

The Sporting Events Bill

Memorandum from the Department for Culture, Media and Sport to the Delegated Powers and Regulatory Reform Committee

A. INTRODUCTION

1. This memorandum has been prepared for the Delegated Powers and Regulatory Reform Committee to assist with its scrutiny of the Sporting Events Bill (“the Bill”). The Bill was introduced in the House of Lords on 14 May 2026. This memorandum identifies the provisions of the Bill that confer powers to make delegated legislation. It explains in each case why the power has been taken and explains the nature of, and the reason for, the procedure selected.
2. The government has carefully considered the powers in the Bill and considers that they are proportionate, necessary and justified. It is the government's view that it has struck the right balance between the need for parliamentary scrutiny and the need to be able to efficiently deliver the requirements of major sporting events by applying technical and operational detail in secondary legislation, and to react quickly to any changes in operational planning.

B. PURPOSE AND EFFECT OF THE BILL

3. Sport brings people together like nothing else. Hosting major sporting events brings significant economic benefits, inspires the next generation and drives pride in our communities. The Sporting Events Bill will support and enhance the United Kingdom's status as a world-leading host of major sporting events. It will ensure these events – including EURO 2028 – can be delivered as efficiently as possible and enhance our competitive advantage when bidding for future global tournaments. It builds on our world-class reputation for delivering major sporting events and shows the world we are ‘event ready’, in line with our manifesto commitment.
4. Historically, bespoke primary legislation has been required for the largest major sporting events, where gaps are identified between the commercial requirements of event owners and what can be delivered under existing UK law. This was the case with the London Olympic and Paralympic Games Act (2006), London Olympic and Paralympic Games (Amendment) Act (2011) and the Birmingham Commonwealth Games Act (2020).
5. The Bill establishes a common legislative framework that enables the UK government and devolved governments to deliver major sporting events. It also provides the UK government, Scottish government and Northern Ireland departments with powers to fund sporting events held wholly or partly in England, Scotland and Northern Ireland respectively. The Bill will ensure we can meet commitments to international sporting event owners confidently, without delay or uncertainty. Further, it will mean that the UK government and the devolved governments no longer need to rely on bespoke primary legislation to deliver commitments made in respect of each event which meets the conditions to apply the framework provisions. This approach will enable the government to respond proactively and proportionately to the requirements of different events, whether these are taking place across the entirety of the UK or in one or more of the UK nations. This will provide certainty for event organisers, sponsors, and local authorities, while reducing the resource and time burden associated with passing bespoke primary legislation.

6. Overall, significant work has been undertaken to consider the requirements of different major sporting events that could be within scope of the Bill, and how these can be delivered proportionately within an event agnostic approach. The delegated powers go no further than necessary and do not overstep the appropriate threshold for the government's power to legislate. For example, there is no ability for the government to increase the scope of the offences included in the Bill; the widest possible extent of each offence has been included in primary legislation, building on the precedents set by event-specific Acts. The ability to apply the provisions through secondary legislation is intended to layer event-specific detail to ensure that the core offences are enforceable, workable and proportionate in the context of a particular event and the requirements of event owners.
7. The ability to create exceptions in relation to each offence will enable the government to tailor the provisions in accordance with commitments that have been made to event owners and operational requirements, taking into account local circumstances and the risk profile of the event. In some circumstances, effective application of the provisions will rely heavily on the maturity of operational planning, including in relation to the venues which are being used for, or in connection with, an event. The ability to authorise activity that would otherwise be prohibited is an integral part of the framework and the government expects, where appropriate, this will be used to minimise the impact of provisions on existing businesses.
8. A flexible approach is needed to ensure that changes to the structure, operation or delivery of an event over its lifecycle can be reflected in the application of the provision via regulations. The department considers it is imperative that an event agnostic framework be able to adapt and accommodate evolving operational requirements, such as scheduling changes or unforeseen changes to the use of venues in respect of an event.
9. Part 1 of the Bill makes provision for the application of legislative measures to certain sporting events which are held in the United Kingdom. The legislative measures relate to the following aspects of major sporting event delivery: ticket touting, advertising, trading, unauthorised association, and transport. These measures are set out in Schedules 1 to 5 to the Bill and are referred to as the "sporting event framework".
10. There are two core powers that can be used to apply the framework provisions to sporting events which meet certain conditions, including whether the event is held regularly in the United Kingdom, and whether it is likely to be of significant social, economic and international interest. The first power (clause 2(1)) enables the Secretary of State, Scottish Ministers, Welsh Ministers and a Northern Ireland department (referred to collectively throughout the Bill and this document as "appropriate national authority") to make regulations which apply the ticket touting, advertising and trading provisions to a qualifying event. The second power (clause 2(2)) enables the Secretary of State to make regulations which apply the unauthorised association and transport provisions to a qualifying event. Those two core powers additionally particularise the event-specific details that must or may be set out in regulations when a framework provision is applied to a qualifying event (bearing in mind the framework provisions are all drafted to be event-agnostic). Throughout this document, we refer to sporting events that meet the conditions to apply the framework provisions as "qualifying events".

11. Part 1 of the Bill includes parameters for the application of each of the framework provisions, along with provision in respect of enforcement of the offences created by the Bill, and supplementary matters. The framework provisions as they are set out in the corresponding Schedules will be applied directly to the qualifying event: secondary legislation will be relied upon to overlay event-specific, operational detail, such as the period for which the provisions apply, and the locations in which they apply. Part 2 of the Bill provides the Secretary of State (in case of sporting events held wholly or partly in England), Scottish Ministers (in the case of sporting events held wholly or partly in Scotland) or a Northern Ireland department (in the case of sporting events held wholly or partly in Northern Ireland) with powers to provide financial assistance to those events.
12. Overall, it is anticipated that the Bill will enhance the UK's ability to meet international obligations, protect the interests of organisers and sponsors, and provide a reliable, long-term mechanism for hosting high-profile global sporting events.

C. DELEGATED POWERS

The delegated powers in this Bill are:

- I. **Clause 2(1):** This power enables an appropriate national authority to make regulations which apply the ticket touting, advertising and trading provisions to a qualifying event.
- II. **Clause 2(2):** This power enables the Secretary of State to make regulations which apply the unauthorised association and transport provisions to a qualifying event.
- III. **Clause 21(1):** This power enables an appropriate national authority to increase the maximum penalty amount that can be given in fixed penalty notices in respect of the advertising and trading offences. This is a Henry VIII power.
- IV. **Clause 21(5):** This power enables the Secretary of State to amend a relevant amount for the purposes of reflecting the effect of changes in the value of money. This is a Henry VIII power.
- V. **Clause 22:** Provision for an appropriate national authority to require a person to provide guidance or other information.
- VI. **Clause 26:** Power for the Secretary of State to make consequential provision. This is a Henry VIII power.
- VII. **Schedule 5, paragraph 1(1):** Power for the Secretary of State to direct a qualifying person to prepare a transport plan.
- VIII. **Schedule 5, paragraph 3(1):** Power for the Secretary of State to provide concurrent traffic management powers to a person directed to prepare a transport plan.
- IX. **Schedule 5, paragraph 4(1):** Power for the Secretary of State to direct a local traffic authority.

Analysis of delegated powers by clause

Part 1 - Sporting Events Framework

Application of the sporting events framework

Clause 2(1): Power to apply the framework provisions

- (a) the ticket touting provisions;
- (b) the advertising provisions;
- (c) the trading provisions.

Power conferred on: An appropriate national authority

Clause 2(2): Power to apply the framework provisions

- (a) the unauthorised association provisions;
- (b) the transport provisions.

Power conferred on: Secretary of State

Power exercised by: Regulations made via Statutory Instrument

Parliamentary Procedure: Affirmative procedure (first such regulations made by an appropriate national authority in relation to the event). Any subsequent regulations made by the same authority in relation to the event will be subject to the negative procedure. Regulations subject to the negative procedure can also be made via the affirmative procedure.

Context and purpose

13. The UK government has previously introduced legislation to support the delivery of major sporting events. For London 2012, three separate Acts were passed: the London Olympic and Paralympic Games Act 2006, the London Olympic and Paralympic Games (Amendment) Act 2011 and the Sunday Trading (London Olympic Games and Paralympic Games) Act 2012. For Birmingham 2022, the government passed the Birmingham Commonwealth Games Act 2020. The Scottish government has passed the Glasgow Commonwealth Games Act 2008, the UEFA European Championship (Scotland) Act 2020 and, most recently, the UEFA European Championship (Scotland) Act 2026.
14. The Sporting Events Bill negates the need to develop bespoke primary legislation for each major sporting event where legislative provisions are considered to be required. The Bill introduces a range of event-agnostic provisions, all heavily precededented in previous event-specific legislation, that can be applied and tailored appropriately to address the requirements of events which are not normally held in the UK and are subject to competitive bid processes. The majority of these measures are designed to enhance - and provide certainty over - the suite of commercial protections that can be applied to events which meet the conditions set out in clause 3 (“framework conditions”).
15. The government has carefully considered previous legislation, the requirements of event owners, the need for clarity and consistency over the provisions that can be

applied and the effective, ongoing operation of a UK-wide framework. In its nature, the government considers that an event agnostic Bill needs to provide a consolidated range of proactive and reactive enforcement measures that both can deter infringements and respond efficiently to unauthorised commercial activity.

