

Dr Stephen Herbert
Clerk, Culture, Tourism, Europe and External
Affairs Committee
The Scottish Parliament
Edinburgh
EH99 1SP

By email

7 October 2019

Dear Stephen

I am writing to you to set out the further information I indicated that the Scottish Government would provide on the UEFA European Championship (Scotland) Bill following the Committee's evidence session on 3 October 2019. I have also included information I understand has been requested by Members after the session.

Secondary Legislation required for the 2002 Champions League and 2007 UEFA Cup final

The Scottish Government can confirm that no secondary legislation was brought forward for commercial rights protection for either the 2002 Champions League final or 2007 UEFA Cup final, both of which were played at Hampden Park.

Enforcement Powers

Consistency with Glasgow Commonwealth Games Act 2008

There is a change in these provisions at section 21(2) where the Bill sets out "Where subsection (1)(a) applies" where the equivalent provision in the 2008 Act did not. This change was made to bring greater clarity to the provision. Apart from that and stylistic changes (such as changing references to the Organising Committee to Glasgow City Council) the enforcement provisions in the UEFA European Championship (Scotland) Bill are identical to the provisions in the Glasgow Commonwealth Games Act 2008. This includes provisions creating an offence to obstruct an enforcement officer and the powers to enter and search dwellings and other buildings that were raised by the Committee. A side by side comparison of the provisions is included as **Annex A**.

The provisions in the Glasgow Commonwealth Games Act 2008 were subject to a public consultation process and were amended in light of further feedback during the Bill's Parliamentary process.

Section 19 and Section 21 of the Bill in relation to ECHR issues

The Scottish Government considers the UEFA European Championship (Scotland) Bill, including the provisions in sections 19 and 21, to be compliant with the European Convention on Human Rights, as set out in its statement on legislative competence¹ and policy memorandum.²

In particular, the Scottish Government considered Articles 5, 6 and 8 in relation to the enforcement of offences and considered the provisions to be compliant.

Section 19 gives a general power to enter any place – with the permission of whoever is authorised to give that. The permission aspect is implicit in that section because the use of reasonable force is only necessary if no permission is granted and an enforcement officer would not need to apply for a warrant if permission was granted.

Under section 20, where permission is not given and entry needs to be forced, there are safeguards - either getting a warrant from a sheriff, or an accompanying constable making an assessment on the need for entry. The condition for getting a warrant is that the sheriff is satisfied that reasonable force is necessary – the sheriff would not be satisfied if permission to enter had already been given.

Under section 21, where the place to be entered is someone's home the safeguards are even more stringent – either getting a warrant (which has a number of specific conditions set out in subsection (4)); or getting a resident's permission, entering at reasonable times and being accompanied by a constable.

These provisions should be read together. The Scottish Government will consider whether it is possible to make this clearer in the Bill.

Other examples of enforcement officers who are not constables who have powers of entry and search under legislation include:-

- Animal health inspectors under the Animal Health Act 1981
- Marine enforcement officers under the Marine (Scotland) Act 2010
- SSPCA inspectors under the Animal Health and Welfare (Scotland) Act 2006
- Authorised person under the Aquaculture and Fisheries (Scotland) Act 2013
- Authorised person under the Nature Conservation (Scotland) Act 2004

Who can be designated as being an enforcement officer – Section 16 (2) (b)

The Scottish Government is proposing that all enforcement officers are local authority members of staff and would be happy to consider whether that could be included in the Bill if that would provide reassurance to the Committee. In the first instance, enforcement officers are expected to be drawn from the Trading Standards section of Glasgow City Council. All of the existing members of staff within the Council are experienced officers and most were designated enforcement officers for the Olympics (2012) and the Commonwealth Games (2014).

¹ https://www.parliament.scot/S5_Bills/UEFA%20European%20Championship%20Bill/SPBILL54LCS052019.pdf

² https://www.parliament.scot/S5_Bills/UEFA%20European%20Championship%20Bill/SPBill54PMS052019.pdf

Expected number of enforcement officers

Glasgow City Council has been asked to provide an assessment of how many enforcement officers it may need in the event of a Scotland match taking place at Hampden during the Championship. The Scottish Government will share this information once it is received.

