

Governance of Sport Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Lord Moynihan, the Member in charge of the Bill, are published separately as HL Bill 20 – EN.

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Make provision about the governance and regulation of sport and public health; safety for cyclists; members' clubs; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Interpretation

In this Act—

- “agency contract” means an oral or written agreement in which an athlete authorises a person to negotiate or solicit on behalf of the athlete a professional sports contract or an endorsement contract; 5
- “aggregation of marginal gains theory” means the idea that each aspect of performance should be examined and improved in order to extract small advantages which collectively add up to a decisive winning margin;
- “athlete” means any person who competes at any level in a sport under the jurisdiction of a governing body of sport; 10
- “athletes' commission” means a committee which represents the interests of athletes in order to bring the perspective and expertise of athletes to the various initiatives and programmes operated by the relevant governing body of sport; 15
- “audit committee” means a committee which is responsible for monitoring and reviewing the integrity of the processes and procedures relating to internal control and reporting of the relevant governing body of sport;
- “boycott” means the act of abstaining from attending, competing in, or otherwise supporting a sporting event as an expression of protest; 20
- “competition” means a single race, match, game or other athletic contest conducted under one or more ruling bodies;
- “endorsement contract” means an agreement under which an athlete is employed or receives consideration for the use by the other party of that individual's person, name, image, or likeness in the promotion of any product, service or event; 25

- “entourage” means all the people associated with an athlete, including, without limitation, managers, agents, coaches, physical trainers, medical staff, scientists, sports organisations, sponsors, lawyers and any person promoting or logistically supporting the athlete’s career, including family members; 5
- “governing body of sport” means any body which receives, directly or indirectly, government, local authority or lottery funding and –
- (a) serves as the national or regional ruling body for a sport or for a sporting event involving one or more sports within the nation or a region, 10
 - (b) selects sports teams at a national or regional level,
 - (c) operates a licensing system at a national or regional level authorising the conduct of sporting events, or
 - (d) exercises disciplinary authority over one or more sports on a national or regional basis; 15
- “international governing body of sport” means any body which –
- (a) serves as an international ruling body for a sport or for a sporting event involving one or more sports at an international level,
 - (b) selects sports teams at an international level, 20
 - (c) operates a licensing system at an international level authorising the conduct of sporting events, or
 - (d) exercises disciplinary authority over one or more sports on an international basis;
- “international sports federation” means an international non-governmental organisation administering one or more sports at global level; 25
- “major sporting event” means any sporting event designated as a major sporting event by the Secretary of State as he or she thinks fit;
- “members’ club” means two or more persons bound together for one or more sports-related purposes by mutual undertakings each having mutual duties and obligations, in an organisation which has rules which identify in whom control of it and its funds rests and on what terms and which can be joined or left at will; 30
- “nation” means England, Wales, Scotland or Northern Ireland; 35
- “performance pathway” means the outline pathway and opportunities that a talented athlete can follow in progressing his or her interest, experience, knowledge and performance from beginner, to competent, to proficient, to expert;
- “playing pitch” means a delineated area which, together with any run off area, is of 0.2 hectares or more, and which is used for the purposes of sport, including, but not limited to, association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo; 40
- “professional athlete” means any person who competes at a professional level in a sport under the jurisdiction of a governing body of sport; 45
- “professional sports contract” means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organisation, or as a professional athlete; 50

- “prohibited substance” means any substance which is on the World Anti-Doping Agency list of prohibited substances and methods, as updated from time to time;
- “region” means any region of England, Wales, Scotland and Northern Ireland or any part thereof; 5
- “Secretary of State” means the Secretary of State for Culture, Media and Sport unless otherwise specified;
- “sporting event” means one or more individual competitions conducted together under one or more ruling bodies;
- “sporting event-controlling body” means, in relation to a sport, the relevant governing body of sport or other body responsible for and controlling the organisation and management of a sporting event; 10
- “sports agent” means an individual or entity who enters into an agency contract with an athlete, or directly or indirectly recruits or solicits an athlete to enter into an agency contract, and does not include a spouse, parent, sibling, grandparent or guardian of such athlete, any legal counsel for purposes other than that of representative agency, or an individual acting solely on behalf of a professional sports team or professional sports organisation; and 15
- “whole sports plan” means a business plan, covering the next three years, outlining the strategies to grow participation, and to promote and develop talent, in the sport for which the relevant governing body of sport has responsibility. 20

2 Governance of governing bodies of sport

- (1) The Secretary of State may make regulations relating to governing bodies of sport in order to ensure the highest standards of governance, accountability and transparency in the promotion and development of physical and sports activities for all. 25
- (2) The Secretary of State may make regulations to require, in licensing or approving any sporting event, mandatory conditions relating to such a sporting event, including in relation to – 30
- (a) subject to section 6, disability access for athletes and spectators;
 - (b) gender or other discrimination (or both);
 - (c) safety; and
 - (d) anti-doping provisions. 35
- (3) When determining whether to provide funding support to bids for the hosting of international sporting events, the Secretary of State shall take into account the governance of international sports federations.
- (4) The Secretary of State shall use all reasonable influence to ensure that all sports-related international disciplinary and dispute resolution bodies having authority over sports in the UK and at any major sporting events hosted in the UK (including the Court of Arbitration for Sport and the World Anti-Doping Agency) have appropriate governance rules in place. 40
- (5) In this section “governance” means rules in relation to – 45
- (a) an appropriate constitution;
 - (b) a fair representation by the stakeholder groups;
 - (c) proper election processes; and

