

ELIZABETH II



1971 CHAPTER 30

An Act to make provision for the greater protection of persons receiving unsolicited goods, and to amend the law with respect to charges for entries in directories.
[12th May 1971]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) In the circumstances specified in the following subsection, a person who after the commencement of this Act receives unsolicited goods, may as between himself and the sender, use, deal with or dispose of them as if they were an unconditional gift to him, and any right of the sender to the goods shall be extinguished.

Rights of recipient of unsolicited goods.

(2) The circumstances referred to in the preceding subsection are that the goods were sent to the recipient with a view to his acquiring them, that the recipient has no reasonable cause to believe that they were sent with a view to their being acquired for the purposes of a trade or business and has neither agreed to acquire nor agreed to return them, and either—

- (a) that during the period of six months beginning with the day on which the recipient received the goods the sender did not take possession of them and the recipient did not unreasonably refuse to permit the sender to do so; or
- (b) that not less than thirty days before the expiration of the period aforesaid the recipient gave notice to the sender in accordance with the following subsection, and that during the period of thirty days beginning with the day on which the notice was given the sender did not take possession of the goods and the recipient did not unreasonably refuse to permit the sender to do so.

(3) A notice in pursuance of the preceding subsection shall be in writing and shall—

- (a) state the recipient's name and address and, if possession of the goods in question may not be taken by the sender at that address, the address at which it may be so taken;
- (b) contain a statement, however expressed, that the goods are unsolicited,

and may be sent by post.

(4) In this section "sender", in relation to any goods, includes any person on whose behalf or with whose consent the goods are sent, and any other person claiming through or under the sender or any such person.

Demands and threats regarding payment.

2.—(1) A person who, not having reasonable cause to believe there is a right to payment, in the course of any trade or business makes a demand for payment, or asserts a present or prospective right to payment, for what he knows are unsolicited goods sent (after the commencement of this Act) to another person with a view to his acquiring them, shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding £200.

(2) A person who, not having reasonable cause to believe there is a right to payment, in the course of any trade or business and with a view to obtaining any payment for what he knows are unsolicited goods sent as aforesaid—

- (a) threatens to bring any legal proceedings; or
- (b) places or causes to be placed the name of any person on a list of defaulters or debtors or threatens to do so; or
- (c) invokes or causes to be invoked any other collection procedure or threatens to do so,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £400.

Directory entries.

3.—(1) A person shall not be liable to make any payment, and shall be entitled to recover any payment made by him, by way of charge for including or arranging for the inclusion in a directory of an entry relating to that person or his trade or business, unless there has been signed by him or on his behalf an order complying with this section or a note complying with this section of his agreement to the charge and, in the case of a note of agreement to the charge, before the note was signed, a copy of it was supplied, for retention by him, to him or to a person acting on his behalf.

(2) A person shall be guilty of an offence punishable on summary conviction with a fine not exceeding £400 if, in a case where a payment in respect of a charge would, in the absence of an order or note of agreement to the charge complying with this section, be recoverable from him in accordance with the terms of subsection (1) above, he demands payment, or asserts a present

or prospective right to payment, of the charge or any part of it, without knowing or having reasonable cause to believe that the entry to which the charge relates was ordered in accordance with this section or a proper note of agreement has been duly signed.

(3) For the purposes of subsection (1) above, an order for an entry in a directory must be made by means of an order form or other stationery belonging to the person to whom, or to whose trade or business, the entry is to relate and bearing, in print, the name and address (or one or more of the addresses) of that person; and the note required by this section of a person's agreement to a charge must state the amount of the charge immediately above the place for signature, and—

(a) must identify the directory or proposed directory, and give the following particulars of it—

(i) the proposed date of publication of the directory or of the issue in which the entry is to be included and the name and address of the person producing it;

(ii) if the directory or that issue is to be put on sale, the price at which it is to be offered for sale and the minimum number of copies which are to be available for sale;

(iii) if the directory or that issue is to be distributed free of charge (whether or not it is also to be put on sale), the minimum number of copies which are to be so distributed; and

(b) must set out or give reasonable particulars of the entry in respect of which the charge would be payable.

(4) Nothing in this section shall apply to a payment due under a contract entered into before the commencement of this Act, or entered into by the acceptance of an offer made before that commencement.

4.—(1) A person shall be guilty of an offence if he sends or causes to be sent to another person any book, magazine or leaflet (or advertising material for any such publication) which he knows or ought reasonably to know is unsolicited and which describes or illustrates human sexual techniques. Unsolicited publications.

(2) A person found guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £100 for a first offence and to a fine not exceeding £400 for any subsequent offence.

(3) A prosecution for an offence under this section shall not in England and Wales be instituted except by, or with the consent of, the Director of Public Prosecutions.

5.—(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any Offences by corporations.

neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or of any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Interpretation.

6.—(1) In this Act, unless the context or subject matter otherwise requires,—

“acquire” includes hire;

“send” includes deliver, and “sender” shall be construed accordingly;

“unsolicited” means, in relation to goods sent to any person, that they are sent without any prior request made by him or on his behalf.

(2) For the purposes of this Act any invoice or similar document stating the amount of any payment, and not stating as prominently (or more prominently) that no claim is made to the payment, shall be regarded as asserting a right to the payment.

Citation,
commence-
ment and
extent.

7.—(1) This Act may be cited as the Unsolicited Goods and Services Act 1971.

(2) This Act shall come into force at the expiration of three months beginning with the day on which it is passed.

(3) This Act does not extend to Northern Ireland.

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