; the licensing of football grounds to control admittance of spectators; the designation of matches to which the scheme will apply; and the disqualification from membership of spectators convicted of relevant offences or whose behaviour fails certain tests. The policy was approved by H on 21 November and the Bill was mentioned in the Queen's speech.

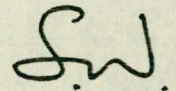
Line to take

2. Neutral. The Bill addresses a significant public order problem, and if it is successful will of course be welcome. The (modest) identified public expenditure costs should be found within existing provision.



Background

3. The Treasury's interest is in the modest resource implications of the Bill. The covering paper at paragraph 11 notes that the public sector costs, mostly in the criminal justice system for dealing with prosecutions under the Bill, may be some £2.5 million per year, beginning in 1990/91. These are the subject of correspondence between the Lord Chancellor and the Environment Secretary, with the former reserving the right to seek a PES transfer from DOE if the costs are substantial and the latter maintaining that it is for each Department to bid for the consequences for it of a collectively-agreed policy, and that in the longer term the Lord Chancellor and the Home Office can expect to reap savings from the intended reduction in the hooliganism and its consequences for expenditure on policing, prosecutions and prisons. This dispute is not a matter for discussion at L Committee, however.

  
S N WOOD





MP

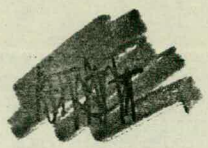
SCOTTISH OFFICE

<b>FINANCIAL SECRETARY</b>	
REC.	22 DEC 1988
ACTION	Mr Revdora
COPIES TO	PPS, CST, PMG, EST,
	Mr P. M. Brook
	Party Clerk

2

The Rt Hon Douglas Hurd Esq CBE MP  
 Secretary of State for the  
 Home Department  
 Home Office  
 50 Queen Anne's Gate  
 LONDON  
 SW1H 9AT

22 December 1988



**FOOTBALL SPECTATORS' BILL**

Your letter of 8 December to Nicholas Ridley sought my views and those of Tom King on where we thought Scotland and Northern Ireland might fit into the proposals you put forward to allow restriction orders to be placed on football hooligans who had been convicted of football related offences by courts outside England and Wales.

I would see no major objections in principle to the convictions of the Scottish courts being used in this way and although there will be practical problems I hope that the informal approach you envisage will make it possible to overcome these.

As you will be aware, there is at present no definition in Scotland of offences which are "football related", and some careful thought would be necessary to devise a list which reflected the definition of such offences in England and Wales, but did not go unduly wide and catch offences which had little or nothing to do with an individual's attendance at a football match. That is not, however, something which need be decided at this juncture.

Similarly, I am sure that you will appreciate I have not had the opportunity to explore fully how reports of such convictions might be made available to the authorities in England and Wales, and who would be the most appropriate body to furnish such information - prosecution, courts or police. Here too I suggest that it is unnecessary to provide a definitive answer at this stage, and that further work at official level is needed, necessarily involving consultation with the court and other interests involved. I should, however, mention that, were it to prove necessary to impose a requirement upon say the courts to inform the authorities in England of a Scottish football related conviction, provision in the primary legislation would almost certainly be needed. There would





12 JAN 1989

DEPARTMENT OF THE ENVIRONMENT  
2 MARSHAM STREET LONDON SW1P 3EB  
01-276 3000

My ref:

Your ref:

PM/PSO/76586/88

FINANCIAL SECRETARY	
REC.	12 JAN 1989
ACTION	Mr. P. Russell
COPIES TO	PPS, CST, PMG, EST Mr. Anson, Mr. Phillips, Mrs. Case Mr. Edwards, Mr. Odling-Smee Mr. S. N. Wood, Mr. Cull

*Handwritten notes and signatures:*  
 Mr. P. Russell  
 PPS, CST, PMG, EST  
 Mr. Anson, Mr. Phillips, Mrs. Case  
 Mr. Edwards, Mr. Odling-Smee  
 Mr. S. N. Wood, Mr. Cull  
 January 1989

**FOOTBALL SPECTATORS BILL**

Thank you for your letter of 16 December about the unresolved points of policy on the Bill. Our officials have met to discuss these points in the light of the Prime Minister's meeting on 19 December.

Restriction Orders

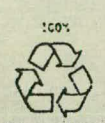
Your officials have instructed Parliamentary Counsel to amend the Bill to bring the period of restriction orders in line with the provision on the periods of mandatory disqualification.

Licensing

Clearly we must proceed on the assumption that the licensing function may fall to the Secretary of State. It is therefore accepted that the Bill should provide for criminal sanctions for breaches of licensing conditions. I suggest that we might meet your concern about the direct involvement of the Secretary of State in the detail of the enforcement process by appointing an independent Chief Inspector, perhaps a QC, to head the inspectorate.

