



# Consumer Rights Act 2015

## 2015 CHAPTER 15

### PART 1

#### CONSUMER CONTRACTS FOR GOODS, DIGITAL CONTENT AND SERVICES

### CHAPTER 5

#### GENERAL AND SUPPLEMENTARY PROVISIONS

#### **58 Powers of the court**

- (1) In any proceedings in which a remedy is sought by virtue of section 19(3) or (4), 42(2) or 54(3), the court, in addition to any other power it has, may act under this section.
- (2) On the application of the consumer the court may make an order requiring specific performance or, in Scotland, specific implement by the trader of any obligation imposed on the trader by virtue of section 23, 43 or 55.
- (3) Subsection (4) applies if—
  - (a) the consumer claims to exercise a right under the relevant remedies provisions, but
  - (b) the court decides that those provisions have the effect that exercise of another right is appropriate.
- (4) The court may proceed as if the consumer had exercised that other right.
- (5) If the consumer has claimed to exercise the final right to reject, the court may order that any reimbursement to the consumer is reduced by a deduction for use, to take account of the use the consumer has had of the goods in the period since they were delivered.
- (6) Any deduction for use is limited as set out in section 24(9) and (10).
- (7) The court may make an order under this section unconditionally or on such terms and conditions as to damages, payment of the price and otherwise as it thinks just.

- (8) The “relevant remedies provisions” are—
- (a) where Chapter 2 applies, sections 23 and 24;
  - (b) where Chapter 3 applies, sections 43 and 44;
  - (c) where Chapter 4 applies, sections 55 and 56.

## 59 Interpretation

- (1) These definitions apply in this Part (as well as the key definitions in section 2)—
- “conditional sales contract” has the meaning given in section 5(3);
- “Consumer Rights Directive” means Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council;
- “credit-broker” means a person acting in the course of a business of credit brokerage carried on by that person;
- “credit brokerage” means—
- (a) introducing individuals who want to obtain credit to persons carrying on any business so far as it relates to the provision of credit,
  - (b) introducing individuals who want to obtain goods on hire to persons carrying on a business which comprises or relates to supplying goods under a contract for the hire of goods, or
  - (c) introducing individuals who want to obtain credit, or to obtain goods on hire, to other persons engaged in credit brokerage;
- “delivery” means voluntary transfer of possession from one person to another;
- “enactment” includes—
- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978,
  - (b) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
  - (c) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament, and
  - (d) an enactment contained in, or in an instrument made under, Northern Ireland legislation;
- “producer”, in relation to goods or digital content, means—
- (a) the manufacturer,
  - (b) the importer into the European Economic Area, or
  - (c) any person who purports to be a producer by placing the person’s name, trade mark or other distinctive sign on the goods or using it in connection with the digital content.
- (2) References in this Part to treating a contract as at an end are to be read in accordance with section 19(13).

## 60 Changes to other legislation

Schedule 1 (amendments consequential on this Part) has effect.