



London Olympic Games and Paralympic Games Act 2006

2006 CHAPTER 12

Trading

25 Street trading, &c.

- (1) The Secretary of State shall make regulations about trading in the vicinity of London Olympic events.
- (2) In making the regulations the Secretary of State—
 - (a) shall aim to secure compliance with obligations imposed on any person by the Host City Contract,
 - (b) shall have regard to any requests or guidance from the International Olympic Committee, and
 - (c) shall also have regard to amenity and public safety (including in each case the need to avoid congestion).
- (3) The regulations shall specify, or provide criteria for determining—
 - (a) the places in respect of which the regulations apply,
 - (b) the nature of the trading in respect of which the regulations apply, and
 - (c) what is, or is not, to be treated for the purposes of the regulations as trading in the vicinity of a place.
- (4) The regulations may apply only in respect of trading which takes place—
 - (a) on a highway, or
 - (b) in another place—
 - (i) to which the public have access (whether generally or only for the purpose of the trading), and
 - (ii) which is not in any building other than one designed or generally used for the parking of cars.
- (5) The regulations shall specify, or provide criteria for determining, the period of time during which they apply; and—

- (a) the regulations shall apply only for such time as the Secretary of State considers necessary for the purpose of securing compliance with obligations imposed on any person by the Host City Contract, and
 - (b) the regulations may apply during different periods in respect of different places.
- (6) The regulations shall permit, subject to any specified conditions, trading in accordance with an authorisation granted by—
- (a) the Olympic Delivery Authority, or
 - (b) a person to whom the function of granting authorisations for the purpose of this subsection is delegated by the Authority (and the Authority may delegate the function to different persons in respect of different areas or activities).
- (7) An authorisation may be subject to terms and conditions; in particular—
- (a) an authorisation may be subject to terms and conditions about the times at which trading is carried out or about steps to be taken in respect of congestion, litter or noise, and
 - (b) an authorisation granted to a person may be subject to terms and conditions which are inconsistent with, or more onerous than, the terms and conditions of any other licence held by the person in respect of trading.
- (8) The regulations shall include provision about the circumstances in which authorisations under subsection (6) may and may not be granted; and the regulations may, in particular—
- (a) stipulate that an authorisation be granted in respect of a place only if a specified kind of licence exists in respect of trading in that place;
 - (b) stipulate that an authorisation be granted in respect of a place only if it is designated for a specified purpose in accordance with a specified enactment;
 - (c) stipulate that an authorisation be granted to a person only if he holds a specified kind of licence in respect of trading;
 - (d) stipulate that an authorisation may be granted for trading in the course of a fair or market (which the regulations may define) only where—
 - (i) the fair or market is held in accordance with a specified kind of licence or right, and
 - (ii) any other specified conditions are satisfied;
 - (e) require the Authority to have regard to the provisions of the Host City Contract;
 - (f) confer, subject to provisions of the regulations, an absolute discretion in respect of each application for authorisation.

26 Section 25: supplemental

- (1) Regulations under section 25—
- (a) may, to a specified extent or for specified purposes, disapply or modify specified enactments relating to trading (which may include enactments conferring rights to conduct a fair or market),
 - (b) may apply (with or without modifications) or make provision similar to any enactment (which may include provision conferring a right of appeal in respect of the refusal of an authorisation),

- (c) may provide for exceptions which may be expressed by reference to the nature of trading, its circumstances, the application of profits or any other matter (which may include the consent of a specified person),
 - (d) may make provision which applies generally or only for specified purposes or in specified circumstances, and
 - (e) may make different provision for different purposes or circumstances.
- (2) Regulations under section 25—
- (a) shall be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (3) Before making regulations under section 25 the Secretary of State shall consult—
- (a) such authorities, with responsibilities for the licensing of trading in respect of places to which the regulations apply or may apply, as he thinks appropriate,
 - (b) such persons, who appear to the Secretary of State to represent interests likely to be affected by the regulations, as he thinks appropriate,
 - (c) the Olympic Delivery Authority, and
 - (d) the London Organising Committee.
- (4) Regulations under section 25 shall have effect despite any licence granted (whether before or after the commencement of the regulations)—
- (a) by any landowner, local authority or other person, or
 - (b) by or by virtue of any enactment, Charter or other document.
- (5) If regulations under section 25 would be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, they shall proceed in that House as if they were not a hybrid instrument.
- (6) In section 25 and this section “licence” includes any kind of consent, certificate, permission or authority (by whatever name).

