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Consultation Response

Which? response to Putting Fans First - A consultation on the resale of live events tickets

Submission date: 3rd April 2025

Summary

Which? welcomes this opportunity to respond to the government's consultation on the resale of live event tickets. This market is out of control, leaving consumers vulnerable to being ripped off, regardless of how much experience they have of buying tickets. It therefore now requires a different and much tougher regulatory approach in the interests of consumers, as well as the live events industry.

The purpose of a well-functioning resale market should be to enable people who have bought a ticket (or tickets) and find that they are no longer able to attend, to be able to sell these tickets to other genuine fans, who missed out on the opportunity to buy tickets in the original sale. These buyers should be able to have confidence that they have bought a genuine ticket at a fair price that will enable them to access the venue and attend the event.

Which? has conducted a nationally representative survey to understand people's experience of the resale market¹ and also asked our supporters to share their experiences². This reinforces this purpose for the resale market and the extent to which it is currently failing consumers.

- The main reason people use secondary ticketing sites to buy tickets is because official sites have sold out (61%). However, only 1 in 10 UK adults actually purchase from secondary sites.
- Ticketing confusion is common - 61% of UK adults say they struggle to understand the differences between ticketing websites. 14% of secondary ticket buyers didn't realise they were on a secondary ticket website at the time of purchase. This was

¹ Yonder, on behalf of Which?, conducted an online nationally representative survey of 4133 UK adults aged 18+. Fieldwork took place between 7th and 17th March 2025.

² Which? shared a survey with our supporters and social followers. This audience included people who support our campaign petitions, used our consumer rights tools and advice, or those who follow us on social media channels. We had over 1400 responses, of this sample 600 supporters had ever purchased tickets from a secondary ticketing site.

reinforced by our supporters: *“Viagogo was the first site that came up when searching for tickets and my unsuspecting teenage daughter didn’t realise it was a reselling site.”*

- 21% of people buying tickets through secondary ticketing websites or social media experienced issues. Of these, 60% never made it to the event. Reasons included being refused entry, receiving a fake or invalid ticket, or never receiving the ticket at all. Additionally, 30% were charged extra fees at the venue.
- In the case of the experience of ticket sellers, reselling is relatively rare at a nationally representative level - just 8% of UK adults have resold a ticket online. Most do so out of necessity: 63% because they could no longer attend and 42% to recover costs. 22% were unable to get a refund from the original seller so they sold on a secondary website.

In response to the government’s proposals:

- **A price cap should be introduced** to ensure that tickets can only be re-sold at the price the tickets were bought for, including any fees that had to be paid in order to buy the original ticket. The drip pricing provisions within the Digital Market Competition and Consumers Act (DMCCA) should ensure that these fees are included in the headline price at the time the consumer makes the purchase. **We do not think that there should be any uplift permitted. This cap should apply across all events.** Our consumer research found that the majority of people also believe that the fairest cap for selling tickets online is one that covers the face value plus fees only - 35% ranked this in first place, followed by a face value cap only (32%). Preference for a face value plus fees only cap was even stronger among those who have resold event tickets in the past with 48% selecting this as their first preference.
- Resale platforms should be **required by law to verify** that the seller owns a ticket before it can be listed for resale on their site and also verify key information about a ticket, such as the original price and location within the venue. They should also be **responsible for preventing the resale of tickets** when the primary seller has prohibited resale.
- **A tougher enforcement regime is required**, including strengthening the levels of penalties for breaches of the updated legislation. We agree that the particular problems in this market may necessitate **a licensing regime** and the Competition and Markets Authority makes a compelling case for why this is even more important if there is a price cap to prevent illegal sales shifting to other sites, such as **social media sites or pop ups**. It is therefore important that these sites are also included within a licensing regime.