16. The powers in clause 2(1) and clause 2(2) will enable the provisions which are set out in Part 1 of the Bill to be applied by the relevant government to events which satisfy the conditions set out in clause 3.
17. As the Bill covers matters which are of both devolved and reserved competence, the power to apply provisions is separated into those that can be applied by the Secretary of State only by virtue of clause 2(2) (as they relate to reserved matters or are England only), and that those that can be applied by a Secretary of State or a devolved authority by virtue of clause 2(1) (as they cover devolved matters). A devolved authority is defined in clause 4(6) as Scottish Ministers, Welsh Ministers or a Northern Ireland department. Collectively, the Bill refers to the Secretary of State and a devolved authority as an appropriate national authority.
18. Clause 2(1) enables an appropriate national authority to make regulations which apply the ticket touting, advertising and trading provisions to a qualifying event. A devolved authority may only make regulations under clause 2(1) if they contain provisions within the competence of that authority. Clause 4(1) provides that the Secretary of State may only make provisions which would be within the competence of a devolved authority if that authority has provided consent. Subsequent clauses and schedules in the Bill set out provision(s) that the appropriate national authority must or may specify when making regulations under clause 2(1), which are justified in Annex A.
19. Clause 2(2) enables the Secretary of State to make regulations which apply the unauthorised association or transport provisions to a qualifying event. Subsequent clauses and schedules in the Bill set out provision(s) that the Secretary of State must or may specify when making regulations under clause 2(2). These are set out in Annex A.
20. The appropriate national authority may only make regulations under clause 2(1), or clause 2(2) (in the case of the Secretary of State), in respect of a sporting event if it appears to the authority that the framework conditions in clause 3 are met. The event must be held (at least partly) in the UK and the authority must consider it is of a kind that is not regularly held in the UK (typically called 'bid-for events'). The authority must also be of the view that the sporting event is likely to be of significant international interest and bring social or economic benefits to the whole or part of the UK, or that hosting the event is considered of 'strategic value', i.e. that holding the sporting event in the UK is likely to facilitate the holding of sporting events that meet this condition in the UK in the future. For example, this might include events such as UEFA European Championships, FIFA Football World Cups and Rugby World Cups. It could also include hosting an event such as a UEFA Under 21s European Championship to facilitate hosting of the UEFA European Championships. However, it would exclude sporting events taking place in the UK on a regular basis, such as the FA Cup Final or the Wimbledon Championships.
21. As set out under clause 3(4), in considering whether a sporting event is likely to be of significant international interest, the authority may have regard to the scale and reputation of the event; the number of persons the authority expects to come from

outside the UK; the amount of media coverage expected outside the UK; and any other matters the authority thinks relevant. This could include, for example, the number of people watching or listening to a broadcast of the event outside the UK.

22. Clause 24(2) notes that a “sporting event” includes any opening or closing ceremony of the event. Clauses 2(4) and 2(5) provide that regulations made under clauses 2(1) or 2(2) may specify any connected events to which the provisions in Part 1 of the Bill apply, and that an event may only be specified as a connected event if it is to be held in connection with the sporting event. This is to ensure that the appropriate national authority can make provision in relation to a part of a sporting event for which they have made commitments to an event owner but which may not be traditionally considered as ‘part’ of that event. This provision could be used, for example, to ensure that the ticket touting offence include tickets made available to official fan zones or to cultural events which are officially part of the event programme.
23. Clause 27(9) contains a de-hybridising provision. It sets out that any statutory instrument made under this Bill that could be subject to the affirmative procedure and could be treated as a hybrid instrument, is to proceed as if it were not a hybrid instrument. The government recognises that there are matters in this Bill - namely the advertising and trading provisions - that could have a disproportionate impact on specific individuals or groups. However, given the time-limited and targeted nature of the provisions and the mitigations available, the government does not consider that the hybrid procedure is necessary or proportionate.
24. Clauses 10(6) and 13(5) require the appropriate national authority to undertake consultation before providing exceptions to the advertising and trading offences in respect of a qualifying event, with a requirement to consult relevant local authorities and any other persons the authority considers appropriate. It is expected that businesses with an existing licence to trade in an area who could be affected by the trading offence will be considered to be appropriate persons for this purpose. As a further mitigation, the Bill also sets clear time limitations on the periods that the advertising and trading offences that can be applied: they can be put in place no more than 10 days before the beginning of the qualifying event and end no later than 5 days after the event concludes (see clauses 8(6) and 11(6)). The government expects the provisions to be in place no longer than is necessary to protect commercial rights. For the majority of locations, it is anticipated that provisions will come into effect a day before a place is being used for, or in connection with, a qualifying event and end on the day that any activity associated with that place finishes.
25. The appropriate national authority will work closely with event organisers and local authorities to ensure that affected businesses are engaged and that suitable measures are put in place to mitigate the impact of the offences on a case-by-case basis, taking into account local circumstances, event requirements and the need for proportionality. In particular, to ensure proportionate exercise of the provisions, the government expects an appropriate national authority to use the ability to make exceptions and provide for a designated authorising person (and to impose conditions on such a person) with a view to minimising the impact on existing businesses.
26. The Bill will enable the inclusion of event-specific detail in relation to provisions applied by regulations under clause 2(1) and clause 2(2). These event-specific details are operational in nature and have been developed to ensure workability and

proportionality in an event-specific context, given the agnostic nature of the provisions set out in the Bill. These provisions are considered in turn in Annex A.

Justification for taking the power

27. Clause 2(1) and clause 2(2) are essential to the ongoing, effective operation of the Bill. As event agnostic legislation, the provisions in the Bill have been developed to be applied to a range of qualifying events. The provisions have no legal effect until they are applied by the appropriate national authority through secondary legislation to a qualifying event. Such events must be taking place in one or more of the UK nations. These clauses enable necessary operational, event-specific detail to be provided in regulations, ensuring that the appropriate national authority can deliver on the varying requirements of major sporting events in a proportionate way. These clauses negate the need to rely on resource intensive, event-specific primary legislation for the delivery of provisions that are strongly precedented and have significant commonality.
28. Being able to specify connected events under clause 2(4) provides the necessary flexibility for the appropriate national authority to specify additional events on a case-by-case basis while providing clarity over the scope of the Bill provisions where required. This will provide certainty to event organisers, spectators and fans, and enforcement authorities over which events are within scope the prohibitions beyond those which are already specified on the face of the Bill.

Justification for the procedure: power to apply provisions under clause 2(1) and clause 2(2)

29. The event agnostic nature of the Bill requires that the framework provisions be applied to qualifying events via regulations. The department considers that it is most important to provide parliamentarians with the opportunity to debate and scrutinise the first set of regulations brought forward by the respective government in respect of an event. As such, for these first set of regulations, the affirmative procedure provides an appropriate level of scrutiny which will enable the relevant legislature to raise questions about the suitability of application to that event and the provisions that are expected to be applied (recognising that some provisions are reserved).
30. The intention would be that the first set of regulations in respect of an event applies as many provisions as possible in line with event requirements. Where it is not possible to apply provisions in the first set of regulations, for example, due to maturity in operational planning, subsequent sets of regulations may be made using the negative procedure. However, the appropriate national authority will be able to apply the affirmative procedure if it considers that the regulations contain issues of substance or that the relevant legislature is likely to have a particular interest in them.
31. Generally, the expectation will be that any further regulations which are made in respect of the same qualifying event by the same appropriate national authority would be suitable for the negative procedure. As the widest scope of all the provisions that can be applied under clause 2 is set out in the Bill, this assumes that such regulations will contain operational or technical detail or provide for unforeseen changes in how an event is to be delivered. To ensure there is an efficient mechanism to apply or amend such provisions at a later stage of programme delivery, the government considers that the negative procedure is appropriate. This flexibility enables the appropriate national authority to apply or amend provisions as soon as reasonably practicable while ensuring that those provisions that may be more heavily reliant on maturity in operational planning could be enacted at a later date, or changes in operational planning can be reflected in how any legislative provisions

are applied. This will help to prevent uncertainty over the legal framework and ensure timely implementation of provisions, allowing event organisers and delivery partners to plan with confidence.

32. To put this in context, certain provisions applied by virtue of clause 2(1) or clause 2(2) will be of such a localised nature that rely on detailed operational planning, which may not conclude until around a year from the beginning of an event. For instance, the advertising and trading provisions will need to take into account when and how venues are being used for, or in connection, with an event. Amongst other things, this will include consideration of the transport hubs and mobility routes which spectators will be expected to use (supporting the free and easy flow of spectators), the number of businesses in the affected area and key aspects of the locality that could be used to display advertising by non-sponsors, such as established media and advertising assets and the frontages of prominent buildings.
33. While the appropriate national authority is likely to have limited control over certain aspects of operational planning that influence the drafting of regulations, for example, over when and how venues are being used for a qualifying event, the government expects that decisions on how to apply the provisions will be guided by proportionality and the views of local stakeholders, as well as the need to deliver upon commitments to event owners.
34. Using the affirmative procedure for first application of the provisions under clause 2(1) and clause 2(2) should also be considered within the context of the Bill, which provides considerable policy detail on the face of the Bill (with further operational and technical details to be set out in regulations). As such, the government considers that the primary policy issue that the Bill leaves to be determined is whether a sporting event satisfies the conditions set out in clause 3.
35. The conditions for assessing sporting events in scope of Bill are intentionally broad. This is to ensure that a number of events, including those events in the UK's long-term pipeline that are not normally held in the UK, could potentially benefit from application of the Bill's provisions. As such, it will be for the appropriate national authority to exercise their discretion to determine which sporting events to apply the framework provisions to.
36. Overall, the government considers that the affirmative procedure provides a suitable opportunity for Parliament to debate whether each event to which the provisions are first applied satisfies the conditions set out in the Bill and to scrutinise the respective government over the planning and delivery of the event. While the government's intention is to streamline the number of regulations required in relation to each qualifying event to alleviate the pressure on government resources and parliamentary time, there is a clear need to have the flexibility to apply or amend provisions in a time-sensitive manner. The government therefore considers that this use of parliamentary procedure for regulations made under clause 2(1) or clause 2(2) strikes the right balance between appropriate scrutiny and the flexibility required to accommodate an event agnostic approach and the operational dependencies of events that are likely to be in scope. The appropriate national authority will also be able to apply the affirmative procedure to any set of regulations made under the Bill, where that is considered to be justified, for example, where regulations contain issues of substance or are likely to be of interest to the relevant legislature.

37. **Annex A** details the provisions that can be applied by an appropriate national authority or the Secretary of State by virtue of clause 2(1) or clause 2(2) and an explanation as to why this is a level of detail which cannot be included on the face of the Bill. Those clauses and schedules have been designed to operate within the wider context of the Bill, ensuring that operational and technical detail relevant to a qualifying event can be provided for in regulations - ensuring the framework provisions are workable, proportionate and have the necessary legal effect.

Clause 21(1): Power to amend maximum penalty amounts

Power conferred on: Appropriate national authority

Power exercised by: Regulations made via Statutory Instrument

Parliamentary Procedure: Negative procedure

Context and purpose

38. This clause allows an appropriate national authority to increase the maximum amount of a fixed penalty notice in respect of the advertising and trading offences. This must not exceed £1,000. This is a Henry VIII power.
39. The Bill provides that the maximum penalty amount for a fixed penalty notice in respect of the advertising and trading offences is £300. Any increase in the maximum penalty amount for fixed penalty notices made via regulations by the appropriate national authority cannot be to more than £1,000 (only the Secretary of State will be able to make increases to the amount above £1,000 in line with changes to the value of money under clause 21(5)).

