

Consumer Rights Act 2015

CHAPTER 15

CONSUMER RIGHTS ACT 2015

PART 1

CONSUMER CONTRACTS FOR GOODS, DIGITAL CONTENT AND SERVICES

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- 10 Goods to be fit for particular purpose
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- 13 Goods to match a sample
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- 37 Other pre-contract information included in contract
- 38 No other requirement to treat term about quality or fitness as included
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- 40 Quality, fitness and description of content supplied subject to modifications
- 41 Trader's right to supply digital content

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- 43 Right to repair or replacement
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- 53 Relation to other law on contract terms

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61 Contracts and notices covered by this Part

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SCHEDULE 1 — Amendments consequential on Part 1

- 1 Supply of Goods (Implied Terms) Act 1973 (c. 13)
- 2 For "hire-purchase agreement" (or "hire purchase agreement") in each place,...
- 3 (1) Section 10 (implied undertakings as to quality or fitness)...
- 4 (1) Section 11A (modification of remedies for breach of statutory...
- 5 In section 12A (remedies for breach of hire-purchase agreement as...
- 6 Omit section 14 (special provisions as to conditional sale agreements)....
- 7 (1) Section 15 (supplementary) is amended as follows.
- 8 Sale of Goods Act 1979 (c. 54)
- 9 In section 1 (contracts to which Act applies), after subsection...
- 10 In section 11 (when condition to be treated as warranty),...
- 11 In section 12 (implied terms about title etc), after subsection...
- 12 In section 13 (sale by description), after subsection (4) insert—...
- 13 (1) Section 14 (implied terms about quality or fitness) is...
- 14 In section 15 (sale by sample), after subsection (4) insert—...
- 15 In section 15A (modification of remedies for breach of condition...
- 16 (1) Section 15B (remedies for breach of contract as respects...
- 17 (1) In section 20 (passing of risk), for subsection (4)...

- 18 In section 29 (rules about delivery), after subsection (3) insert—...
- 19 (1) Section 30 (delivery of wrong quantity) is amended as...
- 20 In section 31 (instalment deliveries) after subsection (2) insert—
- 21 In section 32 (delivery to carrier), for subsection (4) substitute-...
- 22 (1) Section 33 (risk where goods are delivered at distant...
- 23 (1) Section 34 (buyer's right of examining the goods) is...
- 24 (1) Section 35 (acceptance) is amended as follows.
- 25 In section 35A (right of partial rejection), after subsection (4)...
- 26 (1) Section 36 (buyer not bound to return rejected goods)...
- 27 Omit Part 5A (additional rights of buyer in consumer cases)....
- 28 In section 51 (damages for non-delivery), after subsection (3) insert—...
- 29 In section 52 (specific performance), after subsection (4) insert—
- 30 In section 53 (remedy for breach of warranty), after subsection...
- 31 In section 53A (measure of damages as respects Scotland), after...
- 32 (1) Section 54 (interest) is amended as follows.
- 33 In section 55 (exclusion of implied terms), after subsection (1)...
- 34 (1) Section 58 (payment into court in Scotland) is amended...
- 35 (1) Section 61 (interpretation) is amended as follows.
- 36 In section 62(2) (savings for rules of law etc), for...
- 37 Supply of Goods and Services Act 1982 (c. 29)
- 38 In each place— (a) for "contract for the transfer of...
- 39 In section 1 (the contracts concerned: transfer of property in...
- 40 In section 4 (implied terms about quality or fitness in...
- 41 In section 5A (modification of remedies for breach of statutory...
- 42 In section 6 (the contracts concerned: hire of goods, as...
- 43 In section 9 (implied terms about quality or fitness in...
- 44 In section 10A (modification of remedies for breach of statutory...
- 45 In section 11A (the contracts concerned: transfer of property in...
- 46 In section 11D (implied terms about quality or fitness in...
- 47 In section 11F (remedies for breach of contract) omit subsections...
- 48 In section 11G (the contracts concerned: hire of goods, as...
- 49 In section 11J (implied terms about quality or fitness in...
- 50 Omit Part 1B (additional rights of transferee in consumer cases)....
- 51 In section 12 (the contracts concerned: supply of services, as...
- 52 (1) Section 18 (interpretation: general) is amended as follows.
- 53 Sale and Supply of Goods to Consumers Regulations 2002 (SI 2002/3045)
- 54 Regulatory Enforcement and Sanctions Act 2008 (c. 13)
- 55 Consequential repeal and revocation

