



Consumer Rights Act 2015

CHAPTER 15

CONSUMER RIGHTS ACT 2015

PART 1

CONSUMER CONTRACTS FOR GOODS, DIGITAL CONTENT AND SERVICES

CHAPTER 1

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- 1 Where Part 1 applies
- 2 Key definitions

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What goods contracts are covered?

- 3 Contracts covered by this Chapter
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- 5 Sales contracts
- 6 Contracts for the hire of goods
- 7 Hire-purchase agreements
- 8 Contracts for transfer of goods

What statutory rights are there under a goods contract?

- 9 Goods to be of satisfactory quality
- 10 Goods to be fit for particular purpose
- 11 Goods to be as described

Status: This is the original version (as it was originally enacted).

- 12 Other pre-contract information included in contract
- 13 Goods to match a sample
- 14 Goods to match a model seen or examined
- 15 Installation as part of conformity of the goods with the contract
- 16 Goods not conforming to contract if digital content does not conform
- 17 Trader to have right to supply the goods etc
- 18 No other requirement to treat term about quality or fitness as included

What remedies are there if statutory rights under a goods contract are not met?

- 19 Consumer's rights to enforce terms about goods
- 20 Right to reject
- 21 Partial rejection of goods
- 22 Time limit for short-term right to reject
- 23 Right to repair or replacement
- 24 Right to price reduction or final right to reject

Other rules about remedies under goods contracts

- 25 Delivery of wrong quantity
- 26 Instalment deliveries
- 27 Consignation, or payment into court, in Scotland

Other rules about goods contracts

- 28 Delivery of goods
- 29 Passing of risk
- 30 Goods under guarantee

Can a trader contract out of statutory rights and remedies under a goods contract?

- 31 Liability that cannot be excluded or restricted
- 32 Contracts applying law of non-EEA State

CHAPTER 3

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What digital content contracts are covered?

- 33 Contracts covered by this Chapter

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- 34 Digital content to be of satisfactory quality
- 35 Digital content to be fit for particular purpose
- 36 Digital content to be as described
- 37 Other pre-contract information included in contract
- 38 No other requirement to treat term about quality or fitness as included
- 39 Supply by transmission and facilities for continued transmission
- 40 Quality, fitness and description of content supplied subject to modifications
- 41 Trader's right to supply digital content

What remedies are there if statutory rights under a digital content contract are not met?

- 42 Consumer's rights to enforce terms about digital content
- 43 Right to repair or replacement
- 44 Right to price reduction
- 45 Right to a refund

Compensation for damage to device or to other digital content

- 46 Remedy for damage to device or to other digital content

Can a trader contract out of statutory rights and remedies under a digital content contract?

- 47 Liability that cannot be excluded or restricted

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What services contracts are covered?

- 48 Contracts covered by this Chapter

What statutory rights are there under a services contract?

- 49 Service to be performed with reasonable care and skill
- 50 Information about the trader or service to be binding
- 51 Reasonable price to be paid for a service
- 52 Service to be performed within a reasonable time
- 53 Relation to other law on contract terms

What remedies are there if statutory rights under a services contract are not met?

- 54 Consumer's rights to enforce terms about services
- 55 Right to repeat performance
- 56 Right to price reduction

Can a trader contract out of statutory rights and remedies under a services contract?

- 57 Liability that cannot be excluded or restricted

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- 59 Interpretation
- 60 Changes to other legislation

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- 61 Contracts and notices covered by this Part

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What are the general rules about fairness of contract terms and notices?

- 62 Requirement for contract terms and notices to be fair
- 63 Contract terms which may or must be regarded as unfair
- 64 Exclusion from assessment of fairness
- 65 Bar on exclusion or restriction of negligence liability
- 66 Scope of section 65
- 67 Effect of an unfair term on the rest of a contract
- 68 Requirement for transparency
- 69 Contract terms that may have different meanings

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- 70 Enforcement of the law on unfair contract terms

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- 71 Duty of court to consider fairness of term
- 72 Application of rules to secondary contracts
- 73 Disapplication of rules to mandatory terms and notices
- 74 Contracts applying law of non-EEA State
- 75 Changes to other legislation
- 76 Interpretation of Part 2

