



Joan McAlpine MSP
Convener, Culture, Tourism, Europe and
External Affairs Committee

17 October 2019

Dear Joan,

Following the Stage 1 evidence sessions for the UEFA European Championship Bill, I am writing to share with the Committee illustrative regulations in order to provide an indication of how the Scottish Government expects to use its powers in the Bill. The illustrative regulations are attached as **Annex A**.

Ticket Touting (Exceptions for Use of Internet etc.)

These illustrative regulations have been drafted in accordance with the law as it is now and are consistent with regulations prepared under the Glasgow Commonwealth Games Act 2008. We are considering what changes might be required to drafting in light of Brexit but the policy intent of the regulations is expected to remain the same.

As I indicated during my evidence to Committee, the Scottish Government will make an exception to the ticket touting offence for charitable auctions of tickets. We are currently looking at how that can best be delivered in practice and think that it is more likely this would be included on the face of the Bill as an amendment, subject to Parliamentary approval. As highlighted by UEFA in its evidence, any charity wishing to auction tickets in this way should contact UEFA in order to ensure that the tickets will be valid for entry.

Advertising and Trading Regulations

These illustrative regulations set out further details about the offences and exceptions to the offences. Proposed maps and dates of operation of the event zones are also attached to the regulations. This now includes a proposed map for the Merchant City event zone.

These regulations are based on the equivalent Commonwealth Games regulations. Some changes have been made to meet the particular requirements of this event – for example to permit busking without authorisation and to allow UEFA commercial partners to trade and advertise in the event zones. At present, I expect that charity collections in the zones will be

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authorised under regulation 7. Further discussions with Glasgow City Council about how best to manage this process are underway.

I am considering whether any further changes to the regulations might be appropriate, balancing protecting the rights of sponsors with taking a proportionate approach which allows normal business activity to continue as far as possible.

Enforcement officers

As indicated previously, I will consider whether it is possible to improve the provisions in the Bill through amendments, including on enforcement, in light of points raised by the Committee. However, I am sharing these illustrative regulations to indicate how we might expect this power to be used if the Bill were to remain unchanged. These regulations are consistent with regulations prepared on this matter under the Glasgow Commonwealth Games Act 2008.

Compensation for enforcement action

These illustrative regulations set out details of the process, timescales, review and appeal route for making a claim for compensation. They are consistent with regulations prepared on these matters under the Glasgow Commonwealth Games Act 2008.

Enforcement Procedures

At present, I do not expect to use the regulation making power included under section 28 but, again, this is an area that I am prepared to consider further given the points the Committee has raised about enforcement powers in the Bill. This regulation making power was not used for the Glasgow Commonwealth Games.

I hope that this information is helpful.



Ben Macpherson MSP
Minister for Europe, Migration and International Development

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Illustrative Regulations

SCOTTISH STATUTORY INSTRUMENTS

2020 No.

SPORTS GROUNDS AND SPORTING EVENTS

**The UEFA European Championship (Scotland) Act 2020 (Ticket
Touting Offence) (Exceptions for Use of Internet etc.)
(Scotland) Regulations 2020**

<i>Made</i>	- - - -	2020
<i>Laid before the Scottish Parliament</i>		2020
<i>Coming into force</i>	- -	2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 4 and 31(2) of the UEFA European Championship (Scotland) Act 2020^(a) and section 2(2) of the European Communities Act 1972 ^(b) and all other powers enabling them to do so.

In accordance with section 31(2) of the UEFA European Championship (Scotland) Act 2020 and paragraph 2(2) of Schedule 2 to the European Communities Act 1972, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement, cessation and extent

1.—(1) These Regulations may be cited as the UEFA European Championship (Scotland) Act 2020 (Ticket Touting Offence) (Exceptions for Use of Internet etc.) (Scotland) Regulations 2020 and come into force on X 2020.

(2) These Regulations cease to have effect on the day on which the Act ceases to have effect.

(3) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the UEFA European Championship (Scotland) Act 2020,

“EEA state” means a state which for the time being is a member State or a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992^(c), together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993^(d), as modified or supplemented from time to time,

(a) 2020 asp ***.

(b) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Section 2(2) is relied upon in relation to regulation 3.

(c) Command Paper 2073 and OJ L 1, 3.1.1994, p.3.

(d) Command Paper 2183 and OJ L 1, 3.1.1994, p.572.

“information society service” has the meaning given in Article 2(a) of Directive 2000/31/EC of the European Parliament and of the Council on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market^(a),

“information society service provider” means a person providing an information society service,

“law enforcement officer” means—

- (a) a constable, or
- (b) an enforcement officer within the meaning of section 16 of the Act,

“recipient” means a person who (whether for professional purposes or not) uses an information society service, in particular for seeking information or making it accessible, and

“the touting offence” means the offence in section 2(1) of the Act.

(2) For the purposes of these Regulations—

- (a) an information society service provider is “established” in a country or territory if the provider—
 - (i) effectively pursues an economic activity using a fixed establishment in that country or territory for an indefinite period, and
 - (ii) is a national of an EEA state or a body mentioned in Article 54 of the Treaty on the Functioning of the European Union^(b),
- (b) the presence or use in a particular place of equipment or other technical means of providing an information society service is not itself sufficient to constitute the establishment of an information society service provider, and
- (c) where it cannot be decided from which of a number of establishments an information society service is provided, the service is to be regarded as provided from the establishment at the centre of the information society service provider’s activities relating to that service.

Information society services: preconditions in relation to taking proceedings for the touting offence against providers established in another EEA state

3.—(1) Where an information society service provider is established in an EEA state (other than the United Kingdom), proceedings for the touting offence cannot be taken against that provider in respect of anything done by the provider in providing that service (including in the United Kingdom), unless the derogation and cooperation conditions are satisfied.

