



Department for Culture, Media and Sport

Memorandum to the Culture, Media and Sport Select Committee

Post Legislative Assessment of the London Olympic Games and Paralympic Games Act 2006

Presented to Parliament by the Secretary of State for Culture,
Olympics, Media and Sport by Command of Her Majesty
June 2011

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ISBN: 9780101811224

ID 2438029 06 /11

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office
Printed on paper containing 75% recycled fibre content minimum.

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Introduction

1. This memorandum provides a preliminary assessment of the London Olympic Games and Paralympic Games Act 2006 (2006 c.12) and has been prepared by the Department for Culture, Media and Sport for submission to the Culture, Media and Sport Select Committee. It will be published as part of the process set out in the document Post Legislative Scrutiny –The Government’s Approach (Cm 7320).

Summary of the Objectives of the London Olympic Games and Paralympic Games Act 2006

2. The London Olympic Games and Paralympic Games Act 2006 (“The Act”) received Royal assent on 30th March 2006. The main purposes of the Act were to give effect to many of the commitments made by the Government as part of London’s bid to host the 2012 Olympic and Paralympic Games and otherwise to facilitate the staging of the Games. It set up the Olympic Delivery Authority (ODA) to deliver some of the public sector obligations for the Games, principally the necessary permanent venues and infrastructure. The Act also provided the legislative framework needed to enable the UK to fulfil the requirements which the International Olympic Committee places on host cities.

3. The main measures of the Act were to provide for:

- The establishment of the ODA, its powers, duties and functions;
- The delivery of transport needs for the Games, including the necessary preparations in the lead up to 2012;
- Controls of marketing in connection with the Olympic and Paralympic Games, including the protection of intellectual property, restrictions on commercial association with the Games, the regulation of outdoor trading and advertising in the vicinity of Games venues and the prohibition of ticket touting in connection with Games events;
- The Greater London Authority’s power to prepare for the Games; and

- The amendment of the statutory purposes and powers of regional development agencies to include the purpose of preparing for the 2012 Games.

Implementation

4. The provisions of the Act have been implemented to ensure the timely and effective delivery of the London Olympic and Paralympic Games.¹ Two provisions have not been brought into force as they were rendered redundant by subsequent amendments to other legislation. All other sections or Schedules have been brought into force. Apart from those provisions that came into force on Royal Assent (see section 40(1) of the Act), the Act was brought into force by means of four Commencement Orders (SI 2006/1118; SI 2007/1064; SI 2009 /2577; and Scottish SI 2006/611).

5. Provisions of the Act relating to the operation of the Olympic Route Network, advertising and trading and ticket touting are currently being amended by the London Olympic Games and Paralympic Games (Amendment) Bill. The Bill was introduced into Parliament on the 16th March 2011. It:

- amends provisions relating to regulations about advertising and trading in the vicinity of 2012 Games events. It provides for articles seized in connection with contraventions of the regulations to be held and dealt with by the ODA (rather than the police) in accordance with detailed rules inserted into the 2006 Act by the Bill. It also alters the types of Parliamentary procedure and public notice required under the 2006 Act for the regulations (other than the first set of those regulations);
- increases the maximum fine (from £5,000 to £20,000) for the offence under the Act of selling a 2012 Games tickets in a public place or in the course of a business, other than with the consent of the London Organising Committee of the Olympic Games and Paralympic Games Limited (LOCOG); and
- amends existing powers for the management of traffic - temporary traffic orders may be made for Games purposes alone, traffic authorities may implement temporary controls by notice where necessary or expedient in connection with the 2012 Games, traffic controls may be enforced under civil procedures and temporary "special event" orders may be used to facilitate the holding of any Games event where lesser restrictions, other than complete road closures, are required.

¹ Section 39(1) and paragraph 13 of Schedule 3 (to the extent that it inserts section 8B(1) into the Olympic Symbol etc (Protection) Act 1995) would amend Schedule 1A to the Police and Criminal Evidence Act 1984 to provide that certain Games-related offences are "arrestable offences". Subsequently the Police and Criminal Evidence was amended to provide for a general power of arrest, rendering redundant the need to specify offences as "arrestable offences". Accordingly, section 39(1) and paragraph 13 of Schedule 3 (to the extent that it inserts section 8B(1) into the Olympic Symbol etc (Protection) Act 1995) have not been brought into force.

