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Major Events Management Act 2007

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Business, Innovation, and Employment.

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1 Title

This Act is the Major Events Management Act 2007.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Preliminary provisions

3 Purposes

(1) The purposes of this Act are to provide—

(a) certain protections for events that are declared to be major events under this Act in order to—

(i) obtain maximum benefits from the major event for New Zealanders; and

(ii) prevent unauthorised commercial exploitation at the expense of either a major event organiser or a major event sponsor; and

(iii) ensure the smooth running of the major event; and

(b) for the protection, and control over the use, of certain emblems and words relating to Olympic Games and Commonwealth Games.

(2) To those ends, this Act—

(a) establishes a procedure for appropriate events to be declared to be major events for the purposes of this Act; and

(b) prohibits representations that suggest persons, brands, goods, or services have an association with a major event when they do not; and

(c) prohibits advertising from intruding on a major event activity and the attention of the associated audience; and

(d) prohibits activities that might compromise the smooth running of a major event, such as ticket scalping and pitch invasion; and

(e) prohibits the use of certain emblems and words relating to Olympic Games and Commonwealth Games without appropriate authorisation.

4 Interpretation

In this Act, unless the context otherwise requires,—

advertise means any form of communication (including selling or giving away any goods or services, but excluding communications of personal opinion made by a natural person for no commercial gain) made to the public or a section of the public in relation to any—

(a) goods or services; or

(b) brand of goods or services; or

(c) person who provides goods or services

aircraft includes any airship, balloon (including kite balloon), blimp, glider (including hang glider), kite, and parachute

association means a relationship of connection, whether direct or implied, such as an approval, authorisation, sponsorship, or commercial arrangement and includes offering, giving away, or selling a ticket to a major event activity in connection with the promotion of goods or services

clean period means a time period that has been declared by notice in the *Gazette* under section 16(1) to be a clean period in relation to a particular clean zone or clean transport route

clean transport route means an area that has been declared by notice in the *Gazette* under section 16(1) to be a clean transport route

clean zone means an area that has been declared by notice in the *Gazette* under section 16(1) to be a clean zone

Commerce Minister means the Minister responsible for the administration of the Trade Marks Act 2002

court means the High Court

emblem means an identifying device, seal, indicium, image, mark, trade mark, badge, symbol, design, logotype, or sign; and includes any printed or other visual representation of the emblem—

(a) on a flag, banner, sign, or other printed or written material; or

(b) made by way of a pictorial representation or other visual image; or

(c) made in any other manner

major event means an event that is declared by Order in Council under section 7(1) to be a major event

major event activity means an activity forming part of a major event that is authorised by the major event organiser of that major event

major event emblem means an emblem that has been declared by Order in Council under section 8(1) to be a major event emblem for a major event

major event organiser means the person identified by Order in Council under section 7(1) as the major event organiser of a major event

major event sponsor means a person who has the written authorisation of the major event organiser to make a representation suggesting an association between the major event and that person, or goods or services provided by that person

major event word means any word that has been declared by Order in Council under section 8(1) to be a major event word for a major event

Minister means the Minister of the Crown for the time being responsible for the administration of this Act

proper name, in relation to any town or road or other place, means the name assigned or approved in respect of that place by the New Zealand Geographic Board or the Surveyor-General or a territorial authority under any Act

protection period means the period for which the protection under section 10 applies in relation to a major event, as declared by Order in Council under section 8(1)

registering authority includes the following Commission and officers, and also includes any officer acting on behalf of the following Commission and officers:

(a) the chief executive under the Charities Act 2005:

(b) the Registrar of Incorporated Societies under the Incorporated Societies Act 1908 or the Incorporated Societies Act 2022:

(c) the Registrar of Industrial and Provident Societies under the Industrial and Provident Societies Act 1908:

(d) the Registrar of Friendly Societies and Credit Unions under the Friendly Societies and Credit Unions Act 1982:

(e) the Commissioner of Trade Marks under the Trade Marks Act 2002:

(f) the Registrar of Companies under the Companies Act 1993:

(g) the Registrar of Incorporated Societies under Part 2 of the Charitable Trusts Act 1957:

(h) the Registrar of Building Societies under the Building Societies Act 1965:

(i) the Registrar of Unions under the Employment Relations Act 2000

sign has the meaning set out in section 5(1) of the Trade Marks Act 2002

Sports Minister means the Minister responsible for the administration of the Sport and Recreation New Zealand Act 2002

ticket to a major event activity means a ticket authorised by the major event organiser that permits entry to a major event activity.

Section 4 **Economic Development Minister**: repealed, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 4 **Minister**: inserted, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 4 **registering authority** paragraph (a): amended, on 1 July 2012, by section 16(2) of the Charities Amendment Act (No 2) 2012 (2012 No 43).

Section 4 **registering authority** paragraph (b): amended, on 5 April 2026, by section 270(1) of the Incorporated Societies Act 2022 (2022 No 12).

5 Status of examples

(1) An example used in this Act is only illustrative of the provisions to which it relates. It does not limit those provisions.

(2) If an example and a provision to which it relates are inconsistent, the provision prevails.

6 Act binds the Crown

This Act binds the Crown.

Part 2
Declaration of major event and protections for major events

Subpart 1—Declaration of major event

7 Declaration of major event

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister after consultation with the Commerce Minister and the Sports Minister, declare that an event is a major event.

(2) An Order in Council under subsection (1) must identify the major event and the major event organiser.

(3) The Minister may only make a recommendation if—

(a) an event organiser has applied for an event to be declared to be a major event under this Act; and

(b) the event activities will take place, at least in part, in New Zealand; and

(c) the Minister is satisfied that the event organiser has the capacity and the intention to—

(i) successfully and professionally stage and manage the event; and

(ii) use all practicable measures available under the existing law to prevent unauthorised commercial exploitation of the major event and to protect its intellectual property and other legal rights (including, for example, registering relevant trade marks).

(4) Before making a recommendation, the Minister must take into account whether the event will—

(a) attract a large number of international participants or spectators and therefore generate significant tourism opportunities for New Zealand:

(b) significantly raise New Zealand's international profile:

(c) require a high level of professional management and co-ordination:

(d) attract significant sponsorship and international media coverage:

(e) attract large numbers of New Zealanders as participants or spectators:

(f) offer substantial sporting, cultural, social, economic, or other benefits for New Zealand or New Zealanders.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 7(1): amended, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 7(3): amended, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 7(4): amended, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 7(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 2—Ambush marketing by association protections

8 Declaration of major event emblems and words

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, declare any or all of the following:

(a) an emblem to be a major event emblem:

(b) a word, words if combined with other words, or a combination of words to be a major event word or major event words.

(2) The Minister may only make a recommendation after consultation with—

(a) the Commerce Minister; and

(b) the major event organiser; and

(c) persons the Minister considers are likely to be substantially affected by the recommendation.

(3) Before making a recommendation, the Minister must take into account the extent to which, in relation to the major event, emblems and words require protection in order to—

(a) obtain maximum benefits for New Zealanders:

(b) prevent unauthorised commercial exploitation at the expense of either a major event organiser or a major event sponsor.

(4) A failure to comply with subsection (2)(c) does not affect the validity of an Order in Council made under subsection (1).

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 8(1): amended, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 8(2): amended, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 8(3): amended, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 8(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

9 Declaration of protection period for major event

(1) An Order in Council under section 8(1) must identify the relevant major event and declare the protection period for the major event.

(2) The major event's protection period need not be limited to the period when major event activities are to occur, but cannot end later than 30 days after the completion or termination of all major event activities.

10 No representation of association with major event

(1) No person may, during a major event's protection period, make any representation in a way likely to suggest to a reasonable person that there is an association between the major event and—

(a) goods or services; or

(b) a brand of goods or services; or

(c) a person who provides goods or services.

(2) In subsection (1), a person who makes a representation includes a person who—

(a) pays for, commissions, or authorises the representation; or

(b) receives consideration for the placement or the location of the representation.

Example

The Football World Cup finals are to be held in New Zealand in 2007. The Football World Cup finals are declared to be a major event under section 7.

Company A pays Company B to produce hats with writing on them that states "Company A—proud to bring you the 2007 Football World Cup".

Neither Company A nor Company B has the written authorisation of the major event organiser for Company A's representation of an association between itself and the Football World Cup.

Both Company A and Company B are in breach of section 10.

11 Presumption if major event emblems or words are used

(1) The court may presume that a representation is in breach of section 10 if it includes any of the following:

(a) a major event emblem; or

(b) a major event word or major event words; or

(c) a representation that so closely resembles a major event emblem, a major event word, or major event words as to be likely to deceive or confuse a reasonable person.

