



London Olympic Games and Paralympic Games (Amendment) Act 2011

2011 CHAPTER 22

Advertising and trading

1 Removal of infringing articles

- (1) In section 21 of the London Olympic Games and Paralympic Games Act 2006 (offence of contravening advertising regulations), omit subsection (4).
- (2) In section 22 of that Act (contravention of advertising regulations: power of entry), in subsection (5)—
 - (a) after paragraph (b) insert “ or ”, and
 - (b) omit paragraph (d) and the preceding “or”.
- ^{F1}(3)
- (4) In subsection (10) of that section—
 - ^{F2}(a)
 - (b) in paragraph (b) of the definition of “infringing article”, after “thing” insert “ , or an animal, ”.
- (5) In section 28 of that Act (contravention of trading regulations: power of entry), in subsection (2)—
 - (a) after paragraph (b) insert “ or ”, and
 - (b) omit paragraph (d) and the preceding “or”.
- (6) Omit subsection (3) of that section.
- ^{F3}(7)
- (8) In subsection (8) of that section—
 - ^{F4}(a)
 - (b) in each of paragraphs (a) and (b) of the definition of “infringing article”, after “article” insert “ or animal ”.

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^{F5}(9)

(10) In section 37 of that Act (Scotland), omit—

- (a) subsection (6), and
- (b) subsection (11).

(11) At the end of that section insert—

“(12) In section 22, subsection (6) has effect as if there were substituted for it—

“(6) An article that is held by a constable (having been removed by or delivered to the constable) shall be returned when retention is no longer justified by a matter specified in subsection (5)(a) to (c), unless—

- (a) in the case of a perishable article, the article has ceased to be usable for trade, or
- (b) the court orders the article to be forfeited under Part 2 of the Proceeds of Crime (Scotland) Act 1995.

(6A) Subject to subsection (6), the article shall be treated as if acquired by the constable in the course of the investigation of an offence.

(6B) An article that is held by an enforcement officer (having been removed by or delivered to the officer) shall be dealt with in accordance with sections 31A to 31E.”

(13) In section 28, subsection (4) has effect as if there were substituted for it—

“(4) An article that is held by a constable (having been removed by or delivered to the constable) shall be returned when retention is no longer justified by a matter specified in subsection (2)(a) to (c), unless—

- (a) in the case of a perishable article, the article has ceased to be usable for trade, or
- (b) the court orders the article to be forfeited under Part 2 of the Proceeds of Crime (Scotland) Act 1995.

(4A) Subject to subsection (4), the article shall be treated as if acquired by the constable in the course of the investigation of an offence.

(4B) An article that is held by an enforcement officer (having been removed by or delivered to the officer) shall be dealt with in accordance with sections 31A to 31E.”

(14) In sections 31A, 31B and 31D, the references to a magistrates' court are to be read as if they were references to the sheriff.

(15) Section 31A has effect as if—

- (a) in subsection (4), “before the end of the relevant period” and “at the end of that period” were omitted,
- (b) in subsections (5) and (6), “before the end of the relevant period” were omitted,
- (c) in subsection (6), in paragraph (b), for “section 143 of the Powers of Criminal Courts (Sentencing) Act 2000” there were substituted “ Part 2 of the Proceeds of Crime (Scotland) Act 1995 ”,

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- (d) in that subsection, paragraph (c) were omitted,
- (e) in subsection (8), “or (6)(c)” were omitted, and
- (f) subsection (10) were omitted.

(16) Section 31E has effect as if subsections (5) to (10) were omitted.”

(12) In section 38 of that Act (Northern Ireland), omit paragraph (g).

Textual Amendments

- F1** S. 1(3) omitted (2.12.2014) by virtue of The Olympic Delivery Authority (Dissolution) Order 2014 (S.I. 2014/3184), art. 1(2), **Sch. para. 17(a)**
- F2** S. 1(4)(a) omitted (2.12.2014) by virtue of The Olympic Delivery Authority (Dissolution) Order 2014 (S.I. 2014/3184), art. 1(2), **Sch. para. 17(a)**
- F3** S. 1(7) omitted (2.12.2014) by virtue of The Olympic Delivery Authority (Dissolution) Order 2014 (S.I. 2014/3184), art. 1(2), **Sch. para. 17(a)**
- F4** S. 1(8)(a) omitted (2.12.2014) by virtue of The Olympic Delivery Authority (Dissolution) Order 2014 (S.I. 2014/3184), art. 1(2), **Sch. para. 17(a)**
- F5** S. 1(9) omitted (2.12.2014) by virtue of The Olympic Delivery Authority (Dissolution) Order 2014 (S.I. 2014/3184), art. 1(2), **Sch. para. 17(a)**

2 Regulations: Parliamentary procedure and public notice

(1) In section 20 of the London Olympic Games and Paralympic Games Act 2006 (supplementary provision about advertising regulations), after subsection (2) insert—

“(2A) But if, in relation to regulations under section 19 other than the first regulations, the Secretary of State considers that by reason of urgency it is necessary that they be made without being approved in draft—

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

^{F6}(2)

(3) In section 26 of that Act (supplementary provision about trading regulations), after subsection (2) insert—

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

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

^{F7}(4)

(5) In section 37 of that Act (Scotland), in subsection (8)(b), after “references”, in the first place it appears, insert “ (other than in sections 20 and 26) ”.

(6) After subsection (9) of that section insert—

“(9A) Sections 20 and 26 are to have effect as if, in each case, for subsections (2) and (2A) there were substituted—

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“(2) Regulations under that section are subject to the affirmative procedure.

(2A) But if, in relation to regulations under that section other than the first regulations, the Scottish Ministers consider that by reason of urgency it is necessary that they be made without being approved in draft—

- (a) subsection (2) does not apply to the regulations, and
- (b) the regulations are instead subject to the negative procedure.””””

Textual Amendments

- F6** S. 2(2) omitted (2.12.2014) by virtue of [The Olympic Delivery Authority \(Dissolution\) Order 2014](#) (S.I. 2014/3184), art. 1(2), [Sch. para. 17\(b\)](#)
- F7** S. 2(4) omitted (2.12.2014) by virtue of [The Olympic Delivery Authority \(Dissolution\) Order 2014](#) (S.I. 2014/3184), art. 1(2), [Sch. para. 17\(b\)](#)

Changes to legislation:

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