



Opening Statement to the Joint Committee on Business, Enterprise and Innovation

Sale of Tickets (Sporting and Cultural Events) Bill 2017

May 22nd 2018



I want to firstly thank my colleagues on the Joint Committee on Business, Enterprise and Innovation for the invitation to present here today on the [Sale of Tickets \(Sporting and Cultural Events\) Bill 2017](#).

I introduced this Bill in response to the public's ongoing frustration at ticket touting.

Almost every time tickets for a match or concert go on sale, the media coverage is dominated by frustrated consumers who were unable to buy tickets when they went on sale and some who bought tickets at extortionate prices on secondary selling sites.

Ticket touting is not a new issue, and has been around for years. In fact, Jimmy Deenihan TD introduced the [Prohibition of Ticket Touts Bill](#) in 2005. Unfortunately his Bill failed to progress through that Dáil session.

Promoters, and secondary selling sites have had ample time to sort this issue voluntarily, and they've failed to come up with an adequate solution.

[Measures](#) such as those introduced by Ed Sheeran are very welcome and I commend him for that. Unfortunately due to the lack of legislation others artists don't do this, so I believe it is up to the legislature to act.

I see this as a consumer rights issue, and so I wanted to bring forward a solution to this problem.

I am aware that other Oireachtas colleagues, including Deputy Rock and Deputy Donnelly, have brought forward their own Bills on this issue. This highlights the impact the lack of regulation is having on people right across the state.

I have consistently said I am open and willing to work with other Oireachtas colleagues on this issue, and I hope this Committee can facilitate that.

I will now briefly address the individual sections of the Bill.



This Bill is relatively short, and consists of 9 sections.

Section 1 outlines the interpretation of numerous phrases, including a “designated event” meaning a sporting or cultural event for which more than 300 tickets have been offered for sale; “face value” meaning 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; and “primary retailer” as a retailer responsible for selling tickets on behalf of, and at a price or prices agreed by, the event organiser or venue operator.

Section 2 of the Bill outlines the offence that is proposed to be introduced. This section states that it would be an offence to sell a ticket for a price greater than 10% of the face value of a ticket.

This section also states that someone cannot sell a ticket, of which they are not in possession of.

A person guilty of these offences would be liable, upon court conviction, to a fine of up to €5,000. I believe this sanction is a proportionate one that is high enough to deter people from ticket touting.

Section 3 outlines the powers of An Garda Síochána. This includes the arrest, confiscation and the entry of premises for such reasons.

Section 4 outlines that at the end of a court process, where a person has been convicted of ticket touting under this Act, if a member of An Garda Síochána believes this person has benefitted financially from the illegal activities, an order may be made for them to repay any proceeds of illegal ticket touting, as determined by the court.

Section 5 provides an exemption for registered charities to this legislation, as many charities use the sale of tickets for high profile events as fundraisers for their particular causes, which should be maintained.

Section 6 sets out how this legislation would affect internet sites being used to sell tickets in contravention of this Act. It states that, if notified of the use of a site in breach of this Act, the internet site would have up to 24 hours to stop the provision of services to the person, i.e. take



down the ad. It also sets out that the provider will engage with the Gardaí in relation to information they may have on the person who put up the tickets for sale. Refusal to do so would result in a similar financial penalty of €5,000.

Section 7 sets out that the Minister will engage with venue operators, event organisers and ticketing agents with the aim of establishing a voluntary code regarding ticket refunds to consumers; and/or an official ticket exchange facility for consumers. This would also allow consumers to return tickets to the primary seller for a refund, and the primary seller could then sell them on legitimately.

Section 8 sets out that expenses incurred by the Minister in the administration of this Act shall be paid out of moneys provided by the Oireachtas.

Finally, **Section 9** sets out; that this Act would be cited as the Sale of Tickets (Sporting and Cultural Events) Act 2017 and that it would come into operation one month from the date of its passing.

I will now briefly address some areas of contention that have been highlighted in relation to legislating in this area.

Some will argue that legislating in this area will just drive this issue underground. I don't believe this is a reason why we should not proceed. This Bill is setting out limits, to give consumers rights to reasonably priced tickets, and it is therefore up to consumers themselves to use these rights.

Like everything else, some people are going to ignore the law, and operate illegally, but for the vast majority of the population, I believe this will have a significant impact on this ongoing issue. It also sends a very strong message, that ticket touting will not be tolerated, people have the right to reasonably priced tickets and can report ticket touts.

Another criticism is that people should be allowed pay whatever price they wish for tickets, and this should not be interfered with. I reject that assertion. The people most affected by extortionately priced tickets are people often on lower incomes, who don't have the privilege



to be able to pay any amount for a ticket, and so end up being excluded from such cultural events. These people who miss out can also turn out to be the most loyal fans. The issue identified by the Department at Second Stage, as to whether a ticket is a licence or property, and the issues that could come from this, should be looked at. Perhaps the officials from the Department who will be in later will have an insight into this.

A similar argument is that people should be able to make a profit from a ticket they no longer needed. Unfortunately the level of touting has escalated into an abuse of the ticketing system, and must be addressed. People will still be able to make up to 10% on top of what they paid, which strikes this balance I think.

This bill aims to give the Gardaí powers to arrest, search and confiscate tickets if they believe a breach of the law has or is taking place. It has been claimed that [criminal gangs are benefitting from the lack of regulation in this area](#), so I believe these powers are both needed and proportional.

We do note this Bill does not address so called “bots” which can Hoover up massive amounts of tickets. This is something we could look at and add if it’s found to be needed, but if this bill passes, fans will have the fair opportunity to buy tickets first time around from primary sellers, as touts and reselling sites will not be engaged in hoovering up all the tickets available as there will be no profit in reselling them. This could mean the “bot” system becomes less relevant.

Even the measures introduced by Ed Sheeran and his promoters, comes with some drawbacks. Due to the requirements of names being placed on these tickets, and ID being required to confirm this, people who received tickets as a present [had trouble getting into his concerts](#).

At second stage Deputy Collins, who has since moved to another committee, mentioned the issue of GAA clubs selling tickets combined with a dinner ticket and how could you separate this, and also the fact that sports clubs sell tickets for fundraising. I would be happy to look at an amendment that could include recognised sporting bodies and clubs being exempt from this legislation, in the same way as charities; as such sporting bodies always have the benefit of their supporters and members in mind.



I am not citing this Bill as the answer to everything, but rather it is a starting point, and with input from other members, I hope it can become a piece of legislation that will make a real difference to consumers.

Go raibh maith agat,

A handwritten signature in black ink, which appears to read 'Maurice Quinlivan'.

Maurice Quinlivan TD