

The Consumer Protection (Distance Selling)(Amendment) Regulations 2005.

2005 No. 689

CONSUMER PROTECTION

The Consumer Protection (Distance Selling)(Amendment) Regulations 2005

Made 11th March 2005

Laid before Parliament 16th March 2005

Coming into force 6th April 2005

The Secretary of State, being a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to matters relating to consumer protection, in exercise of the powers conferred on her by section 2(2) of that Act, hereby makes the following Regulations:

Citation, commencement and extent

1. -

1. These Regulations may be cited as the Consumer Protection (Distance Selling)(Amendment) Regulations 2005 and shall come into force on 6th April 2005.
2. These Regulations extend to Northern Ireland.

Amendments to the Consumer Protection (Distance Selling) Regulations 2000

2. The Consumer Protection (Distance Selling) Regulations 2000[3] are amended in accordance with the Schedule to these Regulations.

Gerry Sutcliffe

Parliamentary Under Secretary of State for Employment Relations, Postal Services and Consumers Department of Trade and Industry

14th March 2005

SCHEDULE

Regulation 2

Amendments to the Consumer Protection (Distance Selling) Regulations 2000

1. -
 - a. Regulation 8 (written and additional information) is amended as follows.
 - b. In paragraph (2)(b) -
 - a. the word "and" at the end of sub-paragraph (i) is omitted; and
 - b. after sub-paragraph (ii) there is inserted -

" (iii) in the case of a contract for the supply of services, information as to how the right to cancel may be affected by the consumer agreeing to performance of the services beginning before the end of the seven working day period referred to in regulation 12;".
 - c. Paragraph (3) is omitted.
2. -
 1. Regulation 12 (cancellation period in the case of contracts for the supply of services) is amended as follows.
 2. In paragraph (3) -
 - a. before the words "Where a supplier" there is inserted "Subject to paragraph (3A)"; and
 - b. after the words "in regulation 8(2)" the words "and (3)" are omitted.
 3. After paragraph (3) there is inserted -

" (3A) Where the performance of the contract has begun with the consumer's agreement before the expiry of the period of seven working days beginning with the day after the day on which the contract was concluded and the supplier has not complied with regulation 8 on or before the day on which performance began, but provides to the consumer the information referred to in regulation 8(2) in good time during the performance of the contract, the cancellation period ends -

 - a. on the expiry of the period of seven working days beginning with the day after the day on which the consumer receives the information; or
 - b. if the performance of the contract is completed before the expiry of the period referred to in sub-paragraph (a), on the day when the performance of the contract is completed."
 4. In paragraph (4) for the words "neither paragraph (2) nor (3) applies" there is substituted "none of paragraphs (2) to (3A) applies".

3. -

1. Regulation 13 (exceptions to the right to cancel) is amended as follows.

2. For paragraph (1)(a) there is substituted -

" (a) for the supply of services if the performance of the contract has begun with the consumer's agreement -

(i) before the end of the cancellation period applicable under regulation 12(2); and

(ii) after the supplier has provided the information referred to in regulation 8(2)."