
STATUTORY INSTRUMENTS

2013 No. 3134

The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

PART 2

Information requirements

CHAPTER 2

Offences

Offence relating to the failure to give notice of the right to cancel

19.—(1) A trader is guilty of an offence if the trader enters into an off-premises contract to which regulation 10 applies but fails to give the consumer the information listed in paragraph (l), (m) or (n) of Schedule 2 in accordance with that regulation.

(2) A person who is guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Defence of due diligence

20.—(1) In any proceedings against a person (A) for an offence under regulation 19 it is a defence for A to prove—

(a) that the commission of the offence was due to—

(i) the act or default of another, or

(ii) reliance on information given by another, and

(b) that A took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by A or any person under A's control.

(2) A person is not entitled to rely on the defence provided by paragraph (1) without leave of the court unless—

(a) that person has served on the prosecutor a notice in writing giving such information as was in that person's possession identifying or assisting in the identification of the other person; and

(b) the notice is served on the prosecutor not less than 7 days before the hearing of the proceedings or, in Scotland, 7 days before the intermediate diet or 14 days before the trial diet, whichever is earlier.

Liability of persons other than the principal offender

21. Where the commission by a person of an offence under regulation 19 is due to the act or default of another person, that other person is guilty of the offence and may be proceeded against and punished whether or not proceedings are taken against the first person.

Offences committed by bodies of persons

- 22.**—(1) Where an offence under regulation 19 committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer of the body corporate or
 - (b) to be attributable to any neglect on the part of an officer of the body corporate,
- the officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In paragraph (1) a reference to an officer of a body corporate includes a reference to—
- (a) a director, manager, secretary or other similar officer; and
 - (b) a person purporting to act as a director, manager, secretary or other similar officer.
- (3) Where an offence under regulation 19 committed in Scotland by a Scottish partnership is proved—
- (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to any neglect on the part of a partner,
- that partner, as well as the partnership shall be guilty of the offence and liable to be proceeded against and punished accordingly.
- (4) In paragraph (3) a reference to a partner includes a person purporting to act as a partner.

Duty to enforce

- 23.**—(1) Subject to paragraphs (2) and (3)—
- (a) it is the duty of every weights and measures authority in Great Britain to enforce regulation 19 within its area; and
 - (b) it is the duty of the Department of Enterprise, Trade and Investment in Northern Ireland to enforce regulation 19 within Northern Ireland.
- (2) No proceedings for an offence under regulation 19 may be instituted in England and Wales except by or on behalf of an enforcement authority.
- (3) Nothing in paragraph (1) authorises any weights and measures authority to bring proceedings in Scotland for an offence.

Powers of investigation

^{F1}**24.**

F1 Reg. 24 revoked (1.10.2015) by [The Consumer Rights Act 2015 \(Consequential Amendments\) Order 2015 \(S.I. 2015/1726\)](#), art. 1, **Sch. para. 7** (with art. 4)

Obstruction of authorised officers

^{F2}**25.**

F2 Reg. 25 revoked (1.10.2015) by [The Consumer Rights Act 2015 \(Consequential Amendments\) Order 2015 \(S.I. 2015/1726\)](#), art. 1, **Sch. para. 7** (with art. 4)

Freedom from self-incrimination

^{F3}26.

<p>F3 Reg. 26 revoked (1.10.2015) by The Consumer Rights Act 2015 (Consequential Amendments) Order 2015 (S.I. 2015/1726), art. 1, Sch. para. 7 (with art. 4)</p>
--

Changes to legislation:

There are currently no known outstanding effects for the The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, CHAPTER 2.