



**STATEMENT OF OFFICIALS OF DEPARTMENT OF ENTERPRISE, TRADE AND
EMPLOYMENT TO MEETING OF JOINT COMMITTEE ON ENTERPRISE,
TRADE AND EMPLOYMENT 9 DECEMBER 2020**

**PRE-LEGISLATIVE SCRUTINY OF SCHEME OF SALE OF TICKETS
(CULTURAL, ENTERTAINMENT, SPORTING AND RECREATIONAL EVENTS)
BILL 2020**

Thank you Chair, and thanks also to the Committee for the opportunity to discuss the Scheme of the Bill. I'm joined by my colleagues Clare McNamara and Bill Cox. We very much welcome the opportunity to contribute to the Committee's scrutiny of the Scheme and to assist you in any way we can. I intend to outline the background to the Scheme and then set out its main provisions after which we look forward to hearing the member's views and answer questions.

Background to the Scheme

In terms of the background to the scheme, it's useful to recall some important milestones along the way.

- In response to growing public and political concern over the resale of event tickets for a multiple of their original sale price, our Department and the Department of Transport, Tourism and Sport launched a public consultation on the issue on January 20th 2017.
- On January 31st 2017, Deputies Noel Rock and Stephen Donnelly introduced a Private Members' Bill, the Prohibition of Above-cost Ticket Touting Bill 2017.
- On March 1st 2017, the Sale of Tickets (Cultural and Sporting Events) Private Members' Bill 2017 was introduced by the Chair of the Committee, Deputy Quinlivan.
- On 24th July 2018, the Government agreed to support at Second Stage the Private Members' Bill introduced by Deputies Rock and Donnelly and approved the drafting of a number of amendments to the Bill.
- The Bill then lapsed upon the dissolution of the 32nd Dáil.

I think it's fair to say that all the Bills had at their hearts, provisions to ensure fans were treated fairly. That overriding objective is carried through into this Scheme of the Bill. The Scheme of the Bill now under scrutiny by the Committee was approved for drafting by the Government on September 29th 2020. While it has its origin in the Private Members' Bill supported by the previous Government, it differs from it in a number of respects.

Main Provisions of the Scheme

Chair, as I'm limited to five minutes, please excuse me for not going through the Scheme provision by provision. Instead, I will summarise.

The Scheme aims to promote fairer access to event tickets by prohibiting the sale, or advertising for sale, of tickets for a price *exceeding* the original sale price for events taking place in *designated* venues with a capacity of 1,000 or more.

Applications for designation would be made by the operators of venues of this size who reasonably expect the venue to hold events that may give rise to above sale price resale.

The Minister would also have a reserve power to designate venues, including venues with a capacity of *less* than 1,000, that have not been the subject of an application for designation.

This approach of applying the prohibition to events in designated venues has been taken for two reasons.

- First, above face value resale affects a small proportion of events and it's good practice to limit regulation to where it is necessary.
- Second, the prohibition on above sale price resale can be more effectively monitored and enforced if it applies to events in a *list of known venues*.

Requiring primary ticket sellers to indicate if a ticket is for an event in a designated venue, and secondary ticket sellers to indicate the original sale price of event tickets, also assists enforcement.

Just to say, the prohibition would not apply to authorised ticket sales held to fund the activities of charitable organisations and amateur sports clubs.

The ban on above sale price resale affects property rights so is balanced by a prohibition with some exceptions of contract terms that *preclude* ticket holders from selling a ticket for a price at or below the original sale price. In line with a commitment given by Government to UEFA, the unauthorised sale of tickets for matches during EURO 2020 is prohibited.

Other provisions deal with the powers of the Garda Síochána to enforce the provisions of the legislation; offences and penalties; and defences, including the defences for secondary ticket marketplaces necessitated by the Electronic Commerce Directive.

It *was* intended to include a prohibition on the use of bot software to purchase tickets, but a provision of this kind now forms part of an EU Directive [Directive (EU) 2019/2161 on the better enforcement and modernisation of Union consumer protection rules] and will be implemented along with the other provisions of the Directive in the Scheme of a Bill to be submitted to Government early next year.

Of course, the development of this Scheme arose during COVID-19. While we hope that it may be possible for events to take place without restrictions in the not too distant future, the need to control the spread of COVID-19 may require attendances to be limited for some time. Limitations on attendance might increase the competition for tickets and could create both incentive and opportunity for the resale of tickets at inflated prices. The proposed Bill will help ensure that this does not happen.

To conclude, the approach recognises that profiteering enriches opportunists with no interest or involvement in music or sport at the expense of sports and music fans, sporting bodies, artists and promoters.

I am happy to discuss the provisions of the Scheme in more detail and to respond to questions from Members of the Committee.

Thank you Chair.