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- 78 Amendment of weights and measures legislation regarding unwrapped bread
- 79 Enterprise Act 2002: enhanced consumer measures and other enforcement
- 80 Contravention of code regulating premium rate services

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- 81 Private actions in competition law
- 82 Appointment of judges to the Competition Appeal Tribunal

CHAPTER 3

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- 83 Duty of letting agents to publicise fees etc
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96 Power to make consequential provision
97 Power to make transitional, transitory and saving provision
98 Financial provision
99 Extent
100 Commencement
101 Short title

SCHEDULES

SCHEDULE 1 — Amendments consequential on Part 1

1 Supply of Goods (Implied Terms) Act 1973 (c. 13)
2 For “hire-purchase agreement” (or “hire purchase agreement”) in each place,...
3 (1) Section 10 (implied undertakings as to quality or fitness)...
4 (1) Section 11A (modification of remedies for breach of statutory...
5 In section 12A (remedies for breach of hire-purchase agreement as...
6 Omit section 14 (special provisions as to conditional sale agreements)...
7 (1) Section 15 (supplementary) is amended as follows.
8 Sale of Goods Act 1979 (c. 54)
9 In section 1 (contracts to which Act applies), after subsection...
10 In section 11 (when condition to be treated as warranty),...
11 In section 12 (implied terms about title etc), after subsection...
12 In section 13 (sale by description), after subsection (4) insert—...
13 (1) Section 14 (implied terms about quality or fitness) is...
14 In section 15 (sale by sample), after subsection (4) insert—...
15 In section 15A (modification of remedies for breach of condition...
16 (1) Section 15B (remedies for breach of contract as respects...
17 (1) In section 20 (passing of risk), for subsection (4)...

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- 18 In section 29 (rules about delivery), after subsection (3) insert—...
- 19 (1) Section 30 (delivery of wrong quantity) is amended as...
- 20 In section 31 (instalment deliveries) after subsection (2) insert—
- 21 In section 32 (delivery to carrier), for subsection (4) substitute—...
- 22 (1) Section 33 (risk where goods are delivered at distant...
- 23 (1) Section 34 (buyer’s right of examining the goods) is...
- 24 (1) Section 35 (acceptance) is amended as follows.
- 25 In section 35A (right of partial rejection), after subsection (4)...
- 26 (1) Section 36 (buyer not bound to return rejected goods)...
- 27 Omit Part 5A (additional rights of buyer in consumer cases)....
- 28 In section 51 (damages for non-delivery), after subsection (3) insert—...
- 29 In section 52 (specific performance), after subsection (4) insert—
- 30 In section 53 (remedy for breach of warranty), after subsection...
- 31 In section 53A (measure of damages as respects Scotland), after...
- 32 (1) Section 54 (interest) is amended as follows.
- 33 In section 55 (exclusion of implied terms), after subsection (1)...
- 34 (1) Section 58 (payment into court in Scotland) is amended...
- 35 (1) Section 61 (interpretation) is amended as follows.
- 36 In section 62(2) (savings for rules of law etc), for...
- 37 Supply of Goods and Services Act 1982 (c. 29)
- 38 In each place— (a) for “contract for the transfer of...
- 39 In section 1 (the contracts concerned: transfer of property in...
- 40 In section 4 (implied terms about quality or fitness in...
- 41 In section 5A (modification of remedies for breach of statutory...
- 42 In section 6 (the contracts concerned: hire of goods, as...
- 43 In section 9 (implied terms about quality or fitness in...
- 44 In section 10A (modification of remedies for breach of statutory...
- 45 In section 11A (the contracts concerned: transfer of property in...
- 46 In section 11D (implied terms about quality or fitness in...
- 47 In section 11F (remedies for breach of contract) omit subsections...
- 48 In section 11G (the contracts concerned: hire of goods, as...
- 49 In section 11J (implied terms about quality or fitness in...
- 50 Omit Part 1B (additional rights of transferee in consumer cases)....
- 51 In section 12 (the contracts concerned: supply of services, as...
- 52 (1) Section 18 (interpretation: general) is amended as follows.
- 53 Sale and Supply of Goods to Consumers Regulations 2002 (SI 2002/3045)
- 54 Regulatory Enforcement and Sanctions Act 2008 (c. 13)
- 55 Consequential repeal and revocation

