

LONDON OLYMPIC GAMES AND PARALYMPIC GAMES (AMENDMENT) ACT 2011

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

13. *Sections 1 and 2* (advertising and trading) and 9 (goods vehicle operator licences) extend to England and Wales and Scotland: see *section 10(5)*.
14. The extent and application of *section 3* (sale of tickets – increase of maximum fine) mirror the 2006 Act by extending the new higher penalty for illegal ticket sales to the whole of the UK and applying the offence irrespective of where the activity to which it relates actually took place: see *section 10(6) and (8)*.
15. *Sections 4 to 8* (traffic) extend to England and Wales but apply only to places in England and things done in or in respect of England: see *section 10(7) and (9)*. This mirrors the extent and application of the 2006 Act transport provisions.
16. *Section 10* (commencement, etc) extends to the whole of the UK.

Territorial application: Scotland

17. The amendments to the 2006 Act in *sections 1, 2, 3 and 9* extend to and apply in Scotland because the related provisions of the 2006 Act and the Goods Vehicles (Licensing of Operators) Act 1995 (which is relevant to *section 9*) also extend to and apply in Scotland. The sections do not provide Scottish Ministers with any new powers, but *section 2* does alter the type of procedure that they must follow in making some advertising and trading regulations for Scotland. At present, advertising and trading regulations for Scotland may not be made unless a draft has been laid before and approved by a resolution of the Scottish Parliament. *Section 2* alters this for the second and subsequent regulations if the Scottish Ministers consider that by reason of urgency it is necessary that they be made without being approved in draft. In such a case they will be subject to annulment by resolution of the Scottish Parliament after they have been made by Scottish Ministers. The first advertising and trading regulations will remain subject to the affirmative resolution procedure.
18. The Scottish Parliament's consent was obtained for the provisions in the Act that trigger the Sewel Convention. Those provisions are *sections 1, 2 and 3* which amend the 2006 Act in relation to advertising and trading and the sale of tickets and extend to and apply in Scotland. The Sewel Convention provides that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament.

Territorial application: Wales

19. The amendments to the 2006 Act in *sections 1, 2, 3 and 9* apply in Wales because the related provisions of the 2006 Act and the Goods Vehicles (Licensing of Operators) Act 1995 (which is relevant to *section 9*) also apply in Wales. The sections do not provide the Welsh Ministers with any new powers, but *section 2* does alter the type of procedure that

These notes refer to the London Olympic Games and Paralympic Games (Amendment) Act 2011 (c.22) which received Royal Assent on 14th December 2011

Welsh Ministers must follow in making advertising and trading regulations for Wales. At present, advertising and trading regulations for Wales may not be made unless a draft has been laid before and approved by a resolution of the National Assembly for Wales. *Section 2* alters this for the second and subsequent regulations if the Welsh Ministers consider that by reason of urgency it is necessary that they be made without being approved in draft. In such a case they will be subject to annulment by resolution of the National Assembly for Wales after they have been made by Welsh Ministers. The first advertising and trading regulations will remain subject to the affirmative resolution procedure.

20. *Sections 1, 2, 3 and 9* do not relate to matters in Wales within the legislative competence of the National Assembly for Wales which require a legislative consent motion in the Assembly.

Territorial application: Northern Ireland

21. The amendment to the 2006 Act in *section 3* extends to Northern Ireland because the related provision of the 2006 Act also extends to Northern Ireland. The consent of the Northern Ireland Assembly to *section 3* was obtained. *Section 3* does not provide the Northern Ireland Ministers with any new powers.
22. While the advertising and trading provisions of the 2006 Act (to which *sections 1 and 2* of this Act relate) extend to Northern Ireland, because no 2012 Games events will take place in Northern Ireland, and because it is not intended to make advertising and trading regulations for Northern Ireland, it is not necessary for *sections 1 and 2* to extend to Northern Ireland.