(2) Subsection (1) applies even if the representation is qualified by words like "unauthorised" or "unofficial", or other words that are intended to defeat the purpose of section 10.

12 Exceptions to sections 10 and 11

(1) Sections 10 and 11 do not apply if—

(a) the association between the major event and the goods, services, brand of goods or services, or person who provides goods or services has the written authorisation of the major event organiser; or

(b) the representation has the written authorisation of the major event organiser; or

(c) the representation is of personal opinion made by a natural person for no commercial gain; or

(d) in accordance with honest practices in industrial or commercial matters, the representation—

(i) is necessary to indicate the intended purpose of goods or services; or

(ii) is made by an existing organisation continuing to carry out its ordinary activities; or

(iii) is for the purposes of reporting news, information, criticism, or a review (including promoting that news, information, criticism, or review) in a newspaper or magazine, or by means of television, radio, film, the Internet, or other means of reporting; or

(iv) in the case of a word or emblem (provided that the word or emblem is not being used in combination with other words or emblems with the intention of suggesting an association that breaches section 10), comprises the whole or part of—

(A) the proper name of any town or road or other place in New Zealand; or

(B) the legal or trade name (not being used for the purpose of defeating the intention of this subpart) of the person making the representation; or

(C) an existing registered trade mark.

(2) Nothing in subsection (1)(d)(iii) authorises a person to make a representation in a way likely to suggest to a reasonable person that there is an association between news, information, criticism, or a review about a major event and—

(a) goods or services; or

(b) a brand of goods or services; or

(c) a person who provides goods or services.

Examples

The Football World Cup finals are to be held in New Zealand in 2007. The Football World Cup finals are declared to be a major event under section 7.

All combinations of the words "Football", "World", and "Cup" are declared to be major event words under section 8.

Example 1

The World's Best Cup Makers Limited is a New Zealand business that was established in 1982. For many years it has advertised itself with a slogan that states "Maker of cups and trophies for all sporting events, from football to synchronised swimming!" and a logo that shows a football player kicking a football. The World's Best Cup Makers Limited continues to operate and promote itself in this way during the period when the Football World Cup finals are held in New Zealand.

The World's Best Cup Makers Limited does not have the written authorisation of the major event organiser for the use of its company name, its advertising, its slogan, or its logo.

This is not a breach of section 10 because of the exception in section 12(1)(d)(ii).

Example 2

Daily Newspaper A produces a 20-page Football World Cup supplement. It contains a schedule of the games to be played during the Football World Cup finals, an explanation of the rules of football, and details about each of the teams and the players and coaches in each of those teams. The supplement also contains a lot of advertising, none of which breaches section 10. However, Company B has paid Daily Newspaper A for the right to state on the cover of the supplement "Coverage of the Football World Cup finals is brought to you by Company B".

Neither Daily Newspaper A nor Company B has the written authorisation of the major event organiser for Company B's statement on the cover of the supplement.

The content of the supplement and the advertising within it does not breach section 10 because of the exception in section 12(1)(d)(iii). However, both Daily Newspaper A and Company B are in breach of section 10 because of Company B's statement on the cover of the supplement.

Compare: 1981 No 47 s 20A(3); 2002 No 49 s 95; London Olympic Games and Paralympic Games Act 2006 Schedule 4 cl 1(2)(b) (UK)

13 Offences and penalty for breach of section 10

(1) Every person commits an offence who knowingly breaches section 10.

(2) Every person commits an offence who, knowing that a representation that breaches section 10 has been made in relation to or applied to goods,—

(a) imports those goods into New Zealand for the purpose of trade or manufacture; or

(b) sells those goods, or exposes those goods for sale; or

(c) possesses those goods for the purpose of trade or manufacture.

(3) Every person who commits an offence against subsection (1) or (2) is liable on conviction to a fine not exceeding $150,000.

Compare: 2002 No 49 ss 124, 125

Section 13(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

14 Defences to breach of section 10

(1) It is a defence to an action or a prosecution for a breach of section 10, in relation to a representation that is an advertisement, if the defendant proves—

(a) that the defendant's business includes publishing or arranging for the publication of advertisements; and

(b) that the defendant received the representation in the ordinary course of that business and did not know, and had no reason to believe, that publishing it would constitute a breach of section 10.

(2) This section overrides the presumption in section 11.

Compare: 1981 No 47 s 20AA; London Olympic Games and Paralympic Games Act 2006 s 21(2) (UK)

15 Registering authority must not register in certain cases

(1) Despite anything about registration in any other Act, a registering authority must not register—

(a) an incorporated or unincorporated body under a name if the use by that body of that name, or of any word in that name, would breach section 10:

(b) an emblem on the application of any person if the use of that emblem by that person would breach section 10.

(2) The prohibition in subsection (1) applies only during the major event's protection period, but also applies to any application for registration that—

(a) was filed or lodged before the start of the protection period; but

(b) is not registered at the start of the protection period.

Compare: 1981 No 47 s 21

Subpart 3—Ambush marketing by intrusion protections

16 Declaration of clean zones, clean transport routes, and clean periods

(1) By notice in the *Gazette*, the Minister may declare, in relation to a major event, either or both of the following:

(a) clean zones, and the clean periods that relate to those clean zones:

(b) clean transport routes, and the clean periods that relate to those clean transport routes.

(2) Before issuing a notice, the Minister must take into account the extent to which, in relation to the major event, clean zones or clean transport routes, and clean periods, are required in order to—

(a) obtain maximum benefits for New Zealanders:

(b) prevent unauthorised commercial exploitation at the expense of either a major event organiser or a major event sponsor.

(3) A notice under subsection (1) may declare an area as a clean zone for a clean period only to the extent that—

(a) the area consists of—

(i) the venue of a major event activity; and

(ii) areas that are directly proximate to the area in subparagraph (i) (for example, the adjacent footpath, road, or other thoroughfare); and

(iii) areas that are otherwise necessary to enable the major event activity to occur; and

(b) the area does not consist of excluded land or buildings; and

(c) a major event activity is performed in the area during that clean period, although the clean period may include times before and after the major event activity that are reasonable in the circumstances.

(4) A notice under subsection (1) may declare an area as a clean transport route for a clean period only to the extent that the area—

(a) extends no more than 5 kilometres from the closest point of the boundary of a clean zone; and

(b) consists of, or is directly proximate to, either—

(i) a motorway or State highway (as those terms are defined in section 2(1) of the Government Roading Powers Act 1989); or

(ii) a railway line (as that term is defined in section 2(1) of the New Zealand Railways Corporation Act 1981); and

(c) does not consist of excluded land or buildings; and

(d) is likely to be used by a substantial number of people to travel to or from a clean zone (the **relevant clean zone**) during that clean period, although

the clean period may include times before and after the clean period for the relevant clean zone that are reasonable in the circumstances.

(4A) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(5) In this section, **excluded land or buildings** means private land and private buildings, whether or not surrounded by other land that is declared to be part of a clean zone or a clean transport route; but does not include—

(a) billboards; or

(b) the venue of a major event activity; or

(c) land the public ordinarily has access to (for example, a railway station or a venue's car park).

Examples

The Football World Cup finals are to be held in New Zealand in 2007. The Football World Cup finals are declared to be a major event under section 7.

Example 1: Clean zone and clean period

The final game of the Football World Cup is to be held at the rugby stadium located in Phillipstown in Christchurch between 3 pm and 7 pm on Saturday, 9 June 2007.

The Police and the Christchurch City Council have decided, in the particular circumstances of this major event activity, that in order to host safely the final game of the Football World Cup, it is necessary to close Stevens Street, Talfourd Place, and Lismore Street to vehicles from 12.01 am to 11.59 pm on Saturday, 9 June 2007. Falsgrove Street (between Lismore Street and Stevens Street) will also be closed for parts of that day.

After taking into account the matters set out in section 16(2) and looking at the requirements of the particular event, the Minister decides to declare a clean zone and a clean period for the final game of the Football World Cup in accordance with section 16(1).

The Minister declares the clean zone to be the area bordered by, and including, the footpaths on the north side of Stevens Street, the west side of Wilsons Road North (between Stevens Street and Lismore Street), the south side of Lismore Street (between Wilsons Road North and Falsgrove Street), and the west side of Falsgrove Street (between Lismore Street and Stevens Street).

The stadium and its surrounds, including the stadium car park, (all of which are within the area described above) are included in the clean zone. However, none of the private land or private buildings within the area described above is included in the clean zone.

