



# London Olympic Games and Paralympic Games Act 2006

## 2006 CHAPTER 12

### *General*

#### **37 Scotland**

- (1) In its application to Scotland, this Act has effect subject to the following modifications.
- (2) “Enactment”, except in section 9(2)(d)(iv), includes an enactment contained in, or in an instrument under, an Act of the Scottish Parliament.
- (3) “Local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39).
- (4) “Local planning authority” means a planning authority for the purposes of the Town and Country Planning (Scotland) Act 1997 (c. 8).
- (5) “Police authority” includes a joint police board constituted under an amalgamation scheme made under section 19 of the Police (Scotland) Act 1967 (c. 77).
- (6) [<sup>F1</sup>References to costs are to be read as if they were references to expenses.]
- (7) References to a highway are to be read as if they were references to a road within the meaning of the Roads (Scotland) Act 1984 (c. 54).
- (8) In sections 19 to 30—
  - (a) references to the Secretary of State <sup>F2</sup>... are to be read as if they were references to the Scottish Ministers, and
  - (b) references [<sup>F3</sup>(other than in sections 20 and 26)] to a resolution of either House of Parliament are to be read as if they were references to a resolution of the Scottish Parliament.
- (9) In section 20(1)(b), the reference to Chapter III of Part VIII of the Town and Country Planning Act 1990 (c. 8) is to be read as if it were a reference to Chapter 3 of Part 7 of the Town and Country Planning (Scotland) Act 1997.

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[<sup>F4</sup>(9A) Sections 20 and 26 are to have effect as if, in each case, for subsections (2) and (2A) there were substituted—

“(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.””]

(10) In section 22(4)—

- (a) the references to a justice of the peace are to be read as if they were references to a sheriff, and
- (b) the reference to the application of a constable or enforcement officer is to be read as if it were a reference to the application of a procurator fiscal.

(11) [<sup>F5</sup>In sections 22(5)(d) and 28(2)(d), the references to section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) are to be read as if they were references to section 21 of the Proceeds of Crime (Scotland) Act 1995 (c. 43).]

[<sup>F6</sup>(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.”

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- (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 ”,
  - (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.]

#### Textual Amendments

- F1** S. 37(6) omitted (E.W.S.) (14.2.2012) by virtue of [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), **ss. 1(10)(a)**, 10(1)
- F2** Words in s. 37 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 8(1)(o)**
- F3** Words in s. 37(8)(b) inserted (E.W.S.) (14.2.2012) by [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), **ss. 2(5)**, 10(1)
- F4** S. 37(9A) inserted (E.W.S.) (14.2.2012) by [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), **ss. 2(6)**, 10(1)
- F5** S. 37(11) omitted (E.W.S.) (14.2.2012) by virtue of [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), **ss. 1(10)(b)**, 10(1)
- F6** S. 37(12)-(16) inserted (E.W.S.) (14.2.2012) by [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), **ss. 1(11)**, 10(1)

## 38 Northern Ireland

In its application to Northern Ireland this Act has effect as if—

- (a) references to an enactment included references to Northern Ireland legislation,
- (b) references to a police authority were references to the Northern Ireland Policing Board,
- (c) references to a justice of the peace were references to a lay magistrate,
- (d) references to a local planning authority were references to the Department of the Environment in Northern Ireland,
- (e) references to a highway were references to a road (within the meaning of the Roads (Northern Ireland) Order 1980 (S.I. 1980/1085 (N.I. 11)),
- (f) references to a local authority were references to a district council,
- (g) [F7 the reference in section 28(2)(d) to section 143 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) were a reference to Article 11 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 N.I. 15),]
- (h) the reference in section 31(5) to section 32(2)(b) of the Police and Criminal Evidence Act 1984 (c. 60) were a reference to Article 34(2)(b) of the Police

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and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)), and

- (i) for section 39 there were substituted—

**“@AMP@fill; Offences: arrest**

In Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (arrestable offences) at the end add—

“(r) offences under section 21(1), 27(1) or 31(1) of the London Olympic Games and Paralympic Games Act 2006 (unauthorised advertising, trading and ticket sales).”

**Textual Amendments**

- F7** S. 38(g) omitted (E.W.S.) (14.2.2012) by virtue of [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), **ss. 1(12)**, 10(1)

**39 Offences: arrest**

- (1) At the end of Schedule 1A to the Police and Criminal Evidence Act 1984 (arrestable offences) add—

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27B An offence under section 21(1), 27(1) or 31(1) of the London Olympic Games and Paralympic Games Act 2006 (unauthorised advertising, trading and ticket-sales).”

- (2) A constable in Scotland may arrest without warrant a person who the constable reasonably believes is committing or has committed an offence under section 21(1), 27(1) or 31(1).
- (3) Subsection (2) is without prejudice to any power of arrest which is otherwise exercisable by a constable in Scotland.