27 Offence

- (1) A person commits an offence if he contravenes regulations under section 25.
- (2) A person guilty of an offence under subsection (1) shall be liable—
- (a) on conviction on indictment, to a fine, or
 - (b) on summary conviction, to a fine not exceeding £20,000.

28 Enforcement: power of entry

- (1) A constable or enforcement officer may—
- (a) enter land or premises on which they reasonably believe a contravention of regulations under section 25 is occurring;
 - (b) remove any infringing article;
 - (c) when entering land under paragraph (a), be accompanied by one or more persons for the purpose of taking action under paragraph (b);
 - (d) use, or authorise the use of, reasonable force for the purpose of taking action under this subsection.

- (2) The power to remove an article may be exercised only if the constable or enforcement officer thinks it necessary for the purpose of—
- (a) ending the contravention of regulations under section 25,
 - (b) preventing a future contravention of the regulations,
 - (c) enabling the article to be used as evidence in proceedings for an offence under section 27, or
 - (d) enabling the article to be forfeited in accordance with section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).
- (3) An article removed shall be returned when retention is no longer justified by a matter specified in subsection (2)(a) to (d); but this subsection does not apply to perishable articles which have ceased to be usable for trade.
- (4) An article removed—
- (a) if removed by an enforcement officer, shall as soon as is reasonably practicable be delivered to a constable, and
 - (b) whether removed by or delivered to a constable, shall be treated as if acquired by the constable in the course of the investigation of an offence;
- but this subsection is subject to subsection (3).
- (5) Having exercised a power under this section a constable or enforcement officer—
- (a) shall take reasonable steps to leave the land or premises secure, and
 - (b) shall comply with any provision of regulations under section 25 about informing specified persons of what the constable or enforcement officer has done.
- (6) Regulations under section 25 shall include provision enabling a person whose property is damaged in the course of the exercise or purported exercise of a power under this section (other than a person responsible for a contravention of the regulations) to obtain compensation from a police authority or the Olympic Delivery Authority; and the regulations may, in particular, include provision—
- (a) conferring jurisdiction on a court or tribunal;
 - (b) about appeals.
- (7) A police authority or the Olympic Delivery Authority may recover from a person responsible for the contravention of regulations under section 25, as if it were a debt, the reasonable costs of taking action under this section.
- (8) In this section—
- “enforcement officer” means a person designated for the purposes of that subsection by the Olympic Delivery Authority (and paragraph 29(1)(a) to (d) of Schedule 1 shall apply to an enforcement officer whether or not he is a member of the Authority’s staff), and
- “infringing article” means—
- (a) an article that is being offered for trade in contravention of regulations under section 25 or is otherwise being used in connection with a contravention of the regulations, and
 - (b) anything (other than a vehicle) containing an article to which paragraph (a) applies.

