

# Consultation on the resale of live events tickets – response from the Competition and Markets Authority

## Background

1. The CMA is the UK’s principal competition and consumer authority. It is an independent non-ministerial UK government department. Its responsibilities include carrying out investigations into mergers and markets, and enforcing competition and consumer law. The CMA helps people, businesses, and the UK economy by promoting competitive markets and tackling unfair behaviour.<sup>1</sup>
2. The CMA has a role in providing information and advice to government and public authorities.<sup>2</sup> As the government has recognised, free and fair competition and effective consumer protection support growth by driving forward innovation, increasing productivity, and encouraging investment.<sup>3</sup> It is therefore important that policy decisions take due account of potential impacts on competition and consumers, and the CMA’s information and advice to government is given with this in mind.
3. The CMA welcomes the UK government’s consultation on the resale of live events tickets, and its commitment to improve consumer protections in this sector.<sup>4</sup> We have taken extensive action to protect consumers when buying tickets online in the secondary market. This action has generated a number of important improvements to the practices of the two major ‘uncapped’<sup>5</sup> secondary ticketing platforms in the UK. National Trading Standards has also dedicated significant resource to enforcement in the sector, with criminal convictions secured against six resellers to date. However, despite significant

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<sup>1</sup> The CMA’s statutory duty is to promote competition, both within and outside the UK, for the benefit of consumers.

<sup>2</sup> Under section 7(1) of the Enterprise Act 2002, the CMA has a function of making proposals, or giving information and advice, “on matters relating to any of its functions to any Minister of the Crown or other public authority (including proposals, information or advice as to any aspect of the law or a proposed change in the law)”.

<sup>3</sup> [Strategic steer to the Competition and Markets Authority - GOV.UK](#) (February 2025).

<sup>4</sup> [Putting fans first: consultation on the resale of live events tickets](#) (January 2025).

<sup>5</sup> Uncapped secondary ticketing platforms are online platforms that allow ticket holders to resell tickets to buyers at any price that they choose. The two major uncapped platforms in the UK are StubHub and viagogo. Further detail on the secondary market is provided in the following section.

enforcement action, there are remaining issues in the sector that would require legislative change to address.

4. Our response to the consultation is structured as follows:
  - (a) **The CMA and the market for secondary tickets:** We first outline key features of the secondary ticketing market, provide background on the CMA's enforcement to date, and summarise the recommendations put forward in our 2021 report: [Secondary ticketing report - recommendations to government for improving consumer protection](#).
  - (b) **Price cap proposal:** We highlight some key considerations around the design, implementation, and enforcement of a resale price cap for live event tickets, should government decide to take forward this measure.
  - (c) **Responses to consultation questions:** Our more detailed responses to the consultation questions are set out in the final section of this response.
5. The CMA is happy to discuss the contents of this response with officials. And in line with our commitment to the Secretaries of State for Business and Trade, and for Culture, Media and Sport, we stand ready to provide further support to government as it finalises its approach.<sup>6</sup>

## The CMA and the market for secondary tickets

6. There are two principal motivations for sellers to participate in the secondary ticketing market.
  - Because, despite buying a ticket with the intention of attending an event, their circumstances have changed, and they want to recoup their money.<sup>7</sup>
  - Because they anticipate that demand for the event will exceed supply, and they want to make a profit by reselling the ticket at a price higher than its face value. This includes 'professional' resellers who purchase multiple tickets on the primary market to resell at a profit, and whose activities can compound the excess in ticket demand over supply on the primary market.
7. Online secondary ticketing platforms match sellers of secondary tickets to buyers. These include 'uncapped' platforms, which allow resellers to resell at a price they choose, and 'capped' platforms, which set a limit on what the

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<sup>6</sup> [Letter to government from CMA Chair and CEO](#) (September 2024).

<sup>7</sup> Consumers are not entitled to a statutory cooling-off period for services related to leisure activities if the contract provides for a specific date or period of performance (reg 28(1)(h) of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013).

reseller can charge for the ticket. Although tickets bought through these platforms often come with greater protections than those bought via other channels (e.g. social media), the growth of sales through this channel has also heightened concerns around professional reselling and consumer law compliance.

8. In response to those concerns, the CMA has taken extensive action under consumer law to protect people when buying tickets from resellers online. This action has generated several important improvements to practices of the two major uncapped secondary ticketing platforms in the UK (viagogo and StubHub). These improvements include improved information provision, removal of pressure selling messages, and the prevention of tickets being sold for events that have not yet gone on general sale.<sup>8</sup>
9. Separately, National Trading Standards has also dedicated significant resource to enforcement in the sector, funding enforcement cases against professional ticket resellers for procuring tickets illegally and selling tickets in breach of the law. Criminal convictions have been secured against six resellers to date.
10. In addition, the CMA investigated and intervened in the 2019 merger of the two major uncapped platforms in the UK, on the basis that it would lead to higher fees and worse service for buyers and sellers.<sup>9</sup>
11. However, despite significant enforcement action, there are some remaining issues in the sector, which are recognised by the government in its consultation – in particular, bulk-buying of tickets by professional resellers (sometimes illegally), tickets being advertised for resale with incorrect information, and speculative selling practices.
12. We published recommendations to the government in 2021 to address these issues. In particular, we recommended legislative changes to prohibit platforms from allowing sellers to list more tickets for an event than the seller can legally buy from the primary market, and to ensure platforms were accountable for incorrect information about tickets listed on their websites.<sup>10</sup> We also highlighted in our 2021 recommendations that achieving higher standards of compliance – both with our proposals and with consumer law more generally – would require a different approach to enforcement. With this

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<sup>8</sup> [Secondary ticketing report - recommendations to government for improving consumer protection](#) (August 2021) (“2021 report”), paragraph 14.