SCHEDULE 2 — Consumer contract terms which may be regarded as unfair

PART 1 — LIST OF TERMS

- 1 A term which has the object or effect of excluding...
- 2 A term which has the object or effect of inappropriately...
- 3 A term which has the object or effect of making...
- 4 A term which has the object or effect of permitting...
- 5 A term which has the object or effect of requiring...
- 6 A term which has the object or effect of requiring...
- 7 A term which has the object or effect of authorising...
- 8 A term which has the object or effect of enabling...
- 9 A term which has the object or effect of automatically...
- 10 A term which has the object or effect of irrevocably...
- 11 A term which has the object or effect of enabling...

- 12 A term which has the object or effect of permitting...
- 13 A term which has the object or effect of enabling...
- 14 A term which has the object or effect of giving...
- 15 A term which has the object or effect of permitting...
- 16 A term which has the object or effect of giving...
- 17 A term which has the object or effect of limiting...
- 18 A term which has the object or effect of obliging...
- 19 A term which has the object or effect of allowing...
- 20 A term which has the object or effect of excluding...

PART 2 — SCOPE OF PART 1

- 21 Financial services
- 22 Paragraph 11 (variation of contract without valid reason) does not...
- 23 Contracts which last indefinitely
- 24 Sale of securities, foreign currency etc
- 25 Price index clauses

SCHEDULE 3 — Enforcement of the law on unfair contract terms and notices

- 1 Application of Schedule
- 2 Consideration of complaints
- 3 Application for injunction or interdict
- 4 Notification of application
- 5 Determination of application
- 6 Undertakings
- 7 Publication, information and advice
- 8 Meaning of “regulator”
- 9 Other definitions
- 10 The Financial Conduct Authority

SCHEDULE 4 — Amendments consequential on Part 2

- 1 Misrepresentation Act 1967 (c. 7)
- 2 Unfair Contract Terms Act 1977 (c. 50)
- 3 In section 1(2) (scope of Part 1) for “to 4”...
- 4 In section 2 (negligence liability), after subsection (3) insert—
- 5 (1) Section 3 (liability arising in contract) is amended as...
- 6 Omit section 4 (unreasonable indemnity clauses).
- 7 Omit section 5 (“guarantee” of consumer goods).
- 8 (1) Section 6 (sale and hire-purchase) is amended as follows....
- 9 (1) Section 7 (miscellaneous contracts under which goods pass) is...
- 10 Omit section 9 (effect of breach of contract).
- 11 Omit section 12 (“dealing as consumer”).
- 12 In section 13(1) (varieties of exemption clauses) for “and 5...
- 13 In section 14 (interpretation of Part 1), at the appropriate...
- 14 (1) Section 15 (scope of Part 2) is amended as...
- 15 In section 16 (liability for breach of duty), after subsection...
- 16 (1) Section 17 (control of unreasonable exemptions in consumer or...
- 17 Omit section 18 (unreasonable indemnity clauses in consumer contracts).
- 18 Omit section 19 (“guarantee” of consumer goods).
- 19 (1) Section 20 (obligations implied by law in sale and...
- 20 (1) Section 21 (obligations implied by law in other contracts...
- 21 Omit section 22 (consequence of breach of contract).
- 22 (1) Section 25 (interpretation of Part 2) is amended as...
- 23 In section 26(2) (international supply contracts) omit “or 4”.

- 24 (1) Section 27 (choice of law clauses) is amended as...
- 25 Omit section 28 (temporary provision for sea carriage of passengers)...
- 26 (1) Schedule 1 (scope of sections 2 to 4 and...
- 27 In Schedule 2 (“guidelines” for application of reasonableness test), for...
- 28 Companies Act 1985 (c. 6)
- 29 Merchant Shipping Act 1995 (c. 21)
- 30 Arbitration Act 1996 (c. 23)
- 31 (1) Section 89 (application of unfair terms regulations to consumer...
- 32 For section 90 (regulations apply where consumer is a legal...
- 33 In section 91(1) (arbitration agreement unfair where modest amount sought)...
- 34 Unfair Terms in Consumer Contracts Regulations 1999 (S.I. 1999/2083)
- 35 Enterprise Act 2002 (c. 40)
- 36 Companies Act 2006 (c. 46)
- 37 (1) Section (A) of Part 2 of Schedule 2 (specified...
- 38 (1) Part 2 of Schedule 11A (specified descriptions of disclosures...
- 39 Consequential repeals

SCHEDULE 5 — Investigatory powers etc.

