

London Olympic Games and Paralympic Games Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Culture, Media and Sport, are published separately as HL Bill 52 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

The Lord Davies of Oldham has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the London Olympic Games and Paralympic Games Bill are compatible with the Convention rights.

London Olympic Games and Paralympic Games Bill

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Make provision in connection with the Olympic Games and Paralympic Games that are to take place in London in the year 2012; to amend the Olympic Symbol etc. (Protection) Act 1995; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Introductory

1 Interpretation of principal terms

- (1) In this Act “the London Olympics” means—
- (a) the Games of the Thirtieth Olympiad that are to take place in 2012, and
 - (b) the Paralympic Games that are to take place in that year. 5
- (2) A reference in this Act to the London Olympics includes a reference to any event which forms part of the Games specified in subsection (1)(a) or (b) including, in particular—
- (a) an event, other than a sporting event, held in accordance with the Host City Contract, and 10
 - (b) an event which is to take place outside London.
- (3) In this Act—
- (a) “the British Olympic Association” means the company limited by guarantee registered with that name,
 - (b) “London Olympic event” means an event (whether or not a sporting event and whether or not held in London) held as part of the London Olympics, 15
 - (c) “the London Olympics period” means the period which—
 - (i) begins four weeks before the day of the opening ceremony of the Games of the Thirtieth Olympiad that are to take place in 2012, and 20
 - (ii) ends with the fifth day after the day of the closing ceremony of the Paralympic Games 2012,

- (d) “the London Organising Committee” means the organising committee formed in accordance with section 2 of the Host City Contract as the company limited by guarantee registered as the London Organising Committee of the Olympic Games Limited (LOCOG),
- (e) “the Host City Contract” means the Host City Contract, for the Games of the Thirtieth Olympiad that are to take place in 2012, signed at Singapore on 6th July 2005 and entered into by –
- (i) the International Olympic Committee,
 - (ii) the Mayor of London (representing London), and
 - (iii) the British Olympic Association,
- (f) “the Paralympic Games” means the events known by that name and to be organised by the London Organising Committee in accordance with section 60 of the Host City Contract, and
- (g) “the Olympic Charter” means the Olympic Charter of the International Olympic Committee.

2 Alteration of Olympic documents

- (1) If the Secretary of State thinks that a reference in this Act to an Olympic document has ceased to be accurate by reason of the amendment or substitution of that document, he may by order amend the reference.
- (2) In subsection (1) “Olympic document” means a document referred to in section 1.
- (3) An order under subsection (1) –
- (a) may include consequential or incidental provision,
 - (b) shall be made by statutory instrument,
 - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament, and
 - (d) may not be made unless the Secretary of State has consulted the London Organising Committee.

The Olympic Delivery Authority

3 Establishment 30

- (1) There shall be a body corporate known as the Olympic Delivery Authority.
- (2) Schedule 1 (which makes provision about the Authority) shall have effect.

4 General functions

- (1) The Authority may take any action that it thinks necessary or expedient for the purpose of –
- (a) preparing for the London Olympics,
 - (b) making arrangements in preparation for or in connection with the use or management before, during or after the London Olympics of premises and other facilities acquired, constructed or adapted in preparation for the London Olympics, or
 - (c) ensuring that adequate arrangements are made for the provision, management and control of facilities for transport in connection with the London Olympics.

- (2) In particular, the Authority may –
- (a) acquire land (and the Authority may, in particular, with the consent of the Secretary of State, acquire land for a consideration equivalent to the amounts which the Authority would be required to pay if acquiring the land compulsorily under an enactment); 5
 - (b) dispose of land (and the Authority may, in particular, with the consent of the Secretary of State, dispose of land for a consideration less than that which might be expected in a commercial transaction at arms-length);
 - (c) enter into other transactions relating to land, premises or facilities; 10
 - (d) accept or assume duties, rights or liabilities under contracts;
 - (e) apply for, or undertake work in connection with applications for, planning permission;
 - (f) make arrangements for the construction of premises and other facilities; 15
 - (g) make arrangements for carrying out works in connection with the provision of water, electricity, gas, sewerage or other services;
 - (h) make arrangements for carrying out works in connection with the provision of highways;
 - (i) make arrangements for the construction, adaptation or provision of systems of or facilities for transport; 20
 - (j) make arrangements for the provision, variation or discontinuance of any service, highway or system of or facility for transport;
 - (k) with the consent of the Secretary of State, give financial assistance in connection with anything done or to be done by another person for a purpose mentioned in subsection (1); 25
 - (l) co-operate with other persons;
 - (m) make arrangements for the formation of bodies corporate;
 - (n) acquire interests in bodies corporate or other undertakings.
- (3) In exercising a function under this section the Authority shall, wherever relevant – 30
- (a) have regard to the desirability of maximising the benefits to be derived after the London Olympics from things done in preparation for them, and
 - (b) contribute to achieving sustainable development. 35
- (4) Other provisions of this Act confer other functions on the Authority.
- (5) The Authority shall pay compensation to any person whose land is injuriously affected by the execution of works by the Authority; and –
- (a) any dispute as to whether compensation is payable, or as to the amount of compensation, may be referred to the Lands Tribunal, 40
 - (b) subsection (2) of section 10 of the Compulsory Purchase Act 1965 (c. 56) (limitation on compensation) shall apply to this subsection as it applies to that section, and
 - (c) any rule or principle applied to the construction of section 10 of that Act shall be applied to the construction of this section (subject to any necessary modifications). 45
- (6) In the application of subsection (5) in respect of land in Scotland –
- (a) the reference in paragraph (a) to the Lands Tribunal is to be read as if it were a reference to the Lands Tribunal for Scotland, and

(b) paragraphs (b) and (c) are omitted.

5 Planning

- (1) The following provisions shall apply in relation to the Olympic Delivery Authority as they apply in relation to an urban development corporation –
- (a) section 149 of the Local Government, Planning and Land Act 1980 (c. 65) (power for Secretary of State to make order appointing urban development corporation as local planning authority), and 5
 - (b) section 33 of the Planning and Compulsory Purchase Act 2004 (c. 5) (power for Secretary of State to disapply Part 2 of the Act to urban development corporation). 10
- (2) In the application of the provisions specified in subsection (3) by virtue of, or in consequence of, subsection (1) –
- (a) a reference to an urban development corporation shall be taken as a reference to the Authority,
 - (b) a reference to a corporation's area shall be taken as a reference to an area specified in an order made under section 149 of the Local Government, Planning and Land Act 1980 by virtue of subsection (1) above, 15
 - (c) a reference to section 142 of that Act shall be disregarded, and
 - (d) a reference to a London borough shall be taken as a reference to an area in respect of which an order is made under section 149 of that Act by virtue of subsection (1) above. 20
- (3) Those provisions are –
- (a) section 149 of and Schedule 29 to the Local Government, Planning and Land Act 1980, 25
 - (b) section 7 of the Town and Country Planning Act 1990 (c. 8) (urban development areas: displacement of other authorities), and
 - (c) section 33 of the Planning and Compulsory Purchase Act 2004.
- (4) Where the Authority is appointed as a local planning authority by virtue of this section – 30
- (a) section 74(1B)(a) of the Town and Country Planning Act 1990 (directions about applications: London boroughs) shall not apply, but
 - (b) the Mayor of London may direct the Authority to refuse an application for planning permission in a specified case.
- (5) In discharging functions by virtue of this section the Authority shall have regard, in particular – 35
- (a) to the desirability of making proper preparation for the London Olympics,
 - (b) to the desirability of maximising the benefits to be derived after the London Olympics from things done in preparation for them, 40
 - (c) to the terms of any planning permission already granted in connection with preparation for the London Olympics,
 - (d) to any guidance issued by the Secretary of State (which may, in particular, refer to other documents), and
 - (e) to the development plan for any area in respect of which an order is made under section 149 of the Local Government, Planning and Land Act 1980 by virtue of subsection (1) above, construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004. 45

- (6) An order under section 149 of the Local Government, Planning and Land Act 1980 (c. 65) made by virtue of subsection (1) above which revokes a previous order may include supplemental, incidental or transitional provisions or savings; and supplemental provision may, in particular, make provision as to which authority is to become the local planning authority for an area in place of the Olympic Delivery Authority. 5

6 Security

- (1) In exercising its functions the Olympic Delivery Authority shall have regard to the importance of ensuring – 10
- (a) the safety of individuals participating in or attending London Olympic events, and
 - (b) the security of property.
- (2) In particular, the Authority shall hold such consultations as it considers appropriate with – 15
- (a) the Commissioner of Police of the Metropolis, and
 - (b) the chief constable for any area within which a London Olympic event is to take place.

7 Street lighting and cleaning

- (1) The Olympic Delivery Authority may arrange with an authority responsible for cleaning or lighting a highway or other area to which this section applies for cleaning or lighting to be carried out in a specified manner or to a specified standard during all or part of the London Olympics period. 20
- (2) The Authority may make arrangements for cleaning or lighting a highway or other area to which this section applies during all or part of the London Olympics period if they are satisfied that an appropriate result – 25
- (a) cannot be achieved through arrangements under subsection (1), or
 - (b) is not, despite their best endeavours, being achieved through arrangements under subsection (1).
- (3) Arrangements under subsection (1) may include provision for – 30
- (a) payment by the Authority;
 - (b) the consequences of non-compliance.
- (4) For the purposes of subsection (2) the Authority may repair, maintain or use structures or installations which – 35
- (a) belong to an authority responsible for cleaning or lighting a highway or other area to which this section applies, and
 - (b) are situated on or under the highway or other area.
- (5) This section applies to any highway or other area to which the public have access and which the Authority reasonably expect to be used – 40
- (a) in the course of a London Olympic event,
 - (b) by persons watching a London Olympic event, or
 - (c) by persons travelling to a London Olympic event.

8 Transfer schemes

- (1) In this section “transfer scheme” means a scheme providing for the transfer to the Olympic Delivery Authority of specified property, rights and liabilities of a person specified in subsection (3) at a time specified in the scheme.
- (2) If the Secretary of State thinks it expedient in order to enable the Authority to carry out its functions, he may direct a person specified in subsection (3) to make a transfer scheme and submit it to him. 5
- (3) Those persons are—
- (a) the Greater London Authority,
 - (b) the London Development Agency, and 10
 - (c) Transport for London.
- (4) If the Secretary of State directs a person to make and submit a transfer scheme—
- (a) the person shall comply with the direction,
 - (b) the Secretary of State may approve the scheme with or without modification, and 15
 - (c) if approved, the scheme shall have effect.
- (5) A direction of the Secretary of State under subsection (2) shall specify a date by which the transfer scheme is to be submitted.
- (6) The Secretary of State may make a transfer scheme if— 20
- (a) a person fails to comply with a direction under subsection (2), or
 - (b) the Secretary of State decides not to approve a scheme submitted under that subsection.
- (7) A transfer scheme made under subsection (6) shall have effect.
- (8) The Secretary of State may not approve or make a transfer scheme unless— 25
- (a) he has consulted—
 - (i) the person who submitted or should have submitted the scheme,
 - (ii) the Olympic Delivery Authority, and
 - (iii) any other person who in his opinion may be affected by the scheme, and 30 - (b) the Mayor of London consents.
- (9) Schedule 2 (which makes supplementary provision in connection with transfer schemes) shall have effect.