<sup>9</sup> The CMA required that viagogo sell StubHub’s business outside of North America (i.e. the part that operated in the UK), such that it was independently owned and run by a separate company, with no input from viagogo.

<sup>10</sup> [2021 report](#), paragraph 19.

in mind, we recommended a licensing regime for secondary ticketing platforms, overseen by a new regulatory function with dedicated funding.

13. While the Digital Markets, Competition and Consumers Act 2024 (DMCC Act) will strengthen the CMA's powers to enforce consumer law, it does not address the issues we have previously identified in relation to:
  - (a) the limitations of the underlying law in relation to the ongoing issues in the sector (for example, around the liability of secondary ticketing platforms for the actions of sellers, and clarity about what exactly those platforms should be required to do in terms of policing their users); or
  - (b) the significant barriers to effective enforcement, including the difficulties in swiftly investigating, evidencing, and tackling breaches, particularly where sellers and platforms are located outside of the UK.
14. The CMA's previous recommendations, taken together, would help to further reduce misleading behaviour and other harmful conduct by resellers and platforms. If successfully enforced, they would lead to a reduction in 'professional reselling' (i.e. touting) – by making it more difficult for professional resellers to sell tickets procured unlawfully, and much harder for professional resellers to sell through secondary ticketing platforms in breach of the law.<sup>11</sup> Accordingly, they align closely with the government's stated objectives for the secondary ticketing market.<sup>12</sup>

## Price cap proposal

15. We recognise that, although the proposals made in our 2021 report could reduce the number of tickets being resold at inflated prices, they would not directly limit resale prices, and may therefore not fully deliver on the government's objectives, including to protect consumers from "excessive resale pricing". By contrast, a resale price cap would have a direct effect on resale prices, provided that a sufficient degree of compliance was secured through a well-designed and adequately resourced enforcement framework (see below).

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<sup>11</sup> [2021 report](#), see paragraphs 21–22.

<sup>12</sup> (i) consumer protection – improving transparency and protecting consumers from misleading or harmful practices, and excessive resale pricing; (ii) access – improving access to live events for fans; (iii) transferability – ensuring that consumers have a safe and secure means to resell tickets where they are no longer able to attend or no longer wish to attend events; (iv) economic success and sustainability – ensuring revenue flows to the live events sector, and not to ticket touts seeking to capitalise on the popularity of live events.

16. Price caps in the context of secondary ticketing would not attract some of the concerns typically associated with such interventions in other markets. In particular, any price cap would be set by reference to the face value / original price in the primary market, and we would not expect price caps in the secondary market to materially affect the supply of tickets in the primary market. However, we do expect the distribution of that supply to change – with a successfully implemented and enforced price cap reducing or eliminating the incentives for professional ‘touting’, we would expect to see an increase in the number of primary tickets available for purchase by consumers intending to attend the event. An effective ban on uncapped resale may increase the overall benefits to consumers, with less consumer surplus being transferred to resellers (including professional resellers who buy tickets with no intention of attending an event).
17. Accordingly, in the context of the government’s intention to protect consumers from “excessive resale pricing”, and its wider objectives for the secondary ticketing market, the CMA supports the government’s proposal for a resale price cap.
18. As with any major policy intervention, however, there are trade-offs to consider and risks to manage. To drive the consumer benefits sought under a resale price cap, it will be important to consider the potential for:
  - (a) widespread circumvention of the price cap, including through the provision of false ticket information by resellers listing on ticketing platforms, and through the use of other sales channels (e.g. social media; sales platforms not specialising in ticket sales; ‘pop-up’ sites), where illegal activity can be more difficult to detect and enforcement can be more challenging;
  - (b) secondary ticketing platforms capturing additional surplus arising from consumers’ high willingness to pay, in the form of higher fees and charges;
  - (c) the interaction of a price cap with primary market restrictions that limit ticket resale to authorised sellers, which could exacerbate the risk of higher fees and charges; and
  - (d) material changes to how the resale market will work, particularly in relation to the business models of uncapped secondary ticketing platforms.
19. If the risks are not managed, it could undermine the policy intention of a price cap to protect consumers from paying significantly inflated prices for resold tickets.

20. In this submission we set out some key design considerations to manage these risks, should government choose to take forward a resale price cap. In particular:

- (a) **A resale price cap should apply to both resellers and secondary ticketing platforms:** We would expect responsibility for complying with any resale price cap to apply to both resellers and secondary ticketing platforms. As outlined in our 2021 report, given the nature of the secondary ticketing market (including the very large number of active resellers), making platforms liable for ensuring tickets listed on their sites are compliant with any price cap would significantly simplify enforcement and improve overall compliance.
- (b) **A licensing regime could help to deliver prompt and effective enforcement in a proportionate, targeted, and cost-effective way:** Inadequate enforcement risks undermining the government's policy objectives for the sector, and creating an uneven playing field that disadvantages sellers and platforms that play by the rules. For high-demand events, there will be strong incentives to circumvent the cap, and any enforcer will need to be able to respond swiftly where, for example, there is widespread non-compliant resale through a particular channel.

An approach that requires a platform to be licensed in order to host listings for resold event tickets would: facilitate prompt enforcement (including taking down listings) against non-compliant, unlicensed platforms or websites; enable flexibility and proportionality in the rules applied to licensed resellers to ensure listings comply with the cap (rather than having obligations 'baked in' to legislation); and help to support consumer trust and confidence by marking out legitimate (i.e. licensed) resale intermediaries.

Reflecting that a dedicated regulatory function, with ringfenced funding, is likely to be required to ensure the sector is prioritised in a way that is consistent with government's objectives, a licensing approach could also be designed to be self-funding, in whole or part.

