



# Glasgow Commonwealth Games Act 2008

2008 asp 4

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**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 30th April 2008 and received Royal Assent on 10th June 2008**

An Act of the Scottish Parliament to make provision in relation to the Commonwealth Games that are to be held principally in Glasgow in 2014.

## *Introductory*

### **1 The Glasgow Commonwealth Games** **S**

- (1) “The Games” are the Commonwealth Games that are to be held principally in Glasgow in 2014.
- (2) A “Games location” is—
  - (a) a place in which an event is held as part of the Games (whether or not a sporting event and whether or not held in Glasgow), and
  - (b) any other place which is—
    - (i) used in connection with the Games (even if that use occurs before or after the Games), and
    - (ii) specified by order made by Ministers.
- (3) The “Organising Committee” is the company named Glasgow 2014 Limited which was incorporated on 11 June 2007.

#### **Commencement Information**

**II** [S. 1](#) in force at 13.11.2009 by [S.S.I. 2009/377](#), [art. 2](#), [Sch.](#)

## *Street trading etc.*

### **2 Ban on outdoor trading in the vicinity of Games locations** **S**

- (1) It is an offence to trade in the vicinity of a Games location at a prohibited time (“the trading offence”).

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- (2) The trading offence does not apply to trading in a building.
- (3) Ministers may by regulations (“the trading regulations”)—
  - (a) exempt types of trading from the trading offence,
  - (b) make such further provision as they think fit in relation to trading in the vicinity of Games locations.
- (4) The trading offence does not apply to trading by the Organising Committee or the Commonwealth Games Federation (so long as that trading is done in accordance with any conditions imposed by the trading regulations).

#### Commencement Information

**I2** [S. 2\(3\)](#) in force at 13.11.2009 by [S.S.I. 2009/377](#), art. 2, [Sch.](#)

### 3 Trading activities, places and prohibited times **S**

The trading regulations may prescribe, or provide criteria for determining—

- (a) activities which are (or are not) to be treated as trading for the purposes of the trading offence,
- (b) places which are (or are not) to be treated as being in the vicinity of a Games location for those purposes,
- (c) times which are prohibited times for those purposes.

#### Commencement Information

**I3** [S. 3](#) in force at 13.11.2009 by [S.S.I. 2009/377](#), art. 2, [Sch.](#)

### 4 Authorised trading **S**

- (1) The trading regulations may prescribe circumstances in which the Organising Committee may authorise persons to trade in a way which would otherwise constitute a trading offence.
- (2) The trading regulations may, in particular, provide—
  - (a) for an authorisation to be granted in respect of a place only if—
    - (i) a prescribed kind of trading licence exists in respect of that place, or
    - (ii) it is designated for a prescribed purpose in accordance with a prescribed enactment,
  - (b) for an authorisation to be granted only if the person seeking the authorisation holds a prescribed kind of trading licence,
  - (c) for an authorisation to be treated as if it were a trading licence granted by virtue of another enactment or document,
  - (d) that the Organising Committee may determine the procedure for applying for and granting an authorisation,
  - (e) that any fee charged by the Organising Committee in connection with an authorisation (or an application) is not to exceed such amount as may be specified in, or determined in accordance with, the regulations,
  - (f) that trading in the course of a fair or market may be authorised only where—

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- (i) the fair or market is held in accordance with a prescribed kind of licence or right, and
- (ii) any other prescribed conditions are satisfied,
- (g) for a right of appeal against a refusal to grant an authorisation.

**Commencement Information**

**I4** S. 4 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

**5 Trading authorisation: conditions** **S**

- (1) An authorisation under section 4—
  - (a) is subject to any conditions imposed by the trading regulations, and
  - (b) may be subject to any other conditions imposed by the Organising Committee.
- (2) For example, the trading regulations or the Organising Committee may impose conditions—
  - (a) about the times when authorised trading may be carried out,
  - (b) requiring the authorised person to produce evidence of the authorisation to any enforcement officer or constable who requests it,
  - (c) about steps to be taken in respect of congestion, litter or noise,
  - (d) which are—
    - (i) inconsistent with, or
    - (ii) more onerous than,the conditions of any other trading licence held by the authorised person.

