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**AN BILLE CHUN MANGAIRÍ TICÉAD A THOIRMEASC 2005**  
**PROHIBITION OF TICKET TOUTS BILL 2005**

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**EXPLANATORY MEMORANDUM**

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*General*

The purpose of the Bill is to render it a criminal offence to advertise for sale, offer for sale or to sell a ticket for a major musical, sporting or theatrical event at a price in excess of the price designated on the ticket. The objective of the Bill is to ensure insofar as is possible that tickets for such events are available for purchase by genuine fans and are not purchased by third parties exploiting the event being held for their own personal advantage. A ticket tout is liable under the Bill on conviction to a fine not exceeding €3,000 and/or to a term of imprisonment not exceeding six months. Moreover, where a member of an Garda Síochána has reasonable cause for believing that a person is committing an offence under the Bill, such person is liable to arrest and the tickets he/she is seeking to sell for a specified event may be confiscated. Consequently, under the legislation it will be illegal for people to tout tickets for sale at excessive prices adjacent to the place at which a major event is to take place, and anyone who does so may be arrested. Finally, the Bill recognises that on occasions registered charities, voluntary or community organisations have donated to them tickets for such events or purchase tickets for such events which they sell at a price in excess of the face value to raise funds for charitable purposes, community organisations or voluntary activities. The Bill allows such organisations to sell tickets in excess of their face value where they have been authorised to do so “in writing by an organiser or the organisers of the specific event in question”. This Bill will provide a new form of consumer protection in Irish law. It imposes no charge of any nature on the Exchequer.

*Section 1* is the definition section in the Bill. It should be noted that the events covered in the Bill as provided for in this section are “any sporting, musical or theatrical event at which it is reasonable to anticipate more than five hundred people will attend”.

*Section 2, subsection (1)*, renders it an offence for a person to sell, or offer or expose for sale a ticket in excess of the price officially designated on it by the organiser or organisers of a sporting, musical or theatrical event. It should be noted that this provision does not prevent a third party from selling such a ticket at face value. For example, if a person acquires a ticket for an event but is unable to attend the event he or she can lawfully sell the ticket for the price marked on the ticket to a third party.

*Section 2, subsection (2)* renders it an offence to publish any advertisement for the sale of a ticket for a price in excess of the price officially designated on the ticket. The newspaper or magazine which

publishes such advertisements following the Bill's commencement will commit an offence under the Bill.

*Section 2, subsection (3)*, renders it an offence for an unauthorised person to use a ticket for promotional purposes.

*Section 2, subsection (4)*, exempts from the Bill's provisions the sale of tickets by registered charities or voluntary or community organisations at a price in excess of the designated price where such charity, voluntary, or community organisation has been so authorised to sell the ticket by the organiser or organisers of a specific event.

*Section 3* empowers a member of the Garda Síochána who "has reasonable cause for believing that a person is committing or has committed an offence under *section 2(1)* of the Act to (a) arrest that person without warrant, and (b) for the purpose of making such arrest to enter by force and to search for such person in any place where there is a reasonable cause to suspect he or she is, and (c) to confiscate any tickets in the possession of such person.

*Section 4* renders a person guilty of an offence under the Bill to a fine not exceeding €3,000 and/or to a term of imprisonment not exceeding six months.

*Section 5* contains the short title of the Bill. *Section 5* also contains the commencement provision which states that the Bill will come in to operation one month after its enactment.

*An Teachta Séamus Ó Duibhneacháin,*  
*Márta, 2005.*