PART 1 — BASIC CONCEPTS

- 1 Overview
- 2 Enforcers
- 3 Domestic enforcers
- 4 EU enforcers
- 5 Public designated enforcers
- 6 Unfair contract terms enforcer
- 7 Officers
- 8 Interpretation of other terms
- 9 Enforcer’s legislation
- 10 Enforcer’s legislation: duties and powers mentioned in paragraph 9(1)
- (a)
- 11 Enforcer’s legislation: legislation mentioned in paragraph 9(1)(b)
- 12 Powers to amend paragraph 10 or 11

PART 3 — POWERS IN RELATION TO THE PRODUCTION OF INFORMATION

- 13 Exercise of powers in this Part
- 14 Power to require the production of information
- 15 Procedure for notice under paragraph 14
- 16 Enforcement of notice under paragraph 14
- 17 Limitations on use of information provided in response to a notice under paragraph 14
- 18 Application to Crown

PART 4 — FURTHER POWERS EXERCISABLE BY DOMESTIC ENFORCERS AND EU ENFORCERS

- 19 Exercise of powers in this Part: domestic enforcers
- 20 Exercise of powers in this Part: EU enforcers
- 21 Power to purchase products
- 22 Power to observe carrying on of business etc
- 23 Power to enter premises without warrant
- 24 Application of paragraphs 25 to 31
- 25 Power to inspect products etc
- 26 Power to test equipment
- 27 Power to require the production of documents

- 28 Power to seize and detain goods
- 29 Power to seize documents required as evidence
- 30 Power to decommission or switch off fixed installations
- 31 Power to break open container etc
- 32 Power to enter premises with warrant
- 33 Entry to premises under warrant
- 34 Power to require assistance from person on premises
- 35 Definitions for purposes of this Part
 - PART 5 — PROVISIONS SUPPLEMENTARY TO PARTS 3 AND 4
- 36 Offence of obstruction
- 37 Offence of purporting to act as officer
- 38 Access to seized goods and documents
- 39 Notice of testing of goods
- 40 Appeals against detention of goods and documents
- 41 Compensation
- 42 Meaning of “goods” in this Part
 - PART 6 — EXERCISE OF ENFORCEMENT FUNCTIONS BY AREA ENFORCERS
- 43 Interpretation of this Part
- 44 Investigatory powers
- 45 Civil proceedings
- 46 Criminal proceedings

SCHEDULE 6 — Investigatory powers: consequential amendments

- 1 Registered Designs Act 1949 (c. 88)
- 2 Trade Descriptions Act 1968 (c. 29)
- 3 In section 26 (enforcing authorities) after subsection (1) insert—
- 4 Omit section 27 (power to make test purchases).
- 5 Omit section 28 (power to enter premises and inspect and...
- 6 Omit section 29 (obstruction of authorised officers).
- 7 Omit section 30 (notice of test and intended prosecution).
- 8 Omit section 33 (compensation for loss, etc of goods seized...
- 9 (1) Section 40 (provisions as to Northern Ireland) is amended...
- 10 Hallmarking Act 1973 (c. 43)
- 11 Prices Act 1974 (c. 24)
- 12 Consumer Credit Act 1974 (c. 39)
- 13 In section 161 (enforcement authorities), after subsection (1A) insert—
- 14 Omit section 162 (powers of entry and inspection).
- 15 Omit section 163 (compensation for loss).
- 16 Omit section 164 (power to make test purchases etc).
- 17 Omit section 165 (obstruction of authorised officers).
- 18 In Schedule 1 (prosecution and punishment of offences) omit the...
- 19 Estate Agents Act 1979 (c. 38)
- 20 In section 3(1)(cb) (power to make orders prohibiting unfit persons...
- 21 In section 9 (information for the lead enforcement authority) omit...
- 22 Omit section 11 (powers of entry and inspection).
- 23 Omit section 11A (failure to produce information).
- 24 In section 26 (enforcement authorities), after subsection (1) insert—
- 25 Omit section 27 (obstruction and personation of authorised officers).
- 26 (1) Paragraph 14 of Schedule 2 (applications under sections 6(1)...
- 27 Video Recordings Act 1984 (c. 39)
- 28 Weights and Measures Act 1985 (c. 72)
- 29 In section 38(2) (special powers of inspectors with respect to...
- 30 Omit section 42 (power to make test purchases).

