

2010

CHAPTER T-13.1

An Act respecting the Sale of Tickets

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(Assented to May 20, 2010)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Ticket Sales Act*.

Interpretation

2 In this Act:

- (a) “**consumer**” means an individual who participates, as a purchaser, in a transaction involving the sale of a ticket;
- (b) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (c) “**prescribed**” means prescribed in the regulations;
- (d) “**primary seller**” means a person, other than a secondary seller, who is engaged in the business of making tickets available for sale, and includes the owner of the place to which a ticket provides admission, the promoter of the event occurring at that place and any agent or broker of those persons;

(e) “**secondary seller**” means a person, or any agent or broker of that person, who is engaged in the business of making available for sale tickets that have been acquired in any manner and by any person from or through a primary seller;

(f) “**ticket**” means any card, pass, paper, document or thing, whether in electronic form or otherwise, that, on presentation, entitles the holder to admission to an event.

Non-application of Act

3 This Act, or any prescribed provision of this Act, does not apply:

- (a) to any prescribed person or any prescribed class of persons; or
- (b) in any prescribed circumstance.

Prohibitions re primary seller and secondary seller

4(1) In this section, a primary seller and a secondary seller are associated if they are associates within the meaning of *The Business Corporations Act*.

(2) Subject to any prescribed exception, no secondary seller shall make a ticket available for sale for admission to an event in Saskatchewan if a ticket to the same event is or has been made available for sale by a primary seller who is associated with the secondary seller.

No references or links to secondary sellers permitted

5 Subject to any prescribed exception, no primary seller shall permit, for an event that will take place in Saskatchewan, a reference to, or a link to, a secondary seller:

- (a) in the primary seller’s promotional material;
- (b) on an Internet website of the primary seller; or
- (c) as part of any sale of tickets by the primary seller.

Restrictions re advertising of tickets and sales

6(1) No person, other than a primary seller, shall sell, advertise or list for sale, in any manner, any tickets to an event in Saskatchewan until at least 48 hours after the tickets to the same event were made available to the general public by a primary seller.

(2) No person, other than a primary seller, shall sell, advertise or list for sale, in any manner, any tickets to an event in Saskatchewan unless the tickets are in the person’s possession or control.

(3) In the prescribed circumstances, no primary seller shall sell tickets to purchasers outside a prescribed geographic region for a prescribed period.

Software

7(1) In this section:

- (a) **“bot”** means a computer software application that runs automated tasks on the Internet;
- (b) **“software”** means any computer program that has the effect of interfering with the operation of any person that sells tickets over the Internet, whether through the use of a bot or otherwise.

(2) No person shall use or sell software to circumvent any of the following on a ticket seller’s Internet website:

- (a) a security measure;
- (b) an access control system;
- (c) a control or measure that is used to ensure an equitable ticket buying process.

Information and reports by owners of public venues

8 Every venue owned or operated by the province or a municipality at which events are held shall, in accordance with the regulations:

- (a) provide a report to the minister; and
- (b) disclose the prescribed information to the public.

Consumer may commence action

9(1) Subject to subsection (2), a consumer who has suffered a loss as a result of a contravention of section 4, 5, 6 or 7 may commence an action in a court against a person who has contravened one of those provisions.

(2) A consumer seeking a remedy mentioned in clause 10(1)(c) or (d) must commence the action in the Court of Queen’s Bench.

Court order

10(1) If a court finds that a person has contravened section 4, 5, 6, or 7, the court may:

- (a) order restitution of any money or other consideration given or furnished by the consumer;
- (b) award the consumer damages in the amount of any loss suffered because of the contravention, including punitive or exemplary damages;
- (c) grant an injunction restraining the person from continuing to contravene the provision;
- (d) make an order of specific performance against the person; or
- (e) make any other order the court considers appropriate.

(2) An order pursuant to clause (1)(b) for exemplary or punitive damages may not be made against a person if the person took reasonable precautions and exercised due diligence to avoid contravening section 4, 5, 6 or 7.

Offences and penalties

11(1) No person shall contravene any provision of this Act or the regulations.

(2) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction:

- (a) for a first offence:
 - (i) in the case of an individual, to a fine of not more than \$5,000, to imprisonment for a term of not more than one year or to both; and
 - (ii) in the case of a corporation, to a fine of not more than \$100,000; and
- (b) for a second or subsequent offence:
 - (i) in the case of an individual, to a fine of not more than \$10,000, to imprisonment for a term of not more than one year or to both; and
 - (ii) in the case of a corporation, to a fine of not more than \$500,000.

(3) Every director, officer or agent of a corporation who directed, authorized, assented to or acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

Limitation on prosecution

12 No prosecution for a contravention of this Act or the regulations is to be commenced more than two years from the date on which the offence is alleged to have been committed.

Regulations

13 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) exempting any person or any class of persons from this Act or any prescribed provision of this Act and, as a condition of the exemption, requiring any person or class of persons to comply with any prescribed term or condition, and prescribing any circumstance in which this Act or any prescribed provision of this Act does not apply;
- (c) for the purposes of subsection 6(3):
 - (i) prescribing a geographic region outside of which a primary seller shall not sell tickets;
 - (ii) prescribing the circumstances in which a primary seller shall not sell tickets to purchasers outside the geographic region prescribed pursuant to subclause (i); and
 - (iii) prescribing a period within which a primary seller shall not sell tickets outside the geographic region prescribed pursuant to subclause (i);

- (d) respecting the report to be provided to the minister pursuant to section 8, including:
 - (i) prescribing the information to be included in the report;
 - (ii) prescribing the manner in which the report is to be provided; and
 - (iii) prescribing the times at which the report is to be provided;
- (e) respecting the information to be disclosed to the public pursuant to section 8, including:
 - (i) prescribing the information to be disclosed;
 - (ii) prescribing the manner in which the information is to be disclosed; and
 - (iii) prescribing the times at which the information is to be disclosed;
- (f) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Coming into force

14 This Act comes into force on proclamation.

