



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 4

CONSUMER RIGHTS AND DISPUTES

CHAPTER 1

PROTECTION FROM UNFAIR TRADING

Interpretation

245 Meaning of “transactional decision”

In this Chapter, “transactional decision” means any decision made by a consumer relating to—

- (a) the purchase or supply of a product (including whether, how or on what terms to make the purchase or supply);
- (b) the retention, disposal or withdrawal of a product (including whether, how or on what terms to retain or dispose of it);
- (c) the exercise of contractual rights in relation to a product (including whether, how or on what terms to exercise such rights).

246 Meaning of “average consumer”: general

- (1) This section provides for how references to the average consumer are to be read for the purposes of this Chapter.
- (2) The average consumer is—
 - (a) reasonably well informed,

Status: This is the original version (as it was originally enacted).

- (b) reasonably observant, and
 - (c) reasonably circumspect.
- (3) The average consumer is to be treated as not knowing information in relation to a commercial practice where such information has been concealed by the trader (even if the average consumer might know the information from another source).
- (4) Where a commercial practice is directed at a particular group, the average consumer is an average member of that group (and the attributes of the average consumer in subsection (2) are to be read accordingly).
- (5) This section is subject to [section 247](#).

247 Meaning of “average consumer”: vulnerable persons

- (1) Subsection (2) applies where a group of consumers is particularly vulnerable to a commercial practice in a way that the trader could reasonably be expected to foresee.
- (2) References in this Chapter to the average consumer, so far as relating to cases to which this subsection applies, are to be read as references to an average member of the group mentioned in subsection (1) (and the attributes of the average consumer in [section 246\(2\)](#) are to be read accordingly).
- (3) For the purposes of subsection (1), the reference to a group of consumers being particularly vulnerable to a commercial practice—
- (a) is a reference to the members of the group being particularly vulnerable to the commercial practice causing them to take a transactional decision that they would not have taken otherwise, and
 - (b) includes a reference to a group of consumers being vulnerable to a practice because of the product to which it relates.
- (4) For the purposes of subsection (1), a group of consumers may be vulnerable as a result of (among other things)—
- (a) their age;
 - (b) their physical or mental health;
 - (c) their credulity;
 - (d) the circumstances they are in.

248 Meaning of “product”

- (1) In this Chapter, “product” means—
- (a) goods;
 - (b) a service;
 - (c) digital content.
- (2) For the purposes of this Chapter, a trader agreeing to the full or partial settlement of a consumer’s liabilities or purported liabilities in return for the consumer meeting a demand for payment is supplying a service.

249 General interpretation

In this Chapter—

“business” includes—

- (a) a trade, craft or profession,
- (b) any other undertaking carried on for gain or reward, and
- (c) the activities of any government department or local or public authority;
- “code of conduct” means an agreement or set of rules which defines the behaviour of traders who choose to be bound by it;
- “goods” includes—
- (a) immoveable property, and
- (b) rights and obligations,
- but includes water, gas and electricity only if they are put up for sale in a limited volume or set quantity;
- “supply”, in relation to a product, includes supply by means of sale, lease, hire or hire purchase.

250 Index of defined terms

In this Chapter, the expressions listed in the left-hand column have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right-hand column.

Expression	Provision
Aggressive practice	Section 228
Average consumer	Sections 246 and 247
Business	Section 249
Business-to-consumer contract	Section 232(2)(a)
Code of conduct	Section 249
Commercial practice	Section 225(3)
Consumer	Section 225(3)
Consumer payment	Section 232(2)(c)
Consumer-to-business contract	Section 232(2)(b)
Contravention of the requirements of professional diligence	Section 229
Enactment	Section 330
Goods	Section 249
Invitation to purchase	Section 230(10)
Misleading action	Section 226
Misleading omission	Section 227
Product	Section 248
Prohibited practice	Section 232(7)
Supply	Section 249
Trader	Section 225(3)
Transactional decision	Section 245

Status: This is the original version (as it was originally enacted).

Expression	Provision
Unfair commercial practice	Section 225(4)