**Commencement Information**

**I5** S. 5 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

**6 Trading permitted without authorisation** **S**

- (1) The trading regulations may prescribe, or provide criteria for determining, circumstances in which trading which would otherwise constitute a trading offence is permitted without authorisation.
- (2) Trading without authorisation may, for example, be permitted by reference to—
  - (a) the person who is trading,
  - (b) the nature of the trading,
  - (c) the purpose of the trading, or
  - (d) the application of any profits.

**Commencement Information**

**I6** S. 6 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

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VALID FROM 01/10/2013

## 7 Existing trading licences **S**

It is not a defence for a person charged with a trading offence that the person has a trading licence whether granted before or after this section comes into force.

VALID FROM 01/10/2013

## 8 Alternative arrangements where existing trading banned during Games **S**

- (1) Councils must seek to work with existing street traders to try to identify alternative trading arrangements during the times when the trading offence applies.
- (2) An “existing street trader” is any person—
  - (a) to whom the council grants a street trader's licence, or market operator's licence, authorising the person to trade at a place in the council's area within the period of 12 months before the Games begin, and
  - (b) who would, but for this Act, be entitled to trade at that place during the times when the trading offence applies.

## 9 Guidance and information about trading **S**

- (1) It is for the Organising Committee to issue guidance about trading in the vicinity of Games locations.
- (2) The trading regulations may require—
  - (a) prescribed persons to inform other persons about the effect or likely effect of section 2 and the trading regulations,
  - (b) a person who grants a trading licence to inform the licensee of the effect of section 7.

### Commencement Information

**I7** [S. 9](#) in force at 13.11.2009 by [S.S.I. 2009/377](#), art. 2, [Sch.](#)

### *Advertising*

## 10 Ban on advertising in the vicinity of Games locations **S**

- (1) It is an offence to advertise in the vicinity of a Games location at a prohibited time (“the advertising offence”).
- (2) Ministers may by regulations (“the advertising regulations”)—
  - (a) exempt types of advertising from the advertising offence,
  - (b) make such further provision as they think fit in relation to advertising in the vicinity of Games locations.

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- (3) The advertising offence does not apply to advertising by the Organising Committee or the Commonwealth Games Federation (so long as that advertising is done in accordance with any conditions imposed by the advertising regulations).

#### Commencement Information

**I8** S. 10(2) in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

### 11 Advertising activities, places and prohibited times **S**

- (1) An activity is to be treated as advertising if it is a communication to the public (or to a section of the public) for the purpose of promoting an item, service, trade, business or other concern.
- (2) For example, any of the following acts done for that purpose are to be treated as advertising—
- (a) advertising of a non-commercial nature,
  - (b) announcements or notices,
  - (c) the sale or giving away of any goods or services,
  - (d) the distribution or provision of documents or articles,
  - (e) the display or projections of words, images, lights or sounds,
  - (f) things done with or in relation to material which has or may have purposes or uses other than as an advertisement.
- (3) “Advertise” is to be construed accordingly.
- (4) The advertising regulations may prescribe, or provide criteria for determining—
- (a) places which are (or are not) to be treated as being in the vicinity of a Games location for the purposes of the advertising offence,
  - (b) times which are prohibited times for those purposes.

#### Commencement Information

**I9** S. 11(4) in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

### 12 Authorised advertising **S**

- (1) The advertising regulations may prescribe circumstances in which the Organising Committee may authorise persons to advertise in a way which would otherwise constitute an advertising offence.
- (2) The advertising regulations may, in particular, provide—
- (a) for an authorisation to be granted in respect of a place only if—
    - (i) a prescribed kind of advertising licence exists in respect of that place,  
or
    - (ii) it is designated for a prescribed purpose in accordance with a prescribed enactment,
  - (b) for an authorisation to be granted only if the person seeking the authorisation holds a prescribed kind of advertising licence,

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- (c) for an authorisation to be treated as if it were an advertising licence granted by virtue of another enactment or document,
- (d) that the Organising Committee may determine the procedure for applying for and granting an authorisation,
- (e) that any fee charged by the Organising Committee in connection with an authorisation (or an application) is not to exceed such amount as may be specified in, or determined in accordance with, the regulations,
- (f) for a right of appeal against a refusal to grant an authorisation.