(2) The derogation condition is that the proceedings—

- (a) are necessary to pursue any of the public interest objectives,
- (b) are taken against an information society service which prejudices that objective or presents a serious and grave risk of prejudice to it, and
- (c) are proportionate to that objective.

(3) The public interest objectives are—

- (a) public policy, in particular the prevention, investigation, detection and prosecution of the touting offence, and
- (b) the protection of consumers, including investors.

(4) The cooperation condition is that a law enforcement officer—

(a) OJ L 178, 17.7.2000, p.1. The Directive has been incorporated into the EEA agreement by Decision 91/2000 of the EEA Joint Committee (OJ L 7, 11.1.2001, p.13). Article 2(a) defines “information society services” to mean “services” within the meaning of Article 1(2) of Directive 98/34/EC (OJ L 204, 21.7.1998, p.37) as amended by Directive 98/48/EC (OJ L 217, 5.8.1998, p.18) which provides that it is any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service.

(b) OJ C 115, 9.5.2008, p.47.

- (a) has requested the EEA state in which the information society service provider is established to take measures which the officer considers to be of equivalent effect under the law of the EEA state and the EEA state has failed to take the measures, and
- (b) has notified the Commission of the European Union and the EEA state of the intention to take proceedings.

Information society services: exception for mere conduit

4.—(1) Where an information society service provider provides so much of an information society service as consists in—

- (a) the provision of access to a communication network, or
- (b) the transmission in a communication network of information provided by the recipient of the service,

anything done by the provider in providing that part of the service is not capable of constituting the touting offence.

(2) But paragraph (1) applies only if the provider does not—

- (a) initiate the transmission,
- (b) select the recipient of the transmission, or
- (c) select or modify the information contained in the transmission.

(3) For the purposes of paragraph (1), the provision of access to a communication network, and the transmission of information in a communication network, includes the automatic, intermediate and transient storage of the information transmitted so far as the storage is solely for the purpose of carrying out the transmission in the network.

(4) Paragraph (3) does not apply if the information is stored for longer than is reasonably necessary for the transmission.

Information society services: exception for caching

5.—(1) Where an information society service provider provides so much of an information society service as consists in the transmission in a communication network of information provided by a recipient of the service, anything done by the provider in connection with the automatic, intermediate and temporary storage of information so provided is not capable of constituting the touting offence if—

- (a) the storage of the information is solely for the purpose of making more efficient the onward transmission of the information to other recipients of the service at their request, and
- (b) the condition in paragraph (2) is satisfied.

(2) The condition is that the provider—

- (a) does not modify the information,
- (b) complies with such conditions as are attached to having access to the information, and

where paragraph (3) applies, expeditiously removes the information or disables access to it.

(3) This paragraph applies if the provider obtains actual knowledge that—

- (a) the information at the initial source of the transmission has been removed from the network,
- (b) access to it has been disabled, or
- (c) a court or administrative authority has required the removal from the network of, or the disablement of access to, such information.

Information society services: exception for hosting

6.—(1) Where an information society service provider provides so much of an information society service as consists in the storage of information provided by a recipient of the service, anything done by the provider in providing that part of the service is not capable of constituting the touting offence if—

- (a) the information society service provider had no actual knowledge when the information was provided that its provision amounted to a contravention of the touting offence, or
- (b) on obtaining actual knowledge that the provision of the information amounted to a contravention of the touting offence, the information society service provider expeditiously removed the information or disabled access to it.

(2) Paragraph (1) does not apply if the recipient of the service is acting under the authority or control of the information society service provider.

St Andrew's House,
Edinburgh

2020

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the circumstances in which making facilities available in connection with electronic communications or the storage of data is, or is not, capable of constituting an offence under section 2(1) of the UEFA European Championship (Scotland) Act 2020 (“the touting offence”). They also ensure compliance with Directive 2000/31/EC on certain legal aspects of information society services in the Internal Market (OJ L 178, 17.7.2000, p.1). They cease to have effect on the same day that the Act ceases to have effect.

Regulation 3 provides that proceedings for the touting offence cannot be taken against an information society service provider based in a state (other than the United Kingdom) that is a member of the European Economic Area, in respect of anything done by the provider in providing that service, unless the derogation and cooperation conditions are met. This ensures that the touting offence provisions comply with Article 3(2) and (4) of Directive 2000/31/EC.

Regulations 4 to 6 specify circumstances involving mere conduit, caching and hosting of information society services which are not capable of constituting the touting offence. These ensure that the touting offence provisions comply with Articles 12 to 14 of that Directive.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

SPORTS GROUNDS AND SPORTING EVENTS

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

Made - - - - 2020

Coming into force - - 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 5(3) and 11(2) of the UEFA European Championship (Scotland) Act 2020^(a) and all other powers enabling them to do so.

In accordance with section 32(1) of that Act, they have consulted the Local Organising Committee and other persons they considered appropriate.

In accordance with section 32(2) of that Act, they have had regard to any requests or guidance from the Union of European Football Associations and, where relevant, the impact of these Regulations on the effective operation of the Championship.

In accordance with section 31(2) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

PART 1

Introductory

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the UEFA European Championship (Trading and Advertising) (Scotland) Regulations 2020 and come into force on the day after the day on which they are made.

(2) These Regulations cease to have effect on the day on which the Act ceases to have effect.

