

UEFA European Championship (Scotland) Act 2020: Change to exception from the ticket touting offence for auctions of tickets where the proceeds are given to a charity

Action to ensure compliance with European Convention on Human Rights.

Glasgow is one of twelve host cities for the UEFA European Football Championship (the Championship) which begins in June 2020. The UEFA European Championship (Scotland) Act 2020¹ (“the 2020 Act”) is necessary in order to deliver certain requirements to host the event.

Section 3 of the 2020 Act provides an exception from the ticket touting offence in the 2020 Act where an auction of a match ticket is conducted by a charity or a person other than a charity and the proceeds are donated to a charity based in the UK or EU. The Scottish Ministers now believe that there is insufficient justification to limit the charities that the exception applies to in this way, and section 3 does not comply with Article 14 of the European Convention on Human Rights (the prohibition of discrimination) read with Article 1 of the First Protocol to the Convention (protection of property).

Section 3 currently provides that for a body outwith Scotland to be considered a charity, it must be registered in a register corresponding to the Scottish Charity Register or the body’s purposes consist only of one or more of the charitable purposes set out in section 7(2) of the Charities and Trustee Investments (Scotland) Act 2005 (the 2005 Act).

The proposed draft remedial Order amends section 3 with regard to the territories outwith Scotland to include charities based in all territories, rather than the rest of the UK and EU only. It also amends the definition of a charity to require a body outwith Scotland to be registered in a register corresponding to the Scottish Charity Register. Where there is no such register, then the body’s purposes must consist of one or more of the charitable purposes set out in section 7(2) of the 2005 Act and the body provides a public benefit, requiring these bodies to have charitable purposes and provide for the public benefit in ways that mirror those standards as provided for in Scots law.

These legislative changes are required to ensure that there are equivalent criteria for Scottish and non-Scottish charities alike, removing any scope for discrimination based on the ground of the national origin or other status of the charity.

During the scrutiny process for the 2020 Act, the Scottish Parliament supported the inclusion of an exception for auctions of match tickets where the proceeds are given to a charity and the Scottish Government gave effect to this through the creation of section 3. The provisions in the Order reflect the intention of the Scottish Government to implement the will of Parliament that there should be an exception for charity auctions of tickets and ensure that this will be done in a way that is compatible with the European Convention on Human Rights.

¹ <https://www.legislation.gov.uk/asp/2020/1/enacted>

Submitting views on the proposed draft Order

Section 12 of the Convention Rights (Compliance)(Scotland)Act 2001 allows Ministers to make a remedial order where necessary to ensure compatibility with the European Convention on Human Rights. In this case, the Order has been made under section 13, the general procedure.

Under section 13(3)(b) of the Convention Rights (Compliance)(Scotland) Act 2001, persons wishing to make observations on this Order can do so, in writing, within the period of 60 days beginning with the day on which it was laid.

As the Order was made on 4 February 2020, and days when the Scottish Parliament is in recess are not taken into account, **the period for written representations will end on 28 April 2020.**

Representations should be submitted to: UEFAEuro2020@gov.scot or Major Events Team, Scottish Government, Area 2G South, Victoria Quay, EH6 6QQ.