The Minister declares the clean period for this clean zone to start at 12.01 am on Saturday, 9 June 2007 and finish at 11.59 pm on Saturday, 9 June 2007.

Example 2: Clean transport routes and clean periods

In accordance with section 16(1), the Minister also decides to declare 2 clean transport routes and a clean period for the final game of the Football World Cup.

State Highway 73 and the Christchurch Southern Motorway 73 are declared to be a clean transport route from the point on the Christchurch Southern Motorway that is 5 km in a straight line (in a south-westerly direction) from the corner of Falsgrove and Lismore Street, to the point on State Highway 73 that is 5 km in a straight line (in a south-easterly direction) from the corner of Lismore Street and Wilsons Road North.

All of State Highway 74A is within 5 km of the clean zone and therefore all of this highway is also declared to be a clean transport route.

Both clean transport routes are declared to include the areas directly proximate to the highways and motorway that do not consist of private land or private buildings.

It appears that very few people will be using the railway lines to the north of State Highway 73 to travel to or from the clean zone. Therefore, the Minister decides not to declare this railway line to be a clean transport route.

The clean period for the clean transport routes is declared to start at 8 am on Saturday, 9 June 2007 and finish at 11 pm on Saturday, 9 June 2007.

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 16(1): amended, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 16(2): amended, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 16(4)(b)(i): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 16(4A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 16 example 1: amended, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

Section 16 example 2: amended, on 3 June 2017, by section 4(2) of the Statutes Repeal Act 2017 (2017 No 23).

17 No street trading in clean zone without authorisation

(1) No person may engage in street trading in a clean zone during a clean period without the written authorisation of the major event organiser.

(2) No person who is outside a clean zone may, without the written authorisation of the major event organiser, engage in street trading with a person who is in a clean zone during a clean period.

(3) In this section, **street trading** means selling, hawking, or giving away goods or services, but excludes operating an existing business out of existing permanent premises of that business.

Examples

These examples refer to the clean zone and the clean period set out in the examples in section 16.

Example 1

Richard is a hot dog vendor. Richard sets up his hot dog cart and starts selling hot dogs on the footpath of Stevens Street on Saturday, 9 June 2007.

Richard does not have the written authorisation of the major event organiser for Richard's street trading in the clean zone during the clean period.

Richard is in breach of section 17(1).

Example 2

Richard shifts his hot dog cart and sets it up on private property that is not part of the clean zone. Richard starts selling hot dogs over the fence of the property to people standing in the clean zone. It is still Saturday, 9 June 2007.

Richard does not have the written authorisation of the major event organiser for Richard's street trading with a person in the clean zone during the clean period.

Richard is in breach of section 17(2).

Example 3

Richard shifts his hot dog cart to the footpath of Moorhouse Avenue, about 100 m outside the clean zone, and starts selling hot dogs. It is still Saturday, 9 June 2007.

Richard does not have the written authorisation of the major event organiser for his street trading.

This is not a breach of section 17.

18 No advertising in clean zone without authorisation

No person may advertise in a clean zone during a clean period without the written authorisation of the major event organiser.

Examples

These examples refer to the clean zone and the clean period set out in the examples in section 16.

Example 1

Two weeks before the final game of the Football World Cup is held, Company A pays Company B for the right to place an advertisement advertising Company A's products on a billboard in Talfourd Place. The billboard is owned by Company B and is located within the area that will be a clean zone for the clean period. Company A has not advertised in this position before.

Neither Company A nor Company B has the written authorisation of the major event organiser for this advertising.

Both Company A and Company B are in breach of section 18 during the clean period.

Example 2

Company A pays Company B to undertake an advertising campaign on its behalf. Accordingly, Company B hires people to stand on Lancaster Street, just outside the clean zone, and give away T-shirts to people as they enter the clean zone in order to watch the final game of the Football World Cup. The T-shirts are in Company A's corporate colours and are identifiable as relating to Company A and its products. Many of the people who are given these T-shirts put them on and wear them in the clean zone.

None of Company A, Company B, or the people giving away the T-shirts has the written authorisation of the major event organiser for this advertising.

Both Company A and Company B are in breach of section 18.

The people giving away the T-shirts are not in breach of section 18.

19 No advertising that is clearly visible from clean zone

(1) No person may advertise in a manner that is clearly visible from anywhere within a clean zone during a clean period without the written authorisation of the major event organiser.

(2) Subsection (1) includes advertising on or by means of an aircraft, but does not include normal markings and livery on an aircraft.

(3) In this section, **clearly visible** means visible to an extent that a reasonable person would consider the content, subject, message, or purpose of the advertisement to be able to be determined without the use of visual apparatus other than contact lenses or glasses.

Examples

These examples refer to the clean zone and the clean period, as well as the clean transport routes and the associated clean periods, set out in the examples in section 16.

Example 1

Two weeks before the final game of the Football World Cup is held, Company A pays Company B to undertake an advertising campaign on its behalf. Accordingly, Company B arranges with Company C for the right to place a large advertisement advertising Company A's services on a billboard on top of a tall building located outside the clean zone. The billboard is owned by Company C, and Company C is paid for Company A's advertising being placed on the billboard. Company A has never advertised in this manner before. The advertising on the billboard is clearly visible from within the clean zone.

None of Company A, Company B, or Company C has the written authorisation of the major event organiser for this advertising.

Company A, Company B, and Company C are all in breach of section 19 during the clean period.

Example 2

Company X produces goods that directly compete with goods produced by Company Y. Company Y is an official sponsor of the Football World Cup finals. Company X is not a sponsor of, and has no association with, the Football World Cup finals.

Two weeks before the final game of the Football World Cup is held, Company X places an advertisement advertising its products on a billboard on Lancaster Street, about 50 m outside the clean zone. The billboard faces away from the clean zone so that, although the back of the billboard is clearly visible from within the clean zone, the advertising on the billboard cannot be seen from within the clean zone. The billboard is not in a clean transport route.

Company X does not have the written authorisation of the major event organiser for this advertising.

This is not a breach of section 19.

20 No advertising in clean transport route without authorisation

No person may advertise in a clean transport route during a clean period without the written authorisation of the major event organiser.

Examples

These examples refer to the clean transport routes and the associated clean periods, as well as the clean zone and the clean period, set out in the examples in section 16.

Example 1

Two weeks before the final game of the Football World Cup is held, Company A pays Company B for the right to place advertisements advertising Company A's products on a number of billboards on the grass verge alongside State Highway 73. The billboards are all owned by Company B and are all located within the area that will be a clean transport route during the associated clean period. Company A has not advertised in this position before.

Neither Company A nor Company B has the written authorisation of the major event organiser for this advertising.

Both Company A and Company B are in breach of section 20 during the clean period.

Example 2

Lots of advertising is clearly visible from a clean transport route during the associated clean period. However, none of this advertising is located within the clean transport route. It is also not located in a clean zone and is not clearly visible from within a clean zone.

None of the advertising has the written authorisation of the major event organiser.

This is not a breach of section 20.

21 Persons who advertise

In sections 18 to 20, a person **advertises** if that person—

(a) pays for, commissions, or authorises the advertisement; or

(b) receives consideration for the placement or the location of the advertisement.

22 Exceptions to sections 18 to 20

Sections 18 to 20 do not apply to advertising—

(a) if, in accordance with honest practices in industrial or commercial matters, the advertising is done by an existing organisation continuing to carry out its ordinary activities; or

(b) on articles of clothing (including shoes) or other personal items being worn, carried, or used by—

(i) a member of the public, unless that item is being worn, carried, or used in co-ordination with other persons with the intention that the advertising intrude on a major event activity or the attention of the associated audience; or

(ii) a person who is a participant in, or who is officiating at, a major event activity; or

(iii) a volunteer engaged in the management or conduct of a major event activity; or

(c) in a newspaper or magazine, or on a television, radio, or electronic device, being used for personal use, unless it is being used with the intention that the advertising intrude on a major event activity or the attention of the associated audience; or

(d) on a train, boat, or vehicle, provided that that train, boat, or vehicle is being used to carry out its ordinary activities in its usual manner; or

(e) on an aircraft that is used for an emergency that involves a danger to life or property necessitating the urgent transportation of persons or medical or other supplies for the protection of life or property.

Examples

These examples refer to the clean zone and the clean period, as well as the clean transport routes and the associated clean periods, set out in the examples in section 16.

