

2005 No. 689

CONSUMER PROTECTION

**The Consumer Protection (Distance Selling)(Amendment)
Regulations 2005**

<i>Made</i> - - - -	<i>11th March 2005</i>
<i>Laid before Parliament</i>	<i>16th March 2005</i>
<i>Coming into force</i> - -	<i>6th April 2005</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to matters relating to consumer protection, in exercise of the powers conferred on her by section 2(2) of that Act, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Consumer Protection (Distance Selling)(Amendment) Regulations 2005 and shall come into force on 6th April 2005.

(2) These Regulations extend to Northern Ireland.

Amendments to the Consumer Protection (Distance Selling) Regulations 2000

2. The Consumer Protection (Distance Selling) Regulations 2000(c) are amended in accordance with the Schedule to these Regulations.

14th March 2005

Gerry Sutcliffe
Parliamentary Under Secretary of State for Employment
Relations, Postal Services and Consumers
Department of Trade and Industry

SCHEDULE

Regulation 2

**Amendments to the Consumer Protection (Distance Selling) Regulations
2000**

1.—(1) Regulation 8 (written and additional information) is amended as follows.

(2) In paragraph (2)(b)—

(a) S.I. 1993/2661.

(b) 1972 c. 68.

(c) S.I. 2000/2334, to which there are amendments not relevant to these Regulations.

- (a) the word “and” at the end of sub-paragraph (i) is omitted; and
- (b) after sub-paragraph (ii) there is inserted—

“(iii) in the case of a contract for the supply of services, information as to how the right to cancel may be affected by the consumer agreeing to performance of the services beginning before the end of the seven working day period referred to in regulation 12;”.

(3) Paragraph (3) is omitted.

2.—(1) Regulation 12 (cancellation period in the case of contracts for the supply of services) is amended as follows.

(2) In paragraph (3)—

- (a) before the words “Where a supplier” there is inserted “Subject to paragraph (3A)”; and
- (b) after the words “in regulation 8(2)” the words “and (3)” are omitted.

(3) After paragraph (3) there is inserted—

“(3A) Where the performance of the contract has begun with the consumer’s agreement before the expiry of the period of seven working days beginning with the day after the day on which the contract was concluded and the supplier has not complied with regulation 8 on or before the day on which performance began, but provides to the consumer the information referred to in regulation 8(2) in good time during the performance of the contract, the cancellation period ends—

- (a) on the expiry of the period of seven working days beginning with the day after the day on which the consumer receives the information; or
- (b) if the performance of the contract is completed before the expiry of the period referred to in sub-paragraph (a), on the day when the performance of the contract is completed.”.

(4) In paragraph (4) for the words “neither paragraph (2) nor (3) applies” there is substituted “none of paragraphs (2) to (3A) applies”.

3.—(1) Regulation 13 (exceptions to the right to cancel) is amended as follows.

(2) For paragraph (1)(a) there is substituted—

“(a) for the supply of services if the performance of the contract has begun with the consumer’s agreement—

- (i) before the end of the cancellation period applicable under regulation 12(2); and
- (ii) after the supplier has provided the information referred to in regulation 8(2).”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Consumer Protection (Distance Selling) Regulations 2000 (S.I. 2000/2334) (“the principal Regulations”). The principal Regulations partially implement Directive 97/7/EC of the European Parliament and the Council of 20 May 1997 (O.J. No. L144, 4.6.97, p.19) on the protection of consumers in relation to distance contracts.

The principal Regulations apply to certain contracts for goods or services to be supplied to a consumer where the contract is made exclusively by means of distance communication (“distance contracts”). Where the principal Regulations apply, a consumer has the right to cancel a distance contract by notice to the supplier during a specified “cooling off period” whose length depends on whether and when the supplier complies with the requirement to provide the written information.

Regulation 8 of the principal Regulations is amended so that the supplier is no longer required to inform the consumer, prior to the conclusion of a contract for services, that he will not be able to cancel once performance of the services has begun with his agreement. Instead, the supplier must, in such cases, provide the consumer with information as to how the right to cancel may be affected if the consumer agrees to performance beginning less than seven working days after the contract was concluded. This information must be provided prior to or in good time during the performance of the contract.

Regulations 12 and 13 of the principal Regulations are amended so that—

- (a) where a supplier of services provides the information required by regulation 8 before performance of those services begins and the consumer agrees to such performance beginning before the end of the cooling off period, there is no right to cancel; and
- (b) where a supplier of services provides that information in good time during the performance of the services, there is a right to cancel even if the consumer agrees to performance beginning within seven working days of the contract being concluded, but the cooling off period begins when the consumer receives the information and ends seven working days later or when performance is completed (whichever is the sooner).

A regulatory impact assessment has been prepared and copies can be obtained from Consumer and Competition Policy Directorate, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET.

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