

ISSUED ON BEHALF OF THE SCOTTISH LAW COMMISSION  
NOT FOR PUBLICATION OR BROADCAST  
BEFORE 0001 HOURS ON 4 NOVEMBER 2009

\*\*\*\*\*

## COMMISSIONS FAVOUR THE RIGHT TO A REFUND

The Law Commission and the Scottish Law Commission today publish recommendations on simplifying the law on consumer remedies for faulty goods.

UK consumers are currently entitled to reject faulty goods and obtain a refund, if they act “within a reasonable time” (“the right to reject”). Confusingly, however, under parallel remedies introduced to implement the European Consumer Sales Directive, UK consumers’ first remedy is repair or replacement. In October 2008, the European Commission proposed a new directive on consumer rights which, if adopted as published, would mean that the UK would have to abolish the right to reject.

The Law Commissions consulted on this issue last year and received strong support for retaining the right to reject, among both consumer and business groups. 94% of consumers interviewed on behalf of the Commissions valued the right very highly.

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

“We believe that the right to reject should be retained in the UK as a short-term remedy of first instance. It is a simple, easy to use remedy which inspires consumer confidence.

Consultees told us that the only problem with the right to reject is uncertainty over how long it lasts. We recommend that in normal circumstances, a consumer should have 30 days to return faulty goods and receive a refund, with flexibility built in for special circumstances such as perishable goods, or goods which both parties know will not be used for some time.”

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

“Legal advice is rarely sought for consumer disputes so it is particularly important that the law on consumer remedies is easily understood, remembered and applied. Our proposals will result in a considerable simplification of the law.

In addition to our proposals on the right to reject, we also recommend that the Government should take steps to ensure that consumers have a much better understanding of their legal rights.”

## NOTES TO EDITORS

1. The Scottish Law Commission and the Law Commission are non-political independent bodies, set up by Parliament in 1965 to review the law.
  2. Further information can be obtained by contacting Correna Callender, Head of Communications, the Law Commission: 020 3334 0230 or Gillian Swanson, Project Manager, Scottish Law Commission: 0131 668 2131; email: [info@scotlawcom.gov.uk](mailto:info@scotlawcom.gov.uk).
  3. Further details on the European Commission review can be found at [http://ec.europa.eu/consumers/rights/docs/Directive\\_final\\_EN.pdf](http://ec.europa.eu/consumers/rights/docs/Directive_final_EN.pdf).  
Further details on the Law Commissions' project can be found at [http://www.lawcom.gov.uk/consumer\\_remedies.htm](http://www.lawcom.gov.uk/consumer_remedies.htm) and <http://www.scotlawcom.gov.uk/html/cpconsumer.htm>.
- The full Report is available to download. A brief Outline is also available.