(a) 2020 asp ***

General interpretation

2. In these Regulations—

“the Act” means the UEFA European Championship (Scotland) Act 2020,

“article” includes a living thing,

“building” means a permanent building but excludes a telephone kiosk,

“event zone” has the meaning given in schedule 1,

“newspaper” excludes a newspaper intended specifically to advertise one or more of the following in an event zone at a prohibited time—

(a) a good or service,

(b) a person who provides a good or service, and

“receptacle” means—

(a) any vehicle, trailer or barrow, or

(b) any basket, bag, box, vessel, stall, stand, easel, board or tray,

which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article.

PART 2

Trading Regulations

Interpretation of Part 2

3.—(1) 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^(a),

(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—

(a) 1988 c.52.

- (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),
- (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^(a), 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 (whether authorised or not under any enactment), and
- (d) providing public entertainment, other than busking, 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.

Trading offence

6.—(1) A person commits the trading offence where—

- (a) that person (at any time or any place) arranges for trading activity to take place in contravention of subsection (1) of section 5 of the Act, or
- (b) trading activity in contravention of that subsection—

^(a) 1871 c.96.

- (i) is undertaken by a business or other concern in which that person has an interest or for which that person is responsible, or
 - (ii) takes place on land that that person owns or occupies or of which that person has responsibility for management.
- (2) Paragraph (1)(b) does not apply to a person who proves that—
- (a) the trading activity took place without the person’s knowledge, or
 - (b) the person took all reasonable steps to prevent the trading activity taking place or where it has taken place, to prevent it continuing or recurring.
- (3) A person will be treated as having an interest in or responsibility for a business or other concern if the person is an officer of the business or other concern.
- (4) A person will be treated as having responsibility for the management of the land if the person is an officer of a business or other concern that owns, occupies or has responsibility for the management of the land.
- (5) In paragraphs (3) and (4), “officer” means a director, manager, secretary or other similar officer.
- (6) This regulation applies to trading activity whether or not it consists of the result or continuation of activity carried out before these Regulations came into force.

Trading permitted without authorisation

- 7.—(1) The following trading activities are permitted without authorisation—
- (a) selling current newspapers,
 - (b) activity undertaken or controlled by Glasgow City Council or Glasgow Life on enclosed land which is within an event zone,
 - (c) activity undertaken by a UEFA Partner within an event zone,
 - (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 permanent 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 for gain or reward,
 - (n) supplying public transport services, including tourist services but not including supplying pedicabs, and
 - (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.

(2) Paragraph (1)(a) does not apply to—

- (a) selling current newspapers in a street if the selling is done from a receptacle that causes undue interference or inconvenience to persons using the street, or
- (b) selling a newspaper if the purchaser is provided with an article or advertising supplement accompanying the newspaper.

(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,

“sanitary convenience” means closet or urinal,

“supplying pedicabs” means supplying pedal operated tricycles for hire,

“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.

Trading authorised by Glasgow City Council

8.—(1) Glasgow City Council may authorise persons to trade in a way which would otherwise constitute a trading offence.

(2) Subject to these Regulations, Glasgow City Council has an absolute discretion in respect of each application for authorisation.

(3) Glasgow City Council must have regard to the provisions of the Host City Contract before granting an authorisation under this regulation

(4) An authorisation granted under this regulation is subject to the condition that any person who engages in trading activity in reliance on the authorisation holds any trading licence required for the activity in question.

PART 3

Advertising Regulations

Interpretation of Part 3

9.—(1) In this Part—

“advertisement” means any word, letter, image, mark, sound, light, model, sign, placard, board, notice, screen, awning, blind, flag, device, costume or representation—

- (a) whether illuminated or not, and
- (b) in the nature of, and employed wholly or partly for the purpose of, advertisement, promotion, announcement or direction,

“advertiser” means a person who engages in advertising activity,

“advertising activity” means an activity which is to be treated as advertising under section 12(1) of the Act,

“advertising attire” means—

- (a) a costume that is an advertisement, or
- (b) clothing on which an advertisement is displayed,

“ambush marketing campaign” means a campaign (whether consisting of one act or a series of acts) intended specifically to advertise within an event zone during a prohibited time one or more of the following—

- (a) a good or service,
- (b) a person who provides a good or service,

“promotional material” means a document or article distributed or provided wholly or partly for the purposes of promotion, advertisement, announcement or direction,

“railway station” includes a subway station,

“the Town and Country Planning Regulations” means the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984^(a), and

“UEFA Partner” means an advertiser who is a sponsorship partner of the Union of European Football Associations in relation to a good or service specified in the UEFA Sponsorship Structure for 18-22.

(2) In this Part, “displaying an advertisement” includes—

- (a) projecting, emitting, screening or exhibiting an advertisement,
- (b) carrying or holding an advertisement or an apparatus by which an advertisement is displayed,
- (c) providing for an advertisement to be displayed—
 - (i) on an animal, or
 - (ii) on apparatus which is carried or held by an animal, and
- (d) if part of an ambush marketing campaign—
 - (i) carrying or holding personal property on which an advertisement is displayed,
 - (ii) wearing advertising attire, or
 - (iii) displaying advertising on an individual’s body.

(3) Advertising activity that consists of the display of an advertisement on a hand-held device is not to be treated as advertising for the purposes of section 9(1) of the Act unless the advertiser

^(a) S.I. 1984/467 as amended by S.I. 1992/1763.

intends the advertisement to be displayed, by means of the device, to the public at large (rather than only to the individual using the device).

(4) In paragraph (3), “hand-held device” means a hand-held mobile telephone or other personal interactive communication device.

