

UEFA European Championship (Scotland) Bill

[AS PASSED]

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Amendments to the Bill since the previous version are indicated by sidelining in the right margin. Wherever possible, provisions that were in the Bill as introduced retain the original numbering.

UEFA European Championship (Scotland) Bill

[AS PASSED]

An Act of the Scottish Parliament to make provision in relation to the Union of European Football Associations European Championship that is to be held, in part, in Glasgow in 2020.

Introductory

1 Meaning of key terms

(1) In this Act—

the “Championship” means the Union of European Football Associations (UEFA) European Championship that is to be held, in part, in Glasgow in 2020,

the “Championship Period” means the period beginning on 1 June and ending on 12 July 2020,

a “Championship Ticket” means any ticket, card, electronic device or other thing which entitles an individual to attend an event which is held as part of the Championship (whether or not held in Scotland),

an “event zone” means any one of—

(a) the Hampden Park zone,

(b) the George Square zone,

(c) the Merchant City Zone,

as defined in regulations made by the Scottish Ministers.

(2) Other terms and expressions used in this Act are set out in section 33.

Ticket touting

2 Ban on ticket touting

(1) It is an offence to tout a Championship ticket (“the touting offence”).

(2) A person touts a Championship ticket if the person does any act falling within subsection (3)—

(a) in relation to the sale, or proposed sale, of a Championship ticket for an amount exceeding the ticket’s face value, or

(b) with a view to making a profit.

- (3) Acts which fall within this subsection are—
- (a) selling a Championship ticket,
 - (b) offering to sell a Championship ticket,
 - (c) exposing a Championship ticket for sale,
 - 5 (d) advertising that a Championship ticket is available for purchase,
 - (e) making a Championship ticket available for sale by another person, and
 - (f) giving away (or offering to give away) a Championship ticket on condition that the person given the ticket pays a booking fee or other charge or acquires some other goods or services.
- 10 (4) The touting offence does not apply in relation to any act by UEFA in relation to the sale, or proposed sale, of a Championship ticket which—
- (a) falls within subsection (3), and
 - (b) is not done for an amount exceeding the ticket's face value.
- (5) This section applies to acts done in or outwith Scotland.
- 15 (6) The amount payable for a Championship ticket is to be treated as including—
- (a) the amount of any booking fee or other charge imposed as a condition of sale,
 - (b) the amount payable for any other goods or services which are to be acquired as a condition of sale, and
 - (c) the market value of any goods or services received in exchange for the ticket.
- 20 (7) The reference in subsection (2)(b) to making a profit is, where the act is done by a person other than the person disposing of the ticket, to be read as a reference to assisting the person disposing of the ticket to make or attempt to make a profit.

2A Exception for charity auctions

- 25 (1) The touting offence does not apply in relation to the sale of a Championship ticket in an auction conducted—
- (a) by a charity, or
 - (b) by a person other than a charity, provided that the proceeds of the ticket's sale are given to a charity.
- (2) In subsection (1), “charity” means—
- 30 (a) a body which is registered in the Scottish Charity Register, or
- (b) a body which—
- (i) is established under the law of England and Wales, of Northern Ireland, or of a member state of the European Union,
 - (ii) is managed or controlled wholly or mainly outwith Scotland, and
 - 35 (iii) meets at least one of the conditions set out in subsection (3).
- (3) The conditions are—
- (a) the body is registered in a register corresponding to the Scottish Charity Register,
 - (b) the body's purposes consist only of one or more of the charitable purposes set out in section 7(2) of the Charities and Trustee Investments (Scotland) Act 2005.

3 Exception for certain advertisers etc.

A person (“A”) who advertises that a Championship ticket is available for purchase from, or makes a ticket available for sale by, another person (“B”) does not commit a touting offence if—

- 5 (a) the proposed ticket sale would constitute a touting offence only because B intends to—
 - (i) sell the ticket for an amount exceeding the ticket’s face value, or
 - (ii) make a profit as a result of the sale, and
- (b) A does not, and could not reasonably be expected to, know B’s intention.

