

Digital Markets, Competition and Consumers Bill

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

[The page and line references are to HL Bill 12, the Bill as first printed for the Lords]

After Clause 308

LORDS AMENDMENT 104

104 After Clause 308, insert the following new Clause –

“Requirements on secondary ticketing facilities

After section 92 of the Consumer Rights Act 2015 insert –

“92A Requirements on secondary ticketing facilities

- (1) A secondary ticketing facility must not permit a trader or business to list tickets for resale unless the trader or business has provided evidence of proof of purchase to the ticketing facility, or evidence of title to the tickets offered for resale.
- (2) A secondary ticketing facility must not permit a reseller to sell more tickets to an event that they can legally purchase from the primary market.
- (3) A secondary ticketing facility must ensure that the face value of any ticket listed for resale, and the trader or business’s name and trading address are clearly visible, in full, on the first page the ticket is viewable on.
- (4) The information required by subsection (3) must be unabbreviated, and must not be hidden behind an icon, drop down menu or other device.
- (5) A secondary ticketing facility must make it clear to traders and businesses based overseas that sell tickets to UK consumers and target UK consumers through paid or sponsored advertisements or paid infomercials that they are subject to UK legislation.””

COMMONS REASON

The Commons disagree to Lords Amendment 104 for the following Reason –

- 104A** *Because protections for consumers in relation to secondary ticketing are adequately provided for under existing legislation (in particular Chapter 5 of Part 3 of the Consumer Rights Act 2015 and the Breaching of Limits on Ticket Sales Regulations 2018 (S.I. 2018/735)).*

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The Lords do not insist on their Amendment 104, to which the Commons have disagreed for their Reason 104A, and do propose Amendment 104B in lieu –

- 104B** After Clause 308, insert the following new Clause –

“Secondary ticketing facilities

- (1) After section 92 of the Consumer Rights Act 2015 insert –

“92A Requirements on secondary ticketing facilities

- (1) A secondary ticketing facility must not –
- (a) permit a trader or business to list tickets for resale unless the trader or business has provided evidence of proof of purchase to the ticketing facility, or evidence of title to the tickets offered for resale, or
 - (b) permit a reseller to sell more tickets to an event than they can legally purchase from the primary market.
- (2) A secondary ticketing facility must ensure that the face value of any ticket listed for resale, and the trader or business’s name and trading address are clearly visible, in full, on the first page on which a purchaser can view the ticket.
- (3) The Secretary of State may by regulations made by statutory instrument –
- (a) add or amend conditions on secondary ticketing facilities,
 - (b) specify appropriate forms of proof of purchase for the purposes of subsection (1)(a), and
 - (c) specify the form or forms in which the name and trading address required under subsection (2) must be displayed.
- (4) Regulations under subsection (3) may not revoke conditions on secondary ticketing facilities.
- (5) Regulations under subsection (3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”
- (2) Within the period of nine months beginning with the day on which this Act is passed, the Secretary of State must lay before Parliament the outcomes of a review of the impact of subsection (1) on the operation of the secondary ticketing market.
- (3) In preparing the review under subsection (2), the Secretary of State must consult –
- (a) ticket sellers and resellers,
 - (b) artists and performers, or their representatives,
 - (c) consumers and representative organisations, and
 - (d) any other persons the Secretary of State deems appropriate.

- (4) The review under subsection (2) may, if the Secretary of State deems it appropriate, consult on or specify new conditions to be placed on secondary ticketing facilities under the powers in section 92A of the Consumer Rights Act 2015.
- (5) The obligation under subsection (2) may be met by a review begun before the passing of this Act.”

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