SCHEDULE 2 — Consumer contract terms which may be regarded as unfair PART 1 — LIST OF TERMS

- 1 A term which has the object or effect of excluding...
- 2 A term which has the object or effect of inappropriately...
- 3 A term which has the object or effect of making...
- 4 A term which has the object or effect of permitting...
- 5 A term which has the object or effect of requiring...
- 6 A term which has the object or effect of requiring...
- 7 A term which has the object or effect of authorising...
- 8 A term which has the object or effect of enabling...
- 9 A term which has the object or effect of automatically...
- 10 A term which has the object or effect of irrevocably...
- 11 A term which has the object or effect of enabling...

- 12 A term which has the object or effect of permitting...
- 13 A term which has the object or effect of enabling...
- 14 A term which has the object or effect of giving...
- 15 A term which has the object or effect of permitting...
- 16 A term which has the object or effect of giving...
- 17 A term which has the object or effect of limiting...
- 18 A term which has the object or effect of obliging...
- 19 A term which has the object or effect of allowing...
- 20 A term which has the object or effect of excluding...
- PART 2 SCOPE OF PART 1
- 21 Financial services
- 22 Paragraph 11 (variation of contract without valid reason) does not...
- 23 Contracts which last indefinitely
- 24 Sale of securities, foreign currency etc
- 25 Price index clauses

SCHEDULE 3 — Enforcement of the law on unfair contract terms and notices

- 1 Application of Schedule
- 2 Consideration of complaints
- 3 Application for injunction or interdict
- 4 Notification of application
- 5 Determination of application
- 6 Undertakings
- 7 Publication, information and advice
- 8 Meaning of "regulator"
- 9 Other definitions
- 10 The Financial Conduct Authority

SCHEDULE 4 — Amendments consequential on Part 2

- 1 Misrepresentation Act 1967 (c. 7)
- 2 Unfair Contract Terms Act 1977 (c. 50)
- 3 In section 1(2) (scope of Part 1) for "to 4"...
- 4 In section 2 (negligence liability), after subsection (3) insert—
- 5 (1) Section 3 (liability arising in contract) is amended as...
- 6 Omit section 4 (unreasonable indemnity clauses).
- 7 Omit section 5 ("guarantee" of consumer goods).
- 8 (1) Section 6 (sale and hire-purchase) is amended as follows....
- 9 (1) Section 7 (miscellaneous contracts under which goods pass) is...
- 10 Omit section 9 (effect of breach of contract).
- 11 Omit section 12 ("dealing as consumer").
- 12 In section 13(1) (varieties of exemption clauses) for "and 5...
- 13 In section 14 (interpretation of Part 1), at the appropriate...
- 14 (1) Section 15 (scope of Part 2) is amended as...
- 15 In section 16 (liability for breach of duty), after subsection...
- 16 (1) Section 17 (control of unreasonable exemptions in consumer or...
- 17 Omit section 18 (unreasonable indemnity clauses in consumer contracts).
- 18 Omit section 19 ("guarantee" of consumer goods).
- 19 (1) Section 20 (obligations implied by law in sale and...
- 20 (1) Section 21 (obligations implied by law in other contracts...
- 21 Omit section 22 (consequence of breach of contract).
- 22 (1) Section 25 (interpretation of Part 2) is amended as...
- 23 In section 26(2) (international supply contracts) omit "or 4".

- 24 (1) Section 27 (choice of law clauses) is amended as...
- 25 Omit section 28 (temporary provision for sea carriage of passengers)....
- 26 (1) Schedule 1 (scope of sections 2 to 4 and...
- 27 In Schedule 2 ("guidelines" for application of reasonableness test), for...
- 28 Companies Act 1985 (c. 6)
- 29 Merchant Shipping Act 1995 (c. 21)
- 30 Arbitration Act 1996 (c. 23)
- 31 (1) Section 89 (application of unfair terms regulations to consumer...
- 32 For section 90 (regulations apply where consumer is a legal...
- 33 In section 91(1) (arbitration agreement unfair where modest amount sought)...
- 34 Unfair Terms in Consumer Contracts Regulations 1999 (S.I. 1999/2083)
- 35 Enterprise Act 2002 (c. 40)
- 36 Companies Act 2006 (c. 46)
- 37 (1) Section (A) of Part 2 of Schedule 2 (specified...
- 38 (1) Part 2 of Schedule 11A (specified descriptions of disclosures...
- 39 Consequential repeals

SCHEDULE 5 — Investigatory powers etc.