**Commencement Information**

- I1** S. 39(2)(3) in force at 30.5.2006 for E.W.N.I. by [S.I. 2006/1118](#), **art. 3(2)**
- I2** S. 39(2)(3) in force at 31.12.2006 for S. by [S.S.I. 2006/611](#), **art. 2**

**40 Commencement and duration**

- (1) The following provisions of this Act shall come into force on Royal Assent—
- (a) section 1,
  - (b) sections 3 to 5 and Schedule 1,
  - (c) section 32 and paragraphs 1 to 11 of Schedule 3,
  - (d) section 33 and Schedule 4,
  - (e) sections 34 and 35(1) and (2),
  - (f) section 36(3)(a) and (d),

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- (g) section 37, and
  - (h) section 38.
- (2) The other preceding provisions of this Act (including paragraphs 12 to 14 of Schedule 3) shall come into force in accordance with provision made by order of the Secretary of State<sup>F8</sup> ... .
- (3) But the following provisions of this Act, so far as they extend to Scotland, shall come into force in accordance with provision made by order of the Scottish Ministers—
- (a) sections 19 to 31, and
  - (b) section 39(2) and (3).
- (4) An order under subsection (2) or (3)—
- (a) may make provision generally or only for specified purposes,
  - (b) may make different provision for different purposes,
  - (c) may include transitional or incidental provision, and
  - (d) shall be made by statutory instrument.
- (5) Despite subsection (1)(c), for the purposes of criminal proceedings under a provision of the Olympic Symbol etc. (Protection) Act 1995 (c. 32) in respect of anything done before the end of the period of two months beginning with the date on which this Act receives Royal Assent, no account shall be taken of any amendment made of that Act by Schedule 3 to this Act.
- (6) Sections 10 to 18 (including any power to make orders or give directions) shall cease to have effect at the end of the London Olympics period.
- (7) Paragraph 14 of Schedule 3, which inserts new sections 12A and 12B into the Olympic Symbol etc. (Protection) Act 1995, shall have effect in relation to things arriving in the United Kingdom during the period—
- (a) beginning with the day specified under subsection (2) above for the commencement of paragraph 14 of Schedule 3, and
  - (b) ending with 31st December 2012.
- (8) Section 33 and Schedule 4 shall cease to have effect at the end of 31st December 2012.
- (9) In respect of section 36(3)—
- (a) paragraph (a) shall have effect in relation to compulsory purchase orders made on or after 1st October 2005,
  - (b) an order bringing paragraph (b) into force on a date (“the commencement date”)—
    - (i) may provide for paragraph (b) to have effect in relation to purchases (whether compulsory or voluntary) completed before, on or after the commencement date, but
    - (ii) must include provision modifying section 295 of the Housing Act 1985 in its application by virtue of section 36(3)(b) so that extinguishment of rights and easements takes effect, in the case of a purchase completed before the commencement date, on the commencement date,
  - (c) an order bringing paragraph (c) into force on a date (“the commencement date”)—

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- (i) may provide for paragraph (c) to have effect in relation to purchases (whether compulsory or voluntary) completed on or after 1st October 2005, but
- (ii) shall not affect the lawfulness of anything done before the commencement date, and
- (d) paragraph (d) shall be treated as having taken effect on 1st October 2005.

#### Textual Amendments

**F8** Words in s. 40 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 8(1)(p)**

## 41 Extent and application

- (1) The following provisions of this Act extend only to England and Wales—
  - (a) section 5,
  - (b) section 7(2) and (4),
  - (c) sections 10 to 18, and
  - (d) sections 34 to 36.
- (2) The remaining provisions of this Act extend to—
  - (a) England and Wales,
  - (b) Scotland, and
  - (c) Northern Ireland.
- (3) The provisions specified in subsection (1) (except section 36) shall apply only in relation to—
  - (a) places in England, and
  - (b) things done in or in respect of England.
- (4) In their application to things done in Wales, sections 19 to 30 shall have effect as if—
  - (a) a reference to the Secretary of State <sup>F9</sup>... were a reference to the National Assembly for Wales, and
  - (b) a reference to a resolution of each or either House of Parliament were a reference to a resolution of the National Assembly for Wales.
- (5) Section 31 shall apply in respect of anything done whether in the United Kingdom or elsewhere.

#### Textual Amendments

**F9** Words in s. 41 omitted (7.7.2010) by virtue of [Secretary of State for Culture, Olympics, Media and Sport Order 2010 \(S.I. 2010/1551\)](#), art. 1(2), **Sch. para. 8(1)(q)**

## 42 Short title

This Act may be cited as the London Olympic Games and Paralympic Games Act 2006.

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