



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Constitution, Europe, External Affairs and Culture Committee

**Thursday 8 May 2025**

**Session 6**



The Scottish Parliament  
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - [www.parliament.scot](http://www.parliament.scot) or by contacting Public Information on 0131 348 5000

---

**Thursday 8 May 2025**

**CONTENTS**

	<b>Col.</b>
<b>DECISION ON TAKING BUSINESS IN PRIVATE .....</b>	<b>1</b>
<b>UEFA EUROPEAN CHAMPIONSHIP (SCOTLAND) BILL: STAGE 1.....</b>	<b>2</b>

---

**CONSTITUTION, EUROPE, EXTERNAL AFFAIRS AND CULTURE COMMITTEE**  
**15<sup>th</sup> Meeting 2025, Session 6**

**CONVENER**

\*Clare Adamson (Motherwell and Wishaw) (SNP)

**DEPUTY CONVENER**

\*Alexander Stewart (Mid Scotland and Fife) (Con)

**COMMITTEE MEMBERS**

\*George Adam (Paisley) (SNP)

\*Neil Bibby (West Scotland) (Lab)

\*Keith Brown (Clackmannanshire and Dunblane) (SNP)

\*Patrick Harvie (Glasgow) (Green)

\*Stephen Kerr (Central Scotland) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Lucy Carmichael (Scottish Government)

Ninian Christie (Scottish Government)

Rachael McKechnie (Scottish Government)

**CLERK TO THE COMMITTEE**

James Johnston

**LOCATION**

The Robert Burns Room (CR1)



## Scottish Parliament

### Constitution, Europe, External Affairs and Culture Committee

Thursday 8 May 2025

*[The Convener opened the meeting at 09:30]*

### Decision on Taking Business in Private

**The Convener (Clare Adamson):** Good morning. I give a warm welcome to the 15th meeting in 2025 of the Constitution, Europe, External Affairs and Culture Committee.

Our first agenda item is a decision on whether to take item 3 in private. Do we agree to take that item in private?

**Members indicated agreement.**

## UEFA European Championship (Scotland) Bill: Stage 1

09:30

**The Convener:** Our next agenda item is an evidence session with the Scottish Government bill team on the UEFA European Championship (Scotland) Bill. From the Scottish Government, we are joined by Rachael McKechnie, deputy director of major events; Lucy Carmichael, head of the Euro 2028 unit; and Ninian Christie, from the legal directorate. I welcome you all, and I invite Ms McKechnie to make a short opening statement.

**Rachael McKechnie (Scottish Government):** Thank you for the opportunity to give evidence on the UEFA European Championship (Scotland) Bill. In my statement, I will cover what the bill does and why the Euro 2028 tournament is a great opportunity for Scotland.

The bill aims to support the successful hosting of Euro 2028 by meeting specific requirements set by the Union of European Football Associations, as the rights holder, to put in place commercial rights protection measures. The bill will do so by prohibiting the unauthorised sale of championship tickets above face value cost or for profit. That will apply to all matches. It will also prohibit unauthorised street trading and advertising in designated event zones. The bill will establish criminal offences for ticket toutting and unauthorised trading and advertising, and it will create an offence of obstructing an enforcement officer. It includes measures to enable those offences to be enforced. The bill will require Glasgow City Council to publish guidance on trading and advertising measures and to offer alternative arrangements for street traders who are affected by the restrictions.

For Euro 2020, the UEFA European Championship (Scotland) Bill was introduced and followed an expedited process. Feedback from the bill process included the need for such legislation to be identified sooner. The Scottish Government has taken that feedback on board in introducing this bill, which will provide certainty to businesses and others further in advance. Developing the bill earlier has also meant that there has been more time for consultation than was possible for the Euro 2020 bill.

Public consultation on the bill took place in 2024. Independent analysis of the response demonstrated general support for the proposed measure to safeguard commercial rights for Euro 2028. The prevailing theme was that there would be no significant impact on respondents. During the consultation period, Scottish Government officials engaged through various routes, including

liaising with key stakeholders, attending a Mount Florida community council meeting and holding in-person and virtual sessions to provide an overview of the bill and gather feedback. The engagement has informed the development of impact assessments, including mitigations for the limited impacts that were identified.

More generally, Euro 2028 is a significant opportunity for Scotland to generate economic and social benefits. It will be the biggest sporting event ever jointly hosted across the United Kingdom and Ireland, delivered in partnership with UEFA, the football associations and other Government partners. We want it to leave a positive legacy for local communities. We aim to make football more inclusive and more accessible, delivering a welcoming, exciting and safe festival that players and fans enjoy in every city and at every game.