#### Commencement Information

**I10** S. 12 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

### 13 Advertising authorisation: conditions **S**

- (1) An authorisation under section 12—
  - (a) is subject to any conditions imposed by the advertising regulations, and
  - (b) may be subject to any other conditions imposed by the Organising Committee.
- (2) For example, the advertising regulations or the Organising Committee may impose conditions—
  - (a) about the times when authorised advertising may be carried out,
  - (b) requiring the authorised person to produce evidence of the authorisation to any enforcement officer or constable who requests it,
  - (c) which are—
    - (i) inconsistent with, or
    - (ii) more onerous than,
 the conditions of any other advertising licence held by the authorised person.

#### Commencement Information

**I11** S. 13 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

### 14 Advertising permitted without authorisation **S**

- (1) The advertising regulations may prescribe, or provide criteria for determining, circumstances in which advertising which would otherwise constitute an advertising offence is permitted without authorisation.
- (2) Advertising without authorisation may, for example, be permitted by reference to—
  - (a) the person who is advertising,
  - (b) the nature of the advertising,
  - (c) the purpose of the advertising, or
  - (d) the circumstances of its display.

#### Commencement Information

**I12** S. 14 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

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VALID FROM 01/10/2013

**15 Existing advertising licences** **S**

It is not a defence for a person charged with an advertising offence that the person has an advertising licence whether granted before or after this section comes into force.

**16 Guidance and information about advertising** **S**

- (1) It is for the Organising Committee to issue guidance about advertising in the vicinity of Games locations.
- (2) The advertising regulations may require—
  - (a) prescribed persons to inform other persons about the effect or likely effect of section 10 and the advertising regulations,
  - (b) a person who grants an advertising licence to inform the licensee of the effect of section 15.

**Commencement Information**

**I13** S. 16 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

*Ticket touting*

**17 Ban on ticket touting** **S**

- (1) It is an offence to tout a Games ticket (“the touting offence”).
- (2) A person touts a Games ticket if the person does any act falling within subsection (3)—
  - (a) in a public place,
  - (b) in relation to the sale, or proposed sale, of a Games ticket for an amount exceeding the ticket's face value, or
  - (c) with a view to making a profit.
- (3) Acts which fall within this subsection are—
  - (a) selling a Games ticket,
  - (b) offering to sell a Games ticket,
  - (c) exposing a Games ticket for sale,
  - (d) advertising that a Games ticket is available for purchase,
  - (e) making a Games ticket available for sale by another person, and
  - (f) giving away (or offering to give away) a Games ticket on condition that the person given the ticket pays a booking fee or other charge or acquires some other goods or services.
- (4) The touting offence does not apply in relation to acts done—
  - (a) by the Organising Committee or the Commonwealth Games Federation, or
  - (b) in accordance with an authorisation given by the Organising Committee.

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- (5) This section applies to acts done in or outwith Scotland.
- (6) The amount payable for a Games ticket is to be treated as including—
- (a) the amount of any booking fee or other charge imposed as a condition of sale,
  - (b) the amount payable for any other goods or services which are to be acquired as a condition of sale, and
  - (c) the market value of any goods or services received in exchange for the ticket.
- (7) The reference in subsection (2)(c) to making a profit is, where the act is done by a person other than the person disposing of the ticket, to be read as a reference to assisting the person disposing of the ticket to make a profit.

#### Commencement Information

**I14** S. 17 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

### 18 Exception for certain advertisers etc. **S**

A person (“A”) who advertises that a Games ticket is available for purchase from, or makes a ticket available for sale by, another person (“B”) does not commit a touting offence if—

- (a) the proposed ticket sale would constitute a touting offence only because B intends to—
  - (i) sell the ticket for an amount exceeding the ticket's face value, or
  - (ii) make a profit as a result of the sale, and
- (b) A does not, and could not reasonably be expected to, know B's intention.

#### Commencement Information

**I15** S. 18 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

### 19 Use of internet etc. **S**

Ministers may by regulations specify circumstances in which making facilities available in connection with electronic communications or the storage of data is, or is not, to be capable of constituting a touting offence.

