



**An Bille um Dhíol Ticéad (Imeachtaí Cultúir,
Siamsaíochta, Áineasa agus Spóirt), 2021**
**Sale of Tickets (Cultural, Entertainment, Recreational
and Sporting Events) Bill 2021**

Meabhrán Míniúcháin
Explanatory Memorandum



**AN BILLE UM DHÍOL TICÉAD (IMEACHTAÍ CULTÚIR,
SIAMSAÍOCHTA, ÁINEASA AGUS SPÓIRT), 2021
SALE OF TICKETS (CULTURAL, ENTERTAINMENT,
RECREATIONAL AND SPORTING EVENTS) BILL 2021**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of the Bill is to promote fairer access to tickets for cultural, entertainment, recreational and sporting events by prohibiting the sale of tickets or ticket packages for a price exceeding their original sale price for events taking place in designated venues or for designated events. The Bill also prohibits the unauthorised sale or advertising for sale of tickets or ticket packages for matches and official events during the UEFA EURO 2020 football championship in 2021. It further provides that a contract term shall be void insofar as it purports to exclude or limit the transfer of a ticket or ticket package or its sale for a price not exceeding the original sale price. The Bill provides in addition for certain information requirements where a primary ticket seller sells or advertises for sale, or a secondary ticket seller advertises or offers for sale, tickets or ticket packages for events in designated venues or for designated events. The Bill also gives effect, in relation to ticket sales, of certain provisions of Directive 2000/31/EC on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.

Provisions of the Bill

Part 1

Preliminary and General

This Part contains definitions of the terms that feature in the Bill along with standard provisions on commencement, expenses, regulations and the service of documents.

Section 1 contains the short title and commencement provisions.

Section 2 contains definitions of terms used in the Act.

Section 3 contains expenses provisions for the administration of the Act.

Section 4 contains regulation making powers for matters prescribed in the Act.

Section 5 contains provision for service of documents.

Section 6 contains application provisions for the Act.

Part 2

Sale of Tickets for Cultural, Entertainment, Recreational and Sporting Events in Designated Venues and for Designated Events

Section 7: Designation of certain venues provides that a venue operator may apply to the Minister for Enterprise, Trade and Employment to have one or more venues designated for the purposes of the Act if the venue has the capacity to hold 1,000 or more and the venue applicant is of the reasonable opinion that the venue will hold events which may give rise to the sale by a secondary ticket seller of tickets or ticket packages for a price exceeding the original sale price. The section provides that such an application must be in writing and in the form prescribed by the Minister and specifies the information to be provided in the application. It further authorises the Minister to prescribe a fee for applications for designation and to require an applicant to provide additional information. The Minister may designate a venue where he or she is satisfied that the application satisfies the conditions for designation or may refuse to designate a venue where he or she is not so satisfied. Subject to specified conditions, the section also permits the Minister, after consultation with the venue operator, to designate a venue that has not been the subject of an application for designation, including a venue with a capacity of less than 1,000. It further specifies the requirements for the notification of designations and the time at which designations take effect.

Section 8: Refusal or revocation of designation of certain venues provides that the Minister may revoke a venue designation where he or she is no longer satisfied that the conditions for designation are met, or where the venue is no longer in operation or has ceased to hold events. It further specifies the requirements for the notification by the Minister of a refusal or revocation of a designation and provides that the venue applicant or operator may make representations under section 12, and an appeal under section 13, against such a revocation or refusal, or in the case of a refusal may apply instead for the designation of an event under section 9.

Section 9: Designation of certain events provides that an event organiser or venue operator may apply to the Minister for Enterprise, Trade and Employment to have an event designated for the purposes of the Act if, having regard to the nature of the event, the applicant is of the reasonable opinion that it may give rise to the sale of tickets or ticket packages by a secondary ticket seller for a price exceeding the original sale price. An application may be made for the designation of an event which takes place on an annual or other periodic basis in the same venue. The section provides that an application for the designation of an event must be in writing and in the form prescribed by the Minister and specifies the information to be provided in the application. It also authorises the Minister to prescribe a fee for applications for designation and to require an applicant to provide additional information. The Minister may designate an event where he or she is satisfied that the application satisfies the conditions for designation or may refuse to designate an event where he or she is not so satisfied. Subject to specified conditions, the section also permits the Minister, after consultation with the event organiser or venue operator, to designate an event that has not been the subject of an application for designation. It further specifies the requirements for the notification of designations and the time at which designations take effect.

Section 10: Refusal or revocation of designation of certain events provides that the Minister may revoke the designation of an event where he or she is no longer satisfied that the conditions for designation are met. It also specifies the requirements for the notification by the Minister

of a refusal or revocation of a designation, and provides that the event applicant, event organiser or venue operator, as appropriate, may make representations under section 12 and an appeal under section 13 against such a revocation or refusal.

Section 11: Notification of designation provides that where the Minister makes or revokes a venue or event designation, notification of the making or revocation of the designation will be published in *Iris Oifigiúil* and information made publicly available in other appropriate ways with specified details of the designation or revocation.

Section 12: Representations provides that an applicant, event organiser or venue operator may make representations to the Minister within 14 days of being notified of a proposed refusal or revocation of a venue or event designation. The Minister shall have regard to any such representations in deciding whether to proceed with the refusal or revocation of a designation. The Minister shall notify the venue operator or event organiser in writing of his or her decision and unless an appeal is brought, the revocation will come into effect 28 days from this notification.