- (d) the meeting of modern standards of corporate governance as well as appropriate governance procedures, including fully constituted athletes' commissions and audit committees with financially literate members and published schedules of benefits and remuneration.
- (6) For the purposes of subsection (5)(b), the Secretary of State may make regulations to stipulate which groups should be represented, including supporters, athletes and other stakeholders, both male and female as well as able-bodied and disabled. 5
- (7) In this Act, governance does not include specificity of sport and does therefore not include— 10
- (a) the specificity of sporting activities and of sporting rules (such as separate competitions for men and women, differentiation based on weight, limitations on the number of participants in competitions, or the need to ensure uncertainty concerning outcomes and to preserve a competitive balance between clubs taking part in the same competition); and 15
- (b) the specificity of the sport structure (including the autonomy and diversity of sport organisations, an increasingly selective structure of competitions from grassroots to elite level and organised solidarity mechanisms between the different levels and operators, the organisation of sport on a national basis, and the principle of a single federation per sport). 20

3 Obligations imposed on governing bodies of sport

- (1) Governing bodies of sport must promote the sport in relation to which they are a governing body fairly and appropriately, and not discriminate against, or restrict access to, the sport, including in relation to gender, disability, sexual orientation, religion and race in line with the UNESCO MINEPS V Declaration of Berlin 2013. 25
- (2) The decision of a governing body of sport in the regulation of its sport shall be subject to the same standard of review as if the decision were a decision of a public body susceptible to judicial review in the Administrative Court, which standard of review may be exercised by an arbitral panel if a valid arbitration clause is in place. 30
- (3) Where appropriate and taking into account the privacy of athletes, governing bodies of sport shall ensure full transparency and accountability to their members and to the sportsmen and sportswomen they represent. 35
- (4) Governing bodies of sport shall ensure that their executive boards consist of a balance of representatives of the sport.
- (5) Any governing body of sport claiming jurisdiction in the United Kingdom shall publish on its website— 40
- (a) detailed financial statements in accordance with the requirements set down by the Charity Commission and Companies House; and
- (b) details of board members' remuneration, benefits and payments in kind.
- (6) Any governing body of sport shall publish annually in full an updated whole sports plan, such plan to include funded performance pathways for talented athletes of all ages. 45

- (7) The whole sports plan shall –
- (a) also focus on –
 - (i) the aggregation of marginal gains theory, and
 - (ii) the extent to which the aggregation of marginal gains theory is effectively put into practice within sport; and
 - (b) if required, put forward recommendations as to the total plan for the sport and how the benefits of the aggregation of marginal gains theory could be further maximised within the sport for which the relevant governing body of sport has responsibility.
- (8) Any governing body of sport shall, where relevant, adopt best international practice in dealing with prevention of harm from injuries including concussions in contact sports.
- (9) In particular, the relevant governing bodies of sport shall ensure –
- (a) the provision of information and training to all coaches, officials, volunteers and athletes, including in relation to –
 - (i) the nature, risks, signs and symptoms of concussions and injuries, and
 - (ii) the risks associated with continuing to play after a concussion or injury;
 - (b) the removal of any athlete from a game, competition or practice where that athlete reports or shows any sign or symptom of a concussion; and
 - (c) that an athlete who has been removed from a game, competition or practice is not permitted to return to that activity that day and until cleared by a qualified medical practitioner with experience in the management of concussion.
- (10) Within the same sport, there is a rebuttable presumption that prize money is equally split between –
- (a) men and women; and
 - (b) disabled and able-bodied athletes.
- (11) Should equal prize money not be offered, the relevant governing body of sport shall give a public explanation as to how the difference is determined.

4 Physical education, sport and physical literacy

- (1) The Secretary of State for Education shall lay before both Houses of Parliament for subsequent debate an annual report entitled “The Transformation of School Sport” documenting the state of physical education and sport in schools in England and Wales and comparing progress to the UNESCO Guidelines on Quality Physical Education.
- (2) In preparing the report referred to in subsection (1), the Secretary of State shall, in particular –
- (a) consider the potential benefits and consequences of extending the school day and taking other steps to ensure that five hours of physical education including sport and recreational provision per week in all primary and secondary schools is mandated within the curriculum;
 - (b) design measures to ensure that head teachers invest funds directly into physical education and sport in schools;

- (c) consider the development and promotion of official and recognised links between local sports and physical activity clubs, local authorities and schools;
- (d) evaluate measures taken to—
- (i) increase the role of age-appropriate forms of competitive sport through cooperation between schools, local clubs and the governing bodies of sport for both able-bodied and the disabled, and 5
 - (ii) ensure the delivery of performance pathways in order that all sports develop the capacity to identify and promote talent; 10
- (e) review the efficacy of initial training for specialist and primary classroom physical education teachers in establishing quality physical education supported by research to improve the effectiveness and quality of physical education for all age groups; and
- (f) provide clear guidance to all schools about recording curriculum time, progression and measures taken to improve the quality and range of physical education and school sport both within and beyond the curriculum. 15
- (3) After section 5(5A)(d) of the Education Act 2005 (duty to inspect certain schools at prescribed intervals), there is inserted— 20
- “(e) the quantity and quality of physical education, physical activity and sport provided, both within and beyond the curriculum.”.
- (4) All independent schools shall publish annually a report setting out—
- (a) policy in relation to sharing of the school’s sports and physical activity facilities and coaching or instruction expertise with state primary and secondary schools in order to benefit the local community; and 25
 - (b) effort made in the previous year to implement such policy.
- (5) All schools holding charitable status shall submit such report set out in subsection (4) to the Charity Commission and the Charity Commission shall take into account such report in assessing whether the school continues to meet the “public benefit” requirement in section 2(1)(b) of the Charities Act 2011 (meaning of “charitable purpose”). 30
- 5 Sport and public health**
- (1) The Secretary of State for Health shall lay before both Houses of Parliament for subsequent debate an annual report. 35
- (2) A report under subsection (1) shall set out national policy objectives to—
- (a) deliver a proactive health agenda through sport, physical activity and physical recreation;
 - (b) promote sport and physical activity programmes to tackle obesity and enhance healthy lifestyles; and 40
 - (c) suggest clear measures to be introduced to increase participation, both of males and females as well as the able-bodied and the disabled, in active leisure pursuits.
- 6 Disability access**
- The Secretary of State shall make regulations in relation to the access of disabled athletes and spectators to sport venues and sporting events as he or 45

she thinks fit, including in relation to technical specifications, training for accessibility and events requirements, so as to procure that all venue design and planning as well as sporting events' operations satisfy the principles of equity, dignity and functionality as further specified in "Accessibility Guide - An Inclusive Approach to the Olympic & Paralympic Games", issued by the International Paralympic Committee in June 2013. 5