Justification for taking the power

40. The fixed penalty notices that can be imposed by an enforcement authority in relation to the advertising and trading offences are designed to be a straightforward and efficient method for dealing with low-level offences and can alleviate the resource burden associated with court proceedings. Fixed penalty notices are already available in respect of a number of offences, including offences Environment Act 1990. As this is an event agnostic Bill, an assessment of whether they are effective enforcement tool and provide a sufficient deterrent will need to be undertaken once they have been made available to enforcement authorities in respect of different qualifying events.

Justification for the procedure

41. The negative procedure is used regularly, without an upper limit, to update the maximum penalty amount that can be provided for under a fixed penalty notice (including those issued under the Environment Act 1990 in respect of littering, flyposting and graffiti). As fixed penalty notices will be available for events of different size and scale in varying jurisdictions, the appropriate national authority will need to keep these amounts under continuous review to ensure they remain fit for purpose in the context of the Bill.
42. The use of fixed penalty notices for advertising and trading offences committed in relation to sporting events is novel; it is not clear whether the maximum currently set in the Bill will act as a sufficient deterrent and therefore flexibility is required to increase this amount. Any changes to the maximum would need to balance the ongoing efficiency of the framework, the levels of fixed penalty available for other offences and the potential for economic gain from committing an offence.

43. The department considers the negative procedure is appropriate as there is a fixed upper limit which can only be increased in line with inflation by the Secretary of State under clause 21(5). This power is not considered to be sufficiently broad or controversial to warrant the use of the affirmative procedure and is designed to ensure the ongoing workability and efficiency of provisions in the Bill.

Clause 21(5): Power to amend maximum penalty amounts

Power conferred on: Secretary of State

Power exercised by: Regulations made via Statutory Instrument

Parliamentary Procedure: Negative procedure

Context and purpose

44. This clause allows the Secretary of State to increase the maximum penalty amounts that can be charged in respect of the ticketing, advertising and trading offences to account for changes in the value of money. This is a Henry VIII power.
45. The maximum financial penalty for the ticket touting offence in the Bill is set out in paragraph 4(2) of schedule 1 as £20,000. Any increase in the maximum penalty amount for the ticket touting offence can only be made by the Secretary of State via regulations to reflect changes in the value of money. The Secretary of State will also be able to make increases to the maximum amount of a fixed penalty in relation to the advertising and trading offences above £1,000 (the maximum amount which an appropriate national authority can provide for) where this is to account for inflation.

Justification for taking the power

46. The financial penalties that can be imposed by an enforcement authority in relation to the ticket touting offence, and the fixed penalties for the advertising and trading offences, need to serve as an effective deterrent and punitive measure. To support this, the maximum level of penalty that can be imposed may need to be changed to reflect the change in the value of money (e.g. to reflect inflation). This is necessary to ensure that the maximum level of penalty continues to reflect the potential economic value associated with such activities.

Justification for the procedure

47. The power to increase the maximum amount of penalty that can be imposed in respect of an offence in line with inflation is common practice. Under Tenant Fees Act 2019 and Renters Reform Act 2025, similar powers are subject to the negative procedure. The negative procedure is also used regularly, without limitation, to update the maximum penalty amount that can be provided for under fixed penalty notices (including those issued under the Environment Act 1990 in respect of littering, flyposting and graffiti).
48. The government considers that the scope of this Henry VIII power is clearly defined and limited and that the negative procedure is appropriate for a power which is administrative in nature and necessary for the efficient operation of agnostic legislation over time. This power is not considered to be sufficiently broad or controversial to warrant the use of the affirmative procedure and is designed to ensure the ongoing workability and efficiency of provisions in the Bill.

Clause 26: Power to make consequential provision

Power conferred on: Secretary of State

Power exercised by: Regulations made via Statutory Instrument

Parliamentary Procedure: Negative procedure (if it does not amend primary legislation), otherwise affirmative procedure

Context and purpose

49. Clause 26(1) enables the Secretary of State to make regulations that make provision which is consequential on this Bill. The power may be used to amend, repeal or revoke any provision made by or under primary legislation passed before the bill is passed or later in the same parliamentary session. This power is a Henry VIII power to the extent that regulations are used to amend primary legislation.

Justification for taking the power

50. Where consequential changes to existing legislation have been identified, the necessary amendments are already set out in clause 23 of the Bill. The government will continue to consider how this Bill interacts with other legislation, for example, in the complicated field of intellectual property rights, and should the need for further consequential amendments be identified will use this power to make the necessary amendments via regulations.

Justification for the procedure

51. To ensure an appropriate level of parliamentary scrutiny, this power would be subject to the affirmative resolution procedure where it is used to amend or repeal primary legislation (clause 26(3)). This is in keeping with the views of the DPRRC. If regulations made under this clause amend or revoke secondary legislation, they will be subject to the negative resolution procedure (clause 26(4)). It is considered that this procedure is appropriate as it is anticipated that the nature of any amendments to secondary legislation will be relatively minor and consequential upon, and therefore only those which arise directly from, provision in the Bill.

Transport provisions

Schedule 5, paragraph 1(1): Power for the Secretary of State to direct a qualifying person to prepare a transport plan

Power conferred on: Secretary of State

Power exercised by: Directions

Parliamentary Procedure: None

Context and purpose

52. The transport provisions enable the Secretary of State to put in place, proportionate and time limited transport interventions to enable the safe and effective delivery of sporting events with significant transport impacts. Such events often involve complex, cross boundary transport arrangements which cannot be adequately managed using existing powers held by individual local traffic authorities alone.

53. The power to apply Schedule 5 by regulations as appropriate allows transport measures to be tailored to individual sporting events, ensuring that they are activated only in response to specific demands of individual sporting events, where justified by the scale and nature of the event. This approach allows for careful scrutiny of each event's transport requirements, enabling bespoke interventions where existing local powers may be insufficient to secure safe and effective delivery.

54. Paragraph 1(1) of schedule 5 enables the Secretary of State to direct a qualifying person to prepare a transport plan. Paragraph 1(2) sets out that a "qualifying person" means a person who the Secretary of State considers competent to prepare such a

plan. A ‘transport plan’ means a plan that relates to one or more areas in England and addresses transport matters relating to the sporting event. Paragraph 1(3) provides that a person directed to prepare a transport plan must comply with the direction; keep the transport plan under review; revise the plan (if considered appropriate) and publish the plan (unless this is not appropriate for reasons of security). Paragraph 1(4) provides that the person must undertake consultation with persons specified in paragraph 1(5) before preparing or revising the plan. Paragraph 1 provides that each local traffic authority for a road affected by the plan must exercise their functions with a view to securing the implementation of the plan.

Justification for taking the power

55. Such events often involve complex, cross boundary transport arrangements which cannot be adequately managed using existing powers held by individual local traffic authorities alone. This power ensures clear accountability for planning and coordination, while allowing flexibility as to which person is best placed to undertake that role depending on the governance and structure of the event.
56. A designation can only happen if the government considers that the person is competent to prepare a transport plan - this is expected to include an assessment of their expertise, experience and the nature of their role in supporting transport planning in respect of an event. This is expected to include public bodies such as transport authorities, local authorities or arm’s length bodies, and may also include private or third sector organisations with relevant experience of planning and delivering transport arrangements for large scale or complex events.

Justification for the procedure

57. As this power would be exercised by regulations made via Statutory Instrument under clause 2(2) see paragraphs 29-37 for the justification for the procedure. For any first such regulations made by an appropriate national authority in relation to a qualifying sporting event, this would be the affirmative procedure. Any subsequent regulations made by the same authority in relation to the same event will be subject to the negative procedure, with the authority having the option to use the affirmative procedure where appropriate.

Schedule 5, paragraph 3(1): Power for the Secretary of State to provide concurrent traffic management powers to a person directed to prepare a transport plan

Power conferred on: A person directed by the Secretary of State under paragraph 1(1) of Schedule 5

Power exercised by: Order or notice

Parliamentary Procedure: None

Context and purpose

58. Paragraph 3(1) provides that a person directed to prepare a transport plan for an event may make an order or issue a notice under section 14 of the Road Traffic Regulation Act 1984 in the same way as a local traffic authority for the purposes of implementing a transport plan; facilitating transport services in connection with the sporting event; or facilitating travel by any person for a purpose connected to the event. The Secretary of State may only provide for a person that has been directed to prepare a plan to exercise concurrent traffic management powers in regulations with the consent of the relevant local traffic authority. Paragraph 2(3) provides that any order made or notice issued can be for a period beginning no more than 28 days before a sporting event begins and must cease to have effect no later than 5 days after the sporting event ends (a sporting event includes any opening or closing ceremony).

Justification for taking the power

59. This power is necessary to ensure that a person directed to prepare a transport plan can put in place temporary traffic measures and that such measures can be implemented swiftly and coherently across affected areas. This is expected to lead to efficiencies and support coordinated action across administrative boundaries to manage transport impacts effectively at pace. It does not remove or override the role of local traffic authorities, but enables a time limited, consent-based approach to delivery where responsibilities need to be aligned across boundaries to support the safe and effective running of the event.
60. A number of safeguards have been included, such as a requirements consent from local traffic authorities for the provision of concurrent powers in regulations, statutory time limits on the duration of temporary orders and notices, and the continued application of the section 122 duty, which provides that a person must exercise concurrent traffic management powers to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

Justification for the procedure

61. As this power would be exercised by regulations made via Statutory Instrument under clause 2(2) see paragraphs 29-37 for the justification for the procedure. For any first such regulations made by an appropriate national authority in relation to a qualifying sporting event, this would be the affirmative procedure. Any subsequent regulations made by the same authority in relation to the same event will be subject to the negative procedure, with the authority having the option to use the affirmative procedure where appropriate.