Full response

Introduction

Which? welcomes this consultation into how consumer protections when engaging with the ticket resale market can be strengthened. A well-functioning ticket resale market is needed to redistribute tickets between genuine fans, allowing those who cannot attend an event to sell their ticket to other fans and re-coup their losses, while also helping those who may have missed out on a ticket in the initial primary sale to have access to one.

Unfortunately, as set out in the consultation document, the secondary ticketing market as it currently functions does not sufficiently serve the interests of consumers who are buying or selling and instead leaves consumers open to exploitation. Tickets are able to be bought in bulk and sold to consumers at vastly inflated prices, often when tickets are still available on the primary market. This reduces the ability of genuine fans to buy tickets to events when they first go on sale and means that they often have to pay excessive prices in order to secure tickets, potentially to find that the ticket is not even valid.

To inform our response to the government's proposals we have sought to understand what can be learned from how the resale market is regulated in other countries, while also conducting consumer research and seeking input from Which? supporters to get a better understanding of people's experiences and expectations and therefore what reforms are appropriate.

Part 2: Understanding the ticket market

Question 1: We invite you to share 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.

We agree with the two issues identified by the government, firstly that touts drive up the prices and secondly that fraud is a problem. Beyond this, there is plenty of evidence that the market simply does not work well for consumers. They are confused and often have problems with the tickets they buy, which is sometimes but not always related to fraud. Overall, 43% of people have concerns about using the market, likely leading to some not participating.

Consumers' experiences of the market

In March 2025, Which? conducted a nationally representative survey of more than 4,000 UK adults aged over 18 in order to understand their experience of buying and selling tickets on secondary ticketing sites.³ We also shared a survey with our supporters and social followers

³ Yonder, on behalf of Which?, conducted an online nationally representative survey of 4,133 UK adults aged 18+. Fieldwork took place between 7th and 17th March 2025.

and received more than 1,400 responses, of which 600 had previously purchased tickets from a secondary ticketing site.⁴

Our nationally representative survey found that 63% of UK adults have bought event tickets online. The majority of people buying online tickets buy through official websites (eg. Ticketmaster) or direct through the venue (79% respectively), but 10% had bought through a secondary ticketing platform such as StubHub, Viagogo or Twickets. 8% of all people have resold event tickets and 35% of these 35% did so on a secondary ticketing platform.⁵

The main reason why people buy resale tickets from a secondary ticketing platform was because the event sells out on the official site (61%). A quarter (24%) say they were hunting for a bargain and looking for a cheaper price than the official seller and 16% said it was because a secondary ticket website was one of the first results when they searched online.⁶

There is a lot of confusion about which platforms sell primary or secondary tickets. 6 in 10 (61%) of UK adults confessed they are confused - either they were entirely unaware of the differences between primary and secondary sellers (23%) or somewhat aware but not completely sure of the differences (38%). Further, we found that 14% of people buying secondary tickets didn't realise they were on a resale website at the time of purchase. A quarter of people in our supporters survey (26%) using these platforms said they didn't realise they were on a resale website.

Unsurprisingly, 43% of UK adults said they had concerns about buying or considering buying on a secondary website. 30% didn't know which resale sites were legitimate and safe, and 33% had heard negative stories about resale sites. People's biggest concerns were that the ticket might be fake, a scam or not valid.⁷

These concerns are legitimate as 21% of people buying tickets through secondary ticketing websites or social media experienced issues. Of these people, 6 in 10 (60%) never made it to the event - they were either refused entry at the venue, or their ticket was either fake, invalid, or never arrived. 30% said they were charged additional fees at the venue. In addition, nearly 3 in 10 (28%) of those who purchased tickets on secondary websites didn't believe they paid a reasonable price for their tickets bought on secondary websites, and nearly a fifth (19%) of people don't think that the total price (including fees) were transparent when using a secondary ticket website.

⁴ Which? conducted an online survey with 1,400 Which? supporters. This includes Which? members, people who subscribe to receive free Which? newsletters, or follow us on social media.

