



Glasgow Commonwealth Games Act 2008

2008 asp 4

Advertising

10 Ban on advertising in the vicinity of Games locations

- (1) It is an offence to advertise in the vicinity of a Games location at a prohibited time (“the advertising offence”).
- (2) Ministers may by regulations (“the advertising regulations”)—
 - (a) exempt types of advertising from the advertising offence,
 - (b) make such further provision as they think fit in relation to advertising in the vicinity of Games locations.
- (3) The advertising offence does not apply to advertising by the Organising Committee or the Commonwealth Games Federation (so long as that advertising is done in accordance with any conditions imposed by the advertising regulations).

11 Advertising activities, places and prohibited times

- (1) An activity is to be treated as advertising if it is a communication to the public (or to a section of the public) for the purpose of promoting an item, service, trade, business or other concern.
- (2) For example, any of the following acts done for that purpose are to be treated as advertising—
 - (a) advertising of a non-commercial nature,
 - (b) announcements or notices,
 - (c) the sale or giving away of any goods or services,
 - (d) the distribution or provision of documents or articles,
 - (e) the display or projections of words, images, lights or sounds,
 - (f) things done with or in relation to material which has or may have purposes or uses other than as an advertisement.
- (3) “Advertise” is to be construed accordingly.
- (4) The advertising regulations may prescribe, or provide criteria for determining—

- (a) places which are (or are not) to be treated as being in the vicinity of a Games location for the purposes of the advertising offence,
- (b) times which are prohibited times for those purposes.

12 Authorised advertising

- (1) The advertising regulations may prescribe circumstances in which the Organising Committee may authorise persons to advertise in a way which would otherwise constitute an advertising offence.
- (2) The advertising regulations may, in particular, provide—
 - (a) for an authorisation to be granted in respect of a place only if—
 - (i) a prescribed kind of advertising licence exists in respect of that place, or
 - (ii) it is designated for a prescribed purpose in accordance with a prescribed enactment,
 - (b) for an authorisation to be granted only if the person seeking the authorisation holds a prescribed kind of advertising licence,
 - (c) for an authorisation to be treated as if it were an advertising licence granted by virtue of another enactment or document,
 - (d) that the Organising Committee may determine the procedure for applying for and granting an authorisation,
 - (e) that any fee charged by the Organising Committee in connection with an authorisation (or an application) is not to exceed such amount as may be specified in, or determined in accordance with, the regulations,
 - (f) for a right of appeal against a refusal to grant an authorisation.

13 Advertising authorisation: conditions

- (1) An authorisation under section 12—
 - (a) is subject to any conditions imposed by the advertising regulations, and
 - (b) may be subject to any other conditions imposed by the Organising Committee.
- (2) For example, the advertising regulations or the Organising Committee may impose conditions—
 - (a) about the times when authorised advertising may be carried out,
 - (b) requiring the authorised person to produce evidence of the authorisation to any enforcement officer or constable who requests it,
 - (c) which are—
 - (i) inconsistent with, or
 - (ii) more onerous than,the conditions of any other advertising licence held by the authorised person.

14 Advertising permitted without authorisation

- (1) The advertising regulations may prescribe, or provide criteria for determining, circumstances in which advertising which would otherwise constitute an advertising offence is permitted without authorisation.
- (2) Advertising without authorisation may, for example, be permitted by reference to—

- (a) the person who is advertising,
- (b) the nature of the advertising,
- (c) the purpose of the advertising, or
- (d) the circumstances of its display.

15 Existing advertising licences

It is not a defence for a person charged with an advertising offence that the person has an advertising licence whether granted before or after this section comes into force.

16 Guidance and information about advertising

- (1) It is for the Organising Committee to issue guidance about advertising in the vicinity of Games locations.
- (2) The advertising regulations may require—
 - (a) prescribed persons to inform other persons about the effect or likely effect of section 10 and the advertising regulations,
 - (b) a person who grants an advertising licence to inform the licensee of the effect of section 15.