

DETAILS OF UK SALE AND SUPPLY OF GOODS TO CONSUMERS REGULATIONS 2002

1. The **UK Sale and Supply of Goods to Consumers Regulations 2002 (CSD Regulations)** do not affect the existing rights under the UK Sale of Goods Act and Supply of Goods and Services Act. They provide four additional remedies for non-conformity with contract¹, namely, repair, replacement, reduction in price or refund (rescission).
2. The buyer must not require the seller to repair or to replace the goods if that remedy is impossible or disproportionate in comparison to the other remedies. The remedy is disproportionate if the costs are unreasonable taking into account the value of the goods, the significance of the lack of conformity and inconvenience to the buyer.
3. Reduction of price or rescission are “second tier” remedies which are available only if repair or replacement are unavailable because it is impossible or disproportionate to do so, or if the seller fails to repair or replace the goods within a reasonable time and without significant inconvenience to the buyer.
4. Further, any reimbursement upon rescission may be reduced to take account of the use that the buyer has had of the goods before the rescission.
5. If the consumer has asked the seller to repair or replace the goods, he must give the seller reasonable time to do so before seeking some other remedy i.e. reject the goods, terminate the contract for breach of condition, or require repairs or a replacement.
6. The court may, in addition to any other power it has,
 - a) order specific performance on the application of the buyer
 - b) substitute another remedy available under the provisions which it considers appropriate
 - c) make the order on such terms or conditions as to damages, payment of price or otherwise as it thinks just.

¹ Breach of an express term of the contract or an implied term in section 13, 14 or 15 of the UKSGA (i.e. sale by description, implied terms about quality or fitness, and sale by sample) would constitute non-conformity with the contract for these purposes.