

Terms and conditions and Online Claims

In the UK, contract terms:

- must be fair
- need to fulfil certain standards
- must be in line with the principle of good faith
- cannot cause a big difference in the rights and obligations between the parties.

Terms that exclude or restrict consumer's rights under the Consumer Rights Act 2015 are excluded - 'blacklisted'. There are 20 terms that must be regarded as unfair listed in the Act.

The Competition and Markets Authority also publish a 'grey list' in their guidance https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/450440/Unfair_Terms_Main_Guidance.pdf

A term is unfair if, contrary to the requirement of good faith, it causes a significant imbalance in the parties' rights and obligations under the contract to the detriment of the consumer.

The terms included in the consumer contracts must be written in plain and intelligible language.

- Always check that the contract term you are stipulating is not enlisted on the list of potentially/always unfair contract terms in the applicable national laws;
- Always check that the contract term you are stipulating is not contrary to the principle of good faith;(is honest or sincere)
- Always check that the contract term you are stipulating doesn't cause a big difference between your rights and obligations and the consumer's;
- Always check that the contract term is written in an easily legible and comprehensible manner for the consumer.
- Any business using a logo representing membership or approval encourages a potential customer to assume a benefit arising from one or more of the following:
 - approval of a standard of service
 - training or qualification of company personnel
 - compliance with rules or codes of conduct
 - existence of complaints / arbitration procedures
 - commitments to be 'fair traders' or approved by well-known organisations such as councils, governments, etc

Logos denoting membership of, or approval by, an organisation may be legitimately used by businesses. However, their misuse, deliberate or otherwise, can result in a commercial advantage, enabling work to be acquired unfairly, and may constitute a breach of the law.

For more advice call Hertfordshire Trading Standards Business Advice line. Telephone: 01707 281401. Open 9am - 5pm Monday to Friday.