Powers conferred on enforcement officers compared to the police

The Bill does not confer additional powers on enforcement officers than are available to the police. This is set out at section 27(1) – “A constable may do anything an enforcement officer may do under sections 17 to 24.”

In addition, section 27(2) states “ 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.” This section recognises that a constable has far greater powers than those set out in this Bill and the powers for enforcement officers are narrower in comparison.

The Scottish Government expects that police officers and enforcement officers would work together, as appropriate. In its oral evidence, the Scottish Police Federation suggested two examples of where the relationship between enforcement officers and police officers may not have worked as smoothly in practice as may have been anticipated for the Glasgow Commonwealth Games. The Scottish Government will discuss these examples with Glasgow City Council and Police Scotland, in order see if any learning can be taken from these and to help ensure that the working relationship between enforcement officers and police officers operates effectively in the future.

Restrictions on the powers of enforcement officers

The Bill includes a number of restrictions on the powers of enforcement officers. For example, 20(2) provides that enforcement officers are not able to use force against an individual in exercising powers on search and entry, which is a significant safeguard on what they can do.

Section 28 provides a regulation making power to specify further procedure and restrictions to enforcement action. That power was not used for the Commonwealth Games in 2014 which may suggest that it was not considered to be required. However, the Scottish Government would consider using that power after further engagement if that might provide further reassurance to parliament.

Limits on who can reasonably assist an enforcement officer - Section 17(4) and 19(2)

These provisions do not allow enforcement officers to call upon others to help with general enforcement activity on a routine basis. Instead, the intention of these provisions is that an enforcement officer should be able to access specialist skills or equipment that may be required in particular situations. The Scottish Government views that the types of people who might reasonably be called upon to assist enforcement officers in carrying out their duties could include a locksmith, an abseiler (for example to remove advertising affixed to a building), someone operating a hydraulic crane (again to remove advertising from a building or other structure), or a waste disposal company (where destruction of property took place as a last resort). This is expected to help ensure that any breaches of the restrictions can be

addressed quickly and may help to reduce the call on the resources of Police Scotland to assist with enforcement activity.

This power is inherently narrowed by having to be reasonably related to the purposes in section 17(1) and 19(1). An assessment must be made of reasonableness of asking for assistance by the enforcement officer in each individual case.

Complaints and Compensation

The Scottish Government would like to clarify the position in relation to making a complaint about the actions of an enforcement officer or in seeking compensation where damage is caused by an enforcement officer.

The Scottish Government is proposing that all enforcement officers are local authority members of staff. Local authorities have established complaints procedures which could be used should a member of the public wish to complain about the actions of the enforcement officer. In relation to compensation, section 25(1)(a) sets out that if damage is caused by an enforcement officer or by a constable accompanying an enforcement officer then compensation is payable by Glasgow City Council. Compensation is only payable by the Scottish Police Authority if the damage is caused by a police constable who is not accompanying an enforcement officer and only if the person claiming compensation has not committed a Championship offence.

Offences committed in relation to unauthorised advertising, ticket touting and street trading arising from the 2008 Act (at 2014 Commonwealth Games)

As indicated to the Committee on 3 October, there were no prosecutions as a result of infringements arising from the 2008 Act during the period of the 2014 Commonwealth Games. There were, however, a number of infringements that were identified by enforcement officers and dealt with without the need for further action. The Scottish Government has collated the records of the Brand Protection Manager for the Commonwealth Games Organising Committee. These indicate that in 2014 there were 77 incidents of unauthorised advertising, 2 incidents of ticket touting and 16 incidents of unauthorised street trading. The restrictions in the 2008 Act covered a number of event zones across Scotland but the overwhelming majority of the infringements took place in or around the Glasgow event zones. The Scottish Government considers that the information set out provides an indication of the level of infringement activity that took place in 2014 and has also asked partner organisations if they hold any further information.