Schedule 5, paragraph 4(1): Power for the Secretary of State to direct a local traffic authority

Power conferred on: Secretary of State

Power exercised by: Directions

Parliamentary Procedure: None

Context and purpose

62. Paragraph 4(1) further provides that the the Secretary of State can direct a local traffic authority to make an order or issue a notice under section 14 of the Road Traffic Regulation Act 1984 if satisfied that the making of the order, or issue of the notice, is necessary for the purposes specified in paragraph 2(1), the Secretary of State has already requested that the authority take the action and the authority has failed to do so within 7 days of the request. If the Secretary of State is satisfied such a direction must be given without delay, a request need not have already been made and a 7 day period elapsed.
63. Under paragraph 4(2), the Secretary of State has to consult certain persons before making such a direction. Paragraph 4(4) provides that if the local traffic authority does not comply with the direction before the end of the period specified, the Secretary of State may make the order or issue the notice in place of the authority, and recover any expenses incurred.

Justification for taking the power

64. This power intended to operate solely as a backstop where local action has not been taken and where failure to act would risk undermining the delivery or safety of the

sporting event. Intervention by the Secretary of State is only permitted only where required to secure delivery of the transport plan, following consultation except in urgent cases, and does not transfer functions away from local authorities as a matter of course. The ability to act in default and recover costs ensures timely implementation without displacing local accountability, ensuring that agreed measures can be delivered efficiently where delay or inaction would risk disruption or safety.

Justification for the procedure

65. As this power would be exercised by regulations made via Statutory Instrument under clause 2(2) see paragraphs 29-37 for the justification for the procedure. For any first such regulations made by an appropriate national authority in relation to a qualifying sporting event, this would be the affirmative procedure. Any subsequent regulations made by the same authority in relation to the same event will be subject to the negative procedure, with the authority having the option to use the affirmative procedure where appropriate.

**The Department for Culture, Media and Sport,
14/05/2026**

Annex A - Overview of the provisions that can be applied under clause 2

This annex details the provisions that can be applied by an appropriate national authority or the Secretary of State by virtue of clause 2(1) or clause 2(2) and provides a justification for each provision. These provisions are designed to operate within the wider context of an event agnostic Bill, ensuring that operational and technical detail relevant to a qualifying event can be provided for in regulations to ensure the provisions are workable, proportionate and have the necessary legal effect.

Ticketing provisions

Clause 5(2)(a): Duty on an appropriate national authority to specify the period during which the ticket touting provisions apply

Purpose and context

66. Clause 5(2)(a) provides that appropriate national authority must specify in regulations made under clause 2(1) the time period during which the ticket touting provisions in respect of a qualifying event.

Justification for taking the provision

67. As an event agnostic Bill, the Bill does not provide for the period during which the ticket touting offence should apply in respect of a qualifying event. The government does not consider it is appropriate to limit this to a period on the face of the Bill as it will vary depending on the event. For example, when specifying the time period to which the offence applies, the appropriate national authority will consider when tickets to the qualifying event are expected to go on sale and the period required to raise awareness of, and support effective engagement with, the general public, secondary ticketing platforms and enforcement authorities, amongst others. As the ticket touting offence applies to anything that is, or purports to be, a ticket to a qualifying event, having sufficient flexibility over the period during which an offence applies will help to address activity which pre-empts an authorised sale or resale.

Clause 5(2)(b): Duty on an appropriate national authority to specify the part (or parts) of the United Kingdom in which the ticket touting provisions apply

Purpose and context

68. Clause 5(2)(b) provides that the appropriate national authority must specify in regulations made under clause 2(1) the part (or parts) of the United Kingdom in which the ticket touting provisions. Clause 4 provides that a devolved authority may not make regulations under section 2(1) unless the regulations contain only provision which is within devolved competence in relation to the authority. In the case of the ticket touting provisions, any regulations made by a devolved authority can only be made where a sporting event (or any part of it) is taking place in their jurisdiction. As such, a devolved authority can only specify that the ticket touting offence applies (and therefore forms part of the law) in their legal jurisdiction. For example, if the ticket touting offence is applied by Scottish Ministers, it can only apply to Scotland and be an offence under Scots law (although the prohibition could extend to activity outside of Scotland by virtue of paragraph 2(1) of Schedule 1). The Secretary of State will be able to apply the offence across the UK - to the law of England and Wales, Scotland and Northern Ireland - with the consent of the relevant devolved authorities.

69. Overall, the ticket touting offence is designed to act as a deterrent and transfer income from ticket touts (many of whom are based overseas) back to fans, whose expenditure directly contributes to the economy. The operation of the offence is intended to provide greater access to tickets at prices determined by the event owner or organiser.

Justification for taking the provision

70. This clause is designed to ensure flexibility in application of the ticket touting offence across the UK, recognising that this is considered to be a devolved area of competence in respect of sporting events. Due to the cross-border nature of the internet, the government recognises that the ticket touting offence could be undermined if not applied universally or consistently across the UK. This provision is intended to ensure the UK government can apply the ticket touting offence UK-wide while respecting that this is an area of devolved competence and that commitments made to event owners are generally for the respective host nation(s) or guarantee signatory to deliver.

Clause 5(3): Provision to disapply either or both paragraph 2 of Schedule 1 (extra-territorial application) and Part 2 of Schedule 1 (financial penalties)

Purpose and context

71. Clause 5(3) makes provision for the appropriate national authority making regulations under clause 2(1) to disapply components of the ticketing provisions when they are applied to a part (or parts) of the UK. Clause 5(3)(a) enables the appropriate national authority to disapply paragraph 2 of schedule 1 which provides for extra-territorial application of the ticket touting offence.
72. Paragraph 2(1) provides that a UK person commits an offence if they carry out activity outside a part of the United Kingdom to which the ticket touting offence has been applied. This means that a UK person (defined as a UK national, an individual habitually resident in the UK, a body incorporated under UK law or a partnership in Scotland) can commit an offence when carrying out activity within or outside of the UK. A UK person could then be prosecuted for the offence under the law of the relevant area of the UK. For example, if the Secretary of State applied the ticketing offence to England and Wales, Scotland and Northern Ireland, criminal proceedings could be initiated in any of the UK jurisdictions.
73. Extra territorial jurisdiction is designed to ensure that appropriate enforcement action can be taken against UK persons wherever they are based or where there is otherwise a 'UK connection' (i.e. overseas businesses are targeting UK consumers). An appropriate national authority may consider it is not necessary or proportionate to apply extra-territorial jurisdiction to the ticket touting offence in respect of a qualifying event, or may wish to understand how the offence is to be applied across the UK before determining whether such provisions are required.
74. Clause 5(3)(b) enables the appropriate national authority to disapply Part 2 of Schedule 1, which provides the ability to impose financial penalties in respect of the ticket touting offence. This would mean that an enforcement authority in a relevant part of the UK would not have the option to impose financial penalties up to £20,000 in respect of a breach of the ticket touting offence, and instead would be reliant on other enforcement powers available, including criminal prosecution. This is to ensure that an appropriate national authority has discretion over the application of the ticket

touting offence, taking into account event-specific requirements and local circumstances.

Justification for taking the provision

75. The framework provisions are intended to support the delivery of a broad range of events that do not normally take place in the UK. As the Bill is agnostic, it is designed to be suitably flexible to support the requirements of different events in terms of scale, significance and international interest. These provisions enable the appropriate national authority to consider these requirements and how the ticket touting provisions are anticipated to be applied across the UK in respect of an event and, in particular, the likelihood of touting activity being carried out outside of a relevant area of the UK to which the offence has been applied and forms part of the law.

76. The Bill sets out the extent of the enforcement powers that are available to enforcement authorities in respect of the offences. As an alternative to prosecution, the government considers that enforcement authorities should generally have the ability to impose financial penalties where they consider this to be appropriate. This builds on powers for local authorities in England to impose financial penalties directly under legislation such as the Tenant Fees Act 2019. The enforcement authority can retain the proceeds of such penalties to support their functions. The government recognises that such a model may not be as widely used in the devolved authorities and they may wish to consider whether such financial penalties for the ticket touting offence are appropriate in the local context and relevant legal jurisdiction.

Clause 6(1): Duty on an appropriate national authority to designate a person to grant ticketing authorisations

Purpose and context

77. Clause 6(1) requires the appropriate national authority making regulations under clause 2(1) to designate a person to grant ticketing authorisations in relation to the event. Where this person is not the appropriate national authority, they can only be designated if that authority considers they are suitable to grant ticketing authorisations in relation to the qualifying event. This duty to designate a person to grant ticketing authorisations is to ensure that tickets to a qualifying event can legally be sold in (a part of) the UK by the person who is the event owner or organiser, or by any other person that is provided with the right to sell tickets.

Justification for taking the provision

78. This clause ensures that the ticket touting provisions can operate in line with commercial rights associated with a qualifying event - and that the event owner or organiser has the exclusive right to sell tickets, and to decide which other organisations, such as official resale platforms or national sporting bodies, are able to do so. Without the duty to specify in regulations a designated authorising person, the ticket touting offence would not be able to operate as intended as there would not be any person who could legally sell, or resell, tickets to a qualifying event.

Clause 6(3): Provision for an appropriate national authority to require a designated authorising person to comply with conditions

Purpose and context

79. Clause 6(3) provides that an appropriate national authority may require a designating authorising person to comply with conditions. Clause 6(4) provides that this may include a requirement for the designated person to maintain a register containing information about any ticketing authorisations granted and arrange for any such register to be made available to the public. Primarily, this is to ensure that there is appropriate transparency and clarity over who can legally sell or resell tickets to support implementation and enforcement of the ticket touting offence. An appropriate national authority will also be able to consider whether there are any additional conditions that they wish to impose upon a designated authorising person, for example, in relation to ticketing practices or pricing structures, taking into account the commercial arrangements of the qualifying event.

Justification for taking the provision

80. This provision is to ensure that a designated authorising person can be required to comply with conditions when undertaking their authorising functions. This may be required to ensure that the provision operates as intended and that there is sufficient transparency from a designated authorising person with members of the public and enforcement authorities regarding where tickets can be legally sold or resold. Any conditions imposed may be necessary to ensure that the commercial arrangements of the event are appropriately reflected in the administration of the authorisations process, for example, whether there is expected to be any third party ticketing providers or whether there will be an exclusive ticketing platform owned and operated by the event organiser. If an appropriate national authority did not have the ability to impose conditions, they may not be able to ensure that any agreements that have been made in respect of the event (for example, over who can sell tickets and the pricing structures that are to be used) are implemented effectively.