4 Provision of electronic facilities

10 The Scottish Ministers may by regulations specify circumstances in which making facilities available in connection with electronic communications or the storage of data is, or is not, to be capable of constituting a touting offence.

Street trading etc.

5 Ban on outdoor trading within event zone

- 15 (1) It is an offence to trade within an event zone at a prohibited time (“the trading offence”).
- (2) The trading offence does not apply to trading in a building.
- (3) The Scottish Ministers may by regulations (“the trading regulations”)—
 - 20 (a) exempt types of trading from the trading offence,
 - (b) make such further provision as they consider appropriate in relation to trading within event zones.
- (4) The trading offence does not apply to trading by UEFA (so long as that trading is done in accordance with any conditions imposed by the trading regulations).

6 Trading activities, places and prohibited times

- 25 (1) An activity is to be treated as trading if it is the sale or offer for sale, in an open public place, of an article or service.
- (2) For example, any of the following acts done in an open public place are to be treated as trading (except as exempted or permitted in the trading regulations by virtue of section 5(3) or 7(1))—
 - 30 (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),
 - 35 (d) providing public entertainment for gain or reward.
- (3) The trading regulations may prescribe, or provide criteria for determining—
 - (a) activities which are (or are not) to be treated as trading for the purpose of the trading offence,
 - (b) places or areas within an event zone where the trading offence will not apply,

(c) alternative arrangements for existing street traders during the times when the trading offence applies, and

(d) times which are prohibited times for the purpose of the trading offence.

(4) The prohibited times may only be during the Championship period.

(5) In this Act, an “existing street trader” is any person—

(a) to whom Glasgow City Council or, as the case may be, the Police Service of Scotland has granted a trading licence, authorising the person to trade at a place in Glasgow City Council's area prior to the date on which this Act receives Royal Assent, and which remains in force on that date, and

(b) who would, but for this Act, be entitled to trade within an event zone during the times when the trading offence applies.

7 Trading permitted in prescribed circumstances

(1) The trading regulations may prescribe, or provide criteria for determining, circumstances in which trading which would otherwise constitute a trading offence is permitted.

(2) Trading may, for example, be permitted by reference to—

(a) the person who is trading,

(b) the nature of the trading,

(c) the purpose of the trading, or

(d) the application of any profits.

8 Existing trading licences

It is not a defence for a person charged with the trading offence that the person has a trading licence, whether granted before or after this section comes into force.

9 Alternative arrangements where existing trading banned during Championship

Glasgow City Council must offer alternative trading arrangements to existing street traders during the times when the trading offence applies.

10 Guidance and information about trading

(1) Glasgow City Council must issue guidance about trading within event zones.

(2) The trading regulations may require such persons as are specified in the trading regulations to inform other persons about the effect or likely effect of section 5 and the trading regulations.

Advertising

11 Ban on advertising within event zones

(1) It is an offence to advertise within an event zone at a prohibited time (“the advertising offence”).

(2) The Scottish Ministers must by regulations (“the advertising regulations”)—

(a) exempt types of advertising from the advertising offence,

(b) make such further provision as they consider appropriate in relation to advertising within event zones.

(3) The types of advertising to be exempted may, for example, include—

(a) the demonstration of support for or opposition to the views or actions of any person,

(b) the publicising of political or religious beliefs, causes or campaigns,

(c) the commemoration of events,

(d) the display of an advertisement on an individual's body, clothing or personal property, and

(e) the display of an advertisement—

(i) to which the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (S.I. 1984/467) do not apply, by virtue of regulation 3(1) and (3) of those Regulations, or

(ii) for which consent is granted by regulation 10(1) of those Regulations (so long as the advertisement complies with the conditions set out in schedules 1 and 4 of those Regulations).

(4) But nothing in the advertising regulations is to permit any person to knowingly participate in ambush marketing.

(5) In subsection (4), “ambush marketing” means an act or series of acts intended specifically to advertise within an event zone at a prohibited time—

(a) a good or service, or

(b) a person who provides a good or service.

(6) The advertising offence does not apply to advertising by UEFA (so long as that advertising is done in accordance with any conditions imposed by the advertising regulations).

