



# 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?*

#### **40      Quality, fitness and description of content supplied subject to modifications**

- (1) Where under a contract a trader supplies digital content to a consumer subject to the right of the trader or a third party to modify the digital content, the following provisions apply in relation to the digital content as modified as they apply in relation to the digital content as supplied under the contract—
  - (a) section 34 (quality);
  - (b) section 35 (fitness for a particular purpose);
  - (c) section 36 (description).
- (2) Subsection (1)(c) does not prevent the trader from improving the features of, or adding new features to, the digital content, as long as—
  - (a) the digital content continues to match the description of it given by the trader to the consumer, and
  - (b) the digital content continues to conform to the information provided by the trader as mentioned in subsection (3) of section 36, subject to any change to that information that has been agreed in accordance with subsection (4) of that section.
- (3) A claim on the grounds that digital content does not conform to a term described in any of the sections listed in subsection (1) as applied by that subsection is to be treated

---

**Status:** *This is the original version (as it was originally enacted).*

---

as arising at the time when the digital content was supplied under the contract and not the time when it is modified.