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- 31 Omit section 79 (general powers of inspection and entry).
- 32 Before section 80 insert— Investigatory powers For the investigatory powers available to a local weights and...
- 33 In section 80 omit “or the packaged goods regulations”.
- 34 In section 81(1)(b) (failure to provide assistance or information) omit...
- 35 (1) Section 84 (penalties) is amended as follows.
- 36 In paragraph 21(2)(b) of Schedule 11 (application of provisions applying...
- 37 Consumer Protection Act 1987 (c. 43)
- 38 In section 27 (enforcement) after subsection (3) insert—
- 39 Omit section 28 (test purchases).
- 40 (1) Section 29 (powers of search etc) is amended as...
- 41 (1) Section 30 (provisions supplemental to section 29) is amended...
- 42 In section 31(1) (power of customs officer to detain goods)...
- 43 In section 32(1) (obstruction of authorised officer)—
- 44 In section 33(1) (appeals against detention of goods) for “any...
- 45 In section 34(1) (compensation for seizure and detention) for “29”...
- 46 In section 44(4) (service of documents)— (a) omit “28(2) or”,...
- 47 Education Reform Act 1988 (c. 40)
- 48 Copyright, Designs and Patents Act 1988 (c. 48)
- 49 (1) Section 107A (enforcement of section 107 by local weights...
- 50 (1) Section 198A (enforcement of section 198 by local weights...
- 51 Clean Air Act 1993 (c. 11)
- 52 (1) Section 30 (regulations about motor fuel) is amended as...
- 53 In section 31 (regulations about sulphur content of oil fuel...
- 54 In section 32(4) (powers of entry not to apply in...
- 55 In section 49(1) (unjustified disclosures of information) after “this Act”...
- 56 In section 56 (rights of entry and inspection etc) after...
- 57 In section 58(1) (power of local authorities to obtain information)—...
- 58 Sunday Trading Act 1994 (c. 20)
- 59 Trade Marks Act 1994 (c. 26)
- 60 Olympic Symbol etc (Protection) Act 1995 (c. 32)
- 61 Criminal Justice and Police Act 2001 (c. 16)
- 62 In section 57(1) (retention of seized items)—
- 63 (1) Section 65 (meaning of legal privilege) is amended as...
- 64 In section 66(4) (construction of references to a search)—
- 65 (1) Part 1 of Schedule 1 (powers to which section...
- 66 (1) Part 1 of Schedule 2 (application of enactments) is...
- 67 Enterprise Act 2002 (c. 40)
- 68 Omit section 224 (power of CMA to require the provision...
- 69 Omit section 225 (power of other enforcer to require the...
- 70 Omit section 226 (procedure for notices requiring information).
- 71 Omit section 227 (enforcement of notices).
- 72 Omit section 227A (power to enter premises without warrant).
- 73 Omit section 227B (powers exercisable on the premises).
- 74 Omit section 227C (power to enter premises with warrant).
- 75 Omit section 227D (ancillary provisions about powers of entry).
- 76 Omit section 227E (obstructing, or failing to co-operate with, powers...
- 77 Omit section 227F (retention of documents and goods).
- 78 Before section 228 (but after the italic heading “Miscellaneous”) insert —...
- 79 In section 228 (evidence) omit subsection (4).

- 80 In section 236 (application of Part 8 to Crown) omit...
- 81 In Schedule 14 (specified functions for the purposes of Part...
- 82 Fireworks Act 2003 (c. 22)
- 83 Christmas Day (Trading) Act 2004 (c. 26)
- 84 Financial Services Act 2012 (c. 21)
- 85 Consequential repeals and revocations

SCHEDULE 7 — Enterprise Act 2002: enhanced consumer measures and other enforcement

- 1 Part 8 of the Enterprise Act 2002 (enforcement of certain...
- 2 In section 210 (consumers), omit subsection (5).
- 3 (1) Section 211 (domestic infringements) is amended as follows.
- 4 In section 213(5A) (CPC enforcers), for paragraph (i) substitute—
- 5 (1) Section 214 (consultation) is amended as follows.
- 6 In section 217 (enforcement orders), after subsection (10) insert—
- 7 In section 219 (undertakings), after subsection (5) insert—
- 8 After section 219 insert— Definition of enhanced consumer measures
- 9 (1) In this Part, enhanced consumer measures are measures (not...
- 10 (1) Section 220 (further proceedings) is amended as follows.
- 11 In section 229 (advice and information), after subsection (1) insert—...

