
CONTROL OF VIOLENCE IN SPORTS GROUNDS
(AMENDMENT) ORDINANCE 2015

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CONTROL OF VIOLENCE IN SPORTS GROUNDS
(AMENDMENT) ORDINANCE 2015

An Ordinance to amend the Control of Violence in Sports Grounds Ordinance 2009

M. Wigston
ADMINISTRATOR

12 February 2015

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

Short title

1. This Ordinance may be cited as the Control of Violence in Sports Grounds (Amendment) Ordinance 2015.

Commencement

2.—(1) The following sections or parts of sections come into force on 1 March 2015.

- (a) section 3;
- (b) section 4, for the purpose of this subsection;
- (c) section 5, but excluding the definition of fan card;
- (d) sections 6 to 13; and
- (e) sections 15 to 30, but excluding section 50B(12) of the principal Ordinance inserted by section 29.

(2) The following sections or parts of sections come into force on a date appointed by the Chief Officer in an order made as a public instrument—

- (a) section 4, for the purpose of this subsection;
- (b) section 5, for the purpose of the definition of “fan card”;
- (c) section 14; and

- (d) section 29, for the purpose of the coming into force of section 50B(12) of the principal Ordinance.

Interpretation

3. In this Ordinance, “the principal Ordinance” means the Control of Violence in Sports Grounds Ordinance 2009(a).

Amendments to principal Ordinance

4. The principal Ordinance is amended in accordance with sections 5 to 30.

Amendment to section 2 (interpretation)

- 5.—(1) Section 2(1) is amended as follows.
- (2) Insert the following definitions in the appropriate alphabetical places—
- ““Authority” means the Stadium Licensing Authority established under the corresponding Republican law(b);”;
- ““fan card” means a card issued in accordance with the corresponding Republic law;”.
- (3) In the definition of “banning order”, after “section 50” add “or 50A”;
- (4) For the definition of “tiers” substitute—
- ““tiers” means the stands of terraces for standing or seating provided for spectators;”.

Amendment to section 3 (application)

- 6.—(1) Section 3 (including the heading), is amended as follows.
- (2) In the heading, omit “of Part 2 to designated sports grounds”.
- (3) Omit subsection (1) and substitute—
- “(1) Subject to subsections (2) and (3), Part 2 applies only to—
- (a) a designated sports ground; and
- (b) an event taking place at any sports ground if the event involves a sports club playing in the first division of a sports league or in an international event (in both cases where the event is regulated by a sports governing body).”.
- (4) In subsection (3), omit “10” and substitute “10(1) and (2)”.

Insertion of section 3A

7. In Part 1, after section 3 insert—

“Functions of Authority

3A.—(1) The Authority has the functions which are specified in the corresponding Republican law.

(2) Where the corresponding Republican law requires a person to comply with a direction given by the Authority in the exercise of its functions, the direction has effect as if made under this Ordinance.”.

(a) Ordinance 10/2009, amended by Ordinances 5/2012 and 1/2014.

(b) The Stadium Licensing Authority is established under section 4A of the Republic’s Law 48 (I)/2008. Section 4A is inserted by amending Law 132(I) 2014.

Amendment to section 4 (security officer and stewards)

- 8.—(1) Section 4 is amended as follows.
(2) Omit subsection (4).

Amendment to section 5 (closed-circuit monitoring system)

- 9.—(1) Section 5 is amended as follows.
(2) After subsection (1)(c) insert—
 “(d) maintain an electronic system for the identification of persons appearing on the audio-visual representations referred to in paragraph (a)(iii);
 (e) permit the processing of the audio-visual representations referred to in paragraph (a)(iii) for the purpose of facilitating the identification of a person and the investigation of an offence.”
(3) In subsection (2), omit “or (b)” and substitute “, (b), (d) or (e)”.

Amendment to section 10 (marking of tiers, entrances and exits)

- 10.—(1) Section 10 is amended as follows.
(2) After subsection (1) insert—
 “(1A) The manager of a sports ground must ensure that the seats in the tiers are numbered and that a system of allocating numbered seats to spectators is in place.”
(3) In subsection (2), after “subsection (1)” insert “or (1A)”.

