

By Lorraine Conway

1 October 2024

Ticket resales



Summary

- 1 Introduction
- 2 Current legislation
- 3 Current responsibility for enforcement
- 4 Non-compliance and enforcement
- 5 Secondary ticketing market: past reviews & reports
- 6 Digital Markets, Competition and Consumers Act 2024
- 7 Calls for further reforms
- 8 Parliamentary questions and debates

Image Credits

Holidays: Day 15 by Lachlan Hardy. Licensed under CC BY 2.0 / image cropped.

Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing [‘Legal help: where to go and how to pay’](#) for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at commonslibrary.parliament.uk. If you have general questions about the work of the House of Commons email hcenquiries@parliament.uk.

Contents

Summary	5
1 Introduction	7
1.1 What is secondary ticketing?	7
1.2 Market structure	8
2 Current legislation	9
2.1 Consumer rights	9
Information requirements	9
Unfair contract terms	10
2.2 Unfair trading	10
2.3 Distance selling	11
2.4 Use of bots to harvest tickets	11
2.5 Sales online	12
2.6 Price indications	12
2.7 Bespoke legislation: high profile events	13
2.8 Fraud	13
2.9 The Online Safety Act 2023	14
3 Current responsibility for enforcement	15
3.1 Trading Standards	15
3.2 Competition & Markets Authority	15
3.3 Advertising Standards Authority	16
3.4 Police	17
4 Non-compliance and enforcement	18
4.1 Non-compliance	18
Bulk purchase of tickets	18
Consumers deprived of information	18
Use of misleading pressure selling messages	19

	Failure to provide a refund	19
4.2	Enforcement action	20
	Action taken by the ASA	20
	Action taken by the CMA	20
5	Secondary ticketing market: past reviews & reports	23
5.1	OFT investigation: 2012	23
5.2	Which? Investigation: 2013	23
5.3	Professor Waterson’s review: 2015	24
	Waterson report and recommendations	24
5.4	The CMS Committee: ticket abuse	25
5.5	CMA report 2021	26
	CMA calls to tighten regulation	26
	Government response 2023	27
6	Digital Markets, Competition and Consumers Act 2024	29
6.1	Background	29
6.2	New measures	31
7	Calls for further reforms	32
7.1	Government proposed consultation	32
7.2	CMA investigation into Oasis ticket sales	33
8	Parliamentary questions and debates	35

Summary

In the ‘primary’ market, tickets for live recreational, sporting or cultural events are sold for the first time at their original price (as determined by artists, event organisers or box offices). In the ‘secondary’ market, tickets are resold after their original sale, often (but not always) at prices other than their original ‘face value’.

The online resale of tickets is regulated by consumer protection legislation. Specifically the [Consumer Rights Act 2015](#) (CRA 2015), the [Consumer Protection from Unfair Trading Regulations 2008](#) (the Unfair Trading Regulations) and the [Consumer Contracts \(Information, Cancellation and Additional Charges\) Regulations 2013](#) (the CCRs). There have been several investigations of the secondary ticketing market, especially its pricing practices, leading to enforcement activity and new statutory provisions.

Notably, [Professor Waterson’s independent report on the effectiveness of consumer protection measures in the secondary ticketing market](#), commissioned by the government, was published in May 2016. The government [responded to the report](#) on 13 March 2017, accepting Professor Waterson’s nine recommendations in full. It said Parliament would be invited to consider proposals for reform of the secondary ticketing market within the context of the [Digital Economy Bill](#).

The Culture, Media and Sport (CMS) Committee have held two one-off evidence sessions into ticket abuse. The first session took place on 15 November 2016 and considered the problem of software being used to harvest tickets from primary sellers. The second session was held on 21 March 2017.

The [Digital Economy Act 2017](#) received Royal Assent on 27 April 2017. In regard to secondary ticketing, it:

- Criminalises the use of bots to purchase tickets in excess of a maximum number.
- Puts the Information Commissioner’s Office (ICO) [Direct Marketing Guidance](#) (PDF) (5 December 2022) on a statutory footing.
- Requires sellers to provide any unique ticket number that may help the buyer to identify the seat or standing area or its location.

In 2018, the [Advertising Standards Authority](#) (ASA), the UK’s independent regulator of advertising across all media, acted against four secondary ticketing websites in respect of misleading presentation of pricing information. Separately, in June 2016, the [Competition and Markets Authority](#) (CMA) began a compliance review of the secondary ticketing market and in December 2016 it conducted a formal investigation into suspected breaches of consumer protection law.

Following on from this investigation, the CMA began enforcement action in November 2017 against four secondary ticketing websites. Three of those sites made a formal commitment in April 2018 to overhaul the way they do business. In respect of the fourth site, Viagogo, the CMA issued legal proceedings which resulted in a court order being made on 27 November 2018. The CMA suspended its court action in September 2019 after Viagogo addressed concerns about how it presented information to consumers.

On 16 August 2021, the CMA published [Secondary ticketing: Recommendations to government for improving consumer protection](#) (PDF). In this report, the CMA set out its concerns about continued non-compliance with consumer law in the secondary ticketing sector. Recommendations included a requirement that all secondary ticketing sites acquire a licence to operate in the UK. In its [formal response to the CMA recommendations](#), published on 10 May 2023, the government said it was “too soon to conclude that the only way forward was further legislation focused on this market”.

During the [progress of the Digital Markets Competition and Consumers \(DMCC\) Bill through Parliament](#), House of Lords’ amendments to introduce new specific requirements in relation to secondary ticketing were rejected. However, new provisions to strengthen the enforcement of the [CRA 2015](#) in relation to secondary ticketing were agreed. They are expected to come into force late in 2024.

The Labour government made a manifesto commitment to introduce new consumer protections on ticket resales, to “[put fans back at the heart of events](#)”. On 10 September 2024, [during a House of Commons debate on dynamic ticket pricing](#), Chris Bryant, Minister for Creative Industries, Arts and Tourism, confirmed a consultation would be launched in the autumn to consider a range of options, including revisiting recommendations from the CMA’s 2021 report.

Separately, on 5 October 2024, [the CMA opened an investigation into the sale of Oasis concert tickets by Ticketmaster in the primary market](#). This investigation is to include the use of ‘dynamic pricing’.

This briefing summarises the current regulation of the secondary ticketing market, including new enforcement provisions contained in the DMCC Act 2024 (but not yet in force). It considers past CMA enforcement activity against certain secondary ticketing sites and the recommendations made in the CMA’s 2021 report to improve regulation. Finally, this briefing considers recent government proposals to tackle consumer detriment in the secondary ticketing market.

1 Introduction

1.1 What is secondary ticketing?

In the UK, tickets for live events (such as pop concerts, theatre, and sports events) are first made available in the ‘primary’ market. Tickets can be purchased at their face value (ie the amount printed on the ticket) from various primary market sources (for example, from the box office, official distributors, or an event organiser). However, tickets can also be resold on certain online platforms, this process of reselling tickets is known as secondary ticketing.

The past two decades have seen unparalleled growth in secondary ticket selling for live music and sporting events.¹ The internet has “made it easier for people to apply for tickets in the first place but [has] also enabled the resale market to thrive.”² The main ways in which tickets are resold in the UK are via:

- Uncapped secondary ticketing platforms. Online platforms that allow ticket holders (resellers) to resell tickets to buyers at any price that they choose. In the UK, the main operators are Viagogo, StubHub and Gigsberg.³
- Capped secondary ticketing platforms. Online platforms that set a limit on what the reseller can charge for the ticket. For example, these might be ‘fan-to-fan’ sites, or a capped resale exchange within a primary platform (on which a reseller who initially bought the ticket on the primary platform can resell the ticket via a platform operated by the same primary ticket seller).
- Non-specialist channels and social media, such as Gumtree and Facebook.

¹ Culture, Media and Sport Committee, [Ticket touting](#) (PDF), 10 January 2008, HC 202 2006-7, p7

² Professor Michael Waterson, [Independent Review of Consumer Protection Measures Concerning Online Secondary Ticketing Facilities](#) (PDF), May 2016, IND/16/7

³ Competition and Markets Authority, [Secondary ticketing – Recommendations to government for improving consumer protection](#) (PDF), August 2021, p13

- Offline channels, such as box office return outlets and ticket touts who resell tickets, typically outside venues.

