



# 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]

### Modifications etc. (not altering text)

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

<sup>F1</sup> .....

### Textual Amendments

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 [<sup>F2</sup>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 [<sup>F3</sup>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
  - (c) invokes or causes to be invoked any other collection procedure or threatens to do so,

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shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F3</sup>level 5 on the standard scale].

#### Textual Amendments

- 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.

<sup>F4</sup>[( 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, <sup>F5</sup> ...
- (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][<sup>F6</sup>, 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 <sup>F7</sup>... 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 [<sup>F8</sup>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) [<sup>F9</sup>or (d)] above have been met.]

(3) For the purposes of [<sup>F10</sup>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 [<sup>F11</sup>purchaser [<sup>F12</sup>, which may be sent electronically but which must bear] his name and address (or one or more of his addresses); and]
- [<sup>F13</sup>(b)] the note [<sup>F14</sup>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.]

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<sup>F15</sup>[( 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

- F4** S. 3(1) substituted (31.8.2001) by [S.I. 2001/2778, art. 3](#)
- F5** 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\(2\)](#)
- F6** 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\(3\)](#)
- F7** 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\(4\)\(a\)](#)
- F8** Words in s. 3(2) inserted (31.8.2001) by [S.I. 2001/2778, art. 4\(b\)](#)
- F9** 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\(4\)\(b\)](#)
- F10** 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\(5\)\(a\)](#)
- F11** Words in s. 3(3) substituted (31.8.2001) by [S.I. 2001/2778, art. 5](#)
- F12** 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](#)

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- F13** 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)**
- F14** 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)**
- F15** S. 3(3A)-(3C) inserted (31.8.2001) by [S.I. 2001/2778](#), **art. 6**

**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**

**<sup>F16</sup> 3A Contents and form of notes of agreement, invoices and similar documents.**

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**Textual Amendments**

- F16** S. 3A 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(6)**

**[<sup>F17</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

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- Part 3 of the Schedule to the Regulatory Reform (Unsolicited Goods 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.]

#### Textual Amendments

- F17** 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)**

#### 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 [<sup>F18</sup>£100][<sup>F18</sup>level 5 on the standard scale] for a first offence and to a fine not exceeding [<sup>F18</sup>£400][<sup>F18</sup>level 5 on the standard scale] for any subsequent offence.
- (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.

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#### Textual Amendments

**F18** 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)

**C3** [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.
- <sup>[F19]</sup>(2) For the purposes of this Act, any invoice or similar document stating the amount of any payment shall be regarded as asserting a right to the payment unless it complies with the conditions set out in Part 2 of the Schedule to the Regulatory Reform (Unsolicited Goods and Services Act 1971) (Directory Entries and Demands for Payment) Order 2005.]
- <sup>[F20]</sup>(3) Nothing in sections 3 or 3B shall affect the rights of any consumer under the Consumer Protection (Distance Selling) Regulations 2000.]

#### Textual Amendments

- F19** S. 6(2) 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(8)(a)**
- F20** S. 6(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(8)(b)**

### 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.

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**Changes to legislation:**

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