12 Advertising activities, places and prohibited times

(1) An activity is to be treated as advertising if it is a communication to the public (or to a section of the public) for the purpose of promoting an item, service, business or other concern.

(2) For example, any of the following acts done for that purpose are to be treated as advertising (except as exempted or permitted in the advertising regulations by virtue of section 11(2) or 13(1))—

(a) advertising of a non-commercial nature,

(b) announcements or notices,

(c) the giving away of any goods or services,

(d) the distribution or provision of documents or articles,

(e) the display or projection of words, images, lights or sounds,

(f) things done with or in relation to material which has or may have purposes or uses other than as an advertisement.

- (3) The advertising regulations may prescribe, or provide criteria for determining—
- (a) activities which are (or are not) to be treated as advertising for the purposes of the advertising offence,
 - (b) places or areas within an event zone where the advertising offence will not apply,
 - (c) times which are prohibited times for these purposes.
- (4) The prohibited times may only be during the Championship period.

13 Advertising permitted in prescribed circumstances

- (1) The advertising regulations may prescribe, or provide criteria for determining, circumstances in which advertising which would otherwise constitute an advertising offence is permitted without authorisation.
- (2) Advertising without authorisation may, for example, be permitted by reference to—
- (a) the person who is advertising,
 - (b) the nature of the advertising,
 - (c) the purpose of the advertising, or
 - (d) the circumstances of its display.

14 Existing advertising licences

It is not a defence for a person charged with the advertising offence that the person has an advertising licence whether granted before or after this section comes into force.

15 Guidance and information about advertising

- (1) Glasgow City Council must issue guidance about advertising within event zones.
- (2) The advertising regulations may require such persons as are specified in the advertising regulations to inform other persons about the effect or likely effect of section 11 and the advertising regulations.

Enforcement

16 Enforcement officers

- (1) An “enforcement officer” is an individual designated as such by Glasgow City Council.
- (2) Glasgow City Council may designate an individual as an enforcement officer only if the individual—
- (a) is an inspector of weights and measures (appointed under section 72(1) of the Weights and Measures Act 1985),
 - (b) is authorised by a local authority to enforce the provisions of section 92 of the Trade Marks Act 1994, or
 - (c) is employed by Glasgow City Council or by another local authority and is, in the Council’s view, sufficiently experienced in exercising functions of the kind conferred on enforcement officers by this Act.

17 General enforcement powers

- (1) An enforcement officer may take such reasonable steps as the officer considers necessary—
- 5 (a) for the purpose of preventing or ending the commission of an offence under this Act (a “Championship offence”), or
- (b) in connection with proceedings, or anticipated proceedings, in respect of a Championship offence.
- (2) Such steps may include seizing, concealing or destroying anything which the officer reasonably believes to be an infringing article (but see section 18).
- 10 (3) An “infringing article” is—
- (a) an article used in connection with the commission of a Championship offence, or
- (b) a receptacle used as a container for such an article.
- (4) An enforcement officer may be assisted by any other person as may be necessary for the purposes of taking action under this section (and such a person is to act under the officer’s direction at all times).
- 15 (5) However, an enforcement officer must notify the Police Service of Scotland before requesting assistance from any other person.
- (6) This section is subject to the restrictions imposed on an enforcement officer by sections 18, 20, 21 and 23.

18 Restrictions on general enforcement powers

- (1) An infringing article may be seized by an enforcement officer only if the officer considers it appropriate to do so for the purpose of—
- 20 (a) ending the commission of a Championship offence,
- (b) preventing the future commission of such an offence,
- 25 (c) enabling the article to be used in proceedings for such an offence, or
- (d) enabling the article to be forfeited in accordance with Part 2 of the Proceeds of Crime (Scotland) Act 1995.
- (2) A seized article must be returned when retention of it is no longer justified for the purposes mentioned in subsection (1).
- 30 (3) Subsection (2) does not apply to perishable articles which no longer have any commercial value.
- (4) An infringing article may be concealed by an enforcement officer only if the officer considers it appropriate for the purpose of—
- 35 (a) ending the commission of an advertising offence, or
- (b) preventing the future commission of such an offence.
- (5) A concealed article must be revealed when concealing it is no longer justified for the purposes mentioned in subsection (4).
- 40 (6) An infringing article may be destroyed only if the enforcement officer considers it appropriate to do so for the purposes mentioned in subsection (4) and does not consider seizing or concealing the article to be a reasonable alternative course of action in the circumstances.

