



# UEFA European Championship (Scotland) Act 2020

2020 asp 1

## *Advertising*

### **12 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).

### **13 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 12(2) or 14(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.

### **14 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.

### **15 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.

## **16 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 12 and the advertising regulations.