Clause 7(1): Provision for an appropriate national authority to specify exceptions to the ticket touting offence

Purpose and context

81. Clause 7(1) creates the ability for an appropriate national authority to specify in regulations under section 2(1) activities which are excepted from the ticket touting offence. This may, in particular, include for activities carried out by, or on behalf of, a specified person or specified description of person (such as a charity). The scope of the ticket touting offence is set out on the face of the Bill. Paragraph 1(2) of Schedule 1 provides that a person touts an event ticket if they carry out an activity in a public place, in the course of a business, or with a view to any person making a profit. Clause 7(1) enables the offence to be narrowed in scope as considered appropriate.

Justification for taking the provision

82. This provision to narrow the offence ensures the ticket touting offence is applied proportionately in respect of a qualifying event. It enables the scope of the ticket touting offence to be considered on a case-by-case basis. For example, for certain qualifying events, an appropriate national authority may consider that it should not be a criminal offence for a charity or an amateur sports club to raise proceeds through the sale of an event ticket and may wish to provide for such an exception in regulations applying the ticket touting provisions.

Advertising and trading provisions

83. Analysis of the details that can be applied in relation to the advertising and trading provisions has been taken together to reflect the conceptual similarities in these provisions and how they will be implemented, with the broad geographical parameters of the restricted advertising and trading zones - and the time periods the provisions apply to each place - expected to be consistent.

Clause 8(2): Duty on an appropriate national authority to specify the places that are to be restricted advertising zones, and the periods during which the advertising offence applies in relation to each of those places

Clause 11(2): Duty on an appropriate national authority to specify the places that are to be restricted trading zones, and the periods during which the advertising offence applies in relation to each of those places

Context and purpose

84. Clauses 8(2) and 11(2) require the appropriate national authority applying the advertising and trading provisions under clause 2(1) to specify the places, or descriptions of places, that are to be restricted advertising and trading zones in relation to the qualifying event. The authority must also specify the time period during which the offences apply in relation to each of those places.
85. Paragraph 1(1) of Schedule 2 creates an offence to carry out, arrange for, or permit the carrying out of, advertising in a restricted advertising zone at any time during a specified period. “Advertising” means anything done wholly or partly for the purpose of promoting a product, service or business specifically to members of the public who are in a restricted advertising zone, or who are watching or listening to a broadcast of the sporting event.
86. Paragraph 1(1) of schedule 3 creates an offence to carry out, arrange for, or permit the carrying out of, trading activity in a relevant public part of a restricted trading zone at any time during a specified period. “Trading activity” is defined in paragraph 1(2) of Schedule 3 as selling a product, or offering or exposing a product for sale; providing a service, or offering to provide a service, for gain or reward; providing public entertainment for gain or reward appealing for money or other property (whether for charitable or other purposes), with the exception of begging.
87. A “relevant public part” of a restricted trading zone is defined in paragraph 1(3) of Schedule 3 as a place in a restricted trading zone that is a highway; a building to which the public have access and which is used for the qualifying event; a building to which the public have access and which is generally used for the parking of motor vehicles or as transport hub; or any other place (other than a building) to which the public have access.
88. The core offences for advertising and trading are set out in paragraph 1(1) of schedule 2 and paragraph 1(1) of schedule 3 to the Bill. The duty will ensure that regulations detail the places where the offences are to apply. As set out under clause 8(3) and (4) and clause 11(3) and (4), these can only be places that are to be used for, or otherwise in connection with, the qualifying event (and places in their vicinity), and in the case of regulations that are made by Scottish or Welsh Ministers or a Northern Ireland department, must only specify places within their respective jurisdictions. These will generally be the places, such as competition venues and fan

zones, where there is expected to be a high risk of commercial exploitation and where there is a need to safely manage the flow of spectators. While some of these venues will be known at an early stage of delivery (particularly those being used for sporting competition), a significant amount of operational planning will be required to determine exactly how they will be used in the context of the event. This process will involve ongoing engagement with local authorities, event organisers, transport operators, venue owners and delivery partners to understand operational requirements in relation to the venue footprint and, in particular, the anticipated routes that spectators will be expected to use from nearby transport hubs, amongst other things.

89. There are clear limitations on the time period that provisions can be applied during the Bill; the provisions can be put in place no more than 10 days before the beginning of the qualifying event and end no later than 5 days after the event concludes. This is based on lessons learned from previous events, the requirements of event owners and the anticipated arrival and departure of athletes and key officials to host cities.

Justification for taking the provision

90. These provisions are essential to the workability, efficiency and proportionality of the advertising and trading provisions in the Bill. In an event agnostic context where sporting events and their venues will not be known, it is vital to have sufficient flexibility over the places that can be specified in regulations, and the period during which the provisions can be applied. For example, the areas that need to be protected are not just competition venues and their immediate vicinity. As such, the government does not consider that it would be helpful to specify that the offences may only be applied within a maximum distance from a venue being used for an event. This is to ensure that provisions can be applied proportionately on a case-by-case basis to take into account the scale of the event and any potential risks that may emerge because of the local operating environment, including the potential impact of the provisions on businesses already operating in such areas.
91. The advertising and trading offences will be enacted in accordance with the requirements of different events and the venues and locations that are being used for, or in connection with, such events. As such, these provisions are heavily localised and their anticipated impact will not be known until these areas have been identified through operational planning and the competition schedule has been finalised. However, the Bill provides a safeguard to ensure provisions can be applied no more than 10 days before the beginning of the qualifying event and end no later than 5 days after the event concludes. Generally, the government does not consider that the advertising and trading provisions should be applied for any longer than is absolutely necessary, and expects that their application will closely align with the competition schedule and the corresponding risks associated with commercial exploitation and spectator management.
92. The provisions enable sufficient flexibility for an appropriate national authority to apply the advertising and trading provisions to the areas surrounding competition venues, as well as other venues and places that are being used for, or in connection with, a qualifying event. It is expected that restricted advertising and trading zones will be clearly delineated on maps which are made available as part of the regulations applying the provisions.

Clause 8(7): Provision for an appropriate national authority to may make provision as to when a person is, or is not, to be treated as doing something in, or as being in, a restricted advertising zone in relation to the sporting event

Clause 11(7): Provision for an appropriate national authority to may make provision as to when a person is, or is not, to be treated as doing something in, or as being in, a restricted trading zone in relation to the sporting event

Context and purpose

93. Clauses 8(7) and 11(7) provide that regulations may make provision as to when a person is, or is not, to be treated for the purposes of the advertising or trading provisions as doing something in, or as being in, a restricted advertising zone or trading zone.
94. The advertising offence applies to anything done wholly or partly for the purpose of promoting a product, service or business specifically to members of the public who are in a restricted advertising zone, or who are watching or listening to a broadcast of the qualifying event. This means that a person carrying out advertising activity could be outside of a restricted advertising zone but directing their advertising towards a person in that zone, for example, through the internet or through other forms of advertising that could be seen by someone within such a zone. Clause 8(7) could be used to specify that a person is to be treated as doing something in a restricted advertising zone where advertising activity they are carrying out is within a certain distance of such a zone and is clearly visible to people within it.
95. By virtue of paragraph 1(4) of schedule 3, the Bill provides that a trading offence can be committed if a person is directing their activities to someone in a relevant public part of a restricted trading zone. Paragraph 3(2) of schedule 3 provides that the trading offence does not apply to trading activity which is carried out from premises adjoining a highway if those premises are generally used for carrying out that activity unless regulations applying the trading provisions specify otherwise. This would ordinarily ensure that a business which usually sells items to people in an outdoor place from inside of a building (for example, through a service window or from a permanent kiosk, or by advertising items for sale in a shop window) does not commit a trading offence.
96. These provisions in the Bill are to enable maximum flexibility in the application of the provisions and meaning of a restricted advertising or trading zone in relation to each qualifying event. This will enable the appropriate national authority to consider the requirements of different events and ensure that the configuration of the restricted advertising and trading zones captures the necessary activity and addresses any particular risks or concerns associated with the qualifying event by virtue of its location, scale or reputation. They will also help to ensure that any potential gaps can be addressed in the application of the offences, ensuring, in particular, that high risk advertising activity can be brought within scope of the offence where it does not fall directly within the physical boundary of a restricted advertising zone.
97. Clauses 8(7) and 11(7) are intended to ensure that the advertising and trading provisions can be applied flexibly to a range of sporting events in accordance with hosting requirements, enabling the appropriate national authority to provide clarity over how the provisions are to be applied, for example, whether the restricted advertising and trading zones are to include waterways or airspace (as well as any land within them) and to mitigate any potential uncertainty over the physical

boundaries that apply. This will help to prevent ambiguity over exactly where the offences apply and address any potential loopholes.

Justification for taking the provision

98. Without the ability to provide event-specific operational detail which determines, and provides certainty and clarity over, application of the advertising and trading provisions, it would be difficult to satisfy the requirements of event owners in a proportionate and tailored way. These provisions enable the government to deliver on event-specific commitments and, in particular, ensure that features of the local environment - including those that may facilitate or increase the risk of ambush marketing activity - are considered when the provisions are applied.
99. These issues are likely to arise during engagement with delivery partners on implementation of any event requirements in conjunction with operational matters and local considerations, such as specific risks associated with advertising and trading. By allowing these provisions to be applied at a later stage, such risks can be mitigated in a proportionate way. For example, the advertising offence may apply to advertising on buildings or structures falling outside of the physical boundary of an area, which has been specified as a restricted advertising zone, where that advertising could be seen by people within the zone and the building or structure is within a specified distance. This would prevent the need to artificially widen the scope of the restricted advertising and trading zone to accommodate a particular building or structure in the vicinity of such a zone, where there are concerns about how such a building or structure might be used to exploit a sporting event commercially. These provisions will be used closely in conjunction with the ability to make exceptions to ensure that local circumstances are taken into account and provisions are applied proportionately.

Clause 8(8): Provision to to make further provision about the giving of fixed penalty notices and disapply the ability to give fixed penalty notices in relation to the advertising offence

Clause 11(8): Provision to to make further provision about the giving of fixed penalty notices and disapply the ability to give fixed penalty notices in relation to the trading offence

Context and purpose

100. These provisions enable an appropriate national authority to remove the ability to give fixed penalty notices in respect of the advertising and trading offences in relation to a qualifying event. They also enable an appropriate national authority to set out further information or requirements in relation to the giving of fixed penalty notices, such as regarding the form and content of a fixed penalty notice and the methods by which a fixed penalty may be paid. This is to ensure that an authority has appropriate discretion over the application of the advertising and trading provisions, taking into account event-specific requirements and local circumstances.