7 Safety for cyclists

- (1) The Secretary of State for Transport shall –
- (a) carry out a national audit of cycling in order to ascertain –
 - (i) the number of people who cycle in the United Kingdom and how regularly, and 10
 - (ii) the major causes of injury or death to cyclists; and
 - (b) make regulations to promote the safety of cyclists.
- (2) In particular, the regulations referred to in subsection (1)(b) shall –
- (a) require lorries entering city centres to be fitted with sensors, audible turning alarms, extra mirrors and safety bars in order to prevent cyclists from being thrown under the wheels of the vehicle; 15
 - (b) put in place a system for identifying dangerous road junctions and –
 - (i) redesigning them, or
 - (ii) fitting them with priority traffic lights for cyclists and mirrors that allow lorry drivers to see cyclists on their near-side; 20
 - (c) require that two per cent of the Highways Agency budget be earmarked for next generation cycle routes;
 - (d) provide a means for cities to be graded annually with regards to the quality of cycling provision within such city; 25
 - (e) promote improved training for cyclists and drivers, including making cycle safety a core part of the driving test;
 - (f) amend the default speed limit to 20 miles per hour in residential areas where cycle lanes are not provided;
 - (g) set out a procedure inviting businesses to sponsor cycleways and cycling super-highways; and 30
 - (h) oblige every city, including those without an elected mayor, to appoint a cycling commissioner who shall ensure cycling reforms within such city, including delivering measurable targets for boosting cycling, ensuring cycling networks for commuters and auditing road projects in order that they be "cycle-proofed". 35
- (3) The Secretary of State for Transport shall also make regulations to provide that the needs and safety of cyclists and pedestrians are taken into account when an improvement or change to roads or highways is contemplated.

8 Protection of playing fields 40

- (1) The Secretary of State shall make regulations to provide that –
- (a) the provision of sports facilities are enhanced and adequately protected from being lost to development with a presumption in favour of maintenance of the status quo in the absence of compelling evidence to support the loss of facilities; and 45
 - (b) such sports facilities as required to meet the sport and recreational needs of both current and future generations are secured.

- (2) In relation to England, the regulations referred to in subsection (1) shall –
- (a) aim to ensure that the national planning policy framework does not emasculate the policy protections for open space found in provisions of the previous planning policy guidance in relation to open space, sport and recreation; 5
 - (b) nominate Sport 2022 (referred to in section 14) as the relevant body to review planning applications relating to areas that have been used as playing fields in the past and which encompass at least one playing pitch;
 - (c) introduce rules such that planning applications made by a local authority for development of its own land are not decided by that local authority; 10
 - (d) make Fields in Trust a statutory consultee in relation to any planning application affecting children’s play areas and other non-sporting recreation spaces and ensure that clear criteria are established to govern when such development should be resisted; 15
 - (e) extend the School Premises Regulations and section 77 of the School Standards and Framework Act 1988 (control of disposals or changes in use of school playing fields) so that they apply to academies, free schools, and any other schools maintained directly by central government; 20
 - (f) limit the ability for –
 - (i) local authorities to introduce charges for children’s play facilities that have been previously free at the point of delivery in public open spaces, and 25
 - (ii) public authorities and others to introduce charges for sport and leisure facilities which are not affordable in public parks and other open spaces; and
 - (g) introduce measures to promote greater use by the community of school playing fields and facilities. 30
- (3) In relation to Scotland, the regulations referred to in subsection (1) shall –
- (a) strengthen the national planning guidelines to better protect outdoor spaces for sport, recreation and play;
 - (b) promote public access to all school sports facilities in Scotland at a cost that is affordable; 35
 - (c) introduce a statutory consultation process for proposed developments on all outdoor recreational and play spaces; and
 - (d) set out a procedure for the introduction of a children’s play strategy.
- (4) In relation to Wales, the regulations referred to in subsection (1) shall –
- (a) implement the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010; 40
 - (b) strengthen the rules governing the sale of school playing fields so that educational consent, as well as planning permission, is necessary;
 - (c) implement the Children and Families (Wales) Measure 2010 and specifically the local authority duty to secure sufficient play opportunities in its area for children; 45
 - (d) widen the statutory consultation process to include all recreational open space and not just playing fields;
 - (e) oblige local authorities to conduct open space assessments which shall feed into a database of all playing fields in Wales; and 50

- (f) promote the adequate funding of local authority departments responsible for recreational open spaces.
- (5) The Secretary of State shall –
- (a) investigate the need for legislation to support and clarify matters relating to the protection of playing fields, sports facilities and open space generally through contractual obligations, specifically to include the playing fields already protected by Fields in Trust as King George’s Fields and through other grant aid programmes; and 5
- (b) lay before both Houses of Parliament a strategy for outdoor spaces for sport, recreation and play. 10