Example 1

Existing Business A carries on its business from a private building situated on private land on Stevens Street. Although the land is located within the overall parameters of the clean zone, because it is private land it has not been declared to be part of the clean zone. Existing Business A has a large billboard on the roof of its building advertising Existing Business A's services. This billboard has been there for many years. The advertising on the billboard is clearly visible from within the clean zone.

Existing Business A does not have the written authorisation of the major event organiser for this advertising.

This is not a breach of section 19 because of the exception in section 22(a).

Example 2

Two years before the final game of the Football World Cup is held, Company A pays Company B for the right to place advertisements advertising Company A's services on a number of billboards on the grass verge alongside State Highway 73. The billboards are all owned by Company B and are all located within the area that will be a clean transport route during the associated clean period. These billboards are maintained in this area throughout the 24 months leading up to the final game of the Football World Cup, throughout the clean period, and for a period after the final game.

Neither Company A nor Company B has the written authorisation of the major event organiser for this advertising.

This is not a breach of section 20 because of the exception in section 22(a).

Example 3

Amy attends the final game of the Football World Cup. She wears her favourite T-shirt and hat, which have advertising brands clearly visible upon them. She is also carrying a newspaper that has many advertisements within it. In order to get to the game, Amy catches a bus that travels along a clean transport route.

Amy does not have the written authorisation of the major event organiser for this advertising.

This is not a breach of section 18, 19, or 20 because of the exceptions in section 22(b)(i) and (c).

Compare: 1981 No 47 s 20A(3); 1990 No 98 s 13A(3); 2002 No 49 s 95; London Olympic Games and Paralympic Games Act 2006 Schedule 4 cl 1(2)(b) (UK)

23 Offences and penalties for breach of any of sections 17 to 20

(1) Every person commits an offence who knowingly breaches any of sections 17 to 20.

(2) Every person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding $150,000.

Section 23(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

24 Defences to breaches of sections 18 to 20

It is a defence to an action or a prosecution for a breach of any of sections 18 to 20, in relation to an advertisement, if the defendant proves—

(a) that the defendant's business includes publishing or arranging for the publication of advertisements; and

(b) that the defendant received the advertisement in the ordinary course of that business and did not know, and had no reason to believe, that publishing it would constitute a breach of any of sections 18 to 20.

Compare: 1981 No 47 s 20AA; London Olympic Games and Paralympic Games Act 2006 s 21(2) (UK)

Subpart 4—Ticket-scalping protections

25 Ticket-scalping protections

(1) No person may, without the authorisation of the major event organiser, sell or trade a ticket to a major event activity for a value greater than the original sale price of that ticket.

(2) In subsection (1),—

original sale price includes charges necessary to effect the sale or trade of a ticket including, for example, a booking fee or postage or courier charges

sell or trade includes any transaction, regardless of its form, in which a substantial purpose of the transaction is the sale or trade of a ticket to a major event activity for a value greater than the original sale price of that ticket.

26 Offence and penalty for breach of section 25

(1) Every person commits an offence who knowingly sells or trades a ticket to a major event activity in breach of section 25.

(2) A person who commits an offence against this section is liable on conviction to a fine not exceeding $5,000.

Compare: 1981 No 47 s 24

Section 26(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Subpart 5—Pitch invasion

27 Offence to invade pitch at major sporting event

(1) Every person commits an offence who, without authority, does either or both of the following:

(a) goes onto the playing surface at a major sporting event; or

(b) propels any object onto the playing surface at a major sporting event.

(2) In this section,—

major sporting event means any major event that is a sporting event

playing surface means the area on which a major sporting event is played and any adjacent area required for the major sporting event to be played

propels means intentionally setting an object in motion in any manner, including, for example, throwing, kicking, dropping, or rolling.

(3) A person who commits an offence against this section is liable on conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding $5,000.

Section 27(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 3
Permanently protected emblems and words

28 Unauthorised use of emblems and words relating to Olympic Games and Commonwealth Games

Every person commits an offence who, without the written authorisation of the New Zealand Olympic Committee Incorporated,—

(a) causes an incorporated or unincorporated body to be formed under any name, title, style, or designation that—

(i) includes any word in Parts 2 and 3 of the Schedule; or

(ii) so closely resembles any word in Parts 2 and 3 of the Schedule as to be likely to deceive or confuse any person; or

(b) in a business, trade, or occupation carries on activities under any word, name, title, style, or designation that—

(i) includes any emblem or word in Parts 1 to 3 of the Schedule; or

(ii) so closely resembles any emblem or word in Parts 1 to 3 of the Schedule as to be likely to deceive or confuse any person; or

(c) in any business, trade, or occupation displays, exhibits, or otherwise uses any word, name, title, style, or designation that—

(i) includes any emblem or word in Parts 1 to 3 of the Schedule; or

(ii) so closely resembles any emblem or word in Parts 1 to 3 of the Schedule as to be likely to deceive or confuse any person.

Compare: 1981 No 47 s 20A

29 Authorisation by New Zealand Olympic Committee Incorporated

(1) The New Zealand Olympic Committee Incorporated must make a decision on an application for its written authorisation for a person to take an action described in section 28 within 10 working days after receipt of the information it considers necessary to make that decision, and if it fails to do so the Committee is to be treated as having given the written authorisation sought in the application.

(2) A decision of the New Zealand Olympic Committee Incorporated under subsection (1) is an exercise of a statutory power of decision for the purposes of the Judicial Review Procedure Act 2016.

Compare: 1981 No 47 s 20A

Section 29(2): amended, on 1 March 2017, by section 24 of the Judicial Review Procedure Act 2016 (2016 No 50).

30 Exceptions to section 28

Section 28 does not apply to the display, exhibition, or use of any emblem or word if—

(a) the display, exhibition, or use is expressly authorised by or under any Act or by the Governor-General by Order in Council; or

(b) immediately before 18 December 1998, either—

(i) that display, exhibition, or use was expressly authorised by any consent, permission, approval, or authority given by a person lawfully entitled to give it; or

(ii) the emblem or word was registered under any statutory authority; or

(c) the emblem or word is part of the description of any sporting or recreational facilities operated by a local authority or community organisation; or

(d) the display, exhibition, or use is for the purposes of, or associated with, the reporting of news or criticism or a review in a newspaper or magazine, or by means of television, radio, film, the Internet, or by other means of reporting by a person who ordinarily engages in the business of such reporting; or

(e) the display, exhibition, or use is for the purposes of, or associated with, a radio or television programme, an Internet website, or a film, book, or article for publication in a newspaper or magazine, relating to a person who was a member or official of the New Zealand team that competed at an Olympic Games or Commonwealth Games; or

(f) in the case of a word, the word comprises the whole or part of the proper name of any town or road or other place in New Zealand; or

(g) in the case of a word, the word is the surname or initials (not being used for the purpose of defeating the intention of this section) of a foundation member of the body or of the person engaging in the business, trade, or occupation.

Compare: 1981 No 47 s 20A

31 Penalty for offence against section 28

Every person who commits an offence against section 28 is liable on conviction to a fine not exceeding $150,000.

Compare: 1981 No 47 s 24

Section 31: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

32 Defence to offence against section 28

It is a defence to a prosecution for an offence against section 28, in relation to a breach of section 28 committed by the publication of an advertisement, if the defendant proves—

(a) that the defendant's business includes publishing or arranging for the publication of advertisements; and

(b) that the defendant received the advertisement, or the emblem or word contained in the advertisement, in the ordinary course of that business and did not know, and had no reason to believe, that the publication of the advertisement or the publication of the advertisement containing that emblem or word would constitute a breach of section 28.

Compare: 1981 No 47 s 20AA(1)

33 Injunction for breach of section 28

(1) The New Zealand Olympic Committee Incorporated may apply to the court or the District Court for an injunction under this section.

(2) On an application under subsection (1), if the court is satisfied that a person has committed an offence against section 28, whether or not it appears to the court that the person intends to engage again, or to continue to engage, in that conduct, the court may—

(a) grant an injunction restraining the person from engaging in conduct that appears to the court to constitute that offence; or

(b) if it is desirable to do so, grant an interim injunction restraining the person from engaging in conduct that appears to the court to constitute that offence.

(3) On an application under subsection (1), if it appears to the court that a person (**person A**) is likely to commit an offence against section 28, whether or not person A has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any other person if person A engages in conduct of that kind, the court may—

(a) grant an injunction restraining person A from engaging in conduct that appears to the court to constitute that offence; or

(b) if it is desirable to do so, grant an interim injunction restraining person A from engaging in conduct that appears to the court to constitute that offence.

