



# Birmingham Commonwealth Games Act 2020

## 2020 CHAPTER 10

### PART 3

#### TOUTING, ADVERTISING AND TRADING OFFENCES

##### *Trading*

#### 16 Trading offence

- (1) It is an offence for a person—
  - (a) to carry out Games location trading (see subsection (2));
  - (b) to arrange for such trading to be carried out;
  - (c) to permit the carrying out of such trading.
- (2) For the purposes of this section—

“Games location trading” means—

  - (a) trading in a specified Games location at any time during a specified period, or
  - (b) trading in a relevant public place in the vicinity of a Games location at any time during a specified period;

“relevant public place” has the meaning given by subsection (8);  
“specified” means specified in regulations made by the Secretary of State;  
“trading” means—

  - (a) selling an item, or offering or exposing an item for sale;
  - (b) providing a service, or offering to provide a service, for gain or reward;
  - (c) providing public entertainment for gain or reward;
  - (d) appealing for money or other property (whether for charitable or other purposes).
- (3) Any period specified for the purposes of this section must—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) begin no earlier than the beginning of the period of 21 days ending immediately before the day on which the Games begin, and
  - (b) end no later than the end of the period of 5 days beginning with the day after the day on which the Games end.
- (4) Regulations made by the Secretary of State may make provision as to when a person is, or is not, to be treated for the purposes of this section as doing something in, or in the vicinity of, a Games location.
- (5) For the purposes of this section a person does not permit the carrying out of Games location trading if the person took all reasonable steps to prevent the trading from occurring or (as the case may be) continuing.
- (6) It is not a defence to an offence under this section that the act constituting the offence was carried out in accordance with a licence (but see section 17).
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (8) In this section “relevant public place” means—
  - (a) a highway,
  - (b) a building to which the public have access and which is designed or generally used for the parking of motor vehicles, or
  - (c) any other place—
    - (i) to which the public have access (whether generally or only for the purposes of trading), and
    - (ii) which is not in a building.
- (9) This section is subject to—
  - (a) sections 17 and 18, and
  - (b) any regulations made under section 19(1).

(See also section 24(2).)