Prohibited times

10. The times set out in Schedule 2 are the prohibited times for the purposes of the advertising offence.

Advertising offence

11.—(1) A person commits the advertising offence where—

- (a) that person (at any time or any place) arranges for advertising activity to take place in contravention of subsection (1) of section 11 of the Act, or
- (b) advertising activity in contravention of that subsection—
 - (i) relates to a good, service, business or other concern in which that person has an interest or for which that person is responsible, or
 - (ii) takes place on land, premises or other property that that person owns or occupies or of which that person has responsibility for management.

(2) Paragraph (1)(b) does not apply to a person who proves that—

- (a) the advertising activity took place without the person’s knowledge, or
- (b) the person took all reasonable steps to prevent the advertising activity taking place or where it has taken place, to prevent it continuing or recurring.

(3) A person will be treated as having an interest or responsibility for a business or other concern if the person is an officer of the business or concern.

(4) A person will be treated as having an interest in or responsibility for a good or service if the person is an officer of the business or other concern that has an interest in or is responsible for the good or service.

(5) A person will be treated as having responsibility for the management of the land, premises or other property if the person is an officer of a business or other concern that owns, occupies or has responsibility for the management of the land, premises or other property.

(6) In paragraphs (3) to (5), “officer” means a director, manager, secretary or other similar officer.

(7) This regulation applies in relation to advertising activity whether or not it consists of the result or continuation of activity carried out before these Regulations came into force.

Exception for demonstrations, etc.

12.—(1) Advertising activity is permitted without authorisation where it is intended to—

- (a) demonstrate support for or opposition to the views or actions of any person,
- (b) publicise a belief, cause or campaign, or
- (c) mark or commemorate an event.

(2) But this exception does not apply to advertising activity that promotes or advertises—

- (a) a good or service, or
- (b) a person or body that provides a good or service.

Exception for individuals wearing advertising attire, displaying advertisements on their bodies or carrying personal property

13.—(1) Advertising activity is permitted without authorisation where it is engaged in by an individual doing one or more of the following:—

- (a) wearing advertising attire,
- (b) displaying an advertisement on the individual's body,
- (c) carrying or holding personal property on which an advertisement is displayed,

unless the individual knows or had reasonable cause to believe that he or she is participating in an ambush marketing campaign.

(2) The application of this exception to an individual does not affect the application of section 11(1) of the Act to any other person (whether in respect of the same advertising activity or otherwise).

Exceptions modelled on the Town and Country Planning Regulations

14.—(1) Advertising activity is permitted without authorisation where it consists of the display of an advertisement—

- (a) to which the Town and Country Planning Regulations do not apply, by virtue of regulation 3(1) and (3) (application) of those Regulations, or
- (b) for which consent is granted by regulation 10(1) (deemed consent for display of advertisement) of those Regulations, as long as the display or advertisement complies with the conditions set out in Schedules 1 and 4 to those Regulations.

(2) But the exception in paragraph (1) does not apply to the display of the following:—

- (a) an advertisement described in regulation 3(1)(c) (advertisements incorporated in the fabric of a building) of those Regulations if the advertisement was not in existence at the date these Regulations came into force,
- (b) an advertisement described in regulation 3(1)(d) (advertisements displayed on enclosed land) of those Regulations, if the enclosed land on which the advertisement is displayed is—
 - (i) a railway station (and its yards),
 - (ii) a bus station (together with its forecourt whether enclosed or not), or
 - (iii) enclosed land (including a sports stadium or other building) which is an event zone,
- (c) an advertisement mentioned in regulation 3(1)(e) or (3) (display on or consisting of a balloon) of those Regulations,
- (d) an advertisement mentioned in regulation 13(1) and (3) (advertisements on sites used for the display of advertisements on 16th August 1948) of those Regulations,
- (e) an advertisement under regulation 19 (display of advertisements after expiry of express consent) of those Regulations,
- (f) an advertisement within Class I(2) if the advertisement—
 - (i) is not displayed wholly for the purpose of announcement or direction in relation to the functions of the planning authority by which it is displayed, and
 - (ii) is not reasonably required to be displayed for the safe or efficient performance of those functions,
- (g) an advertisement within Class III(4) (certain advertisements of a temporary nature) if the advertisement promotes or advertises—
 - (i) a good or service,
 - (ii) a person or body that provides a good or service,
- (h) an advertisement within Class III(6) (certain advertisements of a temporary nature—hoardings),

- (i) an advertisement within Class V (advertisements within buildings) other than an exempt business advertisement, if the building where the advertisement is displayed—
 - (i) is or forms part of a railway station or bus station, or
 - (ii) is a sports stadium within an event zone.
- (3) In this regulation—
 - (a) “exempt business advertisement” means an advertisement (whether illuminated or not) displayed on business premises within a building (or a forecourt associated with such premises) that refers wholly to any or all of the following: the business carried on, the goods or services provided, or the name or qualifications of the person carrying out the business or supplying the goods or services on those premises,
 - (b) “forecourt” includes any fence, wall or similar screen or structure enclosing a forecourt and not forming part of the fabric of a building constituting business premises,
 - (c) a reference to a “Class” of advertisement is a reference to the corresponding Class of advertisement in Schedule 4 to the Town and Country Planning Regulations.

