

Draft Regulations laid before Parliament under sections 20(2) and 26(2) of the London Olympic Games and Paralympic Games Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

**OLYMPIC GAMES AND
PARALYMPIC GAMES, ENGLAND**

**The London Olympic Games and Paralympic Games
(Advertising and Trading) (England) Regulations 2011**

*Made - - - - - ***
Coming into force in accordance with regulation 1(2)*

These Regulations are made in exercise of the powers conferred by sections 19, 20(1), 22(8), 25, 26(1) and 28(6) of the London Olympic Games and Paralympic Games Act 2006⁽¹⁾.

The Secretary of State has consulted in accordance with sections 20(3) and 26(3) and has had regard to the matters referred to in sections 19(2) and 25(2) of that Act.

A draft of these Regulations has been approved by both Houses of Parliament in accordance with sections 20(2) and 26(2) of that Act.

Accordingly, the Secretary of State makes the following Regulations:

PART 1

Introductory

Citation, commencement and duration

1.—(1) These Regulations may be cited as the London Olympic Games and Paralympic Games (Advertising and Trading) (England) Regulations 2011.

(2) They come into force on the day after the day on which they are made.

(3) They cease to have effect at the end of 11th September 2012.

(1) 2006 c. 12. Sections 19, 20, 25 and 26 were amended by paragraph 6 of the Schedule to [S.I. 2007/2129](#) and paragraph 8 of the Schedule to [S.I. 2010/1551](#).

Application

- 2.—(1) These Regulations apply only to—
- (a) places in, and
 - (b) things done in or in respect of,
- England including the territorial sea adjacent to England⁽²⁾.
- (2) The following provisions bind the Crown—
- (a) regulations 5 to 11, and
 - (b) regulations 3 (including Schedules 1 and 2), 4, 16, and 17 to the extent that they relate to advertising activity.
- (3) But nothing in these Regulations makes the Crown liable for an offence.

General interpretation

3. In these Regulations—
- “the Act” means the London Olympic Games and Paralympic Games Act 2006,
- “article” includes a living thing,
- “building” means a permanent building but excludes a telephone kiosk,
- “event zone” has the meaning given in Schedule 1,
- “licence” includes any kind of consent, certificate, permission or authority (by whatever name) granted by a landowner, local authority or other person in accordance with any enactment, Charter or other document,
- “newspaper or periodical” does not include a newspaper or periodical intended specifically to advertise one or more of the following in an event zone during the relevant event period or periods—
- (a) a good or service,
 - (b) a person who provides a good or service,
- “railway station” includes all of the following types of station—
- (a) a London Underground station,
 - (b) a Greater Manchester Metrolink station,
 - (c) a Tyne and Wear Metro station,
- “receptacle” means anything which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article, including—
- (a) any vehicle, trailer or barrow, or
 - (b) any basket, bag, box, vessel, stall, stand, easel, board, or tray,
- “relevant event period” means, in relation to an event zone, a period of time indicated in column (2) of the table in Schedule 2 that is adjacent to the event zone in column (1) of that table,
- “telephone kiosk” has the same meaning as in Schedule 3 to the Town and Country Planning Regulations⁽³⁾, and
- “the Town and Country Planning Regulations” means the Town and Country Planning (Control of Advertisements) (England) Regulations 2007⁽⁴⁾.

(2) Under section 1(5) of the Territorial Sea Act 1987 (1987 c. 49), the reference to the territorial sea adjacent to England in regulation 2(1) is to be construed in accordance with section 1 of that Act.

(3) See paragraph 1(1) of Part 2 of that Schedule.

(4) S.I. 2007/783, amended by S.I. 2007/1739.

Effect on other legislation &c.

- 4.—(1) Nothing in these Regulations—
- (a) authorises a person to do anything that is prohibited (whether in a particular place or generally) by or under any enactment or rule of law, or
 - (b) affects a requirement of any enactment or rule of law that a person hold a licence before engaging in particular activity (whether in a particular place or generally).

PART 2

Advertising Activity

Interpretation of this Part

- 5.—(1) In this Part—
- “advertisement” means any word, letter, image, mark, sound, light, model, sign, placard, board, notice, screen, awning, blind, flag, device, costume or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of, promotion, advertisement, announcement or direction,
- “advertiser” means a person who engages in advertising activity,
- “advertising activity” means—
- (a) displaying an advertisement, or
 - (b) distributing or providing promotional material,
- “advertising attire” means—
- (a) a costume that is an advertisement, or
 - (b) clothing on which an advertisement is displayed,
- “ambush marketing campaign” means a campaign (whether consisting of one act or a series of acts) intended specifically to advertise one or more of the following in an event zone during the relevant event period or periods—
- (a) a good or service,
 - (b) a person who provides a good or service,
- “displaying an advertisement” includes (without prejudice to the generality of that expression) —
- (a) projecting, emitting, screening or exhibiting an advertisement,
 - (b) carrying or holding an advertisement or an apparatus by which an advertisement is displayed,
 - (c) providing for—
 - (i) an advertisement to be displayed on an animal, or
 - (ii) an apparatus by which an advertisement is displayed to be carried or held by an animal,
 - (d) doing one or more of the following as part of an ambush marketing campaign—
 - (i) carrying or holding personal property on which an advertisement is displayed,
 - (ii) wearing advertising attire,
 - (iii) displaying an advertisement on an individual’s body,

“not-for-profit body” means a body which, by virtue of its constitution or any enactment—

- (a) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or public purposes, and
- (b) is prohibited from directly or indirectly distributing amongst its members any part of its assets (other than for charitable or public purposes),

“promotional material” means a document or article distributed or provided wholly or partly for the purpose of promotion, advertisement, announcement or direction.

