



# Consumer Rights Act 2015

## 2015 CHAPTER 15

### PART 3

#### MISCELLANEOUS AND GENERAL

### CHAPTER 1

#### ENFORCEMENT ETC.

#### **77 Investigatory powers etc**

- (1) Schedule 5 (investigatory powers etc) has effect.
- (2) Schedule 6 (investigatory powers: consequential amendments) has effect.

#### **Commencement Information**

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| <b>I1</b> | <i>S. 77</i> in force at 27.5.2015 for specified purposes by <i>S.I. 2015/1333</i> , <b>art. 2(a)</b>            |
| <b>I2</b> | <i>S. 77</i> in force at 27.5.2015 for specified purposes for E. by <i>S.I. 2015/965</i> , <b>art. 2(b)</b>      |
| <b>I3</b> | <i>S. 77</i> in force at 1.10.2015 in so far as not already in force by <i>S.I. 2015/1630</i> , <b>art. 3(d)</b> |

#### **78 Amendment of weights and measures legislation regarding unwrapped bread**

- (1) In the Weights and Measures (Packaged Goods) Regulations 2006 (S.I. 2006/659), Schedule 5 (application to bread) is amended in accordance with subsections (2) and (3).

- (2) For paragraph 9 substitute—

“9  
Regulation 9(1)(b)(ii) (duty to keep records) does not apply to bread which is sold unwrapped or in open packs.”

*Status: Point in time view as at 06/04/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Consumer Rights Act 2015, PART 3. (See end of Document for details)*

(3) After paragraph 13 insert—

**“14 Transitional provision**

- (1) Regulation 9(1)(b)(ii) (duty to keep records) does not apply to a packer who holds a notice of exemption which is in force.
- (2) A “notice of exemption” means a notice issued under paragraph 9 as it stood before section 78 of the Consumer Rights Act 2015 came into force.”
- (4) The use of this Act to make amendments to the Weights and Measures (Packaged Goods) Regulations 2006 has no effect on the availability of any power in the Weights and Measures Act 1985 to amend or revoke those Regulations, including the provision substituted by subsection (2) and that inserted by subsection (3).
- (5) In the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 (SR 2011/331), Schedule 5 (application to bread) is amended in accordance with subsections (6) and (7).
- (6) For paragraph 9 substitute—

“9 Regulation 9(1)(b)(ii) (duty to keep records) does not apply to bread which is sold unwrapped or in open packets.”

(7) After paragraph 13 insert—

**“14 Transitional provision**

- (1) Regulation 9(1)(b)(ii) (duty to keep records) does not apply to a packer who holds a notice of exemption which is in force.
- (2) A “notice of exemption” means a notice issued under paragraph 9 as it stood before section 78 of the Consumer Rights Act 2015 came into force.”
- (8) The use of this Act to make amendments to the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011 has no effect on the availability of any power in the Weights and Measures (Northern Ireland) Order 1981 (SI 1981/231 (NI 10)) to amend or revoke those Regulations, including the provision substituted by subsection (6) and that inserted by subsection (7).

**Commencement Information**

**I4** S. 78 in force at 1.10.2015 by S.I. 2015/1630, art. 3(e)

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

- (1) Schedule 7 contains amendments of Part 8 of the Enterprise Act 2002 (enforcement of certain consumer legislation).
- (2) The amendments have effect only in relation to conduct which occurs, or which is likely to occur, after the commencement of this section.

*Status: Point in time view as at 06/04/2018.*

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#### Commencement Information