Other exceptions

15.—(1) Advertising activity is permitted without authorisation if it constitutes—

- (a) displaying an advertisement employed wholly as—
 - (i) a memorial, or
 - (ii) a railway signal,
- (b) distributing or providing current newspapers,
- (c) activity undertaken in accordance with a condition attached to an authorisation granted under regulation 8,
- (d) activity undertaken by a UEFA Partner,
- (e) any advertisement in respect of which advertisement a contract has been made before the coming into force of these Regulations under the terms of which contract that advertisement may not be cancelled or altered without a financial penalty being payable,
- (f) displaying an advertisement on an aircraft for one or more of the following purposes—
 - (i) complying with the law of Scotland or any other country, being law in force in relation to the aircraft,
 - (ii) securing the safety of the aircraft or any person or property,
 - (iii) the furtherance, by or on behalf of the Scottish Ministers or a government department, by a person acting under any public duty or by a person providing ambulance or rescue services by air, of measures in connection with circumstances existing or imminent at the time the aircraft is used which may cause danger to persons or property,
 - (iv) civil defence, military or police purposes,
- (g) displaying a mark or inscription (other than an illuminated sign) on the body of an aeroplane or helicopter, or
- (h) displaying an advertisement on street furniture provided that the advertisement—
 - (i) is not illuminated,
 - (ii) bears only the name, contact details and device (or any one or more of those things) of the manufacturer, owner or operator of the street furniture, and
 - (iii) is not displayed as part of an ambush marketing campaign.

(2) Paragraph (1)(b) does not apply to distribution or provision of current newspapers in a street if the distribution or provision is done from a receptacle that causes undue interference or inconvenience to persons using the street.

Advertising authorised by Glasgow City Council

16.—(1) Glasgow City Council may authorise persons to advertise in a way which would otherwise constitute an advertising offence.

(2) Subject to these Regulations, Glasgow City Council has an absolute discretion in respect of each application for authorisation.

(3) Glasgow City Council must have regard to the provisions of the Host City Contract before engaging in advertising activity or granting an authorisation under this regulation.

(4) Glasgow City Council's right to engage in advertising activity and any authorisation granted by it under this regulation are subject to all the following conditions—

- (a) that the advertiser holds any advertising licence required for the advertising activity in question
- (b) that no advertisement is sited or displayed so as to—
 - (i) endanger persons using any road, railway, waterway, dock, harbour or aerodrome (civil or military),
 - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air, or
 - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle,
- (c) that the advertiser maintains any advertisement in a condition that does not—
 - (i) impair the visual amenity of the site, or
 - (ii) endanger the public.

PART 4

Rights of review

Right to seek review

17.—(1) A person who has applied for an authorisation (“an applicant”) and is dissatisfied with the decision of Glasgow City Council in relation to that application may request that the Scottish Ministers review that decision.

(2) Such a request must—

- (a) be in writing,
- (b) include or be accompanied by such information or evidence as the applicant considers relevant, and
- (c) be made within 21 days of the date on which Glasgow City Council’s decision was communicated to the applicant.

(3) The Scottish Ministers must review Glasgow City Council’s decision within 21 days of receiving a request for review.

(4) On reviewing Glasgow City Council’s decision, the Scottish Ministers may—

- (a) confirm the original decision, or
- (b) substitute a new decision for the original decision.

(5) As soon as practicable after making a decision on the review, the Scottish Ministers must send to the applicant written notice informing that person of the decision and the reasons for the decision.

(6) The decision of the Scottish Ministers on the review is final.

(7) In this regulation, “authorisation” means an authorisation granted—

- (a) under regulation 8 in relation to trading activity, or
- (b) under regulation 16 in relation to advertising activity.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 2

Meaning of “event zone”

1. “Event zone” means any place within the shaded area bounded by a red line on a relevant map together with any pavement on each side of any road within that area, including the airspace above or below any place within the event zone.

2. All parts of a railway station (whether on, above or under the ground) are to be treated as being within the event zone if any part of the station is on or above the ground in the event zone.

3. Where a relevant map shows any part of an event zone to be bounded by a river, the boundary is to be the mean low water spring of that river.

4. In paragraphs 1 and 3, “relevant map” means a map bearing the name of an event zone, the title of these Regulations and a signature of a member of the staff of the Scottish Government, of which copies are set out in schedule 3.