#### Commencement Information

**I16** S. 19 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

### 20 Authorised ticket sales **S**

- (1) An authorisation given for the purposes of section 17(4)(b) may be subject to conditions imposed by the Organising Committee.
- (2) For example, an authorisation may be subject to conditions—
  - (a) requiring the authorised person to produce evidence of the authorisation to any enforcement officer or constable who requests it,



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- (b) which are—
  - (i) inconsistent with, or
  - (ii) more onerous than,the conditions of any other licence held by the authorised person.
- (3) An authorisation must be given in writing (and an authorisation which is transmitted by electronic means is to be treated as being in writing if it is received in legible form and capable of being used for subsequent reference).
- (4) Ministers may by regulations provide that any fee charged by the Organising Committee in connection with an authorisation (or an application for authorisation) is not to exceed such amount as may be specified in, or determined in accordance with, the regulations.

**Commencement Information**

- I17** S. 20(1)-(3) in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.
- I18** S. 20(4) in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

*Enforcement*

**21 Enforcement officers** **S**

- (1) “Enforcement officers” are individuals designated as such by the Organising Committee.
- (2) The Organising Committee may designate an individual as an enforcement officer only if the individual—
  - (a) is an inspector of weights and measures (appointed under section 72(1) of the Weights and Measures Act 1985 (c. 72)) and the designation is approved by the appointing council, or
  - (b) meets such other criteria as may be specified by Ministers in regulations.
- (3) Enforcement officers have the functions conferred on them by virtue of this Act.

**Commencement Information**

- I19** S. 21 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

**22 General enforcement power** **S**

- (1) An enforcement officer may take such reasonable steps as the officer considers appropriate—
  - (a) for the purpose of preventing or ending the commission of a Games offence, or
  - (b) in connection with proceedings, or anticipated proceedings, in respect of a Games offence.
- (2) Such steps may include seizing, concealing or destroying anything which the officer reasonably believes to be an infringing article (but see section 23).
- (3) An “infringing article” is—

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- (a) an article used in connection with the commission of a Games offence, or
  - (b) a receptacle used as a container for such an article.
- (4) An enforcement officer may be assisted by any other person as may be reasonably required for the purposes of taking action under this section.

#### Commencement Information

**I20** S. 22 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

### 23 Restrictions on general enforcement power **S**

- (1) An infringing article may be seized by an enforcement officer only if the officer considers it appropriate to do so for the purpose of—
- (a) ending the commission of a Games offence,
  - (b) preventing the future commission of such an offence,
  - (c) enabling the article to be used in proceedings for such an offence, or
  - (d) enabling the article to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995 (c. 43).

- (2) A seized article must be returned when retention of it is no longer justified for the purposes mentioned in subsection (1).

This subsection does not apply to perishable articles which no longer have any commercial value.

- (3) An infringing article may be concealed by an enforcement officer only if the officer considers it appropriate to do so for the purpose of—
- (a) ending the commission of an advertising offence, or
  - (b) preventing the future commission of such an offence.

- (4) A concealed article must be revealed when concealing it is no longer justified for the purposes mentioned in subsection (3).

- (5) An infringing article may be destroyed only if the enforcement officer considers it appropriate to do so for the purposes mentioned in subsection (3) and does not consider seizing or concealing the article to be a reasonable alternative course of action in the circumstances.

#### Commencement Information

**I21** S. 23 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

### 24 Power to enter and search **S**

- (1) An enforcement officer may, without warrant, enter any place and may search any place (and any vehicle, vessel, container or other thing at that place)—
- (a) where the officer reasonably believes a Games offence has been or is being committed, or
  - (b) which the officer reasonably believes has been or is being used in connection with a Games offence.

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- (2) An enforcement officer may take to a place entered by virtue of this section any other person, or any equipment, as may be reasonably required for the purposes of assisting the officer.
- (3) An enforcement officer who enters a place in pursuance of this section must take reasonable steps to leave the place at least as effectively secured against unauthorised entry as the officer found it.

#### Commencement Information

**I22** S. 24 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

## 25 Use of reasonable force **S**

- (1) An enforcement officer may use, or authorise the use of, reasonable force when taking action under section 22 or 24—
  - (a) if the sheriff grants a warrant for the use of reasonable force and the officer is accompanied by a constable, or
  - (b) where no application for a warrant has been made, only if the officer is accompanied by a constable who reasonably believes that there is a real and substantial risk that delay in seeking a warrant would defeat or prejudice the purpose of taking action.
- (2) Despite subsection (1), an enforcement officer must not—
  - (a) use force against an individual, or
  - (b) authorise another person to use force against an individual.
- (3) The sheriff may grant a warrant under this section on the application of an enforcement officer only if satisfied that the use of reasonable force is necessary for the purpose of taking action under section 22 or 24.
- (4) A warrant granted under this section expires—
  - (a) when it is no longer required for the purpose for which it was granted, or
  - (b) if earlier, on the expiry of such period as may be specified in it.

