
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (S.I. 2013/3134) (“the 2013 Regulations”), which implement Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ No L 304, 22.11.2011, p.64) (“the Directive”). The amendments come into force on 1st October 2015 and apply to contracts entered into on or after that date. They include amendment and revocation of provisions of the 2013 Regulations in consequence of the Consumer Rights Act 2015 (“the Act”), where the Act re-implements certain obligations of the Directive.

The Regulations also make a minor amendment to the Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277) (“the 2008 Regulations”).

Regulation 3 amends the exclusion from the 2013 Regulations for contracts for gambling, to clarify that the 2013 Regulations do not apply to a contract to the extent that it is for participating in the National Lottery.

Regulations 4 to 6 are made in consequence of the Act and revoke provisions of the 2013 Regulations to the extent they are replicated in the Act. The Act applies to contracts for a trader to supply digital content to a consumer in return for a price paid by the consumer, whereas the 2013 Regulations also apply to other contracts for a trader to supply digital content to a consumer. The provisions substituted by regulations 4(1), 5(1) and 6(1) therefore apply to contracts for a trader to supply digital content to a consumer in return for something other than a price. For other contracts – that is, contracts for a trader to supply digital content to a consumer for a price, or to supply goods or services to a consumer – equivalent provisions of the Act apply to any information that the trader gives to the consumer as required by regulations 9, 10 or 13 of the 2013 Regulations.

The relevant sections of the Act are sections 11(4) and (5) and 12, in relation to goods; sections 36(3) and (4) and 37, in relation to digital content; and section 50(3) and (4) in relation to services.

Regulation 7 makes a minor amendment to correct a provision in the 2013 Regulations.

Regulation 8 revokes provisions of the 2013 Regulations under which certain rules about the time for delivery of goods and the passing of risk to a consumer are to be treated as terms of a sales contract under which a consumer buys goods from a trader. Regulation 8 is made in consequence of the Act, as equivalent provisions about the time for delivery of goods and passing of risk under sales contracts are replicated in the Act, re-implementing these obligations of the Directive.

Regulation 9 makes a minor amendment to correct a provision in the 2008 Regulations.

An impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An Explanatory Memorandum is available on www.legislation.gov.uk. An impact assessment of the effect that the 2013 Regulations will have on the costs of business, the voluntary sector and the public sector is available from the BIS website at www.gov.uk/bis and is published with an Explanatory Memorandum alongside the 2013 Regulations on www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Consumer Contracts (Amendment) Regulations 2015.