Euro 2028 will showcase Scotland internationally, promoting our nation as an ideal place to visit, study, work and invest in. The tournament is predicted to generate socioeconomic benefits of up to £2.6 billion across the UK and Ireland. It will provide opportunities for a number of sectors, including tourism and hospitality. Hosting offers another opportunity for Glasgow to demonstrate its welcoming, diverse and energetic character to a global audience. A key Scottish Government objective is to spread the benefits more widely across Scotland.

Overall, Euro 2028 will be a fantastic tournament. The bill that we are discussing today is key to ensuring that Scotland can be part of it. I will draw my remarks to a close there, and colleagues and I look forward to the discussion with members.

**The Convener:** Thank you for filling in a bit of the history of the 2020 act, which is helpful. Was any consideration given to including delegated powers in the bill to allow the Scottish Government to implement virtually the same conditions for a future championship?

**Rachael McKechnie:** We looked at our options and the business and regulatory impact assessment, and considered three options. We considered a do-nothing option, a stand-alone bill and framework legislation that would allow us to craft conditions for future events. On this occasion, we felt that a stand-alone bill was the best approach for Euro 2028. UEFA is very clear about the timings for the ticket touting restrictions, in particular, coming into effect for the summer of 2026 and, with the Scottish Parliament election coming up in May 2026, we considered timescales. From the consultation, no clear policy aims for framework legislation came through from stakeholders. Given that Euro 2020 was an event delivered through Covid, we were unable to get significant impact data from it. Therefore, a

number of reasons have driven us to develop a single-issue bill for this occasion. Perhaps Lucy Carmichael would like to add something.

**Lucy Carmichael (Scottish Government):** I do not have a huge amount to add. As Rachael McKechnie has said, we had a question about the wider regulatory framework in the public consultation that we undertook, but, in the responses, there was no clear ask for framework legislation. There were some suggestions to review particular legislation, such as the 28-day planning rule for temporary structures and the operation of the Civic Government (Scotland) Act 1982 in terms of licensing short-term lets and other licensing arrangements. However, that is a much broader set of measures than the regulatory environment that we are covering in this bill for Euro 2028, and it would require more policy consideration and development than we have time for on this occasion, because, as Rachael has said, the timescale is driven by UEFA.

**The Convener:** That is helpful. I open up questioning to members.

**Stephen Kerr (Central Scotland) (Con):** Good morning. It is very exciting to have a major global sporting event happen right on our doorstep. We are all very supportive.

However, a number of aspects of the bill deserve scrutiny. Will you explain the ticket touting elements? Will the bill prohibit ticket touting in Scotland only? I am thinking of schedule 1, which seems to suggest that the provisions of section 2 about ticket touting apply to the territory of Scotland only, that it will be quite possible for tickets to be sold—touted—outside of Scotland and that the provision of information society services, or ISS, can be done online. How will we police that, or is it outside the reach of our considerations?

**Lucy Carmichael:** I am happy to pick that up, but I might come to Ninian Christie for further comments on the ISS schedule.

You are absolutely correct. The ticket touting measures in this bill are different from those in the Euro 2020 legislation. The ticket touting offences will apply in Scotland only; they will apply to all matches in the tournament. The reason for the change is that we undertook further engagement with Police Scotland and the UK Government about the threshold for extraterritoriality and, through that engagement, it became clear that such a broad application of extraterritoriality did not meet the threshold for the offences in the bill. We are working with the Governments of the other host nations on any ticket touting measures that they will have in place.

We think that this is the proportionate way to have enforcement in place in Scotland, and Police

Scotland can take it forward. There is clearly an online element to ticket touting, which has increased, particularly since the original legislation on rights protection for the Commonwealth games—the Glasgow Commonwealth Games Bill—was introduced in 2007. Police Scotland can consider the online element as part of its operational enforcement. We have been discussing online aspects with Police Scotland and could ask it to provide further details about its considerations, if that would be helpful.

**Stephen Kerr:** Yes, it would be useful to have as much information about that as possible. Might there be similar legislation coming from the UK or Welsh Governments? Will it prevent someone from touting a ticket in Carlisle, just on the other side of the border, for the games in Glasgow?

**Lucy Carmichael:** We have good, strong and constructive relationships with all the other host Governments and we are working closely with them on legislation as part of our discussions on wider tournament delivery arrangements. It will be for other Governments to explain any changes to their legislation or additional measures that they might bring forward. As Rachael McKechnie mentioned, the Scottish Parliament election coming up has been a time driver for us to bring the bill forward now.

**Stephen Kerr:** Continuing on the same topic, under section 2(4), why are UEFA officials exempt from the touting offence? I understand about secondary markets and that UEFA might want to set up one of those officially. I get all that, but on touting, why on earth would someone who works with or for UEFA be able to stand outside Hampden and tout a ticket while the guy who lives along the road in Mount Florida cannot do that? I do not understand that.