#### Commencement Information

**I23** S. 25 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

## 26 Further restrictions on entering houses **S**

- (1) An enforcement officer may take action under section 22 or 24 in relation to a house or a place that can be entered only through a house only if—
  - (a) an individual who habitually resides in the house permits the enforcement officer to do so, or
  - (b) the sheriff grants a warrant for such action.
- (2) An enforcement officer may enter a house only—
  - (a) at reasonable times, and
  - (b) if accompanied by a constable.

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- (3) The sheriff may grant a warrant under this section on the application of an enforcement officer only if satisfied—
- (a) that the officer has reasonable grounds for taking action under section 22 or 24 in relation to the house or the place that can be entered only through the house, and
  - (b) that any of the conditions in subsection (4) is met.
- (4) Those conditions are—
- (a) that the officer has been refused entry to the house or place or has been prevented from taking any other action under section 22 or 24 in relation to the house or place,
  - (b) that such a refusal or prevention is reasonably expected (after the officer has taken reasonable steps to notify the residents of the house of the intended action),
  - (c) that—
    - (i) the house is unoccupied (permanently or temporarily), and
    - (ii) the officer has taken reasonable steps to notify any residents of the house of the intended action,
  - (d) that the case is one of urgency, or
  - (e) that notifying the residents of the house of the officer's intention to take action would defeat the object of the proposed action.
- (5) A warrant granted under this section expires—
- (a) when it is no longer required for the purpose for which it was granted, or
  - (b) if earlier, on the expiry of such period as may be specified in it.

#### Commencement Information

**I24** S. 26 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

## 27 Power to obtain information **S**

- (1) An enforcement officer may require any person to provide such information as the officer considers appropriate in connection with—
- (a) a Games offence, or
  - (b) conduct which the officer reasonably suspects constitutes a Games offence.
- (2) A person is not obliged to provide information under this section if the person would be entitled to refuse to provide the information in, or for the purposes of, court proceedings.

#### Commencement Information

**I25** S. 27 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

## 28 Requirement to produce authority **S**

An enforcement officer must, while doing anything under section 22, 24 or 27, produce evidence of the officer's authority to take action if requested to do so.

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**Commencement Information**

**I26** S. 28 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

**29 Test purchases** **S**

- (1) An enforcement officer may, for the purpose of discovering whether any provision made by virtue of this Act is being complied with—
  - (a) purchase, or authorise another person to purchase, any goods, or
  - (b) secure, or authorise another person to secure, the provision of any services.
- (2) Nothing done in pursuance of this section constitutes a Games offence.

**Commencement Information**

**I27** S. 29 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

**30 Compensation and recovery of costs** **S**

- (1) A person whose property is damaged by anything done under section 22 or 24 may obtain compensation from—
  - (a) if the damage is caused by an enforcement officer or by a constable accompanying an enforcement officer, the Organising Committee, or
  - (b) if the damage is caused by a constable who is not accompanying an enforcement officer, the chief constable of the constable's police force.

This subsection does not apply if the thing done relates to a Games offence committed by the person.

- (2) Ministers may by regulations make provision—
  - (a) about claiming compensation,
  - (b) about determining the compensation due, and
  - (c) conferring jurisdiction for determining disputed compensation on a court, tribunal or other body.
- (3) The costs of doing anything which an enforcement officer is authorised or entitled to do by virtue of this Act are recoverable by the Organising Committee from the person who committed the Games offence to which the action relates.

**Commencement Information**

**I28** S. 30(1)(3) in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

**I29** S. 30(2) in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

**31 Obstructing an enforcement officer** **S**

It is an offence (“an obstruction offence”)—

- (a) intentionally to prevent or obstruct an enforcement officer from doing anything which the officer is authorised or entitled to do by virtue of this Act, or

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- (b) without reasonable cause to fail to comply with a requirement made by an enforcement officer, or a constable, under section 27.

