

# CONSUMER RIGHTS ACT 2015

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1: Consumer Contracts for Goods, Digital Content and Services**

##### *Chapter 5 General and Supplementary Provisions*

283. [Section 58](#) sets out powers that a court may use to enforce the remedies of repair, replacement or repeat performance and final right to reject or price reduction (as applicable). *Subsection (1)* sets out the types of dispute between a consumer and trader in which the powers can be used. For goods, the section is similar in effect to section 48E of the SGA and section 11R of the SGSA for contracts between a trader and consumer, but reflects the limits on deduction for use under section 24(9)-(10). This section makes similar provision for services and digital content to that for goods.
284. [Paragraphs 104, 209](#) and [273](#) above provide explanation of specific performance and specific implement.
285. Under *subsections (3) and (4)*, a court may substitute a remedy under the provisions specified in *subsection (8)*, in accordance with the hierarchy and conditions to exercising the remedies within the Act. So, for example, in relation to a contract to supply goods, a court could only order price reduction when the consumer had requested repair, if repair and replacement were impossible (as required by section 23(3)).
286. [Section 59](#) provides definitions of terms used in the Act other than the key definitions set out in section 2 and section 60 gives effect to Schedule 1 which details consequential amendments to existing legislation resulting from the implementation of Part 1.