9 Match-fixing, bribery and corruption

- (1) In section 42 of the Gambling Act 2005 (cheating) –
- (a) after subsection (3) insert –
- “(3A) Without prejudice to the generality of subsection (1), cheating at gambling may, in particular, consist of – 15
- (a) a person engaging in conduct that corrupts or would corrupt a betting outcome of an event or event contingency –
- (i) knowing that, or being reckless as to whether, the conduct corrupts or would corrupt a betting outcome of the event or the event contingency, and 20
- (ii) intending to obtain a financial advantage, or to cause a financial disadvantage, in connection with any betting on the event or the event contingency (whether or not a financial advantage was actually obtained or a financial disadvantage was actually caused); 25
- (b) a person offering to engage in, or encouraging another person to engage in, conduct that corrupts or would corrupt a betting outcome of an event or event contingency – 30
- (i) knowing that, or being reckless as to whether, the conduct corrupts or would corrupt a betting outcome of the event or event contingency, and 35
- (ii) intending to obtain a financial advantage, or to cause a financial disadvantage, in connection with any betting on the event or the event contingency (whether or not a financial advantage was actually obtained or a financial disadvantage was actually caused); 40
- (c) a person entering into an agreement or arrangement in respect of conduct that corrupts or would corrupt a betting outcome of an event or event contingency –
- (i) knowing that, or being reckless as to whether, the conduct the subject of the agreement or arrangement corrupts or would corrupt a betting outcome of the event or event contingency, and 45
- (ii) intending to obtain a financial advantage, or to cause a financial disadvantage, in connection 50

- with any betting on the event or the event contingency (whether or not a financial advantage was actually obtained or a financial disadvantage was actually caused);
- (d) a person encouraging another person to conceal from a relevant authority conduct, or an agreement or arrangement in respect of conduct, that corrupts or would corrupt a betting outcome of an event or event contingency – 5
- (i) knowing that, or being reckless as to whether, the conduct corrupts or would corrupt a betting outcome of the event or event contingency, and 10
- (ii) intending to obtain a financial advantage, or cause a financial disadvantage, in connection with any betting on the event or event contingency (whether or not a financial advantage was actually obtained or a financial disadvantage was actually caused); 15
- (e) a relevant person –
- (i) betting on an event or event contingency, 20
- (ii) encouraging another person to bet on an event or event contingency in a particular way (whether or not that other person actually bet on the event or event contingency concerned), or
- (iii) communicating the relevant information possessed by that relevant person, or causing that relevant information to be communicated, to another person who the first person knows or ought reasonably to know would, or would be likely to, bet on the event or event contingency (whether or not that other person actually bet on the event or event contingency concerned), 25
- in each case, where the relevant information possessed by that relevant person is relevant to the bet concerned. 30
- (3B) In subsection (3A)- 35
- “bet” and “betting” includes (without prejudice to the generality of section 9) –
- (a) placing, accepting or withdrawing a bet, and
- (b) causing a bet to be placed, accepted or withdrawn, but, for the purposes of subsection (3A) only, shall be limited to bets placed, accepted or withdrawn by means of remote communication; 40
- “causing a financial disadvantage” includes –
- (a) causing a financial disadvantage to another person, and 45
- (b) inducing a third person to do something that results in another person suffering a financial disadvantage,
- whether the financial disadvantage is permanent or temporary; 50
- “conduct” means an act or omission to do an act;

- “conduct that corrupts or would corrupt a betting outcome of an event or an event contingency” means conduct that—
- (a) affects or, if engaged in, would or would be likely to affect the outcome of any type of betting on the event or event contingency, and 5
 - (b) is contrary to the standards of integrity that a reasonable person would expect of persons in a position to affect the outcome of any type of betting on the event or event contingency; 10
- “encouraging” includes inciting, inducing, persuading, urging, threatening or pressurising;
- “engaging in conduct” means—
- (a) doing an act, or
 - (b) omitting to do an act; 15
- “event contingency” means a contingency connected to an event;
- “obtaining a financial advantage” includes—
- (a) obtaining a financial advantage for oneself or another person, 20
 - (b) inducing a third person to do something that results in obtaining a financial advantage for oneself or for another person, and
 - (c) retaining a financial advantage that one has, whether the financial advantage is permanent or temporary; 25
- “relevant authority” means—
- (a) a member of a police force,
 - (b) the Commission,
 - (c) any person or body listed in Schedule 6, or 30
 - (d) any other authority of a kind as may be prescribed by the Secretary of State by order;
- “relevant information” means information in connection with an event or event contingency about conduct that corrupts or would corrupt a betting outcome of the event or event contingency; and 35
- “relevant person” means a person who possesses relevant information and knows that, or is reckless as to whether, that relevant information is about conduct that corrupts or would corrupt a betting outcome of the event or event contingency. 40
- (3C) A person will be taken to have intended to obtain a financial advantage, or cause a financial disadvantage, if, and only if, that person—
- (a) intended to obtain a financial advantage, or to cause a financial disadvantage, in connection with betting on an event or event contingency, or 45
 - (b) was aware that another person intended to obtain a financial advantage, or to cause a financial disadvantage, in connection with betting on an event or 50

event contingency as a result of the conduct concerned.”; and

(b) in subsection (4)(a), for the words “two years” substitute “ten years”.

- (2) The Secretary of State shall review the powers available to the Gambling Commission (either directly or in co-operation with others) and, if necessary, shall make regulations to amend such powers in order to ensure that they are sufficient to manage the regulatory risks involved. 5

10 Sporting event betting licensing

- (1) It shall be an offence for a person or entity to provide a betting service on a sporting event unless they hold a valid sporting event betting licence in accordance with subsections (3) to (6). 10
- (2) An offence under subsection (1) shall be actionable by the relevant sporting event-controlling body, which shall have available to it all such relief by way of damages, injunctions or otherwise.
- (3) A sporting event-controlling body may enter into a sporting event betting licence with a betting provider. 15
- (4) A sporting event betting licence must –
- (a) provide for the sharing of information between the sporting event-controlling body and the betting provider for the purpose of protecting and supporting integrity in sports and betting services; and 20
 - (b) state any fee payable by the betting provider to the sporting event-controlling body in respect of the betting services in relation to the sporting event or events.
- (5) A sporting event betting licence may –
- (a) prohibit betting on a particular contingency or class of contingencies in relation to a sporting event if the sporting event-controlling body considers that betting on the contingency may expose the relevant sporting event or class of sporting event to unmanageable integrity risks; 25
 - (b) contain such additional measures as the sporting event-controlling body, acting reasonably, considers necessary or desirable in controlling integrity risks in relation to the relevant sporting event or events; and 30
 - (c) contain any other matters which the parties consider appropriate.
- (6) A sporting event betting licence shall take effect, and may be terminated, in accordance with its terms. 35

