



Consumer Rights Act 2015

2015 CHAPTER 15

PART 3

MISCELLANEOUS AND GENERAL

CHAPTER 5

SECONDARY TICKETING

90 Duty to provide information about tickets

- (1) This section applies where a person (“the seller”) re-sells a ticket for a recreational, sporting or cultural event in the United Kingdom through a secondary ticketing facility.
- (2) The seller and each operator of the facility must ensure that the person who buys the ticket (“the buyer”) is given the information specified in subsection (3), where this is applicable to the ticket.
- (3) That information is—
 - (a) where the ticket is for a particular seat or standing area at the venue for the event, the information necessary to enable the buyer to identify that seat or standing area,
 - (b) information about any restriction which limits use of the ticket to persons of a particular description, and
 - (c) the face value of the ticket.
- (4) The reference in subsection (3)(a) to information necessary to enable the buyer to identify a seat or standing area at a venue includes, so far as applicable—
 - (a) the name of the area in the venue in which the seat or standing area is located (for example the name of the stand in which it is located),
 - (b) information necessary to enable the buyer to identify the part of the area in the venue in which the seat or standing area is located (for example the block of seats in which the seat is located),

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- (c) the number, letter or other distinguishing mark of the row in which the seat is located, and
 - (d) the number, letter or other distinguishing mark of the seat.
- (5) The reference in subsection (3)(c) to the face value of the ticket is to the amount stated on the ticket as its price.
- (6) The seller and each operator of the facility must ensure that the buyer is given the information specified in subsection (7), where the seller is—
- (a) an operator of the secondary ticketing facility,
 - (b) a person who is a parent undertaking or a subsidiary undertaking in relation to an operator of the secondary ticketing facility,
 - (c) a person who is employed or engaged by an operator of the secondary ticketing facility,
 - (d) a person who is acting on behalf of a person within paragraph (c), or
 - (e) an organiser of the event or a person acting on behalf of an organiser of the event.
- (7) That information is a statement that the seller of the ticket is a person within subsection (6) which specifies the ground on which the seller falls within that subsection.
- (8) Information required by this section to be given to the buyer must be given—
- (a) in a clear and comprehensible manner, and
 - (b) before the buyer is bound by the contract for the sale of the ticket.
- (9) This section applies in relation to the re-sale of a ticket through a secondary ticketing facility only if the ticket is first offered for re-sale through the facility after the coming into force of this section.

91 Prohibition on cancellation or blacklisting

- (1) This section applies where a person (“the seller”) re-sells, or offers for re-sale, a ticket for a recreational, sporting or cultural event in the United Kingdom through a secondary ticketing facility.
- (2) An organiser of the event must not cancel the ticket merely because the seller has re-sold the ticket or offered it for re-sale unless—
- (a) a term of the original contract for the sale of the ticket—
 - (i) provided for its cancellation if it was re-sold by the buyer under that contract,
 - (ii) provided for its cancellation if it was offered for re-sale by that buyer, or
 - (iii) provided as mentioned in sub-paragraph (i) and (ii), and
 - (b) that term was not unfair for the purposes of Part 2 (unfair terms).
- (3) An organiser of the event must not blacklist the seller merely because the seller has re-sold the ticket or offered it for re-sale unless—
- (a) a term of the original contract for the sale of the ticket—
 - (i) provided for the blacklisting of the buyer under that contract if it was re-sold by that buyer,

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- (ii) provided for the blacklisting of that buyer if it was offered for re-sale by that buyer, or
 - (iii) provided as mentioned in sub-paragraph (i) and (ii), and
 - (b) that term was not unfair for the purposes of Part 2 (unfair terms).
- (4) In subsections (2) and (3) “the original contract” means the contract for the sale of the ticket by an organiser of the event to a person other than an organiser of the event.
- (5) For the purposes of this section an organiser of an event cancels a ticket if the organiser takes steps which result in the holder for the time being of the ticket no longer being entitled to attend that event.
- (6) For the purposes of this section an organiser of an event blacklists a person if the organiser takes steps—
 - (a) to prevent the person from acquiring a ticket for a recreational, sporting or cultural event in the United Kingdom, or
 - (b) to restrict the person's opportunity to acquire such a ticket.
- (7) Part 2 (unfair terms) may apply to a term of a contract which, apart from that Part, would permit the cancellation of a ticket for a recreational, sporting or cultural event in the United Kingdom, or the blacklisting of the seller of such a ticket, in circumstances other than those mentioned in subsection (2) or (3).
- (8) Before the coming into force of Part 2, references to that Part in this section are to be read as references to the Unfair Terms in Consumer Contracts Regulations 1999 (SI 1999/2083).
- (9) This section applies in relation to a ticket that is re-sold or offered for re-sale before or after the coming into force of this section; but the prohibition in this section applies only to things done after its coming into force.