Insertion of section 10A

11. After section 10 insert—

“Tiers for seated fans

- 10A.—(1) The manager of a sports ground—
 (a) must designate tiers for seated spectators; and
 (b) may designate tiers of seats as family tiers.
(2) The Authority must approve a designation under subsection (1).”

Amendment to section 13 (security information)

- 12.—(1) Section 13 (including the heading) is amended as follows.
(2) In the heading, after information add “and security certificate”.
(3) In subsection (2)(b), omit “the Area Officer” and substitute “the Authority”.
(4) Omit subsection (6) and substitute—
 “(6) The manager of a sports ground may permit an event to take place at the ground, if, and only if, there is a valid security certificate for the ground.”
(5) After subsection (8) add—
 “(9) In subsection (6) a “valid security certificate” means a certificate issued by the Authority under the corresponding Republican law which is valid on the day the event takes place.”.

Amendment to section 15 (ticket capacity and distribution)

- 13.—(1) Section 15 is amended as follows.
(2) After subsection (6) insert—

“(6A) It is an offence for an unauthorised person at a sports ground or in the vicinity of a sports ground to—

- (a) sell a ticket for an event at a sports ground; or
- (b) otherwise to dispose of such a ticket to another person.

(6B) For the purpose of subsection (6A)—

- (a) a person is “unauthorised” unless the person is authorised in writing to sell or otherwise dispose of tickets for the match by the organisers of the event, or the security officer;
- (b) reference to selling a ticket includes a reference to—
 - (i) offering to sell a ticket;
 - (ii) exposing a ticket for sale;
 - (iii) making a ticket available for sale by another;
 - (iv) advertising that a ticket is available for purchase; and
 - (v) giving a ticket to a person who pays or agrees to pay for some other goods or services or offering to do so; and
- (c) a “ticket” includes anything which purports to be a ticket.”.

(3) In subsection (7), omit “, (3), (4)”.

(4) After subsection (7) add—

“(8) A person convicted of an offence under subsection (6A) is liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding €4,000, or to both.”.

Insertion of section 17A

14. After section 17 insert—

“Fan cards

17A.—(1) A person (P) who enters a sports ground for an event must present P’s fan card in addition to a valid ticket for the event.

(2) A police officer, the security officer of the sports ground or a steward assigned to duties at the event may direct a person to leave the sports ground if the person—

- (a) does not present a fan card;
- (b) presents a fan card issued in the name of another person; or
- (c) enters the sports ground in contravention of subsection (1).

(3) A person who fails to comply with a direction under subsection (2) commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding €1,000, or to both.

(4) A person who enters or attempts to enter a sports ground for an event using a fan card issued to another person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding €4,000, or to both.

(5) A security officer may ban a person who contravenes subsection (4) from entering the sports ground for 6 months, irrespective of whether the person is convicted of a criminal offence.

(6) Section 50B(7) to (14) has effect in relation to a ban under subsection (5).

(7) A person commits an offence if the person allows another person to—

- (a) enter a sports ground for an event in contravention of subsection (1);
- (b) remain in a sports ground during an event where B has entered in contravention of subsection (1)’

(8) A person convicted of an offence under subsection (7) is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding €4,000, or to both.

(9) Subsection (1) does not apply to—

- (a) an international event;
- (b) a disabled person, within the meaning of section 2 of the Disabled Persons Ordinance 2002^(a);
- (c) a child aged under 14.

(10) In the case of an international event, entrance to the sports ground is permitted in accordance with arrangements made by the relevant sports governing body.”.

Amendment to section 20 (certificate issued in advance of event)

15. In section 20(2) for “A person” substitute “A manager of a sports ground”.

Amendment to section 32 (control of entry)

16.—(1) Section 32 is amended as follows.

(2) Omit subsection (3) and substitute—

“(3) A person must not enter or attempt to enter a sports ground—

- (a) carrying alcohol or a narcotic substance;
- (b) under the influence of alcohol or a narcotic substance; or
- (c) carrying an offensive weapon;
- (d) carrying a banner, poster, board or similar item which states or depicts any inflammatory slogan, symbol or expression within the meaning of section 49(1).”.

(3) In subsection (4)—

- (a) omit “and” at the end of paragraph (b);
- (b) insert after paragraph (b)—

“(ba) a person does not enter the ground if the person is banned from entering a sports ground under—

- (i) any provision of this Ordinance;
- (ii) the corresponding Republican law;
- (iii) any order made by a competent court in any jurisdiction;”.