- (c) **Clarity in the application of a resale price cap will support compliance, enforcement, and consumer decision-making:** A resale price cap that applies to only certain categories of events or venues (i.e. one price rule for general ticket sales, and another price rule for regulated ticket sales) could add significant complexity, leading potentially to consumer confusion, higher compliance burdens, and considerably higher enforcement costs. A price cap which only applies in limited circumstances may mean that incentives for professional resellers to

legally engage in the ticket market would remain – along with the potential for very high resale prices for exempt tickets.

- (d) **To facilitate the implementation of a resale price cap, price information will need to be easily accessible / verifiable:** Primary sellers will hold the information needed to verify the original ticket price, and calculate the ‘capped’ resale price. However, key information on tickets (including ticket pricing) may not always be made easily accessible by primary sellers. This could pose problems where secondary ticketing platforms are required to ensure compliance with any applicable price cap. A proportionate requirement for primary sellers to make available, openly and accessibly, the original ticket prices for an event, together with the range and level of potentially applicable fees, would support transparency, and enable consumers, resellers, platforms, and enforcers to determine compliance with the price cap. This requirement would also help to support competition and a level playing field in the secondary ticketing platform market, by limiting any informational / verification advantage that could distort competition in favour of primary sellers’ own resale platforms. An alternative option (albeit one that doesn’t address the potential competition concerns) would be to require primary sellers to provide ticket buyers in the primary market with specified information in a purchase confirmation that is readily sharable – and requiring platforms to obtain this information before listing.
- (e) **Buyer fees may need oversight:** For event tickets which could otherwise have been sold above a price cap, previously uncapped resale platforms appear likely to have the incentive (and potentially the ability) to charge significantly higher buyer fees than under an uncapped model (especially where there is a reduced overall supply of tickets on the secondary market, as is likely under a resale price cap). This could undermine the policy objective to protect consumers from paying significantly inflated prices for resold tickets. To address this issue, should it arise, the government may wish to consider including powers to regulate buyer fees directly in any price cap legislation. It may also wish to consider – in the context of a price cap being in place – whether consumer law in relation to terms that restrict ticket resale is set appropriately. Such restrictions may increase the ability of platforms to charge higher buyer fees, as the restrictions reduce the number of competing authorised resellers (sometimes to a single platform operated by the primary seller).
- (f) **Monitoring the market to ensure it works well:** The introduction of a resale price cap would be likely to prompt a major change in the way the secondary ticketing market works, particularly in relation to the business models of uncapped secondary ticketing platforms. The exact effects are



difficult to anticipate in advance. Reflecting this, and the sensitivity of market outcomes to the design of the cap, government should consider monitoring the market after any resale price cap is introduced to ensure it delivers good outcomes, in line with its policy objectives, and adjusting the design of the cap to address unforeseen negative consequences. In a well-functioning secondary market, we would expect to see a range of platforms competing on fees and service quality, with sellers and buyers able to confidently compare between platforms, and choose the one offering the best deal.

## Responses to consultation questions

### Understanding the ticket market

***Response to Q1 “We welcome any additional information or evidence you have concerning the live events sector, the pricing of tickets in the primary market, and/or the impacts of secondary ticketing markets on consumers and the live events sector.”***

#### *The secondary ticketing market*

21. As outlined in the consultation document, a combination of factors and incentives can result in primary ticket prices that are below ‘market clearing’ price. This leaves a ‘price gap’ for professional resellers to exploit – especially for high demand events. While the operation of the secondary market may increase allocative efficiency by ensuring tickets are made available to those with the highest willingness to pay, these gains may be offset where professional selling is prevalent.<sup>13</sup> Moreover, allocation on the basis of willingness to pay, and the transfer of consumer surplus to professional resellers, may be inconsistent with primary sellers’ own preferences, and/or the objectives of government, for example around access to culture.
22. Our understanding of the secondary ticketing market – based principally on our 2021 report and our separate merger investigation (also completed in 2021)<sup>14</sup> – is summarised below.

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<sup>13</sup> See, for example, Leslie, P and Sorenson, A, ‘[Resale and Rent-Seeking: An Application to Ticket Markets resale](#)’, *Review of Economic Studies* (2014) 81, 266–300.

<sup>14</sup> Completed acquisition by PUG LLC (viagogo) of the StubHub business of eBay Inc – [Final report](#) (February 2021) (“Merger report”).



23. The main channels that are used to resell tickets are:
- (a) *uncapped secondary ticketing platforms* – online platforms that allow ticket holders (resellers) to resell tickets to buyers at any price that they choose. The CMA’s merger investigation found that most tickets sold through viagogo and StubHub in 2019 had a mark-up over their face value of more than 50%.
  - (b) *capped secondary ticketing platforms* – online platforms that set a limit on what the reseller can charge for the ticket (usually at face value or with a small markup).
  - (c) *non-specialist channels* – such as social media.
  - (d) *offline channels* – such as ticket touts who resell tickets outside venues.
24. The CMA estimated that around 1.9 million tickets were sold across online secondary ticketing platforms in 2019. Based on data provided to the CMA from all the main secondary ticketing platforms at that time, the value of secondary tickets sold in 2019 through online ticketing platforms was around £350 million.
25. The uncapped secondary ticketing platforms are ‘two-sided’ online platforms that enable buyers and resellers to trade tickets for music, sports, theatre, and other live events. The platforms are made up of a set of technical functionalities, marketplace policies, and back office support, and do not at any point take ownership of the ticket inventory – they simply facilitate the buying and reselling of tickets. However, viagogo and StubHub both offer contractual guarantees in relation to purchases through their platform, and in certain circumstances will refund buyers if there is a problem with a ticket they have purchased.
26. There are some unique features of the secondary tickets market that pose particular enforcement challenges. For example, there are limited reputational incentives on resellers to improve the accuracy of the information that they provide to platforms in order to build a reputation for fair dealing, and limited incentives on platforms to proactively identify and address non-compliance.
27. Consumer protection issues in the sector have in the past included the use of misleading pressure selling messages, and the failure of secondary ticket sites to provide refunds to consumers that are entitled to them. We have taken significant enforcement action in response to these issues, including procuring undertakings from a number of uncapped secondary ticketing platforms, who agreed to ensure better information would be given about tickets being resold through their platforms to consumers. We also secured a

court order against viagogo, which required it to overhaul its business practices.<sup>15</sup> Additionally, we have issued open letters to the sector, reminding them of their consumer law obligations and the CMA's expectations.<sup>16</sup>