9 Dissolution 35

- (1) The Secretary of State may by order make provision for the dissolution of the Authority.
- (2) An order under this section may, in particular—
- (a) provide for the transfer of property, rights or liabilities of the Authority to— 40
 - (i) the Secretary of State, or
 - (ii) any other person;

- (b) make provision enabling a person to receive anything transferred under paragraph (a) (and that provision shall have effect despite any other enactment or instrument);
 - (c) establish a body corporate;
 - (d) make consequential, incidental or transitional provision which may, in particular –
 - (i) provide for anything done by or in relation to the Authority to have effect as if done by or in relation to another person;
 - (ii) permit anything (which may include legal proceedings) which is in the process of being done by or in relation to the Authority when a transfer takes effect, to be continued by or in relation to another person;
 - (iii) provide for a reference to the Authority in an instrument or other document to be treated as a reference to another person;
 - (iv) amend an enactment.
- (3) Before making an order under this section the Secretary of State shall consult –
- (a) the Mayor of London, and
 - (b) such other persons as the Secretary of State thinks appropriate.
- (4) The Secretary of State may not make an order under this section providing for the transfer of property, rights or liabilities to a person unless the person has consented to the transfer.
- (5) An order under this section –
- (a) may transfer rights and liabilities relating to employees, but
 - (b) shall not affect the operation of the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794).
- (6) The Secretary of State may not make an order by virtue of subsection (5)(a) unless satisfied that sufficient notice has been given to enable compliance with any applicable requirement of those regulations.
- (7) An order under this section –
- (a) shall be made by statutory instrument, and
 - (b) shall not be made unless a draft has been laid before Parliament.

Transport

10 Olympic Transport Plan

- (1) The Olympic Delivery Authority shall prepare and keep under review a plan (“the Olympic Transport Plan”) for addressing transport matters relating to the London Olympics.
- (2) The plan shall, in particular, make provision for –
- (a) the construction of systems of or facilities for transport,
 - (b) the provision of transport –
 - (i) to and from London Olympic events, and
 - (ii) for other purposes connected with the London Olympics,
 - (c) the creation and maintenance of the Olympic Route Network,
 - (d) control of traffic during the London Olympics period,
 - (e) control of facilities for transport during the London Olympics period,

- (f) road closures or restrictions during the London Olympics period,
 - (g) the monitoring of traffic and facilities for transport during the London Olympics period,
 - (h) contingency plans,
 - (i) co-operation between the Authority and other persons, and 5
 - (j) guidance from the Authority to local authorities in England in relation to implementation of the plan.
- (3) Before preparing or revising the plan the Authority shall consult—
- (a) the Secretary of State,
 - (b) the Mayor of London, 10
 - (c) the London Organising Committee,
 - (d) the Commissioner of Police of the Metropolis,
 - (e) the Commissioner of Police of the City of London,
 - (f) the Chief Constable of the British Transport Police Force,
 - (g) the Association of Chief Police Officers, 15
 - (h) the Office of Rail Regulation,
 - (i) Transport for London,
 - (j) a local highway authority, local traffic authority or street authority for a road in England which the Authority thinks is likely to be affected by the implementation of the plan, and 20
 - (k) such other persons as the Authority thinks appropriate.
- (4) In preparing or revising the plan the Authority shall have regard to—
- (a) the transport strategy prepared in accordance with section 142 of the Greater London Authority Act 1999 (c. 29) (Mayor’s duty to publish transport strategy), 25
 - (b) the spatial development strategy prepared in accordance with section 334 of that Act (Mayor’s duty to prepare spatial development strategy), and
 - (c) the London Development Agency strategy prepared in accordance with section 7A of the Regional Development Agencies Act 1998 (c. 45). 30
- (5) The Authority shall publish the plan and any revision, except if or in so far as they think publication would be undesirable for reasons of security.

11 Olympic Route Network

- (1) The Secretary of State may by order designate a road for the purpose of facilitating travel— 35
- (a) to and from London Olympic events, or
 - (b) for other purposes connected with the London Olympics.
- (2) Where the Secretary of State has designated one or more roads under subsection (1), the Authority may, with the consent of the Secretary of State, by order designate one or more additional roads for the purpose of facilitating travel— 40
- (a) to and from London Olympic events, or
 - (b) for other purposes connected with the London Olympics.
- (3) The roads designated under this section shall together be known as the Olympic Route Network. 45

- (4) An order under subsection (1) or (2) –
- (a) may not be made unless the highway authority, traffic authority or street authority with responsibility for each road designated in the order have been consulted,
 - (b) shall be made by statutory instrument, and
 - (c) shall be subject to annulment following a resolution of either House of Parliament.
- (5) In the case of an order under subsection (1) or (2) which has the effect (by amending or revoking a previous order) of removing a road from the Olympic Route Network –
- (a) subsection (4)(a) shall not apply in respect of the road, but
 - (b) the person making the order must inform the highway authority, traffic authority or street authority with responsibility for the road.

12 Co-operation

- (1) The persons specified in subsection (2) shall co-operate with the Olympic Delivery Authority for the purpose of –
- (a) implementing the Olympic Transport Plan, and
 - (b) in particular, providing or facilitating transport services in connection with the London Olympics.
- (2) Those persons are –
- (a) the Mayor of London,
 - (b) Transport for London,
 - (c) the Secretary of State in so far as he has functions under or by virtue of –
 - (i) section 22 of the Crown Lands Act 1851 (c. 42) (duties in relation to royal parks), or
 - (ii) section 2(1) of the Parks Regulation (Amendment) Act 1926 (c. 36) (management regulations),
 - (d) the local highway authority for a road,
 - (e) the street authority for a road, and
 - (f) the local traffic authority for a road.
- (3) If the Secretary of State thinks that a local highway authority, a local traffic authority or a street authority has failed to comply with subsection (1) he may direct the authority to exercise any of its functions for the purpose of –
- (a) implementing the Olympic Transport Plan, or
 - (b) co-operating with the Olympic Delivery Authority for the purpose of providing or facilitating transport services in connection with the London Olympics.
- (4) Before giving a direction to Transport for London under subsection (3) the Secretary of State shall notify the Mayor of London.
- (5) If the relevant authority fails to comply with a direction under subsection (3) the Secretary of State may –
- (a) exercise the function, or
 - (b) make arrangements to have the function exercised by –
 - (i) the Olympic Delivery Authority, or
 - (ii) any other person.

- (6) A person exercising a function of an authority in reliance on subsection (5) –
- (a) may do anything which the relevant authority could have done, and
 - (b) may recover from the authority, as if it were a debt, the reasonable cost of exercising the function.
- (7) In preparing or revising a transport strategy in accordance with section 142 of the Greater London Authority Act 1999 (c. 29) (obligation to publish transport strategy) the Mayor of London shall –
- (a) have regard to the Olympic Transport Plan, and
 - (b) consult the Olympic Delivery Authority.
- (8) This section is without prejudice to the generality of paragraph 18(1) of Schedule 1.

13 Functions affecting London Olympics

- (1) This section applies to the exercise by a local highway authority, local traffic authority or street authority of a function if the exercise might reasonably be expected to affect –
- (a) the implementation of the Olympic Transport Plan,
 - (b) any part of the Olympic Route Network,
 - (c) travel to or from a London Olympic event, or
 - (d) other travel for a purpose connected with the London Olympics.
- (2) An authority may not exercise a function unless –
- (a) it has notified the Olympic Delivery Authority, and
 - (b) either –
 - (i) the Authority has approved the exercise of the function, or
 - (ii) the period of thirty days beginning with the date on which the notification is sent to the Authority expires without the Authority sending an objection in writing to the authority, or
 - (iii) any objection sent under sub-paragraph (ii) has been withdrawn in writing, or
 - (iv) the Secretary of State, having considered any objection sent under sub-paragraph (ii), has approved the exercise of the function.
- (3) The Secretary of State may by order specify circumstances in which subsection (2) shall not apply or shall apply with modifications (whether by reason of urgency or otherwise); and the order may, in particular, define a class of circumstances wholly or partly by reference to the opinion of an authority.
- (4) An order under subsection (3) –
- (a) shall be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The Olympic Delivery Authority –
- (a) may take steps to reverse or change the effect of anything done in contravention of subsection (2),
 - (b) for that purpose, shall have all the powers of the person, and
 - (c) may recover from the person, as if it were a debt, the reasonable cost of taking action under paragraph (a).

- (6) The Secretary of State shall consult the Olympic Delivery Authority before exercising a function relating to a road in a Royal Park if he thinks the exercise will or may affect—
- (a) the implementation of the Olympic Transport Plan,
 - (b) part of the Olympic Route Network, 5
 - (c) travel to or from a London Olympic event, or
 - (d) other travel for a purpose connected with the London Olympics.
- (7) Section 183 of the Greater London Authority Act 1999 (c. 29) (addition or variation of network services) shall not apply in relation to the provision of network services, within the meaning of that Act, during the London Olympics period. 10

14 Traffic regulation orders

- (1) The Olympic Delivery Authority may, with the consent of the Secretary of State, make an order under section 1, 6, 9 or 14 of the Road Traffic Regulation Act 1984 (c. 27) (traffic control) in relation to a road forming part of the Olympic Route Network as if it were a traffic authority in respect of that road. 15
- (2) But the Authority may not make an order in reliance on subsection (1) unless its purpose is—
- (a) to implement the Olympic Transport Plan, or
 - (b) to facilitate transport services in connection with the London Olympics. 20
- (3) Part 3 of Schedule 9 to the Road Traffic Regulation Act 1984 (procedure) shall apply to the making of an order by the Olympic Delivery Authority in reliance on subsection (1) as it applies to the making of an order by Transport for London under that Act (subject to any necessary modifications).
- (4) A traffic authority may make an order under section 1, 6, 9 or 14 of that Act in relation to any road for a purpose specified in subsection (2). 25
- (5) A local traffic authority may not make an order by virtue of subsection (4) in respect of a road forming part of the Olympic Route Network without the consent of the Olympic Delivery Authority.
- (6) Section 3(1) of that Act (restrictions on traffic regulation orders) shall not apply to an order made by virtue of this section. 30

15 Traffic regulation orders: enforcement

- (1) Despite the provisions of Schedule 2 to the Road Traffic Offenders Act 1988 (c. 53) (prosecution and punishment of road traffic offences) the maximum fine in respect of contravention of an order made by virtue of section 14(1) shall be level 5 on the standard scale. 35
- (2) Part 6 of the Traffic Management Act 2004 (c. 18) (civil enforcement) shall apply in relation to a contravention of an order made by virtue of section 14(1) or (4) as it applies in relation to the contraventions specified in Schedule 7 to that Act. 40
- (3) In the application of Part 6 of that Act to a contravention of an order made by virtue of section 14(1) or (4) the provisions of Schedule 9 (level of charges) shall have effect as if—