(4) Omit subsection (5) and substitute—

“(5) A person who breaches subsection (2) commits an offence and is liable on conviction to a fine not exceeding €1,000, and in addition to, or as a substitute for, the penalty imposed, the court is to make a banning order for a period of not less than 2 years and not more than 3 years, or such longer period as it has the power to impose under section 50(1).

(6) A person who breaches subsection (3) commits an offence is liable on conviction to a fine not exceeding €1,000 ”.

Insertion of section 32A

17. After section 32 insert—

(a) Ordinance 18/2002.

“Unauthorised movement

32A.—(1) Except when entering a sports ground before an event or leaving a sports ground after an event, a spectator must remain in the tier specified on the spectator’s entrance ticket for the event and must not move or attempt to move between tiers.

(2) A security officer, a police officer or a steward may order a person who contravenes subsection (1) to leave the sports ground.

(3) A security officer may ban a person who contravenes subsection (1) from entering the sports ground for 1 year, irrespective of whether the person is convicted of a criminal offence.

(4) Section 50B(7) to (14) has effect in relation to a ban under subsection (3).

(5) A person who contravenes an order under subsection (2) commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 month or to a fine not exceeding €1,000, or to both.”.

Amendment to section 33 (co-operation between the security officer and the police)

18.—(1) Section 33 is amended as follows.

(2) After subsection (3) add—

“(4) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding €1,000.”.

Amendment to section 34 (control of exits)

19.—(1) Section 34 is amended as follows.

(2) In subsection (2) omit “A person” and substitute “A manager of a sports ground”.

Amendment to section 38 (offensive weapons)

20.—(1) Section 38 is amended as follows.

(2) In subsection (1) omit “or in the vicinity of a sports ground” and substitute “, in the vicinity of a sports ground or while travelling to or from an event at a sports ground”.

Amendment to section 39 (unlawful entry to sports grounds)

21. After section 39(4) insert—

“(5) Where a person is convicted of an offence under subsection (4), in addition to, or as a substitute for, the penalty imposed the court is to make a banning order for a period of not less than 3 years and not more than 5 years, or such longer period as it has the power to impose under section 50(1)”.

Amendment to section 40 (drunkenness and use of addictive narcotic substances)

22.—(1) Section 40 (including the heading) is amended as follows.

(2) In the heading omit “addictive”.

(3) After subsection (2) insert—

“(2A) A person must not carry alcoholic or narcotic substances while in the vicinity of a sports ground during an event or while travelling to or from an event at a sports ground.”.

(4) In subsection (3), omit “or (2)” and substitute “, (2) or (2A)”.

Amendment to section 42 (use of dangerous item)

23.—(1) Section 42 is amended as follows.

(2) In subsection (2), omit “subsection (1)” and substitute “subsection (1)(a)”;

(3) After subsection (2) insert—

“(2A) A person who contravenes subsection (1)(b) commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding €3,000, or to both.”.

Insertion of section 43A

24. After section 43 insert—

“Concealing identity

43A.—(1) It is an offence for a person (P) in a sports ground or in the vicinity of a sports ground during an event to cover P’s face for the purpose of concealing P’s identity.

(2) A person convicted of an offence under subsection (1) is liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding €4,000, or to both.”.

Amendment of section 44 (assault)

25.—(1) Section 44 is amended as follows.

(2) Omit subsection (1) and substitute—

“(1) A person must not assault another person in a sports ground, in the vicinity of a sports ground during an event, or in any place in connection with that event.”.

Amendment of section 45 (unlawful assembly and riot)

26.—(1) Section 45 is amended as follows.

(2) Omit subsection (1) and substitute—

“(1) A person must not in a sports ground, in the vicinity of a sports ground during an event or in any place in connection with that event take part in an unlawful assembly or a riot”.

Amendment of section 49 (use of inflammatory slogans, symbols or expressions)

27. After Section 49(1) insert—

“(1A) For the purpose of subsection (1)—

- (a) “inflammatory” includes threatening, insulting or abusive words or behaviour directed at a racial group;
- (b) “racial group” means a group of persons defined by reference to race, colour, descent or national or ethnic origin;
- (c) “slogans” includes songs.”.

