



Law Society
of Scotland

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Stage 1 Briefing

UEFA European Championship (Scotland) Bill

4 November 2019



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

In providing these comments, we hope that these will assist the Parliament's scrutiny in relation to the Stage 1 Debate on the UEFA European Championship (Scotland) Bill (the Bill) scheduled for 5 November 2019.

Our comments relate to the purpose, passage and duration of the Bill and the ticket touting provisions.

Purpose and Passage of the Bill

We recognise the importance of Euro 2020 to Glasgow and Scotland in terms of the economic benefits that the tournament will bring to our community. Along with the Commonwealth Games held in 2014, it also confirms Scotland as an appropriate place to hold major international events now and in the future.

The purpose of the Bill was to ensure that adequate provisions exist to ensure commitments to UEFA in relation to the protection of its commercial rights as the event sponsors can be met. These provisions last for the period of the championship and primarily are aimed at prohibiting ticket touting. The need for the Bill was on recognised¹ late on as:

“Scottish Government did not initially expect that additional legislation would be required in order to deliver the event. However, as UEFA's requirements became clearer, it was evident that primary legislation would be necessary to provide the level of protection that UEFA sought, and to ensure that [Scotland's] arrangements were consistent with those for the other venues around Europe.”

In our response to the Call for Evidence to the Bill, we raised questions regarding the information which we considered to be absent from the Bill documentation. That related to any comparative details of similar

¹ Derek Bearhop, Head of Events Strategy and Delivery at the Scottish Government

measures being required by England and Wales or other European countries involved in hosting the championships. Some details have been provided which has assisted as well as the explanation for the acknowledged lack of time for public consultation.²

Furthermore, we question whether³ it may be more appropriate, looking to the future, to provide for general laws preventing ticket touting. This would be more efficient than enacting legislation such as this Bill in a piecemeal manner on each and every occasion when Scotland holds an international event.

We welcome the recommendation in the Justice Committee's Stage 1 Report⁴ that

“[consideration should be given to] the need for an events framework bill and further details, including how this impact on reserved matters..... Scottish Government should give serious consideration to developing an events framework bill following formal evaluation of the operation of UEFA European Championship (Scotland) Bill.”

That evaluation will be important and should hopefully lead to the development of an event framework. We have every expectation that Scotland will host other major sporting and cultural events, where problems with ticket touting can be expected to arise, unless effective measures are in place.

Duration of the Bill

The Bill has limited effect in that it is operational only during the period of the championship and will be repealed on 31 December 2020. The matches are being played in Scotland from 12 to 30 June 2020. The legislation must remain in force for long enough to allow any potential offences to be investigated and prosecutions initiated. We note that the Commonwealth Games gave rise only to four reports being made to the Crown Office and Procurator Fiscal Service. The fact of having measures to prevent ticket touting in place may well have acted as a deterrent and provided those charged with enforcement with sufficient powers to ensure that the Commonwealth Games passed off without numerous offences having arisen.

Ticket touting

The Bill is primarily aimed at prohibiting ticket touting, which is created as an offence under section 2 of the Bill. That prevents the unauthorised sale of championship tickets in excess of the ticket's face value.

² Paragraph 17 of the Policy Memorandum

³ Law Society of Scotland. (2019, October)

⁴ <https://sp-bpr-en-prod-cdnep.azureedge.net/published/CTEEA/2019/11/1/UEFA-European-Championship--Scotland--Bill--Stage-One-Report/CTEEAS052019R3.pdf>

We welcome the Minister's commitment during his evidence on the Bill to establish a mechanism to permit charitable auctions of tickets. Confirmation is also appreciated that there will also be means provided by UEFA for resales for those who have purchased tickets but no longer can use them.

It is important that the measures in the Bill are commensurate, transparent and appropriate. They seek to balance the economic interests for Scotland in hosting the championships while complying with UEFA's requirements along with the individual interests of those affected. These include the street traders who have licences to trade whose business will be affected over the short time of the championships.

We support the Bill which sets out clearly the prohibitions are on ticket touting, unauthorised street trading and advertising. The various sets of illustrative Regulations on a range of aspects such as advertising and trading brought forward by the Minister⁵ help to provide further transparency, which we welcome.

However, the measures in the Bill do not stand alone. There are a number of other common law and legislative provisions that apply to allow for prosecution for various offences⁶ including counterfeiting of intellectual property rights under the Trade Marks Act 1994 and the Trade Descriptions Act 1968.

Publicity of the legislation, once passed, will be essential to ensure that there is knowledge of the restrictions and the consequences that could arise if a person is caught ticket touting or committing any other offences under it. Clarification as to the responsibility for such publicity would be helpful, although it is assumed that this lies with the Local Organising Committee being established to deliver the event in Glasgow. We understand that the Committee includes representatives from the Scottish Football Association, the Scottish Ministers, Glasgow City Council, Hampden Park Limited, Visit Scotland and Police Scotland.

The need for publicity was also reflected in the Stage 1 Report to provide for:

- measures being put in place by UEFA to facilitate the sale or auction of tickets for charitable purposes; and
- specific targeted communication with local community groups, residents or organisations representing football fans.

Effective publicity will ensure that transparency and effectiveness of these appropriate and important measures is achieved in order to contribute to the success of the UEFA football championship event.

⁵ Letter to the Convener Culture Tourism Europe and External Affairs Committee dated 17 October 2019

⁶ Paragraph 15 of the Bill's Policy Memorandum



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