
STATUTORY INSTRUMENTS

2011 No. 2898

The London Olympic Games and Paralympic Games
(Advertising and Trading) (England) Regulations 2011

PART 3

Trading Activity

Interpretation of this Part

12.—(1) In this Part—

- (a) a reference to a person who engages in trading activity is to be treated as including a person to whom regulation 13(2) applies,
- (b) a reference (however phrased) to selling an article includes exposing or offering an article for sale,
- (c) a reference (however phrased) to supplying a service includes offering to supply a service,
- (d) “motor vehicle” has the same meaning as in the Road Traffic Act 1988(1),
- (e) “open public place” means—
 - (i) a highway, or
 - (ii) another place—
 - (aa) to which the public have access (whether generally or only for the purpose of the trading activity), and
 - (bb) which is not in a building other than one designed or generally used for the parking of cars,
- (f) “performance of a play” means performance of any dramatic piece, whether involving improvisation or not—
 - (i) which is 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 or persons 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—
 - (i) a performance of live music,
 - (ii) any playing of recorded music,
 - (iii) a performance of dance,
 - (iv) a performance of a play,

(1) 1988 c. 52. See section 185 of that Act.

- (v) entertainment of a similar description to that falling within sub-paragraphs (i) to (iv),
 - (h) “selling an article” includes (without prejudice to the generality of that term) 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(2)),
 - (i) “trading activity” means carrying out one or more of the following activities in an open public place—
 - (i) selling an article,
 - (ii) supplying a service,
 - (iii) making an appeal to members of the public to give money (by whatever means) or other property (or both) for charitable or other purposes (whether or not authorised by or under any enactment),
 - (iv) providing public entertainment for gain or reward.
- (2) In determining whether activity amounts to trading activity for the purposes of this Part the following matters are to be disregarded—
- (a) the fact that gain or reward arising from the activity does not accrue to the person actually carrying out the activity,
 - (b) the fact 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 for sale of an article,
 - (ii) an offer to supply a service,
 - (iii) the completion of the transaction,
 - (c) the fact that a transaction is not completed in an open public place, if one of the following activities occurs in such a place—
 - (i) an offer or exposure for sale of an article,
 - (ii) an offer to supply a service,
 - (d) the fact that an article actually sold or service actually supplied is different from that offered or exposed for sale.