



# Unsolicited Goods and Services Act 1971

## 1971 CHAPTER 30

### [<sup>F1</sup>3B. Renewed and extended contracts

- (1) The conditions referred to in section 3(1)(d) above are met in relation to a contract (“the new contract”) if —
- (a) a person (“the purchaser”) has entered into an earlier contract (“the earlier contract”) for including or arranging for the inclusion in a particular issue or version of a directory (“the earlier directory”) of an entry (“the earlier entry”) relating to him or his trade or business;
  - (b) the purchaser was liable to make a payment by way of a charge arising under the earlier contract for including or arranging for the inclusion of the earlier entry in the earlier directory;
  - (c) the new contract is a contract for including or arranging for the inclusion in a later issue or version of a directory (“the later directory”) of an entry (“the later entry”) relating to the purchaser or his trade or business;
  - (d) the form, content and distribution of the later directory is materially the same as the form, content and distribution of the earlier directory;
  - (e) the form and content of the later entry is materially the same as the form and content of the earlier entry;
  - (f) if the later directory is published other than in electronic form—
    - (i) the earlier directory was the last, or the last but one, issue or version of the directory to be published before the later directory, and
    - (ii) the date of publication of the later directory is not more than 13 months after the date of publication of the earlier directory;
  - (g) if the later directory is published in electronic form, the first date on which the new contract requires the later entry to be published is not more than the relevant period after the last date on which the earlier contract required the earlier entry to be published;
  - (h) if it was a term of the earlier contract that the purchaser renew or extend the contract—
    - (i) before the start of the new contract the relevant publisher has given notice in writing to the purchaser containing the information set out in Part 3 of the Schedule to the Regulatory Reform (Unsolicited Goods

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**Changes to legislation:** There are currently no known outstanding effects for the Unsolicited Goods and Services Act 1971, Section 3B. (See end of Document for details)

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- and Services Act 1971) (Directory Entries and Demands for Payment) Order 2005; and
- (ii) the purchaser has not written to the relevant publisher withdrawing his agreement to the renewal or extension of the earlier contract within the period of 21 days starting when he receives the notice referred to in sub-paragraph (i); and
- (i) if the parties to the earlier contract and the new contract are different—
- (i) the parties to both contracts have entered into a novation agreement in respect of the earlier contract; or
- (ii) the relevant publisher has given the purchaser the information set out in Part 4 of the Schedule to the Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directory Entries and Demands for Payment) Order 2005.
- (2) For the purposes of subsection (1)(d) and (e), the form, content or distribution of the later directory, or the form or content of the later entry, shall be taken to be materially the same as that of the earlier directory or the earlier entry (as the case may be), if a reasonable person in the position of the purchaser would—
- (a) view the two as being materially the same; or
- (b) view that of the later directory or the later entry as being an improvement on that of the earlier directory or the earlier entry.
- (3) For the purposes of subsection (1)(g) “the relevant period” means the period of 13 months or (if shorter) the period of time between the first and last dates on which the earlier contract required the earlier entry to be published.
- (4) For the purposes of subsection (1)(h) and (i) “the relevant publisher” is the person with whom the purchaser has entered into the new contract.
- (5) The information referred to in subsection (1)(i)(ii) must be given to the purchaser prior to the conclusion of the new contract.]

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**Textual Amendments**

- F1** S. 3B 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(7)**

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