



An Bille um Dhíol Ticéad (Imeachtaí Spóirt agus Cultúir), 2017
Sale of Tickets (Sporting and Cultural Events) Bill 2017

Mar a tionscnaíodh

As initiated



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ACT REFERRED TO

Charities Act 2009 (No. 6)



AN BILLE UM DHÍOL TICÉAD (IMEACHTAÍ SPÓIRT AGUS CULTÚIR), 2017
SALE OF TICKETS (SPORTING AND CULTURAL EVENTS) BILL 2017

Bill

entitled

An Act to regulate the selling of tickets for certain sporting and cultural events; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act—

“concerned in the sale of a ticket” and any reference to selling a ticket includes— 10

- (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, or
- (e) giving a ticket to a person who pays or agrees to pay for some other goods or services or offering to do so; 15

“designated event” means a sporting or cultural event for which more than 300 tickets have been offered for sale;

“event organiser” means the person or persons responsible for organising and holding an event and receiving the revenue from the event; 20

“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;

“illegal ticket touting” means any of the offences outlined in *section 2* of this Act;

“Minister” means the Minister for Transport, Tourism and Sport;

“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; 25

“sporting and cultural 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 the state, and which have not concluded;

“ticket” means anything which purports to be a ticket, including any item, tangible or 30

intangible, which grants the holder entry to an event;

“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;

5

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

Offences

2. (1) It shall be an offence for a person to sell or offer for sale a ticket for a designated event at a price greater than 10% above the face value of the ticket. 10
- (2) Notwithstanding the generality of *subsection (1)*, 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.
- (3) In respect of the sale or advertisement for sale of tickets for events whether designated or non-designated— 15
- (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
- (b) no person is permitted to be concerned in the sale of a ticket which they have not purchased from the primary retailer.
- (4) A person guilty of an offence under *subsection (1), (2) or (3)* shall be liable, on summary conviction, to a fine not exceeding €5,000. 20
- (5) 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
- (6) A person who outside the State does any act referred to this section shall be guilty of an offence notwithstanding the fact that such offence was committed outside of the State.

Powers of An Garda Síochána

3. (1) If a member of An Garda Síochána has reasonable cause for believing that a person is committing or has committed an offence under *section 2*, that member may— 30
- (a) arrest without warrant the person whom the member with reasonable cause suspect has or is committing an offence,
- (b) for the purpose of making such arrest, enter, if need be by force, and search any place where the member with reasonable cause suspects such person to be, and 35
- (c) confiscate any tickets for a designated event in the possession of a person arrested under this section or found in any place where the person is arrested.

Confiscation Order

4. (1) Where a person has been sentenced or otherwise dealt with by a court in respect of one or more offences under this Act of which he has been convicted, a member of An Garda Síochána may make, or cause to be made, an application to the court to determine whether the person convicted has benefited from illegal ticket touting. 5
- (2) An application under *subsection (1)* of this section may be made at the conclusion of the proceedings at which the person is sentenced or otherwise dealt with or may be made at a later stage.
- (3) An application under *subsection (1)* of this section shall not be made unless it appears to the member of An Garda Síochána that the person in question has benefited from illegal ticket touting. 10
- (4) If the court determines that the person in question has benefited from illegal ticket touting, the court shall determine the amount to be recovered in his case by virtue of this section and shall make a confiscation order under this section requiring the person concerned to pay that amount. 15
- (5) For the purposes of this Act, a person who has at any time (whether before or after the commencement of this section) received any payment or other reward in connection with illegal ticket touting carried on by him or another has benefited from illegal ticket touting.
- (6) The standard of proof required to determine any question arising under this Act as to— 20
- (a) whether a person has benefited from illegal ticket touting, or
- (b) the amount to be recovered in his case by virtue of this section,
- shall be that applicable in civil proceedings.
- (7) Where a confiscation order has been made under this section the amount to be recovered under the order shall be equal to the amount assessed by the court to be the value of the defendant's proceeds of illegal ticket touting. 25
- (8) If the court is satisfied that the amount that might be realised at the time the confiscation order is made is less than the amount the court assesses to be the value of his proceeds from illegal ticket touting, the amount to be recovered in the defendant's case under the confiscation order shall be the amount appearing to the court to be the amount that might be so realised. 30

Exemption for Charities

5. (1) Charities registered in accordance with the Charities Act 2009 do not require authorisation to sell tickets to designated events at a price greater than 10% above the face value of the ticket. 35
- (2) All functions and powers of the Charities Regulator under the Charities Act 2009 apply for the purpose of investigating and sanctioning alleged or suspected misconduct or mismanagement regarding ticket sales covered by this Act.

Sale and disposal of tickets on the internet

6. (1) A person shall not be guilty of an offence under this Act solely by virtue of making facilities available in connection with electronic communication or the storage of electronic data.
- (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 this Act, that person shall be guilty of an offence by allowing the continued provision of the services after a period of 24 hours. 5
- (3) Where a member of An Garda Síochána or an 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 a member of An Garda Síochána for information regarding the identity of the vendor and any other information relevant to the investigation of the offence. 10
- (4) Failure to comply with a request under *subsection (3)* is an offence, punishable on summary conviction by a fine not exceeding €5,000. 15

Voluntary Code for refunding tickets

7. (1) The Minister shall consult venue operators, event organisers and ticketing agents with the aim of establishing—
- (a) a voluntary code regarding ticket refunds to consumers; and/or 20
- (b) an official ticket exchange facility for consumers.
- (2) The Minister shall lay a report before the Oireachtas on the outcome of the consultations within 6 months of the commencement of this Act.

Expenses

8. The expenses incurred by the Minister in the administration of this Act shall be paid out of moneys provided by the Oireachtas. 25

Short title and Commencement

9. (1) This Act may be cited as the Sale of Tickets (Sporting and Cultural Events) Act 2017.
- (2) This Act shall come into operation one month from the date of its passing.

An Bille um Dhíol Ticéad (Imeachtaí Spóirt
agus Cultúir), 2017

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do rialáil díolachán ticéad le haghaidh
imeachtaí áirithe spóirt agus cultúir; agus do
dhéanamh socrú i dtaobh nithe gaolmhara.

*An Teachta Muiris Ó Caoindealbháin a thug
isteach,*

1 Márta, 2017

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Events) Bill 2017

BILL

(as initiated)

entitled

An Act to regulate the selling of tickets for certain
sporting and cultural events; and to provide for
related matters.

Introduced by Deputy Maurice Quinlivan,

1st March, 2017

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