**I5** S. 79 in force at 1.10.2015 by S.I. 2015/1630, art. 3(e)

### 80 Contravention of code regulating premium rate services

- (1) In section 120(3) of the Communications Act 2003 (conditions under section 120 must require compliance with directions given in accordance with an approved code or with an order under section 122) before paragraph (a) insert—
  - “(za) the provisions of an approved code;”.
- (2) In section 121(5) of that Act (provision about enforcement that may be made by approved code) after paragraph (a) insert—
  - “(aa) provision that applies where there is or has been more than one contravention of the code or directions given in accordance with it by a person and which enables—
    - (i) a single penalty (which does not exceed that maximum penalty) to be imposed on the person in respect of all of those contraventions, or
    - (ii) separate penalties (each of which does not exceed that maximum penalty) to be imposed on the person in respect of each of those contraventions,according to whether the person imposing the penalty determines that a single penalty or separate penalties are appropriate and proportionate to those contraventions;”.
- (3) Section 123 of that Act (enforcement by OFCOM of conditions under section 120) is amended as follows.
- (4) After subsection (1) insert—
  - “(1A) Subsection (1B) applies where a notification under section 94 as applied by this section relates to more than one contravention of—
    - (a) a code approved under section 121,
    - (b) directions given in accordance with such a code, or
    - (c) an order under section 122.
  - (1B) Section 96(3) as applied by this section enables OFCOM to impose—
    - (a) a single penalty in respect of all of those contraventions, or
    - (b) separate penalties in respect of each of those contraventions,according to whether OFCOM determine that a single penalty or separate penalties are appropriate and proportionate to those contraventions.”
- (5) In subsection (2) (maximum amount of penalty) for “the penalty” substitute “ each penalty ”.

#### Commencement Information

**I6** S. 80 in force at 1.10.2015 by S.I. 2015/1630, art. 3(e) (with art. 7)

*Status: Point in time view as at 06/04/2018.*

*Changes to legislation: There are currently no known outstanding effects for the Consumer Rights Act 2015, PART 3. (See end of Document for details)*

## CHAPTER 2

### COMPETITION

#### 81 Private actions in competition law

Schedule 8 (private actions in competition law) has effect.

##### Commencement Information

- I7** S. 81 in force at 3.8.2015 for specified purposes by [S.I. 2015/1584, art. 3](#)  
**I8** S. 81 in force at 1.10.2015 in so far as not already in force by [S.I. 2015/1630, art. 3\(f\)](#)

#### 82 Appointment of judges to the Competition Appeal Tribunal

- (1) In section 12(2) of the Enterprise Act 2002 (constitution of the Competition Appeal Tribunal) after paragraph (a) insert—
- “(aa) such judges as are nominated from time to time by the Lord Chief Justice of England and Wales from the High Court of England and Wales;
  - (ab) such judges as are nominated from time to time by the Lord President of the Court of Session from the judges of the Court of Session;
  - (ac) such judges as are nominated from time to time by the Lord Chief Justice of Northern Ireland from the High Court in Northern Ireland;”.
- (2) In section 14 of that Act (constitution of the Competition Appeal Tribunal for particular proceedings and its decisions)—
- (a) in subsection (2) after “the President” insert “, a judge within any of paragraphs (aa) to (ac) of section 12(2)”, and
  - (b) in subsection (3) for “either” substitute “the judges within paragraphs (aa) to (ac) of section 12(2),”.
- (3) In Schedule 4 (Tribunal procedure) to that Act, in paragraph 18(3)(b) (consequences of member of Tribunal being unable to continue) after “if that person is not” insert “a judge within any of paragraphs (aa) to (ac) of section 12(2) or”.

##### Commencement Information

- I9** S. 82 in force at 27.5.2015 by [S.I. 2015/1333, art. 2\(b\)](#)

## CHAPTER 3

### DUTY OF LETTING AGENTS TO PUBLICISE FEES ETC

#### 83 Duty of letting agents to publicise fees etc

- (1) A letting agent must, in accordance with this section, publicise details of the agent's relevant fees.
- (2) The agent must display a list of the fees—

