



# Consumer Rights Act 2015

## 2015 CHAPTER 15

### PART 1

#### CONSUMER CONTRACTS FOR GOODS, DIGITAL CONTENT AND SERVICES

### CHAPTER 3

#### DIGITAL CONTENT

##### *Compensation for damage to device or to other digital content*

#### **46 Remedy for damage to device or to other digital content**

- (1) This section applies if—
  - (a) a trader supplies digital content to a consumer under a contract,
  - (b) the digital content causes damage to a device or to other digital content,
  - (c) the device or digital content that is damaged belongs to the consumer, and
  - (d) the damage is of a kind that would not have occurred if the trader had exercised reasonable care and skill.
- (2) If the consumer requires the trader to provide a remedy under this section, the trader must either—
  - (a) repair the damage in accordance with subsection (3), or
  - (b) compensate the consumer for the damage with an appropriate payment.
- (3) To repair the damage in accordance with this subsection, the trader must—
  - (a) repair the damage within a reasonable time and without significant inconvenience to the consumer, and
  - (b) bear any necessary costs incurred in repairing the damage (including in particular the cost of any labour, materials or postage).

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*Status: Point in time view as at 01/10/2015.*

*Changes to legislation: Consumer Rights Act 2015, Cross Heading: Compensation for damage to device or to other digital content is up to date with all changes known to be in force on or before 02 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (4) Any question as to what is a reasonable time or significant inconvenience is to be determined taking account of—
  - (a) the nature of the device or digital content that is damaged, and
  - (b) the purpose for which it is used by the consumer.
- (5) A compensation payment under this section must be made without undue delay, and in any event within 14 days beginning with the day on which the trader agrees that the consumer is entitled to the payment.
- (6) The trader must not impose any fee on the consumer in respect of the payment.
- (7) A consumer with a right to a remedy under this section may bring a claim in civil proceedings to enforce that right.
- (8) The Limitation Act 1980 and the Limitation (Northern Ireland) Order 1989 (SI 1989/1339 (NI 11)) apply to a claim under this section as if it were an action founded on simple contract.
- (9) The Prescription and Limitation (Scotland) Act 1973 applies to a right to a remedy under this section as if it were an obligation to which section 6 of that Act applies.

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**Commencement Information**

**II** S. 46 in force at 1.10.2015 by S.I. 2015/1630, art. 3(a) (with art. 6(1))

**Status:**

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