11 Advertising regulations for governing bodies of sport and major sporting events

- (1) In order to ensure that intellectual property rights are adequately protected, the Secretary of State may make regulations about advertising –
- (a) in relation to governing bodies of sport; and 40
 - (b) in the vicinity of major sporting events.
- (2) The regulations may specify, or provide criteria for determining –
- (a) the advertising locations to which they apply;
 - (b) the nature of the advertising in respect of which they apply; and

- (c) what is, or is not, to be treated for the purposes of the regulations as advertising in the vicinity of a major sporting event.
- (3) The regulations may apply to advertising of any kind including, in particular –
- (a) advertising of a non-commercial nature; and
 - (b) announcements or notices. 5
- (4) The regulations may apply in respect of advertising in any form including, in particular –
- (a) the distribution or provision of documents or articles;
 - (b) the display or projection of words, images, lights or sounds; and
 - (c) things done with or in relation to material which has or may have purposes or uses other than as an advertisement. 10
- (5) The regulations may specify, or provide criteria for determining, the period of time during which they apply; and –
- (a) the regulations shall apply only for such time as the Secretary of State considers necessary; and
 - (b) the regulations may apply during different periods in respect of different places. 15
- (6) The regulations –
- (a) may prohibit action –
 - (i) of a specified kind, or
 - (ii) in specified circumstances; 20
 - (b) may impose obligations on persons who –
 - (i) take action in relation to an advertisement,
 - (ii) have an interest in or responsibility for a product or service to which an advertisement relates, or
 - (iii) own, occupy or have responsibility for the management of land, premises or other property; 25
 - (c) may, in particular, impose on a person an obligation to take steps to ensure –
 - (i) that other persons do not take action of a particular kind, and
 - (ii) that a situation is not permitted to continue; 30
 - (d) shall have effect despite any consent or permission granted (whether before or after the commencement of the regulations) by any landowner, local authority or other person; and
 - (e) may provide for enforcement rules, including the right of a constable or enforcement officer to enter land or premises on which they reasonably believe a contravention is occurring and to remove, destroy, conceal or erase any infringing article. 35
- (7) A person commits an offence if he or she contravenes regulations under this section. 40
- (8) It shall be a defence for a person charged with an offence under this section to prove that the contravention of the regulations occurred –
- (a) without his or her knowledge; or
 - (b) despite his or her taking all reasonable steps to prevent it from occurring or, where he or she became aware of it after its commencement, from continuing. 45
- (9) A person guilty of an offence under subsection (7) shall be liable –

- (a) on conviction on indictment, to a fine; or
- (b) on summary conviction, to a fine not exceeding £20,000.

12 Trading regulations for governing bodies of sport and major sporting events

- (1) In order to ensure that intellectual property rights are adequately protected, the Secretary of State may make regulations about trading – 5
 - (a) in relation to governing bodies of sport; and
 - (b) in the vicinity of major sporting events.
- (2) The regulations may specify, or provide criteria for determining –
 - (a) the places where they apply;
 - (b) the nature of the trading in respect of which they apply; and 10
 - (c) what is, or is not, to be treated for the purposes of the regulations as trading in the vicinity of a major sporting event.
- (3) The regulations may apply only in respect of trading which takes place –
 - (a) on a highway; or
 - (b) in another place – 15
 - (i) to which the public have access, whether generally or only for the purpose of the trading, and
 - (ii) which is not in any building other than one designed or generally used for the parking of cars.
- (4) The regulations may specify, or provide criteria for determining, the period of time during which they apply; and they – 20
 - (a) shall apply only for such time as the Secretary of State considers necessary; and
 - (b) may apply during different periods in respect of different places.
- (5) The regulations may permit, subject to any specified conditions, trading in accordance with an authorisation as further specified in the regulations. 25
- (6) An authorisation may be subject to terms and conditions; in particular an authorisation –
 - (a) may be subject to terms and conditions about the times at which trading is carried out or about steps to be taken in respect of congestion, litter or noise; and 30
 - (b) granted to a person may be subject to terms and conditions which are inconsistent with, or more onerous than, the terms and conditions of any other licence held by the person in respect of trading.
- (7) The regulations shall include provision about the circumstances in which authorisations under subsection (6) may or may not be granted; and the regulations may, in particular – 35
 - (a) stipulate that an authorisation be granted in respect of a place only if a specified kind of licence exists in respect of trading in that place;
 - (b) stipulate that an authorisation be granted in respect of a place only if it is designated for a specified purpose in accordance with a specified enactment; 40
 - (c) stipulate that an authorisation be granted to a person only if he or she holds a specified kind of licence in respect of trading;
 - (d) stipulate that an authorisation may be granted for trading in the course of a fair or market (which the regulations may define) only where – 45