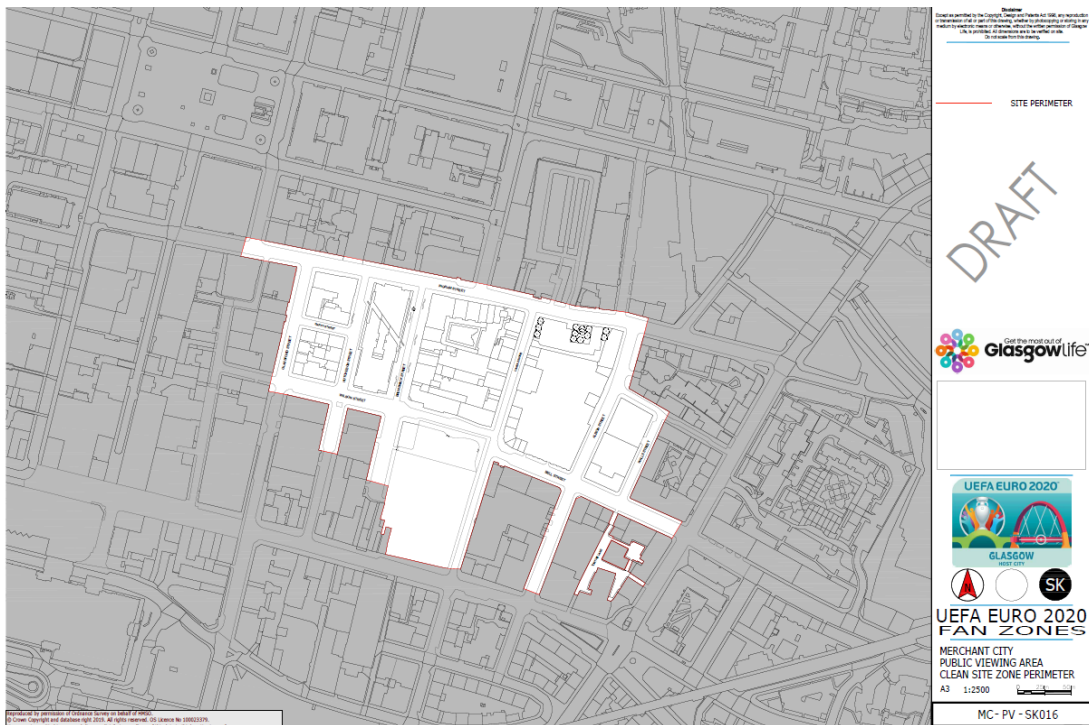
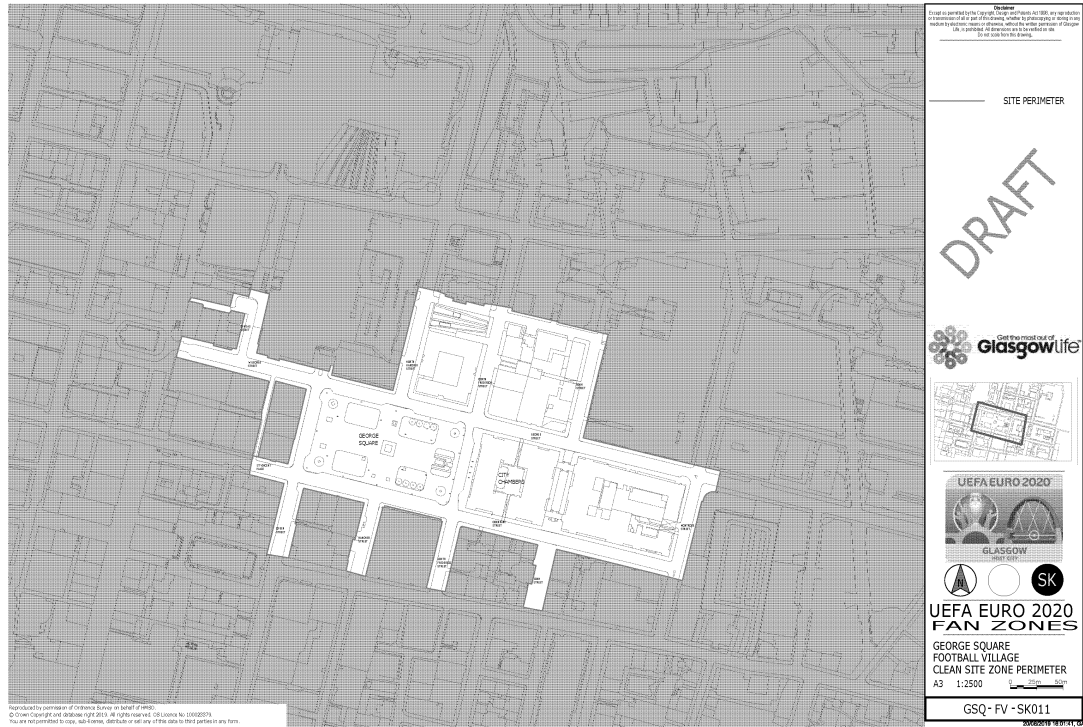
SCHEDULE 2

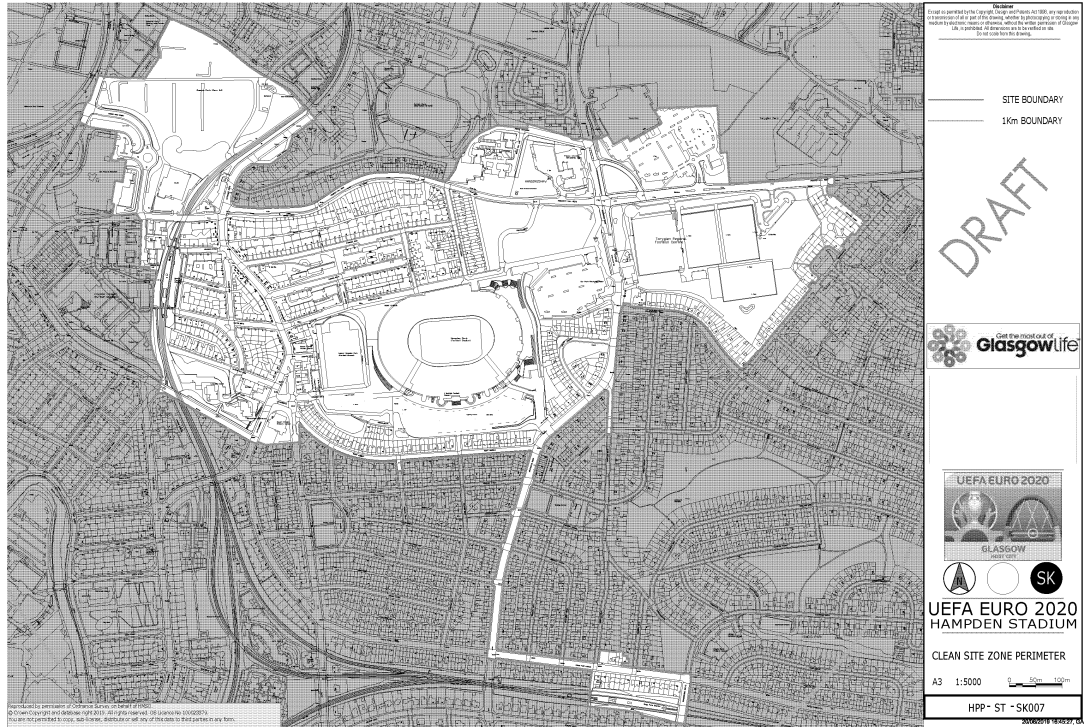
Regulations 5 and 10

Prohibited times

- 1.** Hampden Park zone – 1 June – 30 June 2020.
- 2.** George Square zone – 10 June – 12 July 2020.
- 3.** Merchant City zone – *** 2020.