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- (a) the references in paragraphs 2, 3 and 5 to Transport for London and the London local authorities were references to the Olympic Delivery Authority,
- (b) the requirement in paragraph 2(3) were a requirement for the Olympic Delivery Authority to consult Transport for London and the London local authorities, 5
- (c) the reference in paragraph 3 to the Mayor of London were a reference to the Secretary of State,
- (d) paragraph 4 were omitted, and
- (e) the reference in paragraph 7 to the enforcement authority were a reference to the Authority. 10
- (4) The Secretary of State may direct the enforcement authority for a road to exercise its powers under Part 6 of the Traffic Management Act 2004 (c. 18) in respect of contravention of an order made by virtue of section 14(1) or (4).
- (5) If the enforcement authority in relation to a road is Transport for London, the Secretary of State may give a direction under subsection (4) only with the consent of the Mayor of London. 15
- (6) If an enforcement authority in relation to a road fails to comply with a direction under subsection (4), the Olympic Delivery Authority may, with the consent of the Secretary of State, act as the enforcement authority in relation to that road. 20
- (7) If the Authority acts as the enforcement authority in relation to a road by virtue of subsection (6), it may recover from the enforcement authority, as if it were a debt, the reasonable cost of acting.
- (8) An expression used in this section and in Part 6 of the Traffic Management Act 2004 shall have the same meaning in this section as in that Part. 25
- 16 Road closures**
- (1) Section 16A of the Road Traffic Regulation Act 1984 (c. 27) (road closures or restrictions for certain events) shall apply in relation to the London Olympics as if—
- (a) in subsection (1) for the words “any sporting event, social event or entertainment which is held on a road” there were substituted the words “a London Olympic event”, 30
- (b) subsection (3) were omitted, and
- (c) in subsection (5) for the words from “the road” to the end of the subsection there were substituted the words “any road”. 35
- (2) Section 16B of that Act (restrictions on orders under section 16A) shall not apply in relation to a closure under section 16A for the purposes of the London Olympics.
- 17 Office of Rail Regulation**
- (1) The list of objectives in section 4(1) of the Railways Act 1993 (c. 43) (objectives of Office of Rail Regulation and Secretary of State) shall be treated, in relation to the Office of Rail Regulation only, as including the objective of facilitating the provision, management and control of facilities for transport in connection with the London Olympics. 40

- (2) The Office of Rail Regulation shall consult the Olympic Delivery Authority about the duty under section 4(1) of the Railways Act 1993 (c. 43) (as modified by subsection (1)).

18 Interpretation

- In sections 10 to 17 – 5
- “highway authority” shall be construed in accordance with Part 1 of the Highways Act 1980 (c. 66) (highway authorities),
- “local authority” has the meaning given by section 1(a) of the Local Government Act 2000 (c. 22),
- “local highway authority” has the meaning given by section 329(1) of the Highways Act 1980, 10
- “local traffic authority” has the meaning given by section 121A of the Road Traffic Regulation Act 1984 (c. 27),
- “the Olympic Route Network” has the meaning given by section 11,
- “the Olympic Transport Plan” has the meaning given by section 10(1), 15
- “road” includes part of a road,
- “street authority” has the meaning given by section 49 of the New Roads and Street Works Act 1991 (c. 22) but does not include the Secretary of State, and
- “traffic authority” has the meaning given by section 121A of the Road Traffic Regulation Act 1984. 20

Advertising

19 Advertising regulations

- (1) The Secretary of State shall make regulations about advertising in the vicinity of London Olympic events. 25
- (2) In making the regulations the Secretary of State –
- (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 30
- (c) shall also have regard to amenity and public safety.
- (3) The regulations shall specify, or provide criteria for determining –
- (a) the places in respect of advertising in which the regulations apply,
- (b) the nature of the advertising in respect of which the regulations apply, and 35
- (c) what is, or is not, to be treated for the purposes of the regulations as advertising in the vicinity of a place.
- (4) The regulations may apply in respect of advertising of any kind including, in particular –
- (a) advertising of a non-commercial nature, and 40
- (b) announcements or notices of any kind.
- (5) The regulations may apply in respect of advertising in any form including, in particular –
- (a) the distribution or provision of documents or articles,

- (b) the display or projection of words, images, lights or sounds, and
 - (c) things done with or in relation to material which has or may have purposes or uses other than as an advertisement.
- (6) The regulations shall specify, or provide criteria for determining, the period of time during which they apply; and – 5
 - (a) the regulations shall apply only for such time as the Secretary of State 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. 10
- (7) The regulations shall permit, subject to any specified conditions, advertising undertaken or controlled by – 15
 - (a) any person specified in the regulations as appearing to the Secretary of State to have responsibility in accordance with the Host City Contract for the control of advertising in relation to the London Olympics (“a responsible body”), or
 - (b) any person authorised by a responsible body (whether or not subject to terms and conditions and whether or not in accordance with a sponsorship or other commercial agreement).
- (8) The regulations – 20
 - (a) may prohibit action of a specified kind or in specified circumstances,
 - (b) may impose obligations on persons who – 25
 - (i) take action in relation to an advertisement, or
 - (ii) have an interest in or responsibility for a product or service to which an advertisement relates,
 - (c) may impose obligations on persons who own, occupy or have responsibility for the management of land, premises or other property,
 - (d) may, in particular, impose on a person an obligation to take steps to ensure – 30
 - (i) that other persons do not take action of a particular kind;
 - (ii) that a situation is not permitted to continue, and
 - (e) shall have effect despite any consent or permission granted (whether before or after the commencement of the regulations) by any landowner, local authority or other person.
- 20 Regulations: supplemental** 35
- (1) Regulations under section 19 – 40
 - (a) may, to a specified extent or for specified purposes, disapply or modify specified enactments relating to planning or the control of advertising,
 - (b) may apply (with or without modifications) or make provision similar to any enactment (including, but not limited to, provisions of Chapter III of Part VIII of the Town and Country Planning Act 1990 (c. 8) (control of advertising) and regulations under that Chapter)), 40
 - (c) may provide for exceptions (in addition to those referred to in section 19(7)) which may be expressed by reference to the nature of advertising, its purpose, the circumstances of its display or any other matter (which may include the consent of a specified person), 45
 - (d) may make provision for application, with any specified modifications or exceptions, to the Crown,

- (e) may make provision which applies generally or only for specified purposes or in specified circumstances,
 - (f) may make different provision for different purposes or circumstances, and
 - (g) may apply in relation to advertising whether or not it consists of the result or continuation of activity carried out before the regulations come into force. 5
- (2) Regulations under section 19—
- (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. 10
- (3) Before making regulations under section 19 the Secretary of State—
- (a) shall consult such authorities, with responsibilities for planning in respect of places to which the regulations apply or may apply, as he thinks appropriate, 15
 - (b) shall consult the Olympic Delivery Authority, and
 - (c) shall consult the London Organising Committee.
- (4) If regulations under section 19 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. 20

21 Offence

- (1) A person commits an offence if he contravenes regulations under section 19.
- (2) It shall be a defence for a person charged with an offence under subsection (1) to prove that the contravention of the regulations occurred—
- (a) without his knowledge, or 25
 - (b) despite his taking all reasonable steps to prevent it from occurring or (where he became aware of it after its commencement) from continuing.
- (3) A person guilty of an offence under subsection (1) shall be liable—
- (a) on conviction on indictment, to a fine, or 30
 - (b) on summary conviction, to a fine not exceeding £20,000.
- (4) A court by or before which a person is convicted of an offence under subsection (1) may require him to pay to a police authority or to the Olympic Delivery Authority sums in respect of expenses reasonably incurred in taking action under section 22(1) in relation to the matters to which the offence relates. 35

22 Enforcement: power of entry

- (1) A constable or enforcement officer may—
- (a) enter land or premises on which they reasonably believe a contravention of regulations under section 19 is occurring (whether by reason of advertising on that land or premises or by the use of that land or premises to cause an advertisement to appear elsewhere); 40
 - (b) remove, destroy, conceal or erase 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 enter land or premises may be exercised only at a time that a constable or enforcement officer thinks reasonable having regard to the nature and circumstances of the contravention of regulations under section 19. 5
- (3) Before entering land or premises a constable or enforcement officer must take reasonable steps to –
- (a) establish the identity of an owner, occupier or person responsible for the management of the land or premises or of any infringing article on the land or premises, and 10
- (b) give any owner, occupier or responsible person identified under paragraph (a) such opportunity as seems reasonable to the constable or enforcement officer in the circumstances of the case to end the contravention of the regulations (whether by removing, destroying or concealing any infringing article or otherwise). 15
- (4) The power to enter premises may be exercised in relation to a dwelling only in accordance with a warrant issued by a justice of the peace; and a justice of the peace may issue a warrant only if satisfied on the application of a constable or enforcement officer that –
- (a) there are reasonable grounds to believe a contravention of regulations under section 19 is occurring in the dwelling or on land that can reasonably be entered only through the dwelling, 20
- (b) the constable or enforcement officer has complied with subsection (3),
- (c) the constable or enforcement officer has taken reasonable steps to give notice to persons likely to be interested of his intention to apply for a warrant, and 25
- (d) that it is reasonable in the circumstances of the case to issue a warrant.
- (5) The power to remove an article may be exercised only if the constable or enforcement officer thinks it necessary for the purpose of –
- (a) ending the contravention of regulations under section 19, 30
- (b) preventing a future contravention of the regulations,
- (c) enabling the article to be used as evidence in proceedings for an offence under section 21, or
- (d) enabling the article to be forfeited in accordance with section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6). 35
- (6) An article removed –
- (a) if removed by an enforcement officer, shall as soon as is reasonably practicable be delivered to a constable, and
- (b) whether removed by or delivered to a constable, shall be treated as if acquired by the constable in the course of the investigation of an offence. 40
- (7) Having exercised a power under this section a constable or enforcement officer –
- (a) shall take reasonable steps to leave the land or premises secure, and
- (b) shall comply with any provision of regulations under section 19 about informing specified persons of what the constable or enforcement officer has done. 45

- (8) Regulations under section 19 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 or for the management of an infringing article) to obtain compensation from a police authority or the Olympic Delivery Authority; and the regulations may, in particular, include provision – 5
- (a) conferring jurisdiction on a court or tribunal;
 - (b) about appeals.
- (9) A police authority or the Olympic Delivery Authority may recover from a person responsible for the contravention of the regulations, as if it were a debt, the reasonable costs of taking action under this section. 10
- (10) In this section –
- “enforcement officer” means a person designated for the purposes of that subsection by the Olympic Delivery Authority (and paragraph 29(1)(a) to (d) of Schedule 1 shall apply to an enforcement officer whether or not he is a member of the Authority’s staff), and 15
- “infringing article” means –
- (a) an advertisement which contravenes regulations under section 19, and
 - (b) any other thing that constitutes a contravention of regulations under section 19 or is being used in connection with a contravention of the regulations. 20

23 Role of Olympic Delivery Authority

- (1) The Olympic Delivery Authority shall make arrangements to have the effect of regulations made or expected to be made under section 19 brought to the attention of persons likely to be affected or interested. 25
- (2) In exercising their function under subsection (1) the Authority shall –
- (a) aim to give two years’ notice of the general nature of the regulations, and
 - (b) aim to give six months’ notice of the detailed provisions of the regulations. 30
- (3) The Olympic Delivery Authority –
- (a) shall make available to persons who are or may be affected by regulations under section 19 advice about the effect or likely effect of the regulations, and 35
 - (b) may give assistance (which may include financial assistance) in complying with or avoiding breaches of the regulations.
- (4) The Olympic Delivery Authority may institute criminal proceedings in respect of an offence under section 21.
- (5) Subsection (4) shall not apply in relation to the institution of proceedings in Scotland or Northern Ireland. 40
- (6) The Olympic Delivery Authority shall –
- (a) prepare a strategy for the exercise of their functions under this section and under section 22,
 - (b) submit the strategy to the Secretary of State, 45
 - (c) revise the strategy until it obtains the Secretary of State’s approval, and

- (d) publish the strategy as approved.

