



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 5 June 2025  
SP Paper 815  
43rd Report, 2025 (Session 6)

# **Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh**

## **Delegated powers in the UEFA European Championship (Scotland) Bill at Stage 1**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

---

All documents are available on the Scottish Parliament website at:  
<http://www.parliament.scot/abouttheparliament/91279.aspx>

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)

# Contents

|                                  |          |
|----------------------------------|----------|
| <b>Introduction</b>              | <b>1</b> |
| <b>Overview of the Bill</b>      | <b>2</b> |
| <b>Review of relevant powers</b> | <b>3</b> |

# Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



[dplr.committee@parliament.scot](mailto:dplr.committee@parliament.scot)



0131 348 5212

# Committee Membership



**Stuart McMillan**  
Scottish National Party



**Bill Kidd**  
Scottish National Party



**Jeremy Balfour**  
Scottish Conservative  
and Unionist Party



**Roz McCall**  
Scottish Conservative  
and Unionist Party



**Katy Clark**  
Scottish Labour

# Introduction

1. This report considers the delegated powers in the UEFA European Championship (Scotland) Bill (“the Bill”) at Stage 1.

# Overview of the Bill

2. This Scottish Government Bill was introduced on 12 March 2025. The Lead Committee is the Constitution, Europe, External Affairs and Culture Committee.
3. The Union of European Football Association's ("UEFA") European Championship 2028 (the "Championship") will be co-hosted by the United Kingdom and Ireland. It is projected to take place from 9 June to 9 July 2028. Scotland will host matches at Hampden Park in Glasgow during this period.
4. Scotland previously hosted matches during Euro 2020 (the matches were eventually played in June 2021 due to the pandemic) as part of the Championship's 60th anniversary celebrations, which saw the tournament being played across various cities in Europe. This Bill is in largely the same terms as the Bill that was introduced in September 2019 in preparation for Euro 2020, which in turn was based on the Glasgow Commonwealth Games Act 2008.
5. The Bill is concerned with restrictions on ticket touting, street trading and advertising. The Scottish Government has stated that the Bill is being brought in to ensure the successful delivery of the Championship by meeting the specific requirements set by UEFA in relation to commercial rights for event sponsors during the period of the event.

# Review of relevant powers

## Section 1: Meaning of key terms

### Power conferred on: Scottish Ministers

### Power exercisable by: Regulations made by Scottish statutory instrument

### Parliamentary procedure: Negative

### Provision

6. Section 1 defines key terms in the Bill including “Championship”, “Championship period”, “Championship ticket”, “event zone” and “prohibited time”.
7. It provides that the “Championship period” means the period specified in regulations made by the Scottish Ministers. An “event zone” means the Hampden Park zone or any other zone in Glasgow as defined in regulations by the Scottish Ministers. A “prohibited time” means a time during the Championship period where it is prohibited to trade outdoors in an event zone or advertise in an event zone which will be specified in regulations made by the Scottish Ministers.
8. Regulations made under this power will be subject to the negative procedure.

### Committee consideration

9. The Scottish Government explains in its Delegated Powers Memorandum (“DPM”) that there will be an event zone around Hampden Park stadium, and that other event zones are anticipated to be around official fan zones in central Glasgow. It states that it is engaging with tournament partners on fan zone locations, and that the extent of the zones will be set out in maps which will form part of the regulations. It explains that specifying the limits of these zones closer to EURO 2028 taking place will also allow the boundaries to align more rationally with delivery of the event itself. “Prohibited times” are the specific periods in which trading and advertising are prohibited within event zones. It states that as the regulations will be administrative in nature, in that the definitions they provide for will reflect the factual circumstances of the locations of the matches (the Hampden Park zone), the locations of the fan zones and the dates of the tournament, it is considered that negative procedure is appropriate. It is projected that the tournament will be held from 9 June to 9 July 2028, and the Scottish Government states that setting the championship period and extent of the event zones in regulations will allow these to be defined closer to the time of the tournament, by which time more detailed planning and engagement will have taken place.
10. The Committee agrees that it is appropriate for the precise details to be set out in regulations, especially in the circumstances that the organisation of the event is ongoing.
11. The Scottish Government states that the regulations will be administrative in nature and therefore negative procedure is appropriate. The Committee agrees with the Scottish Government’s analysis and has no further comments to add.