- PART 1 BASIC CONCEPTS
- 1 Overview
- 2 Enforcers
- 3 Domestic enforcers
- 4 EU enforcers
- 5 Public designated enforcers
- 6 Unfair contract terms enforcer
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 - PART 2 THE ENFORCER'S LEGISLATION
- 9 Enforcer's legislation
- 10 Enforcer's legislation: duties and powers mentioned in paragraph 9(1) (a)
- 11 Enforcer's legislation: legislation mentioned in paragraph 9(1)(b)
- 12 Powers to amend paragraph 10 or 11
 - PART 3 POWERS IN RELATION TO THE PRODUCTION OF INFORMATION
- 13 Exercise of powers in this Part
- 14 Power to require the production of information
- 15 Procedure for notice under paragraph 14
- 16 Enforcement of notice under paragraph 14
- 17 Limitations on use of information provided in response to a notice under paragraph 14
- 18 Application to Crown PART 4 — FURTHER POWERS EXERCISABLE BY DOMESTIC ENFORCERS AND EU ENFORCERS
 - Exercise of powers in this Part: domestic enforcers
- 20 Exercise of powers in this Part: EU enforcers
- 21 Power to purchase products
- 22 Power to observe carrying on of business etc
- 23 Power to enter premises without warrant
- 24 Application of paragraphs 25 to 31
- 25 Power to inspect products etc
- 26 Power to test equipment
- 27 Power to require the production of documents

- 28 Power to seize and detain goods
- 29 Power to seize documents required as evidence
- 30 Power to decommission or switch off fixed installations
- 31 Power to break open container etc
- 32 Power to enter premises with warrant
- 33 Entry to premises under warrant
- 34 Power to require assistance from person on premises
- 35 Definitions for purposes of this Part

PART 5 — PROVISIONS SUPPLEMENTARY TO PARTS 3 AND 4

- 36 Offence of obstruction
- 37 Offence of purporting to act as officer
- 38 Access to seized goods and documents
- 39 Notice of testing of goods
- 40 Appeals against detention of goods and documents
- 41 Compensation
- 42 Meaning of "goods" in this Part
 - PART 6 EXERCISE OF ENFORCEMENT FUNCTIONS BY AREA ENFORCERS
- 43 Interpretation of this Part
- 44 Investigatory powers
- 45 Civil proceedings
- 46 Criminal proceedings

SCHEDULE 6 — Investigatory powers: consequential amendments

- 1 Registered Designs Act 1949 (c. 88)
- 2 Trade Descriptions Act 1968 (c. 29)
- 3 In section 26 (enforcing authorities) after subsection (1) insert—
- 4 Omit section 27 (power to make test purchases).
- 5 Omit section 28 (power to enter premises and inspect and...
- 6 Omit section 29 (obstruction of authorised officers).
- 7 Omit section 30 (notice of test and intended prosecution).
- 8 Omit section 33 (compensation for loss, etc of goods seized...
- 9 (1) Section 40 (provisions as to Northern Ireland) is amended...
- 10 Hallmarking Act 1973 (c. 43)
- 11 Prices Act 1974 (c. 24)
- 12 Consumer Credit Act 1974 (c. 39)
- 13 In section 161 (enforcement authorities), after subsection (1A) insert—
- 14 Omit section 162 (powers of entry and inspection).
- 15 Omit section 163 (compensation for loss).
- 16 Omit section 164 (power to make test purchases etc).
- 17 Omit section 165 (obstruction of authorised officers).
- 18 In Schedule 1 (prosecution and punishment of offences) omit the...
- 19 Estate Agents Act 1979 (c. 38)
- 20 In section 3(1)(cb) (power to make orders prohibiting unfit persons...
- 21 In section 9 (information for the lead enforcement authority) omit...
- 22 Omit section 11 (powers of entry and inspection).
- 23 Omit section 11A (failure to produce information).
- 24 In section 26 (enforcement authorities), after subsection (1) insert—
- 25 Omit section 27 (obstruction and personation of authorised officers).
- 26 (1) Paragraph 14 of Schedule 2 (applications under sections 6(1)...
- 27 Video Recordings Act 1984 (c. 39)
- 28 Weights and Measures Act 1985 (c. 72)
- 29 In section 38(2) (special powers of inspectors with respect to...
- 30 Omit section 42 (power to make test purchases).

