

Economy, Tourism and Energy Committee
Tuesday 29 September 2026
6th Meeting, 2026 (Session 7)

Legislative consent memorandum (LCM) and supplementary legislative consent memorandums on the Sporting Events Bill (UK Parliament legislation)

Note by the Clerk

1. Legislative consent memorandum [LCM-S7-1](#) was lodged on 5 June 2026 by Stephen Flynn MSP, Cabinet Secretary for Economy, Tourism and Transport ('the Cabinet Secretary') and has been referred to the Economy, Tourism and Energy Committee for scrutiny.
2. Following amendments to the Bill as it progressed through the UK Parliament, the Cabinet Secretary lodged two further supplementary legislative consent memorandums (sLCM).
3. The first of these, [sLCM-S7-1a](#), was lodged on 22 July 2026. A second supplementary legislative consent memorandum, [sLCM-S7-1b](#), was lodged on 2 September 2026.
4. Further detail on the purpose of the UK Bill and the content of the LCMs is set out below.

Background

5. In recent years, the Scottish Parliament has passed event-specific legislation to establish powers, on a temporary basis, relating to protections around ticket touting, unauthorised advertising and unauthorised trading in connection with qualifying sporting events such as the Commonwealth Games 2014 and the UEFA European Championship 2020 and 2028.
6. Some major upcoming sporting events which will be co-hosted in Scotland include the 2027 Tour de France (which will start in Edinburgh), and UEFA's European Championship 2028 football tournament, which is being co-hosted by England, Scotland, Wales and the Republic of Ireland.
7. In its [Stage 1 report on the UEFA European Championship \(Scotland\) Bill](#), the Session 6 Constitution, Europe, External Affairs and Culture Committee reiterated its earlier recommendation that weaknesses in devolved legislation should be addressed through a more comprehensive framework rather than on an event-by-event basis.
8. The Committee recommended that the Scottish Government give serious consideration to developing an events framework bill that could create a consistent framework for applying rights protections and addressing common issues, such as

ticket touting, while allowing event-specific requirements to be delivered through subordinate legislation.

Sporting Events Bill

9. The UK [Sporting Events Bill](#) was introduced in the House of Lords on 14 May 2026 by the UK Department for Digital, Culture, Media & Sport. Its purpose is to enable a common set of legislative provisions to be applied to major sporting events held in the UK.
10. Instead of requiring event-specific primary legislation to be enacted, the UK Bill would establish a legislative framework across the UK, through which event-specific protections could be implemented by subordinate legislation.
11. The Bill confers powers on both UK Ministers and the Scottish Ministers to make regulations applying protections for certain commercial requirements in relation to ticket touting and ambush marketing for major sporting events hosted in the UK. Therefore, should the UK Bill be passed, any future scrutiny by the Scottish Parliament would be of subordinate rather than primary legislation. Following amendments to the Bill since its introduction, regulations applying the protections would be subject to the affirmative procedure (or the made affirmative procedure in urgent cases).

The Scottish Government's LCM and supplementary LCMs

12. In the original LCM-S7-1 and the first supplementary sLCM-S7-1a, the Scottish Government stopped short of recommending whether the Scottish Parliament should consent to the relevant provisions of the Bill, stating that there had not been sufficient time since the Bill's introduction to engage fully with stakeholders.
13. However, the Scottish Government has now lodged sLCM-S7-1b, which states that the Scottish Government supports the Bill's main aim, which is to improve the competitiveness of the UK in securing major international sporting events.
14. Such events, sLCM-S7-1b states, can drive economic growth by attracting visitors, increasing tourism spend, supporting local businesses and creating employment opportunities across a range of sectors. They can also enhance Scotland's international profile, encouraging future investment, trade and tourism.
15. Giving consent to the Bill, sLCM-S7-1b continues, would mean the Scottish Ministers could make regulations to apply one or more of the protections to a qualifying event in Scotland. This could enable legislation to be put in place when needed to host a major sporting event in a way that is more consistent and makes more efficient use of Scottish Government and Scottish Parliament time than passing a specific Bill for each event.
16. Clauses 1 to 13, clauses 18 to 30, and Schedules 1, 2, 3 and 6 of the Bill require legislative consent. These clauses and Schedules give the Scottish Ministers powers to make regulations applying ticket touting, advertising and trading provisions to qualifying sporting events. They also establish a framework for regulating trading activities within designated trading zones near qualifying sporting events, including

creating offences relating to unauthorised trading. In addition, they make provision for the enforcement of the ticket touting, advertising and trading offences, as well as supplementary provision relating to the operation of the framework, including liability of corporate bodies, fixed penalties, guidance, and financial assistance in connection with sporting events held wholly or partly in Scotland.

