



**Isle of Man**

*Ellan Vannin*

**AT 6 of 2016**

**CONSUMER PROTECTION  
(AMENDMENT) ACT 2016**





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## CONSUMER PROTECTION (AMENDMENT) ACT 2016

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**Isle of Man***Ellan Vannin*

## CONSUMER PROTECTION (AMENDMENT) ACT 2016

*Signed in Tynwald:* 19 April 2016  
*Received Royal Assent:* 19 April 2016  
*Announced to Tynwald:* 19 April 2016

**AN ACT** to amend the Consumer Protection Act 1991 in respect of cold calling and the cancellation of certain contracts; and for connected purposes.

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### PART 1 – INTRODUCTORY

#### 1 Short title

The short title of this Act is the Consumer Protection (Amendment) Act 2016.

#### 2 Commencement

- (1) This Act (other than this section and section 1) comes into operation on such day or days as the Isle of Man Office of Fair Trading by order appoints and different days may be appointed for different provisions and for different purposes.<sup>1</sup>
- (2) An order under subsection (1) may make such consequential, incidental, transitional and saving provisions as the Isle of Man Office of Fair Trading considers necessary or expedient.

#### 3 Expiry

- (1) This Act expires —
  - (a) on the day after its promulgation if all of its provisions are in operation on its promulgation; or
  - (b) otherwise, on the day after the last provision is brought into operation.

- (2) The expiry does not —
- (a) revive any enactment amended by this Act as the enactment operated before the amendment commenced;
  - (b) revive anything not in operation or existing when the amendment took effect; or
  - (c) affect the continuing operation of the amendment.

## **PART 2 – AMENDMENT OF THE CONSUMER PROTECTION ACT 1991**

### **4 Amendment of the Consumer Protection Act 1991**

The *Consumer Protection Act 1991* is amended in accordance with sections 5 to 23.

### **5 Section 24 repealed – enforcement (Parts II and III of the Consumer Protection Act 1991)**

[Repealed section 24]

### **6 Section 26 amended**

[Amended section 26(1)]

### **7 Section 29 amended**

[Amended heading to section 29]

### **8 Section 46 amended – contracts to which Part VII applies (cancellation of certain contracts)**

- (1) Section 46 is amended as follows.
- (2) [Substituted subsection (1)]
- (3) [Substituted subsection (2) and repealed subsection (3)]

### **9 Section 46A inserted – offence to enter into certain contracts**

[Inserted section 46A]

### **10 Section 47 amended – cancellation of contract**

- (1) Section 47 is amended as follows.
- (2) [Amended subsection (1)]
- (3) [Substituted subsection (2)]

(4) [Amended subsection (3)]

**11 Section 47A amended – failure to provide notice of cancellation rights**

(1) Section 47A is amended as follows.

(2) [Amended subsection (1)]

(3) [Amended subsection (2)]

(4) [Substituted subsection (3)]

(5) [Repealed subsection (4)]

**12 Section 47B amended – defence of due diligence**

[Amended section 47B(1)]

**13 Section 47C amended – liability of persons other than the principal offender**

[Amended section 47C(1) and (2)]

**14 New section 47CA – test purchases**

[Inserted section 47CA]

**15 Section 47D amended – enforcement powers**

(1) Section 47D is amended as follows

(2) [Amended subsection (1)]

(3) [Inserted subsections (6) and (7)]

**16 Section 47E amended – obstruction of OFT’s officers**

(1) Section 47E is amended as follows

(2) [Amended subsection (1)(c)]

(3) [Substituted section 47E heading]

**17 Section 52 substituted – no contracting-out**

[Substituted section 52]

**18 Section 53 amended – interpretation of Part VII of the Consumer Protection Act 1991**

(1) Section 53 is amended as follows.

(2) [Amended subsection (1)]

(3) [Inserted subsections (1A) to (1C)]

**19 Section 57A amended – contracts to which this Part applies**

After section 57A(4) insert –

**(5)** This Part does not apply to a relevant contract made in the circumstances set out in section 46(1)(c). **(5)**

**20 Section 60 amended and associated consequential amendment – interpretation: general**

(1) [Amended section 60(1)]

(2) [Consequent upon subsection (1)(a) and (c), for “the Board” in every other place where that phrase occurs in the *Consumer Protection Act 1991* substituted **OFT**]

**21 Section 62 amended – self-incrimination and legal professional privilege**

[Substituted marginal note immediately preceding section 62]

**22 New section 62A – application to the Island of certain subordinate legislation and power to amend the Consumer Protection Act 1991**

[Inserted section 62A]

**23 New Schedule 2B inserted – meaning of “excepted contract” for the purposes of section 46**

[Inserted Schedule 2B]



## ENDNOTES

### Table of Endnote References

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<sup>1</sup> ADO – Remaining provisions in operation 01/06/2016 [SD2016/0151].