Secondary Legislation

6. Three statutory instruments have also been made pursuant to the Act:

- The Olympic Delivery Authority (Planning Functions) Order 2006 S.I 2006/2185. This Order was made under the Local Government, Planning and Land Act 1980 as modified by the 2006 Act. It specifies, with the use of maps, the development area in respect of which the ODA is given planning functions;
- The Olympic Route Network Designation Order 2009 S.I 2009/1573. Section 11 of the London Olympic and Paralympic Games Act 2006 allows the Secretary of State for Transport to designate roads for the purpose of facilitating travel to and from Games events or for other purposes connected with the 2012 Games. Such roads are listed in the Schedule to this Order and form part of what is known as the Olympic Route Network;
- The Olympics, Paralympics and London Olympics Association Rights (Infringement Proceedings) Regulations 2010 S.I 2010/2477. This instrument specifies the remedial orders that a court can make in relation to goods, materials or articles that infringe the “London Olympics association right” (an intellectual property right created by the 2006 Act).

7. In addition to the Orders and Regulation noted above the UK, Scottish and Welsh Governments are currently developing secondary legislation under the 2006 Act to regulate advertising activity and trading in open public places around Olympic and Paralympic events during the 2012 Games. Draft regulations have been set out in the publication “Regulations on Advertising Activity and Trading around London 2012 - A Consultation”. The draft regulations specify the types of advertising and trading which will be covered by the regulations, including by specifying a number of exceptions. The consultation exercise ends on 30th May 2011.

Legal Issues

8. No legal issues have arisen publicly, either in the court or elsewhere.

Other Reviews

9. The Department is not aware of any other assessments or reviews of the Act.

Preliminary Assessment of the Act

10. Although the London Olympic Games and Paralympic Games are yet to take place, significant parts of the Act have been implemented, particularly those provisions

relating to the establishment of the Olympic Delivery Authority, its powers, duties and functions. The central role of the ODA has been to deliver the Olympic Park and new venues and infrastructure for the 2012 Games, on time and to the agreed budget and to leave a lasting social, economic and environmental legacy. Using powers under the Act the ODA has made significant progress in meeting its objectives, including on:

- **Venues** – the ODA has built new permanent venues that will continue to have a useful life after the Games. The venues and infrastructure programme has made excellent progress with 79% of venues and infrastructure completed (February 2011) and with all major venues either on or ahead of schedule; and
- **Transport** - a series of improvements to public transport are being made to facilitate spectator access to the 2012 Olympic and Paralympic Games and to leave a legacy of permanent transport improvements. This entails a wide range of physical and organisational improvements to rail, underground/DLR and bus/coach services. The ODA has made a huge investment (£475m) in transport including, £125m upgrade to Stratford Regional Station, £107m contribution to the North London Line project and over £80m on DLR projects such as new railcars.

11. Powers under the Act have also been utilised to support the fundraising activities of LOCOG. The Act created a far reaching intellectual property right which has facilitated LOCOG's efforts to raise substantial private sector funding within a challenging economic climate. LOCOG has a £2bn budget which is funded mostly from the private sector – from the IOC and its international sponsors, sale of broadcast rights, merchandise and tickets, and from domestic sponsors. LOCOG is on track to raise the revenue required to deliver the Games. It has secured around 70% of its total revenue, including 94% of the target for domestic sponsorship. It has signed up 34 domestic sponsors, plus one sponsor (Sainsbury's) for the Paralympic Games only.

12. A number of issues have emerged in relation to advertising and trading, ticket touting and traffic management, where the existing powers, provided through the Act, are insufficient or do not achieve the intended effect. The London Olympic Games and Paralympic Games (Amendment) Bill seeks to remedy these issues. It does not introduce any significant new policies but makes a number of technical amendments designed to ensure that the intention behind the 2006 Act is given full effect.

13. With venues, transport improvements and significant sponsorship in place, our initial conclusion is that, overall the Act has been successful in providing the powers required to deliver the necessary planning and preparations for the London Olympic Games and Paralympic Games.

Department for Culture, Media and Sport

June 2011



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ISBN 978-0-10-181122-4



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