

Sale of Tickets (Sporting and Cultural Events) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Mrs Sharon Hodgson, the Member in charge of the Bill, are published separately as Bill 13 – EN.

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TO

Regulate the selling of tickets for certain sporting and cultural events; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Designation of events

(1) A venue operator or event organiser may apply to the Secretary of State to have their venue or event designated under subsection (2).

(2) Following an application—

(a) by a venue operator the Secretary of State must designate the venue covered by the application with the result that all sporting and cultural events held at that venue are designated events; 5

(b) by an event organiser the Secretary of State must designate the specific sporting or cultural event with the result that the event is a designated event 10

except that the Secretary of State may refuse to designate a venue or event, or may rescind a designation, in exceptional circumstances where the Secretary of State has reason to believe that designation is not in the public interest.

(3) The Secretary of State must set out in regulations the designation scheme, including— 15

(a) the form an application for designation is to take,

(b) time limits on applications and the Secretary of State's response;

(c) a requirement to publish any designation;

(d) any administrative fees to be charged to applicants which the Secretary of State considers proportionate to the costs of the running of the scheme; and 20

(e) an appeal mechanism to challenge a decision on designation by the Secretary of State.

(4) The Secretary of State may delegate any functions, powers or duties under this section. 25

- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

2 Offences

- (1) It is an offence for an unauthorised person to be concerned in the sale of a ticket for a designated event at a price greater than 10% above the face value of the ticket. 5
- (2) An unauthorised person is a person without written permission from the event organiser or venue operator to resell tickets at a price greater than 10% above the face value of the ticket.
- (3) Where the face value of a ticket is nil, the maximum permitted cost of an unauthorised sale or disposal is no more than reasonable postage costs. 10
- (4) In respect of the sale or advertisement for sale of tickets for designated and non-designated events –
- (a) no person is permitted to be concerned in the sale of a ticket where the primary retailer has not yet released for sale tickets to an event, and 15
- (b) no person is permitted to be concerned in the sale of a ticket which they have not purchased from the primary retailer.
- (5) A person guilty of an offence under subsection (1), (3) or (4) is liable, on summary conviction, to a fine not exceeding Level 5 on the standard scale.
- (6) Where a person is found guilty of an offence under this section the prosecutor must consider whether it is appropriate to ask the magistrates' court to commit the defendant to the Crown Court under section 70 of the Proceeds of Crime Act 2002, with a view to a confiscation order being considered under section 6 of that Act. 20
- (7) Where a person is found guilty of an offence under this section and as part of the conduct constituting that offence that person purported to sell tickets for a charitable event, any monies recovered in relation to that offence should be paid to the relevant charity or charities. 25

3 Exemption for charities

- (1) Charities registered in accordance with the Charities Act 1993 ("registered charities") do not require authorisation to sell tickets to designated events at a price greater than 10% above the face value of the ticket. 30
- (2) All functions and powers of the Charity Commission under the Charities Act 1993 apply for the purpose of investigating and sanctioning alleged or suspected misconduct or mismanagement regarding ticket sales covered by this Act. 35

4 Sale and disposal of tickets on the internet

- (1) A person does not commit an offence under section 2 only by virtue of making facilities available in connection with electronic communication or the storage of electronic data. 40
- (2) Where a person who provides services for electronic communication or for the storage of electronic data is notified that they are being used in connection with the commission of an offence under section 2, that person commits an offence

under section 2 in respect of the continued provision of the services after a period of 24 hours.

- (3) Where a law enforcement agency or event organiser has notified a person who provides services for electronic communication or for the storage of electronic data that a ticket sale advertised or conducted via that person's services is in breach of this Act, that person must comply with any requests by the law enforcement agency for information regarding the identity of the vendor and any other information relevant to the investigation of the offence. 5
- (4) Failure to comply with a request under subsection (3) is a summary offence, punishable by a fine not exceeding level 5 on the standard scale. 10

5 Voluntary code for refunding tickets

- (1) The Secretary of State must consult venue operators, event organisers and ticketing agents with the aim of establishing –
- (a) a voluntary code regarding ticket refunds to consumers; or
 - (b) an official ticket exchange facility for consumers. 15
- (2) The Secretary of State must lay a report before Parliament on the outcome of the consultations within 12 months of this Act coming into force.

6 Interpretation

In this Act –

“concerned in the sale of a ticket” and any reference to selling a ticket includes – 20

- (a) offering to sell a ticket,
- (b) exposing a ticket for sale,
- (c) making a ticket available for sale by another person,
- (d) advertising that a ticket is available for purchase, 25
- (e) giving a ticket to a person who pays or agrees to pay for some other goods or services or offering to do so;

“event organiser” means the person or persons responsible for organising and holding an event and receiving the revenue from the event;

“face value” means the original price of a ticket, including the full cost of the ticket plus any administration or other fees incurred in its purchase from the primary retailer; 30

“primary retailer” means a retailer responsible for selling tickets on behalf of, and at a price or prices agreed by, the event organiser or venue operator; 35

“sporting and cultural event” and “event” includes all live entertainment, including but not limited to sports matches, live music events, theatre and other live performances which will take place or are taking place in England and Wales, and which have not concluded;

“ticket” means anything which purports to be a ticket, including any item, tangible or intangible, which grants the holder entry to an event; 40

“ticketing agent” means a person or company who or which sells tickets to events on behalf of event organisers or venue operators, or have in the past resold, or intend to resell, tickets to events either with or without authorisation from event organisers or venue operators; 45

“venue operator” means the person or persons responsible on behalf of the venue for hiring out the venue for the holding of events by events organisers.

7 Financial provisions

There is to be paid out of money provided by Parliament – 5

- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, or by a government department, and*
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

8 Short title, commencement, application and extent 10

- (1) This Act may be cited as the Sale of Tickets (Sporting and Cultural Events) Act 2011.
- (2) This Act comes into force at the end of the period of 12 months beginning with the day on which it is passed.
- (3) This Act shall apply in respect of anything done whether in the United Kingdom or elsewhere. 15
- (4) This Act extends to England and Wales.

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To regulate the selling of tickets for certain sporting and cultural events; and for connected purposes.

*Presented by Mrs Sharon Hodgson,
supported by
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*Ordered, by The House of Commons,
to be Printed, 30 June 2010.*

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Printed in the United Kingdom by
The Stationery Office Limited
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