## Implementing a price cap

***Response to Question 2 “What is the maximum uplift that you think should be applied if ticket resales were to be subject to a price cap? No uplift at all; 10% or less; Between 10 and 20%; Between 20 and 30%; Other – please state.”***

### *Price transparency / verification*

28. To successfully implement a price cap, the level of the capped price must be easily verifiable – i.e. it should be easily ascertainable, including to consumers, whether the cap has been exceeded. The consultation document proposes that the ‘original price’ of a ticket (to which any uplift would apply) include compulsory fees charged by a primary seller. Government will need to consider carefully how the ‘original price’ will be calculated and made accessible, taking into account that different resellers may have paid different fees and delivery costs for the same ticket on the primary market.
29. In New South Wales, Australia, for example, the cap is set at the ‘original acquisition cost’, which includes commissions, booking fees, payment surcharges, or delivery fees. However, these transaction costs are limited under the cap to a maximum of 10 percent of the ticket’s face value.<sup>17</sup> Given the complex range of transaction costs that can be applied to tickets, there may be value in this approach in terms of simplicity – for example, where a resale price is more than 110% of the ticket face value, a breach of the price cap can be more readily identified by a consumer, resale platform, or enforcer. We make further comments on price transparency / verification below (see the response to Question 4).

### *Uplift*

30. There are different potential rationales for introducing an allowable ‘uplift’, or markup. For example, the government may have a specific view on what is ‘fair’ for the primary buyer to recoup. Or there may be concerns about potential unintended consequences in the primary market, such as consumers

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<sup>15</sup> [Summary of the court order secured by the CMA against viagogo - GOV.UK](#).

<sup>16</sup> [Open letter to secondary ticketing website operators](#) (January 2019); [Open letter to event organisers](#) (January 2019).

<sup>17</sup> See section 58E of the [Fair Trading Act 1987](#) (NSW).

delaying the purchase of tickets until they are confident that they will be able to attend.

31. However, introducing an allowable markup can have unintended consequences, such as creating a point of price coordination for sellers. More broadly, an allowable markup could maintain incentives to engage in the ticket market for profit.
32. A 'no uplift' option would align with the approach taken in Ireland (for events and venues covered by the resale price cap) and New South Wales.

***Response to Question 3 “Would the introduction of a price cap be likely to impact the service fees charged by resale platforms to both the buyer and the seller? If so, how?”***

***Buyer fees***

33. Based on our 2019 analysis, buyer fees are generally based on a percentage of the resale price paid.<sup>18</sup> Under existing market conditions, buyer fees on secondary ticketing platforms may be constrained by:
  - (a) ticket availability on the primary market<sup>19</sup> or elsewhere in the secondary market, and
  - (b) competition for resellers and buyers. Generally speaking, each platform is seeking to maximise profit through ticket sales (it wants to be attractive to sellers, and sellers want to list on a platform that is attractive to buyers). Many resellers are seeking to maximise their profit, so platforms need to price fees cognisant of buyer’s overall willingness to pay (WTP).
34. If resale prices were capped, in some cases there would be a significant gap between the resale price and buyers’ WTP. In these circumstances, platforms (especially those who previously operated an uncapped model) may have the incentive to charge high buyer fees to capture this gap.
35. We would generally expect buyers to shop around for the lowest total cost (price plus fees) for the tickets that they want, but buyers do not decide which platforms resellers choose to list their tickets on. For high demand events:

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<sup>18</sup> [Merger report](#), paragraph 5.29.

<sup>19</sup> Although we note that in the [Merger report](#) (at paragraph 6.37), we found that secondary tickets are typically purchased closer to the event, often when there is limited or no equivalent primary ticket available – as reflected in the significant markup over face value.

- (a) *under the uncapped model*, high buyer fees are likely to directly constrain the maximum price a reseller can charge.
- (b) *under a capped model*, high buyer fees would not directly constrain the price received by the reseller (as this is fixed), unless the fees are so high that the tickets remain unsold.
36. On this basis, we would expect that the decision making of resellers provides a weaker constraint on platform buyer fees under a capped model than an uncapped model. Moreover, for high demand events, where tickets are scarce, it seems likely that platforms would focus on attracting sellers (through low or zero fees and other incentives), on the basis that buyers' high WTP, combined with a scarcity of secondary listings limiting their ability to 'shop around', means they can potentially be charged high fees.
37. While it is difficult to predict the exact effects on the market resulting from a resale price cap, for event tickets which could otherwise have been sold above a price cap, platforms appear likely to have the incentive (and potentially the ability) to charge significantly higher buyer fees than under an uncapped model (especially where there is a reduced overall supply of secondary tickets). To the extent this is the case, this could undermine the policy objective to protect consumers from paying significantly inflated prices for resold tickets.
38. To address this issue, should it arise, the government may wish to consider including powers to regulate buyer fees directly in any price cap legislation.