**Lucy Carmichael:** That is absolutely not the intention of the exemption. I might come to Ninian Christie when I have finished to see if he has anything to add. The ticket touting offence captures sales above face value and sales for a profit. When UEFA makes initial sales of championship tickets, it does so at face value. However, it does generate a profit from those sales. By far the majority of UEFA's revenue is invested back into football, but it does make a profit, and that is why it needs an exemption from the ticket touting offence. However, the exemption is not intended to allow individuals who work for UEFA to tout tickets. It is very much intended to allow UEFA, as the corporate entity, to sell tickets through its website and to ensure that its resale platform, which will allow fans to exchange tickets at face value, is not caught by the offence. Otherwise, there would be no way for tickets for the championship to be sold legally in Scotland. Ninian, do you want to add anything to that?

**Ninian Christie (Scottish Government):** Section 2(4)(b) is not intended to allow individuals to stand outside Hampden and sell tickets. UEFA may use third-party platforms to carry out resale on its behalf. For all sorts of reasons, UEFA may not choose to sell tickets directly. The intention is not to authorise individuals to resell tickets.

09:45

**Stephen Kerr:** I completely understand the secondary sales aspect. That is part of the fixture for concerts and games, is it not? I just think that it looks very odd, frankly. We have this whole thing about touting and then in the middle it says that UEFA can effectively bypass all that. I understand the intention but question where it sits in the bill, in connection with touting. That is my take on it.

There are similar issues with the selling of tickets under section 3. I understand the point about charities. However, many good causes would benefit from a charity auction of a ticket that are not registered charities. I am thinking, for example, of local hospitals or schools. Was there any consideration of the charitable dimension in section 3?

**Lucy Carmichael:** Ninian Christie might want to add something on European convention on human rights considerations.

The exception for charity auctions was a feedback point from the lead committee from its stage 1 evidence taking on the 2020 act. The Scottish Government took that feedback on board and created the exemption in that act, and we have replicated that provision in the current bill. We considered where it would be appropriate to draw the boundaries around about that exemption. We do not want to criminalise people who are trying to do a good thing by auctioning tickets for charities, because we do not think that that is proportionate. However, the exemption is not intended to encourage or incentivise charity auctions because those would still breach UEFA's ticketing terms and conditions. There would be a risk that the tickets would not be valid for entry. We want to work with UEFA to raise awareness of that as part of our communications around about the offences.

I come back to how we decided where to draw the line. There needs to be some way to ensure that the charity auction exemption is not exploited, so we need some measure or test that enforcement officers can look at, such as whether a charity is on the Office of the Scottish Charity Regulator's register or an analogous register or has core functions along those lines. That seeks to ensure that although there is a well-defined exemption, it cannot be exploited.

**Stephen Kerr:** It can be, though, can it not? Section 3(2)(b) permits

“a body outwith Scotland, England, Wales, Northern Ireland or the Republic of Ireland”,

to do what I am suggesting for a local hospital or a playgroup—something that is not a registered charity. That would include the Isle of Man, Jersey and the Channel Islands. It seems to me that we are being particularly harsh towards organisations that are not registered with OSCR, but which are definitely charitable—

**Lucy Carmichael:** We are trying to strike a balance and recognise that other countries might not have a register analogous to the OSCR register. Therefore, if it can be demonstrated that the body's purposes consist only of one or more of the charitable purposes mentioned in the Charities and Trustee Investment (Scotland) Act 2005, the section could apply to those bodies that have similar functions to charities.

In considering where to draw the boundaries, we considered whether we would restrict the exemption to charities based in Scotland or the host nations. An ECHR consideration came into it. I would like Ninian Christie to add something here, but where we landed on discrimination was that we either needed a worldwide exemption to apply to charities or bodies that could demonstrate similar charitable purposes or we would not have a charitable exemption. We landed on the drafting of a worldwide exemption, taking into account countries that would not necessarily have a register equivalent to the one that we have in Scotland. Ninian, do you have anything to add around about the ECHR considerations?

**Ninian Christie:** Yes. The test that is set out in section 3(4) allows us to not discriminate in cases of places that do not have a register corresponding to OSCR. So, yes, we can apply that test. Many nations do have something that broadly corresponds to OSCR, but some countries do not have any such similar structure of charity registration. If we had said that the exemption applied only to registered charities, we might have been in breach of ECHR article 14 in discriminating against charities on the basis of their national origin as they are essentially charities that cannot register where they are based.

**Stephen Kerr:** Okay. There is quite a lot to unpack just in that bit of the bill. Do not get me wrong: I am delighted that we have the tournament coming to the UK, to Scotland, but some things stick in the throat. UEFA is a profit-making organisation that is clearing part of our country out so that it can profit without restrictions. That covers removing all normal Scottish outdoor trading organisations, such as the burger vans and

so on, from the area. That sticks in the throat somewhat because the bill does not suggest to me that those businesses will be compensated in any way. The big match days are probably their big revenue days; it is like the black Friday of their business every time there is a big game at Ibrox, Parkhead or Hampden. The bill says that they will be moved to other places, and that might not be anywhere near the crowds that they want to sell their products to, so they will not make the same money. There is nothing in the bill about compensating them. Just to pre-empt your answer, you know that my next obvious point will be to say that the compensation ought not to come from the public purse but from UEFA.

