

These notes relate to the Glasgow Commonwealth Games Act 2008 (asp 4) which received Royal Assent on 10 June 2008

GLASGOW COMMONWEALTH GAMES ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Trial and Punishment

Section 34: Mode of trial

74. This section provides that trading and advertising offences can be tried either summarily or on indictment and that ticket touting and obstruction offences are triable only summarily.

Section 35: Penalties

75. This section sets out the penalties associated with each of the Games offences. The level of penalties, apart from that associated with the offence of obstructing an enforcement officer, have been tied to those of similar offences in the London Olympic Games & Paralympic Games Act 2006.
76. Subsection (1) makes a person convicted of a trading offence or an advertising offence liable on conviction on indictment to an unlimited fine or on summary conviction to a fine not exceeding £20,000.
77. Subsection (2) makes a person convicted of a ticket touting or obstruction offence liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Section 36: Offences by bodies corporate etc.

78. By virtue of subsection (1), where an offence is committed under the Act by a body corporate, Scottish partnership or other unincorporated association, which is proved to have been committed with the consent or the connivance of a “relevant individual” or an individual acting as such, or because of any neglect by the “relevant individual”, the individual, as well as the body corporate, partnership or other unincorporated association, will be guilty of the offence and liable to punishment.
79. Subsection (2) defines a “relevant individual” in relation to a body corporate as a director, manager, secretary or other similar officer of the body, or a member (where the affairs of the body are managed by its members). In relation to a council, the “relevant individual” is an officer or member of the council. In relation to a Scottish partnership it is a partner and in relation to any other unincorporated association it is a person who is concerned with the management or control of that association.
80. Subsection (3) provides that any penalty imposed upon a body corporate, Scottish partnership or unincorporated association is to be recovered by civil diligence under section 221 of the Criminal Procedure (Scotland) Act 1995.