24 Local planning authorities

- (1) The Secretary of State may by order require a specified local planning authority who grant advertising consent to a person to notify him of the effect of –
- (a) section 19(8)(e), and 5
 - (b) any regulations under section 19.
- (2) In subsection (1) “advertising consent” means consent of such kind as the order shall specify.
- (3) An order under subsection (1) –
- (a) shall be made by statutory instrument, and 10
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Trading

25 Street trading, &c.

- (1) The Secretary of State shall make regulations about trading in the vicinity of London Olympic events. 15
- (2) In making the regulations the Secretary of State –
- (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 20
 - (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, 25
 - (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 30
 - (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. 35
- (5) The regulations shall specify, or provide criteria for determining, the period of time during which they apply; and –
- (a) the regulations shall apply only for such time as the Secretary of State considers necessary for the purpose of securing compliance with obligations imposed on any person by the Host City Contract, and 40
 - (b) the regulations may apply during different periods in respect of different places.

- (6) The regulations shall permit, subject to any specified conditions, trading in accordance with an authorisation granted by –
- (a) the Olympic Delivery Authority, or
 - (b) a person to whom the function of granting authorisations for the purpose of this subsection is delegated by the Authority (and the Authority may delegate the function to different persons in respect of different areas or activities). 5
- (7) An authorisation may be subject to terms and conditions; in particular –
- (a) an authorisation may be subject to terms and conditions about the times at which trading is carried out or about steps to be taken in respect of congestion, litter or noise, and 10
 - (b) an authorisation granted to a person may be subject to terms and conditions which are inconsistent with, or more onerous than, the terms and conditions of any other licence held by the person in respect of trading. 15
- (8) The regulations shall include provision about the circumstances in which authorisations under subsection (6) may and may not be granted; and the regulations may, in particular –
- (a) stipulate that an authorisation be granted in respect of a place only if a specified kind of licence exists in respect of trading in that place; 20
 - (b) stipulate that an authorisation be granted in respect of a place only if it is designated for a specified purpose in accordance with a specified enactment;
 - (c) stipulate that an authorisation be granted to a person only if he holds a specified kind of licence in respect of trading; 25
 - (d) stipulate that an authorisation may be granted for trading in the course of a fair or market (which the regulations may define) only where –
 - (i) the fair or market is held in accordance with a specified kind of licence or right, and
 - (ii) any other specified conditions are satisfied; 30
 - (e) require the Authority to have regard to the provisions of the Host City Contract;
 - (f) confer, subject to provisions of the regulations, an absolute discretion in respect of each application for authorisation.
- 26 Section 25: supplemental 35**
- (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 (which may include provision conferring a right of appeal in respect of the refusal of an authorisation), 40
 - (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), 45
 - (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.
- (3) Before making regulations under section 25 the Secretary of State – 5
- (a) shall consult 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) shall consult the Olympic Delivery Authority, and
 - (c) shall consult the London Organising Committee. 10
- (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. 15
- (6) In section 25 and this section “licence” includes any kind of consent, certificate, permission or authority (by whatever name).
- 27 Offence 20**
- (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.
- 28 Enforcement: power of entry 25**
- (1) A constable or enforcement officer may –
- (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); 30
 - (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 or enforcement officer thinks it necessary for the purpose of – 35
- (a) ending the contravention of regulations under section 25,
 - (b) preventing a future contravention of the regulations,
 - (c) enabling the article to be used as evidence in proceedings for an offence under section 27, or
 - (d) enabling the article to be forfeited in accordance with section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6). 40

- (3) 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.
- (4) An article removed—
- (a) if removed by an enforcement officer, shall as soon as is reasonably practicable be delivered to a constable, and
 - (b) whether removed by or delivered to a constable, shall be treated as if acquired by the constable in the course of the investigation of an offence;
- but this subsection is subject to subsection (3).
- (5) Having exercised a power under this section a constable or enforcement officer—
- (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 or enforcement officer 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 a police authority or the Olympic Delivery Authority; and the regulations may, in particular, include provision—
- (a) conferring jurisdiction on a court or tribunal;
 - (b) about appeals.
- (7) A police authority or the Olympic Delivery 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—
- “enforcement officer” means a person designated for the purposes of that subsection by the Olympic Delivery Authority (and paragraph 29(1)(a) to (d) of Schedule 1 shall apply to an enforcement officer whether or not he is a member of the Authority’s staff), and
- “infringing article” means—
- (a) an article 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 to which paragraph (a) applies.

29 Role of Olympic Delivery Authority

- (1) The Olympic Delivery Authority shall—
- (a) make arrangements to have the effect of regulations made or expected to be made under section 25 brought to the attention of persons likely to be affected or interested, and
 - (b) work with persons likely to be prevented by regulations under section 25 from carrying out their habitual trading activities in attempting to identify acceptable alternatives.
- (2) In exercising their function under subsection (1) the Authority shall—

- (a) aim to give two years' notice of the general nature of the regulations, and
- (b) aim to give six months' notice of the detailed provisions of the regulations.
- (3) The Olympic Delivery Authority – 5
- (a) shall make available to persons who are or may be affected by regulations under section 25 advice about the effect or likely effect of the regulations, and
- (b) may give assistance (which may include financial assistance) in complying with or avoiding breaches of the regulations. 10
- (4) The Olympic Delivery Authority may institute criminal proceedings in respect of an offence under section 27.
- (5) Subsection (4) shall not apply in relation to the institution of proceedings in Scotland or Northern Ireland.
- (6) The Olympic Delivery Authority shall – 15
- (a) prepare a strategy for the exercise of their functions under this section and under or by virtue of sections 25 and 28,
- (b) submit the strategy to the Secretary of State,
- (c) revise the strategy until it obtains the Secretary of State's approval, and
- (d) publish the strategy as approved. 20
- 30 Other authorities**
- (1) The Secretary of State 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). 25
- (3) An order under this section –
- (a) shall be made by statutory instrument, and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament. 30
- 31 Sale of tickets**
- (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. 35
- (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 – 40
- (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. 5
- (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. 10
- (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. 15
- (6) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale. 20
- (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. 25
- (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. 30
- (10) Subsection (9) is without prejudice to any power of entry or search which is otherwise exercisable by a constable in Scotland. 35
- (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. 40
- (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.

Miscellaneous

- 32 Olympic Symbol etc. (Protection) Act 1995**
- Schedule 3 (which amends the Olympic Symbol etc. (Protection) Act 1995 (c. 32)) shall have effect.
- 33 London Olympics association right** 5
- Schedule 4 (which creates the London Olympics association right) shall have effect.
- 34 Greater London Authority: powers**
- (1) The Greater London Authority may do anything –
- (a) for the purpose of complying with an obligation of the Mayor of London under the Host City Contract (whether before, during or after the London Olympics), 10
 - (b) for a purpose connected with preparing for or managing the London Olympics, or
 - (c) for a purpose connected with anything done in accordance with paragraph (a) or (b). 15
- (2) In particular, the Greater London Authority may –
- (a) arrange for the construction, improvement or adaptation of premises or facilities of any description;
 - (b) arrange for the provision of services of any description; 20
 - (c) undertake works of any description;
 - (d) acquire land or other property;
 - (e) enter into agreements;
 - (f) act jointly or cooperate with any person (whether or not having functions under the Host City Contract); 25
 - (g) give financial or other assistance to persons in respect of activity connected with the London Olympics (whether or not the activity is undertaken in pursuance of an agreement with the Authority);
 - (h) take action in respect of places outside London.
- (3) In exercising the function under subsection (1) the Authority shall have regard to the desirability of consulting and cooperating with – 30
- (a) the Secretary of State,
 - (b) the British Olympic Association,
 - (c) the London Organising Committee, and
 - (d) other persons with experience or knowledge which might be useful in relation to preparing for or managing the London Olympics. 35
- (4) In exercising the function under subsection (1) the Authority shall have regard to the desirability of maximising the benefits to be derived after the London Olympics from things done in preparation for them.
- (5) In so far as section 38 of the Greater London Authority Act 1999 (c. 29) (delegation) permits the delegation of a function under this section to the London Development Agency, section 38(7) of that Act shall not have the effect of disapplying section 5(2) and (3) of the Regional Development Agencies Act 40

1998 (c. 45) (requirement for Secretary of State's consent for certain activities; and limitations in respect of the provision of housing).

35 Section 34: supplemental

- (1) Financial assistance under section 34(2)(g) may be given on terms or conditions (which may, in particular, include terms or conditions for repayment with or without interest). 5
- (2) The Greater London Authority may accept contributions towards expenditure in connection with the London Olympics.
- (3) The Secretary of State may, after the conclusion of the London Olympics, repeal section 34 and this section by order made by statutory instrument; and the order may – 10
 - (a) include savings (which may include provision saving, to such extent as may be specified and whether or not subject to modifications, the effect of a provision of the Greater London Authority Act 1999 (c. 29) or another primary or subordinate enactment in so far as it applies in relation to section 34); 15
 - (b) include transitional provision (which may include provision relating to the effect of a provision of an enactment in so far as it applies in relation to section 34);
 - (c) include provision for the transfer of property, rights or liabilities (which may, in particular, include provision for transfer – 20
 - (i) to the Secretary of State or to any other person whether or not exercising functions of a public nature;
 - (ii) on terms and conditions, whether as to payment or otherwise;
 - (iii) of liabilities whether arising under the Host City Contract or otherwise; 25
 - (iv) of rights or liabilities in relation to legal proceedings);
 - (d) include provision of any other kind relating to the management, control or treatment of anything constructed or done in accordance with section 34(1); 30
 - (e) include incidental or consequential provision;
 - (f) make provision having effect generally or only for specified cases or purposes;
 - (g) make different provision for different cases or purposes.
- (4) Before making an order under subsection (3) the Secretary of State shall consult the Mayor of London. 35
- (5) An order under subsection (3) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

36 Regional development agencies

- (1) The purposes of a regional development agency (listed in section 4 of the Regional Development Agencies Act 1998 (c. 45)) shall include the purpose of preparing for the London Olympics. 40
- (2) But a regional development agency shall not do anything by virtue only of subsection (1) except at the request of the Olympic Delivery Authority.

- (3) In relation to the purchase of land by a regional development agency for the purpose of preparing for the London Olympics (whether or not by virtue of subsection (1) and whether or not the purchase has another purpose also) –
- (a) section 19 of the Acquisition of Land Act 1981 (c. 67) (open spaces, &c.) shall not apply, 5
 - (b) section 295 of the Housing Act 1985 (c. 68) (extinguishment of rights over land acquired) shall apply (with any necessary modifications) as it applies to a purchase by a local housing authority,
 - (c) no enactment regulating the use of commons, open spaces or allotments shall prevent or restrict the use of the land for construction, other works or any other purpose (but this paragraph does not disapply a requirement for planning permission), and 10
 - (d) any enactment permitting compulsory purchase shall be treated as applying to an interest in land whether or not it, or any superior or inferior interest, is held by the Crown. 15
- (4) The Secretary of State may, after the conclusion of the London Olympics, repeal this section by order made by statutory instrument; and the order may –
- (a) include savings (which may include provision saving, to such extent as may be specified and whether or not subject to modifications, the effect of a provision of the Regional Development Agencies Act 1998 (c. 45) or another primary or subordinate enactment in so far as it applies in relation to this section); 20
 - (b) include transitional provision (which may include provision relating to the effect of a provision of an enactment in so far as it applies in relation to this section); 25
 - (c) include provision for the transfer of property, rights or liabilities (which may, in particular, include provision for transfer –
 - (i) to the Secretary of State or to any other person whether or not exercising functions of a public nature; 30
 - (ii) on terms and conditions, whether as to payment or otherwise;
 - (iii) of liabilities whether arising under the Host City Contract or otherwise;
 - (iv) of rights and liabilities in relation to legal proceedings); 35
 - (d) include provision of any other kind relating to the management, construction or treatment of anything constructed or done for the purpose specified in subsection (1);
 - (e) include incidental or consequential provision;
 - (f) make provision having effect generally or only for specific cases or purposes; 40
 - (g) make different provision for different cases or purposes.
- (5) An order under subsection (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

General

37 Scotland 45

- (1) In its application to Scotland, this Act has effect subject to the following modifications.

