
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

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

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⁽¹⁾,
- (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
 - (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),

⁽¹⁾ 1988 c.52.

- (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(2), 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(3).
- (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.
- (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.

(3) 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).