Amendment to section 50 (additional powers of the court and legal proceedings)

28.—(1) Section 50 is amended as follows.

(2) Omit subsection (1) and substitute—

“(1) Where a person is convicted of an offence under section 32 or this Part, in addition to, or as a substitute for, the penalty imposed, the court is to make a banning order as follows—

- (a) for a 1st conviction, for a period of not less than 6 months and not more than 1 year;
- (b) for a 2nd conviction, for a period of not less than 1 year and not more than 2 years;

- (c) for a 3rd conviction, for a period of not less than 2 years and not more than 4 years;
- (d) for a 4th or subsequent conviction, for a period of not less than 4 years and not more than 6 years.

(1A) Subsection (1) does not apply where the court is required, under section 32(5) or 39(5), to impose a banning order for a longer period than specified in that subsection.

(1B) For the purpose of subsection (1), “conviction” means a conviction under section 32 or under this Part, and includes a conviction for the corresponding offences under the corresponding Republican law.”.

Insertion of section 50A

29. After section 50 insert—

Banning order on application of Chief Constable

“50A.—(1) The Chief Constable may make an application to the Resident Judge’s Court for a banning order for a particular event.

(2) An application under subsection (1) must be made not less than 5 days before the event and must include reasons.

(3) The court may make a banning order where it is satisfied there are reasonable grounds for believing that the person—

- (a) has been involved in or incited acts of public disorder in any sports ground or in connection with events, on the island of Cyprus or elsewhere; or
- (b) may be involved in or incite acts of public disorder at the sports ground at which the event is taking place or in connection with the event.

Ban by sports governing body, sports club or security officer

50B.—(1) A specified person may ban a person (P) from entering a sports ground in accordance with this section where the specified person has reasonable grounds for believing that P may be involved in, or may incite, acts of public disorder at the sports ground or in connection with an event.

(2) For the purpose of subsection (1), a specified person is—

- (a) a relevant sports governing body;
- (b) a sports club; or
- (c) a security officer.

(3) A relevant sports governing body may ban P from attending—

- (a) a particular event or events;
- (b) a specified sports ground;
- (c) all sports grounds.

(4) A sports club may ban P from attending an event at a sports ground where the sports club is participating in an event.

(5) A security officer may ban P from attending an event at the sports grounds for which the security officer is responsible.

(6) A ban under subsection (1) may be for such period as determined by the specified person.

(7) A specified person may require a person (P) banned under subsection (1), section 17A (fan cards) or section 32A (unauthorised movement) to disclose P’s name and address.

(8) Where reasonably practicable, the specified person must send written notification of the ban to P, delivered to P’s last known address, within 2 days of the ban taking effect.

(9) P may appeal, in writing, to the specified person within 2 days of receiving the notification.

(10) The specified person must reconsider the ban and on reconsideration may uphold the ban or set aside the ban.

(11) The specified person must send written notification to P of the decision on reconsideration as soon as reasonably practicable.

(12) The specified person must notify the person responsible for the register of fan cards under the corresponding Republican law of a ban under this section, section 17A or 32A.

(13) A person who contravenes a ban under this section, section 17A or 32A commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years, or to a fine not exceeding €4,000, or to both.

(14) In addition to, or as a substitute for, a penalty imposed under subsection (12), the court must impose a banning order for a period of 6 months, or such longer period as is required under section 50(1).”.

Insertion of section 51A

30. After section 51 insert—

“Ban on organised travel for spectators

51A.—(1) This section applies where a relevant sports governing body (“the body”) has reasonable grounds to believe that organized travel for groups of spectators to or from an event at a sports ground may result in public disorder at the sports ground, in the vicinity of the sports ground or in connection with the event.

(2) The body may—

- (a) ban a person from making arrangements from organising travel for groups of spectators to or from an event at the sports ground;
- (b) impose conditions on a person organising travel for groups of spectators to or from an event at the sports ground;
- (c) impose conditions on the spectators using organised travel to or from an event at the sports ground.

(3) The body must consult the Chief Constable before imposing a ban or conditions under subsection (2).

(4) The ban or the conditions may be imposed for—

- (a) a particular event;
- (b) a class of events; or
- (c) a specified period.