(4) The court may at any time rescind or vary an injunction granted under this section.

Compare: 1981 No 47 s 20B

Section 33(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

34 Registering authority must not register in certain cases

(1) Despite anything about registration in any other Act, a registering authority must not register—

(a) an incorporated or unincorporated body under a name if the use by that body of that name, or of any word in that name, would be an offence against section 28:

(b) an emblem on the application of any person if the use of that emblem by that person would be an offence against section 28.

(2) However, a registering authority may authorise the registration of an incorporated or unincorporated body under a name to which subsection (1)(a) applies if the Registrar is satisfied that in the context in which it is intended to be used—

(a) it is not likely to deceive any person; and

(b) that name, or any word in that name,—

(i) comprises the whole or part of the proper name of any town or road or other place in New Zealand which is to be used in full by the incorporated or unincorporated body; or

(ii) is the surname (not being a surname taken or used for the purpose of defeating the intention of this subsection) of a foundation member of the incorporated or unincorporated body.

Compare: 1981 No 47 ss 20(5), 21

Part 4
Enforcement

Subpart 1—Matters of general application

35 Act does not affect other rights

Nothing in this Act affects any principle of law or any other remedy in any other Act, including—

(a) the law relating to passing off; or

(b) rights under the Fair Trading Act 1986; or

(c) rights under the Geographical Indications Registration Act 2006; or

(d) rights under the Trade Marks Act 2002; or

(e) rights under the Copyright Act 1994.

Compare: 2002 No 49 s 88

Section 35(c): amended, on 1 May 2024, by section 87 of the European Union Free Trade Agreement Legislation Amendment Act 2024 (2024 No 10).

36 Interrelationship of civil and criminal remedies under this Act

Any right of action or other remedy available under this Act (whether civil or criminal) may be taken, proceeded with, or heard in conjunction with any other action or remedy available under this Act.

Subpart 2—Border protection measures

37 Application of Trade Marks Act 2002 to major event emblems and major event words

(1) Subpart 3 of Part 4 of the Trade Marks Act 2002 applies to major event emblems and major event words in the manner set out in this section and, as far as practicable, must be interpreted consistently with this section.

(2) In particular,—

(a) an Order in Council under section 8 must be treated as a notice that has been accepted under section 139 of the Trade Marks Act 2002; and

(b) **claimant** means the relevant major event organiser; and

(c) the period for which the notice is to be in force is the relevant protection period; and

(d) **infringing sign** means major event emblems or major event words that are used to make a representation in a way likely to suggest to a reasonable person that there is an association between a major event and—

(i) goods or services; or

(ii) a person who provides goods or services; and

(e) except as specified in paragraph (a), sections 137 to 141 of the Trade Marks Act 2002 do not apply.

(3) In applying subpart 3 of Part 4 of the Trade Marks Act 2002 in the manner set out in this section,—

(a) that subpart and this section do not apply in relation to any infringing sign that has been applied to goods in an overseas country by, or with the written authorisation of, the major event organiser; and

(b) the chief executive or a customs officer may release any goods that are in the control of the Customs or that have been detained in the custody of the chief executive or a customs officer if a reasonable person would not believe there is an association between those goods and the major event.

(4) Any term or expression that is defined in section 135 of the Trade Marks Act 2002 and used, but not defined, in this section has the same meaning as in that section.

Subpart 3—Enforcement officers

38 Chief executive may appoint enforcement officers

The chief executive of the Ministry of Economic Development may appoint enforcement officers, on a permanent or temporary basis, to perform the functions set out in section 40 and exercise the powers conferred by this Act.

Compare: 2003 No 51 s 330

39 Authority to act as enforcement officer

(1) The chief executive of the Ministry of Economic Development must issue a warrant of appointment to every person appointed as an enforcement officer.

(2) A warrant of appointment must—

(a) be in the prescribed form; and

(b) bear the photograph and signature of the holder; and

(c) contain any other particulars that may be prescribed.

(3) A warrant of appointment is, in the absence of evidence to the contrary, sufficient proof that the holder of the warrant may exercise the powers conferred on an enforcement officer under this subpart.

(4) A person who ceases to be an enforcement officer must return the person's warrant of appointment.

(5) A person who fails to comply with subsection (4) commits an offence and is liable on conviction to a fine not exceeding $1,000.

Compare: 2003 No 51 s 331

Section 39(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

40 Functions of enforcement officer

An enforcement officer must, to the extent reasonably practicable, ensure compliance with this Act by carrying out the following functions:

(a) identifying breaches or potential breaches of sections 10, 17 to 20, and 25 and offences under sections 13, 23, and 26:

(b) issuing formal warnings in accordance with section 46:

(c) inspecting and monitoring clean zones:

(d) seizing or covering things in clean zones in accordance with sections 42 to 45:

(e) obtaining search warrants, executing search warrants, seizing things, and covering things in accordance with section 42(6) and subpart 6 of this Part:

(f) reporting to the chief executive of the Ministry of Economic Development on any matters relating to the enforcement officer's functions.

Compare: 2003 No 51 s 332

41 Enforcement officer's entry to premises restricted

An enforcement officer may not enter any place except in the following circumstances:

(a) when the place is part of a clean zone; or

(b) when the place is outside a clean zone and it is a place that the enforcement officer may lawfully enter without a search warrant; or

(c) when the entry is authorised by a search warrant issued under section 67.

Compare: 2003 No 12 s 127

42 Power of enforcement officer to seize or cover things

(1) An enforcement officer may seize or cover any thing if the officer has reasonable grounds to believe it breaches, or is being used to breach, any of sections 10, 17 to 20, and 25 and that thing is either—

(a) within a clean zone; or

(b) outside a clean zone and it is in a place that the enforcement officer may lawfully be without a search warrant.

(2) An enforcement officer may exercise the power set out in subsection (1) only after he or she has, as applicable,—

(a) given the person from whom the thing is proposed to be seized the opportunity to surrender the thing to the officer; or

(b) given the person in possession of the thing the opportunity to cover the thing.

(3) When exercising the power set out in subsection (1), an enforcement officer may use such force as is reasonable in the circumstances.

(4) To avoid doubt, subsection (1) does not authorise an enforcement officer to—

(a) search any person; or

(b) enter any place, except in accordance with section 41.

(5) An enforcement officer who exercises powers under this section must—

(a) show his or her warrant of appointment to any person present who may be interested in, or affected by, the exercise of those powers; and

(b) take all steps that are practicable in the circumstances to ensure that as little damage as possible is caused.

(6) The powers to seize or cover things in this section are in addition to the powers of enforcement officers under subpart 6 to—

(a) enter and search any place, vehicle, or thing, whether that place, vehicle, or thing is part of, or within, a clean zone, or outside a clean zone; and

(b) seize or cover any specified thing.

Compare: 2003 No 51 s 335

43 Notice of thing seized or covered under section 42

(1) If any thing is seized or covered under section 42, an enforcement officer must give or leave a written notice stating—

(a) the date and time when the thing was seized or covered; and

(b) the name of the person who seized or covered the thing; and

(c) for seized things, particulars of the thing and details of when and where it can be collected; and

(d) for covered things, details of when it can be uncovered; and

(e) if relevant, the date and time at which the applicable clean period ends.

(2) The notice must be given or left when the thing is seized or covered.

(3) The notice must be—

(a) given to the person from whom the thing was seized under section 42; or

(b) given to the person who surrendered the thing to the enforcement officer in accordance with section 42; or

(c) left in a prominent place where the thing was seized or covered.

Compare: 2003 No 51 s 337

44 Uncovering of things covered under section 42

(1) Any thing covered under section 42 for a breach of any of sections 17 to 20 must remain covered until the applicable clean period has ended.

(2) In relation to any thing covered under section 42 for a breach of section 10, sections 77 and 78 apply (with all necessary modifications) as if that thing had been covered under a warrant issued under section 67.

45 Return of things seized under section 42

(1) Any thing seized under section 42 for a breach of any of sections 17 to 20 must either be returned to, or be made available for collection by, the person from whom it was seized as soon as practicable after the applicable clean period has ended.

(2) In relation to any thing seized under section 42 for a breach of section 10 or 25, sections 76 and 78 apply (with all necessary modifications) as if that thing had been seized under a warrant issued under section 67.

Compare: 2003 No 51 s 337

46 Enforcement officers may issue formal warnings

(1) An enforcement officer may issue 1 or more formal warnings to a person if the enforcement officer has reasonable grounds to believe that that person has breached section 10, 17, 18, 19, 20, or 25.