***Response to Question 4 “What would be the main operational requirements that need to be in place for primary sellers and resale platforms, to ensure original ticket prices can be easily identified for the purposes of a resale price cap?”***

*Price transparency / verification*

39. Currently the Consumer Rights Act 2015 (CRA) refers to the face value of the ticket as the amount stated on the ticket as its price. While this could be clarified to ensure it includes relevant fees as appropriate, often purchasers in the primary market may not receive their tickets (either physical or e-tickets) until close to the date of the event.
40. As noted above, to successfully implement a price cap, the level of the capped price (however defined) must be easily verifiable at the time the ticket is resold (see the response to Question 2). In particular, the government will need to ensure ticket price information (at the right level of specificity) is made easily accessible to secondary ticketing platforms, so they can assess

compliance with a resale price cap. This will also be important in order to mitigate the risk that verification requirements distort competition in between secondary ticketing platforms. For example, if the information required to verify compliance with the cap is not easily accessible, such requirements could confer an undue advantage on primary sellers' own resale platforms (or those with which they have exclusive arrangements), or create conditions where primary sellers are able to exploit their control over ticket information to prevent or restrict resale through other platforms.

41. One option is a proportionate requirement for primary sellers to make the full set of original ticket prices for an event, together with the range and level of potentially applicable fees, sufficiently open and accessible up to the date of the event – so that both prospective purchasers in the secondary market and secondary ticketing platforms are able to easily verify the price. Easy access to this information for any enforcer would also support and streamline enforcement, particularly by reducing the resource needed to verify and evidence potential breaches. This might also enable technology-based mechanisms to support compliance or enforcement (for example, automated tools to directly verify and flag lack of compliance with the cap based on the information disclosed by the primary seller).
42. Another option would be to require primary sellers to provide ticket buyers in the primary market with specified ticket information in a purchase confirmation that is readily sharable. Platforms could then be required to obtain this proof of purchase before listing tickets. Such an approach would not, however, provide as direct a benefit to enforcement as a disclosure obligation.
43. In line with our previous recommendations to ensure platform accountability for incorrect ticket information, we would expect that secondary ticketing platforms would be required to comply with any price cap for tickets sold via their platform.

***Response to Questions 6-7 “If ticket resales were subject to a price cap, should the cap apply to all live events taking place in the UK?”; “If a resale price cap did not apply to all live events, what criteria should be used to determine which events are in scope? Venues and events above a certain capacity threshold; Venue and event organisers ‘opting-in’ to being subject to a price cap; Other; Not applicable.”***

*Resale price cap exceptions / targeting*

44. Any derogations or opt-outs from a price cap would need to be scoped clearly and carefully to support efficient enforcement and avoid unintended consequences. In particular, a targeted price cap would likely require a

process to determine which events and/or venues fell within scope, potentially adding to implementation and enforcement costs. It could also make it harder for consumers to determine whether the price cap applies, and add to compliance costs for business (i.e. one price rule for general ticket sales, and another price rule for regulated ticket sales).

45. Additionally, introducing exceptions or targeting a price cap may mean that incentives for professional resellers to legally engage in the ticket market would remain – along with the potential for very high resale prices for exempt tickets.

***Response to Question 10 “What are the risks, unintended effects or practical problems associated with a price cap on ticket resales? How could these be addressed?”***

*Effective enforcement*

46. As outlined above, for high demand events, there are strong incentives for resellers to engage in the market to make a profit. For this reason, alongside any price cap, there would need to be both:
  - (a) a sufficiently high level of detection of breaches of the cap; and
  - (b) a sufficiently high likelihood of penalties being imposed.
47. In other words, any new requirements will need to be accompanied by effective enforcement. Without effective enforcement:
  - (a) *resellers may seek to evade a cap by taking their activity into sales channels that are difficult to monitor:* These sales channels (e.g. social media; ‘pop-up’ sites) are unlikely to provide the same contractual guarantees as more established platforms.<sup>20</sup> Non-specialist platforms are not set up for ticket resale, bringing a risk that they will not ensure that consumer law (and any new resale cap) are complied with.
  - (b) *platforms may be slow to comply:* For example, following introduction of the secondary ticketing measures in the CRA, platforms did not adapt their behaviour significantly, until the CMA took enforcement action.<sup>21</sup>
48. In 2021, to address consumer harm in line with the existing legal framework, we recommended making platforms accountable for incorrect information about tickets, and introducing a licensing regime. Similarly, to support the

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<sup>20</sup> For example, see [2021 report](#), paragraph 1.5.

<sup>21</sup> [2021 report](#), paragraph 3.28.

effectiveness of a resale price cap, we expect it would be necessary to require platforms to comply with the cap (i.e. not just resellers) and to implement a licensing regime.

49. In general, price caps are likely to be simpler to enforce when applied to a regulated industry with a small number of firms. By contrast, in the ticket resale market, the CMA's 2019 analysis (as part of our merger investigation) found that both viagogo and Stubhub had between 40,000 and 75,000 active resellers.<sup>22</sup>
50. Given the nature of the ticket resale market, the incentives under a resale price cap, and the resource required to support ongoing enforcement efforts, effective enforcement of a price cap would require a dedicated regulatory function (with ringfenced funding) to ensure enforcement in the sector is prioritised in a way that is consistent with government's objectives. As outlined below, the CMA considers that a licensing regime could help to deliver prompt and effective enforcement in a proportionate, targeted, and cost-effective way.

