



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 4

CONSUMER RIGHTS AND DISPUTES

CHAPTER 2

SUBSCRIPTION CONTRACTS

Offence of failing to provide information about cooling-off rights

PROSPECTIVE

268 Offence of failing to provide information about initial cooling-off rights

- (1) A trader commits an offence if the trader—
- (a) enters into an off-premises subscription contract, and
 - (b) fails to—
 - (i) give the consumer the information listed in paragraph 11(a) of [Schedule 23](#) in accordance with section [256\(1\)\(a\)](#), or
 - (ii) give, or make available, the information set out in paragraph 21 of that Schedule in accordance with section [256\(1\)\(b\)](#).
- (2) Subsections (3) and (4) apply where a trader—
- (a) commits an offence under subsection (1), or
 - (b) would have committed an offence under that subsection but for a defence under section [269](#),

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Section 268. (See end of Document for details)

and the commission of the offence, or of what would have been the offence, is due to the act or omission of another person (“P”).

- (3) P commits the offence (whether or not P is a trader).
- (4) P may be charged with and convicted of the offence by virtue of subsection (3) whether or not proceedings are taken against the trader.
- (5) In this section, an “off-premises subscription contract” means a subscription contract—
 - (a) entered into in person, in a place which is not the business premises of the trader,
 - (b) entered into by any means immediately after the consumer was individually and personally addressed by the trader in person in a place which is not the business premises of the trader, or
 - (c) entered into during an excursion organised by the trader with the aim or effect of promoting and selling goods or services to the consumer.
- (6) In subsection (5), “business premises”, in relation to a trader, means—
 - (a) any immovable retail premises where the activity of the trader is carried out on a permanent basis, or
 - (b) any movable retail premises where the activity of the trader is carried out on a usual basis.
- (7) In other provisions of this Chapter, references to an offence under subsection (1) include references to an offence under that subsection by virtue of subsection (3).

Commencement Information

II S. 268 not in force at Royal Assent, see [s. 339\(1\)](#)

Status:

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