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Pàrlamaid na h-Alba

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Delegated Powers and Law Reform Committee

Sporting Events Bill (UK Parliament legislation) - delegated powers exercisable within devolved competence, with reference to LCM-S7-1, LCM-S7-1a and LCM-S7-1b.

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Contents

Introduction	1
The Bill	2
Delegated Powers	2
Review of relevant powers	3

Delegated Powers and Law Reform Committee

To consider and report on the following —

(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;

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

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



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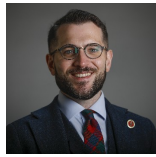
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Introduction

1. This report considers the delegated powers that are exercisable within devolved competence in the [Sporting Events Bill](#) (“the Bill”).
2. The Committee considered the [Legislative Consent Memorandum](#), [Supplementary Legislative Consent Memorandum](#) and [Second Supplementary Legislative Consent Memorandum](#) for the Bill by virtue of Rule 9B.3.6 of the Scottish Parliament’s Standing Orders. Paragraph 6 of Rule 9B.3 provides that where the Bill that is subject to an LCM contains provisions conferring on the Scottish Ministers powers to make subordinate legislation, the Delegated Powers and Law Reform Committee shall consider and may report to the lead committee on those provisions.
3. The LCM is also being considered in terms of the Committee’s wider remit contained in Rule 6.11.1(b) of the Standing Orders which provide that the remit of the Committee includes considering and reporting on proposed powers to make subordinate legislation in particular bills or other proposed legislation.

The Bill

4. The Bill was introduced on 14 May 2026 and is currently at Committee stage in the House of Commons. As the Bill is still progressing through the UK Parliament, it is subject to amendment.
5. The purpose of the Bill is to establish a common legislative framework that will enable the UK government and devolved governments to deliver major sporting events. It also provides the UK Government, Scottish Government and Northern Ireland Executive with powers to fund sporting events held wholly or partly in England, Scotland and Northern Ireland respectively.
6. The Scottish Government lodged a [Legislative Consent Memorandum for the Bill](#) on 5 June 2026, a [Supplementary Legislative Consent Memorandum on 22 July 2026](#), and a [Second Supplementary Legislative Consent Memorandum](#) on 2 September 2026 because the Bill makes provision applying to Scotland for purposes within the legislative competence of the Parliament and alters the executive competence of the Scottish Ministers. Sporting events are devolved matters, and the Bill will confer regulation-making powers on the Scottish Ministers. This aligns with the UK Government's position on the need for consent as set out in the Explanatory Notes for the Bill.
7. In its second supplementary LCM, the Scottish Government confirmed that it supports the overall aims of the Bill and is recommending consent to all of the relevant provisions of the Bill, namely, clauses 1 to 13, 18 to 30, and Schedules 1, 2, 3 and 6.
8. The lead committee is the Economy, Tourism and Energy Committee.

Delegated Powers

9. The UK Government has published a [Delegated Powers Memorandum](#) ("DPM") and a [Supplementary Delegated Powers Memorandum](#) to accompany the Bill, which explain the purpose of each power, why a delegated power is appropriate, and the parliamentary procedure that has been selected.
10. As is standard practice for UK bills, the Scottish Government has not published a delegated powers memorandum. Its position on the relevant clauses is set out in the LCM / supplementary LCMs.
11. The three powers which are relevant to this Committee's remit are to be found in clauses 2, 21 and 26.

Review of relevant powers

Clause 2: Application of framework to major sporting events

Power to apply the ticket touting, advertising and trading provisions of the sporting events framework to a sporting event.

Power conferred on: “the appropriate national authority”, which is the Scottish Ministers, or the Secretary of State with the consent of the Scottish Ministers, where the provision to be made is within the legislative competence of the Scottish Parliament.

Power exercised by: regulations made by statutory instrument or Scottish statutory instrument.

Parliamentary procedure: (a) the affirmative procedure, or (b) the made affirmative procedure, if the regulations contain a statement by the appropriate national authority making them that the authority considers it necessary for the regulations to be made urgently.

Provision

12. Clause 2 sets out the mechanism for applying the provisions in the sporting events framework to specific events. Subsection (1) provides the Secretary of State and devolved governments ("appropriate national authority") with the powers to make regulations applying one or more of the following parts of the sporting framework to a sporting event: the ticket touting provisions; advertising provisions; and trading provisions. Any regulations made by the appropriate national authority under this subsection are subject to the restrictions set out in clause 4 (restrictions on application of framework).
13. Regulations made by the appropriate national authority under subsection (1) can only apply to a sporting event if it meets each of the conditions set out in clause 3 (framework conditions).
14. Subsections (4) and (5) provide that the regulations can also specify certain other events, which are to be treated, for the purposes of this part of the Bill, as forming part of the sporting event. The events specified can be sporting or otherwise, for example, a cultural event, so long as it is held in connection with the main sporting event to which the regulations relate.
15. Subsections (6) sets out the regulation-making procedures. Regulations under this section are subject to (a) the affirmative procedure, or (b) the made affirmative procedure, if the regulations contain a statement by the appropriate national authority making them that the authority considers it necessary for the regulations to be made urgently.