This paper is concerned solely with the uncapped secondary ticketing sector.

1.2 Market structure

The CMA has described the character and structure of the uncapped secondary ticketing market as follows:

There are two main secondary platforms in the uncapped UK secondary ticket market – Viagogo and StubHub. In 2019, a CMA merger investigation into the acquisition of StubHub by Viagogo (‘the CMA’s merger investigation’) found between 90% and 100% of tickets by value were sold to UK consumers through these platforms.⁴ Their closest rival Gigsberg had a share of supply of less than 5% during the same period.⁵ These platforms are ‘two-sided’. They enable buyers and sellers to trade tickets for music, sports, theatre and other live events.

Professional resellers buy tickets from the primary ticket market with a view to selling them for a profit on the secondary market. The CMA’s merger investigation also found the majority of tickets that are traded through uncapped secondary ticket platforms are sold by such resellers. The CMA’s merger investigation also found that the 200 largest resellers account for around 50% of the ticket sales (by value) being sold on secondary ticketing platforms.

Based on data provided from all the main secondary platform providers in the UK, the CMA’s merger investigation estimated the value of the tickets sold in 2019 through secondary ticketing platforms was about £350 million.⁶

The Coronavirus pandemic had a devastating impact on the events industry, with most live events in the UK cancelled or postponed from March 2020 until May 2021. Obviously, this impacted on the secondary ticketing market.

⁴ Competition and Markets Authority, [Secondary ticketing – Recommendations to government for improving consumer protection](#) (PDF), August 2021, p5

⁵ As above

⁶ As above

2 Current legislation

In the UK, the resale of tickets for live events is regulated by various general and specific legislation.

2.1 Consumer rights

Information requirements

Where tickets are resold online via a secondary ticketing facility, [section 90 of the Consumer Rights Act 2015](#) (CRA 2015) imposes a duty on resellers and secondary ticketing facilities to provide certain information about tickets to buyers, including:

- the face value of the ticket,
- the seat number or location of the standing area at the venue,
- any restrictions limiting the use of the tickets to persons of a particular description (for example wheelchair users or people within a certain age range), and
- any connection the seller has with either the event organiser or online facility on which the ticket is being resold.

Crucially, this information must be given to a potential buyer before a contract is made and the ticket sold.

[Section 91](#) applies where a person (“the seller”) re-sells, or offers for re-sale, a ticket for a recreational, sporting or cultural event in the UK through a secondary ticketing facility. An organiser of the event must not cancel the ticket merely because the seller has re-sold the ticket or offered it for re-sale unless a term of the original contract for the sale of the ticket:

- (i) provided for its cancellation if it was re-sold by the buyer under that contract,
- (ii) provided for its cancellation if it was offered for re-sale by that buyer, or
- (iii) provided as mentioned in (i) and (ii) above, and that term was not unfair for the purposes of [Part 2 of the CRA 2015](#) (see below to unfair contract terms).

In addition, [section 92](#) imposes a legal requirement that secondary ticketing facilities must report to the police and event organisers any criminal activity they become aware of in relation to tickets.

The provisions apply to both businesses and private individuals reselling tickets. For the purposes of the CRA 2015, an ‘online secondary platform’ is a website or app where tickets are offered for resale, rather than where the first sale of the ticket is made by or on behalf of the event organiser.

The CRA 2015 is primarily enforced by local authority Trading Standards services in Great Britain, and by the Department for Enterprise, Trade and Investment in Northern Ireland.

Unfair contract terms

[Part 2 of the CRA 2015](#) contains provisions in respect of unfair contract terms. Event organisers may want tickets to be sold to genuine fans rather than to individuals who want to buy and resell the tickets at a profit. Some event organisers take steps to prevent speculative buyers reselling tickets, others may cancel tickets that are offered for resale. The difficulty, of course, is that a genuine buyer may have a good reason for wanting to resell a ticket.

Under [section 91 of the CRA 2015](#), vendors are protected from having their tickets cancelled by the organisers purely because of resale, unless this is made clear in the original terms of sale, and these terms are not deemed to be unfair. Much would depend on the circumstances of the case, but it is unlikely that any such term could be fair if it were not communicated properly to the consumer at the time the purchase was made.

2.2

Unfair trading

The amount a secondary ticketing operator can charge as a service fee is not restricted by the regulations that protect consumers from excessive card surcharges.⁷ However, the [Consumer Protection from Unfair Trading Regulations 2008](#) (known as the Unfair Trading Regulations),⁸ prohibit unfair commercial practices.⁹ These Regulations not only affect the person who resells the ticket, but also the promoter or venue that sells direct to the consumer. The Regulations apply to both online and offline commercial activity.

Under the Unfair Trading Regulations, it is illegal to give consumers misleading information. It is also illegal to make a misleading omission, including hiding or omitting material information that cause, or are likely to cause, the average consumer to take a transactional decision they would not otherwise have taken. Certain commercial practices, specified in [Schedule 1](#), are banned in all circumstances.

⁷ [Consumer Rights \(Payment Surcharges\) Regulations 2012](#), SI 2012/3110

⁸ [Consumer Protection from Unfair Trading Regulations 2008](#), SI 2008/1277

⁹ For an overview of the Regulations see Library briefing, [Consumer protection: Unfair Trading Regulations 2008](#) (PDF), 26 November 2021

The Unfair Trading Regulations are clearly relevant in relation to information about tickets and events given to consumers when tickets are offered for resale:

- Consumers must not be misled as to the price, location, terms, or any adverse factors that may affect their enjoyment of the event.
- All ticket sellers must give consumers clear, honest information about prices and tell consumers about any extra charges on top of the ticket's face value. This means that all compulsory fees (whether fixed or variable) should be clearly disclosed at the outset when the ticket price is first displayed.

Breach of the Unfair Trading Regulations may result in the commission of a criminal offence.

2.3 Distance selling

Where tickets are sold at a distance (for example, over the internet or by phone), the [Consumer Contracts \(Information, Cancellation and Additional Charges\) Regulations 2013](#) (the CCRs) will apply. These Regulations require certain information to be given to the consumer before contract and require additional charges like booking fees to be disclosed up front. (In other words, additional charges must not be selected automatically for the buyer using pre-ticked boxes or in any other way).

In most cases, tickets are exempt from the cancellation rights that normally apply under the Regulations, as events are usually booked for a specific date.

2.4 Use of bots to harvest tickets

The [Digital Economy Act 2017](#) (DEA 2017)¹⁰ introduced new provisions to:

- criminalise the use of bots¹¹ to purchase an excessive number of tickets,
- put the Information Commissioner's Office [Direct Marketing Code of Practice](#) on a statutory footing, and

¹⁰ [Digital Economy Bill receives Royal Assent](#), Department for Culture, Media and Sport press release, 27 April 2017

¹¹ A 'bot' is a software application that is programmed to do certain tasks, they are automated and often imitate a human user's behaviour

- require re-sellers to provide any unique ticket number that may help the buyer to identify the seat or standing area or its location.

On 5 July 2018, the [Breaching of Limits on Ticket Sales Regulations 2018](#) came into force under the DEA 2017. The Regulations make it an offence to use automated computer programmes to purchase tickets in excess of any limit set out in terms and conditions (regarding the maximum number of tickets a consumer may buy) and where the intent is financial gain.

2.5 Sales online

The [Electronic Commerce \(EC Directive\) Regulations 2002](#) (the ECRs) as amended by the [Electronic Commerce \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) apply to all sales online. Under the ECRs, certain information must be provided to buyers before a contract is made. The intention is that a buyer should know exactly who is selling the goods or service.

The ECRs impose information requirements on those providing an ‘information society service’, including those operating an online marketplace and engaging in online sales. Secondary ticketing platforms must therefore provide information about themselves and their users. When selling tickets through a secondary ticket platform, a business seller will also be providing an information society service and will also be subject to the requirements of the ECRs, including the requirement to provide information about itself.

