

EXPLANATORY NOTES

CONSUMER RIGHTS ACT 2015

INTRODUCTION

SUMMARY AND BACKGROUND

Background

Wider reforms to the consumer legislation framework

Advice and consultations

PART 1

PART 2

PART 3

Structure of the Act

Impact on existing legislation

Territorial extent and application

Which country's law governs the contract?

Transposition of EU Directives

COMMENTARY ON SECTIONS

PART 1: CONSUMER CONTRACTS FOR GOODS, DIGITAL CONTENT AND SERVICES

Section 1: Where Part 1 applies

Section 2: Key definitions

Chapter 2: Goods

Summary and Background

What goods contracts are covered?

Sections 3-8: Consumer contracts about goods

What statutory rights are there under a goods contract?

Section 9: Goods to be of satisfactory quality

Section 10: Goods to be fit for particular purpose

Section 11: Goods to be as described

Section 12: Other pre-contract information included in contract

Section 13: Goods to match a sample

Section 14: Goods to match a model seen or examined

Section 15: Installation as part of conformity of the goods with the contract

Section 16: Goods not conforming to contract if digital content does not conform

Section 17: Trader to have right to supply the goods etc

Section 18: No other requirement to treat term about quality or fitness as included

What remedies are there if statutory rights under a goods contract are not met?

Section 19: Consumer's rights to enforce terms about goods

Section 20: Right to reject

Section 21: Partial rejection of goods

Section 22: Time limit for short-term right to reject

Section 23: Right to repair or replacement

Section 24: Right to price reduction or final right to reject

Other rules about remedies under goods contracts

Section 25: Delivery of wrong quantity

Section 26: Instalment deliveries

Section 27: Consignation, or payment into court, in Scotland

Other rules about goods contracts

Section 28: Delivery of goods

Section 29: Passing of risk

Section 30: Goods offered with a guarantee

These notes refer to the Consumer Rights Act 2015 (c.15)

Can a trader contract out of statutory rights and remedies under a goods contract?

Section 31: Liability that cannot be excluded or restricted

Section 32: Contracts applying law of non-EEA state

Chapter 3 Digital Content

Summary and Background

What digital content contracts are covered?

Section 33: Contracts covered by this chapter

What statutory rights are there under a digital content contract?

Section 34: Digital content to be of satisfactory quality

Section 35: Digital content to be fit for a particular purpose

Section 36: Digital content to be as described

Section 37: Other pre-contract information included in the contract

Section 38: No other requirement to treat term about quality or fitness as included

Section 39: Supply by transmission and facilities for continued transmission

Section 40: Quality, fitness and description of content supplied subject to modifications

Section 41: Trader's right to supply digital content

What remedies are there if statutory rights under a digital content contract are not met?

Section 42: Consumer's rights to enforce terms about digital content

Section 43: Right to repair or replacement

Section 44: Right to price reduction

Section 45: Right to a refund

Compensation for damage to device or to other digital content

Section 46: Remedy for damage to device or to other digital content

Can a trader contract out of statutory rights and remedies under a digital content contract?

Section 47: Liability that cannot be excluded or restricted

Chapter 4 Services

Summary and Background

What services contracts are covered?

Section 48: Contracts covered by this Chapter

What statutory rights are there under a services contract?

Section 49: Service to be performed with reasonable care and skill

Section 50: Information about the trader or service to be binding

Section 51: Reasonable price to be paid for a service

Section 52: Service to be performed within a reasonable time

Section 53: Relation to other law on contract terms

What remedies are there if statutory rights under a services contract are not met?

Section 54: Consumer's rights to enforce terms about services;
section 55: Right to repeat performance; and section 56: Right to price reduction

Can a trader contract out of statutory rights and remedies under a services contract?

Section 57: Liability that cannot be excluded or restricted

Chapter 5 General and Supplementary Provisions

PART 2: UNFAIR TERMS

Background and overview

What contracts and notices are covered by this Part?

Section 61: Contracts and notices covered by this Part

What are the general rules about fairness of contract terms and notices?

Section 62: Requirement for contract terms and notices to be fair

Section 63: Contract terms which may or must be regarded as unfair

Section 64: Exclusion from assessment of fairness

Section 65: Bar on exclusion or restriction of negligence liability and Section 66: Scope of section 65

Section 67: Effect of an unfair term on the rest of a contract

Section 68: Requirement for transparency

Section 69: Contract terms that may have different meanings

How are the general rules enforced?

Section 70: Enforcement of the law on unfair contract terms

Supplementary provisions

Section 71: Duty of court to consider fairness of term

Section 72: Application of rules to secondary contracts

Section 73: Disapplication of rules to mandatory terms and notices

Section 74: Contracts applying law of non-EEA State

Section 75: Changes to other legislation

PART 3 MISCELLANEOUS AND GENERAL

Chapter 1: Enforcement Etc.

Section 77: Investigatory powers etc.

Schedule 5: Investigatory Powers etc.

Section 78: Amendment of the Weights and Measures (Packaged Goods) Regulations 2006

Section 79: Enterprise Act 2002: enhanced consumer measures and other enforcement

Introduction

Background

Part 8 Enterprise Act 2002

Enforcers

Schedule 7: Enterprise Act 2002: enhanced consumer measures and other enforcement

Section 80: Contravention of code regulating premium rate services

Chapter 2: Competition

Summary and Background

Section 81: Private actions in competition law

Widen the types of cases which the CAT can hear

Collective actions and opt-out collective settlements

Voluntary redress schemes

Section 82: Appointment of Judges to the Competition Appeal Tribunal

Chapter 3: Duty of Letting Agents to Publicise Fees Etc.

Summary and background

Section 83: Duty of letting agents to publicise fees etc

Section 84: Letting agents to which the duty applies

Section 85: Fees to which the duty applies

Section 86: Letting agency work and property management work

Section 87: Enforcement of the duty

Section 88: Supplementary provisions

Chapter 4: Student Complaints Scheme

Section 89: Qualifying Institutions for the purposes of the student complaints scheme

Chapter 5: Secondary Ticketing

Summary and Background

Duty to provide information about tickets

Section 90: Duty to provide information about tickets

Section 91: Prohibition on cancellation or blacklisting

Section 92: Duty to report criminal activity

Section 93: Enforcement of this Chapter

Section 94: Duty to review measures relating to secondary ticketing

Section 95: Interpretation of this Chapter

COMMENCEMENT

HANSARD REFERENCE

ANNEX A GLOSSARY OF ABBREVIATIONS

ANNEX B TRANSPOSITION NOTES