

# Legislative Consent Memorandum

## Sporting Events Bill

### Background

1. This memorandum has been lodged by Stephen Flynn MSP, Cabinet Secretary for Economy, Tourism and Transport, in accordance with Rule 9B.3.1(a) of the Parliament's standing orders.
2. The Sporting Events Bill ("the Bill") was introduced by the UK Government in the House of Lords on 14 May 2026. The Bill is available on the UK Parliament website via this link: [Sporting Events Bill \[HL\] - Parliamentary Bills - UK Parliament](#).

### Content of the Bill

#### Overview

3. The Bill is intended to create a legislative framework for applying certain commercial protection requirements to one-off major sporting events hosted in the UK, where these are hosting requirements of event owners. Event owners seek these protections to tackle ticket touting and ambush marketing.
4. Ticket touting is the practice of buying tickets for an event with the intent of reselling them at a higher price. Touts often buy tickets in bulk as soon as they go on sale, creating scarcity and making it difficult for genuine fans to purchase tickets at face value. This resale is typically done through online marketplaces or in-person outside event venues.
5. Ambush marketing is a strategy where a company tries to gain attention or publicity by associating with a major event without officially sponsoring it. The company creates marketing activities that appear connected to the event, even though it has no official ties.
6. The Bill creates a UK-wide framework where the UK Government and devolved administrations can apply the commercial protections to qualifying sporting events when required in their respective areas of competence. "Qualifying events" are ones that meet the conditions set out in the Bill. It is intended to be flexible enough that it can adapt to the particular circumstances of future events. Specifically, the Bill:
  - Confers powers on the Ministers of different governments to make regulations applying one or more of the provisions within their areas of competence in the Bill to an event that meets the conditions (clause 2(1)).

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

This means the Bill gives the Scottish Ministers powers to apply the ticket touting, advertising and trading provisions to qualifying events in Scotland.

- Sets out conditions that a sporting event must meet in order for the provisions in the Bill to be applied (clause 3).
- Ensures that the UK Government must seek consent before making regulations that would be within devolved competence (clause 4).
- Creates offences for ticket touting (clauses 5-7 and schedule 1), unauthorised advertising (clauses 8-10 and schedule 2) and unauthorised trading (clauses 11-13 and schedule 3), and a prohibition on unauthorised association (clauses 14-16 and schedule 4).
- Includes an exception for internet service providers (clause 19), provision for offences by corporate bodies (clause 20), varying the level of fixed penalty for trading and advertising offences (clause 21), and issuing guidance on the offences (clause 22).
- Confers enforcement powers in relation to the Bill's offences (clause 18 and schedule 6).
- Empowers the UK Government to apply provisions to manage transport and traffic around events taking place in England (clause 17 and schedule 5).
- Empowers the UK Government to provide financial assistance to sporting events held in England and the Scottish Ministers to provide financial assistance to sporting events in Scotland (clause 25).

## Conditions a sporting event must meet

7. Before making regulations for a sporting event in Scotland, the Scottish Ministers would need to be satisfied that the sporting event is:

- To be held, at least in part, in Scotland.
- Of a kind not regularly held in the UK.
- Either of significant international interest and likely to bring social or economic benefits to the UK (or Scotland), or is likely to facilitate hosting an event with such interests and benefits in future.

8. In deciding whether a sporting event is of significant international interest, the Scottish Ministers can consider a range of factors, including the scale and reputation of the event, how many visitors it may attract, and broadcast and media coverage outwith the UK.

9. Although the Bill's provisions can be applied to an event that meets these conditions, the provisions do not have to be applied to such events.

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

## Ticket touting, advertising and trading

10. The Bill creates three offences which in Scotland are liable on summary conviction to a fine of up to £20,000 and on indictment, an unlimited fine:

- An offence to tout an event ticket.
- An offence to carry out advertising activity in a restricted advertising zone at any time during a specified period.
- An offence to carry out trading activity in certain public spaces within a restricted trading zone.

