



London Olympic Games and Paralympic Games Act 2006

2006 CHAPTER 12

Advertising

19 Advertising regulations

- (1) The Secretary of State shall make regulations about advertising in the vicinity of London Olympic events.
- (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
 - (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
 - (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
 - (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—
- (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.
- (7) The regulations shall permit, subject to any specified conditions, advertising undertaken or controlled by—
- (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—
- (a) may prohibit action of a specified kind or in specified circumstances,
 - (b) may impose obligations on persons who—
 - (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—
 - (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

- (1) Regulations under section 19—
- (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),
 - (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),
 - (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.
- (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.
- (3) Before making regulations under section 19 the Secretary of State shall consult—
- (a) such authorities, with responsibilities for planning in respect of places to which the regulations apply or may apply, as he thinks appropriate,
 - (b) one or more persons who appear to the Secretary of State to represent interests within the advertising industry which are likely to be affected by the regulations,
 - (c) such other persons, who appear to the Secretary of State to represent interests likely to be affected by the regulations, as he thinks appropriate,
 - (d) the Olympic Delivery Authority, and
 - (e) 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.

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
 - (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
 - (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.

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);
 - (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.
- (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
 - (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).
- (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,
 - (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
 - (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,
 - (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).
- (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.
- (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.

- (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—
- (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) 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 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.

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.
- (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—
- (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
 - (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.
- (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,
 - (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
 - (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
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.