## **Platform accountability**

***Response to Questions 11-12 "Should resale platforms be prohibited from allowing sellers to list more tickets than one individual is permitted to buy on the primary market?" "What are the risks of introducing new limits on resale volumes? How could these risks be countered?"***

### *Enforcing ticket limits*

51. Our 2021 report recommended that platforms be prohibited from allowing sellers to list more tickets for an event than the seller is able to legally procure from the primary market. We still consider that this would be an effective way to address the illegal procurement of tickets by professional resellers, and potentially contribute to an overall reduction in professional reselling. However, if the government proceeds with a resale price cap, and that price cap is effective in deterring resellers from bulk purchasing, applying this prohibition to secondary ticketing platforms may not be necessary.
52. Primary sellers often set limits on the number of tickets that an individual can buy for an event via terms and conditions of sale. Consequences for breaching ticket limits may include cancellation of the tickets in accordance with the terms and conditions or, if the purchases involve fraud or the use of 'bots', there may be criminal sanctions. In our 2021 report, we outlined the enforcement challenges in this area and set out the rationale for introducing

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<sup>22</sup> [Merger report](#), paragraph 7.96.



new ticket limit requirements for secondary ticketing platforms. The requirement for platforms to ensure resellers adhere to ticket limits would not directly address enforcement challenges relating to use of ‘bots’, but it would reduce reseller incentives to use ‘bots’ to bulk purchase.

53. For a ticket limit requirement to be effective, any legislation would need to set out a clear definition of a qualifying ticket limit. It would also be important to consider how to ensure information on ticket limits is easily accessible/verifiable. There is a risk that key information on tickets is not always made easily accessible by primary sellers. In the CMA’s open letter to event organisers, we suggest that event organisers make sure that information about restrictions on use is clearly and prominently disclosed on the event home page, and on the first page of the purchase process, on the websites of all official sellers.<sup>23</sup>
54. As with price information (see the response to Question 4), there is a need to mitigate the risk that requirements to verify seller compliance with ticket limits does not distort or restrict competition between secondary ticketing platforms in a way that unduly advantages platforms operated by primary sellers, or those with which they have an exclusive arrangement. This could similarly be achieved through proportionate disclosure requirements on primary sellers.
55. As with a price cap and other additional regulatory requirements, introducing a ticket limit requirement would still need to be accompanied by effective enforcement in order to be effective (see the discussion on effective enforcement in the response to Question 10). Below we address the broader question of platform liability, and its interaction with a licensing regime (see the response to Question 15).

***Response to Questions 13-14 “Should resale platforms be required by law to verify that the seller owns a ticket before it can be listed for resale on their website?” “Should resale platforms be required by law to verify certain key information provided by a reseller about a ticket (for example, original price and location within the venue) before it can be listed for resale on their website?”***

#### *Verifying ticket information*

56. Our 2021 report set out concerns that professional resellers may be providing false information about key details of the tickets that they sell, including fictitious seat numbers, row numbers, and/or face value, and/or false

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<sup>23</sup> [Open letter to event organisers - GOV.UK](#) (January 2019).

information about their own trading name or address.<sup>24</sup> It also set out concerns around speculative selling – a form of arbitrage where a seller will advertise tickets with a mark-up above face value and, once the tickets have sold, buy corresponding tickets on the primary market at face value, with the aim of making a risk-free profit on each sale.<sup>25</sup> To address these issues – and reflecting the enforcement challenges presented by the very large number of active resellers in the secondary market – we recommended that platforms be made liable for incorrect information about tickets listed on their websites or, alternatively, that platforms be required to explicitly verify certain information about tickets.<sup>26</sup>

57. This recommendation was made on the basis of harms occurring in the uncapped secondary market. If a resale price cap resulted in professional resellers no longer operating on secondary ticketing platforms, the concerns outlined above may be reduced (and/or different concerns may arise). Depending on the design of the price cap, and the consequent response of resellers and platforms, there may still be merit in making platforms liable for incorrect ticket information. For example, the cap may create incentives for resellers to supply misleading information about the ticket (including its face value) so that it can be listed at a higher price.

***Response to Question 15 “What steps should ticket resale platforms take to ensure that tickets listed on their websites do not breach requirements under consumer law?”***

*Steps platforms should take to ensure compliance*

58. As outlined above, we are of the view that, if the government proceeds with a resale price cap, both resellers and secondary ticketing platforms should be required to comply. Compliance for platforms would entail verifying the original ticket price, and ensuring that the listing is within the cap.
59. A licensing regime for all platforms that host listings for the sale of secondary tickets could help to deliver prompt and effective enforcement in a proportionate, targeted, and cost-effective way (as outlined below). If implemented, platforms would need to hold a valid licence before listing tickets.
60. In the event that the government does not proceed with a price cap – and consistent with our 2021 recommendations – we support explicitly making

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<sup>24</sup> 2021 report, paragraphs 3.36, 3.39.

<sup>25</sup> 2021 report, paragraphs 3.37–3.38.

<sup>26</sup> 2021 report, paragraphs 19, 3.49.

platforms accountable for incorrect ticket information listed on their site, and requiring platforms to ensure resellers adhere to ticket limits (as outlined above). This would help to reduce consumer harm and support enforcement where an uncapped secondary market remains in place. As outlined above, however, compliance concerns in these areas may not be as prevalent where a well-designed and effectively-enforced price cap is in place. Should the government proceed with a price cap, it may wish to evaluate the effects on seller and buyer behaviour, and market outcomes, before imposing additional requirements on ticketing platforms.