Committee consideration

Nature of powers conferred

16. The DPM explains that the Bill is intended to provide an event-agnostic framework

which can be applied to a range of major sporting events, avoiding the need for bespoke primary legislation each time such an event is hosted in the UK. The provisions in the Bill have no legal effect unless they are applied to a qualifying sporting event by regulations made under clause 2. The power accordingly enables the appropriate national authority to apply the framework to events meeting the conditions set out in clause 3 and to provide the operational and event-specific detail necessary for the framework to operate effectively. The UK Government states that this flexibility is required because the requirements of sporting events, host locations and operational delivery arrangements are likely to differ from event to event.

17. This is a significant delegated power. However, the Committee is satisfied that it is appropriate for the following reasons:
 - the substantive policy framework is set out on the face of the Bill;
 - the power may only be exercised in relation to sporting events that satisfy the framework conditions in clause 3, including conditions relating to the nature of the event and its likely social or economic benefits;
 - the regulations will then apply the operational and technical detail which is set out in the sporting events framework to that event, including event-specific matters that cannot readily be identified on the face of the Bill in advance;
 - the Bill sets out the scope of the ticket touting, advertising and trading regimes which may be applied, together with the associated offences and enforcement powers; and,
 - where regulations made by the Secretary of State would contain provision within devolved competence, the consent of the Scottish Ministers is required under clause 4.
18. The Committee therefore considers that the delegation strikes an appropriate balance between parliamentary oversight and the flexibility necessary to accommodate the differing operational requirements of future sporting events.

Concurrent nature of power

19. Subsection (7) defines who the appropriate national authority is in respect of England, Scotland, Wales and Northern Ireland, i.e. the Secretary of State and, provided they have legislative competence, the Scottish Ministers, Welsh Ministers or a Northern Ireland department. It follows that, in regard to Scotland, the Bill creates powers that are exercisable concurrently by the Secretary of State and the Scottish Ministers.
20. Clause 4 requires the Secretary of State to obtain the consent of the Scottish Ministers before making regulations under clause 2 that would otherwise fall within devolved competence. The Committee considers that this provides an important safeguard in relation to the exercise of the power by UK Ministers. It appears likely that, where regulations are required in connection with a sporting event in Scotland, the power would ordinarily be exercised by the Scottish Ministers. However, as drafted, the Bill permits the Secretary of State (with the consent of the Scottish Ministers) to make provision within devolved competence.

21. Where regulations are made by the Scottish Ministers, they will be scrutinised by the Scottish Parliament under the procedure prescribed by the Bill. Where regulations are made by the Secretary of State, they will instead be laid before and scrutinised by the UK Parliament. Regulations made by UK Ministers within devolved competence would fall within the scope of the UKSI Protocol and would therefore be notified to the Scottish Parliament. However, notification under the Protocol does not amount to formal parliamentary scrutiny prior to the regulations being made or coming into force.
22. The Committee [asked the Scottish Government](#) to explain the circumstances (if any) in which it would expect the Secretary of State to exercise this power within devolved competence, rather than the Scottish Ministers, and how the Scottish Parliament would be informed in such cases.
23. In [response](#), the Scottish Government explained that it would generally expect the powers to be exercised by the Scottish Ministers where provision is required in relation to a sporting event hosted in Scotland. However, there may be circumstances in which it would be appropriate for the Secretary of State to exercise the power on a UK-wide basis, for example, where a major sporting event is to be hosted across more than one part of the UK and a single regulatory framework would provide consistency and reduce legislative duplication.
24. In such circumstances, the Scottish Parliament would be informed in accordance with the UK Statutory Instrument Protocol. The Scottish Government would also expect to continue its usual practice of keeping the Parliament informed of significant developments relating to major sporting events, including where it expected the Secretary of State to exercise the powers in devolved areas.
25. The Committee is content with the further information provided by the Scottish Government and highlights it to the lead committee for information.

Procedure

26. In response to the House of Lords Delegated Powers and Regulatory Reform Committee's recommendation regarding the use of the affirmative procedure for the delegated powers in clause 2(1) of the Bill, the Bill was amended at Report stage in the House of Lords so as to require all regulations brought forward under clause 2(1) of the Bill be subject to the draft affirmative resolution procedure (when made in the UK Parliament by Statutory Instrument) and affirmative procedure (when made in the Scottish Parliament by Scottish Statutory Instrument). The Scottish Ministers will be able to use the made affirmative procedure for such regulations in cases of urgency, for example, to address late amendments to the competition schedule. The Committee considers that this approach ensures that Parliament has an opportunity to debate regulations applying the framework provisions, whilst also providing sufficient flexibility to accommodate unforeseen changes and urgent circumstances.

