



Birmingham Commonwealth Games Bill [HL] HL Bill 179 of 2017–19

Summary

- The next Commonwealth Games are set to take place in Birmingham between 27 July and 7 August 2022. This will be the third time the games have been held in England.
- The [Birmingham Commonwealth Games Bill \[HL\]](#) is a government bill. It had its first reading on 5 June 2019. It is scheduled to receive its second reading on 25 June 2019.
- The bill would provide the legal basis for certain time-limited measures in support of the games. These are grouped in four main areas:
 - funding;
 - association with the games;
 - ticket touting, advertising and trading; and
 - transport.
- The provisions have precedents in legislation for previous sporting events, such as the 2012 London Olympic and Paralympic Games and the 2014 Glasgow Commonwealth Games.
- The bill has been welcomed by individuals including John Crabtree, chair of the Birmingham 2022 organising committee; Ian Ward, Labour leader of Birmingham City Council; Andy Street, Conservative mayor of the West Midlands; and David Grevemberg, chief executive of the Commonwealth Games Federation.

Background

The Commonwealth Games have been held every four years since 1930, except for a hiatus between 1938 and 1950.¹ UK nations have hosted the games on six occasions since then: England in 1934 and 2002; Wales in 1958; and Scotland in 1970, 1986 and 2014.² The most recent Commonwealth Games were held on the Gold Coast, Australia, in 2018.

The Commonwealth Games Federation (CGF) is responsible for the multi-sport event. In 2015, it awarded the 2022 games to the South African city of Durban. This would have been the first time the games had taken place in Africa. However, the CGF formally withdrew its offer in March 2017. This followed a review that concluded Durban had not met several obligations and commitments in its original bid.³

The following month, Australia, Canada, Malaysia and the UK were reported to have expressed an interest in hosting the 2022 games.⁴ The UK Government invited interested cities to submit proposals.⁵ Birmingham and Liverpool came forward. In September 2017, after analysing each city's proposal, the Department for Digital, Culture, Media and Sport (DCMS) backed Birmingham to lead an England bid.⁶ The cities of Victoria in Canada and Kuala Lumpur in Malaysia, both of which had held the games previously, were reported to have considered a bid. Neither bid came forward before the deadline. Instead, Australia, Canada and Malaysia have expressed interest in hosting the games in 2026 or 2030.⁷

In December 2017, the CGF named Birmingham as the host city for the 2022 games.⁸ This will mark the third time that the games have been held in England. The games are scheduled to take place between 27 July and 7 August 2022.⁹ Athletes from across 71 Commonwealth member nations and territories are expected to take part.¹⁰ The Government expects over a million people to attend the games. A further 1.5 billion people around the world are expected to watch the games on television.¹¹

Bill Provisions

The Government has stated that the bill provides for a “number of operational measures required to support the delivery of the 2022 Commonwealth Games”.¹² These have been described as “essential” and “temporary”. The measures have precedents in legislation brought forward for similar multi-sport events—such as the 2012 London Olympic and Paralympic Games and the 2014 Glasgow Commonwealth Games.¹³ The provisions fall into four main areas. These are summarised below.

Funding

Clause 1 would enable the Government to provide financial assistance to Birmingham Organising Committee for the 2022 Commonwealth Games Ltd (known as the organising committee).¹⁴ This is a private company limited by guarantee, established and wholly owned by DCMS to deliver the games. The conditions that may be attached to any funding are set out in the management agreement between DCMS and the organising committee.¹⁵ This document is updated annually.

The Government has said that the bill will have financial implications under the power in clause 1. However, the sums involved are not known at present as the budget for the games is “still being finalised”.¹⁶ The Government has undertaken to update the bill’s explanatory notes at an “appropriate time to reflect the agreed budget”. This update is most likely when the bill passes to the House of Commons.