- (i) the fair or market is held in accordance with a specified kind of licence or right, and
 - (ii) any other specified conditions are satisfied; and
- (e) confer, subject to provisions of the regulations, an absolute discretion in respect of each application for authorisation. 5
- (8) The regulations may provide for enforcement rules, including the right of a constable or enforcement officer to enter land or premises on which they reasonably believe a contravention is occurring and to remove any infringing article.
- (9) A person commits an offence if he or she contravenes regulations under this section. 10
- (10) A person guilty of an offence under subsection (9) shall be liable—
 - (a) on conviction on indictment, to a fine; or
 - (b) on summary conviction, to a fine not exceeding £20,000.
- 13 Local authority responsibility for sport** 15
- (1) Section 19 of the Local Government (Miscellaneous Provisions) Act 1976 (recreational facilities) is amended in accordance with subsections (2) and (3).
- (2) For subsection (1) substitute—
 - “(1) A local authority shall ensure that there is adequate provision of facilities for the inhabitants of their area for recreational, sporting, cultural and social activities. In particular, this shall include planning for recreational space.”. 20
- (3) For subsection (2) substitute—
 - “(2) Without prejudice to the duty imposed by subsection (1), a local authority may provide or do, or arrange for the provision of or doing of, or contribute towards the expenses of providing or doing, anything necessary or expedient to ensure that facilities for recreational, sporting, cultural or social activities are available, whether inside or outside their area, as they consider appropriate.”. 25
- (4) Section 43 of the Local Government Finance Act 1988 (occupied hereditaments: liability) is amended in accordance with subsections (5) and (6). 30
- (5) For subsection (6) substitute—
 - “(6) This subsection applies where on the day concerned the ratepayer is a charity or trustees for a charity and the hereditament is wholly or mainly used for charitable purposes (whether of that charity or of that and other charities).” 35
- (6) After subsection (7), the following wording shall be inserted as a new subsection (7A)—
 - “(7A) Where section 43 applies the chargeable amount for a chargeable day is zero in the following cases- 40
 - (a) the first case is where the ratepayer is a registered club for the purposes of Chapter 9 of Part 13 of the Corporation Tax Act 2010 (community amateur sports clubs) and the hereditament is wholly or mainly used—

- (i) for the purposes of that club, or
(ii) for the purposes of that club and of other such registered clubs; and
(b) the second case is where the ratepayer is any other type of sports ground or community playing fields as specified by the Secretary of State for Culture, Media and Sport.”. 5
- (7) Section 44A of the Local Government Finance Act 1988 (partly occupied hereditaments) is amended in accordance with subsection (8).
- (8) After subsection (1), the following wording shall be inserted as a new subsection (1A)– 10
- “(1A) Where section 44A applies the chargeable amount for a chargeable day is zero in the following cases –
- (a) the first case is where the ratepayer is a registered club for the purposes of Chapter 9 of Part 13 of the Corporation Tax Act 2010 (community amateur sports clubs) and – 15
- (i) the occupied part of the hereditament is wholly or mainly used for the purposes of that club or for the purposes of that club and of other such registered clubs, and
(ii) when the unoccupied part of the hereditament is next in use, it will be wholly or mainly used for the purposes of that club and that club will be such a registered club, or it will be wholly or mainly used for the purposes of two or more clubs including that club, and each of those clubs will be such a registered club; and 20 25
- (b) the second case is where the ratepayer is any other type of sports ground or community playing fields as specified by the Secretary of State for Culture, Media and Sport.”. 25
- (9) Section 45A of the Local Government Finance Act 1988 (unoccupied hereditaments: zero-rating) is amended in accordance with subsection (10). 30
- (10) After subsection (3), the following wording shall be inserted as a new subsection (4)–
- “(4) The third case is where the ratepayer is any other type of sports ground or community playing fields as specified by the Secretary of State for Culture, Media and Sport.”. 35
- (11) The Secretary of State shall make regulations –
- (a) to determine such sports grounds and community playing fields as he or she thinks appropriate for the purposes of section 43(7A) (occupied hereditaments liability), section 44A(1A) (partly occupied hereditaments) and section 45A(4) (unoccupied hereditaments: liability) of the Local Government Finance Act 1988; and 40
- (b) to ensure that sports grounds and community playing fields in Northern Ireland and Scotland are exempt from business rates in the same way as those in England and Wales.

14 A single entity to merge UK Sport and Sport England: “Sport 2022”

- (1) The Secretary of State shall lay before both Houses for approval an annual report setting out policy in relation to sporting programmes in receipt of lottery or other public funding (or both).
- (2) The Secretary of State shall make regulations to form a body (henceforth known as “Sport 2022”) to oversee the delivery, in such manner as it may think appropriate, the objectives set out in the annual report referred to in subsection (1), including the principal objective which is to empower the governing bodies of sport, sports clubs, local communities and volunteers to implement a UK sports strategy. 5
10
- (3) In particular, the Secretary of State –
- (a) shall ensure that Sport 2022 has –
 - (i) appropriate governance procedures in place, and
 - (ii) an athletes’ commission;
 - (b) shall make regulations to transfer the existing powers, rights and obligations of UK Sport and Sport England to Sport 2022; 15
 - (c) may appoint the chairman of Sport 2022; and
 - (d) shall ensure that Sport 2022 will be obliged to coordinate with the relevant bodies in Scotland, Wales and Northern Ireland in relation to the delivery of the objectives set out in the annual report referred to in subsection (1). 20
- (4) Governing bodies of sport shall provide such assistance and cooperation as is reasonably required by Sport 2022 to assist it in carrying out the functions set out in subsection (2).

15 The 2012 Olympic and Paralympic Legacy Programme 25

The Secretary of State shall lay before both Houses of Parliament for subsequent debate an annual report entitled “The 2012 Olympic and Paralympic Legacy Programme”, specifically setting out the progress made on urban regeneration in and around the London Olympic site and the impact of sports legacy throughout the United Kingdom. 30

16 National anti-doping provisions

- (1) Subsections (2) and (3) apply to –
- (a) all athletes participating in sport in the UK who are members of a governing body of sport or an affiliate organisation or licensee of a governing body of sport (including any clubs, teams, associations or leagues); 35
 - (b) all athletes participating in such capacity in sporting events, competitions or other activities in the UK organised, convened, authorised or recognised by a governing body of sport or any of its member or affiliate organisations or licensees (including any clubs, teams, associations or leagues), wherever held; 40
 - (c) any other athlete participating in sport in the UK who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of a governing body of sport for purposes of anti-doping; and
 - (d) any person belonging to the entourage of an athlete; 45
- whether or not such person is a citizen of, or resident in, the United Kingdom.

