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Pàrlamaid na h-Alba

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**Culture, Tourism, Europe and External Affairs
Committee**
**Comataidh Cultar, Turasachd, na h-Eòrpa agus
Gnothaichean a-muigh**

**The UEFA European Championship
(Scotland) Act 2020 (Ticket Touting
Offence) (Exceptions for Use of
Internet etc.) (Scotland) Regulations
2020**



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Culture, Tourism, Europe and External Affairs Committee

Remit: To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) proposals for European Union legislation;

(b) the implementation of European Communities and European Union legislation;

(c) any European Communities or European Union issue;

(d) the development and implementation of the Scottish Administration's links with countries and territories outside Scotland, the European Union (and its institutions) and other international organisations; and

(e) co-ordination of the international activities of the Scottish Administration.

(f) culture matters falling within the responsibility of the Cabinet Secretary for Economy, Fair Work and Culture; tourism matters falling within the responsibility of the Cabinet Secretary for the Rural Economy and Tourism, and migration matters falling within the responsibility of the Minister for Public Finance and Migration.



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europe@parliament.scot



0131 348 5234

Committee Membership



Convener
Joan McAlpine
Scottish National Party



Deputy Convener
Claire Baker
Scottish Labour



Annabelle Ewing
Scottish National Party



Kenneth Gibson
Scottish National Party



Ross Greer
Scottish Green Party



Gordon Lindhurst
Scottish Conservative
and Unionist Party



Stuart McMillan
Scottish National Party



Oliver Mundell
Scottish Conservative
and Unionist Party



Beatrice Wishart
Scottish Liberal
Democrats

Introduction

1. The Culture, Tourism, Europe and External Affairs Committee reports to the Parliament as follows-
2. [The UEFA European Championship \(Scotland\) Act 2020 \(Ticket Touting Offence\) \(Exceptions for Use of Internet etc.\) \(Scotland\) Regulations 2020](#) were laid before Parliament on 1 June 2020 and referred to the Culture, Tourism, Europe and External Affairs Committee for consideration.
3. The purpose of these regulations is to help ensure delivery of the Union of European Football Associations (UEFA) European Football Championship which will be hosted, in part, in Glasgow in summer 2021.
4. The UEFA European Championship (Scotland) Act 2020 (2020 Act) provides the overarching framework governing the Championship, including making it a criminal offence to tout a Championship ticket. These regulations specify circumstances in which making facilities available in connection with electronic communications or the storage of data is, or is not, to be capable of constituting a touting offence.

Consideration by the Committee

5. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on [9 June 2020](#) and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.
6. At its meeting on [18 June 2020](#), the Culture, Tourism, Europe and External Affairs Committee took evidence on the instrument from—
 - Fiona Hyslop, Cabinet Secretary for Economy, Fair Work and Culture;
 - Lucy Carmichael, Bill Team Leader; and
 - Ninian Christie, Solicitor, Scottish Government.
7. During consideration of the instrument, the Committee asked whether information companies had expressed any concerns to Scottish Ministers that they could fall foul of the touting offence through hosting or storing information related to an act in breach of the touting offence. The Cabinet Secretary stated that no such concerns had been raised but highlighted that these regulations were similar to those employed for the Glasgow Commonwealth Games in 2014 and operated well in practice. The Cabinet Secretary also committed to raising awareness of the issue as part of the wider engagement, alongside event partners.
8. The Committee also asked whether the cooperation precondition (which requires that a law enforcement officer request that a host EEA state first takes equivalent action and can only launch proceedings should the state fail to do so) was too cumbersome to act as an effective deterrent. The Cabinet Secretary reiterated that these conditions were necessary to ensure compliance with EU law, but stated that similar enforcement mechanisms were used previously in relation to the 2014 Commonwealth Games and therefore did not believe that the process was too slow to act as a deterrent. The Cabinet Secretary also highlighted that any action in relation to a breach of the ticket touting offence could be pursued after the sunset clause included in the Act had passed, provided that breach occurred during the period of operation of the offence.

Conclusion

9. The Culture, Tourism, Europe and External Affairs Committee recommends that the UEFA European Championship (Scotland) Act 2020 (Ticket Touting Offence) (Exceptions for Use of Internet etc.) (Scotland) Regulations 2020 be approved.

