



# London Olympic Games and Paralympic Games Act 2006

## 2006 CHAPTER 12

### *Trading*

#### 25 **Street trading, &c.** **U.K.**

- (1) The Secretary of State <sup>F1</sup>... shall make regulations about trading in the vicinity of London Olympic events.
- (2) In making the regulations the Secretary of State <sup>F1</sup>... —
  - (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—

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- (a) the regulations shall apply only for such time as the Secretary of State <sup>F1</sup>... 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.

<sup>F2</sup>(6) .....

<sup>F2</sup>(7) .....

<sup>F2</sup>(8) .....

#### Textual Amendments

**F1** Words in s. 25 omitted (7.7.2010) by virtue of Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), **Sch. para. 8(1)(i)**

**F2** S. 25(6)-(8) repealed (2.12.2014) by The Olympic Delivery Authority (Dissolution) Order 2014 (S.I. 2014/3184), art. 1(2), **Sch. para. 2(h)**

#### Commencement Information

**I1** S. 25 in force at 30.5.2006 for E.W.N.I. by S.I. 2006/1118, **art. 3(1)**

**I2** S. 25 in force at 31.12.2006 for S. by S.S.I. 2006/611, **art. 2**

## 26 Section 25: supplemental **U.K.**

### (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 <sup>F3</sup> ...,
- (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.

[<sup>F4</sup>(2A) But if, in relation to regulations under section 25 other than the first regulations, the Secretary of State considers that by reason of urgency it is necessary that they be made without being approved in draft—

- (a) subsection (2)(b) does not apply to the regulations, and
- (b) the regulations are instead subject to annulment in pursuance of a resolution of either House of Parliament.]

### (3) Before making regulations under section 25 the Secretary of State <sup>F5</sup>... shall consult—

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- (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 <sup>F5</sup>... to represent interests likely to be affected by the regulations, as he thinks appropriate,
  - <sup>F6</sup>(c) .....
  - (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).

**Textual Amendments**

- F3** Words in s. 26(1)(b) omitted (2.12.2014) by virtue of [The Olympic Delivery Authority \(Dissolution\) Order 2014 \(S.I. 2014/3184\)](#), art. 1(2), **Sch. para. 5(a)**
- F4** S. 26(2A) inserted (E.W.S.) (14.2.2012) by [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), ss. 2(3), 10(1)
- F5** Words in s. 26 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 8(1)(j)**
- F6** S. 26(3)(c) omitted (2.12.2014) by virtue of [The Olympic Delivery Authority \(Dissolution\) Order 2014 \(S.I. 2014/3184\)](#), art. 1(2), **Sch. para. 5(b)**

**Commencement Information**

- I3** S. 26 in force at 30.5.2006 for E.W.N.I. by [S.I. 2006/1118](#), **art. 3(1)**
- I4** S. 26 in force at 31.12.2006 for S. by [S.S.I. 2006/611](#), **art. 2**

**27 Offence** **U.K.**

- (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.

**Commencement Information**

- I5** S. 27 in force at 30.5.2006 for E.W.N.I. by [S.I. 2006/1118](#), **art. 3(1)**
- I6** S. 27 in force at 31.12.2006 for S. by [S.S.I. 2006/611](#), **art. 2**

**28 Enforcement: power of entry** **U.K.**

- (1) A constable <sup>F7</sup>... may—

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- (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 <sup>F8</sup>... thinks it necessary for the purpose of—
- (a) ending the contravention of regulations under section 25,
  - (b) preventing a future contravention of the regulations, [<sup>F9</sup>or]
  - (c) enabling the article to be used as evidence in proceedings for an offence under section 27, [<sup>F10</sup>or]
  - (d) [<sup>F10</sup>enabling the article to be forfeited in accordance with section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).]
- (3) [<sup>F11</sup>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.]
- <sup>F12</sup>(4) .....
- (5) Having exercised a power under this section a constable <sup>F13</sup>...—
- (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 <sup>F13</sup>... 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 [<sup>F14</sup>a local policing body][<sup>F15</sup>or a police authority]; and the regulations may, in particular, include provision—
- (a) conferring jurisdiction on a court or tribunal;
  - (b) about appeals.
- (7) A [<sup>F16</sup>local policing body][<sup>F15</sup>or a police 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—
- <sup>F17</sup>...  
“infringing article” means—
- (a) an article [<sup>F18</sup>or animal] 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 [<sup>F18</sup>or animal] to which paragraph (a) applies.