**Commencement Information**

**I30** S. 31 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

**32 Police powers** **S**

- (1) A constable may do anything an enforcement officer may do under sections 22 to 29.
- (2) But the restrictions imposed on an enforcement officer by sections 23, 25, 26 and 28 apply to a constable only to the extent that they do not conflict with a constable's powers under any other enactment or rule of law.

And where the restrictions imposed by sections 25 and 26 apply, the constable does not have to be accompanied by another constable.

- (3) A constable may arrest without warrant a person who the constable reasonably believes is committing or has committed a Games offence.
- (4) Subsection (3) does not affect a constable's existing powers of arrest.

**Commencement Information**

**I31** S. 32 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

**33 Action under sections 22 to 29: procedure** **S**

Ministers may by regulations specify further procedure which an enforcement officer or, as the case may be, a constable must follow when doing anything under sections 22 to 29.

**Commencement Information**

**I32** S. 33 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

*Trial and punishment*

**34 Mode of trial** **S**

- (1) Trading offences and advertising offences are triable summarily or on indictment.
- (2) Ticket touting offences and obstruction offences are triable only summarily.

**Commencement Information**

**I33** S. 34(2) in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

*Status: Point in time view as at 29/11/2012. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Glasgow Commonwealth Games Act 2008. (See end of Document for details)*

### 35 Penalties **S**

- (1) A person convicted of a trading offence or an advertising offence is liable—
  - (a) on summary conviction, to a fine not exceeding £20,000,
  - (b) on conviction on indictment, to a fine.
- (2) A person convicted of a ticket touting offence or an obstruction offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Commencement Information

**I34** S. 35(2) in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

### 36 Offences by bodies corporate etc. **S**

- (1) Where—
  - (a) an offence under this Act has been committed by—
    - (i) a body corporate,
    - (ii) a Scottish partnership, or
    - (iii) an unincorporated association other than a Scottish partnership, and
  - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect on the part of—
    - (i) a relevant individual, or
    - (ii) an individual purporting to act in the capacity of a relevant individual, that individual as well as the body, partnership or association is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) In subsection (1), “relevant individual” means—
  - (a) in relation to a body corporate other than a council—
    - (i) a director, manager, secretary or other similar officer of the body,
    - (ii) where the affairs of the body are managed by its members, the members,
  - (b) in relation to a council, an officer or member of the council,
  - (c) in relation to a Scottish partnership, a partner, and
  - (d) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.
- (3) Any penalty imposed on a body corporate, Scottish partnership or unincorporated association on conviction of an offence under this Act is to be recovered by civil diligence in accordance with section 221 of the Criminal Procedure (Scotland) Act 1995 (c. 46).

#### Commencement Information

**I35** S. 36 in force at 29.11.2012 by S.S.I. 2012/261, art. 2, Sch.

*Status: Point in time view as at 29/11/2012. This version of this Act contains provisions that are not valid for this point in time.*

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## Transport

### 37 Transport plan **S**

- (1) It is for the Organising Committee to make a plan about transport matters relating to the Games (“the Games transport plan”).
- (2) Before it does so, the Organising Committee must consult—
  - (a) Ministers,
  - (b) every council in whose area a Games location is situated,
  - (c) every chief constable of a police force maintained for an area in which a Games location is situated, and
  - (d) any other person whom the Organising Committee considers appropriate.

#### Commencement Information

**I36** S. 37 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

### 38 Games traffic regulation orders **S**

- (1) A traffic authority for a road may make an order under section 14(1) (temporary traffic regulation orders) of the Road Traffic Regulation Act 1984 (c. 27) (“the 1984 Act”) in relation to the road for the purposes of—
  - (a) implementing the Games transport plan,
  - (b) facilitating transport services in connection with the Games,
  - (c) facilitating travel by any person for a purpose connected to the Games, or
  - (d) carrying out an experimental scheme of traffic control for a purpose connected to the Games.

An order made by virtue of this subsection is called a “Games traffic regulation order”.

