

## **EXPLANATORY NOTES**

### **CONSUMER RIGHTS ACT 2015**

#### **INTRODUCTION**

#### **SUMMARY AND BACKGROUND**

##### **Background**

##### **Wider reforms to the consumer legislation framework**

##### **Advice and consultations**

##### **PART 1**

##### **PART 2**

##### **PART 3**

##### **Structure of the Act**

##### **Impact on existing legislation**

##### **Territorial extent and application**

##### **Which country's law governs the contract?**

##### **Transposition of EU Directives**

#### **COMMENTARY ON SECTIONS**

##### **PART 1: CONSUMER CONTRACTS FOR GOODS, DIGITAL CONTENT AND SERVICES**

Section 1: Where Part 1 applies

Section 2: Key definitions

##### **Chapter 2: Goods**

##### **Summary and Background**

##### **What goods contracts are covered?**

Sections 3-8: Consumer contracts about goods

**What statutory rights are there under a goods contract?**

Section 9: Goods to be of satisfactory quality

Section 10: Goods to be fit for particular purpose

Section 11: Goods to be as described

Section 12: Other pre-contract information included in contract

Section 13: Goods to match a sample

Section 14: Goods to match a model seen or examined

Section 15: Installation as part of conformity of the goods with the contract

Section 16: Goods not conforming to contract if digital content does not conform

Section 17: Trader to have right to supply the goods etc

Section 18: No other requirement to treat term about quality or fitness as included

**What remedies are there if statutory rights under a goods contract are not met?**

Section 19: Consumer's rights to enforce terms about goods

Section 20: Right to reject

Section 21: Partial rejection of goods

Section 22: Time limit for short-term right to reject

Section 23: Right to repair or replacement

Section 24: Right to price reduction or final right to reject

**Other rules about remedies under goods contracts**

Section 25: Delivery of wrong quantity

Section 26: Instalment deliveries

Section 27: Consignation, or payment into court, in Scotland

**Other rules about goods contracts**

Section 28: Delivery of goods

Section 29: Passing of risk

Section 30: Goods offered with a guarantee

*These notes refer to the Consumer Rights Act 2015 (c.15)*

**Can a trader contract out of statutory rights and remedies under a goods contract?**

Section 31: Liability that cannot be excluded or restricted

Section 32: Contracts applying law of non-EEA state

**Chapter 3 Digital Content**

**Summary and Background**

**What digital content contracts are covered?**

Section 33: Contracts covered by this chapter

**What statutory rights are there under a digital content contract?**

Section 34: Digital content to be of satisfactory quality

Section 35: Digital content to be fit for a particular purpose

Section 36: Digital content to be as described

Section 37: Other pre-contract information included in the contract

Section 38: No other requirement to treat term about quality or fitness as included

Section 39: Supply by transmission and facilities for continued transmission

Section 40: Quality, fitness and description of content supplied subject to modifications

Section 41: Trader's right to supply digital content

**What remedies are there if statutory rights under a digital content contract are not met?**

Section 42: Consumer's rights to enforce terms about digital content

Section 43: Right to repair or replacement

Section 44: Right to price reduction

Section 45: Right to a refund

**Compensation for damage to device or to other digital content**

Section 46: Remedy for damage to device or to other digital content

**Can a trader contract out of statutory rights and remedies under a digital content contract?**

Section 47: Liability that cannot be excluded or restricted

## **Chapter 4 Services**

### **Summary and Background**

#### **What services contracts are covered?**

Section 48: Contracts covered by this Chapter

#### **What statutory rights are there under a services contract?**

Section 49: Service to be performed with reasonable care and skill

Section 50: Information about the trader or service to be binding

Section 51: Reasonable price to be paid for a service

Section 52: Service to be performed within a reasonable time

Section 53: Relation to other law on contract terms

#### **What remedies are there if statutory rights under a services contract are not met?**

Section 54: Consumer's rights to enforce terms about services;  
section 55: Right to repeat performance; and section 56: Right to price reduction

#### **Can a trader contract out of statutory rights and remedies under a services contract?**

Section 57: Liability that cannot be excluded or restricted

## **Chapter 5 General and Supplementary Provisions**

### **PART 2: UNFAIR TERMS**

#### **Background and overview**

#### **What contracts and notices are covered by this Part?**

Section 61: Contracts and notices covered by this Part

#### **What are the general rules about fairness of contract terms and notices?**

Section 62: Requirement for contract terms and notices to be fair

Section 63: Contract terms which may or must be regarded as unfair

Section 64: Exclusion from assessment of fairness

Section 65: Bar on exclusion or restriction of negligence liability and Section 66: Scope of section 65

Section 67: Effect of an unfair term on the rest of a contract

Section 68: Requirement for transparency

Section 69: Contract terms that may have different meanings

### **How are the general rules enforced?**

Section 70: Enforcement of the law on unfair contract terms

### **Supplementary provisions**

Section 71: Duty of court to consider fairness of term

Section 72: Application of rules to secondary contracts

Section 73: Disapplication of rules to mandatory terms and notices

Section 74: Contracts applying law of non-EEA State

Section 75: Changes to other legislation

## **PART 3 MISCELLANEOUS AND GENERAL**

### **Chapter 1: Enforcement Etc.**

Section 77: Investigatory powers etc.

Schedule 5: Investigatory Powers etc.

Section 78: Amendment of the Weights and Measures (Packaged Goods) Regulations 2006

Section 79: Enterprise Act 2002: enhanced consumer measures and other enforcement

#### **Introduction**

#### **Background**

#### **Part 8 Enterprise Act 2002**

#### **Enforcers**

Schedule 7: Enterprise Act 2002: enhanced consumer measures and other enforcement

Section 80: Contravention of code regulating premium rate services

### **Chapter 2: Competition**

#### **Summary and Background**

Section 81: Private actions in competition law

#### **Widen the types of cases which the CAT can hear**

#### **Collective actions and opt-out collective settlements**

#### **Voluntary redress schemes**

Section 82: Appointment of Judges to the Competition Appeal Tribunal

### **Chapter 3: Duty of Letting Agents to Publicise Fees Etc.**

#### **Summary and background**

Section 83: Duty of letting agents to publicise fees etc

Section 84: Letting agents to which the duty applies

Section 85: Fees to which the duty applies

Section 86: Letting agency work and property management work

Section 87: Enforcement of the duty

Section 88: Supplementary provisions

### **Chapter 4: Student Complaints Scheme**

Section 89: Qualifying Institutions for the purposes of the student complaints scheme

### **Chapter 5: Secondary Ticketing**

#### **Summary and Background**

#### **Duty to provide information about tickets**

Section 90: Duty to provide information about tickets

Section 91: Prohibition on cancellation or blacklisting

Section 92: Duty to report criminal activity

Section 93: Enforcement of this Chapter

Section 94: Duty to review measures relating to secondary ticketing

Section 95: Interpretation of this Chapter

### **COMMENCEMENT**

### **HANSARD REFERENCE**

### **ANNEX A GLOSSARY OF ABBREVIATIONS**

### **ANNEX B TRANSPOSITION NOTES**