
STATUTORY INSTRUMENTS

2004 No. 2095

The Financial Services (Distance Marketing) Regulations 2004

Information required prior to the conclusion of the contract

7.—(1) Subject to ^{F1}paragraphs (1A), (4), (6) and (7)], in good time prior to the consumer being bound by any distance contract, the supplier shall provide to the consumer the information specified in Schedule 1.

^{F2}(1A) Where a distance contract to which paragraph (1) applies is also a contract for payment services to which the Payment Services Regulations [^{F3}2017] apply, the supplier is required to provide to the consumer only the information specified in paragraphs 8 to 13, 16 ^{F4}... and 21 of Schedule 1.]

(2) The supplier shall provide the information specified in Schedule 1 in a clear and comprehensible manner appropriate to the means of distance communication used, with due regard in particular to the principles of good faith in commercial transactions and the principles governing the protection of those who are unable to give their consent such as minors.

(3) Subject to paragraph (4), the supplier shall make clear his commercial purpose when providing the information specified in Schedule 1.

(4) In the case of a voice telephone communication—

- (a) the supplier shall make clear his identity and the commercial purpose of any call initiated by him at the beginning of any conversation with the consumer; and
- (b) if the consumer explicitly consents, only the information specified in Schedule 2 need be given.

(5) The supplier shall ensure that the information he provides to the consumer pursuant to this regulation, regarding the contractual obligations which would arise if the distance contract were concluded, accurately reflects the contractual obligations which would arise under the law presumed to be applicable to that contract.

^{F5}(6) This regulation shall not apply to a distance contract which is also a consumer credit agreement (other than an authorised non-business overdraft agreement) in respect of which the supplier has disclosed the pre-contract credit information required by regulations 3, 4 or 5, as the case may be, and 7, of the Disclosure of Information Regulations (information to be disclosed to a debtor before a regulated consumer credit agreement is made) in accordance with those Regulations.

(7) This regulation shall not apply to a distance contract which is also an authorised non-business overdraft agreement in respect of which—

- (a) the supplier has disclosed the information required by regulation 10(2) of the Disclosure of Information Regulations (authorised non-business overdraft agreements) by means of the [^{F6}Pre-contract Credit Information (Overdrafts) form] in accordance with those Regulations; or
- (b) in the case of a voice telephone communication, the supplier has—
 - (i) disclosed the information required by regulation 10(5) of the Disclosure of Information Regulations in accordance with those Regulations; and

Changes to legislation: The Financial Services (Distance Marketing) Regulations 2004, Section 7 is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) provided a copy of the written agreement in accordance with section 61B(2)(b) of the Consumer Credit Act 1974; or
- (c) in the case of an agreement made using a means of distance communication, other than voice telephone communication, such that the supplier is unable to provide the information required by regulation 10(2) of the Disclosure of Information Regulations, the supplier has—
 - (i) provided a copy of the written agreement in accordance with section 61B(2)(c) of the Consumer Credit Act 1974, and
 - (ii) in relation to the contractual obligations which would arise if the distance contract were concluded, provided information which accurately reflects the contractual obligations which would arise under the law presumed to be applicable to that contract.]

Textual Amendments

- F1** Words in reg. 7(1) substituted (with application in accordance with regs. 100, 101 of the amending S.I.) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 87(a)**, 99(1)
- F2** Reg. 7(1A) inserted (1.11.2009) by [The Payment Services Regulations 2009 \(S.I. 2009/209\)](#), reg. 1(2) (c), **Sch. 6 para. 5(a)(ii)**
- F3** Word in reg. 7(1A) substituted (13.1.2018) by [The Payment Services Regulations 2017 \(S.I. 2017/752\)](#), reg. 1(6), **Sch. 8 para. 10(a)** (with reg. 3)
- F4** Word in reg. 7(1A) omitted (31.12.2020) by virtue of [The Financial Services \(Distance Marketing\) \(Amendment and Savings Provisions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/574\)](#), regs. 1(3), **7(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Reg. 7(6)(7) inserted (with application in accordance with regs. 100, 101 of the amending S.I.) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 87(b)**, 99(1)
- F6** Words in reg. 7(7)(a) substituted (31.12.2020) by [The Financial Services \(Distance Marketing\) \(Amendment and Savings Provisions\) \(EU Exit\) Regulations 2019 \(S.I. 2019/574\)](#), regs. 1(3), **7(b)**; 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to :

- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)