



# Olympic Symbol etc. (Protection) Act 1995

## 1995 CHAPTER 32

### *Criminal sanctions*

#### **8 Offences in relation to goods. U.K.**

- (1) A person shall be guilty of an offence if with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor, he—
  - (a) applies a controlled representation to goods or their packaging,
  - (b) sells or lets for hire, offers or exposes for sale or hire or distributes goods which bear, or the packaging of which bears, such a representation, or
  - (c) has in his possession, custody or control in the course of a business any such goods with a view to the doing of anything, by himself or another, which would be an offence under paragraph (b) above.
  
- (2) A person shall be guilty of an offence if with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor, he—
  - (a) applies a controlled representation to material intended to be used—
    - (i) for labelling or packaging goods,
    - (ii) as a business paper in relation to goods, or
    - (iii) for advertising goods,
  - (b) uses in the course of a business material bearing such a representation for labelling or packaging goods, as a business paper in relation to goods, or for advertising goods, or
  - (c) has in his possession, custody or control in the course of a business any such material with a view to the doing of anything, by himself or another, which would be an offence under paragraph (b) above.
  
- (3) A person shall be guilty of an offence if with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor, he—
  - (a) makes an article specifically designed or adapted for making copies of a controlled representation, or

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- (b) has such an article in his possession, custody or control in the course of a business,  
knowing or having reason to believe that it has been, or is to be, used to produce goods, or material for labelling or packaging goods, as a business paper in relation to goods, or for advertising goods.
- (4) It shall be a defence for a person charged with an offence under this section to show that he believed on reasonable grounds that the use of the representation in the manner in which it was used, or was to be used, was not an infringement of the Olympics association right.
- (5) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
  - (b) on conviction on indictment, to a fine.

**Modifications etc. (not altering text)**

- C1** S. 8(5)(a) modified (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(1)(c), [Sch. 3 para. 11](#) (with s. 40(5))

**[<sup>F1</sup>8A Enforcement by trading standards authority U.K.**

- (1) A local weights and measures authority may enforce within their area the provisions of section 8.
- <sup>F2</sup>(2) .....
- (3) Subsection (1) above does not apply in relation to the enforcement of section 8 in Northern Ireland; but—
- (a) the Department of Enterprise, Trade and Investment may enforce that section in Northern Ireland, <sup>F3</sup>...
  - <sup>F3</sup>(b) .....
- [ For the investigatory powers available to a local weights and measures authority or the <sup>F4</sup>(3A) Department of Enterprise, Trade and Investment in Northern Ireland for the purposes of the powers in this section, see Schedule 5 to the Consumer Rights Act 2015.]
- (4) Nothing in this section shall be construed as authorising a local weights and measures authority to bring proceedings in Scotland for an offence.]

**Textual Amendments**

- F1** S. 8A added (2.4.2007) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 40(2), [Sch. 3 para. 12\(1\)](#) (with s. 40(5)); S.I. 2007/1064, art. 2(a)
- F2** S. 8A(2) omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 60\(2\)](#); S.I. 2015/1630, art. 3(i) (with art. 8)
- F3** S. 8A(3)(b) omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 60\(3\)](#); S.I. 2015/1630, art. 3(i) (with art. 8)
- F4** S. 8A(3A) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 60\(4\)](#); S.I. 2015/1630, art. 3(i)

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[<sup>F5</sup>8B **Arrest** **U.K.**

- (1) After paragraph 21 of Schedule 1A to the Police and Criminal Evidence Act 1984 (arrestable offences) add—

“ **Olympic Symbol etc. (Protection) Act 1995**

21A An offence under section 8 of the Olympic Symbol etc. (Protection) Act 1995 (offences in relation to goods).”

<sup>F6</sup>(2) .....

<sup>F6</sup>(3) .....]

**Textual Amendments**

**F5** S. 8B inserted (2.4.2007 for specified purposes) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\), s. 40\(2\), Sch. 3 para. 13](#) (with s. 40(5)); S.I. 2007/1064, art. 2(b)

**F6** S. 8B(2)(3) repealed (S.) (25.1.2018) by [Criminal Justice \(Scotland\) Act 2016 \(asp 1\), s. 117\(2\), sch. 2 para. 11](#); S.S.I. 2017/345, art. 3, sch.

**9 Supplementary provisions as to summary proceedings in Scotland.** **U.K.**

- (1) Notwithstanding anything in section 331 of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1975, summary proceedings in Scotland for an offence under this Act may be begun at any time within six months after the date on which evidence sufficient in the Lord Advocate’s opinion to justify the proceedings came to his knowledge.

- (2) For the purposes of subsection (1) above—
- (a) a certificate of the Lord Advocate as to the date mentioned in that subsection shall be conclusive evidence, and
  - (b) proceedings in Scotland shall be deemed to be begun on the date on which a warrant to apprehend or to cite the accused is granted, if such warrant is executed without undue delay.

**Marginal Citations**

**M1** 1975 c. 21.

**10 Partnerships and bodies corporate.** **U.K.**

Section 101 of the <sup>M2</sup>Trade Marks Act 1994 (offences committed by partnerships and bodies corporate) shall apply in relation to an offence under this Act as it applies in relation to an offence under that Act.

**Marginal Citations**

**M2** 1994 c. 26.

**Changes to legislation:**

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