- (2) A Games traffic regulation order may be made irrespective of whether the traffic authority is satisfied as mentioned in section 14(1) of the 1984 Act.
- (3) A Games traffic regulation order may suspend any statutory provision to which section 14(7) of the 1984 Act applies without imposing any restriction or prohibition as is mentioned in section 14(1) of that Act.
- (4) Paragraph 2(4)(ba) of Schedule 3 to the Road Traffic Act 1991 (c. 40) (breach of order under section 14(1) of the 1984 Act in relation to waiting, loading and unloading of vehicles not to be offence in a special parking area) does not apply to section 16(1) of the 1984 Act (contravention of section 14 of the Act to be an offence) in so far as section 16(1) relates to the contravention of a Games traffic regulation order.

#### Commencement Information

**I37** S. 38 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.



**Status:** Point in time view as at 29/11/2012. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Glasgow Commonwealth Games Act 2008. (See end of Document for details)

### 39 Urgent traffic regulation measures **S**

- (1) A traffic authority for a road may by notice restrict or prohibit temporarily the use of the road, or any part of it, by vehicles (or any type of vehicles) or pedestrians where it appears to the authority that it is necessary or expedient for any of the purposes mentioned in section 38(1) that the restriction or prohibition should come into force without delay.
- (2) The 1984 Act applies in relation to notices under this section as it applies in relation to notices under section 14(2) of that Act.

#### Commencement Information

**I38** S. 39 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

### 40 Power to direct councils to regulate road use for Games purposes **S**

- (1) Ministers may direct a council to make, vary or revoke a traffic regulation instrument where they consider such action to be necessary for any of the purposes mentioned in section 38(1).
- (2) A direction may be made only if—
  - (a) the Organising Committee has notified Ministers that it considers that the council should take the directed action, and
  - (b) the council has failed to take that action within 7 days of being asked by Ministers to do so.
- (3) Subsection (2) need not be complied with where—
  - (a) Ministers consider that action must be taken without delay in order to ensure that the Games transport plan is implemented properly, and
  - (b) the direction narrates that fact.
- (4) If a council fails to comply with a direction—
  - (a) Ministers may take the directed action in place of the council, and
  - (b) such action is to be deemed to have been taken by the council.
- (5) Ministers may recover the cost of so acting from the council.
- (6) A “traffic regulation instrument” means any—
  - (a) Games traffic regulation order, or
  - (b) other order, regulations, notice or instrument regulating road use, which the council concerned has power to make.

#### Commencement Information

**I39** S. 40 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

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*Funding etc.*

**41 Organising Committee: funding and other assistance** S

- (1) Ministers may provide or arrange for the provision of assistance to the Organising Committee—
  - (a) for the purpose of securing compliance with the Host City Contract, or
  - (b) for any other purpose connected with the Games.
- (2) Assistance may, in particular, be in the form of—
  - (a) giving grants, loans, guarantees, indemnities or other financial assistance,
  - (b) entering into agreements,
  - (c) acquiring, holding, managing or disposing of land or other property,
  - (d) providing goods or services,
  - (e) making available facilities or the services of staff.
- (3) Ministers may impose conditions in relation to assistance provided in pursuance of this section.

**Commencement Information**

**I40** [S. 41](#) in force at 20.6.2008 by [S.S.I. 2008/245](#), [art. 2](#)

*Compulsory acquisition of land*

**42 Compulsory acquisition of land for Games purposes** S

- (1) Part 8 of the Town and Country Planning (Scotland) Act 1997 (c. 8) (acquisition and appropriation of land for planning purposes) is to be read as if it contained the following modifications.
- (2) In section 189 (compulsory acquisition)—
  - (a) in subsection (1), after paragraph (b) insert—
    - “(c) is suitable for and required in order to facilitate the holding of the Glasgow Games 2014.”,
  - (b) after subsection (1) insert—
    - “(1A) “Glasgow Games 2014” means the Commonwealth Games that are to take place principally in Glasgow in 2014.”, and
  - (c) after subsection (9) insert—
    - “(10) Subsections (5) and (6) do not apply where land is acquired for the purpose mentioned in subsection (1)(c).”.

**Commencement Information**

**I41** [S. 42](#) in force at 20.6.2008 by [S.S.I. 2008/245](#), [art. 2](#)

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*Subordinate legislation: procedure*

**43 Orders and regulations** **S**

- (1) Any Ministerial power to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Any such power includes power to make—
  - (a) any supplementary, incidental, consequential, transitional, transitory or saving provision which Ministers consider appropriate,
  - (b) different provision for different purposes.
- (3) Subject to subsection (4), a statutory instrument containing an order or regulations made under this Act is subject to annulment in pursuance of a resolution of the Scottish Parliament.