Maps of Event Zones





Illustrative Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

The UEFA European Championship (Scotland) Act 2020 makes it an offence to trade (other than in a building) in an event zone at a prohibited time (“the trading offence”). It also makes it an offence to advertise in the vicinity of a Games location at a prohibited time (“the advertising offence”). An event zone is a place in which an event is held as part of the Championship.

These Regulations make further provision as follows—

Part 1 provides as to introductory matters.

Part 2 excepts certain types of trading from the trading offence, defines what activities will be treated as trading, prescribes circumstances in which Glasgow City Council may authorise a person to trade in a way which would otherwise constitute a trading offence, and prescribes circumstances in which trading is permitted without authorisation. In particular—

- regulation 4 specifies what is to be “trading”,
- regulation 5 provides as to prohibited times,
- regulation 7 provides exceptions,
- regulation 8 provides that the trading prohibition does not apply to trading activity undertaken in accordance with an authorisation granted by Glasgow City Council.

Part 3 excepts certain types of advertising from the advertising offence, prescribes circumstances in which Glasgow City Council may authorise a person to advertise in a way which would otherwise constitute an advertising offence, and prescribes circumstances in which advertising is permitted without authorisation. In particular—

- regulation 10 provides as to prohibited times,
- regulations 12 to 15 provide exceptions including for demonstrations and campaigns etc., for adverts displayed on personal belongings etc. and for certain adverts in relation to which planning controls apply, and
- regulation 16 provides that the advertising prohibition does not apply to advertising activity authorised by Glasgow City Council.

Schedule 1 defines each event zone by reference to a map. These maps are available on request for inspection during normal office opening hours at the Scottish Government’s offices at Victoria Quay, Edinburgh and Glasgow City Council’s offices at City Chambers, Glasgow. Copies of the maps are set out in Schedule 3.

Schedule 2 states what are the prohibited times in respect of each event zone.

Part 4 enables a person who is dissatisfied with the decision of Glasgow City Council, in relation to an application for an authorisation, to seek a review of that decision.

2020 No.

SPORTS GROUNDS AND SPORTING EVENTS

**The UEFA European Championship (Enforcement Officers)
Regulations 2020**

<i>Made</i>	- - - -	2020
<i>Laid before the Scottish Parliament</i>		2020
<i>Coming into force</i>	- -	2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 16(2)(b) of the UEFA European Championship (Scotland) Act 2020^(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the UEFA European Championship (Enforcement Officers) Regulations 2020 and come into force on X 2020.

Appointment as enforcing officer

2. Glasgow City Council may, under section 16 of the UEFA European Championship (Scotland) Act 2020, designate an individual as an enforcement officer if the individual is authorised by [them] [a council] to enforce the provisions of section 92 of the Trade Marks Act 1994^(b) (unauthorised use of trade mark in relation to goods).

St Andrew's House,
Edinburgh

2020

Authorised to sign by the Scottish Ministers

^(a) 2020 asp ***.
^(b) 1994 c.26.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to whom Glasgow City Council may designate as an enforcement officer for the purposes of the UEFA European Championship (Scotland) Act 2020. Section 16 of the UEFA European Championship (Scotland) Act 2020 already allows the designation of an inspector of weights and measures as an enforcement officer. These Regulations permit a person to be designated as an enforcement officer if that person is authorised to enforce the provisions of section 92 of the Trade Marks Act 1994.

2020 No.

SPORTS GROUNDS AND SPORTING EVENTS

**The UEFA European Championship (Scotland) Act 2020
(Compensation for Enforcement Action) (Scotland) Regulations
2020**

<i>Made</i>	- - - -	2020
<i>Laid before the Scottish Parliament</i>		2020
<i>Coming into force</i>	- -	2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 25(3) of the UEFA European Championship (Scotland) Act 2020^(a) and all other powers enabling them to do so.

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the UEFA European Championship (Scotland) Act 2020 (Compensation for Enforcement Action) (Scotland) Regulations 2020 and come into force on X 2020.

(2) These Regulations cease to have effect on the day on which the Act ceases to have effect.

Interpretation

2. In these Regulations—

“the Act” means the UEFA European Championship (Scotland) Act 2020,

“claimant” has the meaning given in regulation 4(1),

“decision notice” means a notice issued by a relevant authority under regulation 6(2)(b) or (3),

“notice of claim” has the meaning given in regulation 4(1), and

“relevant authority” in relation to anything done under section 17 (general enforcement powers) or 19 (power to enter and search) of the Act means—

- (a) if the damage is caused by an enforcement officer or by a constable accompanying an enforcement officer, Glasgow City Council, or
- (b) if the damage is caused by a constable who is not accompanying an enforcement officer—
 - (i) if the constable is a member of Police Scotland, the Scottish Police Authority,

^(a) 2020 asp

Amount of compensation due

3. Where a person may obtain compensation under section 25(1) of the Act, the amount of compensation to which that person is entitled under that section is the total of—

- (a) the cost of repairing the damaged property to its previous condition (or in the case of property which is impossible to repair or if the cost of repairing would exceed the property's market value, the cost of replacing the property at market value), and
- (b) any further loss which was a direct result of the damage to property.