Justification for taking the provision

101. The framework provisions are intended to support the delivery of a range of sporting events that do not normally take place in the UK. As the Bill is agnostic, it is designed to be suitably flexible to support the requirements of different events in terms of scale, significance and international interest. These provisions enable the appropriate national authority to consider such requirements and how best to apply the advertising and trading provisions on a case-by-case basis.

102. The Bill sets out the extent of the enforcement powers that are available to enforcement authorities in respect of the offences. To discharge liability for prosecution, the government considers that enforcement authorities should generally have the ability to give fixed penalty notices where they consider this to be appropriate and to make further provision as necessary as to how any fixed penalty regime should operate. This builds on the ability for local authorities in England and Wales and Scotland to give fixed penalty notices under legislation such as the Environment Act 1990, amongst other primary legislation, while ensuring their implementation takes into account the local context and relevant legal jurisdiction.

Clause 9(1): Provision for an appropriate national authority to designate a person to grant advertising authorisations

Clause 12(1): Provision for an appropriate national authority to designate a person to grant trading authorisations

Context and purpose

103. Clause 9(1) provides that the appropriate national authority may designate a person to grant authorisations under paragraph 2 of Schedule 2 (“advertising authorisations”) in relation to the event. Clause 12(1) provides that the appropriate national authority may designate a person to grant authorisations under paragraph 2 of Schedule 3 (“trading authorisations”) in relation to the event. Where this person is not the appropriate national authority, they can only be designated if that authority considers they are suitable to grant advertising or trading authorisations in relation to the event.

104. It is important to note that an appropriate national authority may consider that a person is appropriate to grant authorisations in respect of advertising, but not trading (and vice versa). Given the potential impact of the trading provisions on local businesses, the government considers that only a public body would be appropriate to grant trading authorisations, such as a local authority or non-departmental public body established to deliver an event. As a further safeguard, the appropriate national authority will be able to impose conditions upon the person granting authorisations to understand how the process is being used, and whether further adjustments could be required to mitigate the impact of the provisions and ensure the efficient use of the authorisations process.

105. An authorisation from a designated authorising body may be granted in respect of a person or description of person, be subject to conditions or be varied or revoked. Such conditions may specify places where, or the periods during which, advertising or trading can be carried out; may require steps to be taken to protect the safety of any person or to prevent or reduce congestion, or may be different from requirements imposed under another advertising or trading licence (for example, a licence issued by the local authority).

106. When considering whether to grant an advertising or trading authorisation, the designated authorising person may take account of agreements entered into for the event (whether by the government or otherwise) and whether a person has any existing advertising or trading licences.

107. These clauses are to ensure that there is a mechanism for an appropriate person to be able to grant authorisations to advertise or trade while the advertising and trading

offences are in effect, and ensure that a designated authorising body can apply appropriate conditions. This will enable activity that would otherwise be prohibited to take place, subject to any terms and conditions of an authorisation. This is one way that the Bill could provide for event owners and organisers, along with their sponsors, to be able to exploit their commercial rights in restricted advertising and trading zones. It also provides a mechanism to authorise the display of advertising that does not, for example, undermine commercial rights or conflict with the categories of sponsorship associated with an event. For trading, the authorisation process could be used to enable businesses with an existing licence to trade in an affected area, such as street traders, to continue their activity during a period that provisions are in place, if there are no spectator management concerns.

Justification for taking the provision

108. These provisions are essential to the effective operation of the advertising and trading measures. They provide an essential mitigation, particularly for local businesses that could be affected. The appropriate national authority will be able to consider the nature of the person who is able to grant authorisations and consider what conditions may be appropriate to impose upon that body to ensure that the provisions are enacted as intended.

109. If there is not considered to be an appropriate person to grant authorisations in respect of advertising or trading, consideration will be given to providing an enhanced number of exceptions in regulations, in particular, to ensure that advertising by event organisers and official sponsors can take place and to mitigate impact on existing businesses in so far as possible.

Clause 9(3): Provision for an appropriate national authority to require a designated authorising person to comply with conditions when granting advertising authorisations

Clause 12(3): Provision for an appropriate national authority to require a designated authorising person to comply with conditions when granting trading authorisations

Context and purpose

110. Clauses 9(3) and 12(3) provide that a designation may be subject to conditions which may in particular include a requirement for the designated authorising person to maintain a register containing information about any authorisations granted and arrange for any such register to be made available to the public. Different conditions may be imposed in respect of advertising and trading authorisations, taking into account the potential impact of the provisions and who the designated authorising person is (recognising that this person might be different in respect of advertising and trading).

111. This is to ensure that there is flexibility to accommodate the requirements of different events, appropriate oversight over the process of granting authorisations and sufficient clarity over who has been authorised to advertise or trade in relation to the event (and therefore should not be subject to enforcement action). This provision could be used to require a designated authorising person to consider any matters beyond those set out in paragraph 2(4) of Schedule 2 or paragraph 2(4) of Schedule 3 (for example, the amount of advertising inventory that has been purchased by event organisers or sponsors and whether an advert is likely to compete with the interests of such persons). It could also be used to require a designated authorising person to

comply with any directions from an appropriate national authority, for example, ensuring that priority is given to existing traders with a trading licence.

Justification for taking the provision

112. These provisions are to ensure that a designated authorising person can be required to comply with conditions when undertaking their authorising functions. This may be required to ensure that the provision operates as intended and that there is sufficient transparency from a designated authorising person to enable event organisers and enforcement authorities, and those affected, to understand who is authorised to advertise or trade, and for the appropriate national authority to understand how the authorisations process is being used. It will enable the appropriate national authority to consider the efficiency of the authorisations process and ensure it is being administered proportionately and in line with the requirements and nature of the event.
113. If an appropriate national authority did not have the ability to impose conditions, they may not be able to deliver commitments they have made to event owners during the bidding process, to parliamentarians as part of the regulation making process, or be able to ensure that the impact of the provisions on local businesses was managed proportionately and with the necessary accountability and oversight.

Clause 10(1): Provision for an appropriate national authority to create exceptions to the advertising offence

Clause 13(1): Provision for an appropriate national authority to create exceptions to the trading offence

Context and purpose

114. Clause 10(1) provides for an appropriate national authority to specify descriptions of activities to which the advertising offence does not apply in relation to the event. Clause 13(1) creates the ability for an appropriate national authority to specify descriptions of activities to which the trading offence does not apply in relation to the event. This may include activities carried out by, or on behalf of, a specified person or specified description of person.
115. The widest scope of the advertising and trading offences is set out on the face of the Bill. These clauses enable the offence to be narrowed in scope as considered appropriate. This is to ensure that the advertising and trading offences can be applied appropriately and proportionately on a case-by-case basis to satisfy the requirements of different sporting events. It is generally expected that exceptions will be brought forward to minimise the impact on existing businesses operating in an area affected by the provisions, and ensure that low risk commercial activity can continue while provisions are in effect.
116. The exceptions that are introduced in regulations will depend on the places that are captured by the offences, and take into account the potential impact of the provisions on particular groups. Before bringing forward exceptions (beyond those already included in the Bill), the appropriate national authority will be required to undertake consultation with the relevant local authority and any other persons considered appropriate (such as local business representatives). This will help identify which existing businesses could be affected and consider appropriate mitigation measures.

117. In respect of the advertising offence, a number of these exceptions will be based on existing advertising controls in the relevant jurisdiction and could be made in relation to charities and their services, as well as advertising on electronic or hand-held devices. For the trading offence, a small number of exceptions have already been included in the Bill in relation to goods and services provided to premises adjoining a highway with indicative examples of how the ability to provide further exceptions could be made in relation to the provision of a public service, facility, amenity, a public transport service and for services relating to motor vehicles. There is significant precedent for exceptions under previous event-specific legislation (including the Birmingham Commonwealth Games Act 2020) and the government considers that this will provide a strong basis for future exceptions that will be provided or considered.

Justification for taking the provision

118. The government recognises there is a strong precedent for the types of exceptions that may be required based on previous event-specific legislation. However, given the devolved and event agnostic nature of these provisions, it is important that the appropriate national authority can tailor the exceptions in accordance with local circumstances, event requirements and existing legislation (for example, around the control of advertising or street trading).

119. The nature and extent of the exceptions provided will consider what is proportionate for each event on a case-by-case basis taking into account the requirements of different events and any commitments made to event owners. Equivalent provisions under the Birmingham Commonwealth Games Act 2020 were subject to the negative procedure.

Unauthorised association provisions

Clause 14(2)(a): Duty on the Secretary of State to specify the period during which the prohibition on unauthorised association applies

Purpose and context

120. Clause 14(2)(a) provides that regulations by the Secretary of State applying the unauthorised association provisions to an event under clause 2(2) must specify the period during which the unauthorised association provisions apply. This is to ensure that an appropriate time period can be applied to the prohibition that corresponds with the delivery of a qualifying event, including the period during which the event could be commercially exploited.

121. While the risk of commercial exploitation of a sporting event is greatest in the immediate run up to the event, the event period itself and the immediate aftermath, the government considers that a business could seek to create an exploitative association at any point from which the UK is awarded the hosting rights to the event. As such, it is necessary to enable the Secretary of State to apply the unauthorised association provisions at an early stage of planning and delivery for the event, for example, once the main delivery body has been established or commercial rights have been determined.

122. Building on precedent legislation, the scope of the prohibition on unauthorised association is limited to activity that is undertaken in the course of business. The

policy has been extensively set out in the Bill, with several exceptions to the prohibition provided to ensure proportionality in how it is applied, building on exceptions that are in place for other intellectual property legislation, such as the Trade Marks Act 1994. In particular, there is an exception provided for registered trade marks and designs and other intellectual property rights which are registered or subsisting prior to the date on which the regulations come into force. This ensures that the proprietors of such rights may continue to use them during the protected period of the qualifying event where they might otherwise breach the prohibition on unauthorised association. The ability to create further exceptions via regulations under clause 2(2) is an opportunity to further narrow the impact of this provision in respect of an event.