**Lucy Carmichael:** Our starting position is that hosting Euro 2028 is an opportunity beyond what those street trading businesses could expect in any other year. The reality is that one of UEFA's requirements for hosting matches at Hampden is that only UEFA-approved traders can trade at Hampden and any other event zones. I would not say that street traders would require compensation because this opportunity is in addition to what they could usually expect in any other year. The reality is that if we did not put these measures in place, it is entirely possible that Scotland would not be able to host matches and there would be no opportunities resulting from the tournament for any other businesses in Glasgow and other areas.

That said, we did carefully consider the existing rights of those traders and that is why the bill includes provision for Glasgow City Council to offer alternative arrangements to street traders affected by it. Street trading licences last for three years, so this relates to licences that will be in force from this summer. Glasgow will have the opportunity to reflect the impact of the Euro 2028 events on those licences. When street traders apply, it will be clear that they will not be allowed to trade during the dates and times around the championships. It should be a lot clearer to street traders for the Euro 2028 events than it was for Euro 2020, when we brought forward the legislation much later; it was more of a surprise for street traders then. Glasgow City Council needs to make an offer of alternative arrangements to traders affected by the legislation, which might include offering alternative locations, in which the council has said that it would waive any temporary licence fee required. There could also be discussions with traders about any other alternative arrangements that might be appropriate after further engagement with them.

**The Convener:** A couple of members have supplementary questions on that area. I will bring in Alexander Stewart and then George Adam.

**Alexander Stewart (Mid Scotland and Fife) (Con):** You indicated in response to Mr Kerr's



question that the zones will be set up. We understand the situation around that. Is it Glasgow City Council that will have the power of enforcement and the obligation to ensure that it is acted on? You touched on what will happen to existing traders and any exemptions that they will be entitled to. How will those exemptions be managed and policed to ensure compliance?

**Lucy Carmichael:** On who will do the enforcement, we expect that Glasgow City Council will be the lead agency for the street trading and advertising offences. Police Scotland has all the same powers and it could take enforcement action. In some instances, it will be central in supporting enforcement officers to take action. However, Glasgow City Council issues street trading licences, so it has existing relationships with street traders.

On exemptions from the trading offences, in the legislation for the Euro 2020 championship and the Commonwealth games, we brought forward a lot of the detail of the exemptions in regulations further down the line. Those exemptions were fairly stable between those events; there were some differences, but not a huge number. On that basis, we have put a lot more of the detail about the exemptions into the bill. More detail about the exemptions from trading offences is set out in schedule 2. The intention is to give businesses more advance understanding of the exemptions.

We understand that legislation is not particularly accessible or easy for businesses to understand, especially for small businesses that, as we heard, do not have a lot of time to understand the detail. That is why it is really important that there are also provisions in the bill that will require Glasgow City Council to publish guidance on the measures in a format that is understandable for businesses. Glasgow City Council has indicated that it will make that guidance available in different formats, including accessible formats, for those who are looking to understand how the measures will affect them.

**The Convener:** Mr Adam and Mr Bibby, are your questions about street trading?

**George Adam (Paisley) (SNP):** Mine is, convener.

**Neil Bibby (West Scotland) (Lab):** Mine is about ticket touting, convener.

**The Convener:** I will bring in Mr Adam.

**George Adam:** You mentioned that most of the UEFA funding will go back into football, which is what it is all about. As someone who is involved in the fan ownership of St Mirren FC, I understand that the major budget line comes from merchandise. Any unofficial merchandise is not of the same quality and it takes away from football.

We can understand that, when a big tournament comes to town, some will want to go down that route. That is not to say that I have not bought the odd flag from the hats, scarves and flags men. It is mainly them who we are talking about. It is not the burger sellers; it is the guys selling hats, scarves, flags and macaroon bars—

**Lucy Carmichael:** The food traders will be affected as well.

**George Adam:** I do not know what macaroon bars have to do with it, right enough, but they are always sold as well. However, the main issue is really the hats, scarves and flags guys, because their merchandise is unofficial and they get moved on. The important thing is that the money goes back into football. That is what this is all about: generating funds for football.

**Lucy Carmichael:** I am glad that you have picked up the point about reinvestment. I mentioned that earlier but, to be clear, I note that UEFA channels 97.5 per cent of its revenue back into football, including into wider social and environmental projects. That is a really important aspect.