Section 13: Appeals provides that an appeal can be made to the District Court against the refusal or revocation of a venue or event designation or against a designation made by the Minister, where no application was made by the venue operator or event organiser, and provides that such an appeal shall be notified to the Minister. It also sets out the orders that may be made by the District Court confirming the decision of the Minister or allowing the appeal against that decision.

Section 14: Register provides that the Minister shall establish, maintain a register of designated events and venues, and shall publish it on the internet or in another appropriate manner.

Part 3

Prohibition on Sale of Tickets for Cultural, Entertainment, Recreational and Sporting Events and Related Information Requirements

Section 15: Prohibition on sale or advertisement for sale of ticket or ticket package above original sale price provides that a secondary ticket seller who sells, or advertises for sale, a ticket or ticket package for an event in a designated venue or a designated event for a price exceeding the original sale price is guilty of an offence.

Section 16: Information required when primary ticket seller sells or advertises for sale ticket or ticket package provides that a primary ticket seller shall not sell, or advertise for sale, a ticket or ticket package for an event in a designated venue or a designated event without providing information that the ticket or ticket package is for such an event and that its sale for a price exceeding the original sale price is prohibited, unless the proceeds of the sale are used only to fund the activities of a charitable organisation or amateur sports club and its sale for that purpose has been approved by an event organiser. It further specifies the manner in which this information is to be provided. A primary ticket seller who sells or advertises for sale a ticket or ticket package in contravention of the section is guilty of an offence.

Section 17: Information required when secondary ticket seller advertises for sale ticket or ticket package on secondary ticket marketplace provides that a secondary ticket seller shall not advertise or offer for sale on a secondary ticket marketplace a ticket or ticket package for an event

in a designated venue or a designated event without providing information on the original sale price of the ticket and the location of the seat or standing area to which the ticket entitles the holder to gain admission. It further requires the operator of a secondary ticket marketplace to ensure that a ticket or ticket package is not advertised or offered for sale on its marketplace without the secondary ticket seller providing this information. A primary ticket seller or secondary ticket operator who contravenes the section is guilty of an offence.

Section 18: Exemption for charitable organisations and amateur sports clubs provides that sections 15 to 17 will not apply to the sale, or advertising for sale, of a ticket or ticket package by, or on behalf of, a charitable organisation or amateur sports club if its sale has been approved by an event organiser and the proceeds of the sale are used only to fund the activities of the charitable organisation or sports club.

Part 4

Matters relating to Sale of Tickets for Events, including Events in Designated Venues and Designated Events

Section 19: Contract terms excluding or limiting transfer or sale of ticket or ticket package provides that a term in a contract between a primary ticket seller and another person shall be void insofar as it excludes or limits the transfer of a ticket or ticket package for no monetary consideration or its sale for a price not exceeding the original sale price. The section does not apply to a term in a contract for the sale of a ticket or ticket package for EURO 2020 or for an event which excludes or limits the transfer or sale of a ticket or ticket package on the grounds of safety, public health or public order. It further provides that nothing in the section shall prevent or limit an event organiser from enforcing a term in a contract for the sale of a ticket or ticket package that prohibits the sale of the ticket or ticket package for a price exceeding the original sale price.

Section 20: Sale of UEFA EURO 2020 ticket or ticket package provides that a secondary ticket seller who sells, or advertises for sale, a ticket or ticket package for a match or official event in the EURO 2020 championship without written authorisation from UEFA is guilty of an offence.

Section 21: Powers of Garda Síochána to enter and search etc. provides for the powers of entry and search, and of examination, seizure and retention of evidence, of a member of the Garda Síochána who has reasonable grounds for believing that a person is committing, or has committed, an offence under the Act, or that evidence relating to such an offence may be found in a place. It further requires persons at, or in charge of, such a place to provide such assistance and information, and produce such books, records or other documents, as a member of the Garda Síochána may reasonably require for the purposes of his or her functions under the Act. The section further provides that a member of the Garda Síochána shall not enter a dwelling other than with the consent of the occupier or in accordance with a warrant issued by a District Court judge and specifies the requirements for the issuing of such warrants.

Section 22: Obstruction provides that a person is guilty of an offence if he or she obstructs or interferes with a member of the Garda Síochána exercising a power conferred by the Act or a warrant issued under it, or impedes the exercise by the member of such power. It further provides that a person commits an offence if he or she fails or refuses to comply with a

request or a requirement under section 21 or provides false or misleading information in respect of such a request or requirement.

Section 23: Arrest without warrant provides that where a member of the Garda Síochána finds a person committing an offence under sections 15 or 20 of the Act, the member may arrest that person without warrant and demand his or her name and address. A person who fails or refuses to give his or her name or address, or who gives a false or misleading name or address, is guilty of an offence.

Section 24: Offences and Penalties provides for the penalties that apply to persons found guilty of an offence under the Act.

Section 25: Defences generally provides that it is a defence for a person against whom proceedings are brought under the Act to show that he or she made all reasonable efforts to comply with the provisions of the Act alleged to have been contravened.

Section 26: Defence for secondary ticket operator provides that, subject to specified conditions, it is a defence in proceedings for an offence under sections 15(3), 17(5) or 20(2) of the Act for the operator of a secondary ticket marketplace to show that he or she was providing for a specified purpose an information society service consisting of the transmission or storage of information provided by a recipient of the service. The defences provided for in the section are based on the provisions of Articles 12-14 of Directive 2000/31/EC on legal aspects of information society services, in particular e-commerce, in the Internal Market.

Section 27: Legal Privilege sets out provisions relating to the disclosure or taking of privileged legal material.

*An Roinn Fiontar, Trádála agus Fostaíochta,
Aibreán, 2021.*