

LONDON OLYMPIC GAMES AND PARALYMPIC GAMES (AMENDMENT) ACT 2011

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

Advertising and trading

4. Under the 2006 Act as enacted, advertising and trading regulations were to be subject to the affirmative resolution procedure in all cases – they could not be made unless a draft had been laid before and approved by Parliament (or the National Assembly for Wales or Scottish Parliament in the case of regulations for Wales or Scotland respectively). The Olympic Delivery Authority (“the ODA”) – a statutory corporation established by the 2006 Act – is required by that Act to make arrangements to have the effect of advertising and trading regulations made or expected to be made brought to the attention of persons likely to be affected or interested. To that end, the ODA was required to aim to give two years’ notice of the general nature of the regulations and then six months’ notice of their detailed provisions.
5. Advertising and trading regulations are enforceable by the police and ODA-designated enforcement officers. The enforcement powers include the power to enter land or premises and remove infringing articles (the removal of infringing articles is referred to in these Notes as “seizure”). An article may be seized to end a contravention of the regulations, prevent a future contravention, enable the article to be used as evidence in criminal proceedings for the contravention, or to enable it to be forfeited (in exercise of the courts’ general forfeiture powers in criminal cases).
6. Under the 2006 Act as enacted, any article seized by an ODA officer was required to be delivered to a constable. Constables were required to treat seized articles (whether seized by them or an ODA officer) as if acquired by them in the course of the investigation of an offence. The effect of this was that, under the 2006 Act as enacted, all seized articles had to be dealt with by the police who would comply with existing, general legislation about property acquired by the police in connection with the investigation of a suspected offence. Amongst other things, that legislation provides for the return or disposal (including by sale) of such property.
7. *Section 1* provides for articles seized in England and Wales in connection with contraventions of advertising and trading regulations to be held and dealt with by the ODA (rather than the police) in accordance with detailed rules inserted into the 2006 Act by *section 1*. Articles seized in Scotland may be held by either the police or the ODA. *Section 2* alters the types of Parliamentary procedure and public notice required under the 2006 Act for some advertising and trading regulations (other than the first set of those regulations).