(2) A formal warning must—

(a) state—

(i) that the enforcement officer believes that the person to whom the warning is issued is in breach of section 10, 17, 18, 19, 20, or 25; and

(ii) the grounds for that belief; and

(iii) the consequences that that person may face for a breach of section 10, 17, 18, 19, 20, or 25 if that person does not take steps to remedy the breach; and

(b) be in the prescribed form; and

(c) be issued in the manner specified in regulations made under section 82.

Compare: 2003 No 51 s 338

47 No liability if powers are exercised in good faith

(1) This section applies to—

(a) enforcement officers:

(b) persons who assist enforcement officers in accordance with section 68(3):

(c) Police officers who perform any of the functions of an enforcement officer under section 48.

(2) No action may be taken against a person to whom this section applies in relation to the exercise of his or her powers under this Act if he or she exercised those powers—

(a) in good faith; and

(b) in a reasonable manner; and

(c) in the reasonably held belief that the prerequisites for the exercise of the power had been satisfied.

48 Functions and powers of Police

Every member of the Police—

(a) may perform any of the functions of an enforcement officer; and

(b) has all, and may exercise any, of the powers of an enforcement officer.

Compare: 2003 No 51 s 339

Subpart 4—Civil proceedings

General matters concerning civil proceedings

49 Who may apply for relief

(1) A major event organiser may apply to the court for relief—

(a) to prevent a breach of any of sections 10, 17 to 20, and 25; or

(b) if there is or has been a breach of any of sections 10, 17 to 20, and 25.

(2) A major event sponsor may request the major event organiser's permission for the sponsor to take proceedings for relief—

(a) to prevent a breach of any of sections 10, 17 to 20, and 25; or

(b) if there is or has been a breach of any of sections 10, 17 to 20, and 25.

(3) If the major event organiser gives a major event sponsor permission for the sponsor to take proceedings,—

(a) the sponsor may commence proceedings in the sponsor's own name as if the sponsor were the major event organiser, and every reference to major event organiser in this subpart is to be read as a reference to major event sponsor; and

(b) the major event organiser may join or be joined in the proceeding, but is not liable for any costs in the proceedings unless that person takes part in the proceedings; and

(c) the defendant has all the defences that would be available against proceedings by the major event organiser.

Compare: 1994 No 143 ss 123(3), 124(2)

50 Time for bringing civil proceedings

A major event organiser may bring civil proceedings under this subpart for a breach of any of sections 10, 17 to 20, and 25 at any time within 3 years after the date on which the breach was discovered or ought reasonably to have been discovered.

51 Unjustified civil proceedings

(1) If a person brings civil proceedings alleging a breach of this Act, the court may, on the application of any person against whom the proceedings are brought,—

(a) make a declaration that the bringing of proceedings is unjustified:

(b) make an order for the payment of damages for any loss suffered by the person against whom the proceedings are brought.

(2) The court must not grant relief under this section if the person who brings the proceedings proves that the acts in respect of which proceedings are brought constituted, or would have constituted if they had been done, a breach of this Act.

(3) Nothing in this section makes a barrister or solicitor of the High Court of New Zealand liable to any proceedings under this section in respect of any act done in his or her professional capacity on behalf of a client.

Compare: 2002 No 49 s 105

Injunctions, damages, and account of profits

52 Court may grant injunction, damages, and account of profits

In any civil proceedings for a breach of any of sections 10, 17 to 20, and 25, the relief that the court may grant includes—

(a) an injunction on any terms that the court thinks fit:

(b) either damages or an account of profits.

Compare: 2002 No 49 s 106

Order for erasure

53 Order for erasure

(1) The court may make an order under subsection (2) if a major event organiser applies for the order.

(2) If the court is satisfied that a person has breached any of sections 10, 18, 19, and 20, the court may make an order for erasure requiring that person—

(a) to erase, remove, or obliterate the unauthorised representation or advertisement from any goods, material, or object in the person's possession, custody, or control; or

(b) to cover the unauthorised representation or advertisement on any goods, material, or object in the person's possession, custody, or control; or

(c) if it is not reasonably practicable to erase, remove, cover, or obliterate the unauthorised representation or advertisement, to destroy the goods, material, or object; or

(d) to erase or remove the unauthorised representation or advertisement from any land, building, structure, or surface (including the surface of an aircraft, boat, train, or vehicle); or

(e) to cover the unauthorised representation or advertisement on any land, building, structure, or surface (including the surface of an aircraft, boat, train, or vehicle).

(3) If an order under subsection (2)(a), (b), or (c) is not complied with, or it appears to the court likely that the order would not be complied with, the court may order that the relevant goods, material, or object be delivered to any person whom the court may direct—

(a) to erase, remove, or obliterate the unauthorised representation or advertisement from the goods, material, or object; or

(b) to cover the unauthorised representation or advertisement on the goods, material, or object; or

(c) if it is not reasonably practicable to erase, remove, cover, or obliterate the unauthorised representation or advertisement, to destroy the goods, material, or object.

Compare: 2002 No 49 s 108

54 Rights of persons with interest in unauthorised representation or advertisement

Every person who has an interest in the goods, material, object, land, building, structure, or surface, or the unauthorised representation or advertisement, to which an order under section 53 relates is entitled to—

(a) appear in proceedings for an order under that section, whether or not the person is served with notice; and

(b) appeal against any order made, whether or not the person appears in the proceedings.

Direction for corrective advertising

55 Order to disclose information or publish advertisement

(1) The court may make an order under subsection (2) if a major event organiser applies for the order.

(2) If the court is satisfied that a person has breached section 10, the court may order that person or any other person involved in the breach to do either or both of the following:

(a) disclose information specified in the order about a civil proceeding for a breach of section 10:

(b) publish corrective statements.

(3) The information or corrective statements ordered by the court under subsection (2) are to be published or disclosed to the public, or to a particular member of or class of the public,—

(a) at the person's own expense; and

(b) in the manner specified in the court order; and

(c) at the times specified in the order; and

(d) in the terms specified in the order or determined in accordance with the order.

(4) The court may make an order under subsection (1) whether or not the person has previously breached section 10.

Compare: 1986 No 121 s 42

Orders for delivery up

56 Order for delivery up of goods, material, or object

(1) The court may make an order under subsection (2) if a major event organiser applies for the order.

(2) The court may order any goods, material, or object on, by, or through which a breach of section 10 is committed to be delivered up to the major event organiser or any other person that the court thinks fit.

(3) No order may be made under this section unless—

(a) the court makes an order under section 57 at the same time; or

(b) it appears to the court that there are grounds for making an order under that section.

(4) A person to whom any goods, material, or object is delivered up under an order made under this section must, if an order under section 57 has not been made, retain them pending—

(a) the making of an order under that section; or

(b) the decision not to make an order under that section, in which case section 63 applies.

(5) Nothing in this section affects any other power of the court.

Compare: 2002 No 49 s 109

57 Order for forfeiture, destruction, or retention of goods, material, or object

The court may order that the goods, material, or object subject to an order under section 56 must be—

(a) forfeited to the major event organiser or any other person that the court thinks fit; or

(b) destroyed or otherwise dealt with as the court thinks fit; or

(c) retained by the major event organiser or any other person that the court thinks fit until the end of the relevant protection period and then returned to the person who delivered them up.

Compare: 2002 No 49 s 110

58 Matters to be considered by court

In considering what order, if any, should be made under section 57, the court must consider—

(a) whether other remedies available for a breach of section 10 would be adequate to compensate, or protect the interests of,—

(i) the major event organiser:

(ii) the major event sponsor (if any); and

(b) the need to ensure that nothing is disposed of in a manner that would adversely affect—

(i) the major event organiser:

(ii) the major event sponsor (if any).

Compare: 2002 No 49 s 111

59 Directions for service

The court must issue directions for the service of notice on every person who is known to have an interest in the goods, material, or object to which an order under section 57 relates.

60 Rights of persons with interest in goods, material, or object

Every person who has an interest in the goods, material, or object to which an order under section 56 or 57 relates is entitled to—

(a) appear in proceedings for an order under that section, whether or not the person is served with notice; and

(b) appeal against any order made, whether or not the person appears in the proceedings.

61 When order under section 57 takes effect

An order made under section 57 takes effect either,—

(a) if no notice of an appeal has been given, after 10 working days; or

(b) if notice of an appeal has been given, on the final determination or abandonment of the proceedings on appeal.

62 Additional court order if more than 1 person interested in goods, material, or object

If more than 1 person is interested in the goods, material, or object to which an order under section 57 relates, the court may—

(a) direct that the goods, material, or object be sold, or otherwise dealt with, and the proceeds divided; and

(b) make any other order that it thinks fit.

