

1976 No. 1812

CONSUMER PROTECTION

The Mail Order Transactions (Information) Order 1976

*Laid before Parliament in draft**Made - - - - - 1st November 1976**Coming into Operation 1st January 1977*

Whereas the Director General of Fair Trading made a reference, to which section 17 of the Fair Trading Act 1973(a) applies, to the Consumer Protection Advisory Committee:

And whereas a report(b) on that reference has been made by that Committee to the Secretary of State, and pursuant to section 83 of that Act the report has been laid before Parliament:

And whereas the report states that the Committee agree with the proposal set out in paragraph 5 of the Schedule to the reference:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of her powers under section 22 of the Fair Trading Act 1973, hereby makes the following Order:—

1. This Order may be cited as the Mail Order Transactions (Information) Order 1976 and shall come into operation on 1st January 1977.

2. The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.—(1) A communication to which this Article applies is an advertisement, circular, catalogue or other communication which fulfils the following conditions, that is to say—

- (i) it describes goods;
- (ii) it contains an invitation (express or implied) to persons to order goods of that description by post, and the invitation is not expressly limited to persons who are not consumers;
- (iii) it states, or from its terms it is reasonable to infer, that a payment is to be made before the goods are dispatched
- (iv) it is not an advertisement made by way of a sound or television broadcast or an exhibition of a film.

(2) Subject to paragraph (3) below, a person shall not, in the course of a business, publish, distribute or furnish or cause to be published, distributed or furnished a communication to which this Article applies unless the communication contains in legible characters the true name or registered business name of the person carrying on the business in the course of which orders sent by post pursuant to the invitation contained in that communication are to be fulfilled and the address at which that business is managed.

(3) Nothing in paragraph (2) above shall require any address of a body corporate to be given in a document which is required to comply—

(a) with subsection (7) of section 9 of the European Communities Act 1972(a) or with that subsection as extended by virtue of subsection (8) of that section; or

(b) with Article 7 of the Companies (European Communities) Order (Northern Ireland) 1972(b), or with that Article as extended by virtue of Article 8 thereof,

and which mentions the address of the registered office of the body corporate in compliance therewith.

(4) In this Article—

“true name” means, in the case of an individual, his true surname with or without the addition of christian names or forenames or the initials thereof and, in the case of a body corporate, its corporate name; and

“registered business name” means a name registered under the Registration of Business Names Act 1916(c).

1st November 1976.

John Fraser,
Minister of State,
Department of Prices and
Consumer Protection.

(a) 1972 c. 68.

(b) S.R. & O. (N.I.) 1972 No. 277.

(c) 1916 c. 58.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order is made in pursuance of a *Report of the Consumer Protection Advisory Committee on a reference made to that Committee by the Director General of Fair Trading.

The Order applies to advertisements (except those made by way of a sound or television broadcast or the exhibition of a film), circulars, catalogues and other communications in which persons in the course of business invite orders by post for goods for which a payment is to be made before the goods are dispatched.

The Order requires that such advertisements etc. shall contain in legible characters the name of the person carrying on the business, and the address at which the business, in the course of which such orders are to be fulfilled, is managed. This requirement does not apply to the business letters and order forms of a body corporate in which the address of its registered office is stated in compliance with section 9(7) of the European Communities Act 1972 or Article 7 of the Companies (European Communities) Order (Northern Ireland) 1972.

The Order does not apply if the advertisements etc. are addressed only to persons who are buying in the course of a business and not as consumers.

*H.C. 285 Session 1975/76: Prepayment for Goods—a Report on Practices Relating to Prepayment in Mail Order Transactions and in Shops. Copies of the Report may be obtained from Her Majesty's Stationery Office.