- (2) “Enactment”, except in section 9(2)(d)(iv), includes an enactment contained in, or in an instrument under, an Act of the Scottish Parliament.
- (3) “Local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).
- (4) “Local planning authority” means a planning authority for the purposes of the Town and Country Planning (Scotland) Act 1997 (c. 8). 5
- (5) “Police authority” includes a joint police board constituted under an amalgamation scheme made under section 19 of the Police (Scotland) Act 1967 (c. 77).
- (6) References to costs are to be read as if they were references to expenses. 10
- (7) References to a highway are to be read as if they were references to a road within the meaning of the Roads (Scotland) Act 1984 (c. 54).
- (8) In sections 19 to 30—
- (a) references to the Secretary of State are to be read as if they were references to the Scottish Ministers, and 15
- (b) references to a resolution of either House of Parliament are to be read as if they were references to a resolution of the Scottish Parliament.
- (9) In section 20(1)(b), the reference to Chapter III of Part VIII of the Town and Country Planning Act 1990 (c. 8) is to be read as if it were a reference to Chapter 3 of Part 7 of the Town and Country Planning (Scotland) Act 1997. 20
- (10) In section 22(4)—
- (a) the references to a justice of the peace are to be read as if they were references to a sheriff, and
- (b) the reference to the application of a constable or enforcement officer is to be read as if it were a reference to the application of a procurator fiscal. 25
- (11) In sections 22(5)(d) and 28(2)(d), the references to section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) are to be read as if they were references to section 21 of the Proceeds of Crime (Scotland) Act 1995 (c. 43).
- 38 Northern Ireland** 30
- In its application to Northern Ireland this Act has effect as if—
- (a) references to an enactment included references to Northern Ireland legislation,
- (b) references to a police authority were references to the Northern Ireland Policing Board, 35
- (c) references to a justice of the peace were references to a lay magistrate,
- (d) references to a local planning authority were references to the Department of the Environment in Northern Ireland,
- (e) references to a highway were references to a road (within the meaning of the Roads (Northern Ireland) Order 1980 (S.I. 1980/1085 (N.I. 11)), 40
- (f) references to a local authority were references to a district council,
- (g) the reference in section 28(2)(d) to section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 were a reference to Article 11 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 N.I. 15)),

- (h) the reference in section 31(5) to section 32(2)(b) of the Police and Criminal Evidence Act 1984 (c. 60) were a reference to Article 34(2)(b) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)), and
- (i) for section 39 there were substituted – 5
- “Offences: arrest**
- In Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (arrestable offences) at the end add –
- “(r) offences under section 21(1), 27(1) or 31(1) of the London Olympic Games and Paralympic Games Act 2005 (unauthorised advertising, trading and ticket sales).” 10
- 39 Offences: arrest**
- (1) At the end of Schedule 1A to the Police and Criminal Evidence Act 1984 (arrestable offences) add –
- “London Olympic Games and Paralympic Games Act 2005* 15
- 27B An offence under section 21(1), 27(1) or 31(1) of the London Olympic Games and Paralympic Games Act 2005 (unauthorised advertising, trading and ticket-sales).”
- (2) A constable in Scotland may arrest without warrant a person who the constable reasonably believes is committing or has committed an offence under section 21(1), 27(1) or 31(1). 20
- (3) Subsection (2) is without prejudice to any power of arrest which is otherwise exercisable by a constable in Scotland.
- 40 Commencement and duration**
- (1) The following provisions of this Act shall come into force on Royal Assent – 25
- (a) section 1,
- (b) sections 3 to 5 and Schedule 1,
- (c) section 32 and paragraphs 1 to 11 of Schedule 3,
- (d) section 33 and Schedule 4,
- (e) sections 34 and 35(1) and (2), 30
- (f) section 36(3)(a) and (d),
- (g) section 37, and
- (h) section 38.
- (2) The other preceding provisions of this Act (including paragraphs 12 to 14 of Schedule 2) shall come into force in accordance with provision made by order of the Secretary of State. 35
- (3) But the following provisions of this Act, so far as they extend to Scotland, shall come into force in accordance with provision made by order of the Scottish Ministers –
- (a) sections 19 to 31, and 40
- (b) section 39(2) and (3).
- (4) An order under subsection (2) or (3) –

- (a) may make provision generally or only for specified purposes,
 - (b) may make different provision for different purposes,
 - (c) may include transitional or incidental provision, and
 - (d) shall be made by statutory instrument.
- (5) Despite subsection (1)(c), for the purposes of criminal proceedings under a provision of the Olympic Symbol etc. (Protection) Act 1995 (c. 32) in respect of anything done before the end of the period of two months beginning with the date on which this Act receives Royal Assent, no account shall be taken of any amendment made of that Act by Schedule 3 to this Act. 5
- (6) Sections 10 to 18 (including any power to make orders or give directions) shall cease to have effect at the end of the London Olympics period. 10
- (7) Paragraph 14 of Schedule 2, which inserts new sections 12A and 12B into the Olympic Symbol etc. (Protection) Act 1995, shall have effect in relation to things arriving in the United Kingdom during the period –
- (a) beginning with the day specified under subsection (2) above for the commencement of paragraph 14 of Schedule 2, and 15
 - (b) ending with 31st December 2012.
- (8) Section 33 and Schedule 4 shall cease to have effect at the end of 31st December 2012.
- (9) In respect of section 36(3) – 20
- (a) paragraph (a) shall have effect in relation to compulsory purchase orders made on or after 1st October 2005,
 - (b) an order bringing paragraph (b) into force on a date (“the commencement date”) –
 - (i) may provide for paragraph (b) to have effect in relation to purchases (whether compulsory or voluntary) completed before, on or after the commencement date, but 25
 - (ii) must include provision modifying section 295 of the Housing Act 1985 in its application by virtue of section 36(3)(b) so that extinguishment of rights and easements takes effect, in the case of a purchase completed before the commencement date, on the commencement date, 30
 - (c) an order bringing paragraph (c) into force on a date (“the commencement date”) –
 - (i) may provide for paragraph (c) to have effect in relation to purchases (whether compulsory or voluntary) completed on or after 1st October 2005, but 35
 - (ii) shall not affect the lawfulness of anything done before the commencement date, and
 - (d) paragraph (d) shall be treated as having taken effect on 1st October 2005. 40

41 Extent and application

- (1) The following provisions of this Act extend only to England and Wales –
- (a) section 5,
 - (b) section 7(2) and (4), 45
 - (c) sections 10 to 18, and
 - (d) sections 34 to 36.

- (2) The remaining provisions of this Act extend to—
 - (a) England and Wales,
 - (b) Scotland, and
 - (c) Northern Ireland.

- (3) The provisions specified in subsection (1) (except section 36) shall apply only in relation to— 5
 - (a) places in England, and
 - (b) things done in or in respect of England.

- (4) In their application to things done in Wales, sections 19 to 30 shall have effect as if— 10
 - (a) a reference to the Secretary of State were a reference to the National Assembly for Wales, and
 - (b) a reference to a resolution of each or either House of Parliament were a reference to a resolution of the National Assembly for Wales.

- (5) Section 31 shall apply in respect of anything done whether in the United Kingdom or elsewhere. 15

42 Short title

This Act may be cited as the London Olympic Games and Paralympic Games Act 2005.

SCHEDULES

SCHEDULE 1

Section 3

THE OLYMPIC DELIVERY AUTHORITY

PART 1

CONSTITUTION

5

Membership

- 1 (1) The Secretary of State shall, having consulted the Mayor of London—
 - (a) appoint the members of the Olympic Delivery Authority, and
 - (b) appoint one of the members as Chairman.
- (2) The Secretary of State shall aim to ensure that the Authority has neither less than 7 nor more than 11 members at any time. 10
- (3) In appointing members of the Authority the Secretary of State shall have regard to the desirability of their having experience relevant to—
 - (a) the nature of the Authority’s functions, and
 - (b) the places in relation to which they are likely to be exercised. 15

Tenure

- 2 A person shall hold and vacate office as Chairman or other member of the Authority in accordance with the terms of his appointment (subject to this Schedule).
- 3 The Chairman or another member of the Authority may resign by notice in writing to the Secretary of State. 20
- 4 The Chairman or another member of the Authority may be removed from office by the Secretary of State on the grounds that—
 - (a) a bankruptcy order has been made against him, his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors, or
 - (b) the Secretary of State, having consulted the Mayor of London, thinks that the Chairman or other member is unable, unfit or unwilling to discharge the functions of his office. 25
- 5 A person who ceases, otherwise than by virtue of paragraph 4, to be Chairman or another member of the Authority may be re-appointed. 30

Staff

- 6 (1) The Authority shall appoint a chief executive.

-
- (2) But the first chief executive shall be appointed by the Secretary of State; and before making an appointment under this sub-paragraph the Secretary of State shall consult –
- (a) either –
 - (i) the Chairman, or 5
 - (ii) a person whom the Secretary of State intends to appoint as Chairman, and
 - (b) the Mayor of London.
- (3) The Authority –
- (a) may not appoint a person as chief executive without the Secretary of State’s approval, and 10
 - (b) may (subject to paragraph (a)) appoint the Chairman as chief executive.
- (4) The Secretary of State shall consult the Mayor of London before giving approval for the purpose of sub-paragraph (3)(a). 15
- 7 (1) The Authority shall appoint a finance director.
- (2) The Authority may not appoint a person as finance director without the Secretary of State’s approval.
- 8 (1) The Authority shall appoint a director of transport.
- (2) The Authority may not appoint a person as director of transport without the Secretary of State’s approval. 20
- 9 The Authority may appoint other staff.

Committees

- 10 (1) The Authority may establish a committee.
- (2) A committee – 25
- (a) must include a member of the Authority,
 - (b) may, with the approval of the Secretary of State, include one or more persons who are not members of the Authority, and
 - (c) may not include staff of the Authority.
- 11 (1) A committee of the Authority may establish a sub-committee. 30
- (2) A sub-committee –
- (a) must include a member of the Authority,
 - (b) must include a member of the committee that established the sub-committee,
 - (c) may include one or more members of other committees, 35
 - (d) may, with the approval of the Secretary of State, include one or more persons who are members neither of a committee of the Authority nor of the Authority, and
 - (e) may not include staff of the Authority.

Status

- 12 The Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown. 40

Supervision

- 13 In Schedule 2 to the Parliamentary Commissioner Act 1967 (c. 13) (departments, &c. subject to investigation) insert at the appropriate place –
“Olympic Delivery Authority.”