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- (a) at each of the agent's premises at which the agent deals face-to-face with persons using or proposing to use services to which the fees relate, and
  - (b) at a place in each of those premises at which the list is likely to be seen by such persons.
- (3) The agent must publish a list of the fees on the agent's website (if it has a website).
- (4) A list of fees displayed or published in accordance with subsection (2) or (3) must include—
- (a) a description of each fee that is sufficient to enable a person who is liable to pay it to understand the service or cost that is covered by the fee or the purpose for which it is imposed (as the case may be),
  - (b) in the case of a fee which tenants are liable to pay, an indication of whether the fee relates to each dwelling-house or each tenant under a tenancy of the dwelling-house, and
  - (c) the amount of each fee inclusive of any applicable tax or, where the amount of a fee cannot reasonably be determined in advance, a description of how that fee is calculated.
- (5) Subsections (6) and (7) apply to a letting agent engaging in letting agency or property management work in relation to dwelling-houses in England.
- (6) If the agent holds money on behalf of persons to whom the agent provides services as part of that work, the duty imposed on the agent by subsection (2) or (3) includes a duty to display or publish, with the list of fees, a statement of whether the agent is a member of a client money protection scheme.
- (7) If the agent is required to be a member of a redress scheme for dealing with complaints in connection with that work, the duty imposed on the agent by subsection (2) or (3) includes a duty to display or publish, with the list of fees, a statement—
- (a) that indicates that the agent is a member of a redress scheme, and
  - (b) that gives the name of the scheme.
- (8) The appropriate national authority may by regulations specify—
- (a) other ways in which a letting agent must publicise details of the relevant fees charged by the agent or (where applicable) a statement within subsection (6) or (7);
  - (b) the details that must be given of fees publicised in that way.
- (9) In this section—
- “client money protection scheme” means a scheme which enables a person on whose behalf a letting agent holds money to be compensated if all or part of that money is not repaid to that person in circumstances where the scheme applies;
- “redress scheme” means a redress scheme for which provision is made by order under section 83 or 84 of the Enterprise and Regulatory Reform Act 2013.

#### **Commencement Information**

**I10** S. 83 in force for specified purposes at Royal Assent, see s. 100(2)(b)(5)

**I11** S. 83 in force at 27.5.2015 for E. in so far as not already in force by [S.I. 2015/965](#), **art. 2(a)**

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**I12** S. 83 in force at 23.11.2015 for W. in so far as not already in force by [S.I. 2015/1904, art. 2](#)

## **84 Letting agents to which the duty applies**

- (1) In this Chapter “letting agent” means a person who engages in letting agency work (whether or not that person engages in other work).
- (2) A person is not a letting agent for the purposes of this Chapter if the person engages in letting agency work in the course of that person's employment under a contract of employment.
- (3) A person is not a letting agent for the purposes of this Chapter if—
  - (a) the person is of a description specified in regulations made by the appropriate national authority;
  - (b) the person engages in work of a description specified in regulations made by the appropriate national authority.

### **Commencement Information**

**I13** S. 84 in force for specified purposes at Royal Assent, see s. 100(2)(b)(5)

**I14** S. 84 in force at 27.5.2015 for E. in so far as not already in force by [S.I. 2015/965, art. 2\(a\)](#)

**I15** [S. 84](#) in force at 23.11.2015 for W. in so far as not already in force by [S.I. 2015/1904, art. 2](#)

## **85 Fees to which the duty applies**

- (1) In this Chapter “relevant fees”, in relation to a letting agent, means the fees, charges or penalties (however expressed) payable to the agent by a landlord or tenant—
  - (a) in respect of letting agency work carried on by the agent,
  - (b) in respect of property management work carried on by the agent, or
  - (c) otherwise in connection with—
    - (i) an assured tenancy of a dwelling-house, or
    - (ii) a dwelling-house that is, has been or is proposed to be let under an assured tenancy.
- (2) Subsection (1) does not apply to—
  - (a) the rent payable to a landlord under a tenancy,
  - (b) any fees, charges or penalties which the letting agent receives from a landlord under a tenancy on behalf of another person,
  - (c) a tenancy deposit within the meaning of section 212(8) of the Housing Act 2004, or
  - (d) any fees, charges or penalties of a description specified in regulations made by the appropriate national authority.

### **Commencement Information**

**I16** S. 85 in force for specified purposes at Royal Assent, see s. 100(2)(b)(5)

**I17** S. 85 in force at 27.5.2015 for E. in so far as not already in force by [S.I. 2015/965, art. 2\(a\)](#)

**I18** [S. 85](#) in force at 23.11.2015 for W. in so far as not already in force by [S.I. 2015/1904, art. 2](#)

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## 86 Letting agency work and property management work