⁵ Other common ways to resell tickets are on the official resale platform linked to the primary seller (53% of people who had resold a ticket), direct to a friend or family (21%), or on social media (16%).

⁶ Our supporters survey also found that the most common rationale for those using a resale ticket site was because the event was sold out on the official site (79%). 19% said it was the first search result when they looked for tickets online.

⁷ In our supporter survey (which had the larger sample of users of resale platforms), the most common concerns included worries of additional fees (72%). However, there were also concerns about the validity of the tickets, for example: 67% of supporters said they thought the ticket might not be valid, 65% feared they might be refused entry, and 61% thought the ticket might be fake or a scam.

Of our supporters surveyed who purchased tickets from secondary ticketing sites, 31% experienced issues with the tickets. The most common issue included tickets not matching the name (13%), never receiving the ticket (9%), ticket not being valid (7%) and being refused entry to the venue (7%).

“There [were] over 300 people that night who had paid for either fake, invalid or never arrived tickets. Some people had paid 5 X original price and still fake” [Which? supporter survey]

“When we realised they were from a secondary site this caused real worry and anxiety that we had been ripped-off, worry that we would be refused entry (I actually contacted the venue beforehand), and took a shine off what should have been a lovely surprise and day out!” [Which? supporter survey]

The number of consumers reselling on secondary ticketing sites is much smaller than those using them to buy tickets. The main reason people resold on a secondary ticketing website was because of necessity as they or someone in their group could no longer attend the event (63%). Some resell to seek financial recovery (42%), however one in five (22%) said they couldn't get a refund from the original seller. 16% of sellers on secondary websites admitted to listing a ticket for profit and just 11% bought tickets with the intention of reselling them. This suggests, for the vast majority, ticket resale for consumers is about solving a problem rather than making money.

Which? investigations

Which? investigations have also reinforced that the resale market is not working in the interests of the majority of consumers. We have regularly had to warn consumers about how to avoid scams when buying concert tickets and alert people to the fact that the tickets they see offered at vastly inflated prices on secondary ticketing sites may not even be genuine, risking them being turned away by the venue (as also evidenced above). In our most recent Which? investigation, we found tickets listed for more than double the face value price for a range of upcoming gigs, festivals and sports events, some of which explicitly prohibit tickets sold through these secondary ticketing sites.

We have found that touts are quick to buy up and relist tickets for popular events, with presale tickets for Oasis' reunion tour and Beyonce's Cowboy Carter tour listed on Viagogo and Stubhub at hugely inflated prices before general sales had started. The way that the current market is able to operate means that resale tickets are often listed for steep prices even when face value tickets via the primary ticket seller site (such as Ticketmaster) are still available. As our surveys show, consumers may not appreciate that they are buying from a secondary ticketing site rather than from the primary seller, particularly as the secondary platforms are sometimes the first results when a tour name is typed into a search engine such as Google, and consequently they may significantly overpay for tickets.

In recent examples, we found:

- Tickets for Reading Festival listed at £596 on Viagogo and £616 on Stubhub, despite the fact that face value tickets (costing £325) were still available through the official ticket agents. Reading Festival also explicitly lists Viagogo and Stubhub as unauthorised sellers and warns people against buying tickets through them.
- Presale tickets for Beyonce's 2025 Cowboy Carter tour [were being listed at inflated prices on secondary ticketing sites](#) Stubhub and Viagogo before the general sale had even started. On Viagogo, the tickets were listed for between £118 and £2,961, while on Stubhub the highest price was a staggering £23,899. According to Ticketmaster – the tour's official ticket platform – the face value cost of tickets is between £71.60 to £950.

Part 3: Tackling the incentives behind touting

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

The purpose of a well-functioning resale market should be to enable people who have bought a ticket (or tickets, if also buying for friends or family) and who find that they are no longer able to attend, to be able to sell these tickets to other genuine fans, who missed out on the opportunity to buy tickets in the original sale. We therefore support the introduction of a price cap.