SCHEDULE 8 — Private actions in competition law

PART 1 — COMPETITION ACT 1998

- 1 The Competition Act 1998 is amended in accordance with this...
- 2 For the heading of Chapter 4 of Part 1, substitute...
- 3 For the cross-heading preceding section 46, substitute “Appeals and proceedings...
- 4 (1) For section 47A substitute— Proceedings before the Tribunal: claims...
- 5 (1) For section 47B substitute— Collective proceedings before the Tribunal...
- 6 After section 47B (as substituted by paragraph 5) insert— Collective...
- 7 After section 47C (inserted by paragraph 6) insert— Proceedings under...
- 8 (1) After section 47D (inserted by paragraph 7) insert— Limitation...
- 9 (1) Section 49 (further appeals) is amended in accordance with...
- 10 (1) After section 49 insert— Settlements relating to infringements of...
- 11 (1) After section 49A (inserted by paragraph 10) insert— Collective...
- 12 After section 49B (inserted by paragraph 11) insert— Approval of...
- 13 (1) Section 58 (findings of fact by CMA) is amended...
- 14 (1) For section 58A substitute— Infringement decisions (1) This section applies to a claim in respect of...
- 15 (1) Section 59 (interpretation of Part 1) is amended in...
- 16 In section 71 (regulations, orders and rules), after subsection (4)(ca)...
- 17 (1) Schedule 8 (appeals) is amended in accordance with this...

PART 2 — ENTERPRISE ACT 2002

- 18 The Enterprise Act 2002 is amended in accordance with this...
- 19 (1) Section 14 (constitution of Tribunal for particular proceedings and...
- 20 In section 15 (Tribunal rules), in subsection (1), at the...
- 21 In section 16 (transfers of certain proceedings to and from...
- 22 Schedule 4 (Tribunal: procedure) is amended in accordance with the...
- 23 In paragraph 1 (decisions of the Tribunal), for sub-paragraph (1)(a)...
- 24 After paragraph 1 insert— Enforcement of injunctions in England and...

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- 25 In each of paragraphs 4(c) and 5(1)(c)—
- 26 In paragraph 6— (a) for sub-paragraph (a) substitute—
- 27 In paragraph 7— (a) for “specified body” substitute “representative”;
and...
- 28 In paragraph 9— (a) the existing provision is numbered as...
- 29 In paragraph 11(2), for paragraph (a) substitute—
- 30 For paragraph 13 substitute— (1) Tribunal rules may provide for the
Tribunal—
- 31 After paragraph 15 insert— Fast-track procedure (1) Tribunal rules may
make provision in relation to a...
- 32 In paragraph 17 (conduct of the hearing)—
- 33 After paragraph 20 insert— Stay or sist of proceedings (1) In relation to
proceedings in England and Wales or...
- 34 After paragraph 21 insert— Injunctions Tribunal rules may make
provision in relation to the grant...
- 35 In paragraph 23(3), for “an individual” substitute “a person”.
- 36 In paragraph 25, after “transfer of” insert “all or any...”
PART 3 — COURTS AND LEGAL SERVICES ACT 1990
- 37 In the Courts and Legal Services Act 1990, in section...

SCHEDULE 9 — Duty of letting agents to publicise fees: financial penalties

- 1 Notice of intent
- 2 Right to make representations
- 3 Final notice
- 4 Withdrawal or amendment of notice
- 5 Appeals
- 6 Recovery of financial penalty

SCHEDULE 10 — Secondary ticketing: financial penalties

- 1 Notice of intent
- 2 Right to make representations
- 3 Final notice
- 4 Withdrawal or amendment of notice
- 5 Appeals
- 6 Recovery of financial penalty