Disqualification

5

- 14 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (other disqualifying offices) insert at the appropriate place –
“Chairman, or member in receipt of remuneration, of the Olympic Delivery Authority.”
- 15 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (other disqualifying offices) insert at the appropriate place –
“Chairman, or member in receipt of remuneration, of the Olympic Delivery Authority.”

10

PART 2

PROCEEDINGS

15

Delegation

- 16 The Authority may delegate a function to –
(a) a member,
(b) an employee,
(c) a committee, or
(d) any other person.
- 17 Where a function is delegated to a committee, the committee may delegate it to –
(a) a member of the Authority,
(b) an employee of the Authority,
(c) a member of the committee,
(d) a sub-committee, or
(e) any other person.

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Secretary of State: guidance and directions

- 18 (1) In exercising its functions the Authority shall –
(a) have regard to any guidance given by the Secretary of State, and
(b) comply with any direction given by the Secretary of State.
- (2) A direction may, in particular –
(a) require the Authority to accept or assume specified duties, rights or liabilities under contracts,
(b) require the Authority to obtain the Secretary of State’s consent before taking action of a specified kind,
(c) require the Authority to provide information,
(d) relate to the employment of staff, or
(e) with the consent of the Treasury, relate to –
(i) the form of accounts, or

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- (ii) methods and principles for the preparation of accounts.
- (3) Before giving a direction, other than one of a kind described in subparagraph (2)(e), the Secretary of State shall, unless he thinks it impracticable because of urgency, consult –
- (a) the Authority, and 5
 - (b) the Mayor of London.
- (4) Before giving guidance or a direction which the Secretary of State thinks may affect Scotland otherwise than in respect of a reserved matter (within the meaning of the Scotland Act 1998 (c. 46)) the Secretary of State shall consult the Scottish Ministers. 10

Self-regulation

- 19 The Authority may, subject to this Schedule –
- (a) regulate its own procedure and that of its own committees and sub-committees (and in particular may specify a quorum for meetings), and 15
 - (b) enable committees and sub-committees to regulate their own procedure (including, in particular, the specification of a quorum for meetings) subject to any provision made by the Authority.

Conflict of interests

- 20 A member or employee of the Authority who is involved in the exercise of the Authority’s functions in relation to land may not participate in deliberations or decisions of the Authority acting as a local planning authority in relation to that land. 20

Non-discrimination

- 21 In Part II of Schedule 1A to the Race Relations Act 1976 (c. 74) (bodies subject to general non-discrimination duty) insert, at the appropriate place in the list headed “Other bodies, &c.” – 25
- “The Olympic Delivery Authority.”

Records

- 22 In Schedule 1 to the Public Records Act 1958 (c. 51) (definition of public records) the following entry shall be inserted at the appropriate place in Part II of the Table at the end of paragraph 3 – 30
- “Olympic Delivery Authority.”
- 23 In Part VI of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities: miscellaneous) at the appropriate place insert – 35
- “The Olympic Delivery Authority.”

Annual report

- 24 (1) As soon as is reasonably practicable after the end of each financial year the Authority shall send to the Secretary of State a report on the exercise of the Authority’s functions during the year. 40

- (2) A report must, in particular, specify any direction given to the Authority under paragraph 18 that had effect during the year to which the report relates.
- (3) The Secretary of State shall lay before Parliament a copy of each report received by him under this paragraph. 5

Saving

- 25 The validity of proceedings of the Authority, a committee or a sub-committee shall not be affected by –
- (a) a vacancy among its members, or
 - (b) a defect in the appointment of a person as Chairman or member. 10

PART 3

MONEY

Income

- 26 (1) The Secretary of State may give financial assistance to the Authority if he thinks that other sources of financial assistance will or may be insufficient for a purpose. 15
- (2) Financial assistance under sub-paragraph (1) –
- (a) may take the form of grants, loans, guarantees or indemnities, and
 - (b) may be given on conditions (which may include conditions about repayment with or without interest). 20
- 27 The Authority may accept gifts.

Remuneration, &c.

- 28 (1) The Authority may pay to the Chairman, another member or a member of a committee or sub-committee –
- (a) such remuneration as the Secretary of State may determine, and 25
 - (b) such travelling and other allowances as the Secretary of State may determine.
- (2) The Authority may pay to or in respect of the Chairman or another member such sums as the Secretary of State may determine by way of, or in respect of, pensions, allowances or gratuities. 30
- (3) If the Secretary of State thinks that there are special circumstances that make it right for a person ceasing to hold office as Chairman or member of the Authority to receive compensation, the Authority may pay to him such compensation as the Secretary of State may determine.
- 29 (1) The Authority may pay sums to or in respect of a member or former member of staff by way of or in respect of –
- (a) remuneration,
 - (b) allowances,
 - (c) pensions,
 - (d) gratuities, or 40
 - (e) compensation for loss of employment.

- (2) In Schedule 1 to the Superannuation Act 1972 (c. 11) (employment to which superannuation schemes may extend) in the list of other bodies insert at the appropriate place –
 “The Olympic Delivery Authority.”

Other payments 5

- 30 The Authority may make payments in respect of expenditure (which may include expenditure of a capital nature) by –
 (a) the Authority, or
 (b) a person to whom it delegates functions under paragraph 16 or 17.

Investment 10

- 31 The Authority may deposit money in an interest-bearing account (but may not otherwise invest).

Accounts

- 32 (1) The Authority shall – 15
 (a) keep proper accounting records, and
 (b) prepare a statement of accounts in respect of each financial year.
- (2) The Authority shall send a copy of a statement under sub-paragraph (1)(b) –
 (a) to the Secretary of State, and
 (b) to the Comptroller and Auditor General.
- (3) A copy of a statement must be sent under sub-paragraph (2) within such period, beginning with the end of the financial year to which the statement relates, as the Secretary of State may, with the consent of the Treasury, direct. 20
- (4) The Comptroller and Auditor General shall –
 (a) examine, certify and report on a statement received under this paragraph, and 25
 (b) send a copy of the statement and his report to the Secretary of State, who shall lay them before Parliament.

Financial year

- 33 (1) The financial year of the Authority shall be the period of 12 months ending with the 31st March. 30
- (2) But the first financial year of the Authority shall be the period –
 (a) beginning with the coming into force of section 3, and
 (b) ending with the following 31st March.

SCHEDULE 2

Section 8

TRANSFER SCHEMES

35

Introduction

- 1 In this Schedule –

“the Authority” means the Olympic Delivery Authority,
“transfer scheme” means a scheme under section 8, and
“specified person” means a person specified in section 8(3).

Obligation to assist Secretary of State

- 2 The Authority and the specified persons shall on request give the Secretary of State information or assistance in connection with a direction to prepare a transfer scheme which the Secretary of State has given or may give. 5

Content of transfer scheme

- 3 (1) A transfer scheme may, in particular, make provision in connection with land. 10
- (2) In particular, a transfer scheme may –
- (a) require the grant of an estate, interest or right;
 - (b) require the creation of an estate, interest or right for the purpose of being transferred;
 - (c) provide for transfer on financial or other terms; 15
 - (d) impose liabilities on the Authority;
 - (e) impose liabilities on the transferor.
- 4 A transfer scheme –
- (a) may transfer property, rights or liabilities whether or not they would otherwise be capable of being transferred, 20
 - (b) may transfer rights and liabilities under an enactment, and
 - (c) may dispense with a requirement for consent (whether arising for an enactment, an instrument or an agreement).
- 5 In specifying property, rights or liabilities to be transferred a transfer scheme – 25
- (a) may use any manner of description (which may include reference to criteria specified in the scheme or to be determined in accordance with the scheme),
 - (b) may provide for exceptions, and
 - (c) may provide for the division of property, rights and liabilities in a manner specified in the scheme or to be determined in accordance with the scheme. 30
- 6 A transfer scheme may make provision –
- (a) for the resolution of disputes as to the effect of the scheme to be referred to arbitration, and 35
 - (b) for a certificate given by an arbitrator as to the effect of the transfer scheme to be conclusive.
- 7 A transfer scheme may make consequential, incidental or transitional provision and may, in particular –
- (a) provide for anything done by or in relation to a specified person to have effect as if done by or in relation to the Authority, 40
 - (b) permit anything (which may include legal proceedings) which is in the process of being done by or in relation to a specified person when a provision of a transfer scheme takes effect, to have effect as if done by or in relation to the Authority, and 45

- (c) may provide for a reference to a specified person in an agreement (whether written or not), instrument or other document to be treated as a reference to the Authority.

Exclusions

- 8 (1) Transfer of property, rights or liabilities under a transfer scheme shall be disregarded for the purposes of a provision of a contract or other instrument which refers to transfer or disposal (whether so as to confer a right to terminate or vary or otherwise). 5
- (2) Nothing in a transfer scheme shall give rise, in relation to land or an interest or estate in land or other property, to any of the following – 10
- (a) a right of reverter,
 - (b) a right of pre-emption,
 - (c) a right of forfeiture,
 - (d) a right to compensation, or
 - (e) an option or similar right. 15
- 9 Nothing in a transfer scheme relating to rights in connection with a contract of employment shall affect the operation of the Transfer of Undertakings (Protection of Employment) Regulations 1981 (S.I. 1981/1794).

Modification of scheme

- 10 (1) This paragraph applies where – 20
- (a) a specified person has made a transfer scheme, but
 - (b) a transfer under the scheme has not yet taken effect.
- (2) The Secretary of State may –
- (a) require the specified person to modify the transfer scheme, in so far as it relates to the transfer, in such manner as the Secretary of State may specify, 25
 - (b) specify the date by which the modified scheme is to be prepared and submitted to the Secretary of State, and
 - (c) specify a date on which the modified scheme is to take effect if approved by the Secretary of State. 30
- (3) The Secretary of State may not require a specified person to modify a scheme unless –
- (a) he has consulted any person whom he thinks may be affected by the modification, and
 - (b) the Mayor of London consents. 35

SCHEDULE 3

Section 32

OLYMPIC SYMBOL PROTECTION

Introduction

- 1 The Olympic Symbol etc. (Protection) Act 1995 (c. 32) shall be amended as follows. 40

Olympics association right: proprietor

- 2 After section 1(2) (proprietor of Olympics association right) insert –
- “(2A) An order under subsection (2) above –
- (a) may appoint more than one person;
 - (b) may make different appointments for different purposes; 5
 - (c) may make provision for joint or concurrent exercise of rights;
 - (d) may apply (with or without modifications) or make provision similar to a provision of section 23 of the Trade Marks Act 1994 (c. 26) (co-ownership).”