17. In relation to clauses 1 to 13, 21, 22, 25 and 27, the requirement for legislative consent 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.
18. **The Scottish Government is recommending consent to all of the relevant provisions of the UK Bill, namely, clauses 1 to 13, 18 to 30, and Schedules 1, 2, 3 and 6.**
19. More detail on the provisions requiring consent and the Scottish Government's reasons for recommending consent is set out in [sLCM-S7-1b](#). This also contains detail on the consultation undertaken by the Scottish Government in relation to the Bill. A draft motion seeking legislative consent is included at the end of sLCM-S7-1b.

Legislative consent procedure

20. Under the Sewel Convention, the UK Parliament does not normally legislate on devolved matters, or to alter the legislative competence of the Parliament or the executive competence of the Scottish Government, without the consent of the Scottish Parliament. Consent is given by means of a resolution of the Parliament.
21. Under Chapter 9B of the Standing Orders, the Scottish Government must lodge a legislative consent memorandum (LCM) in relation to each UK Parliament Bill that contains provision ("relevant provision") that would require the Parliament's consent under the Convention. Sometimes the Scottish Government may be required to lodge one or more supplementary LCMs during the passage of a Bill. It is also possible for an LCM to be lodged by an individual MSP.
22. Every LCM lodged is referred to a lead committee for scrutiny and may also be referred to other committees. If the Bill confers power on the Scottish Ministers to make subordinate legislation, the Delegated Powers and Law Reform Committee (DPLRC) must also consider the LCM and may report on it to the lead committee.
23. Once the lead committee has reported, the Scottish Government normally lodges a motion on legislative consent for consideration in the Chamber. Such a motion may give consent to relevant provision in the Bill, refuse consent to such provision, or a mixture of the two. A draft of the motion is normally included in the LCM.

Delegated Powers and Law Reform Committee

24. The Delegated Powers and Law Reform Committee (DPLRC) considered the LCM and two supplementary LCMs and published [its report](#) on the LCMs on 18 September 2026.

25. A copy of the DPRLC report is attached in the **Annexe** to this paper.

Evidence session

26. At this meeting, the Committee will take evidence on the LCM and two supplementary LCMs from the Cabinet Secretary for Economy, Tourism and Transport and his officials.

Decision

27. **After hearing from the Cabinet Secretary, the Committee will be invited to decide whether to recommend to the Parliament that it agrees the Scottish Government's draft legislative consent motion.**

Report

28. The Committee is required to report to the Parliament on the LCM and two supplementary LCMs.

29. **The Committee is asked to delegate responsibility for the Convener to approve a short factual report to the Parliament on the LCM and two supplementary LCMs, including the outcome of the Committee's decision whether or not to recommend approval of the Scottish Government's draft legislative consent motion.**

**Clerks to the Committee
September 2026**

Annexe – Report from the Delegated Powers and Law Reform Committee

Introduction

- A1. This report considers the delegated powers that are exercisable within devolved competence in the Sporting Events Bill (“the Bill”).
- A2. 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.
- A3. 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

- A4. 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.
- A5. 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.
- A6. 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.
- A7. 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.
- A8. The lead committee is the Economy, Tourism and Energy Committee.

Delegated Powers

- A9. 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.
- A10. 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.
- A11. 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

- A12. 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).
- A13. 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).
- A14. 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.

- A15. 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

- A16. 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.

- A17. 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.

- A18. 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

- A19. 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.

- A20. 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.
- A21. 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.
- A22. 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.
- A23. 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.
- A24. 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.
- A25. The Committee is content with the further information provided by the Scottish Government and highlights it to the lead committee for information.

Procedure

- A26. 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

A27. The Committee is content with the power conferred by clause 2 and with the parliamentary procedure attached to its exercise.

A28. 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

A29. 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

A30. 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.

A31. 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.

A32. 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.

A33. 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.

A34. The Committee is content with the powers in clause 21 and that they are subject to the negative procedure.

A35. 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

A36. 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

A37. 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.

A38. **The DPLR Committee is content with the power conferred on the Secretary of State and with the parliamentary procedures attached to its exercise.**