19 Power to enter and search

(1) Where permission is given by the occupier (or another person with the authority to do so), an enforcement officer may, without warrant, enter any place and may search any place (and any vehicle, vessel, container or other thing at that place)—

(a) where the officer reasonably believes a Championship offence has been or is being committed, or

(b) which the officer reasonably believes has been or is being used in connection with a Championship offence.

(1A) Subsection (1) does not authorise an enforcement officer to—

(a) search an individual, or

(b) access data stored electronically.

(2) An enforcement officer may take to a place entered by virtue of this section any other person, or any equipment, as may be necessary for the purposes of assisting the officer (and such a person is to act under the officer's direction at all times).

(2A) However, an enforcement officer must notify the Police Service of Scotland before requesting assistance from any other person.

(3) An enforcement officer who enters a place in pursuance of this section must take reasonable steps to leave the place at least as effectively secured against unauthorised entry as the officer found it.

(4) This section is subject to the restrictions imposed on an enforcement officer by sections 20, 21 and 23.

20 Use of reasonable force

(A1) This section applies where no permission has been given by an occupier of premises (or another person with the authority to do so) for an enforcement officer to take action under section 17 or 19.

(1) A constable may use reasonable force, or authorise the use of reasonable force by an enforcement officer or by any person assisting the officer, when action is being taken under section 17 or 19—

(a) if the sheriff grants a warrant for the use of reasonable force and the constable accompanies the enforcement officer, or

(b) where no application for a warrant has been made, only if the constable accompanies the officer and reasonably believes that there is a real and substantial risk that delay in seeking a warrant would defeat or prejudice the purpose of taking action.

(2) Despite subsection (1), a constable must not authorise an enforcement officer or any person assisting the officer to use force against an individual.

(3) The sheriff may grant a warrant under this section on the application of an enforcement officer only if satisfied that the use of reasonable force is necessary for the purpose of taking action under section 17 or 19.

(4) A warrant granted under this section expires—

(a) when it is no longer required for the purposes for which it is granted, or

(b) if earlier, on the expiry of such period as may be specified in it.

21 Further restrictions on entering houses

- (1) An enforcement officer may take action under section 17 or 19 in relation to a house or a place that can be entered only through a house only if—
- (a) an individual who habitually resides in the house permits the enforcement officer to do so, or
 - (b) the sheriff grants a warrant for such an action.
- (2) Where subsection (1)(a) applies, an enforcement officer may enter a house only—
- (a) at reasonable times, and
 - (b) if accompanied by a constable.
- (3) The sheriff may grant a warrant under this section on the application of an enforcement officer only if satisfied—
- (a) that the officer has reasonable grounds for taking action under section 17 or 19 in relation to the house or the place that can be entered only through the house, and
 - (b) that any of the conditions in subsection (4) is met.
- (4) Those conditions are—
- (a) that the officer has been refused entry to the house or place or has been prevented from taking any other action under section 17 or 19 in relation to the house or place,
 - (b) that such a refusal or prevention is reasonably expected (after the officer has taken reasonable steps to notify the residents of the house of the intended action),
 - (c) that—
 - (i) the house is unoccupied (permanently or temporarily), and
 - (ii) the officer has taken reasonable steps to notify any residents of the house of the intended action,
 - (d) that the case is one of urgency, or
 - (e) that notifying the residents of the house of the officer's intention to take action would defeat the object of the proposed action.
- (5) A warrant granted under this section expires—
- (a) when it is no longer required for the purpose for which it was granted, or
 - (b) if earlier, on the expiry of such period as may be specified in it.