*Changes to legislation:* There are currently no known outstanding effects for the London Olympic Games and Paralympic Games Act 2006, Cross Heading: Trading. (See end of Document for details)

#### Textual Amendments

- F7** Words in s. 28(1) omitted (2.12.2014) by virtue of [The Olympic Delivery Authority \(Dissolution\) Order 2014 \(S.I. 2014/3184\)](#), art. 1(2), [Sch. para. 6\(a\)](#)
- F8** Words in s. 28(2) omitted (2.12.2014) by virtue of [The Olympic Delivery Authority \(Dissolution\) Order 2014 \(S.I. 2014/3184\)](#), art. 1(2), [Sch. para. 6\(a\)](#)
- F9** Word in s. 28(2) inserted (E.W.S.) (14.2.2012) by [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), [ss. 1\(5\)\(a\)](#), 10(1)
- F10** S. 28(2)(d) and preceding word omitted (E.W.S.) (14.2.2012) by virtue of [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), [ss. 1\(5\)\(b\)](#), 10(1)
- F11** S. 28(3) omitted (E.W.S.) (14.2.2012) by virtue of [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), [ss. 1\(6\)](#), 10(1)
- F12** S. 28(4) omitted (2.12.2014) by virtue of [The Olympic Delivery Authority \(Dissolution\) Order 2014 \(S.I. 2014/3184\)](#), art. 1(2), [Sch. para. 6\(b\)](#)
- F13** Words in s. 28(5) omitted (2.12.2014) by virtue of [The Olympic Delivery Authority \(Dissolution\) Order 2014 \(S.I. 2014/3184\)](#), art. 1(2), [Sch. para. 6\(a\)](#)
- F14** Words in s. 28(6) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 357\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F15** Words in s. 28(6)(7) substituted (2.12.2014) by [The Olympic Delivery Authority \(Dissolution\) Order 2014 \(S.I. 2014/3184\)](#), art. 1(2), [Sch. para. 6\(c\)](#)
- F16** Words in s. 28(7) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 357\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F17** Definition in s. 28(8) omitted (2.12.2014) by virtue of [The Olympic Delivery Authority \(Dissolution\) Order 2014 \(S.I. 2014/3184\)](#), art. 1(2), [Sch. para. 6\(d\)](#)
- F18** Words in s. 28(8) inserted (E.W.S.) (14.2.2012) by [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), [ss. 1\(8\)\(b\)](#), 10(1)

#### Commencement Information

- I7** S. 28 in force at 30.5.2006 for E.W.N.I. by [S.I. 2006/1118](#), [art. 3\(1\)](#)
- I8** S. 28 in force at 31.12.2006 for S. by [S.S.I. 2006/611](#), [art. 2](#)

### <sup>F19</sup>29 **Role of Olympic Delivery Authority** **U.K.**

#### Textual Amendments

- F19** S. 29 repealed (2.12.2014) by [The Olympic Delivery Authority \(Dissolution\) Order 2014 \(S.I. 2014/3184\)](#), art. 1(2), [Sch. para. 2\(i\)](#)

### 30 **Other authorities** **U.K.**

- (1) The Secretary of State <sup>F20</sup>... 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—

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- (a) shall be made by statutory instrument, and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F20** Words in s. 30 omitted (7.7.2010) by virtue of Secretary of State for Culture, Olympics, Media and Sport Order 2010 (S.I. 2010/1551), art. 1(2), **Sch. para. 8(1)(I)**

#### Commencement Information

**I9** S. 30 in force at 30.5.2006 for E.W.N.I. by S.I. 2006/1118, **art. 3(1)**

**I10** S. 30 in force at 31.12.2006 for S. by S.S.I. 2006/611, **art. 2**

### 31 Sale of tickets **U.K.**

- (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.

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- (6) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding [<sup>F21</sup>£20,000] .
- (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.

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#### Textual Amendments

- F21** Word in s. 31(6) substituted (14.2.2012) by [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), [ss. 3\(1\)](#), 10(1) (with [ss. 3\(2\)](#), 8)
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#### Commencement Information

- I11** S. 31 in force at 30.5.2006 for E.W.N.I. by [S.I. 2006/1118](#), [art. 3\(1\)](#)
- I12** S. 31 in force at 31.12.2006 for S. by [S.S.I. 2006/611](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the London Olympic Games and Paralympic Games Act 2006, Cross Heading: Trading.