(2) In this Part, a reference to a person who engages in advertising activity is to be treated as including a person to whom regulation 6(2) applies.

(3) Advertising activity that consists of the display of an advertisement on a personal communication device is not to be treated as advertising activity for the purposes of this Part unless the advertiser intends the advertisement to be displayed, by means of the device, to the public at large (rather than only to the individual using the device).

(4) In paragraph (3), “personal communication device” means a mobile telephone or other personal interactive communication device.

Control of advertising activity

6.—(1) A person must not engage in advertising activity in an event zone during the relevant event period or periods.

(2) A person is to be treated as contravening paragraph (1) if that person arranges (at any time and in any place) for advertising activity to take place in an event zone during the relevant event period or periods.

(3) A person is also to be treated as contravening paragraph (1) if advertising activity in an event zone during the relevant event period or periods—

- (a) relates to a good, service, business or other concern in which the person has an interest or for which the person is responsible, or
- (b) takes place on land, premises or other property that the person owns or occupies or of which the person has responsibility for the management.

(4) Without prejudice to the generality of paragraph (3)—

- (a) a person is to be treated as having an interest in or responsibility for a business or other concern if that person is an officer of the business or concern,
- (b) a person is to be treated as having an interest in or responsibility for a good or service if that person is an officer of a business or other concern that has an interest in or is responsible for the good or service, and
- (c) a person is to be treated as having responsibility for the management of land, premises or other property if that person is an officer of a business or other concern that owns, occupies or has responsibility for the management of the land, premises or other property.

(5) In paragraph (4), “an officer” means a director, manager, secretary or other similar officer.

(6) This regulation applies in relation to advertising activity whether or not it consists of the result or continuation of activity carried out before these Regulations came into force.

Exception for demonstrations, &c

7.—(1) Regulation 6 does not apply to advertising activity intended to—

- (a) demonstrate support for or opposition to the views or actions of any person or body of persons,

- (b) publicise a belief, cause or campaign, or
 - (c) mark or commemorate an event.
- (2) But this exception does not apply to advertising activity that promotes or advertises—
- (a) a good or service, or
 - (b) a person or body (excluding a not-for-profit body) that provides a good or service.

Exception for individuals wearing advertising attire, displaying advertisements on their bodies, or carrying personal property

8.—(1) Regulation 6 does not apply to an individual who engages in advertising activity only by doing one or more of the following, unless the individual knows or has reasonable cause to believe that he or she is participating in an ambush marketing campaign—

- (a) wearing advertising attire,
- (b) displaying an advertisement on the individual's body,
- (c) carrying or holding personal property on which an advertisement is displayed.

(2) The fact that this exception applies to an individual does not affect the application of regulation 6 to any other person (whether in respect of the same advertising activity or otherwise).

Exceptions modelled on the Town and Country Planning Regulations

- 9.—(1) Regulation 6 does not apply to advertising activity that consists of—
- (a) the display of an advertisement within a Class specified in column (1) of Schedule 1 to the Town and Country Planning Regulations so long as the display or (as the case may be) the advertisement complies with the conditions referred to in regulation 1(3) of those Regulations, or
 - (b) the display of an advertisement within a Class specified in Part 1 of Schedule 3 to the Town and Country Planning Regulations subject to the conditions and limitations referred to in regulation 6(1)(a) and (b) of those Regulations.
- (2) But this exception does not apply to the display of any of the following advertisements—
- (a) an advertisement within Class A (advertisements displayed on enclosed land) where the enclosed land on which the advertisement is displayed is—
 - (i) a railway station (and its yards) or bus station (together with its forecourt, whether enclosed or not), or
 - (ii) enclosed land (including a sports stadium or other building) on or in which a London Olympic Event⁽⁵⁾ is taking place or to take place,
 - (b) an advertisement within Class C (advertisements incorporated in the fabric of buildings) that was not in existence on the date on which these Regulations came into force,
 - (c) an advertisement within Class I (advertisements displayed inside buildings), other than an exempt business advertisement, where the building in which the advertisement is displayed—
 - (i) is or forms part of a railway station or bus station, or
 - (ii) is a sports stadium or other building in which a London Olympic Event is taking place or to take place,
 - (d) an advertisement within Class 1B (advertisements displayed by local planning authorities) that—

(5) “London Olympic Event” is defined in section 1(3)(b) of the Act.

- (i) is not displayed wholly for the purpose of announcement or direction in relation to any of the functions of the local planning authority by which it is displayed, and
 - (ii) is not reasonably required to be displayed for the safe or efficient performance of those functions,
- (e) an advertisement within Class 3D (advertisements announcing local events and activities) that promotes or advertises—
 - (i) a good or service, or
 - (ii) a person or body (excluding a not-for-profit body) that provides a good or service,
 - (f) an advertisement within Class 3F (advertisements relating to travelling circuses, fairs or similar travelling entertainments),
 - (g) an advertisement within Class 7B (flags on residential development sites) that does not relate to the development or to a person carrying out the development or an aspect of the development,
 - (h) an advertisement within Class 8 (advertisements on hoardings),
 - (i) an advertisement within Class 9 (advertisements on highway structures),
 - (j) an advertisement within Class 12 (advertisements displayed inside buildings), other than an exempt business advertisement, where the building in which the advertisement is displayed—
 - (i) is or forms part of a railway station or bus station, or
 - (ii) is a sports stadium or other building in which a London Olympic Event is taking place or to take place,
 - (k) an advertisement within Class 13 (advertisements on sites used for preceding ten years for display of advertisements without express consent),
 - (l) an advertisement within Class 14 (advertisements displayed after expiry of express consent),
 - (m) an advertisement within Class 15 (advertisements on balloons), and
 - (n) an advertisement within Class 16 (advertisements on telephone kiosks).
- (3) In this regulation—
- (a) “exempt business advertisement” means an advertisement (whether illuminated or not) displayed on business premises within a building (or a forecourt associated with such premises) that refers wholly to any or all of the following: the business carried on, the goods or services provided, or the name or qualifications of the person carrying on the business or providing the goods or services, on those premises,
 - (b) a reference to a “Class” of advertisement is a reference to the corresponding Class of advertisement in Schedule 1 or (as the case may be) 3 to the Town and Country Planning Regulations⁽⁶⁾, and
 - (c) “business premises” and “forecourt” have the same meanings as in Schedule 3 to the Town and Country Planning Regulations⁽⁷⁾.
- (4) For the purposes of this regulation—
- (a) Part 2 of Schedule 3 to the Town and Country Planning Regulations applies for the interpretation of that Schedule,