63 Position where no order made under section 57

If the court decides that no order should be made under section 57, the person who had possession, custody, or control of the goods, material, or object before they were or it was delivered up is entitled to their or its return.

Subpart 5—Criminal offences

64 Time for filing charging document for offence against section 26 or 28

(1) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against section 26 or 28 of this Act ends on the date that is 3 years after the date on which the offence was committed.

(2) Nothing in subsection (1) affects the application of section 25 of the Criminal Procedure Act 2011 in relation to any offence not mentioned in that subsection.

Section 64: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

65 Application of Sentencing Act 2002

If a person is convicted of an offence against section 13, 23, 26, 27, or 28 in circumstances where that offence involves the making of profit or gain,—

(a) that offence is deemed to have caused a loss of property for the purposes of section 32(1)(a) of the Sentencing Act 2002; and

(b) the provisions of that Act that relate to the imposition of the sentence of reparation apply accordingly.

Compare: 2002 No 49 s 118

66 Liability of officers of body corporate

If a body corporate is convicted of an offence against any of sections 13, 23, 26, and 28, every director, officer, or other natural person concerned in the management of the body corporate is guilty of the offence if it is proved—

(a) that the act that constituted the offence took place with his or her authority, permission, or consent; and

(b) that he or she—

(i) knew, or could reasonably be expected to have known, that the offence was to be or was being committed; and

(ii) failed to take all reasonable steps to prevent or stop it.

Compare: 2002 No 49 s 119

Subpart 6—Search warrants

67 Issue of warrant

(1) Any issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant for any place, vehicle, or thing if satisfied, on application made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012, that there are reasonable grounds for believing that there is at that place, vehicle, or thing, any thing—

(a) in respect of which an offence under this Act has been or is being committed; or

(b) that has been, is being, or is intended to be used by any person for the commission of an offence under this Act; or

(c) that is evidence of the commission of an offence under this Act by any person.

(1A) Despite subsection (1), in addition to satisfying any applicable requirement in subpart 3 of Part 4 of the Search and Surveillance Act 2012,—

(a) an application under subsection (1) must include details of any thing that is to be searched for and covered; and

(b) a search warrant issued under subsection (1) must state whether it authorises any thing to be covered and, if so, contain, in reasonable detail, a description of the thing to be covered; and

(c) a person who executes a warrant and covers any thing must leave in a prominent position or at the place searched or give to the owner or occupier a written notice stating a list of the particulars of the covered thing, and that it may be uncovered in accordance with sections 77 and 78.

(2) Subject to section 68 and subsection (3), the provisions of Part 4 of the Search and Surveillance Act 2012 apply.

(3) Despite subsection (2), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

Compare: 2003 No 12 s 130

Section 67(1): amended, on 1 October 2012, by section 272(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 67(1A): inserted, on 1 October 2012, by section 272(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 67(2): replaced, on 1 October 2012, by section 272(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 67(3): inserted, on 1 October 2012, by section 272(4) of the Search and Surveillance Act 2012 (2012 No 24).

68 Powers conferred by warrant

(1) Without limiting the powers conferred by any warrant issued under section 67(1), and subject to any conditions specified by the issuing officer, every warrant issued under that section authorises a person authorised to execute it to search for and cover any thing that the warrant authorises to be covered.

(1A) In applying the provisions of Part 4 of the Search and Surveillance Act 2012, any requirement in that Part to provide details or other information in relation to a thing that is seized is to be taken to include the same requirement in relation to a thing that is covered.

(2) The power conferred by a warrant to enter and search a place, vehicle, or thing must not be exercised by an enforcement officer unless, when exercising the power, the enforcement officer is accompanied by a member of the Police.

(3) *[Repealed]*

(4) *[Repealed]*

Compare: 2002 No 84 s 172(3); 2003 No 12 s 131

Section 68(1): replaced, on 1 October 2012, by section 272(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 68(1A): inserted, on 1 October 2012, by section 272(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 68(2): amended, on 1 October 2012, by section 272(6) of the Search and Surveillance Act 2012 (2012 No 24).

Section 68(3): repealed, on 1 October 2012, by section 272(7) of the Search and Surveillance Act 2012 (2012 No 24).

Section 68(4): repealed, on 1 October 2012, by section 272(7) of the Search and Surveillance Act 2012 (2012 No 24).

69 Form and content of search warrant

[Repealed]

Section 69: repealed, on 1 October 2012, by section 272(8) of the Search and Surveillance Act 2012 (2012 No 24).

70 Warrant must be produced

[Repealed]

Section 70: repealed, on 1 October 2012, by section 272(8) of the Search and Surveillance Act 2012 (2012 No 24).

71 Other duties of person who executes warrant

[Repealed]

Section 71: repealed, on 1 October 2012, by section 272(8) of the Search and Surveillance Act 2012 (2012 No 24).

72 When alternative to list of seized things may be provided

[Repealed]

Section 72: repealed, on 1 October 2012, by section 272(8) of the Search and Surveillance Act 2012 (2012 No 24).

73 Matters that must be stated in list of documents

[Repealed]

Section 73: repealed, on 1 October 2012, by section 272(8) of the Search and Surveillance Act 2012 (2012 No 24).

74 Duty to assist

[Repealed]

Section 74: repealed, on 1 October 2012, by section 272(8) of the Search and Surveillance Act 2012 (2012 No 24).

75 Power to inspect and take copies of documents, etc, obtained under warrant

[Repealed]

Section 75: repealed, on 1 October 2012, by section 272(8) of the Search and Surveillance Act 2012 (2012 No 24).

76 Disposal of things seized

[Repealed]

Section 76: repealed, on 1 October 2012, by section 272(8) of the Search and Surveillance Act 2012 (2012 No 24).

77 Uncovering or disposal of things covered

(1) In any proceeding for an offence relating to any thing covered under warrant, a court may order, either at the trial or hearing or on an application, that it be uncovered, or that it be otherwise disposed of in any manner that the court thinks fit.

(2) Any member of the Police or an enforcement officer may, at any time, unless an order has been made under subsection (1), uncover the thing, or apply to a Judge for an order for its disposal.

(3) An application under subsection (2) must be made on notice to any person known to have an interest in the thing.

(4) On an application under subsection (2), the Judge may make any order that a court may make under subsection (1).

(5) If proceedings for an offence relating to the thing are not brought within 3 months of it having been covered, any person claiming to be entitled to it may, after the expiry of that period, apply to a Judge for any order that it be uncovered.

(6) On any such application, the Judge may—

(a) adjourn the application, on any terms that he or she thinks fit, for proceedings to be brought; or

(b) make any order that a court may make under subsection 1).

Compare: 2003 No 12 s 139

78 Court order to be suspended on conviction

(1) If any person is convicted in any proceedings for an offence relating to any thing for which a warrant has been issued, and any order is made under section 76 or 77, the operation of the order is suspended,—

(a) in any case, until the expiration of the time prescribed by the Criminal Procedure Act 2011 for the filing of a notice of appeal or an application for leave to appeal; and

(b) if a notice of appeal is filed within the time so prescribed, until the determination of the appeal; and

(c) if application for leave to appeal is filed within the time so prescribed, until the application is determined, and, if leave to appeal is granted, until the determination of the appeal.

(2) If the operation of an order under section 76 or 77 is suspended until the determination of the appeal, the court determining the appeal may, by order, cancel or vary the order.

Compare: 2003 No 12 s 140

Section 78(1)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 5
Miscellaneous

79 Emblems and words protected under other Acts

Nothing in this Act limits or affects any of the enactments specified in Schedule 3 of the Flags, Emblems, and Names Protection Act 1981 relating to the protection of various emblems and words.

Compare: 1981 No 47 s 23

80 Power to amend Schedule

(1) The Governor-General may, from time to time, by Order in Council,—

(a) amend the Schedule by adding, omitting, or amending the specification or description of any emblem or word:

(b) revoke the Schedule or a Part of the Schedule and substitute a new schedule or a new Part of the Schedule.

(2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1981 No 47 s 26A

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 80(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

81 Application of Legislation Act 2012

[Repealed]

Section 81: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

82 Regulations

(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing the information that an event organiser must provide when applying under section 7(3)(a) for an event to be declared to be a major event under this Act:

(b) prescribing the form of a warrant of appointment of an enforcement officer and any particulars that the warrant must contain for the purposes of section 39:

(c) prescribing the form of formal warnings, and specifying the manner in which they must be issued under section 46:

(d) prescribing the form of a search warrant for the purposes of section 69(a):

(e) providing for any other matters contemplated by this Act or necessary for its administration or necessary for giving it full effect.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 82(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

83 Repeal

The Flags, Emblems, and Names Protection Act 1981 is amended by repealing sections 20A to 20B and Schedule 2A.

