



# Birmingham Commonwealth Games Act 2020

## 2020 CHAPTER 10

### PART 3

#### TOUTING, ADVERTISING AND TRADING OFFENCES

##### *Touting*

#### **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.

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*Status: This is the original version (as it was originally enacted).*

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(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);

“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.