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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**The Provision of Services Regulations 2009**

**PART 2**

**DUTIES OF SERVICE PROVIDERS**

**CHAPTER 1**

**INFORMATION**

**Duty to make contact details available**

7.—(1) The provider of a service must make available contact details to which all recipients of the service can send a complaint or a request for information about the service.

(2) Those contact details must include in particular—

- (a) a postal address, fax number or e-mail address,
- (b) a telephone number, and
- (c) where the service provider has an official address, that address.

(3) In paragraph (2)(c) “official address” means an address which a person is required by law to register, notify or maintain for the purpose of receiving notices or other communications.

**Other information to be made available**

8.—(1) The provider of a service must make the following information available to a recipient of the service—

- (a) the provider’s name;
- (b) the provider’s legal status and form;
- (c) the geographic address at which the provider is established and details by which the provider may be contacted rapidly and communicated with directly (including, where the provider may be contacted and communicated with by electronic means, the details of how the provider may be so contacted and communicated with);
- (d) where the provider is registered in a trade or other similar public register, the name of the register and the provider’s registration number or equivalent means of identification in that register;
- (e) where the activity is subject to an authorisation scheme in the United Kingdom, the particulars of the relevant competent authority or the electronic assistance facility referred to in regulation 38;
- (f) where the activity is subject in another EEA state to a scheme equivalent to an authorisation scheme, the particulars of the authority involved or the single point of contact in that state;
- (g) where the provider exercises an activity which is subject to VAT, the identification number referred to in Article 22(1) of the Sixth Council Directive [77/388/EEC](#) of 17 May 1977 on

the harmonisation of the laws of the member states relating to turnover taxes – Common system of value added tax: uniform basis of assessment<sup>(1)</sup>;

- (h) where the provider is carrying on a regulated profession, any professional body or similar institution with which the provider is registered, the professional title and the EEA state in which that title has been granted;
  - (i) the general terms and conditions, if any, used by the provider;
  - (j) the existence of contractual terms, if any, used by the provider concerning the competent courts or the law applicable to the contract;
  - (k) the existence of any after-sales guarantee not imposed by law;
  - (l) the price of the service, where a price is pre-determined by the provider for a given type of service;
  - (m) the main features of the service, if not already apparent from the context;
  - (n) where the provider is subject to a requirement to hold any professional liability insurance or guarantee, information about the insurance or guarantee and in particular—
    - (i) the contact details of the insurer or guarantor, and
    - (ii) the territorial coverage of the insurance or guarantee.
- (2) For the purposes of paragraph (1), information is made available to the recipient if—
- (a) it is supplied by the provider to the recipient on the provider's own initiative,
  - (b) it is easily accessible to the recipient at the place where the service is provided or the contract for the service is concluded,
  - (c) it is easily accessible to the recipient electronically by means of an address supplied by the provider, or
  - (d) it appears in any information document supplied to the recipient by the provider in which the provider gives a detailed description of the service.

### **Information to be supplied on request etc**

9.—(1) The provider of a service must, on the request of a recipient of the service, supply the following information to the recipient—

- (a) where the price is not pre-determined by the provider for a given type of service—
    - (i) the price of the service, or
    - (ii) if an exact price cannot be given, the method for calculating the price so that it can be checked by the recipient, or a sufficiently detailed estimate;
  - (b) where the provider is carrying on a regulated profession, a reference to the professional rules applicable in the EEA state in which the provider is established and how to access them;
  - (c) information on other activities undertaken by the provider which are directly linked to the service in question and on the measures taken to avoid conflicts of interest;
  - (d) any codes of conduct to which the provider is subject and the address at which these codes may be consulted by electronic means, specifying the language available.
- (2) The information referred to in paragraph (1)(c) must be included in any information document in which the provider gives a detailed description of the service.

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(1) OJNo. L145, 13.6.1977, p.1, as last amended by Directive 2006/18/EC (OJ No. L51, 22.2.2006, p.12).

### **Information about dispute resolution**

**10.** The provider of a service who is subject to a code of conduct, or is a member of a trade association or professional body, which provides for recourse to a non-judicial dispute resolution procedure must—

- (a) inform a recipient of the service of that fact, and
- (b) mention it in any information document in which the provider gives a detailed description of the service,

specifying how to access detailed information about that procedure.

### **General**

**11.** Information which must be made available or supplied by the provider of a service in accordance with the provisions of this Chapter must be made available or supplied—

- (a) in a clear and unambiguous manner, and
- (b) in good time before the conclusion of the contract or, where there is no written contract, before the service is provided (unless the information is requested as specified in regulation 9 after the provision of the service).

## **CHAPTER 2**

### **COMPLAINTS**

#### **Complaints**

**12.—**(1) The provider of a service must—

- (a) respond to complaints from recipients of the service as quickly as possible, and
- (b) make their best efforts to find a satisfactory solution to complaints from such recipients.

(2) Paragraph (1)(b) does not apply to complaints that are vexatious.