Dealing with ‘ambush marketing’

The trading and advertising provisions in the Bill are designed to tackle ‘ambush marketing’ by creating criminal offences which clearly set out what is and is not permitted. These offences are expected to act as a deterrent and allow appropriate action to take place swiftly where a breach of the restrictions occurs.

Enforcement officers will be familiar with the local traders, will know the local area and will be able to use their powers to deal with the offences in the Bill and with other offences (for example on counterfeit goods). A proportionate approach is expected to be taken to minor infringements, as was the case for the Commonwealth Games. For example, explaining the restrictions to someone trading in an event zone who is not permitted to do so and asking

them to move outwith the event zone. Persistent offenders and more serious infringements could be reported for prosecution.

UEFA resale of tickets

It may be helpful to confirm that the UEFA ticket resale platform will enable fans who purchased tickets in July and August 2019, to offer their tickets for resale at face value. The ticket resale platform will be available in 2020. This platform will allow fans to safely purchase tickets from other fans, through an official UEFA sales channel. This eliminates the risk of acquiring invalid or fraudulent tickets and guarantees that sellers receive their money in full.

Discussions within Scottish Government

During development of the Bill, policy was discussed with a number of areas of the Scottish Government, including criminal justice policy, as appropriate.

Proposed exceptions to the advertising offence

The Scottish Government expects that the advertising regulations will allow UEFA sponsors, Glasgow City Council, Glasgow Life and partners of Glasgow Life to advertise in the event zones. The Bill already exempts UEFA from the advertising offence.

The Scottish Government is proposing that further exceptions to the advertising offence will be consistent with the Glasgow Commonwealth Games (Trading and Advertising) (Scotland) Regulations 2013.³ The proposed exceptions fall into three main groups:

- public notices e.g. council, planning etc.;
- non-commercial advertising e.g. of local events, churches, schools etc.; and
- normal business signage/displays.

Further details of these proposed exceptions is set out at **Annex B**. The Scottish Government is currently considering whether any further exceptions may be appropriate and will share illustrative regulations with the Committee during Stage 1.

Timing of illustrative regulations

Finally, the Scottish Government can confirm that illustrative regulations setting out how the Scottish Government would intend to use the secondary powers included in the Bill will be provided to the Committee by Friday 25 October at the latest.

I hope that this information is useful.

Yours sincerely



Lucy Carmichael
Bill Team Leader
Major Events Policy

³ <http://www.legislation.gov.uk/ssi/2013/290/regulation/16/made>

Differences between the enforcement provisions in Glasgow Commonwealth Games Act 2008 and the UEFA European Championship (Scotland) Bill

Stylistic differences which are to be ignored:-

- the numbering of the provisions
- definitions used, e.g. “Championship offence” instead of “Games offence”
- alternative terms, e.g. “the Scottish Ministers” instead of “Ministers”
- singular used instead of plural
- references to Glasgow City Council instead of the Organising Committee

Bill Provision	2008 Act Provision	Difference
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), or (b) meets such other criteria as may be specified by the Scottish Ministers in regulations.	21 Enforcement officers (1) “Enforcement officers” are individuals designated as such by the Organising Committee. (2) The Organising Committee 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 (c. 72)) and the designation is approved by the appointing council, or (b) meets such other criteria as may be specified by Ministers in regulations. (3) Enforcement officers have the functions conferred on them by virtue of this Act.	The differences are shown highlighted. The first difference shows text which was only necessary as the OC did the designating of enforcement officers from a number of councils. In this case Glasgow City Council is doing the designating so does not need to approve its own actions. The second difference is text which is no longer needed when deploying modern drafting.
17 General enforcement powers (1) An enforcement officer may take such reasonable steps as the officer considers appropriate— (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	22 General enforcement power (1) An enforcement officer may take such reasonable steps as the officer considers appropriate— (a) for the purpose of preventing or ending the commission of a Games offence, or (b) in connection with proceedings, or anticipated proceedings, in respect of a Games	The same.