On what the measures in the bill capture, UEFA- authorised partners will be able to trade in the zones. That will affect the traders that you mentioned on the hats and scarves side, but it will also affect food vans in the event zones. I suppose that they might require new locations. As I understand it, the hat and scarf traders are more mobile in how they operate and they generally move around anyway.

**George Adam:** We tend to see them at St Mirren park only when we are near winning something. It is never much of an issue for us. *[Laughter.]* However, the serious point is that it takes away from those who are involved in football. We must be cognisant of that.

There is always a place for those individuals and I think that Glasgow City Council will find a spot for them. I can guarantee that, as you walk up to Hampden from various parts of Glasgow, you will hear the call, "Hats, scarves and flags". At the end of the day, however, the crux of this is about getting money back into football. That is the whole point and it is what we are here for.

10:00

**Neil Bibby:** Good morning. You mentioned that it was difficult to get significant amounts of impact data on Euro 2020 because Covid restrictions limited the number of people who could attend the matches. On the context and the potential risks of Euro 2028, I note that Hampden park has a capacity of 52,000, and we hope and anticipate that it will be full. What indication has UEFA given

of the numbers of tickets that it will sell at particular points via general sales, hospitality and individual federations, and the timescales for that? It is important for us to understand the context and the risks in relation to that, because people across Europe will be looking to buy tickets. Has UEFA given an indication of the range of ticket prices from the lowest to the highest? That is important as well.

**Lucy Carmichael:** I will bring in Rachael McKechnie in a moment if she has anything to add. Because we have brought the legislation forward earlier, there is more uncertainty around some of the factors that you have identified. We have not yet had from UEFA confirmation of the match split across the various stadia. That will be the first step. UEFA will also be working on a ticketing strategy, which will cover a number of the points that you made about pricing and availability for different nations. For Euro 2024, tickets were available from €30 and 1 million tickets were available for €60 or less out of an overall total of 2.6 million tickets.

Rachael, is there anything more general that you want to add?

**Rachael McKechnie:** As Lucy Carmichael said, UEFA is still at an early stage in working on its ticketing strategy. We will engage with partners to ensure that those issues around price accessibility are front and centre within that. They want the tournament to be a tournament for the fans and we expect that the tickets will be priced accordingly to allow that, but clearly there will be a hospitality element as well. We are probably a good 12 months or so away from a locked-down ticketing strategy, but it is very much in UEFA's gift to determine the timetable for that.

**Neil Bibby:** That is clearly important, because part of the reason for bringing these major sporting events here is so that fans can access them at affordable prices. We want to welcome as many fans as possible from across Europe, but we also want to make sure that, when Scotland is playing, we have plenty of Scotland fans in there supporting the national team.

On the timing, you mentioned UEFA's expectation that the legislation will be passed by the summer of 2026 and the fact that there will be a Scottish Parliament election in 2026. Given that the Commonwealth games will also be held in the summer of 2026, has consideration been given to waiting until just after the summer recess in that year to see whether lessons can be learned from any issues that arise from the Commonwealth games?

**Rachael McKechnie:** The timing of the ticketing is a decision for UEFA. We will get evidence from the Commonwealth games, but there are no

similar restrictions for them on this occasion because of the circumstances in which they came to Scotland. We have no driver from the Commonwealth Games Federation to put in place similar restrictions. However, with all these events, we always look at the event environment and we will see what is going on with those tickets. We will continue to roll that forward and we will share those lessons with UEFA.

**Patrick Harvie (Glasgow) (Green):** I want to ask about the enforcement provisions. I apologise that I have not yet had time to compare the bill with the 2020 bill as introduced or as passed, but I am interested in the changes that were made to that bill during its passage through Parliament. In particular, there were discussions about the need to protect people against personal searches and searches of their electronic devices, the argument being that the police already have those powers and that, when they exercise them because they suspect that a crime has been committed, they have set procedures and safeguards to protect people. The expansion of those powers to council officers for the purposes of trading and advertising offences could have risked the unnecessary violation of privacy rights.

Has the Government modelled the bill on the 2020 bill as introduced or as passed? Have the changes that were discussed and agreed by Parliament been incorporated into the bill that we are discussing?

**Lucy Carmichael:** On the enforcement provisions, we looked at the discussions in Parliament last time and the amendments that were made as a result and we considered how enforcement worked in practice on the ground for Euro 2020, albeit that that was limited because of Covid. We also thought about whether we could take a fresh approach to drafting, because quite a lot of the feedback last time said that it was quite difficult to follow the enforcement provisions. Having looked at that, we did not think that it was possible to take a completely new approach to drafting that would make things clearer. However, we have tried to label the different sections more clearly so that the bill is easier to follow.

On the point about safeguards, section 22, which contains the power to enter and search, states:

"Where permission is given by the occupier (or another person with the authority to do so), an enforcement officer may, without warrant, enter any place and may search any place (and any vehicle, vessel, container or other thing at that place)".