- 12. The Committee agrees that this power is appropriate in principle, and accepts that scrutiny by negative procedure is suitable.**

### **Section 5: Exceptions for providers of information society services etc**

**Power conferred on: Scottish Ministers**

**Power exercisable by: Regulations made by Scottish statutory instrument**

**Parliamentary procedure: Affirmative**

#### **Provision**

13. Section 5 provides that the ban on ticket touting, under section 2, is subject to schedule 1 which contains exceptions for providers of information society services.
14. Section 5(2) provides that the Scottish Ministers may by regulations modify schedule 1.
15. Regulations under section 5(2) may specify further circumstances in which making facilities available in connection with electronic communications, or the storage of data is, or is not, to be capable of constituting the touting offence.
16. Regulations under section 5 are subject to the affirmative procedure.

#### **Committee consideration**

17. The Scottish Government states in its DPM that whilst exceptions have been set out in schedule 1 of the Bill, the pace of technological change, for example in relation to artificial intelligence, may require the exceptions to be updated.
18. It is common to take a power in situations where it is likely that technological changes may require updates to legislation. The EURO 2020 Bill did not set out such exceptions in the Bill itself like this Bill, rather it took a different approach and included a power to make regulations setting out the exceptions. Those regulations largely replicate what is contained in schedule 1 to this Bill, for example exceptions for mere conduit, caching and hosting. The Committee considers that it is foreseeable that the power may require to be exercised in line with technological advancements, and that it would be appropriate that such an update could be made by regulations rather than requiring primary legislation.
19. The Committee also considers that the affirmative procedure will give the Parliament a sufficient opportunity to consider whether any proposal to modify schedule 1 is merited.

- 20. The Committee accepts the power in principle, and that it is subject to the affirmative procedure.**

### **Section 6(3): Ban on outdoor trading within event zones**

**Power conferred on: Scottish Ministers**

## **Power exercisable by: Regulations made by Scottish Statutory Instrument**

### **Parliamentary procedure: Affirmative**

#### **Provision**

21. Section 6(1) makes it an offence to trade within an event zone at a prohibited time, and schedule 2 sets out the exemptions for certain types of trading, such as selling current newspapers, or activity undertaken by Glasgow City Council. Section 6(3) enables the Scottish Ministers to make regulations which modify schedule 2 or make such further provision as they consider appropriate in relation to trading within event zones.
22. Regulations made under section 6 are subject to the affirmative procedure.

#### **Committee consideration**

23. The Scottish Government states in its DPM that the power will enable restrictions to be responsive to local settings and feedback when event zone boundaries and operating times are being set, if required.
24. The Committee considers that it is foreseeable that the power may require to be exercised to provide for further detail or for more exemptions as the event draws nearer. The Committee also considers that it would be appropriate that such an update could be made by regulations rather than requiring primary legislation.
25. The Committee also considers that the affirmative procedure will give the Parliament a sufficient opportunity to consider whether any proposal to modify schedule 2 is merited.

26. **The Committee finds the power acceptable in principle and is content that it is subject to the affirmative procedure.**

## **Section 12(3): Ban on advertising in event zones**

### **Power conferred on: Scottish Ministers**

## **Power exercisable by: Regulations made by Scottish statutory instrument**

### **Parliamentary procedure: Affirmative**

#### **Provision**

27. Section 12(1) provides that it is an offence to advertise within an event zone at a prohibited time, and schedule 3 sets out the exemptions to this offence such as for protesting purposes. Section 12(3) delegates a regulation making power to the Scottish Ministers which may be exercised to modify schedule 3 and to make such further provision as they consider appropriate in relation to advertising within event zones. Section 12(4) provides that nothing in such regulations is to permit any person to knowingly participate in ambush marketing.
28. Regulations made under section 12 are subject to the affirmative procedure.

**Committee consideration**

29. The Scottish Government states in the DPM that the regulation making power will enable restrictions to be responsive to local settings and feedback when event zone boundaries and operating times are being set, if required.
30. As above, the Committee considers that it is foreseeable that the power may require to be exercised to provide for further detail or for more exemptions as the event draws nearer. It also considers that it would be appropriate that such an update could be made by regulations rather than requiring primary legislation.
31. The Committee also considers that the affirmative procedure will give the Parliament a sufficient opportunity to consider whether any proposal to modify schedule 3 is merited.

**32. The Committee accepts the power in principle and is content that it is subject to the affirmative procedure.**

**Section 29(4): compensation and recovery of costs****Power conferred on: Scottish Ministers****Power exercisable by: Regulations made by Scottish statutory instrument****Parliamentary procedure: Negative****Provision**

33. Section 29 provides that where a person's property is damaged by anything done under section 18 or 22 (enforcement powers and power to enter and search), that person may obtain compensation from Glasgow City Council.
34. Schedule 4 makes further provision about compensation, including about the amount of compensation due, and the procedure to follow in making such a claim for compensation.
35. Regulations made under section 29 are subject to the negative procedure.

