
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2013 No.

**The Glasgow Commonwealth Games (Trading
and Advertising) (Scotland) Regulations 2013**

PART 3

Advertising Regulations

Advertising offence

- 12.**—(1) A person commits the advertising offence where—
- (a) that person (at any time or any place) arranges for advertising activity to take place in contravention of subsection (1) of section 10 of the Act; or
 - (b) advertising activity in contravention of that subsection—
 - (i) relates to a good, service, business or other concern in which that person has an interest or for which that person is responsible; or
 - (ii) takes place on land, premises or other property that that person owns or occupies or of which that person has responsibility for management.
- (2) Paragraph (1)(b) does not apply to a person who proves that—
- (a) the advertising activity took place without the person’s knowledge; or
 - (b) the person took all reasonable steps to prevent the advertising activity taking place or where it has taken place, to prevent it continuing or recurring.
- (3) A person will be treated as having an interest or responsibility for a business or other concern if the person is an officer of the business or concern.
- (4) A person will be treated as having an interest in or responsibility for a good or service if the person is an officer of the business or other concern that has an interest in or is responsible for the good or service.
- (5) A person will be treated as having responsibility for the management of the land, premises or other property if the person is an officer of a business or other concern that owns, occupies or has responsibility for the management of the land, premises or other property.
- (6) In paragraphs (3) to (5), “officer” means a director, manager, secretary or other similar officer.
- (7) This regulation applies in relation to advertising activity whether or not it consists of the result or continuation of activity carried out before these Regulations came into force.