Section 22(2) makes it clear that that

"does not authorise an enforcement officer to ... search an individual, or ... access data stored electronically."

That is one of the points that you mentioned and it is an example of something that we have taken on board from the feedback last time.

**Patrick Harvie:** The power does not allow the accessing of data on devices of that kind. Would it allow the seizing or destroying of those devices?

**Lucy Carmichael:** There is a power to seize in relation to the commissioning of a championship offence, but there are protections in place around destroying a device. It could potentially be seized. It would not be possible to access data that is stored electronically and there are protections in the bill around the powers to destroy, which would be a last resort and not something that would be done lightly.

Ninian, do you want to add anything on those powers?

**Ninian Christie:** As Lucy Carmichael said, the safeguards that are set out in section 21 will apply, and it is envisaged that the power to destroy would be very much a last resort.

**Patrick Harvie:** Would the power to destroy, albeit that its use would be a last resort, be exercised by council officers, by the police or by both?

**Lucy Carmichael:** Both will have that power.

**Patrick Harvie:** We will perhaps need to discuss that in detail as we get into the evidence on the bill.

Mr Kerr talked about the purposes of the protection of monopoly rights, which UEFA and others who organise similar events insist on. They would make the case that those rights are necessary to make the event commercially viable. Mr Kerr, perhaps understandably, talked about the impact on other businesses that might want to compete for that custom. However, there is also a concern about the impact on civil liberties. There have been a number of instances, not just in this country but around the world, where similar legislation has been used not against commercial operators who were trying to rip off a brand, but against messages, protests or expressions that have criticised some of the multibillion-dollar brands around the world in relation to their ethical behaviour.

Where has the Government sought to draw the line in protecting the brands that UEFA and its partner businesses will be concerned about, but also protecting civil liberties at the level of either organised peaceful protest or, for example, somebody wearing a T-shirt that satirises a brand?

**Lucy Carmichael:** I hope that it is useful to the committee that we have included in the bill more of the details on exemptions from the advertising offence. They are in schedule 3, which states:

“Advertising is exempt from the advertising offence where it is intended to—

(a) demonstrate support for or opposition to the views or actions of any person,

(b) publicise a belief, cause or campaign, or

(c) mark or commemorate an event.”

There are also exemptions in schedule 3 on the wearing of particular T-shirts and things as long as the person is not knowingly participating in ambush marketing, or as long as their intent is not co-ordinated ambush marketing. Those exemptions are replicated from Euro 2020, but there is now more detail in the bill. I hope that that is useful.

Ninian, is there anything that you want to add on ECHR considerations?

**Ninian Christie:** No.

**Lucy Carmichael:** Not on this occasion. Okay.

**Patrick Harvie:** That is helpful. Thank you very much.

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** I have a couple of quick questions. There was a limited number of responses to the consultation that you held last year. Can you point to anything in your plans that changed as a result of the consultation, rather than because of experience?

**Lucy Carmichael:** There was a relatively limited number of responses to the consultation—there were 26 responses. The team that led on the development of the bill used a number of different engagement routes. They held a couple of in-person drop-in sessions in Glasgow as well as a couple of virtual webinars. As we have already covered, they attended a Mount Florida community council meeting and they invited other community councils to engage. We did a letter drop in a half-mile radius of George Square, Hampden and Glasgow Green to try to raise awareness of the legislation among businesses and people living in those areas. Glasgow City Council contacted all current street traders to make sure that they were aware, and a couple of the bill team attended a match at Hampden to try to raise awareness among the street traders that were there. Although there was a fairly small number of consultation responses, I think that the team tried hard to raise awareness of the measures that we are talking about.

We have taken feedback on board. The Federation of Small Businesses, as I have already mentioned, noted that small businesses in particular might be time poor and find it difficult to engage with the detail of the legislation. Therefore, it is important that there is clear guidance

available. That was already a measure in the bill, but we are doing that again.

There was also feedback from the equalities engagement that it would be important to provide guidance in different formats and to ensure that there was an interpreter available in any enforcement action where English was not a first language for someone being engaged with. We have engaged with Glasgow City Council on that and it has said that it is happy to put measures in place. Those are the kinds of things that we have taken on board.

There was also wider feedback, from Mount Florida community council as well as some of the other routes of engagement, about other, more general issues related to the event, such as road closures, the availability of toilets around Hampden and that type of thing. Although it is not directly related to the legislation, we have shared that feedback with partners so that they are able to consider and take it on board in terms of wider event delivery.

**Keith Brown:** I will go back to the point that Stephen Kerr raised. Am I getting it right that the bill as proposed would not prevent folk outwith Scotland from indulging in ticket touting for matches that are held in Scotland?