- 32 Before section 80 insert— Investigatory powers For the investigatory powers available to a local weights and...
- 33 In section 80 omit "or the packaged goods regulations".
- 34 In section 81(1)(b) (failure to provide assistance or information) omit...
- 35 (1) Section 84 (penalties) is amended as follows.
- 36 In paragraph 21(2)(b) of Schedule 11 (application of provisions applying...
- 37 Consumer Protection Act 1987 (c. 43)
- 38 In section 27 (enforcement) after subsection (3) insert—
- 39 Omit section 28 (test purchases).
- 40 (1) Section 29 (powers of search etc) is amended as...
- 41 (1) Section 30 (provisions supplemental to section 29) is amended...
- 42 In section 31(1) (power of customs officer to detain goods)...
- 43 In section 32(1) (obstruction of authorised officer)—
- 44 In section 33(1) (appeals against detention of goods) for "any...
- 45 In section 34(1) (compensation for seizure and detention) for "29"...
- 46 In section 44(4) (service of documents)— (a) omit "28(2) or",...
- 47 Education Reform Act 1988 (c. 40)
- 48 Copyright, Designs and Patents Act 1988 (c. 48)
- 49 (1) Section 107A (enforcement of section 107 by local weights...
- 50 (1) Section 198A (enforcement of section 198 by local weights...
- 51 Clean Air Act 1993 (c. 11)
- 52 (1) Section 30 (regulations about motor fuel) is amended as...
- 53 In section 31 (regulations about sulphur content of oil fuel...
- 54 In section 32(4) (powers of entry not to apply in...
- 55 In section 49(1) (unjustified disclosures of information) after "this Act"...
- 56 In section 56 (rights of entry and inspection etc) after...
- 57 In section 58(1) (power of local authorities to obtain information)—...
- 58 Sunday Trading Act 1994 (c. 20)
- 59 Trade Marks Act 1994 (c. 26)
- 60 Olympic Symbol etc (Protection) Act 1995 (c. 32)
- 61 Criminal Justice and Police Act 2001 (c. 16)
- 62 In section 57(1) (retention of seized items)—
- 63 (1) Section 65 (meaning of legal privilege) is amended as...
- 64 In section 66(4) (construction of references to a search)—
- 65 (1) Part 1 of Schedule 1 (powers to which section...
- 66 (1) Part 1 of Schedule 2 (application of enactments) is...
- 67 Enterprise Act 2002 (c. 40)
- 68 Omit section 224 (power of CMA to require the provision...
- 69 Omit section 225 (power of other enforcer to require the...
- 70 Omit section 226 (procedure for notices requiring information).
- 71 Omit section 227 (enforcement of notices).
- 72 Omit section 227A (power to enter premises without warrant).
- 73 Omit section 227B (powers exercisable on the premises).
- 74 Omit section 227C (power to enter premises with warrant).
- 75 Omit section 227D (ancillary provisions about powers of entry).
- 76 Omit section 227E (obstructing, or failing to co-operate with, powers...
- 77 Omit section 227F (retention of documents and goods).
- 78 Before section 228 (but after the italic heading "Miscellaneous") insert
- 79 In section 228 (evidence) omit subsection (4).