2.6 Price indications

Secondary ticketing is also subject to the [Price Indications \(Resale of Tickets\) Regulations 1994](#) (“the 1994 Regulations”).¹² The 1994 Regulations do not prohibit any method of ticket resale or place any controls on the level of the price which may be charged for a ticket. Their aim is simply to ensure that the consumer is given sufficient information about the price of a ticket before deciding whether to buy it.

Specifically, consumers must be given clear and accurate price information before they buy a ticket. Information given to the consumer must be complete, and not mislead. For example, if the consumer is quoted a range of prices, or a ‘from’ price, the trader should make sure that a reasonable number of tickets are available at the lower price. ‘Bait marketing’, attracting consumers with a low price with low or limited availability (or other restrictions that are not readily disclosed) is illegal. It is important to note that the 1994 Regulations do not apply to consumer-to-consumer

¹² [Price Indications \(Resale of Tickets\) Regulations 1994](#), SI 1994/3248

transactions. Accordingly, they do not apply to ticket sales between private individuals.

2.7 Bespoke legislation: high profile events

For certain high-profile sports events, specific legislation may be introduced making it unlawful for anyone other than an authorised person to sell or re-sell tickets to those events. This was the case with tickets for the 2012 London Olympic and Paralympic Games. It was also the case for the 2022 Commonwealth Games.

The resale of tickets for designated football matches by an unauthorised person is an offence under [section 166 of the Criminal Justice and Public Order Act 1994](#), which applies to England and Wales. Where a secondary ticketing platform is not authorised by the organisers of the designated football match, it too may be committing an offence if tickets for a designated football match are advertised for sale on its platform.

On 4 June 2018, [FIFA](#), football's world governing body, filed a criminal complaint against Viagogo based on a breach of the law on unfair competition. Both FIFA and Viagogo are based in Switzerland and the complaint was filed with the public prosecutor's office in Geneva. FIFA warned fans who had used unauthorised distribution channels to buy World Cup tickets (including all tickets purchased through Viagogo AG) that they risked being turned away from matches.¹³

2.8 Fraud

The law relating to fraud may also be relevant to secondary ticketing. The key piece of legislation for England and Wales is the [Fraud Act 2006](#). It sets out a general offence of fraud that can be committed in one of three ways:

- by false representation,
- by failing to disclose information, and
- by abuse of position.

In Scotland, criminal fraud is mainly dealt with under the common law and several statutory offences.

Where consumers are deliberately scammed, local authorities Trading Standards Services and other enforcement authorities can act against offenders. A fraud can also be reported to the police or to [Action Fraud](#). The [Companies Investigations Branch](#) of the Insolvency Service might also take

¹³ [FIFA files criminal complaint against Viagogo](#), FIFA media release, 5 June 2018

action against companies that trade illegally in the secondary market for tickets.¹⁴

2.9

The Online Safety Act 2023

The [Online Safety Act 2023](#) includes a broad duty on search engines to tackle fraudulent advertising. The largest platforms need to put in place proportionate systems and processes to prevent fraudulent adverts being published or hosted on their service.

¹⁴ Department for Culture, Media and Sport, Consultation on ticketing and ticket touting, February 2009, p11, [not online]

3 Current responsibility for enforcement

No one individual entity has lead responsibility for enforcement in the secondary tickets sector. The division of responsibility is as follows.

3.1 Trading Standards

Local authority Trading Standards is the primary enforcer of the [CRA 2015](#) secondary ticketing provisions and holds fining powers in respect of those provisions. Trading Standards collaborates with other enforcement bodies directly and via the 'Consumer Protection Partnership' through the [National Trading Standards](#) (NTS) and [Trading Standards Scotland](#).

[Citizens Advice](#) (and not the NTS) deals with individual complaints from consumers. In serious cases, Citizens Advice can make referrals to local Trading Standards who can issue a penalty notice on a business (ie impose a fine without the need to go to court). Such notices are available under a range of legislation, including laws relating to secondary ticketing. If appropriate, Trading Standards can refer a complaint to NTS (there are agreed protocols).

3.2 Competition & Markets Authority

The CMA has powers to enforce breaches of the [Unfair Trading Regulations](#), the unfair terms provisions and the secondary ticketing provisions of the [CRA 2015](#), as well as the [CCRs](#), and [ECRs](#). The CMA principally enforces consumer protection law through civil proceedings brought under [Part 8 of the Enterprise Act 2002](#). This requires the CMA to take traders to court, seeking an order that they cease any breach of consumer protection law and that the court make any appropriate accompanying directions (including enhanced consumer measures). In lieu of a court order, the CMA can accept undertakings from traders that they will change their behaviour.

Under current legislation, the CMA cannot decide for itself that a trader has breached consumer protection provisions and order it to stop - it must go to court. Even when an enforcement order is pursued by the CMA, no civil fines are available nor are there any sanctions targeted at an individual or business unless they breach a court order. In other words, the route to address such a breach is through contempt of court proceedings.

However, once in force, [Part 3 of the DMCC Act 2024](#) will strengthen the CMA's enforcement of all consumer protection law, including secondary ticketing. Specifically, new powers in Part 3 will:

- significantly expand the CMA's existing investigation and enforcement powers in respect of competition issues; and
- equip the CMA with powers to enforce breaches of consumer protection laws directly, including through the imposition of fines of up to 10% of global annual turnover for non-compliance.

In addition, [section 216 of the DMCCA 2024](#) will strengthen the [CRA 2015](#) in relation to secondary ticketing by permitting the CMA to act as an enforcement authority in relation to existing enforcement powers. Specifically, the CMA will be able to take enforcement action against the unfair buying-up of tickets with electronic bots and enforce existing rules on information that platforms and sellers must present to consumers.

These statutory provisions are expected to come into force in **late 2024**.

Further detailed information is provided in **section 6** of this briefing.

3.3

Advertising Standards Authority

The ASA is the UK's single independent advertising regulator in all mediums. It enforces the [Advertising Codes](#). There are separate codes for non-broadcast and broadcast advertisements, but all adverts are expected to be "legal, decent, honest and truthful". Compliance with the appropriate code is mandatory. Adverts that are in breach of the codes are either amended or removed.

A self-regulatory system operates in respect of non-broadcast advertising under the [UK Code of Non-Broadcast Advertising, Sales Promotion and Direct Marketing](#) (known as the "CAP Code"). Online advertising is covered by the CAP Code. In addition to paid for space on the internet, the CAP Code applies to marketing communications on companies' own websites and in other third-party space under their control (such as social networking sites like Twitter and Facebook).

The ASA works within the legal framework of the [Unfair Trading Regulations](#) to make sure that non-broadcast advertising in the UK is not misleading or unfair. For secondary ticketing operators, ticket pricing must be transparent with clear information about any additional fees at the beginning of the online

transaction.¹⁵ The price consumers see at the start of the booking process should be the price they pay at the end – with no surprises.

The ASA will tackle any advertising problems under the CAP Code. However, it can refer advertisers who persistently break the codes to Trading Standards for enforcement action.

3.4

Police

The police enforce the [Breaching of Limits on Ticket Sales Regulations 2018](#). The police may investigate suspected breaches of the Regulations. The sanction for a breach is an unlimited fine.

The police in England and Wales and Northern Ireland also deal with cases of fraud under the [Fraud Act 2006](#) and the [Theft Act 1968](#). The police also have the power to enforce legislation with regard to unlawful sales of football tickets (e.g. in England and Wales under the [Criminal Justice and Public Order Act 1994](#)) and unlawful ticket sales for specific events. Police Scotland investigate fraud committed in Scotland.

¹⁵ [Clamping down on misleading pricing practices by secondary ticketing providers](#), Advertising Standards Authority press release, 7 March 2018

4 Non-compliance and enforcement

4.1 Non-compliance

In recent years, the CMA has identified potential breaches of consumer protection law in the secondary ticket sector. These issues include:

- Bulk-purchasing of tickets in large numbers from the primary market for resale at a profit.
- Tickets being advertised for sale without all relevant information being provided to consumers.
- The use of misleading pressure selling messages.
- Refunds not being provided to consumers who are entitled to them.

Each compliance issue is considered below.

Bulk purchase of tickets

To help genuine fans buy tickets to an event at face value, it is not unusual for the event organiser to put in place limits on the number of tickets that can be bought. It is also illegal under the [Digital Economy Act 2017](#) to use automated bots to harvest tickets. However, some resellers may use fake identities and multiple credit cards to breach ticket limits. This practice may constitute an offence under the [Fraud Act 2006](#). It may also be an offence under the [Companies Act 2006](#) and the [Breaching of Limits on Ticket Sales Regulations 2018](#). The police have powers to investigate suspected breaches of the 2018 Regulations.

Consumers deprived of information

As outlined above, legislation requires certain information to be displayed by a secondary ticket platform to consumers. This includes information on:

- Where a seat is located in the venue (e.g. seat details, standing area or unique ticket number).
- The identity of the seller.
- Any connections the seller may have with the platform or event organisers.
- Whether there are any restrictions on the use of resold tickets which could result in the person being denied access to the event.

Both ticket resellers and platforms have a responsibility to ensure that this information is displayed accurately to consumers. According to the CMA, some tickets are being advertised for sale without all the relevant information being provided to consumers.¹⁶

Use of misleading pressure selling messages

Following its [investigation of the sector in 2016](#), the CMA raised concerns about the use of misleading pressure selling messages by some secondary ticketing platforms.¹⁷ The CMA found the content of some messages to be factually incorrect, creating the false impression that tickets would only be available for a limited time or at a particular price:

[...] the timing, location, content, frequency and persistence of the messages created an artificial sense of urgency and put pressure on consumers to make rushed decisions (including to make a purchase), whilst also distracting them from other information.¹⁸

These messages potentially constitute misleading actions and/or misleading omissions under the [Unfair Trading Regulations](#) since they create a misleading impression about the availability and demand for tickets.¹⁹

Failure to provide a refund

Under the [CRA 2015](#), consumers have a statutory right to a refund where goods or services are not fit for purpose (e.g. if the purchased tickets are invalid). Any guarantees offered by a secondary ticketing site are in addition to this statutory right.

According to the CMA, consumers are still experiencing difficulties in getting their money back when things go wrong with their purchase.²⁰ The CMA received 1,634 complaints about cancellations and refunds regarding event tickets between 1 March 2020 and 31 July 2021.²¹

¹⁶ [CMA calls for stronger laws to tackle illegal ticket sale](#), Competition and Markets Authority press release, 16 August 2021

¹⁷ [Secondary ticketing websites – The CMA is investigating suspected breaches of consumer protection law](#), Competition and Markets Authority website, 5 March 2015 (last updated 16 August 2021)

¹⁸ Competition and Markets Authority, [Secondary Ticketing – Recommendations to government for improving consumer protection](#) (PDF), August 2021, p29

¹⁹ As above, pp29-30

²⁰ As above, p24

²¹ As above, p31

4.2

Enforcement action

Action taken by the ASA

On 7 March 2018, the ASA announced that it had [ruled against four operators in the secondary ticketing sector, banning the misleading presentation of pricing information on their websites](#).²² The four operators were: StubHub UK, Viagogo AG, Seatwave Ltd, and Get me in! Ltd. Following a formal investigation, the ASA found that consumers lured in by attractive prices were hit with big fees towards the end of the online transaction.

The ASA gave the four operators until 29 May 2018 to remove misleading price claims on their websites, otherwise they would be referred to [National Trading Standards](#) (NTS) for breaches of consumer protection law.²³ On 30 May 2018, only Viagogo was referred to NTS.²⁴ However, on 4 September 2018, the ASA announced that it had secured changes to Viagogo's website and, as a result, had withdrawn sanctions and its NTS referral.²⁵

Action taken by the CMA

In recent years the [CMA](#) has taken action against secondary ticketing websites to tackle non-compliance in the sector, including the failure to provide important and accurate information to consumers.

In June 2016, the CMA began a [compliance review of the secondary ticketing market](#),²⁶ resulting in an announcement on 19 December 2016 that it would conduct a formal investigation.²⁷ On 28 November 2017, the CMA began enforcement action against secondary ticketing websites suspected of breaking consumer protection law.²⁸

Three of those platforms - StubHub, GETMEIN! and Seatwave – offered formal commitments on 5 April 2018 to overhaul the way they do business.²⁹ Specifically, their sites would make it clear which seat in the venue the consumer would get; whether there was a risk a consumer might be turned

²² As above

²³ As above

²⁴ [ASA refers Viagogo AG to National Trading Standards for misleading advertising](#), Advertising Standards Authority press release, 30 May 2018

²⁵ [ASA secures changes to Viagogo's website – misleading pricing information removed and costs now clearly displayed and transparent to consumers](#), Advertising Standards Authority press release, 4 September 2018

²⁶ [Secondary ticketing websites – The CMA is investigating suspected breaches of consumer protection law](#), Competition and Markets Authority website, 5 March 2015 (last updated 16 August 2021)

²⁷ As above

²⁸ [CMA to take enforcement action on secondary ticketing sites](#), Competition and Markets Authority press release, 28 November 2017

²⁹ [Secondary ticketing sites pledge overhaul](#), Competition and Markets Authority press release, 25 April 2018

away at the door; and who was selling the ticket (so consumers could benefit from enhanced legal rights when buying from a business).

The CMA raised the same concerns about how information was provided to consumers with a fourth platform, Viagogo. On 27 November 2018, the CMA secured a court order against Viagogo.³⁰ The company had until the 17 January 2019 to overhaul its business methods.³¹ It was also ordered to carry out an **independently supervised review** of unpaid claims made between January 2016 and November 2018 by consumers who provided Viagogo with:

- evidence that they did not get into an event; or
- specific evidence from the event organiser that their ticket was invalid.

The review was completed early in 2019, and Viagogo was ordered to refund any consumers whose claims should have been paid. Crucially, an **annual independent review** of Viagogo's compliance with the terms of the court order was required until 2023.³²

On 17 January 2019, the CMA published online two open letters:

- The first [open letter to event organisers](#) outlined how ticket information should be properly disclosed on secondary ticketing websites.
- The second [open letter to secondary ticketing website operators](#) outlined how to comply with consumer law.

On 5 March 2019, the CMA [warned Viagogo that it had still not complied with important aspects of the court order, on 4 July 2019 the CMA began contempt of court proceedings](#).³³ On 5 September 2019, [the CMA announced it has suspended court proceedings because Viagogo had finally addressed its concerns about how it presented consumer information](#):

The Viagogo website UK customers now visit is worlds apart from the one they faced before the CMA took action. Key information needed to make informed decisions before buying a ticket is now much clearer including on where you'll sit in a venue and whether you might be turned away at the door.

What is clearly not acceptable is the time it's taken to get to this stage. Stronger consumer powers are required in the secondary ticketing sector, and

³⁰ Competition and Markets Authority, [Guidance - Summary of the court order secured by the CMA against Viagogo](#), 7 December 2018

³¹ Competition and Markets Authority, [Guidance - Information about the secondary ticketing websites deadline](#), 17 January 2019

³² [Secondary ticketing websites](#), Competition and Markets Authority press release, 5 March 2015 (last updated 16 August 2021)

³³ [CMA to take further legal action against Viagogo](#), Competition and Markets Authority press release, 4 July 2019

we will continue to work with the Government on the most effective way to achieve this.³⁴

Sharon Hodgson MP (Lab), then co-chair of the APPG on ticket abuse, criticised Viagogo for not complying sooner:

The Consumer Rights Act was enacted four years ago to protect consumers. For over four years, Viagogo have failed to comply with legislation and thousands of fans have suffered as a result. After progress and pressure put on Viagogo by the CMA over the last two years, it is surprising that the CMA have now suspended preparations for court action against Viagogo.

Viagogo are not fully compliant with the Consumer Rights Act. Viagogo have made vanity changes which can easily be reversed now that the CMA have taken off the pressure. This is a backwards step and could threaten thousand more consumers going forward.³⁵

On 19 August 2020, the CMA announced that StubHub had addressed its concerns about compliance with existing undertakings and newer concerns about its use of misleading messages about ticket availability.³⁶ StubHub provided the CMA with an amended set of undertakings to cover all issues.³⁷

³⁴ [Viagogo fixes concerns in face of further CMA legal action](#), Competition and Markets Authority press release, 5 September 2019

³⁵ All Party Parliamentary Group, [Ticket Abuse](#), 5 September 2019

³⁶ [Secondary ticketing websites – The CMA is investigating suspected breaches of consumer protection law in the online secondary tickets market](#), Competition and Markets Authority press release, 5 March 2015 (last updated 16 August 2021), (accessed 27 June 2024)

³⁷ [StubHub makes changes to its UK site to address CMAs concerns](#), Competition and Markets press release, 9 August 2020

5 Secondary ticketing market: past reviews & reports

This section provides a summary of reviews of the uncapped secondary ticketing sector.

It should be noted that the issue of secondary ticketing also came up during the later stages of the Consumer Rights Bill (now the [CRA 2015](#)). Details are provided in the Library briefing paper, [Consumer Rights Bill – Lords’ Amendments](#) (PDF)(18 December 2014), pages 6-8.

5.1 OFT investigation: 2012

In July 2012, the Office of Fair Trading (now disbanded) launched an investigation into the secondary ticketing market. The aim was to ensure consumers had all the information they needed before buying tickets online.

5.2 Which? Investigation: 2013

In December 2013, the consumer group [Which?](#) launched a campaign, “Play Fair on Ticket Fees”, questioning why some ticket companies imposed on consumers compulsory fees for booking and postage that can add 18 per cent to the face value of a ticket price. In terms of consumer detriment, it found that some large ticket agencies were charging a delivery fee even if the consumer had elected to collect the theatre tickets in person from the box office.

The consumer advice given by Which? was that those buying tickets online should look for agents signed up to a code of conduct laid down by the [Society of Ticket Agents and Retailers](#) (STAR), identified by a lock-inside-a-star logo. According to the Society’s website, this code of conduct is designed to ensure ticket buyers are treated fairly.

5.3

Professor Waterson's review: 2015

Waterson report and recommendations

[Section 94\(1\) of the CRA 2015](#) required a review of consumer protection measures applying to the uncapped online secondary ticketing market. Under sub-section (2), a report had to be published within 12 months of the section coming into force.

Professor Michael Waterson was asked to lead an independent review of the uncapped online secondary ticketing market. Its focus was on large-scale, high-profile, exhibitions, festivals, concerts and major sporting events. The review was informed by responses to a [call for evidence](#)³⁸ and a [user survey](#).³⁹

[Professor Waterson's report](#),⁴⁰ published on 26 May 2016, made the following recommendations:

- Secondary ticketing platforms should ensure sellers on their platforms fully observe the rules set out in the [CRA 2015](#) (where necessary, enforcement action should be undertaken).
- Secondary platforms should be required to play a role in identifying traders and ensuring their details are provided to consumers.
- Primary ticket vendors should be required to guard against the possibility of mass purchase by individuals (who have no intention of attending the event) in breach of contractual terms including by using 'botnets' (ie computer programmes). This activity deprives ordinary consumers of the chance to acquire tickets at the price originally established by the event organiser.
- Primary market operators need to increase transparency and come together to standardise the way in which information on available ticket outlets and the pricing structure is made available to the public.
- More should be done to inform consumers seeking tickets about how the market operates across both primary and secondary sellers.

³⁸ Department for Business, Energy and Industrial Strategy & Department for Business, Innovation and Skills, & Department for Digital, Culture, Media & Sport, [Review of consumer protection measures applying to ticket resale: call for evidence](#), 13 October 2015

³⁹ Department for Business, Innovation and Skills & Department for Digital, Culture, Media & Sport, [Secondary ticketing websites: user survey](#), 26 May 2016

⁴⁰ Professor Michael Waterson, [Independent Review of Consumer Protection Measures Concerning Online Secondary Ticketing Facilities](#) (PDF), May 2016, IND/16/7

However, Professor Waterson did not recommend further significant legislation, a ban on the secondary ticketing market, or a cap on resale prices.⁴¹

The government [published its response](#) to the Waterson report on 13 March 2017.⁴² It accepted the report's recommendations in full and said that it looked to operators in both the primary and secondary ticketing markets to implement the recommendations.

5.4 The CMS Committee: ticket abuse

The Culture, Media and Sport (CMS) Committee has held two one-off evidence sessions on ticket abuse.

The first evidence session, on 15 November 2016, considered the problem of software being used to harvest tickets from primary sellers' online sites and selling them on resale sites at inflated prices to the detriment of fans, artists and organisers of entertainment and sporting events. The CMS Committee heard oral evidence from several witnesses, including Professor Waterson.⁴³ Written evidence from stakeholders was also considered.

According to the CMS Committee, the evidence session had revealed far-ranging and disturbing factors in the market, including clear indications of too close relationships between those selling tickets on the primary market and sellers on the secondary market. It was concerned that:

Witnesses' failure to give satisfactory answers to the Committee's questions about where companies' main profits are made, the possibility of even Chinese walls between parts of the same company, and the willingness of the ticket selling companies to even try to identify, let alone bar, large-scale ticket touts and fraudulent sellers have led us to conclude that a fuller investigation of the whole area of ticketing is needed.⁴⁴

On 22 November 2016, Damian Collins MP (Con), then Chair of the CMS Committee, wrote a [letter](#) to Karen Bradley MP (Con), then Secretary of State for DCMS, urging her to study the submitted evidence regarding the under-reporting of income by known touts and to raise this with HMRC as an area which warranted their investigation. On 25 November 2016, [the minister sent a letter commenting on the CMS Committee's findings](#).

⁴¹ Department for Business, Energy and Industrial Strategy & Department for Culture, Media and Sport, [Government Response to Professor Waterson's Independent Review: Consumer Protection Measures Concerning Online Secondary Ticketing Facilities](#), March 2017

⁴² As above

⁴³ Culture, Media and Sport Committee, [Oral Evidence: Ticket Abuse](#) (PDF), 15 November 2016, HC 823

⁴⁴ Culture, Media, and Sport Committee, [Ticket selling market disturbing factors prompt further investigation](#), 16 November 2016

On 21 March 2017, the CMS Committee held a second one-off evidence session on ticket abuse, revisiting some of the issues it had considered earlier.⁴⁵ It stated its intention to table an amendment at report stage of the Digital Economy Bill to ban the use of bots.

Building on the CMS Committee's work into ticket abuse, the Digital, Culture, Media and Sport (DCMS) Committee published a report on [Live Music](#) (PDF) on 6 March 2018.⁴⁶ In this report, the DCMS Committee considered problems in the ticketing market for live music and called on the government to assess the impact of the new [Breaching of Limits on Ticket sales Regulations 2018](#).⁴⁷

5.5 CMA report 2021

CMA calls to tighten regulation

On 16 August 2021, the CMA published a report on [Secondary ticketing](#) (PDF), in which it set out its concerns about continued non-compliance with consumer protection law in the uncapped secondary tickets sector.⁴⁸ The CMA called for stronger laws to tackle illegal ticket resales:

The CMA has used its existing powers to the fullest in the sector and is concerned that, without reforms to the way that the uncapped secondary tickets market is regulated, problems in the sector are likely to grow as restrictions on attending live events are lifted.⁴⁹

The CMA made several recommendations including:

- A ban on platforms allowing resellers to sell more tickets for an event than they can legally buy from the primary market.
- Ensuring platforms are fully responsible for incorrect information about tickets that are listed for sale on their websites.
- Introducing a new system of licensing for platforms that sell secondary tickets in the UK. This would enable an authority to act quickly in the event of a breach of consumer law, and issue sanctions such as taking down websites, withdrawing a business's right to operate in the sector, and the imposition of substantial fines.