⁽⁶⁾ Class 5 in Schedule 3 to the Town and Country Planning Regulations was amended by regulation 2 of S.I. 2007/1739.

⁽⁷⁾ See paragraph 1(1) of Part 2 of that Schedule.

- (b) a reference to a building or a railway station in Schedule 1 or 3 to the Town and Country Planning Regulations is to be construed in accordance with the relevant definition in regulation 3 of these Regulations,
- (c) a reference to displaying an advertisement (however phrased) in Schedule 1 or 3 to the Town and Country Planning Regulations is to be construed in accordance with regulation 5 of these Regulations, and
- (d) a reference to a vehicle in Schedule 1 to the Town and Country Planning Regulations includes a bicycle.

Other exceptions

10.—(1) Regulation 6 does not apply to advertising activity of a description falling within paragraphs (2) to (7).

(2) Displaying an advertisement that is employed wholly as—

- (a) a memorial, or
- (b) a railway signal,

(3) Distributing or providing a current newspaper or periodical.

(4) Advertising activity undertaken in accordance with a condition attached to an authorisation granted under regulation 15 (trading activity authorised by the Olympic Delivery Authority &c.).

(5) Displaying an advertisement on an aircraft for one or more of the following purposes—

- (a) complying with the law of the United Kingdom or any other country, being law in force in relation to the aircraft,
- (b) securing the safety of the aircraft or any person or property therein,
- (c) the furtherance, by or on behalf of a Government department, by a person acting under any public duty or by a person providing ambulance or rescue facilities by air, of measures in connection with circumstances, existing or imminent at the time the aircraft is used, which may cause danger to persons or property,
- (d) civil defence, military or police purposes.

(6) Displaying a mark or inscription (other than an illuminated sign) on the body of an aeroplane or helicopter.

(7) Displaying an advertisement on an item of street furniture provided that the advertisement—

- (a) is not illuminated,
- (b) bears only the name, contact details and device (or any one or more of those things) of the manufacturer, owner and operator of the street furniture (or any one or more of those persons), and
- (c) is not displayed as part of an ambush marketing campaign.

(8) Paragraph (3) does not apply to the distribution or provision of a current newspaper or periodical in a street if the distribution or provision is done from a receptacle that causes undue interference or inconvenience to persons using the street.

Advertising undertaken or authorised by the London Organising Committee

11.—(1) Regulation 6 does not apply to advertising activity undertaken or controlled by—

- (a) the London Organising Committee⁽⁸⁾, or
 - (b) any person authorised by the Committee (whether or not subject to terms and conditions imposed by the Committee and whether or not in accordance with a sponsorship or other commercial agreement with the Committee).
- (2) Subject to these Regulations, the Committee has an absolute discretion in respect of each application to it for authorisation.
- (3) The Committee must have regard to the provisions of the Host City Contract⁽⁹⁾ before engaging in advertising activity or granting an authorisation under this regulation.
- (4) The Committee’s right to engage in advertising activity pursuant to this regulation and any authorisation granted by it are subject to all of the following conditions—
- (a) that the advertiser must hold any licence which, in addition to authorisation by or under this regulation, is required before a person may engage in advertising activity (whether in a particular place or generally),
 - (b) that no advertisement be sited or displayed so as to—
 - (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome,
 - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air, or
 - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle,
 - (c) that the advertiser maintain any advertisement in a condition that does not—
 - (i) impair the visual amenity of the site, or
 - (ii) endanger the public.

PART 3

Trading Activity

Interpretation of this Part

- 12.**—(1) In this Part—
- (a) a reference to a person who engages in trading activity is to be treated as including a person to whom regulation 13(2) applies,
 - (b) a reference (however phrased) to selling an article includes exposing or offering an article for sale,
 - (c) a reference (however phrased) to supplying a service includes offering to supply a service,
 - (d) “motor vehicle” has the same meaning as in the Road Traffic Act 1988⁽¹⁰⁾,
 - (e) “open public place” means—
 - (i) a highway, or
 - (ii) another place—

⁽⁸⁾ “the London Organising Committee” is defined in section 1(3)(d) of the Act. Since the passing of the Act, the London Organising Committee has changed its registered name to The London Organising Committee of the Olympic Games and Paralympic Games Limited.

⁽⁹⁾ “Host City Contract” is defined in section 1(3)(e) of the Act.

⁽¹⁰⁾ 1988 c. 52. See section 185 of that Act.

