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STATUTORY INSTRUMENTS

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**1999 No. 2083**

**The Unfair Terms in Consumer Contracts Regulations 1999**

**Powers of the Director and qualifying bodies to obtain documents and information**

- 13.—(1) The Director may exercise the power conferred by this regulation for the purpose of—
- (a) facilitating his consideration of a complaint that a contract term drawn up for general use is unfair; or
  - (b) ascertaining whether a person has complied with an undertaking or court order as to the continued use, or recommendation for use, of a term in contracts concluded with consumers.
- (2) A qualifying body specified in Part One of Schedule 1 may exercise the power conferred by this regulation for the purpose of—
- (a) facilitating its consideration of a complaint that a contract term drawn up for general use is unfair; or
  - (b) ascertaining whether a person has complied with—
    - (i) an undertaking given to it or to the court following an application by that body, or
    - (ii) a court order made on an application by that body,as to the continued use, or recommendation for use, of a term in contracts concluded with consumers.
- (3) The Director may require any person to supply to him, and a qualifying body specified in Part One of Schedule 1 may require any person to supply to it—
- (a) a copy of any document which that person has used or recommended for use, at the time the notice referred to in paragraph (4) below is given, as a pre-formulated standard contract in dealings with consumers;
  - (b) information about the use, or recommendation for use, by that person of that document or any other such document in dealings with consumers.
- (4) The power conferred by this regulation is to be exercised by a notice in writing which may—
- (a) specify the way in which and the time within which it is to be complied with; and
  - (b) be varied or revoked by a subsequent notice.
- (5) Nothing in this regulation compels a person to supply any document or information which he would be entitled to refuse to produce or give in civil proceedings before the court.
- (6) If a person makes default in complying with a notice under this regulation, the court may, on the application of the Director or of the qualifying body, make such order as the court thinks fit for requiring the default to be made good, and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a company or other association who are responsible for its default.