FMA discretion

I do see the strength of argument about persuading Parliament that the FMA should have unfettered power to impose discretionary bans. I am content therefore that we should impose a 2 year ceiling on the length of any ban. The scheme should, however,





provide for the FMA to extend the period of disqualification by rejecting an application for membership on expiry of a 2 year period, provided it has reason to do so. It would be open to the applicant to appeal against such a decision, of course. This change will mean an amendment to the Bill; the words "indefinitely or" should be deleted from Clause 5.2(c).

I hope you and colleagues can agree that we dispose of these issues in this way. I am copying this to the Prime Minister, "H" colleagues, the Attorney General and Sir Robin Butler.

*Yours ever,*

*Colin*

COLIN MOYNIHAN





My ref

Your ref

M/PSO/76806/88

*PWP*

Ian Grist Esq MP  
Parliamentary Under Secretary of State  
Welsh Office  
Gwydyr House  
Whitehall  
London SW1

FINANCE SECRETARY	
REC.	13 JAN 1989
A. R. S. N. WOOD	
PPS / CS (EST / PMG)	
Mr Anson, Mr Phillips	
Mrs Case, Mr Edwards	
Mr Odling-Smee, Mr Call	

12 January 1989

*Dear Ian,* <sup>2</sup>

**FOOTBALL SPECTATORS BILL**

Thank you for your letter of 15 December. You will by now have seen my letter to the Home Secretary of 12 December, his of 16 December and the note of the Prime Minister's meeting on 19 December. These letters have resolved most of the general policy issues raised in earlier correspondence and left it to my Secretary of State and the Home Secretary to discuss further those that remain.

Your letter raises a number of specifically Welsh issues on which my comments are below:

**1. Designation of Matches**

The Bill is so drafted as to allow the Secretary of State for Wales and the Secretary of State for the Environment to adopt different approaches in designating matches in Wales and England. I assume, however, that there is no question in your mind of excluding from designation Football League or FA Cup matches which take place in Wales, when the home team is one of the Welsh Football League clubs. It might be appropriate, if you agreed, to make an Order in the name of both Secretaries of State to designate all Football League matches and FA Cup matches between League teams in England and Wales.

My understanding is that your thoughts on the possibility of a different approach between Wales and England concerned matches involving the Welsh national team and such competitions as the Welsh FA Cup. On the question of Welsh national matches, you should by now have seen my letter to Michael Forsyth of 3 January about our plans for the England v Scotland match. I would be interested to know of your plans for the Welsh FA Cup since it involves a number of English teams.



## 2. Licensing of Grounds

The Bill provides for the Secretary of State, or a body appointed by him, to license grounds individually. There is no reason why the Secretary of State for Wales should not exercise this role in Wales.

## 3. The Football Membership Authority

The Bill provides for a body to be appointed by the Secretary of State to draw up a national membership scheme for the Secretary of State's approval. The Bill says nothing about the constitution of the body which we generally refer to as the Football Membership Authority but, as you know, we expect the Football League and the Football Association to set up the FMA. Welsh clubs who are members of the Football League would no doubt have their say along with other League clubs. But I am not clear whether you envisage a role specifically for the Welsh FA; that would depend presumably on how far their competitions were to come within the scheme. As to approval of the scheme itself, the Bill, as drafted, provides for one Secretary of State to lay it before Parliament but we would of course consult you before doing so.

Finally, I am happy for you to publicise your intentions about the designation of matches in Wales at the time the Bill is published but I wonder if your announcement might not draw out the distinction between matches involving Football League clubs and others, as in my point (1) above, rather more clearly than the present draft.

I am copying this to the recipients of your letter.

*Yours ever,*

*Colin*

COLIN MOYNIHAN





CH/EXCHEQUER	
REC.	17 JAN 1989
ACTION	FST
COPIES TO	

V171 QUEEN ANNE'S GATE LONDON SW1H 9AT

17 January 1989

pwp

Dear Colin,

**FOOTBALL SPECTATORS BILL**

I am grateful for your letter of 11 January, with which I am entirely content.

I am pleased that you agree to limiting FMA discretion to two years disqualification (subject to review, of course, when someone re-applies). I gather that our officials had a useful meeting with the NCCL on 12 January, and that they were in favour of the principle of excluding troublemakers from football grounds. However, I am sure they will not be slow to pick up on any points they disagree with, after publication - and brief opponents to the Bill accordingly.

I am copying this letter, as yours, to the Prime Minister, "H" colleagues, the Attorney General and Sir Robin Butler.

Tower,  
Doyls.

The Hon Colin Moynihan, MP