**Lucy Carmichael:** Yes. This time, Police Scotland will be able to take enforcement action only for tickets that are touted by people who are based in Scotland.

**Keith Brown:** I think that the reason that you gave for that was that it was deemed, in discussions with others, to be disproportionate to extend the offence outwith Scotland. What about the reverse? Are you expecting legislation from anywhere else that is hosting a match to reach into Scotland, for example to prevent touting in Scotland for matches held in England? Or is everyone just looking after their own patch, and the internet will be the internet?

**Lucy Carmichael:** As I said, we are engaging and working closely with the other host nations, including through our legislation working group. I am not able to talk about what other Governments might bring forward, but certainly, we have been clear in our engagement that, subject to parliamentary approval, we expect to have a ticket touting offence in place.

10:15

It would make sense that others are not able to reach into Scotland. We want one clear offence to apply in Scotland, so that people in Scotland understand how the ticket touting offence works. It would be difficult if another jurisdiction was reaching into Scotland extraterritorially, so that

different offences applied. That is certainly the position that we have adopted in engaging with other host Governments, but I am not able to comment on what they might bring forward. That would be for them to comment on.

**Keith Brown:** I understand the point. I think that it will be important for the Parliament to have that information before it takes a decision in due course.

**Lucy Carmichael:** Would it be helpful if we followed up with partner Governments on what they are able to say at this stage about what they might be planning?

**Keith Brown:** That would be helpful, yes.

I have another couple of quick questions. Patrick Harvie raised a point on protests and so on. You can tell by the tenor of the questioning that the very heavy presence that UEFA insists on, whether it is crushing indigenous entrepreneurs, which is one way of looking at it, or the monopoly that it has on merchandise—I understand the point George Adam made—seems very heavy-handed sometimes. It seems to be the price that you have to pay. This time, however, is it not the case that the UK was willing to step forward to host when others were not, so perhaps that is a bargaining position? Perhaps the question is for Rachael McKechnie.

**Rachael McKechnie:** That was for the Commonwealth games, Mr Brown, rather than Euro 2028, which was a bid process.

**Keith Brown:** We were talking about that before we came in. Remind me, what led to the UK getting the championship?

**Rachael McKechnie:** Hosting Euro 2028 was a contested bid. Turkey was the other nation that was in the running, but the UK and Ireland bid was successful.

**Keith Brown:** To have only two contestants seems unusual. There was talk that Germany might have been involved but pulled out. Is that right?

**Rachael McKechnie:** Germany hosted Euro 2024; it had the precursor championship.

**Keith Brown:** On the point about protests and so on, Police Scotland did a superb job for the 26th United Nations climate change conference of the parties when it pre-engaged with different groups. The engagement for COP26 was huge—it was on a much bigger scale for all sorts of reasons—but I hope that there will be a similar approach in this case, although the senior personnel have all changed.

**Rachael McKechnie:** Absolutely.

**Keith Brown:** This point is probably also for Rachael McKechnie. When it came to the bid, was any consideration given to whether Scotland could have two venues and was Murrayfield stadium considered? The potential number of people who want to visit Scotland and Edinburgh and the bigger capacity at Murrayfield stadium might have been attractive. Is what we have just a factor of more or less equitable distribution among the different home nations? Was the decision partly about criteria for the number of corporate ticket places that are available, which Murrayfield stadium did not qualify for? I do not know whether you know.

**Rachael McKechnie:** We looked at a range of options when we were putting forward the bid, but stadium selection is wholly a matter for UEFA. When we looked at the options, we were clearly thinking about geography, capacity and where UEFA would like to go. Because it is a five-nations bid, it was also about how matches could be split through. We got to the point where we felt that Murrayfield stadium was probably not the best choice and that Hampden park would offer the best value for money for Scotland for this particular event.

**Keith Brown:** I am interested in the reasons why you would end up at that conclusion.

**Rachael McKechnie:** UEFA has very stringent requirements. There is certainly a look at stadium capacity and even at the shape of stadiums. Murrayfield is a rugby stadium and it is better constituted for rugby matches, whereas Hampden park is a purpose-built football stadium. Connectivity was a factor for Glasgow, as well as its very strong prowess in delivering huge international sporting events. A range of factors came through.

**Keith Brown:** My very last point is just to say that Murrayfield stadium has hosted football matches before.

Not that it is likely to trouble Scotland, but what are the criteria for which stadiums will be chosen for the later stages of the competition? Does it depend on who is still in?

**Rachael McKechnie:** UEFA has some conditions around capacity, and it will also be looking at things like international connectivity.

**Keith Brown:** Would that mean that Hampden stadium, with a capacity, as has been mentioned, of around 52,000, would be unlikely to be chosen as a venue for a later stage match?