This subsection does not apply to orders made under section 49(2) (commencement orders) or 50(2) (repeal order).

- (4) No statutory instrument containing the first—
  - (a) trading regulations,
  - (b) advertising regulations, or
  - (c) regulations under section 19,may be made unless a draft of the instrument has been laid before, and approved by a resolution of the Scottish Parliament.

**44 Consultation** **S**

Ministers must consult the following persons before making the first trading regulations or the first advertising regulations—

- (a) the councils for the areas where it is proposed that the regulations apply,
- (b) the Organising Committee, and
- (c) other persons whom Ministers consider appropriate.

**Commencement Information**

**I42** S. 44 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

**45 Factors for Ministers to consider** **S**

Ministers must have regard to the following when making the trading regulations or the advertising regulations—

- (a) the Host City Contract,
- (b) any requests or guidance from the Commonwealth Games Federation, and
- (c) where relevant, the impact of the regulations on the effective operation of the Games (in particular the impact on traffic and other transport in the vicinity of Games locations).

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#### Commencement Information

**I43** S. 45 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

#### 46 Notice **S**

Ministers must give public notice—

- (a) no later than 2 years before the Games begin, of the general nature of the first trading regulations and the first advertising regulations, and
- (b) no later than 6 months before the Games begin, of the detailed provisions of the first trading regulations and the first advertising regulations.

#### Commencement Information

**I44** S. 46 in force at 13.11.2009 by S.S.I. 2009/377, art. 2, Sch.

#### *Final provisions*

#### 47 Ancillary provision **S**

- (1) Ministers may by order make any supplementary, incidental, consequential, transitional, transitory or saving provision which they consider appropriate for the purposes of, or in connection with, or for the purposes of giving full effect to, any provision of this Act.
- (2) Such an order may apply (with or without modifications) or disapply provisions of this or any other Act.

#### 48 Interpretation **S**

- (1) In this Act—

“advertising licence” includes any kind of consent, certificate, permission or other authorisation (by whatever name) which relates to advertising (other than an authorisation or permission obtained by virtue of the advertising regulations),

“building” does not include—

- (a) a caravan, marquee, stall, tent or other temporary or moveable structure,
- (b) a building (or part of a building) which is designed or used generally as a car park,

“council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39),

“Games offence” means an offence under this Act,

“Games ticket” means any ticket, card, electronic device or other thing which entitles an individual to attend—

- (a) an event held as part of the Games (whether or not a sporting event and whether or not held in Glasgow), or
- (b) any other event connected with the Games specified by order made by Ministers,

“Host City Contract” means the Host City Contract for the Games,

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“house”—

- (a) means any building (or part of a building), flat, mobile home, houseboat, caravan or other place which is occupied only as a separate dwelling, but
- (b) does not include any yard, garden, garage, outbuilding or other similar area or structure,

“Ministers” means the Scottish Ministers,

“prescribed” means prescribed by the trading regulations or, as the case may be, the advertising regulations,

“road” has the same meaning as in the Roads (Scotland) Act 1984 (c. 54),

“sale” includes “trade” (and vice versa) and references to selling and trading are to be construed accordingly,

“trading licence” includes any kind of consent, certificate, permission or authorisation (by whatever name) which relates to trading (other than an authorisation or permission obtained by virtue of the trading regulations),

“traffic authority” has the same meaning in this Act as in the Road Traffic Regulation Act 1984 (c. 27) (see section 121A of that Act).

- (2) The words and other expressions listed in the schedule (index) are defined or otherwise explained for the purposes of this Act by the provisions indicated in the schedule.

#### 49 Commencement **S**

- (1) The following provisions come into force on Royal Assent—
  - section 43
  - section 47
  - section 48
  - this section
  - section 50
  - section 51

- (2) Other provisions come into force on such day as Ministers may by order appoint.

#### 50 Repeal **S**

- (1) This Act ceases to have effect on the repeal day.
- (2) Ministers may by order specify any day after the Games have ended as the repeal day.

#### 51 Short title **S**

This Act is called the Glasgow Commonwealth Games Act 2008.

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## SCHEDULE S

(introduced by section 48(2))

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