Notice of claim

4.—(1) A person seeking to obtain compensation under section 25(1) of the Act (a “claimant”) must send a written notice (a “notice of claim”) to the relevant authority claiming that compensation.

(2) A notice of claim must be sent—

- (a) in a case where there has been a delay of at least 14 days in the damage coming to the attention of the claimant, within 3 months of the date on which the damage occurred, or
- (b) in any other case, within 30 days of the date on which the damage occurred.

(3) The relevant authority may accept a notice sent after the applicable deadline specified in paragraph (2) and may agree with the claimant in advance of a notice being sent that it will be accepted.

(4) A notice of claim must include or be accompanied by the following information and evidence—

- (a) the claimant's full name,
- (b) the date on which the damage occurred,
- (c) the address or location at which the damage occurred,
- (d) the amount of compensation claimed (in accordance with regulation 3) and the basis of the calculation of the amount claimed,
- (e) a description of—
 - (i) the property damaged,
 - (ii) the nature of the damage, and
 - (iii) the nature of any further loss which flowed from the damage for which compensation is claimed, and
- (f) photographs, receipts, quotations or other evidence as to the matters referred to in subparagraphs (a) to (e).

Initial consideration of claim

5.—(1) Within 14 days of the date on which a relevant authority receives notice of a claim, the authority must determine whether it has received sufficient information and evidence to enable it to decide—

- (a) whether the claimant is entitled to compensation under section 25(1) of the Act, and
- (b) if the claimant is entitled, the amount of compensation due.

(2) If the authority determines that it has not received sufficient information or evidence, it must send the claimant a written notice stating the further information or evidence that the authority requires.

(3) The claimant must send the authority the information or evidence stated in the notice within—

- (a) 14 days of the date on which the claimant received the notice; or
- (b) such longer period as agreed by the relevant authority in writing.

(4) Within 7 days of the date on which the authority receives any such additional information or evidence, the authority must make the determination referred to in paragraph (1) again (and the other paragraphs of this regulation apply to that new determination).

Authority's decision on a claim

6.—(1) If a relevant authority determines under regulation 5 that it has received sufficient information and evidence it must, within 28 days of the date of that determination, decide the matters referred to in regulation 5(1)(a) and (b).

(2) If the authority decides that the claimant is entitled to compensation, it must—

- (a) pay to the claimant the amount of compensation stated in the claim, or
- (b) if it decides that the claimant is entitled to a lesser amount of compensation than that stated in the notice of claim, send a notice to the claimant—
 - (i) offering that lesser amount to the claimant, and
 - (ii) stating the reasons for its decision.

(3) If the authority decides that the claimant is not entitled to compensation, it must send a notice to the claimant—

- (a) declining the claim, and
- (b) stating the reasons for its decision.

(4) A claimant who receives a decision notice offering a lesser amount of compensation than stated in the notice of claim may agree, in writing, to accept that lesser amount (in which case the authority must pay that amount to the claimant).

(5) A decision notice must contain particulars of the claimant's rights to—

- (a) request a review of the decision under regulation 7, and
- (b) appeal a decision on a review under regulation 8.

Review of decision on a claim

7.—(1) A claimant who receives a decision notice may request the relevant authority to review its decision.

(2) Such a request must—

- (a) be in writing,
- (b) be made within—
 - (i) 14 days of the date on which the decision notice was received, or
 - (ii) such longer period as agreed by the relevant authority in writing, and
- (c) include or be accompanied by such information or evidence as the claimant considers relevant.

(3) Within 14 days of the date on which a relevant authority receives such a request, it must review its decision under regulation 6.

(4) On reviewing its decision, the authority may—

- (a) confirm the original decision, or
- (b) substitute a new decision for the original decision.

(5) On reviewing its decision, the authority may not substitute a lesser amount of compensation than that stated in the decision notice.

(6) The authority must send to the claimant a written notice informing that person of its decision on the review and the reasons for that decision.

(7) A notice under paragraph (6) must contain particulars of the claimant's right to appeal a decision on review under regulation 8.

Appeal to the sheriff

8.—(1) A claimant dissatisfied with the decision of the relevant authority on a review under regulation 7 may, by summary application, appeal to the sheriff.

(2) An appeal must be brought within 21 days of the day on which the claimant received written notice of the authority's decision on review.

(3) The sheriff may give permission for an appeal to be brought after the end of that period, but only if the sheriff is satisfied—

- (a) if permission is sought before the end of that period, that there is a good reason for the claimant being unable to bring the appeal in time, or
- (b) if permission is sought after that time, that there was a good reason for the claimant's failure to bring the appeal in time and for any delay in applying for permission.

(4) On an appeal under this regulation, the sheriff may make such order confirming, quashing or varying the decision as the sheriff thinks fit.

St Andrew's House,
Edinburgh

2020

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 25(1) of the UEFA Euro Championship (Scotland) Act 2020 (“the Act”) provides that a person whose property is damaged by anything done under section 17 (general enforcement power) or 19 (power to enter and search) of the Act may obtain compensation from, depending on the circumstances, Glasgow City Council or the Scottish Police Authority. This entitlement to compensation does not apply if the thing done relates to a Championship offence committed by the person.

These Regulations make provision about claiming compensation and determining the compensation due and they confer on the sheriff jurisdiction for determining disputed compensation.

Regulation 3 sets out the amount of compensation to which a person is entitled. Regulations 4 to 6 set out the procedure by which compensation may be obtained. Regulations 7 and 8 set out how a decision on a claim may be reviewed, and how a decision on a review can be appealed.

The Regulations cease to have effect on the same day that the Act ceases to have effect (see section 35 of the Act).