92 Duty to report criminal activity

- (1) This section applies where—
 - (a) an operator of a secondary ticketing facility knows that a person has used or is using the facility in such a way that an offence has been or is being committed, and
 - (b) the offence relates to the re-sale of a ticket for a recreational, sporting or cultural event in the United Kingdom.
- (2) The operator must, as soon as the operator becomes aware that a person has used or is using the facility as mentioned in subsection (1), disclose the matters specified in subsection (3) to—
 - (a) an appropriate person, and
 - (b) an organiser of the event (subject to subsection (5)).
- (3) Those matters are—
 - (a) the identity of the person mentioned in subsection (1), if this is known to the operator, and
 - (b) the fact that the operator knows that an offence has been or is being committed as mentioned in that subsection.
- (4) The following are appropriate persons for the purposes of this section—
 - (a) a constable of a police force in England and Wales,

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- (b) a constable of the police service of Scotland, and
 - (c) a police officer within the meaning of the Police (Northern Ireland) Act 2000.
- (5) This section does not require an operator to make a disclosure to an organiser of an event if the operator has reasonable grounds for believing that to do so will prejudice the investigation of any offence.
- (6) References in this section to an offence are to an offence under the law of any part of the United Kingdom.
- (7) This section applies only in relation to an offence of which an operator becomes aware after the coming into force of this section.

93 Enforcement of this Chapter

- (1) A local weights and measures authority in Great Britain may enforce the provisions of this Chapter in its area.
- (2) The Department of Enterprise, Trade and Investment may enforce the provisions of this Chapter in Northern Ireland.
- (3) Each of the bodies referred to in subsections (1) and (2) is an “enforcement authority” for the purposes of this Chapter.
- (4) Where an enforcement authority is satisfied on the balance of probabilities that a person has breached a duty or prohibition imposed by this Chapter, the authority may impose a financial penalty on the person in respect of that breach.
- (5) But in the case of a breach of a duty in section 90 or a prohibition in section 91 an enforcement authority may not impose a financial penalty on a person (“P”) if the authority is satisfied on the balance of probabilities that—
- (a) the breach was due to—
 - (i) a mistake,
 - (ii) reliance on information supplied to P by another person,
 - (iii) the act or default of another person,
 - (iv) an accident, or
 - (v) another cause beyond P's control, and
 - (b) P took all reasonable precautions and exercised all due diligence to avoid the breach.
- (6) A local weights and measures authority in England and Wales may impose a penalty under this section in respect of a breach which occurs in England and Wales but outside that authority's area (as well as in respect of a breach which occurs within that area).
- (7) A local weights and measures authority in Scotland may impose a penalty under this section in respect of a breach which occurs in Scotland but outside that authority's area (as well as in respect of a breach which occurs within that area).
- (8) Only one penalty under this section may be imposed on the same person in respect of the same breach.
- (9) The amount of a financial penalty imposed under this section—
- (a) may be such as the enforcement authority imposing it determines, but
 - (b) must not exceed £5,000.

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(10) Schedule 10 (procedure for and appeals against financial penalties) has effect.

(11) References in this section to this Chapter do not include section 94.

94 Duty to review measures relating to secondary ticketing

(1) The Secretary of State must—

- (a) review, or arrange for a review of, consumer protection measures applying to the re-sale of tickets for recreational, sporting or cultural events in the United Kingdom through secondary ticketing facilities,
- (b) prepare a report on the outcome of the review or arrange for such a report to be prepared, and
- (c) publish that report.

(2) The report must be published before the end of the period of 12 months beginning with the day on which this section comes into force.

(3) The Secretary of State must lay the report before Parliament.

(4) In this section “consumer protection measures” includes such legislation, rules of law, codes of practice and guidance as the Secretary of State considers relate to the rights of consumers or the protection of their interests.

95 Interpretation of this Chapter

(1) In this Chapter—

“enforcement authority” has the meaning given by section 93(3);

“operator”, in relation to a secondary ticketing facility, means a person who—

- (a) exercises control over the operation of the facility, and
- (b) receives revenue from the facility,

but this is subject to regulations under subsection (2);

“organiser”, in relation to an event, means a person who—

- (a) is responsible for organising or managing the event, or
- (b) receives some or all of the revenue from the event;

“parent undertaking” has the meaning given by section 1162 of the Companies Act 2006;

“secondary ticketing facility” means an internet-based facility for the re-sale of tickets for recreational, sporting or cultural events;

“subsidiary undertaking” has the meaning given by section 1162 of the Companies Act 2006;

“undertaking” has the meaning given by section 1161(1) of the Companies Act 2006.

(2) The Secretary of State may by regulations provide that a person of a description specified in the regulations is or is not to be treated for the purposes of this Chapter as an operator in relation to a secondary ticketing facility.

(3) Regulations under subsection (2)—

- (a) are to be made by statutory instrument;

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- (b) may make different provision for different purposes;
 - (c) may include incidental, supplementary, consequential, transitional, transitory or saving provision.
- (4) A statutory instrument containing regulations under subsection (2) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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