

---

STATUTORY INSTRUMENTS

---

**1997 No. 1081**

**The Timeshare Regulations 1997**

**Obligation to provide information**

3.—(1) After section 1 of the 1992 Act there is inserted—

**“Obligations to provide information.**

**1A.—(1)** A person who proposes in the course of a business to enter into a timeshare agreement to which this Act applies as offeror (an “operator”) must provide any person who requests information on the proposed accommodation with a document complying with subsection (2) below.

(2) The document shall provide—

- (a) a general description of the proposed accommodation,
- (b) information (which may be brief) on the matters referred to in paragraphs (a) to (g), (i) and (l) of Schedule 1 to this Act, and
- (c) information on how further information may be obtained.

(3) Where an operator—

- (a) provides a person with a document containing information on the proposed accommodation, and
- (b) subsequently enters as offeror into a timeshare agreement to which this Act applies the subject of which is the proposed accommodation,

subsection (4) below applies.

(4) If the offeree under the agreement is an individual who—

- (a) is not acting in the course of a business, and
- (b) has received the document mentioned in subsection (3) above,

any information contained in that document which was, or would on request have been, required to be provided under section (2)(b) above shall be deemed to be a term of the agreement.

(5) If, in a case where subsection (4) above applies, a change in the information contained in the document is communicated to the offeree in writing before the timeshare agreement is entered into, the change shall be deemed for the purposes of this Act always to have been incorporated in the information contained in the document if—

- (a) the change arises from circumstances beyond the offeror’s control, or
- (b) the offeror and the offeree expressly agree to the change before entering into the timeshare agreement,

and the change is expressly mentioned in the timeshare agreement.

(6) A person who contravenes subsection (1) above is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
- (b) on conviction on indictment, to a fine.

(7) In this section “the proposed accommodation” means—

- (a) the accommodation which is the subject of the proposed agreement, or
- (b) the accommodation in the pool of accommodation which is the subject of the proposed agreement,

as the case may be.

(8) This section only applies if—

- (a) the accommodation which is the subject of the proposed agreement or agreement is accommodation in a building, or
- (b) some or all of the accommodation in the pool of accommodation which is the subject of the proposed agreement or agreement is accommodation in a building,

as the case may be.”

(2) The Schedule to the 1992 Act shall be numbered Schedule 2.

(3) Before that Schedule there is inserted the Schedule set out in the Schedule to these Regulations.