



Unsolicited Goods and Services Act 1971

1971 CHAPTER 30

3 Directory entries.

- ^{F1}(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, ^{F2} ...
 - (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] ^{F3}, or
 - (d) the charge arises under a contract in relation to which the conditions in section 3B(1) (renewed and extended contracts) are met]
- (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 ^{F4} ... 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 ^{F5} 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) ^{F6} or (d)] above have been met.]
- (3) For the purposes of ^{F7} this section—
- (a)] an order for an entry in a directory must be made by means of an order form or other stationery belonging to the ^{F8} purchaser ^{F9}, which may be sent

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electronically but which must bear] his name and address (or one or more of his addresses); and]

- [^{F10}(b)] the note [^{F11}of a person's agreement to a charge must—
- (i) specify the particulars set out in Part 1 of the Schedule to the Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directory Entries and Demands for Payment) Order 2005, and
 - (ii) give reasonable particulars of the entry in respect of which the charge would be payable.]

^{F12}[(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.]

Textual Amendments

- F1** S. 3(1) substituted (31.8.2001) by [S.I. 2001/2778](#), [art. 3](#)
- F2** Word in s. 3(1)(b) omitted (6.4.2005) by virtue of [The Regulatory Reform \(Unsolicited Goods and Services Act 1971\) \(Directory Entries and Demands for Payment\) Order 2005](#) (S.I. 2005/55), arts. 1(1), [2\(2\)](#)
- F3** S. 3(1)(d) and preceding word inserted (6.4.2005) by [The Regulatory Reform \(Unsolicited Goods and Services Act 1971\) \(Directory Entries and Demands for Payment\) Order 2005](#) (S.I. 2005/55), arts. 1(1), [2\(3\)](#)

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- F4** Words in s. 3(2) omitted (6.4.2005) by virtue of The Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directory Entries and Demands for Payment) Order 2005 (S.I. 2005/55), arts. 1(1), **2(4)(a)**
- F5** Words in s. 3(2) inserted (31.8.2001) by S.I. 2001/2778, **art. 4(b)**
- F6** Words in s. 3(2)(c) inserted (6.4.2005) by The Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directory Entries and Demands for Payment) Order 2005 (S.I. 2005/55), arts. 1(1), **2(4)(b)**
- F7** Words in s. 3(3) substituted (6.4.2005) by The Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directory Entries and Demands for Payment) Order 2005 (S.I. 2005/55), arts. 1(1), **2(5)(a)**
- F8** Words in s. 3(3) substituted (31.8.2001) by S.I. 2001/2778, **art. 5**
- F9** Words in s. 3(3)(a) substituted (6.4.2005) by The Unsolicited Goods and Services Act 1971 (Electronic Commerce) (Amendment) Regulations 2005 (S.I. 2005/148), regs. 1(1), **2**
- F10** Word in s. 3(3) inserted (6.4.2005) by The Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directory Entries and Demands for Payment) Order 2005 (S.I. 2005/55), arts. 1(1), **2(5)(b)**
- F11** Words in s. 3(3) substituted (6.4.2005) by The Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directory Entries and Demands for Payment) Order 2005 (S.I. 2005/55), arts. 1(1), **2(5)(c)**
- F12** S. 3(3A)-(3C) inserted (31.8.2001) by S.I. 2001/2778, **art. 6**

Modifications etc. (not altering text)

- C1** S. 3(2) amended by Unsolicited Goods and Services (Amendment) Act 1975 (c. 13, SIF 109:1), **s. 3**

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