11. The Scottish Ministers could make regulations to apply one or more of these offences to a sporting event in Scotland that met the conditions. Regulations applying the advertising and trading offences would have to state where and when the offences had effect. The regulations could include exceptions to the offences. They could also require guidance to be produced.

12. The regulations can specify whether or not Local Authorities (LAs) and the Competition and Markets Authority (CMA) are able to issue civil penalties of up to £20,000 as an alternative to criminal prosecution for the ticket touting offence in Scotland. They can also specify whether or not LAs should be able to offer a Fixed Penalty Notice (FPN) of up to £300, to give the recipient the opportunity to avoid prosecution for an advertising or trading offence in Scotland.

## Enforcement

13. The Bill takes a similar approach to enforcement powers as the Birmingham Commonwealth Games Act 2020. LAs and the CMA are specified as domestic enforcers under the Consumer Rights Act 2015 (CRA) for the offences in the Bill. This means they can use enforcement powers set out in schedule 5 of the CRA – which already apply in Scotland in the reserved area of consumer protection – for these offences. The CRA includes powers to:

- Seize and detain good and documents.
- Enter business premises, including without a warrant.
- Require information.
- Break open a container.
- Make test purchases.
- Inspect products and test equipment.
- Require assistance from persons on the premises.

14. These powers are augmented by additional search, seizure and enforcement powers in schedule 6, to better tackle ambush marketing and in-person ticket touting. This includes the ability to conceal or destroy prohibited advertising and sets out safeguards, time-limits on retention, and route of appeal in relation to the detention

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

of goods and documents. The Scottish Ministers could put conditions on these powers, specify additional public authorities as enforcers, and specify the process for compensation for enforcement action in regulations.

15. In addition, the ticketing offence will be listed as a relevant enactment under schedule 15 and schedule 16 of the Digital Markets, Competition and Consumers Act 2024 (DMCCA). The DMCCA establishes two routes for civil enforcement: a court-based regime and a direct enforcement regime administered by the CMA. Under the court-based regime, courts may issue consumer protection orders, accept undertakings as an alternative to such orders, and impose monetary penalties. Under the CMA's direct enforcement regime, the CMA is given powers to address infringements of specified consumer protection laws, breaches of undertakings, and noncompliance with its directions, including the power to impose monetary penalties. Designated enforcers under the DMCCA include local authorities, and the CMA.

## Financial assistance for sporting events

16. The Bill gives the Scottish Ministers a discretionary power to provide financial assistance to support sporting events held wholly or partly in Scotland, as well as activities connected to or arising from those events. Where an event takes place only partly in Scotland, the power could be exercised solely in relation to the Scottish-based elements of that event.

17. For major events in particular, the Scottish Ministers have relied on a variety of powers on a case-by-case basis in the past. These have included section 23 of the National Heritage (Scotland) Act 1985, section 1A of the National Health (Scotland) Act 1978, and powers conferred by Scottish Budget Acts. The dedicated power in the Bill could simplify the major events funding process in future.

## Provisions which require the consent of the Scottish Parliament

18. Insofar as they may be applied by the Scottish Ministers, (or by the Secretary of State in Scotland), the following provisions require legislative consent. This aligns with the UK Government's position on the need for consent as set out in the Explanatory Notes for the Bill. In relation to clauses 1 to 13, 21, 22, 25 and 27, the requirement arises due to the executive competence of the Scottish Ministers being altered. For clauses 18 to 20, 23, 24, 26 and 28 to 30, and schedules 1 to 3 and 6, so far as they apply to Scotland, legislative consent is required because they would be within the legislative competence of the Scottish Parliament.

## Framework provisions (clauses 1 to 4)

19. Clauses 1-4 of the Bill create a flexible, UK-wide legal framework for qualifying major one-off sporting events. These clauses set the rules for how and when these provisions should be applied. They confer powers on the Ministers of different governments to make regulations applying one or more of the provisions

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

within their areas of competence in the Bill to an event that meets the conditions (clause 2(1)). The clauses ensure that the UK Government must seek consent before making regulations that would be within devolved competence (clause 4).

