



Press Release – Embargoed until 00:01 on 13 May 2009

WE MUST KEEP RIGHT TO REJECT SAY CONSULTEES

In November 2008, The Law Commission and the Scottish Law Commission published a consultation on simplifying the law on consumer remedies for faulty goods. Today they publish a summary of the 53 responses received.

UK consumers are currently entitled to reject faulty goods and obtain a refund, providing they act “within a reasonable time”. Under the European Consumer Sales Directive, consumers’ first recourse is a repair or replacement.

The European Commission’s proposed directive on consumer rights, published in October 2008 raises the issue of whether the right to reject should be abolished.

The Hon Lord Drummond Young, Chairman of the Scottish Law Commission said:

“The responses we received show that there is widespread support for keeping the right to a refund, among both consumer and business groups. It is thought to be a simple, well understood remedy which prevents consumers from becoming locked into a cycle of failed repairs. In the current economic climate, consumer confidence is crucial. Our consultees argue that retaining the right to reject bolsters such confidence.

The European Commission has indicated that it was not their intention to abolish this right. We will watch the continuing negotiations on the new directive with interest.”

David Hertzell, the Commissioner leading the project for the Law Commission of England and Wales said:

“When we asked consumers what they thought, 79% were aware of the right to reject; 94% said it was important to them; and 89% said it should be retained, even though the other remedies of repair or replacement were available.

The main problem with the right to reject is the uncertainty over how long it lasts. The majority of respondents agreed with our proposal that there should be a normal period of 30 days in which to receive a refund, with a limited amount of flexibility to extend or reduce this period in some circumstances.”

The Commission will consider these responses and provide a report of recommendations to Government next year.

NOTES FOR EDITORS

1. The Law Commission and the Scottish Law Commission are non-political independent bodies, set up by Parliament in 1965 to keep all the law of England and Wales and of Scotland under review, and to recommend reform where it is needed.
2. The Department for Business, Enterprise and Regulatory Reform (BERR) asked the two Law Commissions to look at this as part of a wider review of the eight existing European Commission consumer directives. In October 2008, the European Commission published a proposal for a new directive which would (among other things) reform the law on consumer remedies. For further details on the Department of Business, Enterprise and Regulatory Reform (BERR) consultation – <http://www.berr.gov.uk/>. For further details on the European Commission review – http://ec.europa.eu/consumers/rights/docs/Directive_final_EN.pdf.
3. Further details on the Law Commissions project can be found at http://www.lawcom.gov.uk/consumer_remedies.htm and <http://www.scotlawcom.gov.uk/html/cpconsumer.htm>. The full consultation paper and a summary are available to download
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