The BBC has reported that the cost of hosting the games has been estimated at around £750 million.¹⁷ The Government is expected to cover around 75% of the cost. The remaining 25% would be raised locally, for example by Birmingham City Council.¹⁸

Association with the Games

Part 2 of the bill, comprising clauses 2 to 8, concerns authorised and unauthorised association with the games. The provisions in this part are designed to protect commercial rights.¹⁹ They provide for the organising committee to be able to authorise businesses to associate with the games. They also permit the committee to act in a civil court against persons suggesting an unauthorised association between any goods or services and the games that does not fall under an exception. Such exceptions include:

- for businesses that have a name or provide goods or services that suggest an association with the games if that business has operated or offered the product or service continuously since before 21 December 2017 (when Birmingham was named the host city for the 2022 games), for example if a business name, good or service included the word ‘commonwealth’;
- for the use of certain factual information when providing goods or services, for example the location of a restaurant in relation to a games event venue;
- for reporting on the games, for example in a news broadcast; and
- for any incidental association in an artistic endeavour.²⁰

Clauses in this part would also allow courts to make orders in relation to goods or documents that suggest an unauthorised association with the games. For example, t-shirts that infringe a protected trade mark such as the games logo. They would also prescribe certain rights for persons with an interest in goods or documents that may be subject to such court orders.

Under clause 7, the organising committee would be under a duty to publish guidance in advance of the main provisions in this part coming into effect. This would be “to raise public awareness about the potential effect of the restrictions” and enable those likely to be affected to prepare.²¹

Ticket Touting, Advertising and Trading

Part 3 of the bill, comprising clauses 9 to 23, aims to prohibit:

- the unauthorised sale of games tickets;
- the promotion of non-sponsor products, services or businesses, including as part of advertising-related ‘ambushes’ of locations or coverage during the games; and
- trading at or near games locations at certain times, including providing entertainment for gain or reward or appealing for money or other property.²²

Clauses 9, 12 and 15 create criminal offences in respect of these areas. Other clauses in this part provide for persons found guilty of said offences to be fined. Other clauses provide for exceptions to be made for the provisions in this part. These include by future regulations that would be subject to the negative resolution procedure in both Houses of Parliament.

Under clause 22, the organising committee would be under a duty to publish guidance about the advertising and trading provisions. Such guidance would be intended to provide an “accessible and user-friendly explanation of the impact” of the measures. These would include where and when restrictions would be in place and how advertising and trading could be authorised. The guidance would also provide information on enforcement action. Local authorities would have to share this guidance with licenced traders.²³

Transport

The clauses in part 4, namely clauses 24 to 28, would permit the Government to direct an individual to prepare a statutory ‘games transport plan’. This would be aimed to address transport matters relating to the games in and around Birmingham. The clauses would also allow traffic authorities and the Government to impose short term road and pavement closures at certain times, in line with the plan. Such powers could not be used more than 21 days before the opening ceremony of the games and more than five days after the closing ceremony.²⁴

Other Provisions

Clauses 29 to 33 concern a standard power to make transitional provision and savings; that regulations under the bill be subject to the negative resolution procedure; the extent to which provisions extend to England and Wales, Scotland and Northern Ireland; commencement and duration; and short title.²⁵

Reaction

The bill has been welcomed by individuals including John Crabtree, chair of the Birmingham 2022 organising committee; Ian Ward, Labour leader of Birmingham City Council; Andy Street, Conservative

mayor of the West Midlands; and David Grevemberg, chief executive of the Commonwealth Games Federation.²⁶ The *Birmingham Mail* has suggested that the road closure powers in the bill are “likely to be controversial”. However, the same article noted that the rationale behind the powers was to “ensure spectators, athletes and games officials are able to get to the games while ensuring Birmingham residents are still able to get around”.²⁷

¹ The games have been known previously as the British Empire Games, the British Empire and Commonwealth Games and the British Commonwealth Games (Commonwealth Games Federation, ‘[Our Games](#)’, accessed 11 June 2019).

