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STATUTORY INSTRUMENTS

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**2002 No. 3045**

**The Sale and Supply of Goods to Consumers Regulations 2002**

*AMENDMENTS TO THE SUPPLY OF GOODS AND SERVICES ACT 1982*

**Additional implied terms in cases where goods are transferred to consumers—England, Wales and Northern Ireland**

7.—(1) Section 4 of the Supply of Goods and Services Act 1982(1) is amended as follows.

(2) After subsection (2A) insert—

“(2B) If the transferee deals as consumer, the relevant circumstances mentioned in subsection (2A) above include any public statements on the specific characteristics of the goods made about them by the transferor, the producer or his representative, particularly in advertising or on labelling.

(2C) A public statement is not by virtue of subsection (2B) above a relevant circumstance for the purposes of subsection (2A) above in the case of a contract for the transfer of goods, if the transferor shows that—

- (a) at the time the contract was made, he was not, and could not reasonably have been, aware of the statement,
- (b) before the contract was made, the statement had been withdrawn in public or, to the extent that it contained anything which was incorrect or misleading, it had been corrected in public, or
- (c) the decision to acquire the goods could not have been influenced by the statement.

(2D) Subsections (2B) and (2C) above do not prevent any public statement from being a relevant circumstance for the purposes of subsection (2A) above (whether or not the transferee deals as consumer) if the statement would have been such a circumstance apart from those subsections.”.