20. Legislative consent is required for: clause 1(2)(a) to (c) and the rest of clause 1 but only insofar as it relates to those provisions; clause 2(1)(a) to (c) (save in respect of Secretary of State powers for England only) and the rest of clause 2 but only insofar as it relates to these provisions; clause 3 insofar as it relates to the exercise of powers in clause 2(1)(a) to (c) (save in respect of the Secretary of State's exercise of those powers for England only); and clause 4 insofar as it relates to the exercise of powers in clause 2(1)(a) to (c) by the Scottish Ministers or by the Secretary of State in Scotland.

## Ticket touting provisions (clauses 5 to 7 and schedule 1)

21. Clauses 5-7 and schedule 1 create an offence of ticket touting which can be applied to a qualifying sporting event.

22. Clause 5 provides that regulations applying the ticket touting provisions to a sporting event must specify a time period, and the part(s) of the UK to which the provisions are applied. Clause 6 provides that regulations applying the ticket touting provisions to a sporting event must designate a person to grant ticketing authorisations. This would provide the appropriate person, usually the event owner or organiser, with exclusive rights to sell tickets or authorise others to do so on their behalf. Clause 7 provides that regulations may specify when the ticket touting offence does not apply. Schedule 1 describes the offence and its penalties.

23. Legislative consent is required for clauses 5, 6 and 7 and schedule 1 insofar as they relate to the exercise of powers in clause 2(1)(a) by the Scottish Ministers or the Secretary of State in Scotland.

## Advertising provisions (clauses 8 to 10 and schedule 2)

24. Clauses 8-10 and schedule 2 create an offence to carry out advertising activity in a restricted advertising zone at any time during a specified period which can be applied to a qualifying sporting event.

25. Clause 8 provides that regulations applying the advertising provisions to a sporting event must specify the places, or description of places where the advertising offence is to apply, and the length of time that the advertising provisions can be in place. Clause 9 provides that regulations may designate a person to grant authorisation for advertising that would otherwise be prohibited. This will ensure that event sponsors have a mechanism to carry out advertising in a restricted zone area. Clause 10 provides that regulations may specify descriptions of activities to which the advertising offence does not apply. Schedule 2 describes the offence and its penalties.

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

26. Legislative consent is required for clauses 8, 9 and 10 and schedule 2 insofar as they relate to the exercise of powers in clause 2(1)(b) by Scottish Ministers or the Secretary of State in Scotland.

### Trading provisions (clauses 11 to 13 and schedule 3)

27. Clauses 11-13 and schedule 3 create an offence to carry out trading activity in certain public spaces within a restricted trading zone which can be applied to a qualifying sporting event.

28. Clause 11 provides that regulations applying the trading provisions to a sporting event must specify the place, or description of places where the trading provision offence is to apply, and the length of time that the trading provisions can be in place. Clause 12 provides that regulations may designate a person to grant authorisation for trading that would otherwise be prohibited. This will ensure that event sponsors have a mechanism to carry out trading in a restricted zone area. Clause 13 provides that regulations may specify descriptions of activities to which the trading offence does not apply.

29. Legislative consent is required for clauses 11, 12 and 13 and schedule 3 insofar as they relate to the exercise of powers in clause 2(1)(c) by the Scottish Ministers or the Secretary of State in Scotland.

### Enforcement provisions (clause 18 and schedule 6)

30. Clause 18 designates authorities to enforce the provisions in the Bill using powers in the Consumer Rights Act 2015, the Digital Markets and Competition and Consumers Act 2024 and schedule 6 of the Bill.

31. Legislative consent is required for clause 18 and schedule 6 insofar as they relate to the exercise of powers in clauses 2(1)(a) to (c) by the Scottish Ministers or the Secretary of State in Scotland.

### Supplementary and general (clauses 19 to 24)

32. The Bill includes an exception for internet service providers (clause 19), provision for offences by corporate bodies (clause 20), varying the level of fixed penalty for trading and advertising offences (clause 21), and issuing guidance on the offences (clause 22). Clause 23 makes consequential amendments to other legislation and clause 24 sets out the interpretation of various terms used in the Bill.

