London 2012 Advertising Regulations and Law by Becky

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What happened:

The UK, Scottish and Welsh governments have issued draft statutory instruments regulating advertising and street trading around Olympic and Paralympic events during the London 2012 Games. The London Olympic Games and Paralympic Games (Advertising and Street Trading &c.) (England) Regulations 2011 and their Welsh and Scottish equivalents set out detailed provisions in these areas, pursuant to the London Olympic Games and Paralympic Games Act 2006 (the "2006 Act"). They have been issued for consultation, with the closing date for responses being 30 May 2011.

The advertising restrictions proposed in the draft Regulations would apply for a limited time only, and only within limited geographical areas:

â€¢ Advertising activity would be restricted only in the vicinity of the various Olympic and Paralympic events, with "vicinity" defined by reference to map plans. Generally the restricted zone covers the event venue and an area a few hundred metres around its perimeter, but this varies from location to location. For the marathon and road cycling, the zone is just a few metres either side of the road. In other cases, the zone goes further than a few hundred metres, so as to cover main spectator access routes and other strong ambush marketing opportunities.

â€¢ The Regulations would apply for different periods for the different event venues, depending on when the events themselves take place. In some cases, they would apply for just a couple of days. The longest restriction applies to the Olympic Park zone, which would be covered for 22 days for the Olympic Games and a further 13 days for the Paralympic Games.

During the restricted periods, unauthorised advertising activity within the defined event zones will be prohibited, subject to some limited exceptions. Breach of the Regulations would give rise to a criminal offence under the 2006 Act. The Regulations may be enforced by the police, and also by enforcement officers designated by the Olympic Delivery Authority (ODA). It is envisaged that the advertising restrictions will be enforced primarily by the latter. The consultation paper suggests that these will mostly be local authorities' Trading Standards officers.

"Advertising activity" is defined very broadly in the draft Regulations as "displaying an advertisement, or... ...distributing or providing promotional material". It is expressly stated as including "projecting, emitting, screening or exhibiting an advertisement", "carrying or holding an advertisement or an apparatus by which an advertisement is displayed", "providing for an advertisement to be displayed on an animal or an apparatus by which an advertisement is displayed or to be carried or held by an animal" and "wearing advertising attire as part of an ambush marketing campaign". "Advertisement" is defined as "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".

The draft Regulations provide for some limited exceptions to the advertising restrictions. So, for instance:

â€¢ Normal road signs are specifically exempted.

â€¢ Normal JCDecaux, Clear Channel etc branding on street furniture is permitted.

â€¢ Normal estate agents' "sold", "to let" etc signs are permitted.

â€¢ Members of the public will not be committing an "advertising activity" offence merely by virtue of wearing branded clothing, unless they know or have reasonable cause to believe that they are participating in an ambush marketing campaign.

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