

*Draft Regulations laid before the National Assembly for Wales on 18 November 2011 under sections 20(2) and 26(2) of the London Olympic Games and Paralympic Games Act 2006, for approval by resolution of the National Assembly for Wales.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2012 No. (W.)**

**OLYMPIC GAMES AND  
PARALYMPIC GAMES,  
WALES**

**The London Olympic Games and  
Paralympic Games (Advertising  
and Trading) (Wales) Regulations  
2012**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations control advertising activity and trading activity in and around the Millennium Stadium, Cardiff (the “event zone”) during periods when London 2012 Olympic and Paralympic Games events take place (“event period”).

The Regulations are made under sections 19, 20(1), 22(8), 25, 26(1) and 28(6) of the London Olympic and Paralympic Games Act 2006 (“the Act”). Section 21(1) of the Act makes it an offence to contravene advertising regulations made under section 19 of that Act, and section 27 of the Act provides that it is an offence to contravene trading regulations made under section 25 of that Act.

Part 1 of the Regulations comprises general provisions.

There is one event zone in Wales, the Millennium Stadium zone, which is defined in regulation 3 by reference to the map available for inspection at the offices of the Welsh Government and Cardiff Council. Regulation 3 also defines event period.

Part 2 of the Regulations contains detailed provisions relating to advertising activity in the event zone during an event period.

Regulation 5(1) defines “advertising activity” as displaying an advertisement or distributing or providing promotional material. “Advertisement”, “displaying an advertisement” and “promotional material” are defined in the same regulation. Specific provision is made in regulation 5(3) for advertisements displayed on mobile telephones and other similar devices.

Regulation 6 provides for an advertising prohibition and specifies people who are to be treated as satisfying the criteria for engaging in advertising activity.

Under section 21(2) of the Act, a person charged with an offence under section 21(1) of the Act has a defence if the person proves that the contravention occurred without the person’s knowledge or despite the person taking all reasonable steps to prevent it from occurring or (where the person became aware of it after its commencement) from continuing.

In addition to this defence, regulations 7 to 10 specify exceptions to the advertising prohibition.

The exceptions in regulation 9 are modelled on provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 (the “1992 Regulations”).

As well as the exceptions specified in regulations 7 to 10, regulation 11 provides that the advertising prohibition does not apply to advertising activity undertaken or controlled by the London Organising Committee of the Olympic Games and Paralympic Games Limited (“LOCOG”), or a person authorised by LOCOG.

LOCOG’s right to engage in advertising activity and any authorisation granted by it are subject to the conditions specified in regulation 11(4), including that the advertiser holds a licence which, in addition to authorisation under regulation 11, is required before that person may engage in advertising activity (whether in a particular place or generally).

Part 3 of the Regulations contains detailed provisions relating to trading activity in the event zone during an event period.

Regulation 12 defines “trading activity” as carrying out one or more of the activities specified in that regulation in an open public place.

Regulation 13 provides for a trading prohibition and specifies people who are to be treated as satisfying the criteria for engaging in trading activity.

Regulation 14 specifies exceptions to the trading prohibition.

In addition to the exceptions specified in regulation 14, regulation 15 provides that the trading prohibition does not apply to trading activity undertaken in accordance with an authorisation granted by the Olympic Delivery Authority (“the ODA”) or a person to whom the function of granting authorisations is delegated by the ODA.

Part 4 of the Regulations makes provision for a person who has applied for an authorisation, and is dissatisfied with the decision of the authoriser, to request the ODA to review that decision.

Part 5 provides for compensation for a person whose property is damaged in the course of the exercise or purported exercise of an enforcement power under section 22 or 28 of the 2006 Act.

*Draft Regulations laid before the National Assembly for Wales on 18 November 2011 under sections 20(2) and 26(2) of the London Olympic Games and Paralympic Games Act 2006, for approval by resolution of the National Assembly for Wales.*

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**2012 No. (W.)**

**OLYMPIC GAMES AND  
PARALYMPIC GAMES,  
WALES**

**The London Olympic Games and  
Paralympic Games (Advertising  
and Trading) (Wales) Regulations  
2012**

*Made*

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*Coming into force in accordance with  
regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred by sections 19, 20(1), 22(8), 25, 26(1) and 28(6) of the London Olympic Games and Paralympic Games Act 2006(1), and now vested in them(2), make the following Regulations.

The Welsh Ministers have consulted in accordance with the requirements set out in sections 20(3) and 26(3) and have had regard to the matters referred to in sections 19(2) and 25(2) of that Act.

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- (1) 2006 c.12. Sections 19, 20, 25 and 26 were amended by paragraph 6 of the Schedule to S.I. 2007/2129 and paragraph 8 of the Schedule to S.I. 2010/1551.
- (2) Section 41(4) of the London Olympic Games and Paralympic Games Act 2006 provides that in their application to things done in Wales, sections 19 to 30 have effect as if a reference to the Secretary of State were a reference to the National Assembly for Wales. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30(1) and 30(2)(c) of Schedule 11 to, the Government of Wales Act 2006 (c.32).

A draft of these Regulations was laid before, and approved by a resolution of, the National Assembly for Wales in accordance with sections 20(2) and 26(2) of that Act<sup>(1)</sup>.

## PART 1

### Introductory

#### **Title, commencement, cessation and application**

**1.**—(1) The title of these Regulations is the London Olympic Games and Paralympic Games (Advertising and Trading) (Wales) Regulations 2012.

(2) They come into force on the day after the day on which they are made.

(3) They cease to have effect at the end of 14 August 2012.

(4) These Regulations apply in relation to Wales.

#### **Application to the Crown**

**2.**—(1) The following provisions bind the Crown—

(a) regulations 5 to 11, and

(b) regulations 3, 4, 16 and 17 to the extent that they relate to advertising activity.

(2) But nothing in these Regulations makes the Crown liable for an offence.

#### **General Interpretation**

**3.** In these Regulations—

“the Act” (“*y Ddeddf*”) means the London Olympic Games and Paralympic Games Act 2006;

“article” (“*eitem*”) includes a living thing;

“building” (“*adeilad*”) means a permanent building but excludes a telephone kiosk;

“event period” (“*cyfnod digwyddiad*”) means each of the following periods—

(a) the period beginning at 00:01 on 24 July 2012 and ending at 23:59 on 28 July 2012,

(b) the period beginning at 00:01 on 30 July 2012 and ending at 23:59 on 4 August 2012, and

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(1) Sections 20(2) and 26(2) of the London Olympic Games and Paralympic Games Act 2006 provide that regulations made under sections 19 and 25 respectively of that Act may not be made unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament. Section 41(4) of that Act provides that in their application to things done in Wales, sections 19 to 30 have effect as if a reference to a resolution of each or either House of Parliament were a reference to a resolution of the National Assembly for Wales.

(c) the period beginning at 00:01 on 9 August 2012 and ending at 23:59 on 10 August 2012;

“event zone” (“*parth digwyddiadau*”) means the Millennium Stadium zone, being the area bounded externally by a dotted green line, including the airspace above that area, shown on the map signed on behalf of the Welsh Ministers, bearing the name of the event zone, the title of these Regulations, and the date September 2011, of which prints are deposited and available for inspection at the offices of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ, and at the offices of Cardiff Council at County Hall, Atlantic Wharf, Cardiff, CF10 4UW, and at City Hall, Cathays Park, Cardiff, CF10 3ND;

“licence” (“*trwydded*”) includes any kind of consent, certificate, permission or authority (by whatever name) granted by a landowner, local authority or other person in accordance with any enactment, Charter or other document;

“newspaper or periodical” (“*papur newydd neu gyfnodolyn*”) does not include a newspaper or periodical intended specifically to advertise one or more of the following within the event zone during an event period—

- (a) goods or services,
- (b) a person who provides goods or services;

“receptacle” (“*daliedydd*”) means anything which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article, including—

- (a) any vehicle, trailer or barrow, or
- (b) any basket, bag, box, vessel, stall, stand, easel, board, or tray;

“telephone kiosk” (“*caban ffôn*”) means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator; and

“the 1992 Regulations” (“*Rheoliadau 1992*”) means the Town and Country Planning (Control of Advertisements) Regulations 1992<sup>(1)</sup>.

#### **Effect on other legislation etc.**

#### **4. Nothing in these Regulations—**

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(1) S.I. 1992/666, amended by S.I. 1994/2351; there are other amending instruments but none are relevant to these Regulations.

- (a) authorises a person to do anything that is prohibited (whether in a particular place or generally) by or under any enactment or rule of law, or
- (b) affects a requirement of any enactment or rule of law that a person hold a licence before engaging in activity for which that licence is required (whether in a particular place or generally).

## PART 2

### Advertising Activity

#### **Interpretation of this Part**

**5.—(1) In this Part—**

“advertisement” (*“hysbyseb”*) means any word, letter, image, mark, sound, light, model, sign, placard, board, notice, screen, awning, blind, flag, device, costume or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purpose of, promotion, advertisement, announcement or direction;

“advertiser” (*“hysbysebwr”*) means a person who engages in advertising activity;

“advertising activity” (*“gweithgaredd hysbysebu”*) means—

- (a) displaying an advertisement, or
- (b) distributing or providing promotional material;

“advertising attire” (*“gwisg hysbysebu”*) means—

- (a) a costume that is an advertisement, or
- (b) clothing on which an advertisement is displayed;

“ambush marketing campaign” (*“ymgyrch marchnata rhagod”*) means a campaign (whether consisting of one act or a series of acts) intended specifically to promote, advertise, announce or direct one or more of the following within the event zone during an event period—

- (a) goods or services,
- (b) a person who provides goods or services;

“displaying an advertisement” (*“arddangos hysbyseb”*) includes (without prejudice to the generality of that expression)—

- (a) projecting, emitting, screening or exhibiting an advertisement,
- (b) carrying or holding an advertisement or an apparatus by which an advertisement is displayed,

- (c) providing for—
  - (i) an advertisement to be displayed on an animal, or
  - (ii) an apparatus by which an advertisement is displayed to be carried or held by an animal,
- (d) doing one or more of the following as part of an ambush marketing campaign—
  - (i) carrying or holding personal property on which an advertisement is displayed,
  - (ii) wearing advertising attire,
  - (iii) displaying an advertisement on an individual's body;

“not-for-profit body” (*“corff di-elw”*) means a body which, by virtue of its constitution or any enactment—

- (a) is required (after payment of outgoings) to apply the whole of its income, and any capital which it expends, for charitable or public purposes, and
- (b) is prohibited from directly or indirectly distributing amongst its members any part of its assets (otherwise than for charitable or public purposes); and

“promotional material” (*“deunydd hyrwyddo”*) means a document or article distributed or provided wholly or partly for the purpose of promotion, advertisement, announcement or direction.

(2) In this Part, a reference to a person who engages in advertising activity is to be treated as including a person to whom regulation 6(2) applies.

(3) Advertising activity that consists of the display of an advertisement on a personal communication device is not to be treated as advertising activity for the purposes of this Part unless the advertiser intends the advertisement to be displayed, by means of the device, to the public at large (rather than only to the individual using the device).

(4) In paragraph (3), “personal communication device” (*“dyfais gyfathrebu bersonol”*) means a mobile telephone or other personal interactive communication device.

### **Control of advertising activity**

6.—(1) A person must not engage in advertising activity in the event zone during an event period.

(2) A person is to be treated as contravening paragraph (1) if that person arranges (at any time and in any place) for advertising activity to take place in the event zone during an event period.



(3) A person is also to be treated as contravening paragraph (1) if advertising activity in the event zone during an event period—

- (a) relates to goods, services, a business or other concern in which that person has an interest or for which that person is responsible, or
- (b) takes place on land, premises or other property that that person owns or occupies or of which that person has responsibility for the management.

(4) Without prejudice to the generality of paragraph (3)—

- (a) a person is to be treated as having an interest in or responsibility for a business or other concern if that person is an officer of the business or concern,
- (b) a person is to be treated as having an interest in or responsibility for goods or services if that person is an officer of a business or other concern that has an interest in or is responsible for the goods or services, and
- (c) a person is to be treated as having responsibility for the management of land, premises or other property if that person is an officer of a business or other concern that owns, occupies or has responsibility for the management of the land, premises or other property.

(5) In paragraph (4), “an officer” (“*swyddog*”) means a director, manager, secretary or other similar officer.

(6) This regulation applies in relation to advertising activity whether or not it consists of the result or continuation of activity carried out before these Regulations came into force.

#### **Exception for demonstrations, etc.**

7.—(1) Regulation 6 does not apply to advertising activity intended to—

- (a) demonstrate support for or opposition to the views or actions of any person or body of persons,
- (b) publicise a belief, cause or campaign, or
- (c) mark or commemorate an event.

(2) But this exception does not apply to advertising activity that promotes or advertises—

- (a) goods or services, or
- (b) a person or body (excluding a not-for-profit body) that provides goods or services.

**Exception for individuals wearing advertising attire, displaying advertisements on their bodies, or carrying personal property**

8.—(1) Regulation 6 does not apply to individuals who engage in advertising activity only by doing one or more of the following, unless the individuals know or have reasonable cause to believe that they are participating in an ambush marketing campaign—

- (a) wearing advertising attire,
- (b) displaying an advertisement on the individual's body,
- (c) carrying or holding personal property on which an advertisement is displayed.

(2) The fact that this exception applies to individuals does not affect the application of regulation 6 to any other person (whether in respect of the same advertising activity or otherwise).

**Exceptions modelled on the 1992 Regulations**

9.—(1) Regulation 6 does not apply to advertising activity that consists of the display of an advertisement—

- (a) within a Class specified in the first column of Schedule 2 to the 1992 Regulations so long as the display or the advertisement complies with the conditions referred to in regulation 3(2) of those Regulations,
- (b) within a Class specified in Part 1 of Schedule 3 to the 1992 Regulations subject to the conditions and limitations referred to in regulation 6(1)(a) and (b) of those Regulations, or
- (c) which is an illuminated advertisement on business premises—
  - (i) to which express consent within the meaning set out in regulation 5(1) of the 1992 Regulations was granted before the date on which these Regulations come into force, and
  - (ii) that complies with the conditions and limitations specified in paragraphs (2) to (11) of Class 4B in Part 1 of Schedule 3 to the 1992 Regulations.

(2) But this exception does not apply to the display of an advertisement—

- (a) within Class A (advertisements on balloons),
- (b) within Class B (advertisements displayed on enclosed land) where the enclosed land on which the advertisement is displayed is—

- (i) a railway station (and its yards) or bus station (together with its forecourt, whether enclosed or not), or
  - (ii) enclosed land (including a sports stadium or other building) on or in which a London Olympic Event<sup>(1)</sup> is taking place or to take place,
- (c) within Class D (advertisements incorporated in the fabric of buildings) which was not in existence on the date on which these Regulations came into force,
  - (d) within Class J (advertisements displayed inside buildings), other than an exempt business advertisement, where the building in which the advertisement is displayed—
    - (i) is or forms part of a railway station or bus station, or
    - (ii) is a sports stadium or other building in which a London Olympic Event is taking place or to take place,
  - (e) within Class 1B (advertisements displayed by local planning authorities) that—
    - (i) is not displayed wholly for the purpose of announcement or direction in relation to any of the functions of the local planning authority by which it is displayed, and
    - (ii) is not reasonably required to be displayed for the safe or efficient performance of those functions,
  - (f) within Class 3D (advertisements announcing local events and activities) that promotes or advertises—
    - (i) goods or services, or
    - (ii) a person or body (other than a not-for-profit body) that provides goods or services,
  - (g) within Class 3F (advertisements relating to travelling circuses, fairs or similar travelling entertainments),
  - (h) within Class 7B (flags on residential development sites) that does not relate to the development or to a person carrying out the development or an aspect of the development,
  - (i) within Class 8 (advertisements on hoardings),
  - (j) within Class 9 (advertisements on highway structures),
  - (k) within Class 12 (advertisements displayed inside buildings), other than an exempt

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(1) “London Olympic Event” is defined in section 1(3)(b) of the Act.

business advertisement, where the building in which the advertisement is displayed—

- (i) is or forms part of a railway station or bus station, or
- (ii) is a sports stadium or other building in which a London Olympic Event is taking place or to take place,

- (l) within Class 13 (advertisements on sites used for the display of advertisements without express consent),
- (m) within Class 14 (advertisements displayed after expiry of express consent).

(3) In this regulation—

- (a) “exempt business advertisement” (“*hysbysiad busnes esempt*”) means an advertisement (whether illuminated or not) displayed on business premises within a building (or a forecourt associated with such premises) that refers wholly to any or all of the following: the business carried on, the goods or services provided or the name or qualifications of the person carrying on the business, or providing the goods or services, on those premises,
- (b) a reference to a “Class” (“*Dosbarth*”) of advertisement is a reference to the corresponding Class of advertisement in Schedule 2 or (as the case may be) 3 to the 1992 Regulations, and
- (c) “business premises” (“*mangre busnes*”) and “forecourt” (“*blaengwrt*”) have the same meaning as in Schedule 3 to the 1992 Regulations<sup>(1)</sup>.

(4) For the purposes of this regulation—

- (a) Part 2 of Schedule 3 to the 1992 Regulations applies for the interpretation of that Schedule,
- (b) a reference to a building in Schedule 2 or 3 to the 1992 Regulations is to be construed in accordance with the definition of building in regulation 3 of these Regulations,
- (c) a reference to displaying an advertisement (however phrased) in Schedule 2 or 3 to the 1992 Regulations is to be construed in accordance with the definition in regulation 5 of these Regulations, and
- (d) a reference to a vehicle in Schedule 2 to the 1992 Regulations includes a bicycle.

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(1) See paragraph 1(1) of Part 2 to Schedule 3 to the 1992 Regulations.

## Other exceptions

**10.**—(1) Regulation 6 does not apply to the following advertising activity—

- (a) displaying an advertisement that is employed wholly as—
  - (i) a memorial, or
  - (ii) a railway signal,
- (b) distributing or providing a current newspaper or periodical, either without a receptacle or from a receptacle that does not cause undue interference or inconvenience to persons using the street,
- (c) advertising activity undertaken in accordance with a condition attached to an authorisation granted under regulation 15 (trading activity authorised by the Olympic Delivery Authority etc.),
- (d) displaying an advertisement on an aircraft for one or more of the following purposes—
  - (i) complying with the law of the United Kingdom or any other country, being law in force in relation to the aircraft,
  - (ii) securing the safety of the aircraft or any person or property therein,
  - (iii) the furtherance, by or on behalf of a Government department including the Welsh Assembly Government, by a person acting under any public duty or by a person providing ambulance or rescue facilities by air, of measures in connection with circumstances, existing or imminent at the time the aircraft is used, which may cause danger to persons or property,
  - (iv) civil defence, military or police purposes,
- (e) displaying a mark or inscription (other than an illuminated sign) on the body of an aeroplane or helicopter, or
- (f) displaying an advertisement on an item of street furniture provided that the advertisement—
  - (i) is not illuminated,
  - (ii) bears only the name, contact details and device (or any one or more of those things) of the manufacturer, owner or operator of the street furniture (or any one or more of those persons), and
  - (iii) is not displayed as part of an ambush marketing campaign.

## **Advertising undertaken or authorised by the London Organising Committee**

**11.**—(1) Regulation 6 does not apply to advertising activity undertaken or controlled by—

- (a) the London Organising Committee<sup>(1)</sup>, or
- (b) any person authorised by that Committee (whether or not subject to terms and conditions imposed by that Committee and whether or not in accordance with a sponsorship or other commercial agreement with that Committee).

(2) Subject to these Regulations, the London Organising Committee has an absolute discretion in respect of each application to it for authorisation.

(3) The London Organising Committee must have regard to the provisions of the Host City Contract<sup>(2)</sup> before engaging in advertising activity or granting an authorisation under this regulation.

(4) The London Organising Committee’s right to engage in advertising activity pursuant to this regulation and any authorisation granted by it are subject to all of the following conditions—

- (a) that the advertiser holds any licence which, in addition to authorisation by or under this regulation, is required before a person may engage in advertising activity (whether in a particular place or generally),
- (b) that no advertisement be sited or displayed so as to—
  - (i) endanger persons using any highway, railway, or waterway,
  - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air, or
  - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle, and
- (c) that the advertiser maintains any advertisement in a condition that does not—
  - (i) impair the visual amenity of the site, or
  - (ii) endanger the public.

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(1) “the London Organising Committee” is defined in section 1(3)(d) of the Act. Since the passing of the Act, the London Organising Committee has changed its registered name to The London Organising Committee of the Olympic Games and Paralympic Games Limited.

(2) “Host City Contract” is defined in section 1(3)(e) of the Act.

## PART 3

### Trading Activity

#### Interpretation of this Part

**12.—**(1) In this Part—

- (a) a reference to a person who engages in trading activity is to be treated as including a person to whom regulation 13(2) applies;
- (b) a reference (however phrased) to selling an article includes exposing or offering an article for sale;
- (c) a reference (however phrased) to supplying a service includes offering to supply a service;
- (d) “motor vehicle” (“*cerbyd modur*”) has the same meaning as in the Road Traffic Act 1988<sup>(1)</sup>;
- (e) “open public place” (“*man cyhoeddus agored*”) means—
  - (i) a highway, or
  - (ii) another place—
    - (aa) to which the public have access (whether generally or only for the purpose of the trading activity), and
    - (bb) which is not in a building other than one designed or generally used for the parking of cars;
- (f) “performance of a play” (“*perfformiad drama*”) means performance of any dramatic piece, whether involving improvisation or not—
  - (i) which is given wholly or in part by one or more persons actually present and performing, and
  - (ii) in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role;
- (g) “public entertainment” (“*adloniant cyhoeddus*”) means entertainment of one or more of the following descriptions provided for members of the public—
  - (i) a performance of live music,
  - (ii) any playing of recorded music,
  - (iii) a performance of dance,
  - (iv) a performance of a play,

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<sup>(1)</sup> 1988 c. 52. See section 185 of that Act.

- (v) entertainment of a similar description to that falling within paragraphs (i) to (iv);
- (h) “selling an article” (“*gwerthu eitem*”) includes (without prejudice to the generality of that term) trading by a person acting as a pedlar (whether or not under the authority of a pedlar’s certificate granted under section 4 of the Pedlars Act 1871<sup>(2)</sup>); and
- (i) “trading activity” (“*gweithgaredd masnachu*”) means carrying out one or more of the following activities in an open public place—
  - (i) selling an article,
  - (ii) supplying a service,
  - (iii) making an appeal to members of the public to give money (by whatever means) or other property (or both) for charitable or other purposes (whether or not authorised by or under any enactment),
  - (iv) providing public entertainment for gain or reward.

(2) In determining whether activity amounts to trading activity for the purposes of this Part the following matters are to be disregarded—

- (a) the fact that gain or reward arising from the activity does not accrue to the person actually carrying out the activity,
- (b) the fact that either party to a transaction is not in an open public place when one or more of the following activities occurs—
  - (i) an offer or exposure for sale of an article,
  - (ii) an offer to supply a service,
  - (iii) the completion of the transaction,
- (c) the fact that a transaction is not completed in an open public place, if one or both of the following activities occurs in such a place—
  - (i) an offer or exposure for sale of an article,
  - (ii) an offer to supply a service,
- (d) the fact that an article actually sold or service actually supplied is different from that offered or exposed for sale.

### **Control of trading**

**13.—**(1) A person must not engage in trading activity in the event zone during an event period.

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(2) 1871 c. 96. Section 4 was amended by section 2 of the Pedlars Act 1881 (c. 45), section 31(5) and (6) of the Criminal Law Act 1977 (c. 45), and section 46 of the Criminal Justice Act 1982 (c. 48).



(2) A person is to be treated as contravening paragraph (1) if that person arranges (at any time and in any place) for trading activity to take place in the event zone during an event period.

(3) A person is also to be treated as contravening paragraph (1) if trading activity in the event zone during an event period—

- (a) is undertaken by a business or other concern in which that person has an interest or for which that person is responsible, or
- (b) takes place on land that that person owns or occupies or of which that person has responsibility for the management.

(4) But paragraph (3) does not apply to a person who proves that—

- (a) the trading activity took place without that person's knowledge, or
- (b) that person took all reasonable steps to prevent the trading activity taking place or, where it has taken place, to prevent it continuing or recurring.

(5) Without prejudice to the generality of paragraph (3)—

- (a) a person is to be treated as having an interest in or responsibility for a business or other concern if that person is an officer of the business or concern,
- (b) a person is to be treated as having responsibility for the management of land if that person is an officer of a business or other concern that owns, occupies or has responsibility for the management of the land.

(6) In paragraph (5), “an officer” (“*swyddog*”) means a director, manager, secretary or other similar officer.

(7) This regulation applies in relation to trading activity whether or not it consists of the result or continuation of activity carried out before these Regulations came into force.

### **Exceptions**

**14.**—(1) Regulation 13 does not apply to the following trading activity—

- (a) selling a current newspaper or periodical either without a receptacle or from a receptacle that does not cause undue interference or inconvenience to persons using the street,
- (b) trading activity undertaken or controlled by the London Organising Committee on enclosed land on which a London Olympic Event is taking place or to take place,

- (c) selling or delivering an article to a person in premises adjoining a highway,
- (d) selling a motor vehicle on private land generally used for the sale of motor vehicles,
- (e) supplying motor vehicle cleaning services on private land generally used for the supply of those services,
- (f) supplying motor vehicle parking services in a building or on other land designed or generally used for the parking of motor vehicles,
- (g) providing a public sanitary convenience,
- (h) providing a permanent telephone kiosk,
- (i) trading as a walking tour operator,
- (j) supplying public transport services including tourist services, or
- (k) trading activity on private land adjacent to exempt retail premises provided that the trading activity—
  - (i) forms part of the usual business of the owner of the premises or a person assessed for uniform business rate in respect of the premises, and
  - (ii) takes place during the period during which the premises are open to the public for business.

(2) In this regulation—

“exempt retail premises” (*“mangre fanwerthu esempt”*) means a building normally used as—

- (a) a shop,
- (b) a restaurant, bar, or other premises used for the supply of meals, refreshments or alcohol to the public, or
- (c) a petrol filling station;

“sanitary convenience” (*“cyfleuster iechydol”*) has the same meaning as in the Building Act 1984(1);

“tourist services” (*“gwasanaethau i dwristiaid”*) means public transport services primarily for the benefit of tourists; and

“walking tour operator” (*“gweithredwr teithiau cerdded”*) means a person that supplies services to the public comprising tours of an area on foot.

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(1) 1984 c. 55. See section 126 of that Act.

## **Trading activity authorised by the Olympic Delivery Authority etc.**

**15.**—(1) Regulation 13 does not apply to trading activity undertaken in accordance with an authorisation granted by the Authority<sup>(1)</sup>.

(2) Subject to these Regulations, the Authority has an absolute discretion in respect of each application for authorisation.

(3) The Authority must have regard to the provisions of the Host City Contract before granting an authorisation under this regulation.

(4) An authorisation granted under this regulation is subject to the condition that any person who engages in trading activity in reliance on the authorisation must hold any licence which, in addition to authorisation under this regulation, is required before the person may engage in trading activity (whether in a particular place or generally).

(5) In this regulation “Authority” (“*Awdurdod*”) means—

- (a) the Olympic Delivery Authority, or
- (b) a person to whom the function of granting authorisations for the purpose of this regulation is delegated by the Olympic Delivery Authority.

## **PART 4**

### **Rights of review**

#### **Interpretation of this Part**

**16.** In this Part—

“applicant” (“*ceisydd*”) has the meaning given in regulation 17(1);

“authorisation” (“*awdurdodiad*”) means an authorisation granted—

- (a) under regulation 11(1)(b) in relation to advertising activity, or
- (b) under regulation 15 in relation to trading activity; and

“authoriser” (“*awdurdodwr*”) means—

- (a) in relation to an application for an authorisation under regulation 11(1)(b), the London Organising Committee, or
- (b) in relation to an application for an authorisation under regulation 15, the

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(1) Under section 25(7) of the Act, an authorisation granted by the Authority may be subject to terms and conditions.

Authority (within the meaning of that regulation).

### **Right to seek review**

**17.**—(1) A person who has applied for an authorisation (an “applicant”) and is dissatisfied with the decision of the authoriser may request the Olympic Delivery Authority to review that decision.

(2) Such a request must—

- (a) be in writing,
- (b) include or be accompanied by such information or evidence as the applicant considers relevant, and
- (c) be made within a period of 21 days beginning with the date on which the authoriser’s decision was communicated to the applicant.

(3) The Olympic Delivery Authority must review the authoriser’s decision within a period of 21 days beginning with the date on which it receives such a request.

(4) On reviewing the authoriser’s decision, the Olympic Delivery Authority may—

- (a) confirm the original decision, or
- (b) substitute a new decision for the original decision.

(5) As soon as practicable after making a decision on the review, the Olympic Delivery Authority must send a written notice to the applicant informing the applicant of its decision and the reasons for that decision.

(6) The decision of the Olympic Delivery Authority on the review is final.

## **PART 5**

### **Compensation**

#### **Interpretation of this Part**

**18.** In this Part—

“claimant” (“*hawlydd*”) has the meaning given in regulation 20(1);

“decision notice” (“*hysbysiad penderfynu*”) means a notice issued by a relevant authority under regulation 22(2)(b) or (3);

“enforcement officer” (“*swyddog gorfodi*”) means a person designated for the purpose of section 22 or 28 of the Act (enforcement powers) by the Olympic Delivery Authority;

“notice of claim” (“*hysbysiad am hawliad*”) has the meaning given in regulation 20(1); and

“relevant authority” (“*awdurdod perthnasol*”), in relation to the exercise or purported exercise of a power under section 22 or 28 of the Act, means—

- (a) if the exercise or purported exercise of the power was by an enforcement officer, the Olympic Delivery Authority, or
- (b) if the exercise or purported exercise of the power was by a constable, the police authority for the police force of which the constable is a member.

### **Entitlement to compensation for damage to property**

**19.**—(1) A person whose property is damaged in the course of the exercise or purported exercise of a power under section 22 or 28 of the Act is entitled to compensation from the relevant authority in accordance with this Part.

(2) But a person who, in the reasonable belief of the relevant authority, is responsible for a contravention of these Regulations is not entitled to compensation.

(3) The amount of compensation payable is the total of—

- (a) the cost of repairing the property to its previous condition (or, in the case of property which is impossible, or not commercially worthwhile, to repair, the cost of replacing the property), and
- (b) any other loss which was a direct result of the damage to the property.

### **Notice of claim**

**20.**—(1) A person entitled to compensation under this Part (a “claimant”) may send a written notice (a “notice of claim”) to the relevant authority claiming that compensation.

(2) A notice of claim must be sent within—

- (a) a period of 30 days beginning with the date on which damage occurred, or
- (b) such longer period as agreed by the relevant authority in writing.

(3) A notice of claim must include or be accompanied by all of the following information and evidence—

- (a) the claimant’s full name,
- (b) the date on which the damage occurred,
- (c) the address or location at which the damage occurred,
- (d) a description of—
  - (i) the property damaged,

- (ii) the nature of the damage, and
- (iii) the nature of any further loss which flowed directly from the damage for which compensation is claimed,
- (e) the amount of compensation claimed (in accordance with regulation 19(3)) and the basis upon which the amount of compensation is calculated, and
- (f) photographs, receipts, quotations or other evidence as to the matters referred to in subparagraphs (b) to (e).

**Consideration of sufficiency of information and evidence received**

**21.**—(1) Within a period of 14 days beginning with the date on which the relevant authority receives a notice of claim it must determine whether it has received sufficient information and evidence to enable it to decide the following matters—

- (a) whether the claimant is entitled to compensation under this Part,
- (b) and if so, the amount of the compensation.

(2) If the authority determines that it has not received sufficient information or evidence, it must send the claimant a written notice stating the further information or evidence that it requires.

(3) The claimant must send the authority the information or evidence stated in such a notice within—

- (a) a period of 14 days beginning with the date on which the claimant receives the notice, or
- (b) such longer period as agreed by the relevant authority in writing.

(4) Within a period of 7 days beginning with the date on which the authority receives any further information or evidence following such a notice, it must make the determination referred to in paragraph (1) again (and the other paragraphs of this regulation apply to that new determination).

**Authority’s decision on a claim**

**22.**—(1) If a relevant authority determines under regulation 21 that it has received sufficient information and evidence it must, within a period of 14 days beginning with the date of that determination, decide the matters referred to in regulation 21(1)(a) and (b).

(2) If the authority decides that the claimant is entitled to compensation it must—

- (a) pay to the claimant the amount of compensation stated in the notice of claim, or

- (b) if it decides that the claimant is entitled to a lesser amount of compensation, send a notice in writing to the claimant—
  - (i) offering that lesser amount to the claimant, and
  - (ii) stating the reasons for its decision.
- (3) If the authority decides that the claimant is not entitled to compensation it must send a notice in writing to the claimant—
  - (i) declining the claim, and
  - (ii) stating the reasons for its decision.
- (4) A claimant who receives a decision notice offering a lesser amount of compensation than that stated in the notice of claim may agree, in writing, to accept that lesser amount (in which case the authority must pay that amount to the claimant).
- (5) A decision notice must contain particulars of the claimant's rights to—
  - (a) request a review of the decision, under regulation 23, and
  - (b) appeal a decision on a review, under regulation 24.

#### **Review of decision on a claim**

- 23.**—(1) A claimant who receives a decision notice may request the relevant authority to review its decision.
- (2) Such a request must—
    - (a) be in writing,
    - (b) be made within—
      - (i) a period of 14 days beginning with the date on which the decision notice was received, or
      - (ii) such longer period agreed by the relevant authority in writing, and
    - (c) include or be accompanied by such information or evidence as the claimant considers relevant.
  - (3) Within a period of 14 days beginning with the date on which a relevant authority receives such a request it must review its decision under regulation 22.
  - (4) On reviewing its decision, the authority may—
    - (a) confirm the original decision, or
    - (b) substitute a new decision for the original decision.
  - (5) But on reviewing its decision the authority may not substitute a lesser amount of compensation for that stated in the decision notice.

(6) The authority must send a written notice to the claimant informing the claimant of its decision on the review and the reasons for that decision.

(7) A notice under paragraph (6) must contain particulars of the claimant's right to appeal a decision on a review under regulation 24.

### **Appeal to the county court**

**24.**—(1) A claimant who is dissatisfied with a decision of the relevant authority on a review under regulation 23 may appeal to the county court.

(2) An appeal must be brought within a period of 21 days beginning with the date on which the claimant received written notice of the authority's decision on review.

(3) The court may give permission for an appeal to be brought after the end of that period, but only if it is satisfied—

- (a) where permission is sought before the end of that period, that there is a good reason for the claimant to be unable to bring the appeal in time, or
- (b) where permission is sought after the end of that period, that there was a good reason for the claimant's failure to bring the appeal in time and for any delay in applying for permission.

(4) An appeal under this regulation is to be by way of rehearing and the court may make such order confirming, quashing or varying the decision as it thinks fit.

Minister for Environment and Sustainable  
Development,  
one of the Welsh Ministers

Date