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DISTANCE SELLING



Background

Most business-to-consumer distance selling contracts are subject to the Consumer Contracts (Information, Cancellation, and Additional Charges) Regulations 2013. Contracts that wholly consist of exempt activities are not subject to the Regulations. These exemptions relate to:

- gambling;
- banking, credit, insurance, personal pension, investment or payment services;
- the creation of or rights in immovable property;
- residential rental agreements;
- construction of new or substantially new buildings;
- foodstuffs, beverages or goods intended for regular, general household consumption;
- package holidays, tours or travel; and
- certain aspects of timeshare, long-term holiday product, resale and exchange contracts.

In August 2015, CAP removed its distance selling rules after consultation. Marketers should seek legal advice to ensure they comply with the Regulations.

The Direct Marketing Association (DMA) requires its members to observe the DM Code of Practice, which covers some practices that are not covered in the CAP Code.