
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Consumer Protection (Distance Selling) Regulations 2000 (S.I.2000/2334) (“the principal Regulations”). The principal Regulations partially implement Directive 97/7/EC of the European Parliament and the Council of 20 May 1997 (O.J. No. L144, 4.6.97, p.19) on the protection of consumers in relation to distance contracts.

The principal Regulations apply to certain contracts for goods or services to be supplied to a consumer where the contract is made exclusively by means of distance communication (“distance contracts”). Where the principal Regulations apply, a consumer has the right to cancel a distance contract by notice to the supplier during a specified “cooling off period” whose length depends on whether and when the supplier complies with the requirement to provide the written information.

Regulation 8 of the principal Regulations is amended so that the supplier is no longer required to inform the consumer, prior to the conclusion of a contract for services, that he will not be able to cancel once performance of the services has begun with his agreement. Instead, the supplier must, in such cases, provide the consumer with information as to how the right to cancel may be affected if the consumer agrees to performance beginning less than seven working days after the contract was concluded. This information must be provided prior to or in good time during the performance of the contract.

Regulations 12 and 13 of the principal Regulations are amended so that—

- (a) where a supplier of services provides the information required by regulation 8 before performance of those services begins and the consumer agrees to such performance beginning before the end of the cooling off period, there is no right to cancel; and
- (b) where a supplier of services provides that information in good time during the performance of the services, there is a right to cancel even if the consumer agrees to performance beginning within seven working days of the contract being concluded, but the cooling off period begins when the consumer receives the information and ends seven working days later or when performance is completed (whichever is the sooner).

A regulatory impact assessment has been prepared and copies can be obtained from Consumer and Competition Policy Directorate, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET.