

# **Designation of a Venue or Event under the Sale of Tickets (Cultural, Entertainment, Recreational and Sporting Events) Act 2021 and Ticket Seller Information requirements**

## **Guidelines**

(These guidelines do not purport to be a legal interpretation of the Act)

### **Venue Designation**

#### **When to apply**

A venue operator may apply to the Minister for Enterprise, Trade and Employment to have one or more venues designated if -

- the capacity of the venue can hold 1,000 persons or more, and
- he/she is of the reasonable opinion that the venue will hold events which may give rise to the sale of tickets or ticket packages by a secondary ticket seller for a price exceeding the original sale price.

#### **The venue operator**

He/she owns or manages a venue or is otherwise responsible for the operation of the venue, or a person, including an event organiser, acting for, or on behalf of, a person referred to above.

### **Event Designation**

#### **When to apply**

An event organiser or venue operator may apply to the Minister for Enterprise, Trade and Employment to have an event designated if –

- having regard to the nature of the event, the applicant is of the reasonable opinion that the event may give rise to the sale of tickets or ticket packages for that event by a secondary ticket seller for a price exceeding the original sale price.

#### **The event organiser**

He/she, in relation to an event, is responsible for staging, organising or managing the event, or a person, acting for, or on behalf of, a person referred to above.

### **Applies to both Venue and Event designations**

#### **Decision by the Minister**

The Minister may either designate or refuse to designate a venue or event on foot of an application or revoke a designation at a later stage.

The Minister may designate a venue or event, in specific circumstances, in consultation with the venue operator, where an application has not been made.

All decisions on designation can be appealed. Representations may be made in respect of a proposal to refuse or revoke a designation.

### **Notice of designation**

The venue operator or event organiser will be notified in writing of the designation, the reason for it and the date on which it will come into effect. He/she will also be notified of a refusal/revocation of designation.

A designation made or revoked will be published in Iris Oifigiuil and made publicly available, to include the name and location of the venue or the name of the event and the location of the venue where it is being held and the date from which the decision has effect.

A Register of designated venues and designated events will be established and maintained and will be publicly available.

### **Application of the Act**

The Act will apply to a venue or event from the date of its designation. Therefore, tickets must not be advertised/sold for an inflated price on a date after the event or venue has been designated under the Act, for an event scheduled to take place at a future point. If that occurs, individuals advertising/selling tickets above their original value will be guilty of an offence. The Act is not retrospective and will not apply to tickets sold on at a higher price on the secondary market before designation is in place.

### **Secondary Ticket Seller – prohibition on exceeding original sale price**

A secondary ticket seller will be guilty of an offence if they sell, advertise for sale, or cause the advertisement for sale of, a ticket or ticket package for a relevant event for a price exceeding the original sale price.

### **Primary Ticket Seller – Information requirements**

A primary ticket seller will be guilty of an offence if they sell or advertise for sale, a ticket or ticket package for a relevant event without providing the following information –

- The sale of the ticket or ticket package is for a relevant event
- The sale of the ticket or ticket package for the event above the original sale price is prohibited unless the proceeds fund the activities of a charitable organisation or amateur sports club and are so approved by the event organiser.

The information will be provided –

- In any advertisement for the sale of the ticket or ticket package
- On the face of the ticket, if possible, or
- On a durable medium supplied with the ticket or ticket package

### **Terms in contracts**

Whether a venue/event is designated or not, contracts, between a primary ticket seller and another person for the sale of a ticket or ticket package, that contain a term that purports to exclude or limit the transfer or sale of such tickets by the other person for no monetary consideration or for a price not exceeding the original sale price respectively will be void, except in the case of safety, public health or public order.

## **Secondary Ticket Seller – Information requirements**

A secondary ticket seller will be guilty of an offence if they advertise or offer for sale on a secondary ticket marketplace, a ticket or ticket package for a relevant event without providing the following information –

- the original sale price of the ticket or ticket package
- information relating to the particular seat or standing area which entitles the ticket holder to gain admission.

## **Secondary Ticket Operator – Information requirements**

A secondary ticket operator will be guilty of an offence if they do not ensure that a ticket or ticket package for a relevant event is not advertised or offered for sale on their secondary ticket marketplace without the secondary ticket seller providing the information referred to above.

## **Exemptions**

The requirements that apply to primary and secondary ticket sellers/operators above do not apply to the sale or advertising for sale of a ticket or ticket package by or on behalf of a charitable organisation or an amateur sports club for a relevant event where it is approved by the event organiser and the proceeds fund the activities of the organisation/club.