



# Consumer Rights Act 2015

## 2015 CHAPTER 15

### PART 2

#### UNFAIR TERMS

##### *Supplementary provisions*

#### **71 Duty of court to consider fairness of term**

- (1) Subsection (2) applies to proceedings before a court which relate to a term of a consumer contract.
- (2) The court must consider whether the term is fair even if none of the parties to the proceedings has raised that issue or indicated that it intends to raise it.
- (3) But subsection (2) does not apply unless the court considers that it has before it sufficient legal and factual material to enable it to consider the fairness of the term.

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#### **Commencement Information**

**II** S. 71 in force at 1.10.2015 by [S.I. 2015/1630](#), [art. 3\(c\)](#) (with [art. 6\(1\)](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Consumer Rights Act 2015, Section 71.