Justification for taking the provision

123. As an event agnostic Bill, the Bill does not provide for the period during which the prohibition on unauthorised association should apply in respect of a qualifying event. The government does not consider it is appropriate to limit this to a period specified on the face of the Bill. When specifying the time period to which the prohibition applies, the Secretary of State will consider the period during which the event could be commercially exploited, or when action could be taken to facilitate the future commercial exploitation of an event, alongside any commitments made to event owners. This is to ensure that the prohibition is time-limited and corresponds with the timetable for delivery of the qualifying event and awarding of hosting rights. This is a civil infringement and enforcement action can only be taken through the courts on application of a designated enforcer (such an event owner). The ability to specify the period during which the unauthorised association prohibition applies is essential to ensure that there is clarity over when the prohibition on unauthorised association is to be in effect in respect of an event.

Clause 14(2)(b): Duty on the Secretary of State to specify the date that is the relevant protection date for the purposes of continuous use exception in paragraph 3 of Schedule 4 (continuous use)

Purpose and context

124. Clause 14(2)(b) provides that regulations applying the unauthorised association provisions must specify a relevant protection date for the purpose of paragraph 3 of Schedule 4 (noting that the relevant protection date may be a date before which the regulations are made). In line with the precedent set under section 5(2) of the Birmingham Commonwealth Games Act 2020, paragraph 3 of schedule 4 provides an exception for the use of a representation immediately before the relevant protection date provided the representation was used for business purposes and has continued to be used in the same way since that date.

125. Having the ability to provide a relevant protection date which is a date preceding regulations made under clause 2(2) applying the unauthorised association provisions enables the government to retrospectively apply the prohibition to commercial activity that is most likely to damage commercial rights, including activity that is undertaken in the period between when a qualifying event is awarded to the UK and when regulations are made. The government considers that it is very likely that action will be taken during this period intended to exploit, or facilitate the exploitation of, commercial rights which should not benefit from an exception under the Bill. For example, this would help to ensure the prohibition applies to a person

that registers a domain or company name once a qualifying event has been awarded with a view to exploiting that event by creating an association.

126. Generally, the government considers it is appropriate and proportionate to capture certain business activity from the date upon which the UK is awarded hosting rights for an event, where it is likely the activity has been undertaken with an intention to exploit the event commercially. Businesses should therefore assume that the government will seek to prohibit the use of a representation that could create an unauthorised association from the date upon which an event is awarded to the UK, even where the regulations creating a prohibition on unauthorised association are yet to be commenced.

127. The exception in paragraph 3 of Schedule 4 for continuous use is to ensure that a legitimate business could continue to use a company or domain name, or any other representation which is not considered to be an intellectual property right without infringing the prohibition on unauthorised association, provided the business used that representation in advance of the relevant protection date, and continued to do so ever since in the same way.

Justification for taking the provision

128. The Secretary of State needs flexibility to specify the date upon which it is reasonably expected an event could be commercially exploited; this could be a date before the regulations applying the unauthorised association provisions commence. The date will need to be considered on a case-by-case basis, but is likely to correspond with when an event is awarded to the UK. However, flexibility may be needed to accommodate the risk profile of different events, the nature of commitments made to event owners and to ensure provisions are applied proportionately. If the Secretary of State was unable to specify such a date in advance of commencement, the government may be in breach of commitments to event owners (in the form of government guarantees) or it could undermine the effective and efficient operation of the provisions.

Clause 14(3): Duty on the Secretary of State to designate one or more person to enforce the prohibition on unauthorised association

Purpose and context

129. Clause 14(3) provides that the regulations must designate one or more persons to enforce the prohibition on unauthorised association. This is to ensure that an appropriate person - usually the event owner or organiser - can take action in relation to infringements. This includes the ability to apply to the relevant court for appropriate relief and remedies in respect of an infringement. In most cases, it is anticipated there will only be one designated enforcer, however, this approach provides appropriate flexibility to accommodate the commercial arrangements of the event, particularly where the exploitation and enforcement of commercial rights may be jointly exercised, for example, by the event owner and local organising committee.

Justification for taking the provision

130. Paragraph 1(5) of Schedule 4 sets out that a breach of the prohibition on unauthorised association is to be treated as though it were an infringement of a property right of a designated enforcer. As this is a civil prohibition that relates to intellectual property, it will be for a designated enforcer to pursue enforcement action as they see fit in relation to infringements. The prohibition on unauthorised

association will only be workable and effective if there is an appropriate enforcer to take action in the event of a breach. The government will not intervene in the ownership and delegation of commercial rights; this provision is designed to enhance the exploitation and enforcement of such rights. As such, any designation made will reflect who has the ability enter into agreements regarding commercial rights in respect of the event, based on discussions with the relevant parties.

Clause 14(4): Provision for the Secretary of State to impose conditions upon any person designated to enforce the prohibition on unauthorised association

Purpose and context

131. Clause 14(4) provides that regulations made by the Secretary of State under clause 2(2) will be able to impose conditions upon any person designated to enforce the prohibition on unauthorised association, which may include requiring the person to comply with any directions of the Secretary of State in carrying out their enforcement functions. This is to ensure that the government can consider what is appropriate in the context of a qualifying event and the types of organisations that are designated to undertake enforcement.

Justification for taking the provision

132. This provision is to ensure that the Secretary of State can oversee and assure the approach to enforcement taken by a designated enforcer, and ensure sufficient accountability to government. The government only expects to issue directions where necessary, for example, to ensure that court-based enforcement activity is focused on activity that creates a material risk to commercial sponsors. This will allow the Secretary of State to consider the nature of a designated enforcer (for example, whether they are a private body) and the governance arrangements in relation to an event (for example, the relationship between government and the enforcer), and apply conditions that are proportionate on a case-by-case basis.

Clause 14(5)(a): Provision for the Secretary of State to make further provision in regulations as to what is or is not to be treated as the use of a representation in relation to the sporting event

Clause 14(5)(b): Provision for the Secretary of State to specify words or expressions to be taken into account when assessing whether there has been a breach of the prohibition on unauthorised association in relation to the sporting event

Clause 14(5)(c): Provision for the Secretary of State to provide further examples of an association between the sporting event and a person providing goods or services

Context and purpose

133. Clause 14(5) is intended to overlay event-specific considerations to the application of the unauthorised association provisions, which take into account how an association could be made, or the ways in which an event could be commercially exploited on a case-by-case basis. This will enable the Secretary of State to take into account the expertise and experience of event owners regarding the tactics and terminology that businesses may use to create an association with an event without infringing registered trade marks and other intellectual property rights.

134. Clause 14(5)(a) provides that the Secretary of State may make further provision in regulations under clause 2(2) as to what is or is not to be treated as the use of a

representation. Paragraph 1(3) of Schedule 4 provides that “use” of a representation includes, among other things, applying a representation to goods or documents; selling, offering, or exposing for sale goods that bear a representation; importing or exporting goods that bear a representation; providing or offering services by reference to a representation; and promoting goods or services by reference to a representation. A representation need not be visual; it could simply be a statement designed to convince the public that a business is in any way associated with the qualifying event. This is to enable the Secretary of State to provide further examples of what constitutes ‘use’ of a representation on a case-by-case basis, in line with event requirements.

135. Clause 14(5)(b) provides that the Secretary of State may specify words or expressions, or a combination of words or expressions, to be taken into account when assessing whether there has been a breach of the prohibition on unauthorised association. This is to ensure that the Secretary of State can accommodate event-specific requirements and provide for particular words and phrases that could be used to commercially exploit a qualifying event and create an unauthorised association. The government considers this provides a proportionate mechanism to deliver upon commitments made to event owners to protect certain words or phrases, or a combination of words or phrases, that could be used to create an association with an event. These words and phrases could be those that are unlikely to be registered as trade marks in the UK, because, for example, they are too generic or not distinct enough in character.

136. Clause 14(5)(c) sets out that the Secretary of State can provide further examples of an association between the qualifying event and a person providing goods or services (in addition to the examples set out in paragraph 1(2) of schedule 4). This is to ensure that relevant, or novel, examples of an association between a qualifying event and a person providing goods or services can be provided in regulations where necessary, taking into account lessons learned from previous events and how sponsorship arrangements are realised.

Justification for taking this provision

137. Overall, clause 14(5) ensures that the Secretary of State can take into account the requirements of different events. In the context of a qualifying event, clause 14(5)(a) enables the Secretary of State to consider whether there are particular “uses” of a representation that may be relevant, alongside the need to satisfy any commitments made during the bidding process and to clarify how the prohibition is intended to apply. This is to ensure the provisions applied in respect of different qualifying events can adapt to take into account evolving marketing practices and lessons learned from previous events.

138. Clause 14(5)(b) enables the Secretary of State to uphold commitments to event owners that may have been provided at bid stage in respect of protecting certain words and phrases that may be used to create an association. This will help remove potential ambiguity in how the provisions are applied, ensuring that common variations and combinations of words and phrases that may suggest an association with an event can be taken into account on a case-by-case basis. Similarly, allowing the Secretary of State to provide further examples on an event-specific basis of an association under clause 14(5)(c) helps to address the requirements of different events. This is important for the ongoing efficacy and operation of an event agnostic Bill, ensuring that application of the provisions take into account experience from previous events and providing assurance over implementation and enforcement.

Clause 15(1): Duty on the Secretary of State to designate a person to grant authorisations to associate with the sporting event

Context and purpose

139. Clause 15(1) requires a person to be designated to grant authorisations to associate with a qualifying event. Clause 15(2) provides for the Secretary of State to designate either themselves or another person to grant authorisations to associate with a qualifying event. The Secretary of State can only designate another person if they consider that they are suitable to grant association authorisations in relation to the qualifying event. This is to ensure that there is a mechanism for an appropriate body (such as an event owner or organiser) to authorise activity that would otherwise be prohibited. This is to ensure that those who have a right to associate with an event, because they are the event owner, organiser or an official sponsor can associate with an event without committing an infringement - and to ensure that those people with the right to do so can exploit the event commercially in line with their contractual arrangements.

Justification for taking the provision

140. Without the ability to specify a designated authorising person, the prohibition on unauthorised association would not be able to operate as intended, as those ordinarily with a right to associate with an event would not be able to do so without breaching the prohibition. The Secretary of State needs flexibility to specify the appropriate authorising person on a case-by-case basis; this detail will be event-specific and will depend on the commercial arrangements of the event. This provision ensures that the unauthorised association measures can operate in the context of such arrangements and the appropriate person - usually the event owner or organiser - can associate themselves and authorise association by others, in a similar way that they may licence the use of other intellectual property rights such as trademarks.

Clause 15(3): Provision for the Secretary of State to impose conditions upon a designated authorising person

Context and purpose

141. Clause 15(3) enables the Secretary of State to impose conditions upon a designating person. As set out in clause 15(4), this could, in particular, include a requirement to maintain a register containing information about authorisations granted by the person; and to arrange for any such register to be made available to the public. This is to ensure that there is appropriate transparency and clarity over who is authorised to associate with an event to support effective implementation and enforcement of the prohibition on unauthorised association. The Secretary of State will also be able to consider whether there are any additional conditions that they wish to impose upon a designated authorising person.

Justification for taking the provision

142. This provision is generally to ensure that members of the public and businesses have sufficient certainty over who can associate with an event without committing an infringement, and that the Secretary of State can accommodate the delivery and governance structures of an event on a case-by-case basis.

Clause 16: Provision for the Secretary of State to specify further exceptions to the unauthorised association prohibition

Context and purpose

143. Clause 16 enables the Secretary of State to specify when activities are not a breach of the prohibition on unauthorised association in relation to a qualifying event. This may include activities of a specified description, or carried out by or on behalf of a specified person or description of person. The scope of the unauthorised association prohibition is set out on the face of the Bill at paragraph 1(1) of schedule 4: the prohibition is limited to activity undertaken in the course of business. Clause 16(1) enables the prohibition to be further narrowed in scope through the introduction of additional exceptions as appropriate. This will enable the Secretary of State to provide exceptions beyond those already included in paragraph 3 of Schedule 4 or in clause 19 in relation to internet service providers.

Justification for taking the provision

144. This provision is to address the requirements of different events and ensure that the prohibition on unauthorised association is applied proportionately in respect of a qualifying event on a case-by-case basis. For example, the Secretary of State may consider that it is not proportionate to capture activity undertaken by small or micro businesses, or would like to provide certainty or clarity over how the provision applies to certain non-for-profit groups, such as local community groups or educational institutions.

Enforcement provisions

Clause 18(2)(d): A power for an appropriate national authority to provide for a public authority to enforce the ticket touting, advertising and trading provisions

Purpose and context

145. Clause 18 sets out the enforcement powers available in relation to the ticket touting, advertising and trading provisions in the Bill. Clause 18(2) sets out that enforcement authorities are to include local weights and measures authorities in Great Britain, the Department for Economy in Northern Ireland and, in the case of the ticket touting offence, the Competition and Markets Authority (CMA). Specifying the principal enforcement authorities on the face of the Bill provides certainty over the authorities which are intended to be primarily responsible for enforcement of the Bill's provisions. These bodies are well established enforcers which already have access to investigatory and enforcement powers under the Consumer Rights Act 2015 and Digital Markets, Competition and Consumers Act 2024.

146. To support flexibility in implementation, accommodate different event requirements and to ensure that the Bill is sufficiently future proof, clause 18(2)(d) provides for any other public authority designated in regulations to enforce the ticket touting, advertising and trading provisions. Clause 18(3) provides that the investigatory and enforcement powers available to enforcement authorities are those within schedule 5 to the Consumer Rights Act and those within schedule 6 to the Sporting Events Bill. Schedule 6 makes further provision around the powers available to enforcement authorities to ensure that proactive, effective and timely enforcement can be undertaken in the context of major sporting events and we can satisfy the requirements of event owners.

147. However, any authorities specified under clause 18(2)(d) to undertake enforcement will not have the power to impose financial penalties of up to £20,000 in respect of the ticket touting offence or be able to access relevant enforcement powers under the Digital Markets, Competition and Consumers Act 2024. These powers will only be available to the enforcement authorities already specified on the face of the Bill.

148. Clause 18(6) provides that regulations applying the enforcement provisions for the ticket touting, advertising and trading provisions may make provision for securing that any enforcement power may be exercised only if specified conditions are met. This is to ensure that the appropriate national authority can consider whether there are any additional safeguards that may be required in the context of the event, the jurisdiction to which the provisions are being applied and the functions and nature of the enforcement authorities upon which powers are being conferred.

Justification for taking the power

149. Given this is an event agnostic Bill, the UK government recognises that the appropriate national authority will want to take into account what is appropriate in the context of different events in their jurisdiction and the overall roles and responsibilities for event delivery. That is why there is a power for an appropriate national authority to confer enforcement power upon additional public authorities.

150. Under the London Olympic and Paralympics Act 2006, the Olympic Delivery Authority was provided with powers to designate enforcement officers for the advertising and trading provisions. The Olympic Delivery Authority was established as a non-departmental public body of the Department for Culture, Media and Sport responsible for the delivery of venues, infrastructure and legacy for London 2012. The government considers it is therefore prudent to make provision for such a scenario in this Bill. In particular, a future major sporting event on a similar scale to London 2012 - involving significant levels of public investment - is likely to require careful coordination of enforcement activity across multiple local authorities and host venues. Conferring powers upon a central organising body would likely help to mitigate the associated risks around resource, capability and consistency in enforcement approach across jurisdictions. Such a body could help to ensure funding and resources are distributed efficiently across the entirety of the event, taking into account the risk profile of different venues and locations.

151. As was the case for London 2012, where enforcement powers are conferred upon a time-limited delivery body, it is expected that enforcement officers would be drawn predominantly from local authorities with the relevant training, experience and expertise, with further training provided as necessary. As provided under clause 18(2)(d), the government considers it would only be appropriate for a public authority to undertake enforcement functions to ensure there are appropriate transparency and accountability procedures in place. Under clause 18(6), the relevant national authority may also provide additional conditions that an enforcement authority has to meet before it can exercise its enforcement powers. This could include, for example, a requirement for a police officer to be present when exercising certain powers or a requirement for an enforcement authority to have published its enforcement policies and procedures before undertaking enforcement.

152. The Bill provides a further safeguard under paragraph 14(1) of schedule 6, which provides a person whose property is damaged during the exercise of a power under Schedule 6 by an officer of an enforcement authority is entitled to compensation

from that authority if the exercise of the power was unlawful, or any force used in the exercise of the power was unreasonable.

Guidance provisions

Clause 22: Provision for an appropriate national authority to require a person to provide guidance or other information

Context and purpose

153. Clause 22(1) provides that an appropriate national authority applying the advertising or trading provisions to a qualifying event under clause 2(1) must provide for guidance to be published about the application of those provisions. Clause 22(2) provides that an appropriate national authority applying the ticketing provisions under clause 2(1) may provide for guidance to be published about the application of those provisions. Similarly, when applying the unauthorised association or transport provisions under clause 2(2), the Secretary of State may provide for guidance to be published.

154. Clause 22(3) sets out that regulations making provision for guidance may require persons of a specified description to provide the guidance or other information; may require the guidance or other information to address such matters, and be provided in accordance with such requirements, as provided for; and may require the guidance or other information to be provided to persons of a specified description. These provisions are to ensure that appropriate guidance or other information is made available to those who could be affected by the provisions applied in relation to each event and ensure there is suitable flexibility to accommodate the governance and delivery arrangements of such events, and the roles and responsibilities between delivery partners, and the relationships that they may have with affected persons.

Justification for taking the provision

155. Due to their localised nature and potential disproportionate impact on local businesses, the government considers that the provision of guidance is essential in relation to the advertising and trading provisions, which could prevent people from doing things which they have already obtained the necessary approvals for (e.g. in the form of a street trading licence). It is expected the guidance will set out the impact of the provisions and any mitigations available for those who are affected. As is always the case when delivering major sporting events, the respective government will work closely with local authorities, event organisers, business and community groups to ensure that the legislation is applied proportionately to the local context, and those affected are aware of the potential mitigations available.

156. Depending on the structure of the events and the bodies involved in event delivery, the appropriate national authority will consider on a case-by-case who is the most appropriate person to produce guidance, depending on their expertise, resources and functions. For example, it may be that the designated authorising person (if such a person is provided for in regulations) is best placed to produce such guidance. It may also be that another person (such as the local authority), is best placed to share the guidance with local businesses that could be affected, or to provide any other information, such as potential mitigations which are relevant to the local context (including alternative trading arrangements).

Compensation provisions

Schedule 6, Paragraph 14(4): Power for the appropriate national authority to provide for how disputes about the right to or amount of any compensation in relation to the use of powers in Schedule 6 are to be determined

Purpose and context

157. Paragraphs 14(1)-(2) provide that a person whose property is damaged as a result of the exercise, or purported exercise, of powers conferred by Schedule 6 of the Bill or paragraph 28 or 29 of Schedule 5 to the Consumer Rights Act 2015 (for the purposes of enforcing the ticket touting, advertising and trading offences in the Bill) by an officer of enforcement authority is entitled to compensation from that authority if the exercise of the power was unlawful or any force used in the exercise of the power was unreasonable.

158. Paragraph 14(4) sets out that regulations applying provisions under clause 2(1) must provide for how any disputes about the right to compensation, or the amount of any compensation payable, are to be determined in relation to the qualifying event. Paragraph 14(5) provides that in England, Wales and Northern Ireland this may in particular include that any dispute is to be determined by arbitration. In Scotland, this may, in particular, include that disputes are to be determined by a single arbitrator, or if there is no agreement between the parties on who that should be, by an arbitrator appointed by the sheriff. This power enables the appropriate national authority to consider the appropriate procedure for compensation for claims under Schedule 6 on a case-by-case basis, recognising that there is precedent for using arbitration (for example, under paragraph 41 of Schedule 5 to the Consumer Rights Act).

Justification for taking the provision

159. The appropriate national authority will need to consider the enforcement arrangements in respect of each event and whether there is an established route or precedent for seeking compensation as a result of action undertaken by a public authority in their jurisdiction by virtue of clause 18(2)(d). This provision is designed to ensure that the right to compensation can be implemented efficiently and effectively, taking into account existing procedures or policies that may exist for compensation in respect of the enforcement authorities involved in the delivery of an event. This is to ensure that the Bill minimises duplicative administrative procedures where possible but provides flexibility to set out the necessary procedural detail, such as the timeframe for submitting claims for compensation.

Department for Culture, Media & Sport
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