- (aa) to which the public have access (whether generally or only for the purpose of the trading activity), and
 - (bb) which is not in a building other than one designed or generally used for the parking of cars,
- (f) “performance of a play” means performance of any dramatic piece, whether involving improvisation or not—
- (i) which is given wholly or in part by one or more persons actually present and performing, and
 - (ii) in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role,
- (g) “public entertainment” means entertainment of one of the following descriptions provided for members of the public—
- (i) a performance of live music,
 - (ii) any playing of recorded music,
 - (iii) a performance of dance,
 - (iv) a performance of a play,
 - (v) entertainment of a similar description to that falling within sub-paragraphs (i) to (iv),
- (h) “selling an article” includes (without prejudice to the generality of that term) trading by a person acting as a pedlar (whether or not under the authority of a pedlar’s certificate granted under the Pedlars Act 1871(11)),
- (i) “trading activity” means carrying out one or more of the following activities in an open public place—
- (i) selling an article,
 - (ii) supplying a service,
 - (iii) making an appeal to members of the public to give money (by whatever means) or other property (or both) for charitable or other purposes (whether or not authorised by or under any enactment),
 - (iv) providing public entertainment for gain or reward.
- (2) In determining whether activity amounts to trading activity for the purposes of this Part the following matters are to be disregarded—
- (a) the fact that gain or reward arising from the activity does not accrue to the person actually carrying out the activity,
 - (b) the fact that either party to a transaction is not in an open public place when one of the following activities occurs—
 - (i) an offer or exposure for sale of an article,
 - (ii) an offer to supply a service,
 - (iii) the completion of the transaction,
 - (c) the fact that a transaction is not completed in an open public place, if one of the following activities occurs in such a place—
 - (i) an offer or exposure for sale of an article,
 - (ii) an offer to supply a service,

- (d) the fact that an article actually sold or service actually supplied is different from that offered or exposed for sale.

Control of trading

13.—(1) A person must not engage in trading activity in an event zone during the relevant event period or periods.

(2) A person is to be treated as contravening paragraph (1) if that person arranges (at any time and in any place) for trading activity to take place in an event zone during the relevant event period or periods.

(3) A person is also to be treated as contravening paragraph (1) if trading activity in an event zone during the relevant event period or periods—

- (a) is undertaken by a business or other concern in which that person has an interest or for which the person is responsible, or
- (b) takes place on land that the person owns or occupies or of which that person has responsibility for the management.

(4) But paragraph (3) does not apply to a person who proves that—

- (a) the trading activity took place without their knowledge, or
- (b) they took all reasonable steps to prevent the trading activity taking place or, where it has taken place, to prevent it continuing or recurring.

(5) Without prejudice to the generality of paragraph (3)—

- (a) a person is to be treated as having an interest in or responsibility for a business or other concern if that person is an officer of the business or concern,
- (b) a person is to be treated as having responsibility for the management of land if that person is an officer of a business or other concern that owns, occupies or has responsibility for the management of the land.

(6) In paragraph (5), “an officer” means a director, manager, secretary or other similar officer.

(7) This regulation applies in relation to trading activity whether or not it consists of the result or continuation of activity carried out before these Regulations came into force.

Exceptions

14.—(1) Regulation 13 does not apply to trading activity of a description falling within paragraphs (2) to (12).

(2) Selling a current newspaper or periodical.

(3) Trading activity undertaken or controlled by the London Organising Committee on enclosed land on which a London Olympic Event is taking place or to take place.

(4) Selling or delivering an article to a person in premises adjoining a highway.

(5) Selling a motor vehicle on private land generally used for the sale of motor vehicles.

(6) Supplying motor vehicle cleaning services on private land generally used for the supply of those services.

(7) Supplying motor vehicle parking services in a building or on other land designed or generally used for the parking of motor vehicles.

(8) Providing a public sanitary convenience.

(9) Providing a permanent telephone kiosk.

(10) Trading as a walking tour operator.

- (11) Supplying public transport services including tourist services.
- (12) Trading activity on private land adjacent to exempt retail premises provided that the trading activity—
- (a) forms part of the usual business of the owner of the premises or a person assessed for uniform business rate in respect of the premises, and
 - (b) takes place during the period during which the premises are open to the public for business.
- (13) Paragraph (2) does not apply to selling a current newspaper or periodical in a street if the selling is done from a receptacle that causes undue interference or inconvenience to persons using the street.
- (14) In this regulation—
- “exempt retail premises” means a building normally used as—
 - (a) a shop,
 - (b) a restaurant, bar, or other premises used for the supply of meals, refreshments or alcohol to the public, or
 - (c) a petrol filling station,
 - “sanitary convenience” has the same meaning as in the Building Act 1984(12),
 - “tourist services” means public transport services primarily for the benefit of tourists, and
 - “walking tour operator” means a person that supplies services to the public comprising tours of an area on foot.

Trading activity authorised by the Olympic Delivery Authority &c.

- 15.—(1) Regulation 13 does not apply to trading activity undertaken in accordance with an authorisation granted by the Authority(13).
- (2) Subject to these Regulations, the Authority has an absolute discretion in respect of each application for authorisation.
- (3) The Authority must have regard to the provisions of the Host City Contract before granting an authorisation under this regulation.
- (4) An authorisation granted under this regulation is subject to the condition that any person who engages in trading activity in reliance on the authorisation must hold any licence which, in addition to authorisation under this regulation, is required before the person may engage in trading activity (whether in a particular place or generally).
- (5) In this regulation, “Authority” means—
- (a) the Olympic Delivery Authority, or
 - (b) a person to whom the function of granting authorisations for the purpose of this regulation is delegated by the Olympic Delivery Authority.

(12) 1984 c. 55. See section 126 of that Act. There are amendments to section 126 that are not relevant to these Regulations.

(13) Under section 25(7) of the Act, an authorisation granted by the Authority may be subject to terms and conditions.