We think that the principle that should guide regulation is that consumers should be able to recoup the cost of the ticket and any fees that they have to pay in order to buy the original ticket. The provisions within the DMCC Act on drip pricing should now make it much easier to be able to determine which costs should be included, as consumers will have been given a clear headline price for their ticket, including any extra fees or charges.

We do not understand why consumers would need to be able to charge more than the price they paid for the ticket as that changes the purpose of the market into one where a profit can potentially be made. In order to ensure that the market works fairly for both sellers and buyers, we do not consider that a percentage uplift beyond the resale price, which needs to be carefully defined, is necessary. If this is permitted, it creates different incentives. The outcome of this legislation should be a market that serves the interests of genuine fans and we have concerns that even a potential 10% uplift on a £200 ticket for example, with the possibility of a £20 profit per ticket (£80 if buying for four) could still encourage the purchase of tickets to sell for profit, rather than because of a genuine intention to attend an event.

The legislation that applies in the Republic of Ireland appears a good example in terms of how the resale price should be regulated. We discuss the approach to designation below, which we do not favour, but we do consider that the provision within the Sale of Tickets (Cultural, Entertainment, Recreational and Sporting Events) Act 2021 that the original sale price is the price for which a ticket or ticket package was sold by a primary ticket seller and

includes any additional charge or fee applying to the sale of the ticket or ticket package is a sensible approach.

Our consumer research found that the majority also favour having a resale price cap with no uplift. In our general population survey, people believed the fairest price cap was one that covered the face value plus fees only (35% ranked this in first place). The second most popular option among all consumers was a face value cap only (32%). Only 12% thought that a small profit should be included within a cap and only 5% said they did not think there should be a cap.

Preference for a face value plus fees only cap was even stronger among those who have resold event tickets in the past with 48% selecting this as their first preference. A further 27% favoured a face value only cap (27%). Only 13% of previous resellers favoured a cap that included a small profit along with the face value price and fees, and only 6% said that there should be no price cap.

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?

Yes

We expect that the price cap will affect the service fees charged by resale platforms. In terms of the seller fees, if the cap is implemented and enforced effectively then seller fees may well disappear from the market. Currently, it is only viable to charge sellers a service fee because it can be recouped from the uplift they gain from selling the ticket. If it is not possible to make a profit on touting tickets then this will make seller fees less viable. There already exists a wide choice of platforms, both the resale websites of official primary (sellers) and some independent resale platforms, at which sellers pay no fee then we would expect fans who need to resell their tickets will prefer to use these services.

The impact on the fees resale platforms charge to buyers is more difficult to predict. These fees will not be directly impacted by the price cap, but may well be indirectly affected. It is possible that some resale platforms may try to recoup revenue lost from lowering or removing seller fees by charging higher buyer fees. Unlike sellers of resale tickets, buyers can have little choice in where they choose to purchase - they must go where the tickets are. Given this, and to remove any possibility of platforms being able to circumvent the resale cap by charging excessive buyer fees, it may be necessary to also consider implementing a cap on buyer service fees or, at least, sending a clear and credible signal that the government is prepared to intervene if the market develops in a way that will be harmful to buyers.

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?

Resale platforms will need to be able to verify the capped price and we expect this will require obligations to be placed on primary sellers to ensure this information is easily available to all resale platforms. This is especially important given that primary sellers are competing in the resale market and this requirement should not be allowed to confer a competitive advantage on these firms.

It is desirable that the mechanism chosen to facilitate access to this information is also available to enforcers to ensure compliance by resale platforms.

Question 5: What challenges might exist for primary sellers and resale platforms with a resale price cap?

N/A

Question 6: If ticket resales were subject to a price cap, should the cap apply to all live events taking place in the UK? Please state the reason for your selection.

Yes.