***Response to Question 16 “Should resale platforms be responsible for preventing resale of tickets when the primary seller has prohibited resale under their terms and conditions?”***

*Resale restrictions under a resale price cap*

61. A key justification for resale restrictions on tickets is to ‘protect’ fans from excessive pricing in the secondary ticketing market. If a resale price cap is implemented, it raises a wider policy question around whether the law should allow primary sellers to impose general resale restrictions on consumers. Resale restrictions can cause harm where consumers believe they have legitimately purchased a ticket, and are unexpectedly turned away at the door, or, for example, where consumers might wish to resell a ticket who can no longer attend an event (especially if the primary market does not offer a refund or a mechanism for reselling a ticket).
62. Additionally, resale restrictions can be accompanied by requirements to resell through an ‘authorised’ route, which may include (or be solely limited to) the primary sellers’ own resale platform. Limiting choice on resale platforms in this way can lead to higher fees for both resellers and buyers. If it takes forward a price cap, the government should consider whether the law on resale restrictions is set in a way that supports competition between resale platforms, in the interests of non-professional resellers and buyers. In particular, it may wish to consider prohibiting terms that restrict resale routes (and especially where a licensing regime is in place). Ireland, for example, prohibits cancellation of resold or transferred tickets, unless “on the grounds of safety, public health or public order”.<sup>27</sup>

*Requiring platforms to enforce resale restrictions*

63. As set out above, resale restrictions can generate distortions to competition that may no longer be justifiable in the context of a price cap. Requiring resale

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<sup>27</sup> [Sale of Tickets \(Cultural, Educational, Recreational and Sporting Events\) Act 2021](#) (Ireland), section 19.

platforms to prevent reselling where the primary seller has prohibited resale under their terms and conditions may also create issues under consumer protection law. In particular, certain resale prohibitions might constitute an unfair term under consumer law (and would therefore be unenforceable).<sup>28</sup>

64. The CMA has written an [open letter to event organisers](#) that reminds event organisers of their obligations under consumer protection law, and includes the steps event organisers who use restrictions on resale can take to reduce the risk of the CMA prioritising enforcement action against them for using unfair terms.
65. We do, however, see a strong case for explicitly requiring secondary ticketing platforms to clearly display details of any event-wide resale restrictions. In the CMA's [open letter to secondary ticketing website operators](#), we note our expectation that secondary ticketing platforms should include information (on the listing and on the final check-out page) on whether a ticket is subject to a restriction on use and, if so, what the restrictions are.<sup>29</sup>

## Enhancing enforcement

### ***Response to Question 18 “Should the government review the levels of penalties available for breaches of the Consumer Rights Act and if so, what factors should we consider in respect of these?”***

#### *Monetary penalties*

66. In general, higher penalties could contribute to greater deterrence. However, in our view, it is not particularly helpful to consider the levels of penalties in isolation from the wider enforcement framework. For example, a slightly higher fine will not have a particularly significant impact on deterrence if the chances of being detected and having penalties imposed is low.

### ***Response to Questions 19-20 “Would a licensing system for resale platforms help to address issues on the secondary ticketing market?” “Beyond demonstrating compliance with UK consumer law, should licensed platforms be subject to any further requirements?”***

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<sup>28</sup> Terms which restrict a consumer's right to resell a ticket are open to scrutiny regarding their fairness under Part 2 of the [Consumer Rights Act 2015](#), but they should not automatically be regarded as being unfair terms.

<sup>29</sup> As with other information disclosure / verification requirements on secondary ticketing platforms (see the response to Question 4), there is a need to mitigate the risk that requirements to display information on any event-wide resale restrictions does not distort or restrict competition between secondary ticketing platforms in a way that unduly advantages platforms operated by primary sellers, or those with which they have an exclusive arrangement.

## *Licensing regime*

67. As outlined in our 2021 report (and above), there are ongoing concerns with certain conduct in the secondary ticketing sector that are not easily tackled under the existing regulatory framework. To help address this conduct, in addition to making platforms more accountable, the CMA recommended setting up a new regulatory function (with dedicated funding), with lead responsibility for regulating the uncapped secondary tickets sector, including licensing online platforms.
68. A licensing regime would support enforcement of:
- (a) *existing laws* – for example, it could support enforcers to access information on resellers, by making it a condition of holding a licence to hold and provide information to the relevant authorities.
  - (b) *any new requirements* – for example, it could support efficient enforcement by giving an authority the ability to withdraw a licence for specified conduct (alongside other enforcement mechanisms).
69. A regime that requires a platform to be licensed if it hosts listings for the sale of secondary tickets would also provide significant efficiencies in enforcement against non-compliant, unlicensed platforms or websites.
70. Swift enforcement action against unlicensed platforms would be of heightened importance under a price cap – given the potential for resellers intending to avoid a cap shifting their activity to an array of different sites (e.g. social media; ‘pop-up’ sites). For example, the regime could be designed so that all that an enforcer would need to show to issue a take down notice is that the website is not licensed (rather than a specific breach of consumer law), enabling fast takedown of listings on unlicensed platforms. At the same time, it will be important that unlicensed platforms prevent and take down listings for event tickets at their own initiative.<sup>30</sup> The enforcement regime can help to ensure the right incentives are in place for unlicensed platforms to take the steps necessary to do this.
71. A regulator would need an enforcement toolkit to accompany a licensing regime. As outlined in our [response to the HFEA’s consultation on modernising the regulation of fertility treatment and research involving human embryos](#), licence removal can create a high bar for regulatory action, and should be supported by the power to take earlier, more targeted, regulatory

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<sup>30</sup> See, for example, the CMA’s work on online reviews: [Fake and misleading online reviews trading - GOV.UK](#); [Online reviews - GOV.UK](#).

action when non-compliance is found. Effectively designed licensing regimes provide a level of flexibility to establish proportionate requirements and remedies that are appropriate to the sector, and at a level of detail that would be difficult to achieve directly through primary legislation.

72. Under a resale price cap, a licensing regime would also help to support consumer trust and confidence by marking out legitimate (i.e. licensed) resale intermediaries. It would provide a clear signal to consumers which secondary ticketing platforms have: (i) met the licensing requirements; and (ii) are subject to sector-specific enforcement mechanisms. A well-functioning licensing regime might make it clearer to consumers when they are putting themselves at risk of buying from fraudulent sellers (when buying from unlicensed sites), which has been used as a justification by primary sellers to restrict resale to their own 'authorised' route.<sup>31</sup>
73. Licensing regimes can be designed so that they are self-funded (or partially self-funded). This may be a preferable means of funding dedicated enforcement in relation to the secondary ticketing sector, and ensuring enforcement is prioritised in a way that is consistent with government's objectives.

