



Glasgow Commonwealth Games Act 2008

2008 asp 4

Street trading etc.

2 Ban on outdoor trading in the vicinity of Games locations

- (1) It is an offence to trade in the vicinity of a Games location at a prohibited time (“the trading offence”).
- (2) The trading offence does not apply to trading in a building.
- (3) Ministers may by regulations (“the trading regulations”)—
 - (a) exempt types of trading from the trading offence,
 - (b) make such further provision as they think fit in relation to trading in the vicinity of Games locations.
- (4) The trading offence does not apply to trading by the Organising Committee or the Commonwealth Games Federation (so long as that trading is done in accordance with any conditions imposed by the trading regulations).

3 Trading activities, places and prohibited times

The trading regulations may prescribe, or provide criteria for determining—

- (a) activities which are (or are not) to be treated as trading for the purposes of the trading offence,
- (b) places which are (or are not) to be treated as being in the vicinity of a Games location for those purposes,
- (c) times which are prohibited times for those purposes.

4 Authorised trading

- (1) The trading regulations may prescribe circumstances in which the Organising Committee may authorise persons to trade in a way which would otherwise constitute a trading offence.
- (2) The trading regulations may, in particular, provide—
 - (a) for an authorisation to be granted in respect of a place only if—
 - (i) a prescribed kind of trading licence exists in respect of that place, or

Status: This is the original version (as it was originally enacted).

- (ii) it is designated for a prescribed purpose in accordance with a prescribed enactment,
- (b) for an authorisation to be granted only if the person seeking the authorisation holds a prescribed kind of trading licence,
- (c) for an authorisation to be treated as if it were a trading licence granted by virtue of another enactment or document,
- (d) that the Organising Committee may determine the procedure for applying for and granting an authorisation,
- (e) that any fee charged by the Organising Committee in connection with an authorisation (or an application) is not to exceed such amount as may be specified in, or determined in accordance with, the regulations,
- (f) that trading in the course of a fair or market may be authorised only where—
 - (i) the fair or market is held in accordance with a prescribed kind of licence or right, and
 - (ii) any other prescribed conditions are satisfied,
- (g) for a right of appeal against a refusal to grant an authorisation.

5 Trading authorisation: conditions

- (1) An authorisation under section 4—
 - (a) is subject to any conditions imposed by the trading regulations, and
 - (b) may be subject to any other conditions imposed by the Organising Committee.
- (2) For example, the trading regulations or the Organising Committee may impose conditions—
 - (a) about the times when authorised trading may be carried out,
 - (b) requiring the authorised person to produce evidence of the authorisation to any enforcement officer or constable who requests it,
 - (c) about steps to be taken in respect of congestion, litter or noise,
 - (d) which are—
 - (i) inconsistent with, or
 - (ii) more onerous than,the conditions of any other trading licence held by the authorised person.

6 Trading permitted without authorisation

- (1) The trading regulations may prescribe, or provide criteria for determining, circumstances in which trading which would otherwise constitute a trading offence is permitted without authorisation.
- (2) Trading without authorisation 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.

7 Existing trading licences

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

8 Alternative arrangements where existing trading banned during Games

- (1) Councils must seek to work with existing street traders to try to identify alternative trading arrangements during the times when the trading offence applies.
- (2) An “existing street trader” is any person—
 - (a) to whom the council grants a street trader’s licence, or market operator’s licence, authorising the person to trade at a place in the council’s area within the period of 12 months before the Games begin, and
 - (b) who would, but for this Act, be entitled to trade at that place during the times when the trading offence applies.

9 Guidance and information about trading

- (1) It is for the Organising Committee to issue guidance about trading in the vicinity of Games locations.
- (2) The trading regulations may require—
 - (a) prescribed persons to inform other persons about the effect or likely effect of section 2 and the trading regulations,
 - (b) a person who grants a trading licence to inform the licensee of the effect of section 7.