29 Role of Olympic Delivery Authority

- (1) The Olympic Delivery Authority shall—
 - (a) make arrangements to have the effect of regulations made or expected to be made under section 25 brought to the attention of persons likely to be affected or interested, and
 - (b) work with persons likely to be prevented by regulations under section 25 from carrying out their habitual trading activities in attempting to identify acceptable alternatives.
- (2) In exercising their function under subsection (1) the Authority shall—
 - (a) aim to give two years' notice of the general nature of the regulations, and
 - (b) aim to give six months' notice of the detailed provisions of the regulations.
- (3) The Olympic Delivery Authority—
 - (a) shall make available to persons who are or may be affected by regulations under section 25 advice about the effect or likely effect of the regulations, and
 - (b) may give assistance (which may include financial assistance) in complying with or avoiding breaches of the regulations.
- (4) The Olympic Delivery Authority may institute criminal proceedings in respect of an offence under section 27.
- (5) Subsection (4) shall not apply in relation to the institution of proceedings in Scotland or Northern Ireland.
- (6) The Olympic Delivery Authority shall—
 - (a) prepare a strategy for the exercise of their functions under this section and under or by virtue of sections 25 and 28,
 - (b) submit the strategy to the Secretary of State,
 - (c) revise the strategy until it obtains the Secretary of State's approval, and
 - (d) publish the strategy as approved.

30 Other authorities

- (1) The Secretary of State may by order require specified persons to give information about the effect or likely effect of regulations under section 25 to persons falling within a specified class.
- (2) In particular, the order may require a person who grants a consent, certificate, permission or authority (by whatever name) to inform the recipient of the effect of section 26(4).
- (3) An order under this section—
 - (a) shall be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

31 Sale of tickets

- (1) A person commits an offence if he sells an Olympic ticket—
 - (a) in a public place or in the course of a business, and

- (b) otherwise than in accordance with a written authorisation issued by the London Organising Committee.
- (2) For the purposes of subsection (1)—
- (a) “Olympic ticket” means anything which is or purports to be a ticket for one or more London Olympic events,
 - (b) a reference to selling a ticket includes a reference to—
 - (i) offering to sell a ticket,
 - (ii) exposing a ticket for sale,
 - (iii) advertising that a ticket is available for purchase, and
 - (iv) giving, or offering to give, a ticket to a person who pays or agrees to pay for some other goods or services, and
 - (c) a person shall (without prejudice to the generality of subsection (1)(a)) be treated as acting in the course of a business if he does anything as a result of which he makes a profit or aims to make a profit.
- (3) A person does not commit an offence under subsection (1) by advertising that a ticket is available for purchase if—
- (a) the sale of the ticket if purchased would be in the course of a business only by reason of subsection (2)(c), and
 - (b) the person does not know, and could not reasonably be expected to discover, that subsection (2)(c) would apply to the sale.
- (4) A person does not commit an offence under subsection (1) (whether actual or inchoate) only by virtue of making facilities available in connection with electronic communication or the storage of electronic data.
- (5) Where a person who provides services for electronic communication or for the storage of electronic data discovers that they are being used in connection with the commission of an offence under subsection (1), the defence in subsection (4) does not apply in respect of continued provision of the services after the shortest time reasonably required to withdraw them.
- (6) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) Section 32(2)(b) of the Police and Criminal Evidence Act 1984 (c. 60) (power to search premises) shall, in its application to the offence under subsection (1) above, permit the searching of a vehicle which a constable reasonably thinks was used in connection with the offence.
- (8) Subsection (9) applies where a person in Scotland is arrested in connection with the commission of an offence under subsection (1).
- (9) For the purposes of recovering evidence relating to the offence, a constable in Scotland may without warrant enter and search—
- (a) premises in which the person was when arrested or immediately before he was arrested, and
 - (b) a vehicle which the constable reasonably believes is being used or was used in connection with the offence.
- (10) Subsection (9) is without prejudice to any power of entry or search which is otherwise exercisable by a constable in Scotland.

- (11) The London Organising Committee shall make arrangements for the grant of authorisations under subsection (1)(b); and the arrangements may, in particular—
- (a) make provision about charges;
 - (b) enable the Committee to exercise unfettered discretion.
- (12) In this section a reference to a London Olympic event includes a reference to an event held by way of a pre-Olympic event in accordance with arrangements made by the London Organising Committee in pursuance of paragraph 7 of the Bye-Law to Rule 49 of the Olympic Charter.