

The Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008 (new 'Doorstep' Regulations)

Interim Guidance

These came into force on 1st October 2008, and replace the 1987 Regulations (which were amended in 1988 and 1998).

Key Changes

- These Regulations extend to **solicited**, except in credit and mortgage agreements, as well as unsolicited visits.
- In certain cases the consumer can allow the trader to provide the goods or begin work (performance of the contract) providing that the consumer requests this in writing.

Main Requirements

1. It applies to **any contract made between a consumer and trader, at the consumer's home or place of work or home of another individual** (or during an excursion organised by a trader away from their business premises). It also extends to 'after an offer' made by the consumer during a visit or excursion – excluding credit. (Section 5)
2. Services include construction of driveways, patios, extensions and conservatories, as well as the repair, refurbishment or improvement of 'immovable' property
3. A cancellation notice, effective from the date of receipt for 7 calendar days, must be given at the time of making the contract (or at the time of making the offer as above), beyond a total value of £35.
4. The notice must be incorporated into other paperwork (if there is any) headed 'Notice of the Right to Cancel' in a separate box, and contain the prescribed information including where applicable the consumer's obligation to pay when permission has been given for the performance of the contract (Section 7 & Schedule 4):
5. **In the case of specified contracts e.g. bespoke goods, newspapers etc., goods incorporated in land and the supply of services 'of any other kind', the consumer can request in writing that the contract can begin. The consumer is therefore obliged to pay 'in accordance with reasonable requirements' if they subsequently cancel.** (Section 9)
6. It is an offence to fail to provide a notice of cancellation (section 17, based on section 7), with associated powers (production and seizure of documents), due diligence defence, obstruction and by-pass and body corporate provisions. The Regulations are also Community Infringements under the Enterprise Act