⁴⁵ Culture, Media and Sport Committee, [Oral Evidence: Ticket Abuse](#), 21 November 2016, HC 823

⁴⁶ Digital, Culture, Media and Sport Committee, [Live Music](#) (PDF), 19 March 2019, HC 733 2017-19

⁴⁷ As above, pp12-20

⁴⁸ [CMA calls for stronger laws to tackle illegal ticket sale](#), Competition and Markets Authority press release, 16 August 2021

⁴⁹ Competition and Markets Authority, [Secondary ticketing - Recommendations to government for improving consumer protection](#) (PDF), 16 August 2021

The CMA said its recommendations, if implemented, would make it difficult for professional sellers to sell illegally procured tickets through secondary ticket platforms or to list tickets for sale in breach of the law by failing to disclose all the required information.⁵⁰

Government response 2023

The government published a letter in [response to the CMA's secondary ticketing report](#) on 10 May 2023:

This letter recognises the enforcement action taken to date by CMA and Trading Standards, but the Government does not currently intend to introduce further regulation in this area and is instead focusing its consumer protection measures in the recently introduced Digital Markets, Competition and Consumers Bill.⁵¹

Key points the government made in its response were:

- The government believes in the power of competitive markets to give consumers choice and flexibility. This applies to both the primary and secondary markets in event tickets. “It is right that consumers have the ability to sell on tickets they no longer want or are able to use, and that there is a market in such sale and resale”.⁵²
- Technology is improving the consumer experience in both security and flexibility of ticketing. “[...] as with all online purchases, consumers must be careful in making purchasing decisions and ensure they understand what they are buying”.⁵³
- It is currently difficult to make a detailed assessment of the impact of Trading Standards and CMA enforcement work, given the disruption to the event industry caused by the Coronavirus pandemic.
- Some decisions that might be expected to affect the secondary ticket market have only recently been taken, including the CMA’s decision to require that Viagogo sell the StubHub ticketing platform which they acquired through a merger in 2019. “How that affects the market including compliance with competition and consumer protection rules on the separate platforms would be a question for CMA monitoring, but its outcome remains to be seen”.⁵⁴ The government said the Court of Appeal’s decision in November 2021 to uphold the convictions of two illegal ticket resellers in an action brought by North Yorkshire Trading Standards, would resonate with illegal ticket traders.
- The CMA report referenced the government’s proposed legislative changes to the CMA consumer enforcement regime (now set out in Part 3 of the [Digital Markets](#).

⁵⁰ As above

⁵¹ Department for Business and Trade & Department for Culture, Media and Sport, [CMA's recommendations on secondary ticketing - government response](#) (PDF), 10 May 2023

⁵² As above

⁵³ As above

⁵⁴ As above

[Competition and Consumers Bill](#)). The government said it was “committed to giving the CMA the tools it needs to adequately enforce the law and create a competitive and attractive UK market for business and consumers”.⁵⁵

- Some of the CMA’s recommendations set out for potential additional legislative changes to strengthen further the requirements on those using secondary platforms to resell tickets. The CMA also suggested creating a dedicated enforcer to be funded by a levy on the secondary ticket market. The government said it was not convinced that the additional costs that would fall on ticket buyers (as regulatory costs would be passed on) are justified by the degree of harm set out in the report, especially when “we are already proposing to give the CMA additional administrative powers to protect consumers which the CMA could deploy in the secondary ticketing market.”⁵⁶
- The government said it proposed to keep the position on maximum numbers of ticket resales under review as part of its “ongoing monitoring of the legislative landscape in the ticketing market” and “in the light of technological, enforcement and other market developments”.⁵⁷
- The government agreed with the CMA recommendation that there should **not** be a ban on the uncapped secondary ticket market. It said, “whilst both the way tickets are sold and used are changing and there is a growing authorised capped ticket resale market to help those who can no longer use their purchased ticket, it appears the uncapped market may still provide a service of value to some consumers”.⁵⁸

Summing up its position, the government said that it was “too soon to conclude that the only way forward is further legislation”:

[...] there are a number of improvements to other aspects of consumer law which we have now published in our response to the 2021 consultation. These will be our priority in the immediate future, rather than changes to the secondary ticketing regime specifically.⁵⁹

⁵⁵ As above

⁵⁶ As above

⁵⁷ As above

⁵⁸ As above

⁵⁹ As above

6 Digital Markets, Competition and Consumers Act 2024

The [DMCC Bill](#) was introduced to the House of Commons on 25 April 2023. It was rushed through before the proroguing of Parliament ahead of the July 2024 General Election. It received Royal Assent on 24 May 2024.

The statutory provisions contained in Part 3 of the [DMCC Act 2024](#) are expected to come into force in late 2024. Further detailed information is set out below.

6.1 Background

The issue of detrimental activity in the UK secondary ticketing market was raised during consideration of the DMCC Bill in committee in the House of Lords.⁶⁰ In particular, there were concerns about secondary ticketing platforms selling ticket events at significant mark-ups compared to the primary market or selling fraudulent tickets.

In committee, a probing amendment tabled by Lord Leong (Lab) sought to insert a new clause into the DMCC Bill, to require the government to undertake a review of the operation of both the primary (ie original point of sale) and the secondary (ie resale) ticketing markets.⁶¹ A second probing amendment tabled by Lord Moynihan (Con) (co-chair of the All-Party Group on Ticket Abuse), sought to restrict secondary ticketing sites from listing tickets for sale without proof that the seller was able to sell them.⁶²

Lord Moynihan returned to the issue on report, with an amendment supported by Baroness Jones (Lab) and Lord Clement-Jones (LD).⁶³ The amendment would insert a new clause into the DMCC Bill, which in turn would insert new section 92A into the [Consumer Rights Act 2015](#) to impose new requirements on secondary tickets sites regarding proof of purchase, ticket number limits and the provision of information. Speaking to the amendment, Lord Moynihan said it would prevent the bulk buying of tickets, end the practice of speculative selling, and protect consumers from fraudulent abuse by a poorly regulated secondary market.⁶⁴

⁶⁰ The DMCC Bill was considered by the House of Lords between 22 November 2023 and 26 March 2024

⁶¹ Amendment 196, as numbered in committee

⁶² Amendment 197, as numbered in committee

⁶³ Amendment 150, as numbered on report

⁶⁴ [HL Deb 13 March 2024 c2068](#)

Further, Lord Moynihan argued that his amendment was in line with [CMA recommendations for additional legislative safeguards and enforcement powers](#) (PDF)(August 2021).⁶⁵ Referencing the [government’s response to the CMA’s report](#) (May 2023),⁶⁶ Lord Moynihan said it must be “unprecedented for a government to turn down strong recommendations from a regulator”.⁶⁷

Speaking for the government, Lord Offord (Con), then Parliamentary Under-Secretary of State, Department for Business and Trade and Scotland Office, opposed the amendment. He stressed it was already a criminal offence for traders to offer for sale a product that could not be legally sold.⁶⁸ He said the government was committed to protecting consumers from fraudulent activity in the secondary ticketing market but wanted the focus to be on “consumer choice” and using powers to enforce existing law, rather than “creating further legislation for uncertain gain”.⁶⁹

Lord Moynihan pressed his amendment to a vote. On division, the amendment was agreed (165 to 154 votes).⁷⁰

Commons consideration of Lords amendments (“ping-pong”) took place on 30 April 2024.⁷¹ Regarding Lord Moynihan’s amendment, Kevin Hollinrake (Con), then Business Minister, said the government believed the secondary ticketing market was adequately provided for under existing legislation.⁷² On division, the House of Commons rejected the amendment by 273 votes to 163.⁷³ However, the government made a commitment to review the primary and secondary ticketing markets.⁷⁴

On 22 May 2024, it was announced a general election would be held on 4 July 2024. The remaining stages of the DMCC Bill took place during the “wash-up” period.⁷⁵ On 23 May 2024, in place of Lord Moynihan’s amendment, the Commons put forward amendments for the inclusion of enforcement provisions of existing rules and regulations on ticket sales (see below).⁷⁶ Speaking on behalf of the government, Lord Offord said:

⁶⁵ Competition and Markets Authority, [Secondary ticketing – Recommendations to government for improving consumer protection](#) (PDF), August 2021

⁶⁶ Department for Business and Trade & Department for Culture, Media and Sports, [CMA recommendations on secondary ticketing: government response](#) (PDF), 10 May 2023

⁶⁷ [HL Deb 13 March 2024 c2073](#)

⁶⁸ [HL Deb 13 March 2024 c2078](#)

⁶⁹ As above

⁷⁰ [HL Deb 13 March 2024 c2098-2099](#)

⁷¹ If the two Houses do not agree on the wording of a bill, they send the bill back and forth, responding to each other’s proposed amendments. The process is what is known as ‘ping-pong’ or formally as consideration of the Lords/Commons amendments.

