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STATUTORY INSTRUMENTS

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**1987 No. 2049**

**The Consumer Protection (Northern Ireland) Order 1987**

**PART III**

**MISLEADING PRICE INDICATIONS**

**Meaning of “misleading”**

**14.—(1)** For the purposes of Article 13 an indication given to any consumers is misleading as to a price if what is conveyed by the indication, or what those consumers might reasonably be expected to infer from the indication or any omission from it, includes any of the following, that is to say—

- (a) that the price is less than in fact it is;
- (b) that the applicability of the price does not depend on facts or circumstances on which its applicability does in fact depend;
- (c) that the price covers matters in respect of which an additional charge is in fact made;
- (d) that a person who in fact has no such expectation—
  - (i) expects the price to be increased or reduced (whether or not at a particular time or by a particular amount); or
  - (ii) expects the price, or the price as increased or reduced, to be maintained (whether or not for a particular period); or
- (e) that the facts or circumstances by reference to which the consumers might reasonably be expected to judge the validity of any relevant comparison made or implied by the indication are not what in fact they are.

**(2)** For the purposes of Article 13, an indication given to any consumers is misleading as to a method of determining a price if what is conveyed by the indication, or what those consumers might reasonably be expected to infer from the indication or any omission from it, includes any of the following, that is to say—

- (a) that the method is not what in fact it is;
- (b) that the applicability of the method does not depend on facts or circumstances on which its applicability does in fact depend;
- (c) that the method takes into account matters in respect of which an additional charge will in fact be made;
- (d) that a person who in fact has no such expectation—
  - (i) expects the method to be altered (whether or not at a particular time or in a particular respect); or
  - (ii) expects the method, or that method as altered, to remain unaltered (whether or not for a particular period); or
- (e) that the facts or circumstances by reference to which the consumers might reasonably be expected to judge the validity of any relevant comparison made or implied by the indication are not what in fact they are.

(3) For the purposes of paragraphs (1)(e) and (2)(e) a comparison is a relevant comparison in relation to a price or method of determining a price if it is made between that price or that method, or any price which has been or may be determined by that method, and—

- (a) any price or value which is stated or implied to be, to have been or to be likely to be attributed or attributable to the goods, services, accommodation or facilities in question or to any other goods, services, accommodation or facilities; or
- (b) any method, or other method, which is stated or implied to be, to have been or to be likely to be applied or applicable for the determination of the price or value of the goods, services, accommodation or facilities in question or of the price or value of any other goods, services, accommodation or facilities.