



# Consumer Rights Act 2015

## 2015 CHAPTER 15

### PART 1

#### CONSUMER CONTRACTS FOR GOODS, DIGITAL CONTENT AND SERVICES

### CHAPTER 3

#### DIGITAL CONTENT

*What statutory rights are there under a digital content contract?*

#### **39 Supply by transmission and facilities for continued transmission**

- (1) Subsection (2) applies where there is a contract to supply digital content and the consumer's access to the content on a device requires its transmission to the device under arrangements initiated by the trader.
- (2) For the purposes of this Chapter, the digital content is supplied—
  - (a) when the content reaches the device, or
  - (b) if earlier, when the content reaches another trader chosen by the consumer to supply, under a contract with the consumer, a service by which digital content reaches the device.
- (3) Subsections (5) to (7) apply where—
  - (a) there is a contract to supply digital content, and
  - (b) after the trader (T) has supplied the digital content, the consumer is to have access under the contract to a processing facility under arrangements made by T.
- (4) A processing facility is a facility by which T or another trader will receive digital content from the consumer and transmit digital content to the consumer (whether or not other features are to be included under the contract).

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**Changes to legislation:** There are currently no known outstanding effects for the Consumer Rights Act 2015, Section 39. (See end of Document for details)

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- (5) The contract is to be treated as including a term that the processing facility (with any feature that the facility is to include under the contract) must be available to the consumer for a reasonable time, unless a time is specified in the contract.
- (6) The following provisions apply to all digital content transmitted to the consumer on each occasion under the facility, while it is provided under the contract, as they apply to the digital content first supplied—
- (a) section 34 (quality);
  - (b) section 35 (fitness for a particular purpose);
  - (c) section 36 (description).
- (7) Breach of a term treated as included under subsection (5) has the same effect as breach of a term treated as included under those sections (see section 42).

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**Commencement Information**

**II** S. 39 in force at 1.10.2015 by [S.I. 2015/1630](#), [art. 3\(a\)](#) (with [art. 6\(1\)](#))

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