



# Digital Markets, Competition and Consumers Act 2024

## 2024 CHAPTER 13

### PART 4

#### CONSUMER RIGHTS AND DISPUTES

### CHAPTER 1

#### PROTECTION FROM UNFAIR TRADING

#### *Interpretation*

#### **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)—

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**Status:** *This is the original version (as it was originally enacted).*

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- (a) their age;
- (b) their physical or mental health;
- (c) their credulity;
- (d) the circumstances they are in.