

# LONDON OLYMPIC GAMES AND PARALYMPIC GAMES ACT 2006

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## EXPLANATORY NOTES

### GENERAL

#### *Section 37: Scotland*

111. This section modifies the provisions of the Act in relation to their application to Scotland. The Act confers some regulation and order-making functions on Scottish Ministers (in place of the Secretary of State) and approval functions on the Scottish Parliament in relation to advertising and trading regulations as they are to be applied to venues in Scotland which will stage Games events.

#### *Section 38: Northern Ireland*

112. This section modifies the provisions of the Act in relation to their application to Northern Ireland.

#### *Section 39: Offences: arrest*

113. This section adds the offences of breach of the advertising and street trading regulations in sections 21 and 27 respectively and of ticket touting created by section 31 to Schedule 1A to the [Police and Criminal Evidence Act 1984 \(c.60\)](#) – to make those offences arrestable. *Subsections (2) and (3)* create the same effect in Scotland.

#### *Section 40: Commencement and duration*

114. This section sets out when provisions of the Act will come into force. The following provisions will come into force on Royal Assent:
- section 1 (Interpretation of principal terms),
  - sections 3 to 5 and Schedule 1 (The Olympic Delivery Authority),
  - section 32 (Olympic Symbol etc. (Protection) Act 1995) and paragraphs 1 to 11 of Schedule 3 (Olympic Symbol Protection),
  - section 33 (London Olympics association right) and Schedule 4 (London Olympics Association Right),
  - section 34 and 35(1) and (2) (Greater London Authority: Powers and Supplemental),
  - section 36(3)(a) and (d) (Regional development agencies),
  - section 37 (Scotland),
  - section 38 (Northern Ireland).

*These notes refer to the London Olympic Games and Paralympic Games Act 2006 (c.12) which received Royal Assent on 30 March 2006*

115. **Sections 40 to 42** of the Act (commencement and duration, extent and application and short title) will also come into force on Royal Assent. The remaining provisions of the Act (including paragraphs 12 to 14 of Schedule 3) will come into force by order of the Secretary of State. Such an order may be general or specific in its application and may make different provision for different purposes. It may include transitional or incidental provision, and shall be made by statutory instrument.
116. *Subsection (3)* provides that the Scottish Ministers will commence sections 19 to 31 (street trading and outdoor advertising) and 39(2) and 39(3) (arrestable offences) so far as they extend to Scotland.
117. *Subsection (6)* provides that sections 10 to 18 (relating to Olympic transport) shall cease to have effect at the end of the London Olympics period.
118. As noted above, section 32 and paragraphs 1 to 11 of Schedule 3 regarding Olympic symbol protection shall come into force on Royal Assent. However, under *subsection (5)*, criminal proceedings under a provision of OSPA in respect of anything done during the two-month period after Royal Assent shall not take account of amendments made to OSPA by Schedule 3 to the Act.
119. *Subsection (7)* provides that paragraph 14 of Schedule 3, which inserts new sections 12A and 12B into OSPA (to give Customs officers increased powers to detain infringing goods as they enter the UK), will have effect only in relation to things entering the UK between the day specified for the commencement of paragraph 14 and 31st December 2012.
120. Under *subsection (8)*, section 33 and Schedule 4 (London Olympics Association Right) will cease to have effect at the end of 31st December 2012.
121. *Subsection (9)* provides that, in respect of section 36 (Regional development agencies):
- *Subsection 3(a)* shall have effect in relation to compulsory purchase orders made on or after 1 October 2005,
  - An order bringing *subsection 3(b)* into force may provide for that provision to have effect in relation to purchases completed before the specified commencement date, although no extinguishment of rights is to take effect before that commencement date,
  - An order bringing *subsection 3(c)* into force may provide for that provision to have effect in relation to purchases (whether voluntary or compulsory) made on or after 1 October 2005, although the provision will not change the legal standing of anything done before *subsection (3)(c)* is commenced,
  - Subsection 3(d) shall be treated as having taken effect on 1 October 2005.

***Section 41: Extent and application***

122. This section sets out the territorial extent and application of the Act. The Act extends to the whole of the UK except for section 6 (Planning), 7(2) and 7(4) (Street Lighting and Cleaning), 10 to 18 (Transport) and 34 and 35, (relating to the Greater London Authority), which extend to England and Wales only, although they will only have territorial application to England. Section 36 (Regional development agencies) amends the Regional Development Agencies Act 1998, which extends to England and Wales only, and makes provision in relation to the purchase of land by regional development agencies established under the Act. The Act confers some regulation and order-making functions on the National Assembly for Wales in relation to advertising and trading restrictions as they are to be applied to venues in Wales which will stage Games events. Section 31 (sale of tickets) is to apply in respect of anything done in the United Kingdom or elsewhere. That means that a person may commit the offence of ticket touting outside the UK, for instance via the internet.

*These notes refer to the London Olympic Games and Paralympic Games Act 2006 (c.12) which received Royal Assent on 30 March 2006*

**Section 42: Short title**

123. The short title of the Act will be the London Olympic Games and Paralympic Games Act 2006.