Recommendation

27. **The Committee is content with the power conferred by clause 2 and with the parliamentary procedure attached to its exercise.**

28. The Committee also draws the following to the lead committee's attention:

- **Either the Secretary of State or the Scottish Ministers can exercise the power within the Scottish Parliament's legislative competence.**
- **The choice of which government should exercise the power is a matter for the governments alone, with no role for Parliament.**
- **Where the power is exercised by the Secretary of State, regulations will be laid before and scrutinised by the United Kingdom Parliament only.**
- **The Secretary of State must obtain the Scottish Ministers' consent before making the regulations.**
- **The regulations will fall within the scope of the UKSI Protocol and will be notified to the Parliament only after becoming law.**
- **The Scottish Ministers have committed to keeping the Parliament informed about proposed uses of the power.**

Clause 21: Power to amend maximum penalty amounts

Power conferred on: in clause 21(1), “the appropriate national authority”, which is the Scottish Ministers, or the Secretary of State with the consent of the Scottish Ministers, where the provision to be made is within the legislative competence of the Scottish Parliament; in clause 21(5), the Secretary of State

Power exercisable by: Regulations

Parliamentary procedure: Negative procedure

Provision

29. Clause 21(1) enables the appropriate national authority to increase the maximum amount of a fixed penalty notice in respect of the advertising and trading offences from £300 to a maximum of £1,000. Clause 21(5) enables the Secretary of State to increase the maximum financial penalties for the ticket touting offence and the maximum levels of fixed penalty notices for advertising and trading offences to reflect changes in the value of money.

Committee consideration

30. The Bill provides for fixed penalty notices to be available as an alternative enforcement mechanism for advertising and trading offences. The UK Government states that, as the framework may be applied to different sporting events of varying size and scale, some flexibility is required to ensure that penalty levels remain an effective deterrent and continue to be proportionate. The power in clause 21(1) is limited in scope, in that the maximum fixed penalty amount cannot exceed £1,000.
31. The power in clause 21(5) is similarly limited. It may only be exercised by the Secretary of State to reflect changes in the value of money and is intended to ensure that the deterrent effect of the penalties is maintained over time.

32. As with the power in clause 2, the power in clause 21(1) may be exercised by the Secretary of State, with the consent of the Scottish Ministers, within devolved competence. However, the power in clause 21(1) is considerably more limited in scope than the power in clause 2. It may only be used to increase the maximum amount of a fixed penalty notice, subject to the statutory cap of £1,000. The Committee therefore considers that the scrutiny implications of the power being exercisable by the Secretary of State within devolved competence do not give rise to the same concerns as arose in relation to clause 2.
33. The Committee considers that both powers are ancillary to the enforcement regime established elsewhere in the Bill and are sufficiently limited in scope. The negative procedure is commonly used for powers of this nature and the maximum levels of penalties that may be imposed are constrained by the Bill.
34. **The Committee is content with the powers in clause 21 and that they are subject to the negative procedure.**
35. **The Committee draws the following to the lead committee's attention:**
- **Either the Secretary of State or the Scottish Ministers can exercise the power within the Scottish Parliament's legislative competence.**
 - **The choice of which government should exercise the power is a matter for the governments alone, with no role for Parliament.**
 - **Where the power is exercised by the Secretary of State, regulations will be laid before and scrutinised by the United Kingdom Parliament only.**
 - **The Secretary of State must obtain the Scottish Ministers' consent before making the regulations.**
 - **The regulations will fall within the scope of the UKSI Protocol and will be notified to the Parliament only after becoming law.**

Clause 26: Power to make consequential provision

Power conferred on: Secretary of State

Power exercisable by: Regulations

Parliamentary procedure: Affirmative procedure where regulations amend or repeal primary legislation; otherwise, negative procedure.

Provision

36. Clause 26 enables the Secretary of State to make regulations that make provision which is consequential on this Bill. In particular, the power may be used to amend, repeal or revoke any provision made by or under primary legislation passed before the bill is passed or later in the same parliamentary session. Where regulations are used to amend or repeal primary legislation, they are subject to the affirmative resolution procedure; the negative procedure will be used where they amend or revoke secondary legislation only.

Committee consideration

37. The Committee notes that the power is conferred on the Secretary of State and is capable of being exercised within devolved competence. However, it is a standard consequential power, limited to provision that is consequential on the Bill. Regulations amending primary legislation are subject to the affirmative procedure, while regulations amending secondary legislation are subject to the negative procedure. The Committee therefore considers that the power and level of scrutiny are appropriate.

- 38. The Committee is content with the power conferred on the Secretary of State and with the parliamentary procedures attached to its exercise.**