- (1) In this Chapter “letting agency work” means things done by a person in the course of a business in response to instructions received from—
  - (a) a person (“a prospective landlord”) seeking to find another person wishing to rent a dwelling-house under an assured tenancy and, having found such a person, to grant such a tenancy, or
  - (b) a person (“a prospective tenant”) seeking to find a dwelling-house to rent under an assured tenancy and, having found such a dwelling-house, to obtain such a tenancy of it.
- (2) But “letting agency work” does not include any of the following things when done by a person who does nothing else within subsection (1)—
  - (a) publishing advertisements or disseminating information;
  - (b) providing a means by which a prospective landlord or a prospective tenant can, in response to an advertisement or dissemination of information, make direct contact with a prospective tenant or a prospective landlord;
  - (c) providing a means by which a prospective landlord and a prospective tenant can communicate directly with each other.
- (3) “Letting agency work” also does not include things done by a local authority.
- (4) In this Chapter “property management work”, in relation to a letting agent, means things done by the agent in the course of a business in response to instructions received from another person where—
  - (a) that person wishes the agent to arrange services, repairs, maintenance, improvements or insurance in respect of, or to deal with any other aspect of the management of, premises on the person's behalf, and
  - (b) the premises consist of a dwelling-house let under an assured tenancy.

### Commencement Information

**119** S. 86 in force at 27.5.2015 for E. in so far as not already in force by [S.I. 2015/965, art. 2\(a\)](#)

**120** S. 86 in force at 23.11.2015 for W. in so far as not already in force by [S.I. 2015/1904, art. 2](#)

## 87 Enforcement of the duty

- (1) It is the duty of every local weights and measures authority in England and Wales to enforce the provisions of this Chapter in its area.
- (2) If a letting agent breaches the duty in section 83(3) (duty to publish list of fees etc on agent's website), that breach is taken to have occurred in each area of a local weights and measures authority in England and Wales in which a dwelling-house to which the fees relate is located.
- (3) Where a local weights and measures authority in England and Wales is satisfied on the balance of probabilities that a letting agent has breached a duty imposed by or under section 83, the authority may impose a financial penalty on the agent in respect of that breach.
- (4) A local weights and measures authority in England and Wales may impose a penalty under this section in respect of a breach which occurs in England and Wales but outside that authority's area (as well as in respect of a breach which occurs within that area).

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- (5) But a local weights and measures authority in England and Wales may impose a penalty in respect of a breach which occurs outside its area and in the area of a local weights and measures authority in Wales only if it has obtained the consent of that authority.
- (6) Only one penalty under this section may be imposed on the same letting agent in respect of the same breach.
- (7) The amount of a financial penalty imposed under this section—
  - (a) may be such as the authority imposing it determines, but
  - (b) must not exceed £5,000.
- (8) Schedule 9 (procedure for and appeals against financial penalties) has effect.
- (9) A local weights and measures authority in England must have regard to any guidance issued by the Secretary of State about—
  - (a) compliance by letting agents with duties imposed by or under section 83;
  - (b) the exercise of its functions under this section or Schedule 9.
- (10) A local weights and measures authority in Wales must have regard to any guidance issued by the Welsh Ministers about—
  - (a) compliance by letting agents with duties imposed by or under section 83;
  - (b) the exercise of its functions under this section or Schedule 9.
- (11) The Secretary of State may by regulations made by statutory instrument—
  - (a) amend any of the provisions of this section or Schedule 9 in their application in relation to local weights and measures authorities in England;
  - (b) make consequential amendments to Schedule 5 in its application in relation to such authorities.
- (12) The Welsh Ministers may by regulations made by statutory instrument—
  - (a) amend any of the provisions of this section or Schedule 9 in their application in relation to local weights and measures authorities in Wales;
  - (b) make consequential amendments to Schedule 5 in its application in relation to such authorities.

#### **Commencement Information**

- I21** S. 87 in force for specified purposes at Royal Assent, see s. 100(2)(b)(5)
- I22** S. 87 in force at 27.5.2015 for E. in so far as not already in force by [S.I. 2015/965, art. 2\(a\)](#)
- I23** S. 87 in force at 23.11.2015 for W. in so far as not already in force by [S.I. 2015/1904, art. 2](#)

## **88 Supplementary provisions**

- (1) In this Chapter—
  - “the appropriate national authority” means—
    - (a) in relation to England, the Secretary of State, and
    - (b) in relation to Wales, the Welsh Ministers;
  - “assured tenancy” means a tenancy which is an assured tenancy for the purposes of the Housing Act 1988 except where—
    - (a) the landlord is—



