



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *Ticket touts*

#### **166 Sale of tickets by unauthorised persons.**

[<sup>F1</sup>(1) It is an offence for an unauthorised person to—

- (a) sell a ticket for a designated football match, or
- (b) otherwise to dispose of such a ticket to another person.]

(2) For this purpose—

- (a) a person is “unauthorised” unless he is authorised in writing to sell [<sup>F2</sup>or otherwise dispose of] tickets for the match <sup>F3</sup> . . . by the organisers of the match;

[<sup>F4</sup>(aa) a reference to selling a ticket includes a reference to—

- (i) offering to sell a ticket;
- (ii) exposing a ticket for sale;
- (iii) making a ticket available for sale by another;
- (iv) advertising that a ticket is available for purchase; and
- (v) giving a ticket to a person who pays or agrees to pay for some other goods or services or offering to do so.]

(b) a “ticket” means anything which purports to be a ticket; and

[<sup>F5</sup>(c) a “designated football match” means a football match of a description, or a particular football match, for the time being designated for the purposes of [<sup>F6</sup>this section by order made by the Secretary of State].]

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- [<sup>F7</sup>(2A) An order under subsection (2)(c) may designate descriptions of football matches wherever played or when played at descriptions of ground or in any area specified in the order.
- (2B) The power of the Secretary of State to make an order under subsection (2)(c) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) <sup>F8</sup>.....
- (5) Section 32 of the Police and Criminal Evidence Act 1984 (search of persons and premises (including vehicles) upon arrest) shall have effect, in its application in relation to an offence under this section, as if the power conferred on a constable to enter and search any vehicle extended to any vehicle which the constable has reasonable grounds for believing was being used for any purpose connected with the offence.
- (6) The Secretary of State may by order made by statutory instrument apply this section, with such modifications as he thinks fit, to such sporting event or category of sporting event for which 6,000 or more tickets are issued for sale as he thinks fit.
- (7) An order under subsection (6) above may provide that—
- (a) a certificate (a “ticket sale certificate”) signed by a duly authorised officer certifying that 6,000 or more tickets were issued for sale for a sporting event is conclusive evidence of that fact;
  - (b) an officer is duly authorised if he is authorised in writing to sign a ticket sale certificate by <sup>F9</sup> . . . the organisers of the sporting event; and
  - (c) a document purporting to be a ticket sale certificate shall be received in evidence and deemed to be such a certificate unless the contrary is proved.
- (8) Where an order has been made under subsection (6) above, this section also applies, with any modifications made by the order, to any part of the sporting event specified or described in the order, provided that 6,000 or more tickets are issued for sale for the day on which that part of the event takes place.

#### Textual Amendments

- F1** S. 166(1) substituted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(2\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(k\)](#)
- F2** Words in s. 166(2)(a) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss.53\(3\)\(a\)\(i\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(k\)](#)
- F3** Words in s. 166(2)(a) repealed (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(3\)\(a\)\(ii\)](#), [65](#), [66\(2\)\(3\)](#), [Sch. 5](#); S.I. 2007/858, [art. 2\(k\)\(n\)\(vi\)](#)
- F4** S. 166(2)(aa) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(3\)\(b\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(k\)](#)
- F5** S. 166(2)(c) substituted (27.9.1999) by [1999 c. 21](#), [ss. 10](#), [12\(2\)](#) (with s. 12(3))
- F6** Words in s. 166(2)(c) substituted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(3\)\(c\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(k\)](#)
- F7** S. 166(2A)(2B) inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 53\(4\)](#), [66\(2\)\(3\)](#); S.I. 2007/858, [art. 2\(k\)](#)

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- F8** S. 166(4) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(u)(xxxvi)** (subject to art. 2)
- F9** Words in s. 166(7)(a) repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 53(5), 65, 66(2)(3), **Sch. 5**; S.I. 2007/858, **art. 2(k)(n)(vi)**

## [<sup>F10</sup>166A] **Supplementary provision relating to sale and disposal of tickets on internet**

- (1) Nothing in section 166 makes it an offence for a service provider established outside of the United Kingdom to do anything in the course of providing information society services.
- (2) If—
  - (a) a service provider established in the United Kingdom does anything in an EEA State other than the United Kingdom in the course of providing information society services, and
  - (b) the action, if done in England and Wales, would constitute an offence falling within section 166(1),the service provider shall be guilty in England and Wales of an offence under that section.
- (3) A service provider is not capable of being guilty of an offence under section 166 in respect of anything done in the course of providing so much of an information society service as consists in—
  - (a) the transmission in a communication network of information falling within subsection (4), or
  - (b) the storage of information provided by a recipient of the service,except where subsection (5) applies.
- (4) Information falls within this subsection if—
  - (a) it is provided by a recipient of the service; and
  - (b) it is the subject of automatic, intermediate and temporary storage which is solely for the purpose of making the onward transmission of the information to other recipients of the service at their request more efficient.
- (5) This subsection applies at any time in relation to information if—
  - (a) the service provider knew when that information was provided that it contained material contravening section 166; or
  - (b) that information is stored at that time (whether as mentioned in subsection (3) (b) or (4)) in consequence of the service provider's failure expeditiously to remove the information, or to disable access to it, upon obtaining actual knowledge that the information contained material contravening section 166.
- (6) In this section—

“the Directive” means Directive [2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce);

“information society services”—

  - (a) has the meaning set out in Article 2(a) of the Directive (which refers to Article 1(2) of Directive [98/34/EC](#) of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision

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of information in the field of technical standards and regulations, as amended by Directive 98/48/EC of 20 July 1998); and

- (b) is summarised in recital 17 of the Directive as covering “any service normally provided for remuneration, at a distance, by means of electronic equipment for the processing (including digital compression) and storage of data, and at the individual request of a recipient of a service”;

“EEA State” means a state which is for the time being a member State, Norway, Iceland or Liechtenstein;

“recipient of the service” means any person who, for professional ends or otherwise, uses an information society service, in particular for the purposes of seeking information or making it accessible;

“service provider” means any person providing an information society service.]

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#### Textual Amendments

- F10** S. 166A inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 53(6), 66(2)(3); S.I. 2007/858, art. 2(k)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)