

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4042 of 5 December, 2013

LEGAL NOTICE NO. 176 OF 2013.

INTERPRETATION AND GENERAL CLAUSES ACT

**CONSUMER PROTECTION (UNFAIR TRADING) ACT 2008
(AMENDMENT) REGULATIONS 2013**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act, and all other enabling powers, and for the purpose of transposing into the law of Gibraltar Article 27 of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directives 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Consumer Protection (Unfair Trading) Act 2008 (Amendment) Regulations 2013 and come into operation on 13 June 2014.

Amendment to the Consumer Protection (Unfair Trading) Act 2008.

2. The Consumer Protection (Unfair Trading) Act 2008 is amended by—

(a) inserting the following definition in section 2, after the definition of “the Directive”-

““goods” means any tangible moveable items, with the exception of items sold by way of execution or otherwise by authority of law, and water, gas and electricity shall be considered as goods within the meaning of this Directive where they are put up for sale in a limited volume or a set quantity;”;

(b) inserting the following section after section 14-

“Inertia selling.

- 14A(1) This section applies where a trader engages in the unfair commercial practice described in paragraph 29 of Schedule 1 (inertia selling).
- (2) The consumer is exempted from any obligation to provide consideration for the products supplied by the trader.
 - (3) The absence of a response from the consumer following the supply does not constitute consent to the provision of consideration for, or the return or safekeeping of, the products.
 - (4) In the case of an unsolicited supply of goods, the consumer may, as between the consumer and the trader, use, deal with or dispose of the goods as if they were an unconditional gift to the consumer.”; and
- (c) substituting “section 14A” for “Article 7(3) of Directive 97/7/EC (inertia selling) and such legislation as from time to time implements that Directive” in paragraph 29 of Schedule 1.

Dated 5th December, 2013.

N COSTA,
Minister with responsibility for Consumer Affairs,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Consumer Protection (Unfair Trading) Act 2008 in order to transpose into the law of Gibraltar Article 27 of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directives 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council.

