

**LEGISLATIVE CONSENT MEMORANDUM**  
**BIRMINGHAM COMMONWEALTH GAMES BILL**

**Background**

1. This memorandum has been lodged by Jeane Freeman MSP, Cabinet Secretary for Health and Sport, under Rule 9B.3.1(a) of the Parliament's standing orders, and is supported by Joe FitzPatrick MSP, Minister for Public Health, Sport and Wellbeing. The Birmingham Commonwealth Games Bill was introduced in the House of Lords on 7 January 2020. The Bill can be found at:

<https://services.parliament.uk/Bills/2019-20/birminghamcommonwealthgames.html>.

**Content of the Birmingham Commonwealth Games Bill**

2. The Birmingham Commonwealth Games Bill provides for a number of operational measures required to support the delivery of the 2022 Commonwealth Games relating to funding of the Organising Committee, provisions regarding association with the Games, ticket touting, advertising and trading and transport.

**Provisions Which Relate to Scotland**

3. Part 3 of the Bill covers Touting, Advertising and Trading Offences. The ticket touting offence and ancillary provisions (clauses 10-12, 21, 22 and Schedules 2 and 3) relate to matters within the legislative competence of the Scottish Parliament.

4. Clause 10 provides that it is a criminal offence for a person to sell, offer to sell, or expose for sale a Games ticket without authorisation from the Organising Committee. Sub-clause 8 provides that a person guilty of an offence under this clause is liable to a fine not exceeding £50,000 in Scotland on summary conviction. Sub-clause 9 provides that any penalty imposed in Scotland will be recoverable under section 221 of the Criminal Procedure (Scotland) Act 1995.

5. Clause 11 provides that it is an offence if a UK National or person normally resident in the UK acts in a way outside the UK that if done in the UK would constitute an offence. Sub-clause 4 provides that proceedings against a person in Scotland may be taken in the sheriff court in which the person apprehended is taken into custody, or in a sheriff court determined by the Lord Advocate.

6. Clause 20 provides for enforcement of the ticket touting offences and gives effect to Schedule 2. Clause 21 sets out how proceedings can be taken out against both a company and individual if an offence is committed under Part 3. Schedule 3 sets out the powers available to an enforcement officer under Part 3.

**Reasons for seeking a legislative consent motion**

7. The ticket touting offence and ancillary provisions relate to matters within the legislative competence of the Scottish Parliament and therefore legislative consent is being sought.

8. Given these provisions relate to the Birmingham 2022 Commonwealth Games taking place in Birmingham and venues across the West Midlands, there is no Scottish Government policy interest and therefore no reason for separate Scottish legislation on these matters.

### **Consultation**

9. No public consultation has taken place.

### **Financial Implications**

10. There are unlikely to be any financial implications for Scotland if Parliament do not agree to a Legislative Consent Motion. However, the provisions in the Bill will help to ensure tickets are affordable and accesible for people living in Scotland.

### **Conclusion**

11. It is the view of the Scottish Government that it is in the interests of the Scottish people and good governance that the relevant provisions, as outlined above, which fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

### **Draft Legislative Consent Motion**

12. The draft motion, which will be lodged by the Cabinet Secretary for Health and Sport, is:

“That the Parliament agrees that the relevant provisions of the Birmingham Commonwealth Games Bill, introduced in the House of Lords on 7 January 2020, relating to ticket touting, so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.”

SCOTTISH GOVERNMENT  
January 2020



*This Legislative Consent Memorandum relates to the Birmingham Commonwealth Games Bill (UK legislation) and was lodged with the Scottish Parliament on 30 January 2020*

## **BIRMINGHAM COMMONWEALTH GAMES BILL – LEGISLATIVE CONSENT MEMORANDUM**

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