PART 4

Rights of review

Interpretation of this Part

16. In this Part—

“applicant” has the meaning given in regulation 17(1),

“authorisation” means an authorisation granted—

- (a) under regulation 11(1)(b) in relation to advertising activity, or
- (b) under regulation 15 in relation to trading activity, and

“authoriser” means—

- (a) in relation to an application for an authorisation under regulation 11(1)(b), the London Organising Committee, or
- (b) in relation to an application for an authorisation under regulation 15, the Authority (within the meaning of that regulation).

Right to seek review

17.—(1) A person who has applied for an authorisation (an “applicant”) and is dissatisfied with the decision of the authoriser may request the Olympic Delivery Authority to review the decision of the authoriser.

(2) Such a request must—

- (a) be in writing,
- (b) include or be accompanied by such information or evidence as the applicant considers relevant, and
- (c) be made within a period of 21 days beginning with the date on which the authoriser’s decision was communicated to the applicant.

(3) Within a period of 21 days beginning with the date on which the Authority receives such a request, it must review the authoriser’s decision.

(4) On reviewing the authoriser’s decision, the Authority may—

- (a) confirm the original decision, or
- (b) substitute a new decision for the original decision.

(5) As soon as practicable after making a decision on the review, the Authority must send a written notice to the applicant stating its decision and the reasons for that decision.

(6) The decision of the Authority on the review is final.

PART 5

Compensation

Interpretation of this Part

18. In this Part—

“claimant” has the meaning given in regulation 20(1),

“decision notice” means a notice issued by a relevant authority under regulation 22(2)(b) or (3),

“enforcement officer” means a person designated for the purpose of section 22 or 28 of the Act (enforcement powers) by the Olympic Delivery Authority,

“notice of claim” has the meaning given in regulation 20(1), and

“relevant authority”, in relation to the exercise or purported exercise of a power under section 22 or 28 of the Act, means—

- (a) if the exercise or purported exercise of the power was by an enforcement officer, the Olympic Delivery Authority, or
- (b) if the exercise or purported exercise of the power was by a constable, the police authority for the police force of which the constable is a member.

Entitlement to compensation for damage to property

19.—(1) A person whose property is damaged in the course of the exercise or purported exercise of a power under section 22 or 28 of the Act is entitled to compensation from the relevant authority in accordance with this Part.

(2) But a person who, in the reasonable belief of the relevant authority, is responsible for a contravention of these Regulations is not entitled to compensation.

(3) The amount of compensation payable is the total of—

- (a) the cost of repairing the property to its previous condition (or, in the case of property which is impossible or not commercially worthwhile to repair, the cost of replacing the property), and
- (b) any other loss which was a direct result of the damage to the property.

Notice of claim

20.—(1) A person entitled to compensation under this Part (a “claimant”) may send a written notice (a “notice of claim”) to the relevant authority claiming that compensation.

(2) A notice of claim must be sent within—

- (a) a period of 30 days beginning with the date on which damage occurred, or
- (b) such longer period as agreed by the relevant authority in writing.

(3) A notice of claim must include or be accompanied by all of the following information and evidence—

- (a) the claimant’s full name,
- (b) the date on which the damage occurred,
- (c) the address or location at which the damage occurred,
- (d) the amount of compensation claimed (in accordance with regulation 19(3)) and the basis upon which the compensation was calculated,
- (e) a description of—
 - (i) the property damaged,
 - (ii) the nature of the damage, and
 - (iii) the nature of any further loss which flowed from the damage for which compensation is claimed,
- (f) photographs, receipts, quotations or other evidence as to the matters referred to in subparagraphs (a) to (e).

Initial consideration of claim

21.—(1) Within a period of 14 days beginning with the date on which the relevant authority receives a notice of claim it must determine whether it has received sufficient information and evidence to enable it to decide the following matters—

- (a) whether the claimant is entitled to compensation under this Part,
- (b) where the claimant is so entitled, the amount of the compensation.

(2) If the authority determines that it has not received sufficient information or evidence, it must send the claimant a written notice stating the further information or evidence that it requires.

(3) The claimant must send the authority the information or evidence stated in such a notice within—

- (a) a period of 14 days beginning with the date on which the claimant receives the notice, or
- (b) such longer period as agreed by the relevant authority in writing.

(4) Within a period of 7 days beginning with the date on which the authority receives further information or evidence following such a notice, it must make the determination referred to in paragraph (4) again (and the other paragraphs of this regulation apply to that new determination).

Authority's decision on a claim

22.—(1) If a relevant authority determines under regulation 21 that it has received sufficient information and evidence it must, within a period of 14 days beginning with the date of that determination, decide the matters referred to in regulation 21(1)(a) and (b).

(2) If the authority decides that the claimant is entitled to compensation it must—

- (a) pay to the claimant the amount of compensation stated in the notice of claim, or
- (b) if it decides that the claimant is entitled to a lesser amount of compensation, send a notice in writing to the claimant—
 - (i) offering that lesser amount, and
 - (ii) stating the reasons for its decision.

(3) If the authority decides that the claimant is not entitled to compensation it must send a notice in writing to the claimant—

- (a) declining the claim, and
- (b) stating the reasons for its decision.

(4) A claimant who receives a decision notice offering a lesser amount of compensation than that stated in the notice of claim may agree, in writing, to accept that lesser amount (in which case the authority must pay that amount to the claimant).

(5) A decision notice must contain particulars of the claimant's rights to—

- (a) request a review of the decision, under regulation 23, and
- (b) appeal a decision on a review, under regulation 24.

Review of decision on a claim

23.—(1) A claimant who receives a decision notice may request the relevant authority to review its decision.

