Draft Regulations laid before Parliament under section 106(9) of the Digital Economy Act 2017, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2018 No.

CONSUMER PROTECTION

CRIMINAL LAW

The Breaching of Limits on Ticket Sales Regulations 2018

Made - - - - ***

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 106(1), (4), (5)(a), (6) and (7) of the Digital Economy Act 2017(**a**).

A draft of the instrument was laid before Parliament in accordance with section 106(9) of that Act, and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Breaching of Limits on Ticket Sales Regulations 2018 and come into force 21 days after the day on which they are made.

(2) These Regulations extend to England and Wales and Scotland.

Application

2. These Regulations apply where—

(a) tickets for a recreational, sporting or cultural event in the United Kingdom are offered for sale;

(b) purchase of the tickets may be made wholly or partly by a process that the purchaser completes using an electronic communications network or an electronic communications service(**b**); and

(c) the offer is subject to conditions that limit the number of tickets a purchaser may buy ("the sales limit").

Offence

3. It is an offence for a person to—

(**a**) 2017 c. 30.

(**b**) Section 106(10) of the Digital Economy Act 2017 provides that "electronic communications network" and "electronic communications service" have the meanings given by section 32 of the Communications Act 2003, c. 21. Section 32 of that Act was amended by S.I. 2011/1210.

(a) use software that is designed to enable or facilitate completion of any part of a process within regulation 2(b); and

(b) do so with intent to obtain tickets in excess of the sales limit, with a view to any person obtaining financial gain.

4. For the purposes of regulation 3 it does not matter whether the offer in regulation 2(a) is made, or anything is done to obtain tickets, in or outside the United Kingdom.

Offences: prosecution and penalties

5.—(1) An offence under these Regulations is triable summarily in England and Wales and Scotland.

(2) A person guilty of an offence under these Regulations is liable—

(a) in England and Wales, to a fine; or

(b) in Scotland, to a fine not exceeding £50,000.

Name
Parliamentary Under Secretary of State
Date Department for Digital, Culture, Media and Sport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for a criminal offence of purchasing tickets for a recreational, sporting or cultural event in excess of conditions setting a maximum number of tickets that a purchaser may buy.

Regulation 2 provides that these Regulations apply where: (a) tickets for a recreational, sporting or cultural event in the United Kingdom are offered for sale; (b) a purchase may be made by a process that the purchaser completes using an electronic communications service or network; and (c) the offer is subject to conditions limiting the number of tickets a purchaser may buy ("the sales limit").

Regulation 3 provides that it is an offence for a person to use software which is designed to enable or facilitate completion of any part of the process, with intent to obtain tickets in excess of the sales limit and with a view to any person obtaining financial gain.

Regulation 4 provides that the offence is committed whether the offer of tickets is made or anything is done to obtain the tickets, in or outside the United Kingdom.

Regulation 5 makes provision in relation to the prosecution of, and penalties for, the offence.

These Regulations were notified in draft (Notification No. 2017/0575/UK on 12/12/17) to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council (OJ L 241, 17.9.2015, p.1) which lays down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

An Impact Assessment has not been produced as no, or no significant, impact on the private sector or civil society organisations is foreseen.

© Crown copyright 2018

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK201804251008 05/2018 19585

http://www.legislation.gov.uk/id/ukdsi/2018/9780111168950

ISBN 978-0-11-116895-0

9 780111 168950