33. Legislative consent is required for: clause 19 insofar as it relates to prohibited activity arising in connection with the exercise of powers in clause 2(1)(a) to (c) by the Scottish Ministers or the Secretary of State in Scotland; clause 20 insofar as it relates to offences created by the exercise of powers in clause 2(1)(a) to (c) by the Scottish Ministers or the Secretary of State in Scotland; clause 21 insofar as it relates to the maximum fine for offences created under powers in clause 2(1)(a) to

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

(c) by the Scottish Ministers or the Secretary of State in Scotland; clause 22(1) insofar as it relates guidance arising in connection with the exercise of powers in clause 2(1) (a) to (c) by the Scottish Ministers or the Secretary of State in Scotland; clause 23 insofar as it relates to the enforcement of offences created under powers in clause 2(1)(a) by the Scottish Ministers or the Secretary of State in Scotland; and clause 24 insofar as it relates to the exercise of powers in clause 2(1)(a) to (c) by the Scottish Ministers or the Secretary of State in Scotland.

## Power to give financial assistance (clause 25)

34. Clause 25 confers a power to provide financial assistance to support sporting events. Legislative consent is required for clause 25 insofar as the power is conferred on the Scottish Ministers.

## Final provisions (clauses 26 to 30)

35. The final provisions of the Bill relate to consequential provision, regulation making powers, the extent of the Bill, the commencement date and the short title. Legislative consent is required for clauses 26, 27, 28 and 29 insofar as they relate to the exercise of powers in clause 2(1)(a) to (c) by the Scottish Ministers or the Secretary of State in Scotland.

## Reasons for not making a recommendation on legislative consent

36. Major sporting events, some of which have particular commercial rights protection requirements that the Bill would legislate for, can have a significant economic impact. They also enable Scotland to be showcased on the global stage, support ambitions to make Scotland healthier and more active, and provide opportunities to increase equality and inclusion.

37. The Stage 1 reports for the UEFA European Championship (Scotland) Act 2020 and the UEFA European Championship (Scotland) Act 2026 recommended that consideration be given to developing an events framework bill to support the hosting of future major events in Scotland. Potential benefits of this Bill include alignment across devolved and reserved matters in a single legislative framework, which could be helpful in securing a competitive advantage for the UK. This is in a context where we are seeing more major events hosted across multiple UK nations. It could also promote a degree of consistency from event to event where the legislation was applied, enabling both the public and private sectors to plan efficiently.

38. However, there has been a narrow window between the public announcement of the Bill and its introduction. There has not been a public consultation on the provisions in the Bill. The Scottish Government has undertaken some initial engagement with stakeholders. Now that the Bill's provisions are publicly available, the Scottish Government will engage further with stakeholders before deciding whether to recommend granting consent.

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

39. A motion on legislative consent will not be lodged for the time being, while this engagement takes place. In order to inform Scottish Parliamentary consideration of legislative consent for the Bill, the Scottish Government is seeking to reach a view soon after summer recess.

## Consultation

40. Prior to introduction, officials in the UK Government's Department for Culture, Media and Sport (DCMS) engaged with sporting event owners during development of the policy in the legislation, including working with UEFA to ensure the legislation meets the hosting requirements for EURO 2028. To support the policy development process, DCMS has targeted engagement with LAs, National Trading Standards and the CMA to learn lessons from the implementation of previous legislation. DCMS also engaged with the biggest recurrent sporting events to understand whether there was demand for such provisions. DCMS officials held a final roundtable meeting with key national governing bodies in scope of the legislation and recurrent event owners to update them on the policy in the legislation on 9 April 2026.

41. DCMS has also engaged the Scottish Government extensively ahead of introduction in a collaborative manner. This has informed the penalty levels, flexibility of regulation-making powers and consent mechanism in the Bill.

42. Scottish Government engagement has included the Crown Office and Procurator Fiscal Service (COPFS), the Scottish Courts and Tribunals Service (SCTS), Police Scotland, VisitScotland, the Event Industry Advisory Group, Trading Standards Scotland, the Convention of Scottish Local Authorities (COSLA) and trading standards officers from Glasgow City Council and City of Edinburgh Council ahead of the Bill's introduction.