(2) Such a request must—

- (a) be in writing,
- (b) be made within—

- (i) a period of 14 days beginning with the date on which the decision notice was received, or
 - (ii) such longer period agreed by the relevant authority in writing, and
 - (c) include or be accompanied by such information or evidence as the claimant considers relevant.
- (3) Within a period of 14 days beginning with the date on which a relevant authority receives such a request it must review its decision under regulation 22.
- (4) On reviewing its decision, the authority may—
- (a) confirm the original decision, or
 - (b) substitute a new decision for the original decision.
- (5) But on reviewing its decision the authority may not substitute a lesser amount of compensation for that stated in the decision notice.
- (6) The authority must send a written notice to the claimant stating its decision on the review and the reasons for that decision.
- (7) A notice under paragraph (6) must contain particulars of the claimant’s right to appeal a decision on a review under regulation 24.

Appeal to the county court

- 24.—(1) A claimant that is dissatisfied with a decision of the relevant authority on a review under regulation 23 may appeal to the county court.
- (2) An appeal must be brought within a period of 21 days beginning with the date on which the claimant received written notice of the authority’s decision on review.
- (3) The court may give permission for an appeal to be brought after the end of that period, but only if it is satisfied—
- (a) where permission is sought before the end of that period, that there is a good reason for the claimant to be unable to bring the appeal in time, or
 - (b) where permission is sought after the end of that period, that there is a good reason for the claimant’s failure to bring the appeal in time and for any delay in applying for permission.
- (4) An appeal under this regulation is to be by way of rehearing and the court may make such order confirming, quashing or varying the decision as it thinks fit.

Date

Hugh Robertson
Parliamentary Under Secretary of State
Department for Culture, Media and Sport

SCHEDULE 1

Regulation 3

Meaning of “event zone”

1. In these Regulations, “event zone” means each of the following zones:
 - (a) the City of Coventry Stadium zone,
 - (b) the Earls Court zone,
 - (c) the Eton Dorney zone,
 - (d) the ExCel zone,
 - (e) the Greenwich Park zone,
 - (f) the Hadleigh Farm zone,
 - (g) the Horse Guards Parade zone,
 - (h) the Hyde Park zone,
 - (i) the Lee Valley White Water Centre zone,
 - (j) the Lord’s Cricket Ground zone,
 - (k) the North Greenwich Arena zone,
 - (l) the Old Trafford zone,
 - (m) the Olympic marathon zone,
 - (n) the Olympic Park zone,
 - (o) the Olympic race walk zone,
 - (p) the Olympic road cycling zone,
 - (q) the Olympic time trial zone.
 - (r) the Olympic triathlon zone,
 - (s) the Paralympic marathon zone,
 - (t) the Paralympic road cycling zone.
 - (u) the Royal Artillery Barracks zone,
 - (v) the St James Park Stadium zone,
 - (w) the Wembley zone,
 - (x) the Weymouth and Portland zone, and
 - (y) the Wimbledon zone.
2. An event zone comprises the non-shaded area that is bounded externally by a dotted green line shown on the deposited map together with—
 - (a) any road on the deposited map that is marked with a blue line (an “event road”),
 - (b) the pavement on each side of an event road or, where there is no pavement, the land or water that is within two metres of each side of the road, but excluding the frontage of any building on that pavement or land, and
 - (c) where an event road is carried by a bridge, the entire structure of that bridge.
3. An event zone includes the airspace above the land or water in that zone.
4. If any part of a railway station is on or above the ground in an event zone, all parts of that station (whether on, above or under the ground and whether in or outside the event zone) are to be taken as being within the event zone.

5. In this Schedule, “the deposited map” means, in relation to an event zone, the map bearing the name of the event zone, the signature of a deputy director of the Department for Culture, Media and Sport, the title of these Regulations and the date September 2011, of which prints are deposited and available for inspection at the offices of—

- (a) the Department for Culture, Media and Sport,
- (b) the Olympic Delivery Authority, and
- (c) in relation to the deposited map for an event zone, a local authority indicated in column (2) of the following table that is adjacent to the event zone in column (1) of that table.

<i>(1)</i>	<i>(2)</i>
<i>Event zone</i>	<i>Local authority or authorities</i>
City of Coventry Stadium zone	Coventry City Council
Earls Court zone	Royal Borough of Kensington and Chelsea
Eton Dorney zone	Royal Borough of Windsor and Maidenhead
ExCel zone	London Borough of Newham
Greenwich Park zone	London Borough of Greenwich
Hadleigh Farm zone	Castle Point Borough Council
Horse Guards Parade zone	Westminster City Council
Hyde Park zone	Westminster City Council
Lee Valley White Water Centre zone	Broxbourne Borough Council
Lord’s Cricket Ground zone	Westminster City Council
North Greenwich Arena zone	London Borough of Greenwich
Old Trafford zone	Trafford Metropolitan Borough Council
Olympic marathon zone	(a) Westminster City Council (b) City of London Corporation
Olympic Park zone	(a) London Borough of Hackney (b) London Borough of Newham (c) London Borough of Tower Hamlets (d) London Borough of Waltham Forest
Olympic race walk zone	Westminster City Council
Olympic road cycling zone	(a) Westminster City Council (b) Royal Borough of Kensington and Chelsea (c) London Borough of Hammersmith and Fulham (d) London Borough of Wandsworth (e) London Borough of Richmond upon Thames (f) Royal Borough of Kingston upon Thames (g) Elmbridge Borough Council (h) Mole Valley District Council

<i>(1)</i>	<i>(2)</i>
<i>Event zone</i>	<i>Local authority or authorities</i>
	(i) Guildford Borough Council
	(j) Woking Borough Council
Olympic time trial zone	(a) London Borough of Richmond upon Thames
	(b) Royal Borough of Kingston upon Thames
	(c) Elmbridge Borough Council
Olympic triathlon zone	Westminster City Council
Paralympic marathon zone	(a) Westminster City Council
	(b) City of London Corporation
Paralympic road cycling zone	Sevenoaks District Council
Royal Artillery Barracks zone	London Borough of Greenwich
St James' Park Stadium zone	Newcastle City Council
Wembley zone	London Borough of Brent
Weymouth and Portland zone	Weymouth and Portland Borough Council
Wimbledon zone	London Borough of Merton