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- (i) a private registered provider of social housing,
  - (ii) a registered social landlord, or
  - (iii) a fully mutual housing association, or
- (b) the tenancy is a long lease;
- “dwelling-house” may be a house or part of a house;
- “fully mutual housing association” has the same meaning as in Part 1 of the Housing Associations Act 1985 (see section 1(1) and (2) of that Act);
- “landlord” includes a person who proposes to be a landlord under a tenancy and a person who has ceased to be a landlord under a tenancy because the tenancy has come to an end;
- “long lease” means a lease which—
- (a) is a long lease for the purposes of Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993, or
  - (b) in the case of a shared ownership lease (within the meaning given by section 7(7) of that Act), would be a lease within paragraph (a) of this definition if the tenant's total share (within the meaning given by that section) were 100%;
- “registered social landlord” means a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996;
- “tenant” includes a person who proposes to be a tenant under a tenancy and a person who has ceased to be a tenant under a tenancy because the tenancy has come to an end.
- (2) In this Chapter “local authority” means—
- (a) a county council,
  - (b) a county borough council,
  - (c) a district council,
  - (d) a London borough council,
  - (e) the Common Council of the City of London in its capacity as local authority, or
  - (f) the Council of the Isles of Scilly.
- (3) References in this Chapter to a tenancy include a proposed tenancy and a tenancy that has come to an end.
- (4) References in this Chapter to anything which is payable, or which a person is liable to pay, to a letting agent include anything that the letting agent claims a person is liable to pay, regardless of whether the person is in fact liable to pay it.
- (5) Regulations under this Chapter are to be made by statutory instrument.
- (6) A statutory instrument containing (whether alone or with other provision) regulations made by the Secretary of State under section 87(11) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) A statutory instrument containing (whether alone or with other provision) regulations made by the Welsh Ministers under section 87(12) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

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- (8) A statutory instrument containing regulations made by the Secretary of State under this Chapter other than one to which subsection (6) applies is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) A statutory instrument containing regulations made by the Welsh Ministers under this Chapter other than one to which subsection (7) applies is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (10) Regulations under this Chapter—
- (a) may make different provision for different purposes;
  - (b) may make provision generally or in relation to specific cases.
- (11) Regulations under this Chapter may include incidental, supplementary, consequential, transitional, transitory or saving provision.

#### **Commencement Information**

**I24** S. 88(5)-(11) in force at Royal Assent, see [s. 100\(2\)\(c\)\(5\)](#)

**I25** S. 88(1)-(4) in force at 27.5.2015 for E. in so far as not already in force by [S.I. 2015/965, art. 2\(a\)](#)

**I26** S. 88(1)-(4) in force at 23.11.2015 for W. in so far as not already in force by [S.I. 2015/1904, art. 2](#)

## **CHAPTER 4**

### STUDENT COMPLAINTS SCHEME

#### **89 Qualifying institutions for the purposes of the student complaints scheme**

- (1) The Higher Education Act 2004 is amended as follows.
- (2) In section 11 (qualifying institutions for the purposes of the student complaints scheme) after paragraph (d) insert—
- “(e) an institution (other than one within another paragraph of this section) which provides higher education courses which are designated for the purposes of section 22 of the 1998 Act by or under regulations under that section;
  - (f) an institution (other than one within another paragraph of this section) whose entitlement to grant awards is conferred by an order under section 76(1) of the 1992 Act.”
- (3) In section 12 (qualifying complaints for the purposes of the student complaints scheme)—
- (a) in subsection (1) for “subsection (2)” substitute “subsections (2) and (3)”, and
  - (b) after subsection (2) insert—
- “(3) The designated operator may determine that a complaint within subsection (1) about an act or omission of a qualifying institution within paragraph (e) or (f) of section 11 is a qualifying complaint only if it is made by a person who is undertaking or has undertaken a particular course or a course of a particular description.”

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*Changes to legislation: There are currently no known outstanding effects for the Consumer Rights Act 2015, PART 3. (See end of Document for details)*