<p>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). (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 reasonably required for the purposes of taking action under this section.</p>	<p>offence. (2) Such steps may include seizing, concealing or destroying anything which the officer reasonably believes to be an infringing article (but see section 23). (3) An “infringing article” is— (a) an article used in connection with the commission of a Games 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 reasonably required for the purposes of taking action under this section.</p>	
<p>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—(a) ending the commission of a Championship offence, (b) preventing the future commission of such an offence, (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). (3) Subsection (2) does not apply to perishable articles which</p>	<p>23 Restrictions on general enforcement power (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— (a) ending the commission of a Games offence, (b) preventing the future commission of such an offence, (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 (c. 43). (2) A seized article must be returned when retention of it is no longer justified for the purposes mentioned in subsection (1). This subsection does not apply to perishable articles which no longer</p>	<p>The same.</p>

<p>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— (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). (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.</p>	<p>have any commercial value. (3) An infringing article may be concealed by an enforcement officer only if the officer considers it appropriate to do so for the purpose of— (a) ending the commission of an advertising offence, or (b) preventing the future commission of such an offence. (4) A concealed article must be revealed when concealing it is no longer justified for the purposes mentioned in subsection (3). (5) An infringing article may be destroyed only if the enforcement officer considers it appropriate to do so for the purposes mentioned in subsection (3) and does not consider seizing or concealing the article to be a reasonable alternative course of action in the circumstances.</p>	
<p>19 Power to enter and search (1) 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. (2) An enforcement officer may take to a place entered by virtue of this section any other person,</p>	<p>24 Power to enter and search (1) 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 Games offence has been or is being committed, or (b) which the officer reasonably believes has been or is being used in connection with a Games offence. (2) An enforcement officer may take to a place entered by virtue of this section any other person, or any equipment, as may</p>	<p>The same.</p>

<p>or any equipment, as may be reasonably required for the purposes of assisting the officer. (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.</p>	<p>be reasonably required for the purposes of assisting the officer. (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.</p>	
<p>20 Use of reasonable force (1) An enforcement officer may use, or authorise the use of, reasonable force when taking action under section 17 or 19— (a) if the sheriff grants a warrant for the use of reasonable force and the officer is accompanied by a constable, or (b) where no application for a warrant has been made, only if the officer is accompanied by a constable who 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), an enforcement officer must not— (a) use force against an individual, or (b) authorise another person 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</p>	<p>25 Use of reasonable force (1) An enforcement officer may use, or authorise the use of, reasonable force when taking action under section 22 or 24— (a) if the sheriff grants a warrant for the use of reasonable force and the officer is accompanied by a constable, or (b) where no application for a warrant has been made, only if the officer is accompanied by a constable who 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), an enforcement officer must not— (a) use force against an individual, or (b) authorise another person 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 22 or 24. (4) A</p>	<p>The same.</p>

<p>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.</p>	<p>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.</p>	
<p>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 of 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</p>	<p>26 Further restrictions on entering houses (1) An enforcement officer may take action under section 22 or 24 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 action. (2) 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 22 or 24 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 22 or 24 in relation to the house or place, (b) that such a refusal or prevention is reasonably expected</p>	<p>The highlighted text makes the provision clearer to say that subsection (2) only applies where permission from the resident is given.</p>

<p>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.</p>	<p>(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.</p>	
<p>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.</p>	<p>27 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 Games offence, or (b) conduct which the officer reasonably suspects constitutes a Games 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.</p>	<p>The same.</p>
<p>23 Requirement to produce authority An</p>	<p>28 Requirement to produce authority An</p>	<p>The same.</p>

<p>enforcement officer must, while doing anything under section 17, 19, or 22, produce evidence of the officer's authority to take action if requested to do so.</p>	<p>enforcement officer must, while doing anything under section 22, 24 or 27, produce evidence of the officer's authority to take action if requested to do so.</p>	
<p>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.</p>	<p>29 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 Games offence.</p>	<p>The same.</p>
<p>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</p>	<p>30 Compensation and recovery of costs (1) A person whose property is damaged by anything done under section 22 or 24 may obtain compensation from— (a) if the damage is caused by an enforcement officer or by a constable accompanying an enforcement officer, the Organising Committee, or (b) if the damage is caused by a constable who is not accompanying an enforcement officer, the [F2Scottish Police Authority]. This subsection does not apply if the thing done relates to a Games offence committed by the person. (2) Ministers may by regulations make provision— (a) about claiming compensation, (b) about determining the</p>	<p>The same.</p>