43. Engagement with the SCTS has focused on identifying the appropriate appeal routes for specific provisions of the Bill and potential impacts on the courts and tribunals system capacity. UK Government estimates that court case numbers arising from each event to which the Bill is applied would be very low (single figures).

44. The COPFS emphasised the need to ensure comparative justice and proportionality. Penalty levels should be reasonable and aligned with those for comparable offences. The decision-making pathway around ticket touting civil fines from the CMA to prosecution should be considered. Enabling FPNs may provide an efficient route for dealing with low-level offences.

45. Feedback from officers from the City of Edinburgh Council, Glasgow City Council and Trading Standards Scotland has been largely positive. All three welcomed the proposed use of the Consumer Rights Act 2015 as the primary enforcement framework (rather than bespoke powers), noting its familiarity and practicality for local enforcement teams. Their view is that enforcement officers are already familiar with these powers, they form a comprehensive toolset, and their use would promote greater consistency.

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

46. They were content to see the inclusion of a civil penalty for ticket touting. Enabling FPNs may provide an efficient route for dealing with low-level advertising and trading offences. In order for FPNs to be effective, Trading Standards Scotland noted the need for capacity within the court system to prosecute where an FPN is not paid. City of Edinburgh Council officers highlighted that resource implications must be considered, particularly in the context of workforce pressures. The Scottish Government would consider resource implications for any mega event, including any associated legislation. This should be considered as part of development of regulations and the relevant event budget.

47. Some of the feedback from consultation on proposals that became the UEFA European Championship (Scotland) Act 2026 is also relevant, where the underlying principles are similar. This included responses from the Federation of Small Businesses, ROX, DF Concerts and Advice Direct Scotland. More detail can be found in the [consultation analysis report](#) and impact assessments for that legislation.

## Financial implications

48. Costs are likely to vary from event to event. It is expected that more detailed analysis of impacts would be undertaken as part of the development of regulations for each relevant event.

49. The UK Government published an [impact assessment](#) with the Bill when it was introduced. In terms of monetised costs, the UK Government estimates the advertising and trading offences will have a total UK-wide discounted cost of £1.1 million over 10 years, with an estimated Equivalent Annual Net Direct Cost to Business (EANDCB)<sup>1</sup> of approximately £0.1 million. This estimate is based on a cautious approach, reflecting the highest likely cost to affected businesses, but assumes potential mitigations are successfully in place for existing traders.

50. In terms of non-monetised costs, the UK Government expects small familiarisation costs for businesses to understand the legislation. For example, this would include time cost associated with reviewing guidance and applying for authorisation. These costs are assumed to be negligible, considering that in the counterfactual (to introduce bespoke primary legislation for each major sporting event), these costs would be equally incurred through bespoke legislation. For ticketing in the counterfactual scenario, the unauthorised resale of tickets would already be prohibited for relevant events. Profit previously made by a secondary ticketing platform or reseller would instead be transferred to an official resale platform determined by the event owner (who is likely to limit resale costs to the face value of a ticket plus a service fee), and consumers would be expected to benefit from paying lower prices through such a platform.

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<sup>1</sup> The EANCB is the annualised net cost (or benefit) of a proposal. Using the EANCB of measures enables a comparison of different policies in a consistent manner so that they can be compared meaningfully. A negative EANCB means the policy is net beneficial to business.

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

51. The UK Government expects the Bill to deliver non-monetised benefits. Events will be delivered with a clear legislative framework that can be applied proportionately to accommodate their requirements. The new powers will streamline the legislative process for major sporting events. This legislative efficiency will make the UK a more attractive and desirable host country for major event organisers, potentially increasing the frequency with which the UK is selected to host these events. The UK will be one of only a small number of countries with such a legislative framework, giving a competitive edge and making the UK a more attractive host compared to key competitor nations. The Bill protects the commercial integrity of events by safeguarding sponsor investment, which can help offset the burden on taxpayers.