**Committee consideration**

36. The Scottish Government states in its DPM that schedule 4 contains procedural issues, and that given the time period before the tournament takes place it may be that refinement of the procedure is needed.
37. The Scottish Government states that the negative procedure is considered appropriate as the provision which will be made under the power is considered to be predominantly administrative in nature. It provides examples such as the way compensation is to be calculated, deadlines for submitting a claim and information to be included in a decision notice.
38. The Committee agrees that it is appropriate to take a power which may be necessary to make such refinements closer to the time of the event. The Committee also agrees that the negative procedure is appropriate, given that provision made

using the regulation making power is likely to be administrative in nature.

- 39. The Committee accepts the power in principle and is content that it is subject to the negative procedure.**

### **Section 32: Action under section 18 to 28: procedure**

**Power conferred on: Scottish Ministers**

**Power exercisable by: Regulations made by Scottish statutory instrument**

**Parliamentary procedure: Negative**

#### **Provision**

40. Sections 18 to 28 set out the provisions relating to the enforcement of Championship offences. Section 32 creates a power which enables the Scottish Ministers to supplement those provisions with additional provision which may be considered necessary or appropriate at a later date.
41. Regulations under section 32 are subject to the negative procedure.

#### **Committee consideration**

42. The Scottish Government states in its DPM that regulations made under section 32 will set out further procedure relating to the enforcement provisions, but that the substance of the enforcement provisions are contained within the Bill. It states that this will allow the enforcement powers to be defined in more detail in light of any particular considerations for EURO 2028 that become apparent nearer the tournament. For this reason, it states that the negative procedure is considered appropriate.
43. The Committee agrees that it is appropriate to take a power which may be necessary to make such refinements closer to the time of the event. The Committee also agrees that the negative procedure is appropriate, given that provision made using the regulation making power is likely to be administrative in nature.

- 44. The Committee finds the power acceptable in principle and is content that it is subject to the negative procedure.**

### **Section 35: Ancillary provision**

**Power conferred on: Scottish Ministers**

**Power exercisable by: Regulations made by Scottish statutory instrument**

**Parliamentary procedure: Negative procedure unless they add to, replace or omit any part of the text of an Act in which case they are subject to the affirmative procedure.**

**Provision**

45. Section 35 provides that the Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Bill.
46. Regulations made under this section will be subject to the negative procedure unless they add to, replace or omit any part of the text of an Act in which case they are subject to the affirmative procedure.

**Committee consideration**

47. The DPM states that section 35 follows the standard model for the power to make ancillary provision.
48. The Committee agrees that the power is similar in terms to other ancillary powers that it has scrutinised, which now appear in most Bills. The extent of the power is restricted as it can only be used for the purposes of giving full effect to the Bill as enacted, or any provision made under it. The power allows issues of an ancillary nature which may arise to be dealt with effectively by the Scottish Ministers. Without such a power, any changes would require to be made by primary legislation, which the Committee considers would not be an effective use of either the Parliament's time or the Scottish Government's resources.
49. If the power is exercised to make regulations that seek to amend primary legislation, then the affirmative procedure will apply. Otherwise, the negative procedure will apply.

50. **The Committee finds the power acceptable in principle, and is content with the specified parliamentary procedures, which are dependent on whether or not the power is exercised to amend primary legislation.**

**Section 38: Commencement**

**Power conferred on: Scottish Ministers**

**Power exercisable by: Regulations made by Scottish statutory instrument**

**Parliamentary procedure: Laid, no procedure**

**Provision**

51. Section 38 provides that the Scottish Ministers may by regulations appoint days on which provisions of the Bill will come into force other than sections 35, 36, 37, 39 and 40 which come into force on the day after Royal Assent. Regulations under section 35 may include transitional, transitory or saving provision and may make different provision for different purposes.
52. As is standard for commencement powers, regulations will be laid before the Parliament but not subject to any further procedure.

**Committee consideration**

53. The DPM explains that the power will enable the Scottish Ministers to bring the provisions of the Bill into force and manage the effects of their commencement.
54. It is standard to take a power at the end of a Bill to commence those sections of the Bill that are not commenced by provisions of the Bill itself. This allows the Scottish Ministers to appoint the day on which those sections are to be commenced. The Committee is therefore content with the power in principle.
55. It is also standard that commencement regulations are laid before the Parliament but are not subject to further procedure.

**56. The Committee is content with the power in principle, and that regulations will be laid before the Parliament but will not be subject to further procedure.**