(5) A person who fails to comply with a ban or conditions imposed under subsection (2) commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding €4,000, or to both.

(6) In addition to, or as a substitute for, a penalty imposed under subsection (5), the court must impose a banning order for a period of 6 months, or such longer period as is required under section 50(1).”.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

Introduction

1. This explanatory note relates to the Control of Violence in Sports Grounds (Amendment) Ordinance 2015 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.
2. This note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So, when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

3. The Ordinance amends the Control of Violence in Sports Grounds Ordinance 2009 (the “principal Ordinance”) to reflect relevant amendments made to the corresponding Republican law (Law No.48 (I)/2008) made by Law No. 132(I)/2014.
4. Section 2 of the Ordinance makes commencement provisions. The majority of the amendments to the principal Ordinance come into force on 1 March 2015. Amendments relating to the requirement for spectators to present a fan card for entrance to a sports ground come into force on a date to be appointed by the Chief Officer in an order made as a public instrument.
5. New section 3A and amendments to section 13 of the principal Ordinance recognise the Stadium Licensing Authority set up under the corresponding Republican law and require sports grounds to have a licence issued by the Authority.
6. New section 17A of the principal Ordinance recognises fan cards for spectators issued under the corresponding Republican law and requires spectators to present a valid fan card when entering a sports ground.
7. New sections 10A and 32A and amendments to section 10 and 15 of the principal Ordinance require the manager of a sports ground to number seats in the tiers, allocate tickets by reference to seat numbers, make it unlawful for spectators to move between tiers and make the unauthorised resale of tickets unlawful.
8. New section 43A of the principal Ordinance makes it unlawful for a person to conceal his or her face for the purpose of concealing their identity.
9. Amendments to section 49 of the principal Ordinance put beyond doubt that the ban on the display of inflammatory material includes material directed at a racial group.
10. Amendments to section 50 and new sections 50A and 50B of the principal Ordinance make it mandatory for a court to ban a person from entering a sports ground when convicted of an offence under the Ordinance, provide for a power for the Chief Constable to apply to the court for a banning order for a person, and powers for a sports governing body, sports club and security official to ban a person. Contravention of a ban is a criminal offence.
11. New section 51A of the principal Ordinance provides a power for a sports governing body to ban organised travel for spectators to and from an event, or place conditions on such travel.

Transposition table

Amendments made by Law 132(I)/2014 to Law 48(1)/2008		Amendments made to Ordinance 10 of 2009 by this Ordinance	
Section No.	Heading	Section No.	Heading
4	Security certificate	13	Security information and certificate
4A	Establishment of Stadium Licensing Authority		Not transposed
4B	Powers and duties of authority	3A	Functions of Authority
13	Marking of tiers and exits	10	Marking of tiers, entrances and exits
13A	Tiers for seated fans	10A	Tiers for seated fans
22	Closed-circuit monitoring system	5	Closed-circuit monitoring system
28	Entry ban	32	Control of entry
54 (part)	Unlawful entry to sports grounds	39	Unlawful entry to sports grounds
35	Ticket distribution	15	Ticket capacity and distribution
39A	Register of fan card holders		Not transposed
39B	Fan cards	17A	Fan cards
47A	Preventative and intervention measures		Not transposed
53	Prohibition on carrying offensive weapons	38	Offensive weapons
54A	Unauthorised movement	32A	Unauthorised movement
55	Drunkenness and influence of addictive substances	40	Drunkenness and influence of narcotic addictive substances
57A	Throwing dangerous items	42	Use of dangerous item
58A	Concealing face	43A	Concealing identity
59	Conflict and attack	44	Assault
60	Definition of unlawful assembly and public disorder in a sports ground	45	Unlawful assembly and riot
72	Prohibition of racist or insulting slogans or symbols	49	Use of inflammatory slogans, symbols or expressions
73	Ban on entry to sports ground	50	Additional powers of the court and legal proceedings
73A	Order banning entry during specific match	50A	Banning order an application of Chief Constable

73B	Speedy trial		Not transposed
73C	Ban of entry into a sports ground	50B	Ban by sports governing body, sports club or security officer
73D	Ban of organised movement of fans	51A	Ban on organised travel for spectators

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