52. Consumers would be expected to benefit from paying lower prices through an official resale platform, where costs are likely to include the face value of the ticket plus a service fee. By shifting these transactions to platforms determined by the organiser, the measure addresses the social costs of poor transparency and inconsistent pricing. This will enhance overall consumer experience and market integrity. Consumers may retain money that would otherwise be spent on inflated secondary ticket premiums, depending on resale behaviour.

53. Overall, the UK Government considers the Bill represents a positive net outcome on for ticketing and a proportionate intervention for advertising and trading, with relatively low costs to business and wider indirect benefits for event delivery, sponsor confidence, and the UK's hosting capability. While the policy imposes modest direct costs on affected local businesses, these are limited in scale, time-bound, and geographically targeted. These costs are balanced by broader system-level benefits, including legislative efficiency, improved delivery certainty, and enhanced international competitiveness in hosting major sporting events. By shifting ticket transactions from unauthorised to authorised platforms, the Bill addresses social costs of inconsistent pricing and poor transparency, ensuring value is captured by fans and organisers. Compared to the counterfactual of relying on bespoke primary legislation for each event, the framework approach provides a more consistent and efficient mechanism, reducing administrative burden over time.

54. Since 1999, the Scottish Parliament has put in place commercial protection legislation for three major sporting events: 2014 Glasgow Commonwealth Games; UEFA EURO 2020; and UEFA EURO 2028. The UEFA European Championship (Scotland) Act 2026 applies ticketing, advertising and trading commercial rights protection legislation to EURO 2028 in Scotland. Accompanying documents for that Act estimate costs of up to £0.5 million.

55. If the Scottish Parliament were to consent to the Bill, it reduces the likelihood that it would need to scrutinise primary legislation for major sporting events in future. Instead, it would scrutinise secondary legislation laid using powers in the Bill, which could be a more efficient use of parliamentary time.

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

56. Having framework legislation in place might encourage event owners to seek the Bill's provisions be applied to more events. However, it would be for the Scottish Ministers to decide whether to lay regulations to apply the Bill's provisions to a particular event, and for the Scottish Parliament to decide whether those provisions should apply.

## Other relevant considerations

57. The Bill has been introduced shortly after it was announced in The King's Speech and within two weeks of the Scottish Parliament election. This has influenced the Scottish Government's decision not to make a recommendation on consent at the time of lodging this LCM, to allow for further stakeholder engagement and Ministerial consideration.

58. The UK Government intends to fulfil its hosting obligations for UEFA EURO 2028 using provisions in this Bill. To meet the timeframe for doing this, the UK Government is looking for a decision from the Scottish Parliament on legislative consent by the end of October 2026. The Scottish Government therefore intends to lodge a supplementary LCM soon after summer recess.

59. Scotland is part of a joint bid to host the 2035 FIFA Women's World Cup. This includes requirements relating to commercial rights of FIFA and its partners if the bid is successful. It is likely that legislative provision of the kind in this Bill will be needed to meet hosting requirements.

## Post EU scrutiny

60. This legislation is not likely to impact on the Scottish Government's policy to maintain alignment with the EU because it does not affect the Scottish Government's commitment to maintain and advance the high standards that Scotland shares with the EU. It does not affect access to EU markets for people, goods, and services. There are not potential implications for EU alignment associated with the United Kingdom Internal Market Act 2020 or Common Framework agreements.

61. The internet service provider exception in the Bill has the same policy intent as Directive 2000/31/EC on certain legal aspects of information society services in the Internal Market (OJ L 178, 17.7.2000, p.1), in the context of the UK no longer being part of the EU.

## Conclusion

62. The Scottish Government does not, at this stage, intend to lodge a Motion on Legislative Consent.

This Legislative Consent Memorandum relates to the Sporting Events Bill (UK legislation) and was lodged with the Scottish Parliament on 5 June 2026

63. The Scottish Government intends to lodge a supplementary LCM soon after summer recess, stating whether it recommends that the Scottish Parliament consent or refuse consent to the relevant provisions of the Bill.

Scottish Government  
June 2026



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