Simplicity of design will be essential to making sure that a resale price cap delivers benefits to consumers. We think that an approach that enables all concerned to easily understand what protections (or obligations) apply is preferable and reduces the risk of creating loopholes that would perpetuate the problems in this market. From a consumer perspective, the cap needs to be easily understandable so that those looking to purchase resale tickets can easily tell whether a seller is complying with the law, reducing the risk of them paying over the odds or buying tickets that are not genuine. Consistent with this, we believe that the simplest application of a resale price cap would be to apply it to all live events taking place in the UK.

We note that in other jurisdictions, ie Australia and the Republic of Ireland, the resale cap does not apply to all events. However, we think this complicates the design of the policy and we see no compelling reason for the cap not to apply universally. Whether or not a cap is placed on the resale price should not be determined by the type of event or an estimate of the likely popularity of an event. Nor should, as in Ireland, the designation of whether an event is subject to the cap be decided by the event organiser, who may for example also have an interest in the secondary ticketing market and may not have consumer interests as their priority.

Question 7: If a resale price cap did not apply to all live events, what criteria should be used to determine which events are in scope? You may select more than one option. Please state the reason for your selection.

not applicable

We do not think that this approach is appropriate for the reasons set out in our response to question 6.

Question 8: If ticket resales were subject to a price cap, should resale above the price cap be permitted where tickets are resold for charitable purposes?

possibly

We think that this would introduce unnecessary complexity that would create confusion and potential ways for the system to be exploited, given the level of criminal activity that already exists. However, we recognise that there may be some very specific circumstances where resale at a higher price could be permitted if these can be very specifically defined eg charity auctions.

Question 9: Aside from charitable purposes, should there be any other circumstances where resale above the price cap is permitted?

no

We are not aware of any circumstances.

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

There are two known risks that are commonly identified: that sites move abroad to avoid enforcement and that it will lead to changing seller behaviour, ie. trying to sell in unregulated ways, and which then increases opportunities for fraud because it drives buyers to less well regulated parts of the internet to buy tickets, eg social media.

We have not heard compelling evidence of this occurring to a significant extent in countries that have introduced a price cap. From our discussions with consumer organisations and/or authorities in countries where a price cap does exist (Ireland, Belgium, Australia), this does not appear to have been the case.

However, it is essential that the intervention is designed in such a way to mitigate the risks of such unintended consequences. That means that the resale price cap and associated enforcement regime need to be designed to mitigate these risks and this will require:

(i) an enforcement regime that covers websites that are based internationally and other parts of the internet including social media and exchange platforms that are not ticketing specialists, and which gives the designated enforcement agency(ies) appropriate powers.

(ii) ensuring the intervention is designed with as little complexity as possible so that consumers can spot where activity looks dodgy and protect themselves.

In any case, it is clear that the market already suffers from an unacceptable level of fraud with our surveys finding consumers who purchased tickets that were either fake, invalid, or never arrived, and so these interventions are needed to address the existing problems as well as avoid unintended consequences.

Part 4 - Making resale platforms more accountable

Question 11: Should resale platforms be prohibited from allowing sellers to list more tickets for an event than one individual is permitted to buy on the primary market? Please state the reason for your selection.

yes

As set out above, we consider that the principle that should guide regulation in this market, reinforced by consumers' expectations in our consumer research, is that consumers should be able to re-coup the cost of the ticket and any fees that they had to pay in order to buy the original ticket. A consumer should therefore only be able to re-sell the number of tickets that they were initially able to buy. If the legislation allows for more tickets to be sold, this creates the incentive for tickets to be bought illegally to be sold for profit, denying genuine fans the opportunity to buy the tickets that they want.

Question 12: What are the risks of introducing new limits on resale volumes? How could these risks be countered?

Please see our response to question 10.

Question 13: 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?

yes

This is essential in order to ensure that consumers who buy tickets from resale platforms can have confidence that they are buying a genuine ticket and to uphold consumer confidence in the market more generally. The platforms are best placed to do this verification.