22 Power to obtain information

- (1) An enforcement officer may require any person to provide such information as the officer considers appropriate in connection with—
- (a) a Championship offence, or
 - (b) conduct which the officer reasonably suspects constitutes a Championship offence.
- (2) A person is not obliged to provide information under this section if the person would be entitled to refuse to provide the information in, or for the purposes of, court proceedings.

- (3) This section is subject to the requirement imposed on an enforcement officer by section 23.

23 Requirement to produce authority

An enforcement officer must, while doing anything under section 17, 19, or 22, produce evidence of the officer's identity and authority to take action if requested to do so.

24 Test purchases

- (1) An enforcement officer may, for the purpose of discovering whether any provision made by virtue of this Act is being complied with—
- (a) purchase, or authorise another person to purchase, any goods, or
 - (b) secure, or authorise another person to secure, the provision of any services.
- (2) Nothing done in pursuance of this section constitutes a Championship offence.

25 Compensation and recovery of costs

- (1) A person whose property is damaged by anything done under section 17 or 19 may obtain compensation from—
- (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, the Scottish Police Authority.
- (2) Subsection (1) does not apply if the thing done relates to a Championship offence committed by the person.
- (3) The Scottish Ministers may by regulations make provision—
- (a) about claiming compensation,
 - (b) about determining the compensation due, and
 - (c) conferring jurisdiction for determining disputed compensation on a court, tribunal or other body.
- (4) The costs of doing anything which an enforcement officer is authorised or entitled to do by virtue of this Act are recoverable by Glasgow City Council from the person who committed the Championship offence to which the action relates.

26 Obstructing an enforcement officer

It is an offence ("the obstruction offence")—

- (a) intentionally to prevent or obstruct an enforcement officer from doing anything which the officer is authorised or entitled to do by virtue of this Act, or
- (b) without reasonable cause to fail to comply with a requirement made by an enforcement officer, or a constable, under section 22.

27 Police powers

- (1) A constable may do anything an enforcement officer may do under sections 17 to 24.

- (2) But the restrictions imposed on an enforcement officer by sections 18, 20, 21 and 23 apply to a constable only to the extent that they do not conflict with a constable's powers under any other enactment or rule of law.
- (3) Where the restrictions imposed by sections 20 and 21 apply, the constable does not have to be accompanied by another constable.

28 Action under sections 17 to 24: procedure

The Scottish Ministers may by regulations specify further procedure which an enforcement officer or, as the case may be, a constable must follow when doing anything under sections 17 to 24.

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Offences

29 Penalties

- (1) A person convicted of a ticket touting offence or an obstruction offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) A person convicted of a trading offence or an advertising offence is liable—
- (a) on summary conviction, to a fine not exceeding £20,000,
- (b) on conviction on indictment, to a fine.

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30 Individual culpability where offending by an organisation

- (1) This section applies where—
- (a) an offence under this Act is committed by a relevant organisation, and
- (b) the commission of the offence—
- (i) involves consent or connivance on the part of a responsible individual, or
- (ii) is attributable to neglect on the part of a responsible individual.
- (2) The responsible individual (as well as the relevant organisation) commits the offence.
- (3) For the purposes of this section—
- (a) “relevant organisation” means an organisation listed in the first column of the table in subsection (4),
- (b) “responsible individual” means, in relation to a relevant organisation—
- (i) an individual falling within the corresponding entry in the second column of the table in subsection (4), or
- (ii) an individual purporting to act in the capacity of an individual falling within the corresponding entry.
- (4) The table is as follows:

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<i>Relevant organisation</i>	<i>Individual</i>
company as mentioned in section 1 of the Companies Act 2006	director, manager, secretary or other similar officer member, where the company's affairs are managed by its members

<i>Relevant organisation</i>	<i>Individual</i>
limited liability partnership	member
other partnership	partner
any other body or association	individual who is concerned in the management or control of its affairs.

Final provisions

31 Regulation-making powers

- (1) Any power of the Scottish Ministers to make regulations conferred by this Act includes power to make—
- (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
- (b) different provision for different purposes.
- (2) Regulations under sections 4, 5(3) and 11(2) are subject to the affirmative procedure.
- (3) Regulations under sections 1(1), 25(3) and 28 are subject to the negative procedure.
- (4) This section does not apply to regulations under section 34(1A).

