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Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh

UEFA European Championship (Scotland) Bill: as amended at Stage 2



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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/delegated-powers-committee.aspx>



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Introduction

1. At its meeting on 10 December 2019, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the UEFA European Championship (Scotland) Bill (the "Bill") as amended at Stage 2.
2. The Committee submits this report to the Parliament under Rule 9.7.9 of the Standing Orders.
3. This Scottish Government Bill was introduced by the Cabinet Secretary for Culture, Tourism and External Affairs, Fiona Hyslop MSP, on 24th September 2019. The Delegated Powers and Law Reform Committee published its Stage 1 Report on the Bill on 3 October 2019.ⁱ The Committee reported that it was content with the delegated powers in the Bill.
4. The Bill completed Stage 2 on 28 November 2019. The Scottish Government has since lodged a Revised Delegated Powers Memorandum covering the powers in the Bill as amended at Stage 2.ⁱⁱ

ⁱ [Delegated Powers and Law Reform Committee, 47th Report 2019 \(Session 5\): UEFA European Championship \(Scotland\) Bill: Stage 1](#)

ⁱⁱ [UEFA European Championship \(Scotland\) Bill, Revised Delegated Powers Memorandum](#)

Overview of the Bill

5. The Bill is concerned with restrictions on ticket touting, street trading and advertising in relation to the UEFA European Championship 2020. The Scottish Government has stated that the Bill is being brought in to ensure the successful delivery of the Championship by meeting commitments required by UEFA in relation to commercial rights for event sponsors during the period of the event.
6. UEFA's European Championship is celebrating its 60th anniversary in 2020 and UEFA is commemorating this by hosting next year's Championship across various cities in Europe. Glasgow was selected as a host city and Hampden is due to host three group stage matches (on 15, 19 and 23 June) and one round of 16 match (on 30 June). Two further "event zones" are being created in George Square and the Merchant City.
7. A Local Organising Committee is being established to deliver the event in Glasgow. The Committee will be comprised of representatives from the Scottish Football Association ("SFA"), the Scottish Ministers, Glasgow City Council, Hampden Park Limited, Visit Scotland and Police Scotland.

Delegated Powers

8. One additional power has been added to the Bill at Stage 2. This is considered further below.
9. The Committee also notes that section 16(2)(b) (enforcement officers) no longer contains a delegated power.

Section 34(1A) – Commencement

Power conferred on: the Scottish Ministers

Power exercisable by: regulations made by Scottish statutory instrument

Parliamentary procedure: laid, no procedure

10. Subsection (1A) has been added to section 34 of the Bill at Stage 2. It provides that sections 2, 3 and 4 come into force on the day that the Scottish Ministers appoint by regulations.
 11. Section 2 creates the offence of touting Championship tickets. Section 3 provides an exception for certain advertisers from committing this offence and section 4 allows Scottish Ministers to make regulations to determine circumstances in which provision on the internet or other electronic media may or may not constitute a touting offence.
 12. The Scottish Government considers this power necessary to ensure that the ticket touting offence can be brought into force as quickly as possible as tickets are already on sale so ticket touting may already be occurring. Previously these provisions did not come into force until 2 months after Royal Assent. The Committee is content with this approach and with the power in section 34(1A).
 13. However, the Committee observes that whilst sections 2, 3 and 4 are subject to the regulation-making power, section 2A (added at Stage 2) is not, despite relating to the same matter. Section 2A creates an exception to the touting offence in which it applies where tickets are auctioned for charity. The Committee suggests that it would be sensible for the exception to be brought into force at the same time as the offence to which it relates.
14. The Committee reports that it is content with the new delegated power in the Bill and that it is not subject to any parliamentary procedure but wishes to highlight the exception in section 2A and that it is not subject to the same commencement power as the offence in section 2.
 15. The Committee welcomes a proposed amendment in the name of Ben Macpherson lodged on 9 December which would rectify this issue.