**Rachael McKechnie:** Yes.

**The Convener:** Mr Kerr, did you want to come back in?

**Stephen Kerr:** I have a few points that I want to clarify. I agree with Keith Brown: some of this feels very heavy-handed to me. Perhaps it is just about how you see things, but it feels that way. I know that George Adam has maybe taken a different view. For example, in section 7, charities cannot shake a tin outside a venue for a good cause. Why is that felt to be a threat to the commercial might of UEFA?

**Lucy Carmichael:** I will come to the charity point in a second. The measures in the bill on street trading and advertising apply to particular areas in Glasgow for a short period of time around the championship. Compared to the overall economic opportunity that the event presents for Glasgow, and for Scotland more generally, we consider that the measures are proportionate and, as I have already covered, they are a requirement in order for Scotland to host. That is the decision that we make around hosting.

On charity collections, schedule 3 to the bill includes an exemption for charity collections under—*[Interruption.]* Is it schedule 2? Sorry, Ninian.

**Ninian Christie:** In schedule 2, paragraph 1(q) there is an exemption for charitable collections where the charity has the normal authorisation from Glasgow City Council.

**Lucy Carmichael:** It is activity

“under section 119 of the Civic Government (Scotland) Act 1982 (charitable collections).”

That is the existing process, so that allows charity collections to be managed in the way that they would be for a normal match day. That exemption is in there; I hope that it is helpful to see that in the bill.

**Stephen Kerr:** I am not seeing—

**Lucy Carmichael:** There is a lot of detail. That is why it is particularly important that guidance is provided by Glasgow City Council when we have a final bill to make sure that those things are apparent.

**Stephen Kerr:** That is useful to know. I note that busking is also there.

**Lucy Carmichael:** Yes, busking is in the list, at paragraph 1(n).

**Stephen Kerr:** This is my last point, because there are so many issues. It is good that you are here and it is good that you are being so up front with your answers.

Patrick Harvie mentioned issues of enforcement. There is a bit in section 24 of the bill that I could not understand. That might be because I am not a lawyer, but it might be because the whole idea of people forcibly entering

premises without a warrant feels really foreign to me. In relation to the merchandise issue that George Adam referred to, section 24(2)(b)(i) says that no warrant is needed if

“the constable reasonably believes that there is a real and substantial risk that delay in seeking a warrant would defeat or prejudice the purpose of taking action”.

In the context of policing, if an officer perceives that there is a risk to life, then they may enter any premises. That is understood. Unless I am not understanding the logic, what is the real and substantial risk of someone having a bunch of scarves or hats? I do not quite get that. *[Interruption.]* What is the other one?

**Patrick Harvie:** Flegs!

**Stephen Kerr:** Flags, yes. Metal badges are also very popular. What is the real and substantial risk? It seems strong-handed; I think that it is strong-handed.

**Lucy Carmichael:** The starting point for section 24, on the “use of reasonable force”, is that, first, the bill gives enforcement officers and, of course, police constables the power to enter and search either with permission or with a warrant—the warrant expires when it is no longer necessary.

The next bit is that, if

“there is a real and substantial risk that delay in seeking a warrant would defeat or prejudice the purpose of taking action,”

then an enforcement officer can enter and search with neither permission nor warrant. You are picking up, quite rightly, that there is a higher bar for that action.

In section 24(2)(a), on the powers of an enforcement officer to enter and search with permission or a warrant from the sheriff, there is no need, as I understand it, for a police constable to be present. However, under section 24(2)(b), the decision to use that power without permission or a warrant can be taken only by a police officer. An enforcement officer cannot take that decision. That is a higher bar, with police decision-making.

**Stephen Kerr:** Are we allowing police officers to do things that they would not normally do, other than in the case of a real and substantial risk to life?

**Lucy Carmichael:** I would need to double check, but I think that these are the powers from the previous legislation. I would also want to double check just how they compare to existing police powers, if that is okay, and come back to you.

**Stephen Kerr:** Of course, that is the whole point of this. I appreciate that. The significant thing, as I understand it from the 2020 legislation, is there was not one conviction.

**Lucy Carmichael:** Not from 2020; there was from the Commonwealth games.

**Stephen Kerr:** Of course, that was a slightly different event. I think that your information would be very useful because the point will no doubt come up again as we continue to scrutinise the bill.

**The Convener:** That concludes questions from the committee. I thank the witnesses for their attendance. That was a very helpful session. I look forward to hearing from you on the issues that you have agreed to follow up in writing. We may well take the opportunity to write to you for more information. Thank you very much.

10:26

*Meeting continued in private until 10:43.*

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

---

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

---

All documents are available on  
the Scottish Parliament website at:

[www.parliament.scot](http://www.parliament.scot)

Information on non-endorsed print suppliers  
is available here:

[www.parliament.scot/documents](http://www.parliament.scot/documents)

For information on the Scottish Parliament contact  
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

---



The Scottish Parliament  
Pàrlamaid na h-Alba