



Unsolicited Goods and Services Act 1971

1971 CHAPTER 30

An Act to make provision for the greater protection of persons receiving unsolicited goods, and to amend the law with respect to charges for entries in directories. [12th May 1971]

Annotations:

Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

^{F1}

Annotations:

Amendments (Textual)

F1 [S. 1](#) omitted (31.10.2000) by virtue of [S.I. 2000/2334, reg. 22\(2\)](#)

2 Demands and threats regarding payment.

- (1) A person who, not having reasonable cause to believe there is a right to payment, in the course of any trade or business makes a demand for payment, or asserts a present or prospective right to payment, for what he knows are unsolicited goods sent (after the commencement of this Act) to another person with a view to his acquiring them [^{F2}for the purposes of his trade or business], shall be guilty of an offence and on summary conviction shall be liable to a fine not exceeding [^{F3}level 4 on the standard scale].
- (2) A person who, not having reasonable cause to believe there is a right to payment, in the course of any trade or business and with a view to obtaining any payment for what he knows are unsolicited goods sent as aforesaid—
 - (a) threatens to bring any legal proceedings; or
 - (b) places or causes to be placed the name of any person on a list of defaulters or debtors or threatens to do so; or

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- (c) invokes or causes to be invoked any other collection procedure or threatens to do so,
shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F3}level 5 on the standard scale].

Annotations:

Amendments (Textual)

- F2** Words in s. 2(1) inserted (31.10.2000) by S.I. 2000/2334, reg. 22(3)
F3 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

3 Directory entries.

- [^{F4}(1) A person (“the purchaser”) shall not be liable to make any payment, and shall be entitled to recover any payment made by him, by way of charge for including or arranging for the inclusion in a directory of an entry relating to that person or his trade or business, unless—
- (a) there has been signed by the purchaser or on his behalf an order complying with this section,
 - (b) there has been signed by the purchaser or on his behalf a note complying with this section of his agreement to the charge and before the note was signed, a copy of it was supplied, for retention by him, to him or a person acting on his behalf, or
 - (c) there has been transmitted by the purchaser or a person acting on his behalf an electronic communication which includes a statement that the purchaser agrees to the charge and the relevant condition is satisfied in relation to that communication.]
- (2) A person shall be guilty of an offence punishable on summary conviction with a fine not exceeding £400 if, in a case where a payment in respect of a charge would, in the absence of an order or note of agreement to the charge complying with this section [^{F5}and in the absence of an electronic communication in relation to which the relevant condition is satisfied], be recoverable from him in accordance with the terms of subsection (1) above, he demands payment, or asserts a present or prospective right to payment, of the charge or any part of it, without knowing or having reasonable cause to believe [^{F6}that—
- (a) the entry to which the charge relates was ordered in accordance with this section,
 - (b) a proper note of the agreement has been duly signed, or
 - (c) the requirements set out in subsection (1)(c) above have been met.]
- (3) For the purposes of subsection (1) above, an order for an entry in a directory must be made by means of an order form or other stationery belonging to the [^{F7}purchaser and bearing, in print, his name and address (or one or more of his addresses);] and the note required by this section of a person’s agreement to a charge must state the amount of the charge immediately above the place for signature, and—
- (a) must identify the directory or proposed directory, and give the following particulars of it—

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- (i) the proposed date of publication of the directory or of the issue in which the entry is to be included and the name and address of the person producing it;
 - (ii) if the directory or that issue is to be put on sale, the price at which it is to be offered for sale and the minimum number of copies which are to be available for sale;
 - (iii) if the directory or that issue is to be distributed free of charge (whether or not it is also to be put on sale), the minimum number of copies which are to be so distributed; and
- (b) must set out or give reasonable particulars of the entry in respect of which the charge would be payable.
- [^{F8}(3A) In relation to an electronic communication which includes a statement that the purchaser agrees to a charge for including or arranging the inclusion in a directory of any entry, the relevant condition is that—
- (a) before the electronic communication was transmitted the information referred to in subsection (3B) below was communicated to the purchaser, and
 - (b) the electronic communication can readily be produced and retained in a visible and legible form.
- (3B) that information is—
- (a) the following particulars—
 - (i) the amount of the charge;
 - (ii) the name of the directory or proposed directory;
 - (iii) the name of the person producing the directory;
 - (iv) the geographic address at which that person is established;
 - (v) if the directory is or is to be available in printed form, the proposed date of publication of the directory or of the issue in which the entry is to be included;
 - (vi) if the directory or the issue in which the entry is to be included is to be put on sale, the price at which it is to be offered for sale and the minimum number of copies which are to be available for sale;
 - (vii) if the directory or the issue in which the entry is to be included is to be distributed free of charge (whether or not it is also to be put on sale), the minimum number of copies which are to be so distributed;
 - (viii) if the directory is or is to be available in a form other than in printed form, adequate details of how it may be accessed; and
 - (b) reasonable particulars of the entry in respect of which the charge would be payable.
- (3C) In this section “electronic communication” has the same meaning as in the Electronic Communications Act 2000.]