⁷² [HC Deb 30 April 2024 c179-180](#)

⁷³ [HC Deb 30 April 2024 c226-228](#)

⁷⁴ [HC Deb 30 April 2024 c180](#)

⁷⁵ The “wash-up” period refers to the last few days of a Parliament before dissolution. Any unfinished business is lost at dissolution and the government may need the co-operation of the opposition in passing legislation that is still in progress

⁷⁶ Commons amendments 104C and 104D were agreed to

Taken together, the new enforcement powers for the CMA and the upcoming government review represent a very clear strengthening of consumer protections.⁷⁷

The Lords passed the government amendments. The DMCC Bill received Royal Assent on 24 May 2024.

6.2 New measures

Once in force, [Part 3 of the DMCC Act 2024](#) will strengthen the CMA's enforcement of all consumer protection law, including in relation to secondary ticketing. Specifically, new powers in Part 3 will:

- significantly expand the CMA's existing investigation and enforcement powers in respect of competition issues; and
- equip the CMA with powers to enforce breaches of consumer protection laws directly, including through the imposition of fines of up to 10% of global annual turnover for non-compliance.

In addition, [section 216 of the DMCC Act 2024](#) will strengthen the [CRA 2015](#) in relation to secondary ticketing by permitting the CMA to act as an enforcement authority in relation to existing enforcement powers. Specifically, section 216 will enable the CMA to take enforcement powers against the unfair buying-up of tickets with electronic bots⁷⁸ and enforce existing rules on information that platforms and sellers must present to consumers.⁷⁹

The new provisions are expected to come into force late in 2024.

⁷⁷ [HL Deb 23 May 2024 c1192](#)

⁷⁸ [Sections 105 and 106, Digital Economy Act 2017](#)

⁷⁹ [Section 90 to 95, Consumer Rights Act 2015](#)

7

Calls for further reforms

7.1

Government proposed consultation

The Labour government made a manifesto commitment to introduce new consumer protections on ticket resales:

Access to music, drama and sport has become difficult and expensive because of ticket touting. Labour will put fans back at the heart of events by introducing new consumer protections on ticket resales.⁸⁰

As reported by the CMA, many people felt they had a “bad experience” trying to buy Oasis tickets online in August 2024 and “were surprised by the price of their tickets at check-out”.⁸¹ These ticket prices appear to have been affected by ‘dynamic pricing, which is where a business adjusts its prices according to changing market conditions, including high demand.

Against this backdrop, the government said it would consult on measures to provide stronger protections to consumers in the ticketing sector.⁸² [During a House of Commons debate on dynamic ticket pricing on 10 September 2024](#), Chris Bryant, Minister for Creative Industries, Arts and Tourism, confirmed the consultation would be launched in the autumn. He said it would consider a range of options, including revisiting recommendations from the CMA’s 2021 report.

[...] such as putting limitations on the price of tickets listed for resale over the face value; limiting the number of tickets that individual resellers can list to the number of tickets that they can legitimately buy via the original platform; making platforms accountable for the accuracy of information about tickets that they list for sale; and ensuring that the CMA has the powers that it needs to take swift, decisive action against platforms and touts to protect consumers.⁸³

The CMA said it welcomed the government’s commitment to consult on measures to improve consumer protections in the primary and secondary ticketing sector:

⁸⁰ [Labour Party Manifesto 2024](#) (PDF), undated, p.87

⁸¹ Competition and Markets Authority, [CMA launches investigation into Ticketmaster over Oasis concert sales](#), 5 September 2024

⁸² [Deeply depressing: Ministers announce surge pricing review following Oasis ticket backlash](#) (online), ITV News, 2 September 2024, (accessed 15 September 2024)

⁸³ [HC Deb 10 September 2024 c803](#)

This has been a priority focus for the CMA for several years, having previously taken enforcement action and recommended changes to improve the secondary ticketing market. We are committed to working closely with government to tackle the longstanding challenges in the ticket market.⁸⁴

7.2 CMA investigation into Oasis ticket sales

Separate from the government's proposed public consultation in the autumn, [the CMA opened an investigation on 5 September 2024 into the sale of Oasis concert tickets by Ticketmaster in the primary market](#). This CMA investigation includes how so-called 'dynamic pricing' may have been used.⁸⁵ Specifically, the CMA is scrutinising whether the sale of Oasis tickets by Ticketmaster may have breached consumer protection law.

According to the CMA, dynamic pricing is becoming increasingly prevalent across a number of different markets and sectors:

This is not the first time it [the CMA] has raised concerns among fans of live sporting and music events. While the practice is not automatically unlawful, it may breach consumer protection or competition law in certain circumstances.⁸⁶

The [Consumer Protection from Unfair Trading Regulations 2008](#) (CPRs) aim to protect consumers from unfair commercial practices such as the misleading provision or omission of information as part of sales processes.⁸⁷ The CPRs require ticket sales sites to be transparent in their dealings with consumers and give clear and accurate information about the price people have to pay. Failure to do so may breach the law.

The CMA said its investigation of Ticketmaster would consider various factors including whether:

- Ticketmaster has engaged in unfair commercial practices which are prohibited under the CPRs.
- People were given clear and timely information to explain that the tickets could be subject to so-called 'dynamic pricing' with prices changing depending on demand, and how this would operate, including the price they would pay for any tickets purchased.

⁸⁴ Competition and Markets Authority, [CMA launches investigation into Ticketmaster over Oasis concert sales](#), 5 September 2024

⁸⁵ [CMA launches investigation into Ticketmaster over Oasis concert sales](#), Competition and Markets Authority press release, 5 September 2024

⁸⁶ As above

⁸⁷ SI 2008 No. 1277

- People were put under pressure to buy tickets within a short period of time – at a higher price than they understood they would have to pay, potentially impacting their purchasing decisions.

The CMA stressed it was at the initial stage of its investigation, and would be gathering evidence from various sources, including the public:

It should not be assumed that Ticketmaster has broken consumer protection law.

[...] As part of its information gathering, the CMA is inviting fans to submit evidence of their experience in relation to the purchase or attempted purchase of Oasis tickets. Fans are being asked to [provide their evidence through CMA connect](#) and, where possible, to include any screenshots they may have taken as they progressed through the purchasing process.⁸⁸

The call for evidence closes on 19 September 2024. According to the CMA, how the case will progress will depend on the evidence:

[...] this could include the CMA closing the investigation if it believes that consumer protection law is unlikely to have been breached, securing undertakings from the company to address any concerns, or taking court action.⁸⁹

Currently, the CMA can only enforce consumer protection law through the courts and, where appropriate, seek additional measures to improve consumer choice, force compliance with the law, or secure redress for consumers. Under [Part 8 of the Enterprise Act 2002](#), the CMA cannot levy administrative fines for breaches of consumer law.

However, as outlined above, once enacted, [Part 3 of the DMCC Act 2024 will enable the CMA to decide when consumer law has been broken without taking a case to court](#). Part 3 will empower the CMA to enforce consumer protection laws directly (such as the [CPRs](#) and the [CRA 2015](#) in relation to secondary ticketing), including through the imposition of fines of up to 10% of global turnover for non-compliance.