Words similar to protected words 10

- 3 (1) At the end of section 3(1)(b) (infringement: similar symbols and mottos) add “or a word so similar to a protected word as to be likely to create in the public mind an association with the Olympic Games or the Olympic movement”.
- (2) In the application of section 4(11) to (14) (infringement: protection for existing use) to the Olympics association right as it has effect by virtue of sub-paragraph (1) above, a reference to the commencement of the Act shall be treated as a reference to the commencement of that sub-paragraph. 15

Olympics association right: limitations

- 4 For section 4(1) to (10) (infringement of Olympics association right: limitations) substitute – 20
- “(1) A person does not infringe the Olympics association right (despite section 3) by the use of a controlled representation –
- (a) as a necessary incident of publishing or broadcasting a report of a sporting or other event forming part of the Olympic Games, 25
 - (b) as a necessary incident of publishing or broadcasting information about the Olympic Games,
 - (c) as an incidental inclusion in a literary work, dramatic work, artistic work, sound recording, film or broadcast, within the meaning of Part I of the Copyright, Designs and Patents Act 1988 (c. 48) (copyright), or 30
 - (d) as an inclusion in an advertisement for a publication or broadcast of a kind described in paragraph (a) or (b).
- (2) A person does not infringe the Olympics association right by using a controlled representation in a context which is not likely to suggest an association between a person, product or service and the Olympic Games or the Olympic movement; and for the purpose of this subsection – 35
- (a) the concept of an association between a person, product or service and the Olympic Games or the Olympic movement includes, in particular – 40
 - (i) any kind of contractual relationship,
 - (ii) any kind of commercial relationship,
 - (iii) any kind of corporate or structural connection, and

- (iv) the provision by a person of financial or other support for or in connection with the Olympic Games or the Olympic movement, but
- (b) a person does not suggest an association with the Olympic Games or the Olympic movement only by making a statement which –
- (i) accords with honest practices in industrial or commercial matters, and
- (ii) does not make promotional or other commercial use of a protected word by incorporating it in a context to which the Olympic Games and the Olympic movement are substantively irrelevant.
- (3) The Secretary of State may by order specify what is to be or not to be treated for the purposes of subsection (2) as an association between a person, product or service and the Olympic Games or the Olympic movement; and an order under this subsection –
- (a) may include incidental, consequential or transitional provision (which may include provision amending subsection (2)(a) or (b)),
- (b) shall be made by statutory instrument, and
- (c) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (4) A person does not infringe the Olympics association right by using a controlled representation in relation to goods if –
- (a) they were put on the market in the European Economic Area by the proprietor or with his consent,
- (b) the representation was used in relation to the goods when they were put on the market, and
- (c) the proprietor does not oppose further dealings in the goods for legitimate reasons (including, in particular, that the condition of the goods has been changed or impaired after they were put on the market).”
- 5 At the end of section 5 (Olympics association right: power to prescribe further limitations) add –
- “(4) An order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

The Paralympics

- 6 After section 5 insert –

“*The Paralympics association right*

5A Creation

- (1) There shall be a right, to be known as the Paralympics association right.
- (2) The provisions of this Act shall apply in relation to the Paralympics association right as they apply to the Olympics association right; and for that purpose –

- (a) a reference to the Olympic Games shall be treated as a reference to the Paralympic Games,
 - (b) a reference to the Olympic motto shall be treated as a reference to the Paralympic motto,
 - (c) a reference to the Olympic movement shall be treated as a reference to the Paralympic movement, 5
 - (d) a reference to the Olympic symbol shall be treated as a reference to the Paralympic symbol, and
 - (e) a reference to the commencement of this Act is a reference to the commencement of this section.” 10
- 7 In section 18(1) (interpretation) after the definition of “Olympic symbol” insert—
- ““the Paralympic Games” means the events known by that name and organised by the International Paralympic Committee;
 - “Paralympic motto” means the motto of the International Paralympic Committee – “Spirit in Motion”;
 - “Paralympic symbol” means the symbol of the International Paralympic Committee which the Secretary of State shall set out in an order made by statutory instrument (which shall be laid before Parliament after being made).” 15 20
- 8 For section 18(2) (protected words) substitute—
- “(2) For the purposes of this Act—
 - (a) each of the following is a protected word in relation to the Olympics association right—
 - (i) Olympiad, 25
 - (ii) Olympiads,
 - (iii) Olympian,
 - (iv) Olympians,
 - (v) Olympic, and
 - (vi) Olympics, and 30
 - (b) each of the following is a protected word in relation to the Paralympics association right—
 - (i) Paralympiad,
 - (ii) Paralympiads,
 - (iii) Paralympian, 35
 - (iv) Paralympians,
 - (v) Paralympic, and
 - (vi) Paralympics.”
- 9 At the end of section 18 add—
- “(5) The Secretary of State may by order amend this section to reflect a change of motto or symbol of the International Olympic Committee or the International Paralympic Committee. 40
 - (6) An order under subsection (5)—
 - (a) may include incidental, consequential or transitional provision (which may include provision similar to section 4(11) to (14) above), 45
 - (b) shall be made by statutory instrument, and

- (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Infringement

- 10 In section 7(3)(a) (orders in relation to infringing goods: “infringing material”) for “, or for advertising goods or services,” substitute “, for advertising goods or services or by being displayed,”. 5

Penalties

- 11 (1) In respect of an offence under section 8 (infringement marketing of goods) committed during the period specified in sub-paragraph (2), the reference in section 8(5)(a) (maximum fine on summary conviction) to the statutory maximum shall be taken as a reference to £20,000. 10
- (2) The period referred to in sub-paragraph (1) –
- (a) begins at the end of the period of two months beginning with the date on which this Act receives Royal Assent, and
- (b) ends with 31st December 2012. 15

Enforcement

- 12 (1) After section 8 add –
- “8A Enforcement by trading standards authority**
- (1) A local weights and measures authority may enforce within their area the provisions of section 8. 20
- (2) The following provisions of the Trade Descriptions Act 1968 apply in relation to the enforcement of that section as in relation to the enforcement of that Act –
- (a) section 27 (power to make test purchases),
- (b) section 28 (power to enter premises and inspect and seize goods and documents), 25
- (c) section 29 (obstruction of authorised officers), and
- (d) section 33 (compensation for loss, &c of goods seized).
- (3) Subsection (1) above does not apply in relation to the enforcement of section 8 in Northern Ireland; but – 30
- (a) the Department of Enterprise, Trade and Investment may enforce that section in Northern Ireland, and
- (b) for that purpose the provisions of the Trade Descriptions Act 1968 specified in subsection (2) apply as if for the references to a local weights and measures authority and any officer of such an authority there were substituted references to that Department and any of its officers. 35
- (4) Nothing in this section shall be construed as authorising a local weights and measures authority to bring proceedings in Scotland for an offence.” 40
- (2) The London Organising Committee may –

- (a) make arrangements with a local weights and measures authority for the exercise of the authority’s power under section 8 of the Olympic Symbol etc. (Protection) Act 1995 (as inserted by sub-paragraph (1));
- (b) may make payments to a local weights and measures authority in respect of expenses incurred in the exercise of that power. 5
- 13 After section 8A (inserted by paragraph 12 above) insert –
- “8B Arrest**
- (1) After paragraph 21 of Schedule 1A to the Police and Criminal Evidence Act 1984 (arrestable offences) add –
- “Olympic Symbol etc. (Protection) Act 1995* 10
- 21A An offence under section 8 of the Olympic Symbol etc. (Protection) Act 1995 (offences in relation to goods).”
- (2) A constable in Scotland may arrest without warrant a person who the constable reasonably believes is committing or has committed an offence under section 8 of the Olympic Symbol etc. (Protection) Act 1995. 15
- (3) Subsection (2) is without prejudice to any power of arrest which is otherwise exercisable by a constable in Scotland.”
- 14 After section 12 (forfeiture) insert –
- “12A Detention by Revenue and Customs** 20
- (1) The proprietor may give notice in writing to the Commissioners for Her Majesty’s Revenue and Customs –
- (a) stating that at a time and place specified in the notice, goods which are infringing goods, material or articles are expected to arrive in the United Kingdom – 25
- (i) from outside the European Economic Area, or
- (ii) from within the Area but not having been entered for free circulation,
- (b) specifying the nature of the controlled representation by reference to which the goods are infringing goods, material or articles, and 30
- (c) requesting the Commissioners to detain the goods.
- (2) The Commissioners may detain goods to which a notice under subsection (1) relates.
- (3) But the Commissioners may not detain goods – 35
- (a) imported by a person for his private and domestic use, or
- (b) to which section 89(3) of the Trade Marks Act 1994 applies (Council Regulation (EC) No. 1383/2003).
- (4) If the Commissioners detain goods to which a notice under subsection (1) applies they shall as soon as is reasonably practicable – 40
- (a) give written notice of the detention and the grounds for it to the person in whose name the goods were presented or declared to customs, and

-
- (b) give the proprietor notice that the goods have been detained, specifying in respect of the goods such information as is available to the Commissioners about –
- (i) the nature of the goods, 5
 - (ii) their number, 5
 - (iii) the place where they were manufactured, 5
 - (iv) the place from which they were sent, 5
 - (v) the name and address of the person by whom they were sent, 5
 - (vi) the name and address of the person mentioned in paragraph (a), 10
 - (vii) the name and address of the person to whom they were to be delivered, and 10
 - (viii) the name and address of the person who holds them during detention. 15
- (5) The Commissioners may provide samples of detained goods to the proprietor on request, in which case he –
- (a) may use the samples only for the purpose of determining whether they are infringing goods, material or articles, 20
 - (b) must return the samples to the Commissioners as soon as is reasonably practicable, and 20
 - (c) must inform the Commissioners as soon as is reasonably practicable whether the goods are infringing goods, material or articles. 20
- (6) The Commissioners may permit the proprietor on request to inspect detained goods (in which case he must inform the Commissioners as soon as is reasonably practicable whether the goods are infringing goods, material or articles). 25
- (7) The Commissioners shall release goods detained in pursuance of a notice under subsection (1) if – 30
- (a) the Commissioners think that initiating process in proceedings under section 6 in respect of the goods has not been served during the period of 10 working days, in the case of non-perishable goods, or 3 working days, in the case of perishable goods, beginning with the date on which the notice under subsection (4)(b) was received, 35
 - (b) the Commissioners think that proceedings under section 6 in respect of the goods have been withdrawn, have lapsed or have terminated without an order being made in respect of the goods by virtue of section 7, or 40
 - (c) the Commissioners are informed by the proprietor that the goods are not infringing goods, material or articles. 40
- (8) The Commissioners may detain goods which they think, having regard to the nature of the goods and to information provided by the proprietor, may be infringing goods, material or articles; and if the Commissioners detain goods under this subsection – 45
- (a) they shall as soon as is reasonably practicable invite the proprietor to give the Commissioners a notice that the goods are infringing goods, material or articles, 45

- (b) they shall, when giving an invitation under paragraph (a), give in respect of the goods such information as is available to them about –
 - (i) the nature of the goods, 5
 - (ii) their number, 5
 - (iii) the place where they were manufactured, 5
 - (iv) the place from which they were sent, 5
 - (v) the name and address of the person by whom they were sent, 5
 - (vi) the name and address of the person in whose name the goods were presented or declared to customs, 10
 - (vii) the name and address of the person to whom they were to be delivered, and 10
 - (viii) the name and address of the person who holds them during detention, 15
- (c) they may provide samples of the goods to the proprietor on request in which case he –
 - (i) may use the samples only for the purpose of determining whether they are infringing goods, material or articles, 20
 - (ii) must return the samples to the Commissioners as soon as is reasonably practicable, and 20
 - (iii) must inform the Commissioners as soon as reasonably practicable whether the goods are infringing goods, material or articles, 25
- (d) they may permit the proprietor on request to inspect the goods (in which case he must inform the Commissioners as soon as reasonably practicable whether the goods are infringing goods, material or articles), 25
- (e) if no notice is given in accordance with paragraph (a) within the period of 3 working days beginning with the date on which the invitation under that paragraph is received, the Commissioners shall release the goods, and 30
- (f) if a notice is given in accordance with paragraph (a), the Commissioners shall proceed as if it were a notice given under subsection (1) above (and as if the goods were detained in pursuance of that notice), but – 35
 - (i) subsections (4)(b), (5) and (6) shall not have effect, and 40
 - (ii) subsection (7) shall have effect as if the reference to the notice under subsection (4)(b) were a reference to information under paragraph (b) above. 40