<p>compensation due, and (c) conferring jurisdiction for determining disputed compensation on a court, tribunal 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.</p>	<p>compensation due, and (c) conferring jurisdiction for determining disputed compensation on a court, tribunal or other body. (3) The costs of doing anything which an enforcement officer is authorised or entitled to do by virtue of this Act are recoverable by the Organising Committee from the person who committed the Games offence to which the action relates.</p>	
<p>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.</p>	<p>31 Obstructing an enforcement officer It is an offence (“an 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 27.</p>	<p>The same.</p>
<p>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.</p>	<p>32 Police powers (1) A constable may do anything an enforcement officer may do under sections 22 to 29. (2) But the restrictions imposed on an enforcement officer by sections 23, 25, 26 and 28 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. And where the restrictions imposed by sections 25 and 26 apply, the constable does not have to be accompanied by another constable.</p>	<p>The same.</p>

<p>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.</p>	<p>33 Action under sections 22 to 29: procedure 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 22 to 29.</p>	<p>The same.</p>
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Proposed exceptions to advertising regulations

The Scottish Government is proposing that exceptions to the advertising offence will be consistent with the Glasgow Commonwealth Games (Trading and Advertising) (Scotland) Regulations 2013⁴. These exceptions include:

- Distributing or providing current newspapers.
- Advertisements on or in moving vehicles, for example buses, vans or trucks. This exemption would not apply to vehicles used primarily to display adverts, such as mobile advertising boards.
- Advertisements displayed inside buildings, as long as they are not illuminated and visible from outside the building, positioned within one metre of a door or window through which they can be seen, or displayed inside a building used principally for displaying adverts.
- Advertisements incorporated in and forming part of the fabric of a building, as long as they are in existence before the regulations come into force. This exemption does not apply to adverts incorporated into buildings or structures used principally for displaying adverts, such as hoardings.
- Advertisements displayed on enclosed land, as long as they are not readily visible from outside the enclosed area, or any part of the enclosed area to which there is a public right of access. This exemption does not include railway or bus stations, or enclosed land which is an event zone.
- Advertisements displayed on products for sale, as long as they are less than 0.1 square metres in area.
- Functional notices by the local authority, community councils, statutory undertakers, the Crown and public transport undertakers, reasonably required to secure the safe or efficient performance of their functions.
- Advertisements by the planning authority which are required in the performance of their functions.
- Miscellaneous advertisements relating to the land or buildings which they are placed on, for example warning notices.
- Advertisements relating to any person, partnership or company carrying on business at the premises where the advertisement is displayed. Only one advert of 0.3 square metres or less would be permitted per person, partnership or company.
- Advertisements relating to any religious, cultural, educational or medical institution, or to a hotel, public house, or accommodation, situated on land where the advertisement is displayed. Only one advert of 1.2 square metres or less would be permitted per

⁴ <http://www.legislation.gov.uk/ssi/2013/290/regulation/16/made>

institution or establishment, or if there are entrances on different roads, two adverts are permitted.

- Temporary adverts relating to the sale or availability of the land on which they are placed.
- Temporary adverts relating to building or other work being carried out on the land on which they are placed.
- Temporary adverts announcing any non-commercial local event of a religious, educational, cultural, social or recreational character.
- Temporary adverts in relation to the termination, variation or extinction of real burdens under the Title Conditions (Scotland) Act 2003, or compulsory purchase of land.
- Adverts, including illuminated adverts, displayed on business premises or business forecourts relating to the business carried on there, the goods sold or services provided, and the name and qualification of the person carrying on business. This exception applies to shop windows, but not to walls.
- Demonstrations
- Where advertising is displayed on an individual's body or on personal property, unless the individual knows or had reasonable cause to believe that they are participating in an ambush marketing campaign.