
STATUTORY INSTRUMENTS

2004 No. 2095

The Financial Services (Distance Marketing) Regulations 2004

Written and additional information

8.—(1) [^{F1}Subject to [^{F2}paragraphs (1A) to (1C)],] the supplier under a distance contract shall communicate to the consumer on paper, or in another durable medium which is available and accessible to the consumer, all the contractual terms and conditions and the information specified in Schedule 1, either—

- (a) in good time prior to the consumer being bound by that distance contract; or
- (b) immediately after the conclusion of the contract, where the contract has been concluded at the consumer's request using a means of distance communication which does not enable provision in accordance with sub-paragraph (a) of the contractual terms and conditions and the information specified in Schedule 1.

[^{F3}(1A) Where a distance contract to which paragraph (1) applies is also a contract for payment services to which the Payment Services Regulations [^{F4}2017] apply, the supplier is required to communicate to the consumer all the contractual terms and conditions and the information specified in paragraphs 8 to 13, 16 ^{F5}... and 21 of Schedule 1.]

[^{F6}(1B) Paragraph (1) shall not apply to a distance contract which is also a consumer credit agreement (other than an authorised non-business overdraft agreement) in respect of which the supplier has disclosed the pre-contract credit information required by regulations 3, 4 or 5, as the case may be, and 7 of the Disclosure of Information Regulations in accordance with those Regulations.

(1C) Paragraph (1) shall not apply to a distance contract which is also an authorised non-business overdraft agreement in respect of which—

- (a) the supplier has—
 - (i) disclosed the information required by regulation 10(2) of the Disclosure of Information Regulations (authorised non-business overdraft agreements) by means of the [^{F7} Pre-contract Credit Information (Overdrafts) form] in accordance with those Regulations; and
 - (ii) provided a copy of the contractual terms and conditions, or
- (b) in the case of a voice telephone communication the supplier has—
 - (i) disclosed the information required by regulation 10(5) of the Disclosure of Information Regulations in accordance with those Regulations; and
 - (ii) provided a copy of the written agreement in accordance with section 61B(2)(b) of the Consumer Credit Act 1974; or
- (c) in the case of an agreement made using a means of distance communication, other than voice telephone communication, such that the supplier is unable to provide the information required by regulation 10(2) of the Disclosure of Information Regulations, the supplier has provided a copy of the written agreement in accordance with section 61B(2)(c) of the Consumer Credit Act 1974.]

(2) The supplier shall communicate the contractual terms and conditions to the consumer on paper, if the consumer so requests at any time during their contractual relationship.

Changes to legislation: The Financial Services (Distance Marketing) Regulations 2004, Section 8 is up to date with all changes known to be in force on or before 17 June 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) View outstanding changes

(3) Paragraph (2) does not apply if the supplier has already communicated the contractual terms and conditions to the consumer on paper during that contractual relationship, and those terms and conditions have not changed since they were so communicated.

(4) The supplier shall change the means of distance communication with the consumer if the consumer so requests at any time during his contractual relationship with the supplier, unless that is incompatible with the distance contract or the nature of the financial service provided to the consumer.

Textual Amendments

- F1** Words in reg. 8(1) inserted (1.11.2009) by [The Payment Services Regulations 2009 \(S.I. 2009/209\)](#), reg. 1(2)(c), **Sch. 6 para. 5(b)(i)**
- F2** Words in reg. 8(1) substituted (with application in accordance with regs. 100, 101 of the amending S.I.) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 88(a)**, 99(1)
- F3** Reg. 8(1A) inserted (1.11.2009) by [The Payment Services Regulations 2009 \(S.I. 2009/209\)](#), reg. 1(2)(c), **Sch. 6 para. 5(b)(ii)**
- F4** Word in reg. 8(1A) substituted (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), reg. 1(6), **Sch. 8 para. 10(b)** (with reg. 3)
- F5** Word in reg. 8(1A) omitted (31.12.2020) by virtue of [The Financial Services \(Distance Marketing\) \(Amendment and Savings Provisions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/574\)](#), regs. 1(3), **8(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Reg. 8(1B)(1C) inserted (with application in accordance with regs. 100, 101 of the amending S.I.) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 88(b)**, 99(1)
- F7** Words in reg. 8(1C)(a)(i) substituted (31.12.2020) by [The Financial Services \(Distance Marketing\) \(Amendment and Savings Provisions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/574\)](#), regs. 1(3), **8(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to :

- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)