12B Section 12A: supplementary

- (1) Section 90 of the Trade Marks Act 1994 (c. 26) (regulations as to form of notice, &c.) shall have effect in relation to a notice under subsection 12A(1) or (8)(a) above as in relation to a notice under section 89(1). 45
- (2) A person who is or was an officer or employee of the proprietor, or who acts or acted on the proprietor’s behalf, commits an offence if he discloses information provided in accordance with section 12A(4)(b) or 12A(8)(b) other than – 50

- (a) for the purpose of, or with a view to the institution of, proceedings under section 6,
- (b) for the purpose of complying with an enactment,
- (c) in pursuance of an order of a court,
- (d) in a form which ensures that the identity of no person to whom the information relates is specified or can be deduced,
- (e) with the consent of each person to whom the information relates, or
- (f) with the consent of the Commissioners for Her Majesty's Revenue and Customs;
- and sections 19(3), (4), (7) and 55(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11) (defences and penalties) shall have effect in relation to this subsection.
- (3) Section 139(1), (2), (3), (4), (7) and (8) of the Customs and Excise Management Act 1979 (detention of goods: constables, &c.) shall apply in relation to goods liable to detention in accordance with section 12A above as in relation to things liable to forfeiture –
- (a) with the substitution of a reference to this Act for a reference to the customs and excise Acts, and
- (b) with any other necessary modifications.
- (4) Section 144 of that Act (protection of officers) shall apply in relation to the detention of goods in accordance with section 12A above –
- (a) with the substitution of a reference to proceedings under section 6 above for the reference in section 144(1) to proceedings for condemnation, and
- (b) with any other necessary modifications.
- (5) In section 12A “working day” means a day that is not a Saturday, a Sunday or a bank holiday (within the meaning of section 1 of the Banking and Financial Dealings Act 1971 (c. 80)).”

SCHEDULE 4

Section 33

30

LONDON OLYMPICS ASSOCIATION RIGHT

The right

- 1 (1) There shall be a right, to be known as the London Olympics association right, which shall confer exclusive rights in relation to the use of any representation (of any kind) in a manner likely to suggest to the public that there is an association between the London Olympics and –
- (a) goods or services, or
- (b) a person who provides goods or services.
- (2) For the purposes of this Schedule –
- (a) the concept of an association between a person, goods or a service and the London Olympics includes, in particular –
- (i) any kind of contractual relationship,
- (ii) any kind of commercial relationship,
- (iii) any kind of corporate or structural connection, and

- (iv) the provision by a person of financial or other support for or in connection with the London Olympics, but
 - (b) a person does not suggest an association between a person, goods or a service and the London Olympics only by making a statement which –
 - (i) accords with honest practices in industrial or commercial matters, and
 - (ii) does not make promotional or other commercial use of a representation relating to the London Olympics by incorporating it in a context to which the London Olympics are substantively irrelevant.
- (3) The Secretary of State may by order specify what is to be or not to be treated for the purposes of sub-paragraph (2) as an association between a person, goods or a service and the London Olympics; and an order under this subsection –
 - (a) may include incidental, consequential or transitional provision (which may include provision amending sub-paragraph (2)(a) or (b)),
 - (b) shall be made by statutory instrument, and
 - (c) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

Infringement: general

- 2 (1) A person infringes the London Olympics association right if in the course of trade he uses in relation to goods or services any representation (of any kind) in a manner likely to suggest to the public that there is an association between the London Olympics and –
 - (a) the goods or services, or
 - (b) a person who provides the goods or services.
- (2) Sub-paragraph (1) is subject to the provisions of this Schedule.

Infringement: presumption

- 3 (1) For the purposes of paragraph 2 (and without prejudice to its generality) the use by a person of a combination of expressions of a kind specified in sub-paragraph (2) shall be treated, in the absence of evidence to the contrary, as being likely to create in the public mind an association with the London Olympics.
- (2) The combinations referred to in sub-paragraph (1) are combinations of –
 - (a) any of the expressions in the first group, with
 - (b) any of the expressions in the second group or any of the other expressions in the first group.
- (3) The following expressions form the first group for the purposes of sub-paragraph (2) –
 - (a) “games”,
 - (b) “Two Thousand and Twelve”,
 - (c) “2012”, and
 - (d) “twenty twelve”.

-
- (4) The following expressions form the second group for the purposes of sub-paragraph (2)–
- (a) gold,
 - (b) silver,
 - (c) bronze,
 - (d) London,
 - (e) medals,
 - (f) sponsor, and
 - (g) summer.
- (5) It is immaterial for the purposes of this paragraph whether or not a word is written wholly or partly in capital letters.
- (6) The Secretary of State may by order –
- (a) add, remove or vary an entry in either group of expressions, or
 - (b) provide that the use by a person of a specified word, symbol or image shall be treated as infringing the London Olympics association right unless the person proves the contrary.
- (7) An order under sub-paragraph (6) –
- (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.
- (8) An order under sub-paragraph (6)(a) which adds or varies an entry in a group of expressions may be made only if the Secretary of State thinks it necessary in order to prevent commercial exploitation of the London Olympics.
- (9) An order under sub-paragraph (6)(b) may be made only if the Secretary of State thinks it necessary in order to prevent commercial exploitation of the London Olympics.

Authorised use

- 4 (1) The London Olympics association right is not infringed by use of a representation in accordance with an authorisation granted by the London Organising Committee.
- (2) The London Organising Committee shall make arrangements for the grant of authorisations; and the arrangements may, in particular –
- (a) make provision about charges;
 - (b) enable the Committee to exercise unfettered discretion (subject to any direction under section 15 of the Olympic Symbol etc. (Protection) Act 1995 (c. 32) as applied by paragraph 10 below).
- 5 (1) The London Organising Committee shall maintain a register of persons, and classes of person, authorised for the purposes of paragraph 4.
- (2) The register shall specify in respect of each authorised person –
- (a) his name,
 - (b) his principal place of business,
 - (c) the goods or services to which the authorisation relates,
 - (d) the period in respect of which the authorisation has effect.

-
- (3) The register shall specify in respect of each authorised class of person –
- (a) the nature of the class,
 - (b) the goods or services to which the authorisation relates (including the circumstances in which it does or does not apply), and
 - (c) the period in respect of which the authorisation has effect. 5
- (4) The London Organising Committee shall –
- (a) ensure that a copy of the register is accessible to the public by use of the internet, and
 - (b) comply with a written request for a copy of the register or of an entry in the register. 10
- (5) The London Organising Committee may require a request under sub-paragraph (4)(b) to be accompanied by a specified fee; and the Committee –
- (a) may specify different fees for different purposes,
 - (b) may charge no fee, or waive a fee, in such cases as it thinks appropriate, and 15
 - (c) may not specify a fee which exceeds any maximum specified by order of the Secretary of State.
- (6) An order under sub-paragraph (5)(c) –
- (a) may make different provision for different purposes,
 - (b) may include transitional provision, 20
 - (c) shall be made by statutory instrument, and
 - (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) If a copy of the register or of an entry in the register issued by the London Organising Committee is certified on behalf of the Committee as an accurate copy, it shall be treated as accurate for all purposes (including for the purposes of legal proceedings) unless the contrary is proved. 25
- (8) A request for a copy under sub-paragraph (4)(b) may require the copy to be certified in accordance with sub-paragraph (7).
- Infringement: other exceptions* 30
- 6 The London Olympics association right is not infringed by the use of a trade mark registered under the Trade Marks Act 1994 (c. 26) in relation to goods or services for which it is registered.
- 7 The London Olympics association right is not infringed by –
- (a) the use by a person of his own name or address, 35
 - (b) the use of indications concerning the kind, quality, quantity, intended purpose, value, geographical origin, time of production of goods or of rendering of services, or other characteristics of goods or services,
 - (c) the use of a representation which is necessary to indicate the intended purpose of a product or service; 40
- provided, in each case, that the use is in accordance with honest practices in industrial or commercial matters.
- 8 The London Olympics association right is not infringed by the use of a representation – 45

- | | | |
|-----|--|----|
| (a) | as a necessary incident of publishing or broadcasting a report of a sporting or other event forming part of the London Olympics, | |
| (b) | as a necessary incident of publishing or broadcasting information about the London Olympics, | |
| (c) | as an incidental inclusion in a literary work, dramatic work, artistic work, sound recording, film or broadcast, within the meaning of Part I of the Copyright, Designs and Patents Act 1988 (c. 48) (copyright), or | 5 |
| (d) | as an inclusion in an advertisement for a publication or broadcast of a kind described in paragraph (a) or (b). | 10 |
| 9 | The London Olympics association right is not infringed by the use of a representation in relation to goods if— | |
| (a) | they were put on the market in the European Economic Area in accordance with an authorisation granted by the London Organising Committee, | 15 |
| (b) | the representation was used in relation to the goods when they were put on the market, and | |
| (c) | the London Organising Committee does not oppose further dealings in the goods for legitimate reasons (including, in particular, that the condition of the goods has been changed or impaired after they were put on the market). | 20 |

Application of Olympic Symbol etc. (Protection) Act 1995

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|------|--|----|
| 10 | (1) The following provisions of the Olympic Symbol etc. (Protection) Act 1995 (c. 32) shall have effect (with any necessary modifications) in relation to the London Olympics association right as they have effect in relation to the Olympics association right— | 25 |
| (a) | section 2(2) to (4) (effect of right), | |
| (b) | section 3(2) (infringement: specific cases), | |
| (c) | section 4(11) to (14) (infringement: protection for existing rights), | |
| (d) | section 5 (power to prescribe further limitations), | 30 |
| (e) | section 6 (action for infringement), | |
| (f) | section 7 (orders in relation to infringing goods, &c.), | |
| (g) | section 15 (directions by Secretary of State), and | |
| (h) | section 16 (action for groundless threats). | |
| (2) | In the application of provisions of that Act by virtue of sub-paragraph (1)— | 35 |
| (a) | a reference to a controlled representation is a reference to a visual or verbal representation (of any kind) likely to create in the public mind an association between the London Olympics and— | |
| (i) | goods or services, or | |
| (ii) | a provider of goods or services, | 40 |
| (b) | a reference to the person appointed under section 1(2) as proprietor shall be taken as a reference to the London Organising Committee, | |
| (c) | a reference to the commencement of that Act shall be taken as a reference to the commencement of this Schedule, and | |
| (d) | a reference to the Olympic Games or the Olympic movement or to the Paralympic Games or the Paralympic movement shall be taken as a reference to the London Olympics. | 45 |

- (3) In each case, a reference in sub-paragraph (1) to a provision of that Act is to that provision as amended by Schedule 3 above.

London Olympic Games and Paralympic Games Bill

A

B I L L

To make provision in connection with the Olympic Games and Paralympic Games that are to take place in London in the year 2012; to amend the Olympic Symbol etc. (Protection) Act 1995; and for connected purposes.

*Brought from the Commons on 7th December
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