- 80 In section 236 (application of Part 8 to Crown) omit...
- 81 In Schedule 14 (specified functions for the purposes of Part...
- 82 Fireworks Act 2003 (c. 22)
- 83 Christmas Day (Trading) Act 2004 (c. 26)
- 84 Financial Services Act 2012 (c. 21)
- 85 Consequential repeals and revocations

SCHEDULE 7 — Enterprise Act 2002: enhanced consumer measures and other enforcement

- 1 Part 8 of the Enterprise Act 2002 (enforcement of certain...
- 2 In section 210 (consumers), omit subsection (5).
- 3 (1) Section 211 (domestic infringements) is amended as follows.
- 4 In section 213(5A) (CPC enforcers), for paragraph (i) substitute—
- 5 (1) Section 214 (consultation) is amended as follows.
- 6 In section 217 (enforcement orders), after subsection (10) insert—
- 7 In section 219 (undertakings), after subsection (5) insert—
- 8 After section 219 insert— Definition of enhanced consumer measures (1) In this Part, enhanced consumer measures are measures (not...
- 9 (1) Section 220 (further proceedings) is amended as follows.
- 10 In section 229 (advice and information), after subsection (1) insert—...

SCHEDULE 8 — Private actions in competition law PART 1 — COMPETITION ACT 1998

- 1 The Competition Act 1998 is amended in accordance with this...
- 2 For the heading of Chapter 4 of Part 1, substitute...
- 3 For the cross-heading preceding section 46, substitute "Appeals and proceedings...
- 4 (1) For section 47A substitute— Proceedings before the Tribunal: claims...
- 5 (1) For section 47B substitute— Collective proceedings before the Tribunal...
- 6 After section 47B (as substituted by paragraph 5) insert— Collective...
- 7 After section 47C (inserted by paragraph 6) insert— Proceedings under...
- 8 (1) After section 47D (inserted by paragraph 7) insert— Limitation...
- 9 (1) Section 49 (further appeals) is amended in accordance with...
- 10 (1) After section 49 insert— Settlements relating to infringements of...
- 11 (1) After section 49A (inserted by paragraph 10) insert— Collective...
- 12 After section 49B (inserted by paragraph 11) insert— Approval of...
- 13 (1) Section 58 (findings of fact by CMA) is amended...
- 14 (1) For section 58A substitute— Infringement decisions (1) This section applies to a claim in respect of...
- 15 (1) Section 59 (interpretation of Part 1) is amended in...
- 16 In section 71 (regulations, orders and rules), after subsection (4)(ca)...
- 17 (1) Schedule 8 (appeals) is amended in accordance with this...
 PART 2 ENTERPRISE ACT 2002
- 18 The Enterprise Act 2002 is amended in accordance with this...
- 19 (1) Section 14 (constitution of Tribunal for particular proceedings and...
- 20 In section 15 (Tribunal rules), in subsection (1), at the...
- 21 In section 16 (transfers of certain proceedings to and from...
- 22 Schedule 4 (Tribunal: procedure) is amended in accordance with the...
- 23 In paragraph 1 (decisions of the Tribunal), for sub-paragraph (1)(a)...
- 24 After paragraph 1 insert— Enforcement of injunctions in England and...

- 25 In each of paragraphs 4(c) and 5(1)(c)—
- 26 In paragraph 6— (a) for sub-paragraph (a) substitute—
- 27 In paragraph 7— (a) for "specified body" substitute "representative"; and...
- 28 In paragraph 9— (a) the existing provision is numbered as...
- 29 In paragraph 11(2), for paragraph (a) substitute—
- 30 For paragraph 13 substitute— (1) Tribunal rules may provide for the Tribunal—
- 31 After paragraph 15 insert— Fast-track procedure (1) Tribunal rules may make provision in relation to a...
- 32 In paragraph 17 (conduct of the hearing)—
- 33 After paragraph 20 insert— Stay or sist of proceedings (1) In relation to proceedings in England and Wales or...
- 34 After paragraph 21 insert— Injunctions Tribunal rules may make provision in relation to the grant...
- 35 In paragraph 23(3), for "an individual" substitute "a person".
- 36 In paragraph 25, after "transfer of" insert "all or any...

PART 3 — COURTS AND LEGAL SERVICES ACT 1990

37 In the Courts and Legal Services Act 1990, in section...

SCHEDULE 9 — Duty of letting agents to publicise fees: financial penalties 1 Notice of intent

- 2 Right to make representations
- 3 Final notice
- 4 Withdrawal or amendment of notice
- 5 Appeals
- 6 Recovery of financial penalty

SCHEDULE 10 — Secondary ticketing: financial penalties

- 1 Notice of intent
- 2 Right to make representations
- 3 Final notice
- 4 Withdrawal or amendment of notice
- 5 Appeals
- 6 Recovery of financial penalty