- (2) An athlete is guilty of an offence if he or she knowingly takes a prohibited substance with the intention, or one of the intentions, of enhancing his or her performance.
- (3) A person belonging to the entourage of an athlete is guilty of an offence if he or she encourages or assists or hides awareness of the relevant athlete taking a prohibited substance with the intention, or one of the intentions, of enhancing such athlete's performance. 5
- (4) Any person guilty of an offence under subsection (2) or (3) shall be liable –
- (a) on summary conviction, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding six months, or to both; or 10
- (b) on conviction on indictment, to a fine not exceeding the statutory maximum or imprisonment for a term not exceeding two years, or to both.
- (5) UK Anti-Doping shall discuss the following issues with the World Anti-Doping Agency annually – 15
- (a) the effectiveness of section 11 of the International Standard for Testing (athlete whereabouts requirements) and its harmonisation with EU privacy and working time rules and The European Convention on Human Rights;
- (b) the effectiveness of the international work of the World Anti-Doping Agency; and 20
- (c) progress on the development of a universal rollout of athlete biological passports.
- (6) UK Anti-Doping shall submit the results of the annual discussions referred to in subsection (5) to the Secretary of State, who shall in turn – 25
- (a) lay before both Houses of Parliament an annual report documenting –
- (i) whether the athlete whereabouts requirements are effective in combating the abuse of drug-taking and in compliance with EU privacy and working time rules and The European Convention on Human Rights, and 30
- (ii) the performance of the World Anti-Doping Agency in general; and
- (b) determine whether the Government should remain a member and continue to support the World Anti-Doping Agency.
- 17 Limited liability and default constitution for members' clubs 35**
- (1) Provided that members' clubs –
- (a) publish their financial statements (on a website or otherwise); and
- (b) use the words "Members' Club" or "M.C." at the end of their name; their liability shall be limited to such value as shown in their financial statements. 40
- (2) The members of members' clubs shall have the same rights and liabilities as shareholders in a limited liability company.
- (3) The Secretary of State may make regulations to prescribe a model constitution for members' clubs, which shall apply unless the members' club chooses to adopt an alternative constitution. 45

18 Visa and immigration rules for elite tournaments

- (1) The Minister for Security and Immigration may make regulations to facilitate a more efficient process for the administration of visas for –
 - (a) spectators holding tickets to sporting events due to be hosted in the UK; and 5
 - (b) athletes participating in sporting events, competitions and other activities organised, convened, authorised or recognised by a governing body of sport or any of its member or affiliate organisations or licensees (including any clubs, teams, associations or leagues). 10
- (2) In relation to athletes, the Minister for Security and Immigration may make regulations to require the allocation of visas or work permits (or both) to any club, team, association or league which is a member of a governing body of sport or an affiliate organisation or licensee of the governing body of sport in such number and manner as he or she thinks fit. 15
- (3) Any club, team, association or league to whom one or more visas or work permits (or both) are allocated under subsection (2) that does not use all visas or work permits (or both) allocated to it may trade them with any other club, team, association or league who are members of a governing body of sport or an affiliate organisation or licensee of the governing body of sport for valuable consideration, the price of which will be the result of commercial negotiations. 20

19 Boycotts

- (1) A boycott of a sporting event shall not be imposed unless –
 - (a) a full consultation of relevant governing bodies of sport and athletes has been undertaken in advance; 25
 - (b) a majority of the athletes affected by such a proposal have voted in favour of the boycott in secret ballot; and
 - (c) the boycott complies with statutory rules and provisions, meets the requirements of competition law and is otherwise in accordance with law.
- (2) A boycott imposed contrary to subsection (1) shall be invalid. 30

20 Equality

- (1) The Equality Act 2010 is amended in accordance with subsections (2) and (3).
- (2) In Schedule 16 (associations: exceptions), after paragraph 1(5), there is inserted –
 - “(6) This paragraph does not apply to an association which is a sporting club or offers sporting facilities. 35
 - (7) For the purposes of sub-paragraph (6) above, “sporting club” shall mean any club which provides sporting facilities for competitive, recreational or educational purposes.”.
- (3) In Schedule 19 (public authorities), at the end of the section headed “Regulators”, there is inserted the following text –
“Sport 2022.”. 40

21 Compensation for sports clubs with national team players

The Secretary of State shall make regulations –

- (a) to procure that where rules impose a mandatory duty on sports clubs to release athletes to play in national sports teams –
 - (i) such national sports teams shall carry appropriate insurance against injury for the benefit of the sports club and the athlete and compensate the sports club for loss of the athlete whilst playing for such national sports team, and 5
 - (ii) lottery funding will be made available to national sports teams in demonstrable need in order to meet their obligations under sub-paragraph (i); and 10
- (b) to create an offence as he or she thinks appropriate if a national sports team contravenes regulations under this section.

22 Regulation of sports agents

- (1) Any person acting as a sports agent shall – 15
 - (a) in advance of entering into an agency contract with an athlete, disclose to that athlete the full remuneration and any benefits that such sports agent shall or may receive or be entitled to in connection with entering into an agency contract with that athlete;
 - (b) produce an annual report to the athlete setting out the actual remuneration and benefits received by way of, or in connection with, acting as sports agent for that athlete; and 20
 - (c) disclose to the athlete any conflicts of interest existing prior to entry into an agency contract with that athlete and any conflicts of interest that come into being after entry into an agency contract with that athlete. 25
- (2) Without prejudice to any claim for misrepresentation that an athlete may otherwise have, an athlete shall have a right to terminate an agency contract with a sports agent for breach of the rules set out in subsection (1).
- (3) The Secretary of State may make regulations – 30
 - (a) to control the conduct of sports agents; and
 - (b) to create an offence as he or she thinks appropriate where a person or entity contravenes any regulations made under this section.
- (4) Regulations under subsection (3)(a) may provide, without prejudice to its generality, that the following be imposed in relation to sports agents – 35
 - (a) licensing requirements; and
 - (b) one or more qualification systems.