Schedule
Olympic Games and Commonwealth Games emblems and words

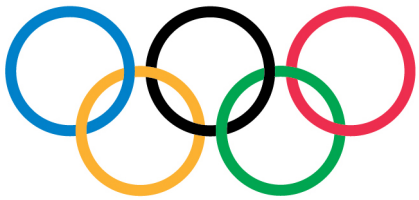
s 28

Part 1
Emblems

Schedule Part 1: replaced, on 1 April 2016, by clause 3(a) of the Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2016 (LI 2016/24).

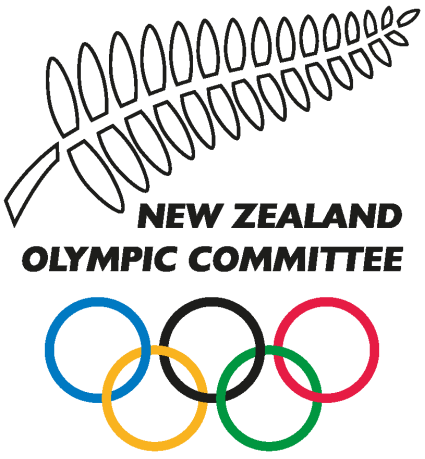
THE FIVE RING OLYMPIC SYMBOL

(as depicted below, or in black)



NEW ZEALAND OLYMPIC COMMITTEE OLYMPIC LOGO WITH FIVE RING OLYMPIC SYMBOL WITH A FERN LEAF

(as depicted below, or in black, with or without the words “New Zealand Olympic Committee” or any abbreviation or combination of those words)



NZ TEAM OLYMPIC LOGO WITH FIVE RING OLYMPIC SYMBOL WITH A FERN LEAF

(as depicted below, or in black, with or without the words “NZ Team” or any abbreviation or combination of those words)

“GOLDIE” THE OFFICIAL NEW ZEALAND OLYMPIC MASCOT

(as depicted below, or in any other form, colours, or pose, with or without any sporting equipment, with or without the New Zealand Flag or any flag picturing the five Olympic rings, and with or without words or other symbols)

THE OLYMPIC FLAME SYMBOL

(as depicted below, or in any other form, colours, context, or position, or in a hand-held torch with the Five Ring Olympic symbol, whether or not the Five Ring Olympic symbol is on a flag, and whether or not the torch and symbol are with the New Zealand Flag, or a Fern Leaf, or both)

THE NEW ZEALAND COMMONWEALTH GAMES SYMBOL

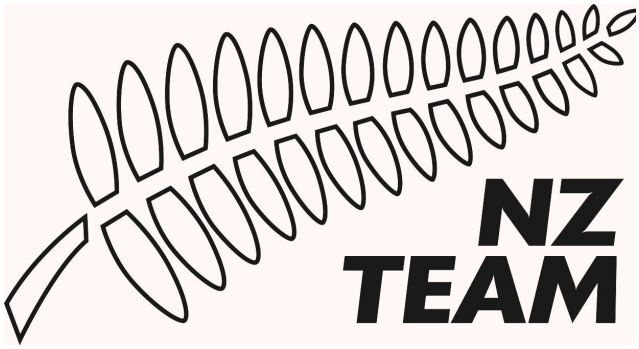
(as depicted below, or in any colours)

THE COMMONWEALTH GAMES FEDERATION EMBLEM
(as depicted below, or in any colours)

THE COMMONWEALTH GAMES FEDERATION "CELEBRATION DEVICE" EMBLEM
(as depicted below, or in any colours)

THE OLYMPIC FOUNDATION EMBLEM
(as depicted below, or in any colours)

THE NEW ZEALAND TEAM EMBLEM
(as depicted below, or in any colours)



Schedule Part 1: amended, on 8 July 2026, by clause 4(1) of the Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2026 (SL 2026/209).

Schedule Part 1: amended, on 8 July 2026, by clause 4(2) of the Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2026 (SL 2026/209).

Schedule Part 1: amended, on 1 October 2019, by clause 3(a) of the Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2019 (LI 2019/199).

Part 2
Words that are names

1 Comité International Olympique

Commonwealth Games

Commonwealth Games Federation

Commonwealth Youth Games

Five Ring Olympic symbol

Five Ring Olympic symbol with a Fern Leaf

International Olympic Committee

National Olympic Committee

New Zealand Commonwealth Games Team

New Zealand Commonwealth Youth Games Team

New Zealand Olympic and Commonwealth Games Association Incorporated

New Zealand Olympic Committee Incorporated

New Zealand Olympic Team

New Zealand Youth Olympic Festival Team

New Zealand Youth Olympic Summer Team

New Zealand Youth Olympic Team

New Zealand Youth Olympic Winter Team

Olympic Esports Games

Olympic Foundation

Olympic Games

Olympic Gold

Youth Olympic Games

Schedule Part 2 clause 1: amended, on 8 July 2026, by clause 4(3) of the Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2026 (SL 2026/209).

Schedule Part 2 clause 1: amended, on 1 October 2019, by clause 3(b) of the Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2019 (LI 2019/199).

Schedule Part 2 clause 1: amended, on 1 April 2016, by clause 3(b) of the Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2016 (LI 2016/24).

Schedule Part 2 clause 1: amended, on 7 June 2012, by clause 3(3) of the Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2012 (SR 2012/80).

2 Any abbreviation, extension, or derivation of the names in clause 1.

3 Names that have the same meaning as, or a similar meaning to, the names in clause 1.

Part 3
Words relating to Olympic and Commonwealth Games

Schedule Part 3: replaced, on 8 July 2026, by clause 4(4) of the Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2026 (SL 2026/209).

1 The expressions “Glasgow 2026”, “Dakar 2026”, “Riyadh 2027”, “Dolomiti Valtellina 2028”, “Los Angeles 2028”, “LA 2028”, “French Alps 2030”, “Brisbane 2032”, and “Salt Lake City-Utah 2034”.

2 Any word or words in column A when used in connection with any word or words in column B.

Column A	Column B
Commonwealth	Glasgow
Games	Dakar
Olympiad	Los Angeles
Olympian	LA
Olympic	Riyadh
Olympic Esports	Saudi Arabia
Olympics	Dolomiti Valtellina
Winter Olympics	Dolomiti
	Valtellina
	Trentino
	Brisbane
	French Alps
	Utah
	Salt Lake City
	SLC
	2026
	2027
	2028
	2030
	2032
	2034
	I
	1st
	First
	IV
	4th
	Fourth
	V
	5th
	Fifth
	XXIII
	23rd
	Twenty-third
	XXV

Column A	Column B
	25th
	Twenty-fifth
	XXVI
	26th
	Twenty-sixth
	XXVII
	27th
	Twenty-seventh
	XXXIII
	33rd
	Thirty-third
	XXXIV
	34th
	Thirty-fourth
	XXXV
	35th
	Thirty-fifth

3 The expressions “Games City”, “Gold Games”, “Citius Altius Fortius”, “Faster Higher Stronger”, “Earn the Fern”, “Ignite our Future”, and “The Fern is All of Us”.

4 Any abbreviation, extension, or derivation of a word or words in clause 1, 2, or 3.

5 Words that have the same meaning as, or a similar meaning to, a word or words in clause 1, 2, or 3.

Notes

1 General

This is a consolidation of the Major Events Management Act 2007 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2026 (SL 2026/209)

European Union Free Trade Agreement Legislation Amendment Act 2024 (2024 No 10): section 87

Incorporated Societies Act 2022 (2022 No 12): section 270(1)

Secondary Legislation Act 2021 (2021 No 7): section 3

Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2019 (LI 2019/199)

Statutes Repeal Act 2017 (2017 No 23): section 4(2)

Judicial Review Procedure Act 2016 (2016 No 50): section 24

District Court Act 2016 (2016 No 49): section 261

Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2016 (LI 2016/24)

Charities Amendment Act (No 2) 2012 (2012 No 43): section 16(2)

Major Events Management (Olympic Games and Commonwealth Games Emblems and Words) Order 2012 (SR 2012/80)

Search and Surveillance Act 2012 (2012 No 24): section 272

Criminal Procedure Act 2011 (2011 No 81): section 413

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)

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