Annotations:

Amendments (Textual)

- F4** S. 3(1) substituted (31.8.2001) by S.I. 2001/2778, art. 3
- F5** Words in s. 3(2) inserted (31.8.2001) by S.I. 2001/2778, art. 4(a)
- F6** Words in s. 3(2) inserted (31.8.2001) by S.I. 2001/2778, art. 4(b)
- F7** Words in s. 3(3) substituted (31.8.2001) by S.I. 2001/2778, art. 5
- F8** S. 3(3A)-(3C) inserted (31.8.2001) by S.I. 2001/2778, art. 6

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Modifications etc. (not altering text)

C2 S. 3(2) amended by [Unsolicited Goods and Services \(Amendment\) Act 1975 \(c. 13, SIF 109:1\)](#), s. 3

[^{F9}3A Contents and form of notes of agreement, invoices and similar documents.

- (1) For the purposes of this Act, the Secretary of State may make regulations as to the contents and form of notes of agreement, invoices and similar documents; and, without prejudice to the generality of the foregoing, any such regulations may-
- (a) require specified information to be included,
 - (b) prescribe the manner in which specified information is to be included,
 - (c) prescribe such other requirements (whether as to presentation, type, size, colour or disposition of lettering, quality or colour of paper or otherwise) as the Secretary of State may consider appropriate for securing that specified information is clearly brought to the attention of the recipient of any note of agreement, invoice or similar document,
 - (d) make different provision for different classes of descriptions of notes of agreement, invoices and similar documents or for the same class or description in different circumstances,
 - (e) contain such supplementary and incidental provisions as the Secretary of State may consider appropriate.
- (2) Any reference in this section to a note of agreement includes any such copy as is mentioned in section 3(1) of this Act.
- (3) Regulations under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.”]
- (4) Nothing in this section shall apply to a payment due under a contract entered into before the commencement of this Act, or entered into by the acceptance of an offer made before that commencement.

Annotations:

Amendments (Textual)

F9 S. 3A inserted by [Unsolicited Goods and Services \(Amendment\) Act 1975 \(c. 13, SIF 109:1\)](#), s. 1

Modifications etc. (not altering text)

C3 S. 3A applied (31.10.2000) by [S.I. 2000/2334, reg. 24\(8\)](#)

4 Unsolicited publications.

- (1) A person shall be guilty of an offence if he sends or causes to be sent to another person any book, magazine or leaflet (or advertising material for any such publication) which he knows or ought reasonably to know is unsolicited and which describes or illustrates human sexual techniques.
- (2) A person found guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding [^{F10}£100][^{F10}level 5 on the standard scale]for a first offence and to a fine not exceeding [^{F10}£400][^{F10}level 5 on the standard scale]for any subsequent offence.

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- (3) A prosecution for an offence under this section shall not in England and Wales be instituted except by, or with the consent of, the Director of Public Prosecutions.

Annotations:

Amendments (Textual)

- F10** For “£100,” and “£400” substituted in each case (S) by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**

Modifications etc. (not altering text)

- C4** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

5 Offences by corporations.

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or of any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

6 Interpretation.

- (1) In this Act, unless the context or subject matter otherwise requires,—
“acquire” includes hire;
“send” includes deliver, and “sender” shall be construed accordingly;
“unsolicited” means, in relation to goods sent to any person, that they are sent without any prior request made by him or on his behalf.
- [^{F11}(2) For the purpose of this Act any invoice or similar document stating the amount of any payment and not complying with the requirements of regulations under section 3A of this Act applicable thereto shall be regarded as asserting a right to the payment.]

Annotations:

Amendments (Textual)

- F11** [S. 6\(2\)](#) substituted with saving by [Unsolicited Goods and Services \(Amendment\) Act 1975 \(c. 13, SIF 109:1\)](#), **s. 2(2)**, and (subject to a saving in s.4(4) in relation to certain documents signed or sent before 30.5.1975)

7 Citation commencement and extent.

- (1) This Act may be cited as the Unsolicited Goods and Services Act 1971.

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- (2) This Act shall come into force at the expiration of three months beginning with the day on which it is passed.
- (3) This Act does not extend to Northern Ireland.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 3(1)(b) text amended by [S.I. 2005/55 art. 2\(2\)](#)
- s. 3(1)(d) and word inserted by [S.I. 2005/55 art. 2\(3\)](#)
- s. 3(2) text amended by [S.I. 2005/55 art. 2\(4\)\(a\)](#)
- s. 3(2)(c) text amended by [S.I. 2005/55 art. 2\(4\)\(b\)](#)
- s. 3(3) text amended by [S.I. 2005/55 art. 2\(5\)](#)
- s. 3(3)(a) text amended by [S.I. 2005/148 reg. 2](#)
- s. 3A applied by [S.I. 2004/2095 reg. 15\(6\)](#)
- s. 3A omitted by [S.I. 2005/55 art. 2\(6\)](#)
- s. 6(2) substituted by [S.I. 2005/55 art. 2\(8\)\(a\)](#)
- s. 6(3) inserted by [S.I. 2005/55 art. 2\(8\)\(b\)](#)

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3B inserted by [S.I. 2005/55 art. 2\(7\)](#)