



# Birmingham Commonwealth Games Act 2020

## 2020 CHAPTER 10

### PART 3

#### TOUTING, ADVERTISING AND TRADING OFFENCES

##### *Touting*

#### **10 Ticket touting offence**

- (1) It is an offence to tout a Games ticket.
- (2) A person touts a Games ticket if the person—
  - (a) carries out an activity falling within subsection (3)—
    - (i) in a public place,
    - (ii) in the course of a business, or
    - (iii) with a view to any person making a profit, and
  - (b) does so otherwise than in accordance with an authorisation granted by the Organising Committee.
- (3) The following activities fall within this subsection—
  - (a) selling a Games ticket;
  - (b) offering to sell a Games ticket;
  - (c) exposing a Games ticket for sale;
  - (d) advertising that a Games ticket is available for purchase (but see subsection (4)).
- (4) It is not an offence for a person (“A”) to advertise that a Games ticket is available for purchase from another person (“B”) unless A knows, or ought to know, that B is touting a Games ticket.

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*Status: This is the original version (as it was originally enacted).*

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- (5) In this section, a reference to the sale of a Games ticket includes a reference to the giving of a Games ticket to a person who pays, or agrees to pay, for other goods or services; and a reference to “advertising that a Games ticket is available for purchase” is to be read accordingly.
- (6) A “Games ticket” is anything that is or purports to be a ticket to a Games event.
- (7) The Organising Committee cannot commit an offence under this section.
- (8) A person guilty of an offence under this section is liable—
  - (a) on summary conviction in England and Wales, to a fine;
  - (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding £50,000.
- (9) Any penalty imposed by a court in Scotland on a body corporate or Scottish partnership on conviction of an offence under this section is to be recoverable by civil diligence in accordance with section 221 of the Criminal Procedure (Scotland) Act 1995.
- (10) This section and section 11 (ticket touting outside the United Kingdom) are subject to Schedule 2 (providers of information society services).

## **11 Ticket touting outside the United Kingdom**

- (1) If a United Kingdom person does something outside the United Kingdom that, if done in the United Kingdom, would constitute an offence under section 10, the person commits an offence under that section.
- (2) A service provider that is not a United Kingdom person but is established in the United Kingdom commits an offence under section 10 if—
  - (a) the service provider does something in an EEA state other than the United Kingdom in the course of providing information society services, and
  - (b) the action, if done in the United Kingdom, would constitute an offence under that section.
- (3) Proceedings for an offence committed under section 10 by virtue of this section may be taken, and the offence may for incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (4) In the application of subsection (3) to Scotland, proceedings against a person may be taken—
  - (a) in the sheriff court district in which the person is apprehended or in custody, or
  - (b) in such sheriff court district as the Lord Advocate may determine.
- (5) See paragraph 1 of Schedule 2 for restrictions on the institution of proceedings against service providers established in an EEA state other than the United Kingdom.
- (6) In this section—
  - “established”, in relation to a service provider, is to be read in accordance with paragraph 6 of Schedule 2;
  - “information society services” has the meaning given by paragraph 5 of Schedule 2;
  - “service provider” has the meaning given by paragraph 5 of Schedule 2;
  - “sheriff court district” is to be read in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act);

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“United Kingdom national” means—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen;
- (b) a person who is a British subject under the British Nationality Act 1981;
- (c) a British protected person within the meaning of that Act;

“United Kingdom person” means—

- (a) a United Kingdom national;
- (b) an individual habitually resident in the United Kingdom;
- (c) a body incorporated under the law of a part of the United Kingdom;
- (d) a Scottish partnership.

## **12 Other provision about authorisations under section 10**

- (1) An authorisation granted by the Organising Committee under section 10 may—
  - (a) be granted in respect of a person or a description of person;
  - (b) be subject to conditions;
  - (c) be revoked.
- (2) In considering whether or not to grant an authorisation under section 10, the Organising Committee may have regard to, among other things, any agreements entered into (whether by the Secretary of State or otherwise) for the purposes of the Games.
- (3) An authorisation granted under section 10 must be in writing.