
STATUTORY INSTRUMENTS

1993 No. 3053

The Commercial Agents (Council Directive) Regulations 1993

PART II

RIGHTS AND OBLIGATIONS

Duties of a commercial agent to his principal

3.—(1) In performing his activities a commercial agent must look after the interests of his principal and act dutifully and in good faith.

(2) In particular, a commercial agent must—

- (a) make proper efforts to negotiate and, where appropriate, conclude the transactions he is instructed to take care of;
- (b) communicate to his principal all the necessary information available to him;
- (c) comply with reasonable instructions given by his principal.

Duties of a principal to his commercial agent

4.—(1) In his relations with his commercial agent a principal must act dutifully and in good faith.

(2) In particular, a principal must—

- (a) provide his commercial agent with the necessary documentation relating to the goods concerned;
- (b) obtain for his commercial agent the information necessary for the performance of the agency contract, and in particular notify his commercial agent within a reasonable period once he anticipates that the volume of commercial transactions will be significantly lower than that which the commercial agent could normally have expected.

(3) A principal shall, in addition, inform his commercial agent within a reasonable period of his acceptance or refusal of, and of any non-execution by him of, a commercial transaction which the commercial agent has procured for him.

Prohibition on derogation from regulations 3 and 4 and consequence of breach

5.—(1) The parties may not derogate from regulations 3 and 4 above.

(2) The law applicable to the contract shall govern the consequence of breach of the rights and obligations under regulations 3 and 4 above.