² The second British Empire Games were held in London in 1934. UK cities have hosted the games on five other occasions: Cardiff in 1958; Edinburgh in 1970 and 1986; Manchester in 2002; and Glasgow in 2014 (Commonwealth Games Federation, ‘[Our Games](#)’, accessed 11 June 2019).

³ Commonwealth Games Federation, ‘[Statement on 2022 Commonwealth Games](#)’, 13 March 2017. See also: BBC Sport, ‘[Commonwealth Games: Durban, South Africa Will Not Host Games in 2022](#)’, 13 March 2017.

⁴ Commonwealth Games Federation, ‘[Update on 2022 Commonwealth Games](#)’, 28 April 2017.

⁵ [Explanatory Notes](#), p 3.

⁶ BBC Sport, ‘[Commonwealth Games 2022: Birmingham Beats Liverpool to Lead England Bid](#)’, 7 September 2017.

⁷ BBC Sport, ‘[Commonwealth Games: Birmingham Announced as Host of 2022 Event](#)’, 21 December 2017.

⁸ Commonwealth Games Federation, ‘[Commonwealth Games Federation Selects Birmingham as Host City Partner of the 2022 Commonwealth Games](#)’, 21 December 2017; and Birmingham 2022, ‘[Birmingham Awarded 2022 Commonwealth Games](#)’, 21 December 2017.

⁹ Commonwealth Games Federation, ‘[Birmingham 2022](#)’, accessed 11 June 2019.

¹⁰ Commonwealth Games Federation, ‘[About the Commonwealth Games Federation](#)’, accessed 11 June 2019.

¹¹ Department for Digital, Culture, Media and Sport, ‘[Government Introduces Commonwealth Games Bill for Birmingham 2022](#)’, 6 June 2019.

¹² [Explanatory Notes](#), p 3.

¹³ *ibid.* For example, the London Olympic Games and Paralympic Games Act 2006, the London Olympic Games and Paralympic Games (Amendment) Act 2011 and the Glasgow Commonwealth Games Act 2008. See also: Department for Digital, Culture, Media and Sport, ‘[Government Introduces Commonwealth Games Bill for Birmingham 2022](#)’, 6 June 2019.

¹⁴ [Explanatory Notes](#), p 5.

¹⁵ Department for Digital, Culture, Media and Sport, [Birmingham Organising Committee for the 2022 Commonwealth Games Ltd: Management Agreement 2019–2020](#), 13 March 2019.

¹⁶ [Explanatory Notes](#), p 20.

¹⁷ Dan Roan, ‘[Commonwealth Games 2022: Birmingham has ‘Little Room for Error’](#)’, BBC Sport, 10 June 2019.

¹⁸ BBC Sport, ‘[Commonwealth Games 2022: Birmingham Beats Liverpool to Lead England Bid](#)’, 7 September 2017.

¹⁹ Department for Digital, Culture, Media and Sport, ‘[Government Introduces Commonwealth Games Bill for Birmingham 2022](#)’, 6 June 2019.

²⁰ [Explanatory Notes](#), pp 5–8.

²¹ *ibid.*, p 8.

²² Department for Digital, Culture, Media and Sport, ‘[Government Introduces Commonwealth Games Bill for Birmingham 2022](#)’, 6 June 2019; and [Explanatory Notes](#), pp 8–17.

²³ [Explanatory Notes](#), p 16.

²⁴ *ibid.*, pp 17–19.

²⁵ *ibid.*, p 19. See also: Department for Digital, Culture, Media and Sport, [Birmingham Commonwealth Games Bill: Memorandum from the Department for Digital, Culture, Media and Sport to the Delegated Powers and Regulatory Reform Committee](#), 5 June 2019.

²⁶ Department for Digital, Culture, Media and Sport, ‘[Government Introduces Commonwealth Games Bill for Birmingham 2022](#)’, 6 June 2019.

²⁷ Jonathan Walker, ‘[2022 Commonwealth Games Law Aims to Stop Ticket Touts Ripping Off Spectators](#)’, *Birmingham Mail*, 6 June 2019.

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