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STATUTORY INSTRUMENTS

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**2021 No. 1198**

**The Birmingham Commonwealth Games  
(Advertising and Trading) Regulations 2021**

**PART 4**

**Exceptions to the trading offence**

**Exceptions to the trading offence**

**12.**—(1) Section 16(1) of the Act (trading offence) does not apply to—

- (a) trading<sup>(1)</sup> in a specified Games location, except where the activity is done in a relevant public place<sup>(2)</sup> in a specified Games location;
- (b) supplying public transport services;
- (c) trading as a guided tour operator, including transporting people to the start point of a tour;
- (d) selling, distributing or providing current newspapers or periodicals (subject to paragraph (2));
- (e) offering or exposing an item for sale from inside a building to a person who is outside that building, provided that offering of or exposing of the item for sale forms part of the usual business of a person who is the ratepayer in respect of the hereditament comprising the building in accordance with the Local Government Finance Act 1988<sup>(3)</sup> (or who would be the ratepayer but for the application of an exemption under Schedule 5 to that Act);
- (f) providing a charge point;
- (g) providing outdoor exercise classes;
- (h) providing a parcel delivery locker;
- (i) trading on a hand-held device;
- (j) trading on private land adjacent to exempt retail premises provided that the trading activity—
  - (i) forms part of the usual business of a person who is the ratepayer in respect of the hereditament comprising the premises in accordance with the Local Government Finance Act 1988 (or who would be the ratepayer but for the application of an exemption under Schedule 5 to that Act),
  - (ii) takes place during the period for which the premises are open to the public for business, and
  - (iii) does not cause undue interference or inconvenience to persons using a street;
- (k) offering or exposing an item for sale adjacent to exempt retail premises provided that this activity—

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<sup>(1)</sup> “Trading” is defined in section 16(2) of the Act.

<sup>(2)</sup> “Relevant public place” is defined in section 16(8) of the Act.

<sup>(3)</sup> 1988 c. 41.

- (i) forms part of the usual business of a person who is the ratepayer in respect of the hereditament comprising the premises in accordance with the Local Government Finance Act 1988 (or who would be the ratepayer but for the application of an exemption under Schedule 5 to that Act),
  - (ii) takes place during the period for which the premises are open to the public for business, and
  - (iii) does not cause undue interference or inconvenience to persons using a street;
  - (l) providing, or offering to provide, a service at a burial ground or cemetery, provided that the service forms part of the usual services carried out at that burial ground or cemetery;
  - (m) trading at a leisure centre or outdoor sports facility, provided that the trading forms part of the usual business carried out at that leisure centre or outdoor sports facility.
- (2) The exception in paragraph (1)(d) does not apply to selling, distributing or providing a current newspaper or periodical in a street if the selling, distributing or providing is done in a manner that causes undue interference or inconvenience to persons using the street.
- (3) In this regulation—
- “charge point” means a device intended for charging a vehicle that is capable of being propelled by electrical power derived from a storage battery (or for discharging electricity stored in such a vehicle);
- “exempt retail premises” means a building normally used as—
- (a) a shop,
  - (b) a café, restaurant, 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;
- “guided tour operator” means a person who supplies services to the public comprising tours in an area, excluding tours conducted on transport;
- “hereditament” has the same meaning as given in section 64 of the Local Government Finance Act 1988 (hereditaments)(4);
- “parcel delivery locker” means a locker for the collection or sending of parcels;
- “pedicab” means a pedal cycle, or a pedal cycle in combination with a trailer, constructed or adapted for carrying one or more passengers;
- “pedal cycle” includes a power-assisted pedal cycle;
- “public transport services” means any service for the carriage of passengers from place to place which is available to the general public (whether or not for payment) and includes taxis, private hire vehicles and cycle hire, but does not include—
- (a) pedicabs, including pedicabs that are licensed as taxis, or
  - (b) water taxi services;
- “water taxi services” means services of vessels provided for the primary purpose of carrying members of the public to, from or between locations.

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(4) Section 64 was amended by the Local Government Finance Act 1992 (c. 14), Schedule 10, paragraph (2), the Local Government and Rating Act 1997 (c. 29), Schedule 3, paragraph 25, and Schedule 4, the Local Government Act 2003 (c. 26), section 66, the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 (c. 25), section 1(1).