

POLICY NOTE

DRAFT : THE GLASGOW COMMONWEALTH GAMES (TRADING AND ADVERTISING) (SCOTLAND) REGULATIONS 2013

1. The above instrument is to be made in exercise of the powers conferred by sections 2(3), 3, 4, 5, 6, 10(2), 11(4), 12, 13, 14 and 43(2) of the Glasgow Commonwealth Games Act 2008. The instrument is subject to affirmative procedure.

Policy Objectives

2. Glasgow will host the Commonwealth Games in 2014. The Commonwealth Games Federation Host City Contract requires the Scottish Government to introduce legislation necessary to prohibit ambush marketing and eliminate unauthorised street trading in the vicinity of Games venues (event zones). The Glasgow Commonwealth Games Act 2008 (“the 2008 Act”) provides the overarching framework governing the Glasgow 2014 Commonwealth Games and lays the foundations for the control of advertising and trading at Games time. The 2008 Act also makes provision for Scottish Ministers to provide more detail on the trading and advertising offences through regulations.

3. The Glasgow Commonwealth Games (Trading and Advertising) (Scotland) Regulations 2013 (‘the Regulations’) set out the detail of the trading and advertising offences and prescribe the circumstances for which exemptions will apply. The Regulations are necessary because under existing legislation the governance criteria for street trading and advertising is not sufficient or specifically tailored to support such a large and time critical event. The Organising Committee (OC) is the company, named Glasgow 2014 Ltd, established to deliver the Glasgow 2014 Commonwealth Games which includes the delivery and enforcement of these Regulations.

4. The policy objectives that the Regulations will deliver include the ability to control street trading within the event zone boundaries to ensure the safety and free flow of spectators and traffic. By regulating advertising the Scottish Government is ensuring that the revenue generated through sponsorship is protected. It is important that companies/sponsors who have paid for their Commonwealth Games association rights retain the exclusive right to associate their brands with the Glasgow 2014 Commonwealth Games.

5. By regulating both street trading and advertising the Scottish Government is protecting the character, integrity, safety and security of the Games.

Consultation

6. To comply with the requirements of Section 44 of the Glasgow Commonwealth Games Act 2008, the Scottish Government has consulted with a range of key stakeholders including the Glasgow 2014 Organising Committee (OC), Police Scotland, Glasgow City Council, City of Edinburgh Council, Angus Council, South Lanarkshire and North Lanarkshire Council on the proposals prior to drafting the Regulations. Their views helped to shape the draft Regulations and, in particular, informed the development of the event zones and the necessary periods of restrictions.

7. The public consultation on the draft Regulations took place between 15 May and 7 August 2013. The report on the findings of the consultation will be published on the Scottish Government website in September 2013 and also contains a full list of those consulted and who agreed to the release of the information.

Impact Assessments

8. An equality impact assessment has been completed on the Glasgow Commonwealth Games (Trading and Advertising) (Scotland) Regulations 2013 and is attached. There are no equality impact issues.

Financial Effects

9. A Business and Regulatory Impact Assessment (BRIA) has been completed. The impact of this policy on business is minimal, short term and within a limited geographical area.

10. A full BRIA has been prepared and placed in the Scottish Parliament Information Centre. A copy of the BRIA is attached.

Scottish Government
Directorate for Commonwealth Games and Sport
August 2013