



# Consumer Scotland Act 2020

## 2020 asp 11

### PART 3

#### INTERPRETATION AND FINAL PROVISIONS

#### 24 Meaning of “consumer”

(1) In this Act, “consumer” means—

- (a) an individual—
  - (i) who purchases, uses or receives, in Scotland, goods or services which are supplied in the course of a business carried on by the person supplying them, and
  - (ii) who is not purchasing, using or receiving the goods or services wholly or mainly in the course of a business carried on by the individual, or
- (b) a business (including a business carried on by an individual)—
  - (i) which is no larger than a small business, and
  - (ii) which purchases, uses or receives, in Scotland, goods or services which are supplied in the course of a business carried on by the person supplying them.

(2) For the purposes of subsection (1)—

- (a) a consumer includes both an existing consumer and a potential consumer,
- (b) a person who uses services includes, in relation to postal services, an addressee.

#### Commencement Information

II [S. 24](#) in force at 1.4.2022 by [S.S.I. 2021/464](#), [reg. 2](#)

#### 25 Interpretation

In this Act—

“business” includes a profession, a not for profit enterprise (within the meaning of section 252(1F) of the Town and Country Planning (Scotland) Act 1997) and the

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*Changes to legislation: There are currently no known outstanding effects for the Consumer Scotland Act 2020, PART 3. (See end of Document for details)*

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activities of any government department, local or public authority or other public body,

“consumer” has the meaning given by section 24,

“consumer matters” means—

- (a) the interests of consumers, and
- (b) any matter connected with those interests,

“goods” includes land or an interest in land,

“vulnerable consumers” means consumers who, by reason of their circumstances or characteristics—

- (a) may have significantly fewer or less favourable options as consumers than a typical consumer, or
- (b) are otherwise at a significantly greater risk of—
  - (i) harm being caused to their interests as consumers, or
  - (ii) harm caused to those interests being more substantial,

than would be the case for a typical consumer.

## 26 Regulations

- (1) Any power conferred by this Act on the Scottish Ministers to make regulations includes the power to make—
  - (a) different provision for different cases or descriptions of case or for different purposes,
  - (b) such incidental, supplementary, consequential, transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient.
- (2) Regulations under the following sections are subject to the affirmative procedure—
  - (a) section 9(2)(d),
  - (b) section 21(2).
- (3) Regulations under section 20(1) or 27(1)—
  - (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
  - (b) otherwise, are subject to the negative procedure.
- (4) Regulations under the following provisions are subject to the negative procedure—
  - (a) section 4(1)(c),
  - (b) section 5(1)(c),
  - (c) section 7(8),
  - (d) section 9(6)(a) and (b),
  - (e) section 13(2),
  - (f) paragraph 2(6) of schedule 1.
- (5) This section does not apply to regulations under section 29(2).

## 27 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for

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the purposes of, in connection with or for giving full effect to this Act or any provision made under it.

- (2) Regulations under subsection (1) may modify any enactment (including this Act).

## **28 Amendment of public bodies legislation**

Schedule 2 amends other Acts so that their provisions apply to Consumer Scotland.

### **Commencement Information**

**I2** [S. 28](#) in force at 1.4.2022 by [S.S.I. 2021/464](#), [reg. 2](#)

## **29 Commencement**

- (1) This section and sections 25, 26, 27 and 30 come into force on the day after Royal Assent.
- (2) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
- (a) make different provision for different purposes,
  - (b) include transitional, transitory or saving provision.

## **30 Short title**

The short title of this Act is the Consumer Scotland Act 2020.

**Changes to legislation:**

There are currently no known outstanding effects for the Consumer Scotland Act 2020, PART 3.