

## ELIZABETH II



# Unsolicited Goods and Services (Amendment) Act 1975

## 1975 CHAPTER 13

An Act to amend the Unsolicited Goods and Services Act 1971, to enable the Secretary of State to make regulations with respect to the contents and form of notes of agreement, invoices and similar documents and to provide for conviction on indictment in relation to an offence under section 3(2) of the said Act; and for connected matters. [20th March 1975]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. After section 3 of the Unsolicited Goods and Services Act 1971 (hereafter in this Act referred to as "the Act of 1971") there shall be inserted the following section—

"Contents and form of notes of agreement, invoices and similar documents.

3A.—(1) For the purposes of this Act, the Secretary of State may make regulations as to the contents and form of notes of agreement, invoices and similar documents; and, without prejudice to the generality of the foregoing, any such regulations may—

Contents and form of notes of agreement, invoices and similar documents. 1971 c. 30.

- (a) require specified information to be included,
- (b) prescribe the manner in which specified information is to be included,
- (c) prescribe such other requirements (whether as to presentation, type, size, colour or disposition of lettering, quality or colour of

paper or otherwise) as the Secretary of State may consider appropriate for securing that specified information is clearly brought to the attention of the recipient of any note of agreement, invoice or similar document,

(d) make different provision for different classes or descriptions of notes of agreement, invoices and similar documents or for the same class or description in different circumstances,

(e) contain such supplementary and incidental provisions as the Secretary of State may consider appropriate.

(2) Any reference in this section to a note of agreement includes any such copy as is mentioned in section 3(1) of this Act.

(3) Regulations under this section shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Amendments consequential on section 1.

2.—(1) In section 3(3) of the Act of 1971 for the words "must state" to the end there shall be substituted the words "shall comply with the requirements of regulations under section 3A of this Act applicable thereto".

(2) For section 6(2) of the Act of 1971 there shall be substituted—

"(2) For the purposes of this Act any invoice or similar document stating the amount of any payment and not complying with the requirements of regulations under section 3A of this Act applicable thereto shall be regarded as asserting a right to the payment."

Provision for offence under section 3(2) of the Act of 1971 to be prosecuted on indictment.

3.—(1) An offence under section 3(2) of the Act of 1971 may be prosecuted on indictment; and a person convicted on indictment of an offence under that section shall be liable to a fine.

(2) This section applies only to offences committed after the coming into operation of this section.

Short title, citation, commencement, transitional provisions and extent.

4.—(1) This Act may be cited as the *Unsolicited Goods and Services (Amendment) Act 1975* and the *Unsolicited Goods and Services Act 1971* and this Act may be cited together as the *Unsolicited Goods and Services Acts 1971 and 1975*.

(2) Sections 1 and 3 of this Act and this section shall come into operation on the passing of this Act but any regulations made by virtue of the said section 1 shall not come into operation before the date appointed by order under subsection (3) below for the coming into operation of section 2 of this Act.

(3) Section 2 of this Act shall come into operation on such date as the Secretary of State may by order made by statutory instrument appoint; and different dates may be appointed by order under this subsection for different provisions of that section.

(4) The amendments made to sections 3(3) and 6(2) of the Act of 1971 by section 2 of this Act and any regulations made by virtue of section 1 of this Act shall not apply to any note of agreement signed, or invoice or similar document sent before the date appointed by order under subsection (3) above for the coming into operation of the said section 2.

(5) This Act shall not extend to Northern Ireland.

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