
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 377 (C. 29)

SPORTS GROUNDS AND SPORTING EVENTS

The Glasgow Commonwealth Games Act
2008 (Commencement No. 2) Order 2009

Made - - - - 27th October 2009

The Scottish Ministers make the following Order in exercise of the powers conferred by section 49(2) of the Glasgow Commonwealth Games Act 2008(1).

Citation

1. This Order may be cited as the Glasgow Commonwealth Games Act 2008 (Commencement No. 2) Order 2009.

Appointed day

2. The appointed day for the coming into force of the provisions of the Glasgow Commonwealth Games Act 2008 specified in column 1 of the Schedule, the subject matter being specified in column 2, is 13th November 2009.

St Andrew's House, Edinburgh
27th October 2009

SHONA ROBISON
Authorised to sign by the Scottish Ministers

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SCHEDULE

<i>Column 1</i>	<i>Column 2</i>
<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 1	The Glasgow Commonwealth Games
Section 2(3)	Ban on outdoor trading in the vicinity of Games locations
Section 3	Trading activities, places and prohibited times
Section 4	Authorised trading
Section 5	Trading authorisation: conditions
Section 6	Trading permitted without authorisation
Section 9	Guidance and information about trading
Section 10(2)	Ban on advertising in the vicinity of Games locations
Section 11(4)	Advertising activities, places and prohibited times
Section 12	Authorised advertising
Section 13	Advertising authorisation: conditions
Section 14	Advertising permitted without authorisation
Section 16	Guidance and information about advertising
Section 19	Use of internet etc
Section 20(4)	Authorised ticket sales
Section 21	Enforcement officers
Section 30(2)	Compensation and recovery of costs
Section 33	Actions under sections 22 to 29: procedure
Section 37	Transport plan
Section 38	Games traffic regulation orders
Section 39	Urgent traffic regulation measures
Section 40	Power to direct councils to regulate road use for Games purposes
Section 44	Consultation
Section 45	Factors for Ministers to consider
Section 46	Notice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 13th November 2009 certain provisions of the Glasgow Commonwealth Games Act 2008 (“the Act”) as specified in the Schedule.

Section 1 provides for the interpretation of principal terms of the Act.

Section 2(3) empowers the Scottish Ministers to make regulations in respect of trading around Games locations as defined in section 1 and to provide for exemptions from the trading offence created by section 2(1). Section 3 enables regulations to be made to prescribe certain criteria in relation to trading activities, places and prohibited times. Section 4 provides for regulations to be made to authorise trading in prescribed circumstances. Section 5 makes provision in relation to conditions attached to an authorisation granted under section 4. Section 6 enables regulations to prescribe the circumstances in which trading would be permitted without the need for authorisation. Section 9 allows the Organising Committee (as defined in section 1) to issue guidance about trading within the vicinity of Games locations. Section 9(2) allows for regulations to be made to require prescribed persons to inform others of the likely effect of the ban on trading in the vicinity of Games locations and of the trading regulations. The regulation may also require a person who grants a trading licence to inform the licensee of the effect of section 7.

Section 10(2) empowers the Scottish Ministers to make regulations in respect of advertising around Games locations as defined in section 1 and to provide for exceptions to an advertising offence created by section 10(1). Section 11(4) enables regulations to be made to define the “vicinity of a Games location” for the purpose of the advertising offence and to set the times during which the advertising prohibition will apply. Section 12 allows the advertising regulations to prescribe circumstances in which persons may be authorised to advertise in a way which would otherwise constitute an advertising offence. Section 13 makes provision in relation to conditions attached to an authorisation granted under section 12. Section 14 enables the Scottish Ministers to make regulations to prescribe criteria for the circumstances in which advertising would be permitted without the need for authorisation.

Section 16 allows the Organising Committee to issue guidance about advertising within the vicinity of Games locations. It also allows for the advertising regulations to require prescribed persons to inform others of the likely effect of the ban on advertising in the vicinity of Games locations (section 10) and of the advertising regulations.

Section 19 enables regulations to be made to determine circumstances in which use of the internet or other electronic media may or may not constitute a touting offence under section 17.

Section 20(4) empowers the Scottish Ministers to make regulations to limit the amount of any fee charged by the Organising Committee in relation to authorisations to be granted under section 17(4) (b).

Section 21 provides a definition of “enforcement officers”. Subsection (2) restricts the power of designation so that only inspectors of weights and or other individuals who meet criteria to be specified in regulations made under paragraph (b) may be designated.

Section 30(2) enables regulations to be made making provision about claiming compensation, determining the compensation due and for determining which court, tribunal or other body would determine any disputed compensation.

Section 33 allows regulations to be made specifying further procedures which an enforcement officer or constable must follow when carrying out any enforcement activity under sections 22 to 29.

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Section 37 makes provision for production of a Games transport plan by the Organising Committee and sets out consultation requirements.

Section 38 enables the making of road traffic orders by the traffic authority. Section 39 allows the traffic authority, by notice, to temporarily restrict or prohibit road use where it is necessary or expedient, to do so without delay. Section 40 makes provisions as to the power of the Scottish Ministers to direct councils as to regulation of road use for Games purposes.

Section 44 sets out the consultation requirements for the Scottish Ministers before making the first trading or advertising regulations under the Act. Section 45 makes provision as to factors to which the Scottish Ministers must have regard to when making the trading or advertising regulations and section 46 requires the Scottish Ministers to give public notice of trading and advertising regulations within prescribed timescales.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by a commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 41 and 42	20th June 2008	2008/245