

Draft Regulations laid before the Scottish Parliament under section 32(2) of the UEFA European Championship (Scotland) Act 2020 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

SPORTS GROUNDS AND SPORTING EVENTS

The UEFA European Championship (Trading and Advertising) (Scotland) Regulations 2020

<i>Made</i>	-	-	-	-	2020
<i>Coming into force</i>	-	-			2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1(1), 6(3), 7(3), 12(2) and 13(3) of the UEFA European Championship (Scotland) Act 2020⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 33(1) of that Act, they have consulted the Local Organising Committee and other persons they consider appropriate.

In accordance with section 33(2) of that Act, they have had regard to any requests or guidance from UEFA and, where relevant, the impact of these Regulations on the effective operation of the Championship.

In accordance with section 32(2) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010⁽²⁾. The Regulations are subject to affirmative procedure by virtue of section 33(3) of that Act.

PART 1

Introductory

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the UEFA European Championship (Trading and Advertising) (Scotland) Regulations 2020 and come into force on the day after the day on which they are made.

(1) 2020 asp 1.
(2) 2010 asp 10.

(2) These Regulations cease to have effect on the day on which the Act ceases to have effect.

General interpretation

2. In these Regulations—

“the Act” means the UEFA European Championship (Scotland) Act 2020,

“article” includes a living thing,

“building” excludes a telephone kiosk,

“event zone” is defined in schedule 1, and the event zones defined in schedule 1 are shown delineated on the maps in schedule 3,

“Glasgow Life” means Culture and Sport Glasgow, a company limited by guarantee, registered in Scotland (number SC313851) and having its registered office at 38 Albion Street, Glasgow G1 1LH,

“the Host City Contract” means the Host City Agreement, Host City Guidelines and Fan Zone Guidelines, made between UEFA and Glasgow City Council,

“newspaper” excludes a newspaper whose sole or principal effect is to advertise one or more of the following in an event zone at a prohibited time—

- (a) a good or service,
- (b) a person who provides a good or service, and

“UEFA” means the Union of European Football Associations,

“UEFA Partner” means a person or body who is party to a sponsorship or licence agreement with the Union of European Football Associations in relation to a good or service in respect of the Championship.

PART 2

Trading Regulations

Interpretation of Part 2

3. In this Part—

- (a) any reference (however phrased) to selling an article includes a reference to offering or exposing an article for sale,
- (b) any reference (however phrased) to supplying a service includes a reference to offering to supply a service,
- (c) “busking” means a performance of live music in a street, during which members of the public are invited to give money to the performers,
- (d) “motor vehicle” has the same meaning as in section 185 of the Road Traffic Act 1988⁽³⁾,
- (e) “open public place” means—
 - (i) a road, or
 - (ii) another place—
 - (aa) to which the public have access (whether generally or only for the purpose of the trading), and

(3) 1988 c.52.

- (bb) which is not in a building (except one designed or generally used for the parking of cars),
- (f) “performance of a play” means performance of any dramatic piece, whether improvisational or not—
 - (i) given wholly or in part by one or more persons actually present and performing, and
 - (ii) in which the whole or a major proportion of what is done by the person performing, whether by way of speech, singing or action, involves the playing of a role,
- (g) “public entertainment” means entertainment of one of the following descriptions provided for members of the public—
 - (i) a performance of live music,
 - (ii) any playing of recorded music,
 - (iii) a performance of dance,
 - (iv) a performance of a play,
 - (v) any entertainment of a similar description to that in heads (i) to (iv),
- (h) “selling an article” includes trading by a person acting as a pedlar whether or not under the authority of a pedlar’s certificate granted under the Pedlars Act 1871(4), and
- (i) “trading activity” means activity which, in terms of regulation 4, is to be treated as trading for the purposes of the trading offence.

Trading activity

4.—(1) The activities set out in paragraph (2) are to be treated as trading for the purposes of the trading offence if carried out in an open public place.

(2) Those activities are—

- (a) selling an article,
- (b) supplying a service,
- (c) making an appeal to members of the public to give money or other property (or both) for charitable or other purposes,
- (d) providing public entertainment for gain or reward.

(3) In determining whether an activity is to be treated as trading for the purposes of the trading offence, the following matters are to be disregarded—

- (a) that any gain or reward arising from the activity does not accrue to the person actually carrying out the activity,
- (b) that either party to a transaction is not in an open public place when one of the following activities occurs—
 - (i) an offer or exposure of an article for sale,
 - (ii) an offer to supply a service,
 - (iii) the completion of a transaction,
- (c) that a transaction was not completed in an open public place, if one of the following activities occurs in such a place—
 - (i) an offer or exposure of an article for sale,
 - (ii) an offer to supply a service,

- (d) that an article actually sold or service actually supplied was different from that originally offered or exposed for sale.

Prohibited times

5. The times set out in schedule 2 are the prohibited times for the purposes of the trading offence.

Types of trading exempt from trading offence

- 6.—(1) The following trading activities are exempt from the trading offence—
- (a) selling current newspapers,
 - (b) activity undertaken by Glasgow City Council, or undertaken, controlled or restricted by Glasgow Life,
 - (c) activity undertaken by a UEFA Partner,
 - (d) selling or delivering an article, or supplying a service, to a person in premises adjoining a road,
 - (e) selling a motor vehicle on private land generally used for the sale of motor vehicles,
 - (f) supplying motor vehicle cleaning services on private land generally used for the supply of those services,
 - (g) supplying motor vehicle parking services in a building designed or on other land designed or generally used for the parking of motor vehicles,
 - (h) supplying motor vehicle breakdown and recovery services,
 - (i) providing a public sanitary convenience,
 - (j) providing a telephone kiosk,
 - (k) providing an automated teller machine in or from a building for cash withdrawals and other banking services,
 - (l) trading as a walking tour operator,
 - (m) busking,
 - (n) supplying public transport services, including tourist services but not including supplying pedicabs,
 - (o) activity on land adjacent to exempt retail premises provided that the activity—
 - (i) forms part of the usual business of the owner of the premises or a person assessed for rating in respect of the premises, and
 - (ii) takes place during the period for which the premises are open to the public for business,
 - (p) activity carried out by a person who has been granted permission in respect of the activity by Glasgow City Council under section 119 of the Civic Government (Scotland) Act 1982⁽⁵⁾.
- (2) Paragraph (1)(a) does not apply to—
- (a) selling current newspapers in a street if the selling is done in a manner that causes undue interference or inconvenience to persons using the street, or
 - (b) selling a newspaper if the purchaser is provided with an item or advertising supplement accompanying the newspaper, and forming part of an ambush marketing campaign.

(5) 1982 c.45. Section 119 was last amended by the Local Government etc. (Scotland) Act 1994 (c.39). It is prospectively amended by the Charities Act 1992 (c.41) and prospectively repealed by the Charities and Trustee Investment (Scotland) Act 2005 (asp 10).

(3) In this regulation—

“exempt retail premises” means a building normally used as—

- (a) a shop,
- (b) a restaurant or bar or otherwise used for the supply of meals, refreshments or alcohol to the public, or
- (c) a petrol filling station, car showroom or car garage,

“sanitary convenience” means closet or urinal,

“supplying pedicabs” means supplying transport services using pedal operated tricycles,

“tourist services” means public transport services primarily for the benefit of tourists, and

“walking tour operator” means a person who supplies services to the public comprising tours of an area on foot.

PART 3

Advertising Regulations

Interpretation of Part 3

7.—(1) In this Part—

“advertisement” means any word, letter, image, mark, sound, light, model, sign, placard, board, notice, screen, awning, blind, flag, device, costume or representation—

- (a) whether illuminated or not, and
- (b) in the nature of, and employed wholly or partly for the purpose of, advertisement, promotion, announcement or direction,

“advertiser” means a person who engages in advertising activity,

“advertising activity” means an activity which is to be treated as advertising under section 13(1) of the Act,

“advertising attire” means—

- (a) a costume that is an advertisement, or
- (b) clothing on which an advertisement is displayed,

“Euro 2020 Product Categories” means those categories of goods or services set out in schedule 4,

“promotional material” means a document or article distributed or provided wholly or partly for the purposes of promotion, advertisement, announcement or direction,

“railway station” includes a subway station, and

“the Town and Country Planning Regulations” means the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984(6).

(2) In this Part, “displaying an advertisement” includes—

- (a) projecting, emitting, screening or exhibiting an advertisement,
- (b) carrying or holding an advertisement or an apparatus by which an advertisement is displayed,
- (c) providing for an advertisement to be displayed—

(6) [S.I. 1984/467](#) as amended by [S.I. 1992/1763](#).