⁸⁸ [CMA launches investigation into Ticketmaster over Oasis concert sales](#), Competition and Markets Authority press release, 5 September 2024

⁸⁹ As above

8

Parliamentary questions and debates

There have been many parliamentary questions and debates on the issue of secondary ticketing. A selection is reproduced below.

On 11 September 2024, during oral questions in the House of Lords, Lord Moynihan (Con) asked the government, in the light of the selling of Oasis concert tickets, what action they plan to take against (1) dynamic pricing, and (2) other ticket sale practices. Baroness Twycross, the Parliamentary Under-Secretary of State, Department for Culture, Media and Sport, answered as follows:

This Government are concerned to see fans prevented from going to live events by vastly inflated prices. We will launch a consultation in the autumn on options for introducing new protections for fans buying tickets. We welcome the Competition and Markets Authority's announcement that it has launched a formal investigation into Ticketmaster. As it is a live investigation it would not be appropriate for me to comment on the specifics of that case [...].⁹⁰

On 10 September 2024, [a debate on dynamic ticket pricing](#) was introduced by Dame Caroline Dinenage (Con), Chair of the Culture, Media and Sport Committee. She explained the context for the debate was the 'scramble' for Oasis reunion tickets on 31 August 2024:

The imperfections of the dynamic pricing mechanism were obvious to anyone who attempted to buy a ticket on this occasion, but whatever the rights and wrongs of its suitability for music ticketing and this marketplace, the most important issue is that fans were not warned about the use of dynamic pricing before they entered the digital queue. Those are the faults that led the Competition and Markets Authority to open its investigation into this debacle. It meant that people had no idea how much a ticket would cost when they logged in. Many fans ended up paying at least double the original listing price of £148, so four standing tickets could cost an eye-watering £1,400 once service and order processing fees were included. The CMA says that it will investigate whether fans were given "clear and timely information".

Any free-market economist would call this a classic case of information asymmetry. There was certainly a lack of clarity over how high ticket prices might eventually go, with the additional chaos

⁹⁰ [HL Deb 11 September 2024 c571](#)

of a time limit putting pressure on fans to make an imminent decision about whether they were going to buy.

[...]

There is scope for an entire primary market review and for ticketing to be reviewed on a much wider scale. The Oasis episode has opened the eyes of fans to potential anti-competitiveness within the industry.⁹¹

Responding to the points raised during the debate, Chris Bryant, Minister for Creative Industries, Arts and Tourism, outlined the government's position on the use of dynamic pricing for tickets to live events:

The Prime Minister has said that we are committed to putting fans at the heart of music and ending extortionate resales. As I have said, we will launch a consultation this autumn to work out how best we can do that. That consultation will look at tickets for live events, and a call for evidence on the topic of price transparency, including dynamic pricing, will be sent out. That will help us understand the needs of fans and the live events industry. To be absolutely clear with the House and the hon. Lady, that will be about tickets for live events, not the whole of dynamic pricing across all industries in the UK.⁹²

On 18 April 2024, during oral questions on the music industry and ticket sales, there was an exchange between the Opposition and Julia Lopez (Con), then Minister for Media, Tourism and Creative Industries:

Mr Tanmanjeet Singh Dhesi: What discussions her Department has had with the music industry on taking steps to help reduce ticket prices.

The Minister for Media, Tourism and Creative Industries (Julia Lopez): Our Department speaks regularly to industry stakeholders about how to make sure that live music continues to reach a wide range of audiences. Ultimately, ticket pricing strategies are a matter for event organisers and ticketing platforms, but they have to comply with the relevant laws to ensure price transparency, allowing consumers to make a fair and informed decision.

Mr Dhesi: Whether it is on music or other entertainment, this Government have consistently failed to act in the interest of fans when it comes to ticket touting. Last year, they rejected the recommendations and warnings of the Competition and Markets Authority to strengthen legislation and protect consumers from illegal reselling practices in the secondary ticketing market. Will the Minister concede that the problem has got much worse for fans? When will the Government finally put a stop to that?

Julia Lopez: I disagree with the hon. Gentleman. The Government brought in the Consumer Rights Act 2015, which was strengthened by the Digital Economy Act 2017, which brought in anti-bots regulation that dealt with some of those

⁹¹ HC Deb 10 September 2024 c.799-800

⁹² [HC deb 10 September 2024 c806](#)

secondary ticketing issues. It is a tricky problem to solve. We are trying to do so through those regulations, but if there is more that we can do, we will look into that.⁹³

In September 2023, Charlotte Nichols MP (Lab) asked the Secretary of State for Culture, Media and Sport, if she would make it her policy to ban ticket touting. Sir John Whittingdale (Con), then Minister of State (Department for Science, Innovation and Technology) provided a written answer:

[...] Policy on secondary ticketing is jointly owned within Government by the [Department for Culture, Media and Sport](#) (DCMS) and the [Department for Business & Trade](#) (DBT).

[...] Our joint overarching policy aim has been to address abuses in the ticketing market and improve consumers' opportunities to buy tickets for recreational, sporting, and cultural events, whilst ensuring there are no unintentional consequences for the operations of the events sector and primary and secondary ticketing market.

Our policy aims are delivered through a mixture of targeted legislation (primarily the [Consumer Rights Act 2015](#)), backed up by robust action by enforcement agencies, and encouraging industry-led approaches, largely through the exploitation of technological developments (eg use of blockchain and 'ticketless tickets' on mobiles). Our approach is underpinned by the findings of an [independent review of consumer protection measures in the market, undertaken by Professor Michael Waterson](#), published in May 2016.⁹⁴

On 2 May 2018, there was a Westminster Hall debate on [Ticket touting: musical events](#).⁹⁵ Introducing this debate, Pete Wishart MP (SNP) said that ticket touting was a hugely profitable business that was threatening the entire music industry. He called on the government to legislate on behalf of music fans and artists.⁹⁶ One month later, on 7 June 2018, another House of Commons debate on [secondary ticketing](#) was introduced by Richard Bacon MP (Con).⁹⁷ The issue was debated yet again in 1 November 2018, introduced by Sharon Hodgson MP.⁹⁸

In November 2016, Diana Johnson MP (Lab) asked a parliamentary question on how many (a) investigations were carried out, (b) fines were issued and (c) prosecutions were made by the Companies Investigation Branch in each year since 2009-10; and how many such investigations, fines and prosecutions concerned companies operating in the secondary ticketing industry in each such year. On 14 November 2016, Margot James (Con), then Parliamentary Under Secretary of State (BEIS), provided the following response:

The Companies Investigation Branch (CIB) became part of the Insolvency Service in 2006 and the work formerly undertaken by CIB is now dealt with by the Insolvency Service Company Investigations Live teams. While company

⁹³ [HC Deb 18 April 2024 c.422-423](#)

⁹⁴ [PQ 197059](#), 11 September 2023

⁹⁵ [HC Deb 2 May 2018 cc161-9WH](#)

⁹⁶ [HC Deb 2 May 2018 c165WH](#)

⁹⁷ [HC Deb 7 June 2018 cc558-66](#)

⁹⁸ [HC Deb 1 Nov 2018 c1033-4](#)

investigations are focused on preventing corporate abuse by placing companies into liquidation rather than identifying criminal misconduct, if any evidence of criminal behaviour is found it may result in a prosecution.

The Insolvency Service does not maintain statistics on the number of prosecutions and fines arising specifically from the work of Company Investigations Live teams, nor are any statistics kept regarding companies operating in the secondary ticketing industry. However, there have been a total of 15 investigations in the relevant period with a reference to ‘ticketing’, as detailed below. None of these investigations led to a criminal prosecution or fine.

Live company investigations completed (ticketing cases):

2009/10	269	(5)
2010/11	267	(5)
2011/12	150	(3)
2012/13	162	(0)
2013/14	151	(0)
2014/15	153	(2)
2015/16	151	(0)
(1.4.16 - 31.10.16)	89	(0) ⁹⁹

⁹⁹ [PQ 52371](#), 14 November 2016

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:



 commonslibrary.parliament.uk

 [@commonslibrary](https://twitter.com/commonslibrary)