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STATUTORY INSTRUMENTS

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**2013 No. 3134**

**The Consumer Contracts (Information, Cancellation  
and Additional Charges) Regulations 2013**

**PART 1**

**General**

**Other definitions**

**5.** In these Regulations—

“business” includes the activities of any government department or local or public authority;

“business premises” in relation to a trader means—

- (a) any immovable retail premises where the activity of the trader is carried out on a permanent basis, or
- (b) any movable retail premises where the activity of the trader is carried out on a usual basis;

“CMA” means the Competition and Markets Authority<sup>(1)</sup>;

“commercial guarantee”, in relation to a contract, means any undertaking by the trader or producer to the consumer (in addition to the trader’s duty to supply goods that are in conformity with the contract) to reimburse the price paid or to replace, repair or service goods in any way if they do not meet the specifications or any other requirements not related to conformity set out in the guarantee statement or in the relevant advertising available at the time of the contract or before it is entered into;

“court”—

- (a) in relation to England and Wales, means the county court or the High Court,
- (b) in relation to Northern Ireland, means a county court or the High Court, and
- (c) in relation to Scotland means the sheriff court or the Court of Session;

“delivery” means voluntary transfer of possession from one person to another;

“digital content” means data which are produced and supplied in digital form;

“distance contract” means a contract concluded between a trader and a consumer under an organised distance sales or service-provision scheme without the simultaneous physical presence of the trader and the consumer, with the exclusive use of one or more means of distance communication up to and including the time at which the contract is concluded;

“district heating” means the supply of heat (in the form of steam or hot water or otherwise) from a central source of production through a transmission and distribution system to heat more than one building;

“durable medium” means paper or email, or any other medium that—

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(1) The Competition and Markets Authority was established by section 25 of the Enterprise and Regulatory Reform Act 2013 (c. 24)

- (a) allows information to be addressed personally to the recipient,
- (b) enables the recipient to store the information in a way accessible for future reference for a period that is long enough for the purposes of the information, and
- (c) allows the unchanged reproduction of the information stored;

“functionality” in relation to digital content includes region coding, restrictions incorporated for the purposes of digital rights management, and other technical restrictions;

“goods” means any tangible moveable items, but that includes water, gas and electricity if and only if they are put up for sale in a limited volume or a set quantity;

“off-premises contract” means a contract between a trader and a consumer which is any of these—

- (a) a contract concluded in the simultaneous physical presence of the trader and the consumer, in a place which is not the business premises of the trader;
- (b) a contract for which an offer was made by the consumer in the simultaneous physical presence of the trader and the consumer, in a place which is not the business premises of the trader;
- (c) a contract concluded on the business premises of the trader or through any means of distance communication immediately after the consumer was personally and individually addressed in a place which is not the business premises of the trader in the simultaneous physical presence of the trader and the consumer;
- (d) a contract concluded during an excursion organised by the trader with the aim or effect of promoting and selling goods or services to the consumer;

“on-premises contract” means a contract between a trader and a consumer which is neither a distance contract nor an off-premises contract;

“public auction” means a method of sale where—

- (a) goods or services are offered by a trader to consumers through a transparent, competitive bidding procedure run by an auctioneer,
- (b) the consumers attend or are given the possibility to attend in person, and
- (c) the successful bidder is bound to purchase the goods or services;

“sales contract” means a contract under which a trader transfers or agrees to transfer the ownership of goods to a consumer and the consumer pays or agrees to pay the price, including any contract that has both goods and services as its object;

“service” includes—

- (a) the supply of water, gas or electricity if they are not put up for sale in a limited volume or a set quantity, and
- (b) the supply of district heating;

“service contract” means a contract, other than a sales contract, under which a trader supplies or agrees to supply a service to a consumer and the consumer pays or agrees to pay the price.