

FROM THE OFFICE OF THE JUSTICE MINISTER



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Christine Darrah  
Clerk to the Committee for Justice  
Room 242  
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26 May 2020

Dear Christine,

**PROPOSED LEGISLATIVE CONSENT MOTION – BIRMINGHAM COMMONWEALTH GAMES BILL**

At its meeting on 14 May 2020, the Committee agreed to the extension of relevant provisions in the Birmingham Commonwealth Games Bill (“the Bill”) to Northern Ireland and to the laying of a Legislative Consent Motion in the Assembly. In advance of the Committee’s consideration of the draft Report on 28 May 2020, the Committee has now requested further information on enforcement arrangements and the legitimate reselling of tickets – your letter of 20 May 2020 refers.

**Enforcement by Department for the Economy (DfE)**

The Department of Justice does not have any role in the enforcement of the provisions of the Bill that will extend to Northern Ireland.

Enforcement will be the sole responsibility of the Department for the Economy’s Trading Standards Service (TSS), who are already empowered to enforce secondary ticketing offences in Northern Ireland under existing provisions in the Consumer Protection from Unfair Trading Regulations 2008 (“the 2008 Regulations”) and the Consumer Rights Act 2015.

The 2008 Regulations deal with the selling or reselling of tickets for events. Under the Regulations, it is illegal to give consumers misleading information or to make a misleading omission, which means hiding or omitting material information that the average consumer needs in order to make an informed choice. Consumers must not be misled as to the price, location, terms, adverse factors, etc. that may affect their enjoyment of the event.

TSS can investigate any alleged breaches of secondary ticketing legislation brought to their attention and take the appropriate enforcement action, where necessary. The Competition and Markets Authority, the Advertising Standards Agency and National Trading Standards have all carried out investigations into secondary ticket sellers recently and TSS has assisted with some of those investigations. TSS will continue to work with the Competition and Markets Authority (CMA) to take enforcement action against secondary ticketing websites suspected of breaking consumer law, as well as the Advertising Standards Authority (ASA) who can investigate whether secondary ticketing websites have broken advertising rules.

Enforcement of consumer protection legislation in respect of secondary ticketing is based on complaints received via Consumerline (DfE's consumer advice helpline), market surveillance and intelligence from other enforcement partners. Complaints are investigated using the enforcement tools and statutory powers available to TSS and in line with DfE's enforcement priorities.

### **Legitimate sale of tickets online**

As indicated in the briefing papers provided to the Committee, the provisions of the Bill are not intended to prevent the legitimate resale of tickets. Officials in the Commonwealth Games Delivery Unit of the Department of Culture, Media and Sport (DCMS) advise that the Organising Committee's ticketing strategy is currently in development as tickets are not expected to go on sale until summer 2021.

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They do, however, expect the strategy to include an authorised resale platform for those ticket holders who can legitimately no longer attend an event, which ticket holders will be signposted to. Ticket holders who can no longer attend will also be able to pass on their tickets to friends and family - provided this is not done in the course of business, for profit or in a public place.

As part of its ticketing strategy, the Organising Committee will work with local trading standards authorities, the Department for Economy and other enforcement agencies as appropriate to agree the process for identifying and pursuing breaches of the ticketing offence generally and in terms of unauthorised resale. However, as the Committee will appreciate with tickets unlikely to go on sale for some time, these detailed considerations are still being worked through.

I hope this adequately addresses the Committee's follow up queries and I would be grateful if you would bring this response to the attention of the Justice Committee Members.

**Departmental Assembly Liaison Officer (DALO)**



**NORTHERN IRELAND  
ASSEMBLY  
COMMITTEE FOR JUSTICE**

Departmental Assembly Liaison Officer (DALO)  
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20 May 2020

Dear DALO

**Proposed Legislative Consent Motion – Birmingham Commonwealth Games Bill**

To allow the Department of Justice to meet the Westminster timetable for progressing the Birmingham Commonwealth Games Bill, the Legislative Consent Memorandum laid on 15 May 2020 was circulated to Members for consideration in advance of the next Committee meeting on 28 May.

Having considered the papers further, Members requested clarification on the following points:

- Who within the Department for the Economy is responsible for enforcement and how will it be enforced in Northern Ireland? Does the Department of Justice have any enforcement role in conjunction with the Department for the Economy?
- The briefing paper states that the legislation will not prevent members of the public from legitimately selling spare tickets. Can this be done online? How will this be monitored?

You will be aware that the Committee hopes to consider its report on the LCM at the meeting on 28 May. An urgent response would therefore be appreciated to enable to report to be drafted for Committee consideration on that date.

Yours sincerely

**Christine Darrah**  
**Clerk to the Committee for Justice**