

<b>Institution: University of Westminster</b>
<b>Unit of Assessment: 20 LAW PANEL C</b>
<b>Title of case study: Olympics and the Law</b>
<p><b>1. Summary of the impact</b></p> <p>Research findings, from work on 'Olympic law' by <b>Osborn</b> and James, have influenced legislative changes relating to the event zones and advertising and trading regulations for the London 2012 Olympics. The changes to the Regulations related specifically to the evidence submitted to the Consultation commissioned by the Department for Culture, Media and Sport (DCMS), see <a href="https://www.gov.uk/government/consultations/consultation-on-the-regulations-on-advertising-activity-and-trading-around-london-2012">https://www.gov.uk/government/consultations/consultation-on-the-regulations-on-advertising-activity-and-trading-around-london-2012</a>.</p> <p>The evidence provided to the DCMS was drawn from research findings, and these are set out below.</p>
<p><b>2. Underpinning research</b></p> <p>Prof. Guy <b>Osborn</b> (at Westminster since 1<sup>st</sup> September 1993), along with Prof. Mark James (formerly of University of Salford, now at Northumbria University) has undertaken a unique study on Olympic law as part of their broader work in sport and law. This research relationship has been productive, with commissioned pieces for the <i>British Library</i> and <i>Legal Information Management</i> for example garnered from this, and a series of publications emanating from this in journals such as <i>Intellectual Property Quarterly</i> and books such as Palgrave's <i>Handbook of Olympic Studies</i> (2012), in addition to the sources detailed below.</p> <p>Whilst the work conducted is in many ways iterative, specifically in terms of the claimed impact, there are two specific refereed pieces that underpin this impact. The first (ref.1 below) is the crucial establishing piece of research. This research, published in the <i>Modern Law Review</i>, analysed in depth the origin and purview of the legislation relating to the London 2012 Olympics. Whilst using an analysis of the <i>London Olympic and Paralympic Games Act 2006</i> as its point of departure, it also examined related statutory and other provisions, and the International Olympic Committee's own Charter to illustrate the inherent contradictions at the heart of the Olympics, and specifically the tension between commercial imperatives and broader cultural, policy and educational aspirations. This was effectively the foundation study, and this led to a number of subsequent research projects that have examined specific aspects of the legislative background and context of law relating to the Olympics, examining areas such as ticket policies and regulations, the legal status of the Olympic Charter, Olympic intellectual property and related rights and, most importantly for the purpose of this case study, the advertising and trading regulations relating to the event venues at London 2012.</p> <p>Building upon this foundational work, a submission was made to the Government Consultation on Advertising and Trading Regulations (Department of Culture Media and Sport) that concerned a specific aspect of Olympic law, the extent and reach of the draft advertising and trading Regulations. This research is captured in ref.2 below, which analyses the impact of the proposed Regulations upon selected Olympic case studies, and resulted in the influence claimed in sections 1. above and 4. below.</p> <p>Finally, <b>Osborn</b> and James submitted a Response to the Scottish Government's Consultation on Draft Glasgow Commonwealth Games (Trading and Advertising) (Scotland) Regulations 2013. This illustrates both the ongoing nature of the research and its likely relevance for future mega events, and the potential for future impact arising from the initial research. The Responses have been published here <a href="http://www.scotland.gov.uk/Publications/2013/09/4282/downloads">http://www.scotland.gov.uk/Publications/2013/09/4282/downloads</a>.</p>
<p><b>3. References to the research</b></p> <p>REFERENCE 1: Guy Osborn, 'London 2012 and the impact of the UK's Olympic and Paralympic legislation: Protecting commerce or preserving culture?' pp410-429, <i>Modern Law Review</i>, 2011,</p>

**Impact case study (REF3b)**

74(3) (with Mark James).

This piece was published in one of the top general law journals, with international reach. It forms part of Osborn's REF submission.

REFERENCE 2: Guy Osborn, 'The Olympic Laws and the tensions and contradictions of promoting and preserving the Olympic Ideal' in Girginov, V (ed.), *Handbook of the London 2012 Olympic and Paralympic Games* (2013) Routledge: London, pp.74-86 (with Mark James).

This piece was published in the key reference work on London 2012, 'written by a world-class team of international Olympic scholars', which forms part of Osborn's REF submission.

**4. Details of the impact**

As noted above, the Government consulted on the advertising and trading regulations in March 2011, in the run up to the London 2012 Olympics. As part of this consultation it invited submissions over a 12-week period, with over 600 stakeholders informed and over 50 responses were received. Guy Osborn (with Mark James), already researching this aspect of Olympic law, responded to this Consultation (see Guy Osborn, 'Response to "Regulations on Advertising Activity and Trading around London 2012: A Consultation"' (2011) (with Mark James, copy on file with Osborn). This Response dealt in depth with the specific questions posed by the Consultation, and made more general and overarching points including those related to the problems of adopting a tripartite approach (ie one which attempted to use the regulations to prevent ambush marketing, ensure easy and unencumbered access and ensure a consistent celebratory look) to deal with disparate issues. The Government response to the Consultation was published on 12 October 2011, 'The Government response to advertising and trading regulations London 2012' (DCMS, 2011) with the Government noting that the responses 'contributed significantly and positively to the way the regulations have now been framed and drafted' (DCMS, 2011, 4). The Government's response directly quotes from our submission to the consultation which forms part of the research captured in ref.2, see for example, the direct quote and reference on page 15 of the Government response, <https://www.gov.uk/government/publications/government-response-to-the-public-consultation-on-the-advertising-and-trading-regulations-london-2012>

In addition, following our Response to the Consultation, in the light of our response the Regulations were amended to reflect our concerns in the following ways:

**Government Response to Questions 1-3**

(Note 18, on page 7)

Amendments made to cover unintentional breach of regulations by persons going about their daily business; 'It is helpful to have these specific examples raised and we have amended the regulations to ensure these activities are permitted' (DCMS, 2012, p7). Our response to the problem of branded sportswear is in our answer to Q1, linked to the issue of carrying branded personal goods, and the Government amended the Regulation dealing with this to reflect this.

**Government Response to Questions 4 and 5**

(Note 38, on page 10)

Effect on local businesses – the government Response to these questions noted that 'we want local businesses to be able to trade as normal where possible and benefit from additional opportunities brought about by Games' (DCMS, 2012, p10). To facilitate this, and following the Consultation, the Regulations were amended to permit deliveries of non-perishable goods as well as perishable. Our response addressed this problem in answer to 4b & 5a where we say that there is an anomaly that milk deliveries are exempted but not supermarket and take away deliveries, so by extending to non-perishables, we can claim some influence.

**5. Sources to corroborate the impact**

The sources to corroborate the impact are essentially two elements, the DCMS Report and the ensuing Regulations. The direct quotations from the evidence that we submitted provide direct evidence that the DCMS took into account our research findings and the subsequent changes in the Regulations are attributable to the evidence that we submitted, and thus to our original underpinning research.

SOURCE 1: 'The Government response to advertising and trading regulations London 2012' (DCMS, 2011)

<https://www.gov.uk/government/publications/government-response-to-the-public-consultation-on-the-advertising-and-trading-regulations-london-2012>

SOURCE 2: The London Olympic Games and Paralympic Games (Advertising and Trading) (England) 2011

<http://www.legislation.gov.uk/ukdsi/2011/9780111515969>