



An Roinn Fiontar,  
Trádála agus Fostaíochta  
Department of Enterprise,  
Trade and Employment

# Introduction to the Consumer Rights Act 2022

## Retail Forum – 7<sup>th</sup> December 2022

Barry McGreal

Competition and Consumer Policy Unit

# A new law to strengthen consumer rights and ensure a fairer market place for traders.....



- The Consumer Rights Act significantly reforms consumer rights law by consolidating and updating existing legislation on the sale of goods and supply of services and ensures it is fit for the modern digital age.
- The new law is simpler to understand and navigate, creates clearer rules for businesses and strengthens consumer protections.
- It should not be seen as a measure that will harm businesses.
- Rather, it provides a legal framework to the terms and practices that responsible businesses already adopt in their dealings with consumers and will ensure that businesses which do not will face effective enforcement action and will not gain any unfair competitive advantage.

# It brings about several positive changes for consumers across a number of key areas.....



## New Redress for Faulty Goods for Consumers

- Where a fault is discovered within 30 days of receipt of goods - right to cancel the contract entirely and receive a full refund.
- The Act also details the right to repair, replacement and whole or partial reimbursement when issues arise.
- Same rights apply to recipient of gift and irrespective of whether it's a one off payment or other form of payment (e.g. Hire-Purchase).

## New Rules for Digital Content/Services

- Consumers will be entitled to full refund, exchange or repair when digital services or content are faulty or not as described.
- Any updates required to ensure the product continues to work as expected must be provided free of charge.
- Consumers will also be entitled to seek a proportionate reduction in the price, reimbursement for lack of conformity or termination of contract if the lack of conformity is not minor.

## New Rights for Non-Digital Services

- Consumer rights in this area are being broadened and strengthened in relation to the quality and fitness for purpose.
- For the first time, remedies where the services supplied do not comply with the contract will be available to consumers.
- These include having the service brought into conformity within a reasonable time and without significant inconvenience to the consumer.



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## New Rules for Online Marketplaces

- Online marketplaces e.g. Amazon, Etsy must disclose how search results are ranked.
- Must clearly state whether the vendor is a trader or a consumer.
- Consumer-to-consumer sales are not covered by the Act.

## Increased Transparency

- Pre-contractual information and information on right to cancel contract, where appropriate must be given and must be clear and in plain English.
- Prohibition on traders posting fake reviews or paying others to post them on their behalf.
- New Blacklist of unfair contract terms that should never be used and expanded grey list of terms which should be used with caution.

## New Enforcement Powers for CCPC

- Where a trader fails or refuses to provide a remedy, CCPC can:
  - Accept a written undertaking to correct failure/refusal:
  - Issue a compliance notice setting out actions to correct failure/refusal:
  - Apply to court for a declaration/injunction.
- Failure to comply with law may result in fines.

# Another new measure has come into force that traders should be aware of.....



## The European Union (Requirements to Indicate Product Prices) (Amendment) Regulations 2022

The purpose is to tighten up the rules on sales advertising and to ensure businesses are clear when communicating price reductions with consumers.

Any advertised reduction will now have to include the lowest previous price. The product must have been available at that earlier price during the preceding 30 days.

All businesses who sell to EU consumers, including those offering goods must comply with these new requirements across all platforms i.e. online or instore.

The CCPC will also have an enforcement function under this legislation and has prepared a set of guidelines for businesses, which may be reviewed intermittently.