

STATUTORY INSTRUMENTS

2008 No. 1277

The Consumer Protection from Unfair Trading Regulations 2008

[^{F1}PART 4A

CONSUMERS' RIGHTS TO REDRESS

[^{F1}How does the right to damages work?

- 27J.**—(1) Subject as follows, a consumer has the right to damages if the consumer—
- (a) has incurred financial loss which the consumer would not have incurred if the prohibited practice in question had not taken place, or
 - (b) has suffered alarm, distress or physical inconvenience or discomfort which the consumer would not have suffered if the prohibited practice in question had not taken place.
- (2) The right to damages is the right to be paid damages by the trader for the loss or the alarm, distress or physical inconvenience or discomfort in question.
- (3) The right to be paid damages for financial loss does not include the right to be paid damages in respect of the difference between the market price of a product and the amount payable for it under a contract.
- (4) The right to be paid damages under this regulation is a right to be paid only damages in respect of loss that was reasonably foreseeable at the time of the prohibited practice.
- (5) A consumer does not have the right to damages if the trader proves that—
- (a) the occurrence of the prohibited practice in question was due to—
 - (i) a mistake,
 - (ii) reliance on information supplied to the trader by another person,
 - (iii) the act or default of a person other than the trader,
 - (iv) an accident, or
 - (v) another cause beyond the trader's control, and
 - (b) the trader took all reasonable precautions and exercised all due diligence to avoid the occurrence of the prohibited practice.]

Textual Amendments

- F1** Pt. 4A inserted (with application in accordance with reg. 1(3) of the amending S.I.) by [The Consumer Protection \(Amendment\) Regulations 2014 \(S.I. 2014/870\)](#), regs. 1(3), 3

Changes to legislation:

There are currently no known outstanding effects for the The Consumer Protection from Unfair Trading Regulations 2008, Section 27J.