#### Commencement Information

**I27** S. 89 in force at 1.9.2015 for E. by S.I. 2015/1575, art. 2 (with art. 3)

**I28** S. 89 in force at 1.9.2015 for W. by S.I. 2015/1605, art. 2 (with art. 3)

## CHAPTER 5

### SECONDARY TICKETING

#### 90 Duty to provide information about tickets

- (1) This section applies where a person (“the seller”) re-sells a ticket for a recreational, sporting or cultural event in the United Kingdom through a secondary ticketing facility.
- (2) The seller and each operator of the facility must ensure that the person who buys the ticket (“the buyer”) is given the information specified in subsection (3), where this is applicable to the ticket.
- (3) That information is—
  - (a) where the ticket is for a particular seat or standing area at the venue for the event, the information necessary to enable the buyer to identify that seat or standing area,
  - (b) information about any restriction which limits use of the ticket to persons of a particular description, and
  - (c) the face value of the ticket.
- (4) The reference in subsection (3)(a) to information necessary to enable the buyer to identify a seat or standing area at a venue includes, so far as applicable—
  - (a) the name of the area in the venue in which the seat or standing area is located (for example the name of the stand in which it is located),
  - (b) information necessary to enable the buyer to identify the part of the area in the venue in which the seat or standing area is located (for example the block of seats in which the seat is located),
  - (c) the number, letter or other distinguishing mark of the row in which the seat is located,<sup>F1</sup>...
  - (d) the number, letter or other distinguishing mark of the seat<sup>F2</sup>, and
  - (e) any unique ticket number that may help the buyer to identify the seat or standing area or its location.]
- (5) The reference in subsection (3)(c) to the face value of the ticket is to the amount stated on the ticket as its price.
- (6) The seller and each operator of the facility must ensure that the buyer is given the information specified in subsection (7), where the seller is—
  - (a) an operator of the secondary ticketing facility,
  - (b) a person who is a parent undertaking or a subsidiary undertaking in relation to an operator of the secondary ticketing facility,
  - (c) a person who is employed or engaged by an operator of the secondary ticketing facility,
  - (d) a person who is acting on behalf of a person within paragraph (c), or

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- (e) an organiser of the event or a person acting on behalf of an organiser of the event.
- (7) That information is a statement that the seller of the ticket is a person within subsection (6) which specifies the ground on which the seller falls within that subsection.
- (8) Information required by this section to be given to the buyer must be given—
  - (a) in a clear and comprehensible manner, and
  - (b) before the buyer is bound by the contract for the sale of the ticket.
- (9) This section applies in relation to the re-sale of a ticket through a secondary ticketing facility only if the ticket is first offered for re-sale through the facility after the coming into force of this section.

#### Textual Amendments

- F1** Word in s. 90(4)(c) omitted (6.4.2018 for E.W.S.) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), **ss. 105, 118(6)**; [S.I. 2018/382, reg. 2](#)
- F2** S. 90(4)(e) and word inserted (6.4.2018 for E.W.S.) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 105, 118(6)**; [S.I. 2018/382, reg. 2](#)

## 91 Prohibition on cancellation or blacklisting

- (1) This section applies where a person (“the seller”) re-sells, or offers for re-sale, a ticket for a recreational, sporting or cultural event in the United Kingdom through a secondary ticketing facility.
- (2) An organiser of the event must not cancel the ticket merely because the seller has re-sold the ticket or offered it for re-sale unless—
  - (a) a term of the original contract for the sale of the ticket—
    - (i) provided for its cancellation if it was re-sold by the buyer under that contract,
    - (ii) provided for its cancellation if it was offered for re-sale by that buyer, or
    - (iii) provided as mentioned in sub-paragraph (i) and (ii), and
  - (b) that term was not unfair for the purposes of Part 2 (unfair terms).
- (3) An organiser of the event must not blacklist the seller merely because the seller has re-sold the ticket or offered it for re-sale unless—
  - (a) a term of the original contract for the sale of the ticket—
    - (i) provided for the blacklisting of the buyer under that contract if it was re-sold by that buyer,
    - (ii) provided for the blacklisting of that buyer if it was offered for re-sale by that buyer, or
    - (iii) provided as mentioned in sub-paragraph (i) and (ii), and
  - (b) that term was not unfair for the purposes of Part 2 (unfair terms).
- (4) In subsections (2) and (3) “the original contract” means the contract for the sale of the ticket by an organiser of the event to a person other than an organiser of the event.

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*Status: Point in time view as at 06/04/2018.*

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- (5) For the purposes of this section an organiser of an event cancels a ticket if the organiser takes steps which result in the holder for the time being of the ticket no longer being entitled to attend that event.
- (6) For the purposes of this section an organiser of an event blacklists a person if the organiser takes steps—
  - (a) to prevent the person from acquiring a ticket for a recreational, sporting or cultural event in the United Kingdom, or
  - (b) to restrict the person's opportunity to acquire such a ticket.
- (7) Part 2 (unfair terms) may apply to a term of a contract which, apart from that Part, would permit the cancellation of a ticket for a recreational, sporting or cultural event in the United Kingdom, or the blacklisting of the seller of such a ticket, in circumstances other than those mentioned in subsection (2) or (3).
- (8) Before the coming into force of Part 2, references to that Part in this section are to be read as references to the Unfair Terms in Consumer Contracts Regulations 1999 (SI 1999/2083).
- (9) This section applies in relation to a ticket that is re-sold or offered for re-sale before or after the coming into force of this section; but the prohibition in this section applies only to things done after its coming into force.

## **92 Duty to report criminal activity**

- (1) This section applies where—
  - (a) an operator of a secondary ticketing facility knows that a person has used or is using the facility in such a way that an offence has been or is being committed, and
  - (b) the offence relates to the re-sale of a ticket for a recreational, sporting or cultural event in the United Kingdom.
- (2) The operator must, as soon as the operator becomes aware that a person has used or is using the facility as mentioned in subsection (1), disclose the matters specified in subsection (3) to—
  - (a) an appropriate person, and
  - (b) an organiser of the event (subject to subsection (5)).
- (3) Those matters are—
  - (a) the identity of the person mentioned in subsection (1), if this is known to the operator, and
  - (b) the fact that the operator knows that an offence has been or is being committed as mentioned in that subsection.
- (4) The following are appropriate persons for the purposes of this section—
  - (a) a constable of a police force in England and Wales,
  - (b) a constable of the police service of Scotland, and
  - (c) a police officer within the meaning of the Police (Northern Ireland) Act 2000.
- (5) This section does not require an operator to make a disclosure to an organiser of an event if the operator has reasonable grounds for believing that to do so will prejudice the investigation of any offence.

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- (6) References in this section to an offence are to an offence under the law of any part of the United Kingdom.
- (7) This section applies only in relation to an offence of which an operator becomes aware after the coming into force of this section.

### **93 Enforcement of this Chapter**

- (1) A local weights and measures authority in Great Britain may enforce the provisions of this Chapter in its area.
- (2) The Department of Enterprise, Trade and Investment may enforce the provisions of this Chapter in Northern Ireland.
- (3) Each of the bodies referred to in subsections (1) and (2) is an “enforcement authority” for the purposes of this Chapter.
- (4) Where an enforcement authority is satisfied on the balance of probabilities that a person has breached a duty or prohibition imposed by this Chapter, the authority may impose a financial penalty on the person in respect of that breach.
- (5) But in the case of a breach of a duty in section 90 or a prohibition in section 91 an enforcement authority may not impose a financial penalty on a person (“P”) if the authority is satisfied on the balance of probabilities that—
  - (a) the breach was due to—
    - (i) a mistake,
    - (ii) reliance on information supplied to P by another person,
    - (iii) the act or default of another person,
    - (iv) an accident, or
    - (v) another cause beyond P's control, and
  - (b) P took all reasonable precautions and exercised all due diligence to avoid the breach.
- (6) A local weights and measures authority in England and Wales may impose a penalty under this section in respect of a breach which occurs in England and Wales but outside that authority's area (as well as in respect of a breach which occurs within that area).
- (7) A local weights and measures authority in Scotland may impose a penalty under this section in respect of a breach which occurs in Scotland but outside that authority's area (as well as in respect of a breach which occurs within that area).
- (8) Only one penalty under this section may be imposed on the same person in respect of the same breach.
- (9) The amount of a financial penalty imposed under this section—
  - (a) may be such as the enforcement authority imposing it determines, but
  - (b) must not exceed £5,000.
- (10) Schedule 10 (procedure for and appeals against financial penalties) has effect.
- (11) References in this section to this Chapter do not include section 94.

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## **94 Duty to review measures relating to secondary ticketing**

- (1) The Secretary of State must—
  - (a) review, or arrange for a review of, consumer protection measures applying to the re-sale of tickets for recreational, sporting or cultural events in the United Kingdom through secondary ticketing facilities,
  - (b) prepare a report on the outcome of the review or arrange for such a report to be prepared, and
  - (c) publish that report.
- (2) The report must be published before the end of the period of 12 months beginning with the day on which this section comes into force.
- (3) The Secretary of State must lay the report before Parliament.
- (4) In this section “consumer protection measures” includes such legislation, rules of law, codes of practice and guidance as the Secretary of State considers relate to the rights of consumers or the protection of their interests.