32 Regulation-making powers: consultation and relevant considerations

- (1) Before making the first trading regulations or the first advertising regulations, the Scottish Ministers must consult—
- (a) the Local Organising Committee, and
- (b) any other persons whom the Scottish Ministers consider appropriate.
- (2) When making the trading regulations or the advertising regulations, the Scottish Ministers must have regard to—
- (a) any request or guidance from UEFA, and
- (b) where relevant, the impact of the regulations on the effective operation of the Championship.
- (3) It is immaterial that anything done by way of consultation under subsection (1) was done—
- (a) before the Bill for this Act was passed, or
- (b) after that but before this section comes into force.
- (4) In subsection (1)(a), the “Local Organising Committee” means the committee comprised of representatives from—
- (a) Glasgow City Council,
- (b) Hampden Park Limited (company number SC200222),
- (c) the Police Service of Scotland,
- (d) the Scottish Football Association (company number SC005453),
- (e) the Scottish Ministers,
- (f) Visit Scotland, and

- (g) where an organisation, company or body is no longer able to participate in the committee, such replacement organisation, company or body as the remaining members of the committee consider appropriate.

33 Interpretation

In this Act—

“advertise” and “advertising” are to be construed in accordance with section 12, “advertising licence” includes any kind of consent, certificate, permission or other authorisation (by whatever name) which relates to advertising,

“advertising offence” has the meaning given by section 11(1),

“advertising regulations” has the meaning given by section 11(2),

“building” does not include—

- (a) a caravan, marquee, stall, tent or other temporary or moveable structure,
- (b) a building (or part of a building) which is designed or used generally as a car park,

“Championship” has the meaning given by section 1(1),

“Championship offence” has the meaning given by section 17(1),

“Championship period” has the meaning given by section 1(1),

“Championship ticket” has the meaning given by section 1(1),

“enforcement officer” has the meaning given by section 16(1),

“event zone” has the meaning given by section 1(1),

“existing street trader” has the meaning given by section 6(5),

“house”—

- (a) means any building (or part of a building), flat, mobile home, houseboat, caravan or other place which is occupied only as a separate dwelling, but
- (b) does not include any yard, garden, garage, outbuilding or other similar area or structure,

“infringing article” has the meaning given by section 17(3),

“Local Organising Committee” has the meaning given by section 32(4),

“obstruction offence” has the meaning given by section 26,

“prohibited time” is to be construed by reference to section 6(3)(c) or, as the case may be, section 12(3)(c),

“touting offence” has the meaning given by section 2(1),

“trade” and “trading” are to be construed in accordance with section 6,

“trading licence” means—

- (a) a street trader’s licence granted by Glasgow City Council under section 39 of the Civic Government (Scotland) Act 1982, or
- (aa) a market operator’s licence granted by Glasgow City Council under section 40 of the Civic Government (Scotland) Act 1982, or

(b) a certificate granted by the Police Service of Scotland under the Pedlars Act 1871,

“trading offence” has the meaning given by section 5(1),

“trading regulations” has the meaning given by section 5(3).

5 **34 Commencement**

(1) This section, sections 31 to 33, 35 and 36 come into force on the day after Royal Assent.

(1A) Sections 1 to 7, 11 to 13, 25 and 28 come into force on the day the Scottish Ministers appoint by regulations.

10 (2) The other provisions of this Act come into force on the expiry of the period of 2 months beginning with the day after Royal Assent.

35 Repeal

This Act ceases to have effect on 31 December 2020.

36 Short title

The short title of this Act is the UEFA European Championship (Scotland) Act 2020.

UEFA European Championship (Scotland) Bill

[AS PASSED]

An Act of the Scottish Parliament to make provision in relation to the Union of European Football Associations European Championship that is to be held, in part, in Glasgow in 2020.

Introduced by: Fiona Hyslop
Supported by: Ben Macpherson
On: 24 September 2019
Bill type: Government Bill

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