Question 14: 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?

yes

This is essential to ensure that consumers are paying for a ticket at the genuine price and that it will be valid at the venue. It prevents the resale cap being undermined, leading to consumers paying more for tickets than they should have done. The platforms are best placed to do this verification.

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

Ticket resale platforms and enforcement authorities are best placed to advise on the types of systems they can use that will be most effective.

Question 16: Should resale platforms be responsible for preventing resale of tickets when the primary seller has prohibited resale under their terms and conditions?

yes

Resale platforms should ensure that the tickets that are being traded on their sites are valid tickets. They are best placed to do this verification and prevent consumers being scammed into paying for tickets that will not be accepted by the venue.

Question 17: Should consumers be able to obtain refunds for resold tickets purchased from professional traders through secondary ticketing platforms? Please state the reason for your selection.

other – please state

If the policy intervention is well designed and enforced, this should not be an issue as professional traders won't be incentivised to tout tickets on these platforms.

Part 5 - Enhancing enforcement

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?

yes – please state

It is important that fines are set at a level that will provide an effective deterrent and ensure compliance. The current system does not do this.

Question 19: Would a licensing system for resale platforms help to address issues on the secondary ticketing market and improve the enforcement of consumer law?

Yes

The enforcement regime needs to be considerably strengthened given the persistent level and scale of criminal activity in this market. We are aware of the challenges that the CMA set out when it conducted its review into secondary ticketing - and its recent response to this consultation - as well as the more general challenges facing the consumer enforcement regime, including the very limited resources within Trading Standards Services across the country. The DMCC Act has, as set out in the consultation document, introduced additional powers, including the CMA's direct enforcement regime and ability to issue fines and impose online interface orders.

We do, however, think that the CMA's most recent arguments for a licensing regime in its consultation response are compelling. They argue that a regime that requires a platform to be licensed if it hosts listings for the sale of secondary tickets would provide significant efficiencies in enforcement against non-compliant, unlicensed platforms or websites. Swift action would be of heightened importance under a price cap given the potential for resellers intending to avoid a cap shifting their activity to other sites, including social media or pop-up

sites. We therefore strongly agree that these types of sites must also be included within a license regime.

Question 20: Beyond demonstrating compliance with UK consumer law, should licensed platforms be subject to any further requirements? If so, what should these requirements be?

Holding and providing information to enforcement authorities would also be an important aspect of a licensing regime. It is also important to ensure that platforms share intelligence about criminal activity, ensuring that if there are persistent offenders who are operating across different platforms, they can be identified and prevented.

Question 21: What could be the potential unintended consequences of a licensing system?

We would see any licensing regime as complementary and the purpose would be to make enforcement of the price cap easier and to reduce the risk of unintended consequences.

Question 22: How might a licensing system interact with other proposals set out in this consultation, such as a resale price cap?

We would see any licensing regime as complementary and the purpose would be to make enforcement of the price cap easier and to reduce the risk of unintended consequences.

Part 6 - Promoting industry-led action to improve access for fans

Question 23: How could participants in the primary market adapt their ticketing distribution approach to reduce the likelihood of tickets appearing on the secondary market at inflated prices?

It is more appropriate for the industry to respond to this.

Question 24: 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?

It is more appropriate for the industry to respond to this.

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?

It is more appropriate for the industry to respond to this.

Question 26: What other factors should the primary market and the government consider to address issues identified with ticket resale?

An issue that came through strongly in our consumer research was the level of consumer confusion about whether they were buying from primary or secondary sites. This is exacerbated where secondary sites may be the first seller that a consumer sees when doing an online search for an event.

About Which?

Which? is the UK's consumer champion, here to make life simpler, fairer and safer for everyone. Our research gets to the heart of consumer issues, our advice is impartial, and our rigorous product tests lead to expert recommendations. We're the independent consumer voice that works with politicians and lawmakers, investigates, holds businesses to account and makes change happen. As an organisation we're not for profit and all for making consumers more powerful.

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April 2025