SCHEDULE 2

Regulation 3

Relevant event period or periods

<i>(1)</i>	<i>(2)</i>
<i>Event zone</i>	<i>Relevant event period or periods</i>
City of Coventry Stadium zone	(a) From the beginning of 24th July 2012 to the end of 3rd August 2012
	(b) From the beginning of 8th August 2012 to the end of 9th August 2012
Earls Court zone	From the beginning of 27th July 2012 to the end of 12th August 2012
Eton Dorney zone	(a) From the beginning of 27th July 2012 to the end of 11th August 2012
	(b) From the beginning of 30th August 2012 to the end of 3rd September 2012
ExCel zone	(a) From the beginning of 27th July 2012 to the end of 12th August 2012
	(b) From the beginning of 29th August 2012 to the end of 8th September 2012
Greenwich Park zone	(a) From the beginning of 27th July 2012 to the end of 12th August 2012

<i>(1)</i>	<i>(2)</i>
<i>Event zone</i>	<i>Relevant event period or periods</i>
	(b) From the beginning of 29th August 2012 to the end of 4th September 2012
Hadleigh Farm zone	From the beginning of 10th August 2012 to the end of 12th August 2012
Horse Guards Parade zone	From the beginning of 27th July 2012 to the end of 9th August 2012
Hyde Park zone	From the beginning of 8th August 2012 to the end of 10th August 2012
Lee Valley White Water Centre zone	From the beginning of 28th July 2012 to the end of 2nd August 2012
Lord's Cricket Ground zone	From the beginning of 26th July 2012 to the end of 3rd August 2012
North Greenwich Arena zone	(a) From the beginning of 27th July 2012 to the end of 12th August 2012 (b) From the beginning of 29th August 2012 to the end of 8th September 2012
Old Trafford zone	(a) From the beginning of 25th July 2012 to the end of 26th July 2012 (b) From the beginning of 28th July 2012 to the end of 1st August 2012 (c) From the beginning of 3rd August 2012 to the end of 7th August 2012
Olympic marathon zone	(a) From the beginning of 5th August 2012 to the end of that day (b) From the beginning of 12th August 2012 to the end of that day
Olympic Park zone	(a) From the beginning of 23rd July 2012 to the end of 13th August 2012 (b) From the beginning of 28th August 2012 to the end of 9th September 2010
Olympic race walk zone	(a) From the beginning of 4th August 2012 to the end of that day (b) From the beginning of 11th August 2012 to the end of that day
Olympic road cycling zone	From the beginning of 28th July 2012 to the end of 29th July 2012
Olympic time trial zone	From the beginning of 1st August 2012 to the end of that day
Olympic triathlon zone	(a) From the beginning of 4th August 2012 to the end of that day (b) From the beginning of 7th August 2012 to the end of that day

<i>(1)</i>	<i>(2)</i>
<i>Event zone</i>	<i>Relevant event period or periods</i>
Paralympic marathon zone	From the beginning of 9th September 2012 to the end of that day
Paralympic road cycling zone	From the beginning of 5th September 2012 to the end of 8th September 2012
Royal Artillery Barracks zone	(a) From the beginning of 27th July 2012 to the end of 6th August 2012 (b) From the beginning of 29th August 2012 to the end of 6th September 2012
St James' Park Stadium zone	(a) From the beginning of 25th July 2012 to the end of 26th July 2012 (b) From the beginning of 28th July 2012 to the end of 4th August 2012
Wembley zone	From the beginning of 27th July 2012 to the end of 12th August 2012
Weymouth and Portland zone	(a) From the beginning of 28th July 2012 to the end of 12th August 2012 (b) From the beginning of 31st August 2012 to the end of 7th September 2012
Wimbledon zone	From the beginning of 27th July 2012 to the end of 6th August 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations control advertising and trading activity in areas around London 2012 Olympic and Paralympic Games events in England (“event zones”) during the period or periods when those events take place (the “relevant event period or periods”). Regulation 4 makes clear that nothing in the Regulations authorises a person to do anything that is prohibited by or under any enactment or rule of law, or affects any requirement under an enactment or rule of law that requires a person to hold a licence (as defined in regulation 3) before engaging in a particular activity.

There are 25 event zones. They are defined in Schedule 1 by reference to maps that are available for inspection at the offices of the Department for Culture, Media and Sport, the Olympic Delivery Authority (“ODA”), and the relevant local authority or authorities set out in the table following paragraph 5 of Schedule 1. The relevant event period or periods for each event zone are set out in Schedule 2.

Regulation 6 prohibits a person from engaging in advertising activity in an event zone during the relevant event period or periods (the “advertising prohibition”).

Regulation 5 defines “advertising activity” to mean displaying an advertisement or distributing or providing promotional material. “Advertisement”, “displaying an advertisement” and “promotional material” are defined in the same regulation and specific provision is made in regulation 5(3) for advertisements displayed on mobile telephones and other personal interactive communication devices.

A person is to be treated as contravening the advertising prohibition if the person arranges for advertising activity to take place in an event zone during the relevant event period or periods (see regulation 6(2)). Under regulation 6(3), a person is also to be treated as engaging in advertising activity where such activity:

- relates to a good, service, business or other concern in which the person has an interest or for which the person is responsible, or
- takes place on land, premises or other property that the person owns or occupies or of which the person has responsibility for the management.

