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18 July 2013

Online at <https://mpra.ub.uni-muenchen.de/48431/>  
MPRA Paper No. 48431, posted 19 Jul 2013 22:06 UTC

## Consumer Rights Bill 2013: What it could mean for us?

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July 2013

Abstract

The Consumer Rights Bill 2013 attempts to clarify the rights of consumer and the measures available to protect them. The Bill is a welcome reinforcement as previously consumer rights were contained in various legislation which made for a very cumbersome system. The Bill particularly attempts to give online shopper more confidence by clarifying their rights. It may not be perfect but this bill a step in the right direction.

Keywords: Consumer, online shopping, Consumer rights directive

The government has heralded the Consumer Rights Bill as a Bill to 'simplify and clarify consumer law'<sup>1</sup> giving consumer a clear picture of their rights and protections. Further, the government has made an intention to create the so called 'consumer landscape' and 'competition landscape',<sup>2</sup> networks of organisations such as the Citizens Advice Bureau etc. to better help with consumer issues. The underlying effect of all this is to give these areas simplicity and efficiency.

The Bill sets out the rights of the consumer when buying as; goods must be of 'satisfactory'<sup>3</sup> quality considering what a 'reasonable' <sup>4</sup>person would expect and factoring price, they must be fit for purpose if the consumer had made the purpose known to the seller and the goods must meet the expectation of the consumer. Its evident in this fashion that these rights have a more simplistic layout and inform the consumer exactly what there rights are. The Bill also sets the refund, repair or replacement of goods to 30 days.<sup>5</sup> This is particularly relevant to online shopping as consumers will have more to inquire about the relevant procedures concerning the consumers purchase.

The 'reasonable' person criteria leaves a lot of room for consumer to be able to claim for faulty goods. The Bills says such a claim for repair or replacement can be made even up to 6 years<sup>6</sup> from purchase as long as there was a breach of contract at the time of purchase. However, this is dependant on the circumstances of the good e.g. a car can be expected to last 6 years whilst a pair of slippers can not and will have a shorter claim period.

The Bill also coincides with the implementation of the Consumer Rights Directive 2011/83/EU.<sup>7</sup>

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<sup>1</sup>Dept for Business Skill and Innovation (2013). Providing better information and protection for Consumers. Available [online] at <https://www.gov.uk/government/policies/providing-better-information-and-protection-for-consumers/supporting-pages/consumer-bill-of-rights> accessed [18/07/2013]

<sup>2</sup>Ibid

<sup>3</sup>Dept for Business Skill and Innovation (2013). The Consumer Rights Bill. Available [online] at <http://discuss.bis.gov.uk/consumerrightsbill/what-are-my-rights-under-the-draft-bill-when-acquiring-goods/> accessed [18/07/2013]

<sup>4</sup>Ibid

<sup>5</sup>Ibid

<sup>6</sup>Ibid

<sup>7</sup>Dept for Business Skill and Innovation (2013). Providing better information and protection for Consumers. Available [online] at <https://www.gov.uk/government/policies/providing-better-information-and-protection-for-consumers/supporting-pages/consumer-bill-of-rights> accessed [18/07/2013]

This directive has been approved by all EU member states. This directive requires that buyers should get clear information before they buy anything. The Office for Fair Trading (2006)<sup>8</sup> did a study on online shopping and found that 11% of all online shopping complaints relate misleading or omission of information relevant to the purchase. Further, the majority of consumers in their focus group did not know where or how to return an item if it was not as described or how long it would take to return or whether the postage would be paid for. This provision will attempt to compel sellers to divulge clearly the most relevant information before the customer makes a purchase.

The Directive also addresses that consumer should not have to pay excessive credit card fee while buying. After buying the directive extends the 'cooling off' period of purchases to 14 days.<sup>9</sup> And if you have a query about the purchase the seller should not charge excessive phone charges. Further, the directive adds that there should be no additional charges unless the purchaser expressly agrees to them. These rules are clearly targeted at the problems consumers face with online shopping. The OFT found that 23%<sup>10</sup> of all online shopper experience some form of problem with their purchase. The nature of internet shopping itself makes it difficult to make positive progress if one had an issue with their purchase. Unlike high street shopping where it is as simple as going into the shop and asking the customer services desk, online shopping may find you buying from a seller several miles from you. Hence, this directive should be viewed as a much welcome reinforcement to enhance buyer protection.

However, the Bill does not address the growing issue of online misrepresentation. Online dating website often promise an abundance of singles for new members to try and form relationships. It has emerged that several of these websites offer high monthly fees up to £50 a month.<sup>11</sup> However there have been complaints that some of these websites have automated profiles that will send automated messages to new members as a lure to keep the member on the site. Action Fraud Police (2013)<sup>12</sup> found that 2 in 5 found fake dating profiles and 1 in 4 people in the UK use dating websites. The nature of this problem is difficult to quantify because dating is a personal matter and it is likely that some people may find it difficult to report it. There is a need to for provisions for consumers to be able to claim such monthly fees in anonymity and to prevent such practices. It is possible there is a whole section consumers being left without protection.

The Consumer Rights Bill is certainly a welcome reinforcement particularly with online trade. Consumers will undoubtedly trade with more confidence knowing their full rights. Traders as well will know exactly what is required of them when making transactions. There is still perhaps a need for extensive protection to consumer purchasing dating services, however this Bill is still a step in the right direction.

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9Dept for Business Skill and Innovation (2013). Providing better information and protection for Consumers. Available [online] at <https://www.gov.uk/government/policies/providing-better-information-and-protection-for-consumers/supporting-pages/consumer-bill-of-rights> accessed [18/07/2013]

10Ibid

11Flirt.com (2013). Terms and Conditions. Available [online] at <http://www.flirt.com/helptandc.asp?s=s> accessed [18/07/2013] price includes special features and initial 3 day fee.

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