## **95 Interpretation of this Chapter**

- (1) In this Chapter—
  - “enforcement authority” has the meaning given by section 93(3);
  - “operator”, in relation to a secondary ticketing facility, means a person who—
    - (a) exercises control over the operation of the facility, and
    - (b) receives revenue from the facility,but this is subject to regulations under subsection (2);
  - “organiser”, in relation to an event, means a person who—
    - (a) is responsible for organising or managing the event, or
    - (b) receives some or all of the revenue from the event;
  - “parent undertaking” has the meaning given by section 1162 of the Companies Act 2006;
  - “secondary ticketing facility” means an internet-based facility for the re-sale of tickets for recreational, sporting or cultural events;
  - “subsidiary undertaking” has the meaning given by section 1162 of the Companies Act 2006;
  - “undertaking” has the meaning given by section 1161(1) of the Companies Act 2006.
- (2) The Secretary of State may by regulations provide that a person of a description specified in the regulations is or is not to be treated for the purposes of this Chapter as an operator in relation to a secondary ticketing facility.
- (3) Regulations under subsection (2)—
  - (a) are to be made by statutory instrument;
  - (b) may make different provision for different purposes;
  - (c) may include incidental, supplementary, consequential, transitional, transitory or saving provision.

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- (4) A statutory instrument containing regulations under subsection (2) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

## CHAPTER 6

### GENERAL

#### 96 Power to make consequential provision

- (1) The Secretary of State may by order made by statutory instrument make provision in consequence of this Act.
- (2) The power conferred by subsection (1) includes power—
- (a) to amend, repeal, revoke or otherwise modify any provision made by an enactment or an instrument made under an enactment (including an enactment passed or instrument made in the same Session as this Act);
  - (b) to make transitional, transitory or saving provision.
- (3) A statutory instrument containing (whether alone or with other provision) an order under this section which amends, repeals, revokes or otherwise modifies any provision of primary legislation is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) A statutory instrument containing an order under this section which does not amend, repeal, revoke or otherwise modify any provision of primary legislation is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section—
- “enactment” includes an Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales and Northern Ireland legislation;
- “primary legislation” means—
- (a) an Act of Parliament,
  - (b) an Act of the Scottish Parliament,
  - (c) a Measure or Act of the National Assembly for Wales, and
  - (d) Northern Ireland legislation.

#### 97 Power to make transitional, transitory and saving provision

- (1) The Secretary of State may by order made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act other than the coming into force of Chapter 3 or 4 of this Part in relation to Wales.
- (2) The Welsh Ministers may by order made by statutory instrument make transitional, transitory or saving provision in connection with the coming into force of Chapter 3 or 4 of this Part in relation to Wales.

#### 98 Financial provision

There is to be paid out of money provided by Parliament—



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- (a) any expenses incurred by a Minister of the Crown or a government department under this Act, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.

## **99 Extent**

- (1) The amendment, repeal or revocation of any provision by this Act has the same extent as the provision concerned.
- (2) Section 27 extends only to Scotland.
- (3) Chapter 3 of this Part extends only to England and Wales.
- (4) Subject to that, this Act extends to England and Wales, Scotland and Northern Ireland.

## **100 Commencement**

- (1) The provisions of this Act listed in subsection (2) come into force on the day on which this Act is passed.
- (2) Those provisions are—
  - (a) section 48(5) to (8),
  - (b) Chapter 3 of this Part in so far as it confer powers to make regulations,
  - (c) section 88(5) to (11),
  - (d) this Chapter, and
  - (e) paragraph 12 of Schedule 5.
- (3) Chapters 3 and 4 of this Part come into force—
  - (a) in relation to England, on such day as the Secretary of State may appoint by order made by statutory instrument;
  - (b) in relation to Wales, on such day as the Welsh Ministers may appoint by order made by statutory instrument.
- (4) Chapter 5 of this Part comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (5) The other provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument.
- (6) An order under this section may appoint different days for different purposes.

## **101 Short title**

This Act may be cited as the Consumer Rights Act 2015.

**Status:**

Point in time view as at 06/04/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the Consumer Rights Act 2015, PART 3.