Regulation 6(4) specifies people who are to be treated as satisfying these criteria.

Section 21(1) of the London Olympic Games and Paralympic Games Act 2006 (the “2006 Act”) makes it an offence to contravene advertising regulations made under section 19 of that Act. Under section 21(2) of the 2006 Act, a person charged with such an offence has a defence if they prove that the contravention occurred without their knowledge or despite their taking all reasonable steps to prevent it from occurring or (where they became aware of it after its commencement) from continuing.

Regulations 7 to 10 specify exceptions to the advertising prohibition. The exception in regulation 7 is for activity intended to demonstrate support for or opposition to the views or actions of a person or body of persons, publicise a belief, cause or campaign, or mark or commemorate an event. The exception does not apply to advertising activity that promotes or advertises a good, service, or person or body (excluding a not-for-profit body as defined in regulation 5) that provides a good or service.

The exception in regulation 8 is for an individual who engages in advertising activity only by wearing advertising attire, displaying an advertisement on his or her body, or carrying or holding personal property on which an advertisement is displayed. “Advertising attire” is defined in regulation 5 to mean a costume that is an advertisement or clothing on which an advertisement is displayed. For the exception to apply, the individual must not know or have reasonable cause to believe that he or she is participating in an ambush marketing campaign (also defined in regulation 5). The application of this exception to an individual does not affect the application of the advertising prohibition to any other person (whether in respect of the same advertising activity or otherwise).

The exceptions in regulation 9 are modelled on provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the “Town and Country Planning Regulations”). Under regulation 9(1)(a), the advertising prohibition does not apply to the display of an advertisement within a Class of advertisement specified in Schedule 1 to the Town and Country Planning Regulations, provided that the specified conditions are complied with. Under regulation 9(1)(b) the advertising prohibition does not apply to the display of an advertisement within a Class of advertisement specified in Part 1 of Schedule 3 to the Town and Country Planning Regulations, subject to the conditions and limitations referred to in regulation 6(1) of those Regulations. But the exception in regulation 9(1) does not apply to the display of an advertisement of a description set out in regulation 9(2) (which describes certain advertisements by reference to the Classes of advertisement in Schedules 1 and 3 to the Town and Country Planning Regulations).

Regulation 10 specifies other exceptions to the advertising prohibition.

In addition to the defence set out in section 21 of the 2006 Act and the exceptions specified in regulations 7 to 10, regulation 11 provides that the advertising prohibition does not apply to advertising activity undertaken or controlled by:

- the London Organising Committee of the Olympic Games and Paralympic Games Limited (“LOCOG”), or
- a person authorised by LOCOG.

LOCOG’s right to engage in advertising activity under regulation 11 and any authorisation granted by it are subject to the conditions specified in regulation 11(4), including that the advertiser hold any licence (as defined in regulation 3) which, in addition to authorisation by or under regulation 11, is required before a person may engage in advertising activity (whether in a particular place or generally). A person who applies for an authorisation and is dissatisfied with LOCOG’s decision may request the ODA to review LOCOG’s decision (see regulation 17).

Regulation 13 prohibits a person from engaging in trading activity in an event zone during the relevant event period or periods (the “trading prohibition”). Section 27 of the 2006 Act provides that it is an offence to contravene trading regulations made under section 25 of that Act.

Regulation 12 defines trading activity as carrying out one or more of the activities specified in that regulation in an open public place. “Open public place” is defined in that regulation to mean a highway or another place to which the public have access and which is not in a building (other than one designed or generally used for the parking of cars). The matters specified in regulation 12(2) are to be disregarded when determining whether activity amounts to trading activity.

A person is to be treated as contravening the trading prohibition if the person arranges for trading activity to take place in an event zone during the relevant event period or periods (see regulation 13(2)). Under regulation 13(3), a person (a “business or land owner”) is also to be treated as engaging in trading activity where trading activity:

- is undertaken by a business or other concern in which the person has an interest or for which the person is responsible, or
- takes place on land that the person owns or occupies or of which the person has responsibility for the management.

Regulation 13(5) specifies people who are to be treated as satisfying these criteria. But Regulation 13(4) provides that a business or land owner is not to be treated as engaging in street trading if he or she proves that the street trading took place without his or her knowledge or that he or she took all reasonable steps to prevent the street trading taking place or, where it has taken place, to prevent it continuing or recurring.

Regulation 14 specifies exceptions to the trading prohibition.

In addition, regulation 15 provides that the trading prohibition does not apply to trading activity undertaken in accordance with an authorisation granted by the ODA or a person to whom the function of granting authorisations is delegated by the ODA. The ODA (or its delegate, as the case may be) may impose terms and conditions on any authorisation under section 25(7) of the 2006 Act. Under regulation 15(4) an authorisation is subject to the condition that any person who engages in trading activity in reliance on the authorisation hold any licence (as defined in regulation 3) which, in addition to authorisation under regulation 15, is required before the person may engage in street trading (whether in a particular place or generally). A person who applies for an authorisation and is dissatisfied with the ODA’s (or its delegate’s) decision may request ODA to review the decision (see regulation 17).

Part 5 provides for compensation for a person whose property is damaged in course of the exercise or purported exercise of an enforcement power under section 22 or 28 of the 2006 Act. Under regulation 19(2) a person who, in the reasonable belief of the ODA or (as the case may be) the police authority, is responsible for a contravention of the regulations is not entitled to compensation. The amount of compensation payable is specified in regulation 19(3). Regulations 20 to 24 set out the procedure by which compensation may be obtained.

Document Generated: 2023-05-23

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The London Olympic Games and Paralympic Games (Advertising and Trading) (England) Regulations 2011 No. 2898