23 Ticket touting

The Secretary of State may make regulations to amend section 166 of the Criminal Justice and Public Order Act 1994 (sale of tickets by unauthorised persons) to include reference to one or more additional sports where he or she considers that there are justifiable grounds for doing so, having taken into account the need for a free market in tickets, and in such manner as he or she considers appropriate. 40

24 Ability of athletes under the age of 18 to enter legally binding contracts

- (1) Athletes between the ages of 14 and 18 shall have the ability to enter into legally binding professional sports contracts with sports clubs provided that the conditions set out in this section are met.
- (2) The conditions under this section are such conditions as shall be set by the Secretary of State by regulation. 5
- (3) In particular, such conditions shall include –
- (a) that the athlete has received legal advice in relation to the matter;
 - (b) provisions to ensure that any such contract is not unduly onerous, including in relation to both substantive obligations and duration; and 10
 - (c) that such contract is countersigned by a parent or guardian.
- (4) In the event that a professional sports contract entered into under subsection (1) is breached by the athlete whilst under the age of 18, any third party guilty of inducing the athlete to breach such contract shall be liable as if that third party was a party to that contract. 15

25 Television broadcasting of sporting events

The Secretary of State shall –

- (a) conduct a review, including consultation with broadcasters, governing bodies of sport, holders of concerned sports or other rights and other interested parties, as to whether the list of sporting or other events of national interest currently drawn up for the purposes of Part IV of the Broadcasting Act 1996 should be amended or revoked; and 20
- (b) following the review in paragraph (a), if appropriate, amend or revoke the list currently drawn up for the purposes of Part IV of the Broadcasting Act 1996 (sporting and other events of national interest) as he or she thinks fit. 25

26 Regulations: supplementary

- (1) Regulations under sections 2, 6, 7, 8, 9, 13, 14, 17, 18, 21, 22, 23 and 24 of this Act –
- (a) are to be made by statutory instrument; 30
 - (b) shall be subject to the negative resolution procedure;
 - (c) may make provision which applies generally (whether or not subject to exceptions) or in relation only to specified cases or descriptions of case;
 - (d) may make different provision for different cases or descriptions of case (including different provision for different areas); and 35
 - (e) may make incidental, supplementary, consequential, transitory or saving provision.
- (2) Regulations under section 11 –
- (a) may, to a specified extent or for specified purposes, disapply or modify specified enactments relating to planning or the control of advertising; 40
 - (b) may apply (with or without modifications) or make provision similar to any enactment (including, but not limited to, provisions of Chapter III of Part VIII of the Town and Country Planning Act 1990 (c. 8) (control of advertising) and regulations under that Chapter);

- (c) may provide for exceptions which may be expressed by reference to the nature of advertising, its purpose, the circumstances of its display or any other matter (which may include the consent of a specified person);
- (d) may make provision for application, with any specified modifications or exceptions, to the Crown; 5
- (e) may make provision which applies generally or only for specified purposes or in specified circumstances;
- (f) may make different provision for different purposes or circumstances;
- (g) may apply in relation to advertising whether or not it consists of the result or continuation of activity carried out before the regulations come into force; 10
- (h) shall be made by statutory instrument; and
- (i) are subject to the negative resolution procedure.
- (3) Before making regulations under section 11, the Secretary of State shall consult— 15
- (a) such authorities, with responsibilities for planning in respect of places to which the regulations apply or may apply, as he or she thinks appropriate;
- (b) one or more persons who appear to the Secretary of State to represent interests within the advertising industry which are likely to be affected by the regulations; and 20
- (c) such other persons, who appear to the Secretary of State to represent interests likely to be affected by the regulations, as he or she thinks appropriate.
- (4) Regulations under section 12— 25
- (a) may, to a specified extent or for specified purposes, disapply or modify specified enactments relating to trading (which may include enactments conferring rights to conduct a fair or market);
- (b) may apply (with or without modifications) or make provision similar to any enactment (which may include provision conferring a right of appeal in respect of the refusal of an authorisation); 30
- (c) may provide for exceptions which may be expressed by reference to the nature of trading, its circumstances, the application of profits or any other matter (which may include the consent of a specified person);
- (d) may make provision which applies generally or only for specified purposes or in specified circumstances; 35
- (e) may make different provision for different purposes or circumstances;
- (f) shall be made by statutory instrument; and
- (g) are subject to the negative resolution procedure.
- (5) Before making regulations under section 12, the Secretary of State shall consult— 40
- (a) such authorities, with responsibilities for the licensing of trading in respect of places to which the regulations apply or may apply, as he or she thinks appropriate; and
- (b) such persons, who appear to the Secretary of State to represent interests likely to be affected by the regulations, as he or she thinks appropriate. 45
- (6) Regulations under section 12 shall have effect despite any licence granted (whether before or after the commencement of the regulations)—
- (a) by any landowner, local authority or other person; or

(b) by or by virtue of any enactment, Charter or other document.

- (7) To the extent that regulations under this Act conflict with the rules of a governing body of sport, the regulations shall prevail and the governing body of sport shall amend its rules accordingly without undue delay.
- (8) To the extent that regulations under this Act conflict with the rules of an international governing body of sport, the regulations shall prevail. 5
- (9) In section 12 and subsections (5) and (6) of this section “licence” includes any kind of consent, certificate, permission or authority (by whatever name).

27 Extent, commencement and short title

- (1) Subject to subsections (2) and (3), this Act extends to England, Wales, Scotland and Northern Ireland. 10
- (2) Section 8 of this Act applies to England, Wales and Scotland.
- (3) Sections 4 and 5 of this Act apply to England and Wales.
- (4) This Act comes into force on the day on which it is passed.
- (5) This Act may be cited as the Governance of Sport Act 2014. 15

Governance of Sport Bill [HL]

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B I L L

To make provision about the governance and regulation of sport and public health; safety for cyclists; members' clubs; and for connected purposes.

Lord Moynihan

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