

Index to main references in the guidance to new elements of unfair terms law introduced by the Consumer Rights Act as of 1 October 2015

Note that this is a selective, not a complete listing of all changes and clarification provisions in the Act.

1. **Negotiated terms:** extension of fairness and transparency requirements to cover all consumer contract terms, not just standard pro forma terms: paragraph 2.30.
2. **Consumer notices:** confirmation that fairness and transparency requirements cover consumer notices as well as contract terms: paragraphs 1.19 to 1.25.
3. **Enforceability of the transparency requirement:** confirmation that enforcement action can be taken by a 'regulator' in relation to alleged breaches of the Act's transparency requirement: paragraph 2.6.
4. **Definition of 'consumer',** extension of scope: paragraph 1.11.
5. **Prominence:** modification/clarification that contract terms must meet a condition of prominence as well as of transparency in order to fall within 'the core exemption': paragraphs 3.20 to 3.31.
6. **Scope of 'the core terms exemption':** confirmation that terms corresponding to those in the Grey List cannot be considered 'core': paragraph 3.10.
7. **New Grey List terms** added to Schedule 2: paragraphs 5.15 to 5.17.
8. **Secondary contracts:** fairness and transparency requirements apply to terms in 'secondary contracts' which affect the rights and obligations of the consumer and the trader under a main contract to which the Act applies: paragraph 1.15.
9. **Resold tickets:** confirmation that certain terms used in consumer contracts which allow an event organiser to cancel it or blacklist the seller where the ticket is being resold or offered for resale are subject to the fairness and transparency requirements: paragraph 5.33.4.
10. **Goods:** modification of the scope of 'blacklisting' of certain terms in contracts for a trader to supply goods to a consumer, by virtue of which they may be

automatically unenforceable without any need to subject them to an evaluation of fairness: paragraphs 4.13 to 4.15.

11. **Digital content:** new provisions made for certain terms in contracts for a trader to supply of digital content to a consumer, under which such terms may be automatically unenforceable without any need to subject them to an evaluation of fairness: paragraphs 4.16 to 4.24.
12. **Services:** selective extension of the scope of 'blacklisting' of certain terms in contracts for a trader to supply a service contract to a consumer, by virtue of which they may be automatically unenforceable without any need to subject them to an evaluation of fairness: paragraphs 4.25 to 4.28.

Selected additional provision not mentioned in the guidance¹

13. Provision for the Secretary of State to amend the Grey List by statutory instrument (section 63(3)).

Links to legislation

14. [Historic Unfair Terms in Consumer Contracts Regulations 1999 \(UTCCRs\)](#).
15. [Historic Unfair Contract Terms Act 1977 \(UCTA\)](#).
16. [Consumer Rights Bill](#).
17. [Consumer Rights Act 2015](#).

¹ This item is mentioned as having a particular connection to matters covered in the guidance. This is not a list of all the changes made to the law by Parts 1 and 2 of the Act. Standard works of legal reference may be consulted for a more complete consideration of whether and in what way the law has changes by virtue of the coming into force of the Act, but this is ultimately a matter for the courts.