#### ***Response to Question 21 "What could be the potential unintended consequences of a licensing system?"***

74. A licensing regime would result in some additional compliance costs for licensed secondary ticketing platforms, which are generally passed on to consumers – for example, in the form of higher fees. As outlined above, licensing regimes can be designed so that they are self-funded (or partially self-funded). This may be a preferable means of funding dedicated enforcement in relation to the secondary ticketing sector. It would be important to consider a licensing regime design that meets its objectives, while minimising costs.
75. The scope of powers in our original recommendation for a licensing regime applied to uncapped secondary ticketing platforms only, as this is where we had the greatest compliance concern.<sup>32</sup> However, under a resale price cap that caps prices for live events at close to face value, the compliance/enforcement concerns are likely to be different. As well as

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<sup>31</sup> The Netherlands Authority for Consumers & Markets (ACM) investigated Ticketmaster's conditions for the resale of mobile tickets, based on concerns about the consequences for competition of the restrictions placed on the transfer of mobile tickets. The ACM noted: "According to Ticketmaster, the purpose of using mobile tickets is to prevent fraud" ([Consumers continue to have a choice in resale platforms following Ticketmaster's commitments to ACM | ACM.nl](#)).

<sup>32</sup> 2021 report, paragraph 4.27(a)(ii).

addressing any compliance concerns with licensed secondary ticketing platforms, a licensing regime would facilitate efficient enforcement against unlicensed platforms. A regime should therefore apply broadly under any resale price cap, requiring a platform to be licensed if it hosts listings for the sale of secondary tickets. It would also be important to consider ways in which platforms or sites may seek to avoid the rules. For example, a requirement that applies to any platform ‘targeting UK consumers’ may result in disputes regarding which consumers a platform is targeting – potentially adding costs and delay to enforcement, and allowing tickets to be resold in breach of the cap, pending resolution. One possibility is to instead link the requirement to be licensed to the hosting of listings for the sale of tickets for events taking place in the UK.

76. A licensing regime may also impose some compliance costs on websites that tacitly allow the resale of tickets (e.g. social media) – either because they seek to obtain a licence, or because they will need to take steps to prohibit ticket reselling on their platform.

***Response to Question 22 “How might a licensing system interact with other proposals set out in this consultation, such as a resale price cap?”***

77. Under a resale price cap, a licensing regime could help to deliver prompt and effective enforcement in a proportionate, targeted, and cost-effective way. As outlined above, a regime that requires a platform to be licensed if it hosts listings for the sale of secondary tickets:
- (a) would facilitate prompt enforcement against non-compliant, unlicensed platforms or websites (of heightened importance in the context of a resale price cap, given the potential for resellers intending to avoid a cap shifting their activity to an array of different sites, such as social media, ‘pop-up’ sites, or other marketplace platforms not targeted to ticket resale);
  - (b) would enable flexibility and proportionality in the rules applied to licensed resellers to ensure listings comply with the cap (rather than having obligations ‘baked in’ to legislation);
  - (c) would help to support consumer trust and confidence by marking out legitimate (i.e. licensed) resale intermediaries; and
  - (d) could be designed to be self-funding (in whole or part), which may be a preferable means of funding dedicated enforcement in relation to the secondary ticketing sector.



78. In other jurisdictions, enforcement models vary. For example, in Ireland the resale price cap is enforced by the Garda Síochána (Ireland’s National Police and Security Service).

***Response to Questions 23-24 and 26 “How could participants on the primary market adapt their ticketing distribution approach to reduce the likelihood of tickets appearing on the secondary market at inflated prices?” “How could the live events sector better enforce ticket resale restrictions and harness technology to combat touts and enable more transparent, efficient and safer authorised resale for fans? What are the barriers and is there a role for government to facilitate this?” “What other factors should the primary market and the government consider to address issues identified with ticket resale?”***

*Primary market*

79. There are individual examples of primary sellers successfully preventing touting. These often involve a combination of technical measures and ‘manual’ checks (e.g. Glastonbury Festival).<sup>33</sup> It will generally be more proportionate to take these steps for larger events. We are not aware of industry-led action to address this at significant scale to date, but would be happy to engage on any proposals raised by industry.
80. As set out above, an effectively enforced resale price cap should significantly reduce the incentives for professional resale, and could therefore render unnecessary (and potentially undesirable) action at the primary market level to restrict onward resale.

***Response to Question 25 “How would measures set out in this consultation (notably a price cap) interact with incentives for primary sellers to enable more permissive resale and transferability of tickets for fans?”***

81. As outlined in our response to Question 16, if a resale price cap is implemented, there is a wider policy question around whether the law should allow primary sellers to impose general resale restrictions. When Ireland introduced its resale price cap legislation, for example, it prohibited cancellation of on-sold tickets, unless “on the grounds of safety, public health or public order”.<sup>34</sup>
82. Resale restrictions are often justified with reference to the harms faced by fans in the secondary market. These justifications are less compelling where a resale price cap is in effect (and even more so where a licensing regime is in

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<sup>33</sup> [Glastonbury Festival - Info](#) (Anti-touting guide).

<sup>34</sup> [Sale of Tickets \(Cultural, Entertainment, Recreational and Sporting Events\) Act 2021](#) (Ireland), section 19.

place). Concerns may still remain in relation to illegal resales (i.e. not in compliance with a resale cap and/or not on a licensed platform), but under a resale price cap these sales would be prohibited by legislation.

## **Competition and Markets Authority**

March 2025