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CONSUMER PROTECTION (FAIR TRADING) ACT
(CHAPTER 52A)

CONSUMER PROTECTION (FAIR TRADING)
(CANCELLATION OF CONTRACTS) (AMENDMENT)
REGULATIONS 2016

In exercise of the powers conferred by sections 11 and 20 of the Consumer Protection (Fair Trading) Act, the Minister for Trade and Industry (Industry) makes the following Regulations:

Citation and commencement

1. These Regulations are the Consumer Protection (Fair Trading) (Cancellation of Contracts) (Amendment) Regulations 2016 and come into operation on 9 December 2016.

New Part 1 heading

2. The Consumer Protection (Fair Trading) (Cancellation of Contracts) Regulations 2009 (G.N. No. S 65/2009) (called in these Regulations the principal Regulations) are amended by inserting, immediately above regulation 1, the following Part heading:

“PART 1
PRELIMINARY”.

Amendment of regulation 2

3. Regulation 2 of the principal Regulations is amended —

(a) by deleting the definition of “cancellation period” in paragraph (1) and substituting the following definition:

“ “cancellation period” means —

- (a) for the purpose of Part 2, the period specified in regulation 4(1); and
 - (b) for the purpose of Part 3, the period specified in regulation 4A(1);”;
- (b) by deleting the definition of “notice of cancellation” in paragraph (1) and substituting the following definition:

“ “notice of cancellation” means —

- (a) for the purpose of Part 2, a notice of cancellation given under regulation 4; and
 - (b) for the purpose of Part 3, a notice of cancellation given under regulation 4A;”;
- (c) by deleting the words “regulation 3(e) and (f)” in paragraph (2)(b) and substituting the words “regulation 3(1)(e) and (f)”.

Amendment of regulation 3

4. Regulation 3 of the principal Regulations is amended —

- (a) by deleting the words “These Regulations shall not” and substituting the words “Part 2 does not”; and
- (b) by renumbering the regulation as paragraph (1) of that regulation, and by inserting immediately thereafter the following paragraph:

“(2) Part 3 does not apply to the transactions mentioned in paragraph (1)(a), (b) and (c).”.

New Part 2 heading

5. The principal Regulations are amended by inserting, immediately after regulation 3, the following Part heading:

“PART 2
REGULATED CONTRACTS”.

Amendment of regulation 4

6. Regulation 4 of the principal Regulations is amended by inserting, immediately after the word “cancel” in the regulation heading, the word “regulated”.

New Part 3 heading and regulation 4A

7. The principal Regulations are amended by inserting, immediately after regulation 4, the following Part heading and regulation:

“PART 3

CANCELLATION OF CONTRACTS UNDER
SECTION 9(12) OF ACT

**Manner and effect of cancelling contract under
section 9(12) of Act**

4A.—(1) If a supplier enters into a contract with a consumer in breach of an order mentioned in section 9(4)(b) of the Act, the consumer may cancel the contract under section 9(12) of the Act by giving notice of cancellation of the contract at any time within 6 months after the date on which the contract was entered into.

(2) A notice of cancellation under this regulation may be in the form set out in the Second Schedule or in any other written form so long as it is clear from the form that the consumer intends to cancel the contract under section 9(12) of the Act.

(3) A notice of cancellation under this regulation may be given by leaving it at or by sending it by prepaid post to —

(a) the usual or last known address of the place of business of the supplier; or

(b) where the supplier is a body corporate, the registered office or principal office of the supplier.

(4) A notice of cancellation sent by a consumer by prepaid post is treated as having been given at the time of posting, whether or not it is actually received.

(5) If the consumer, having given notice of cancellation of a contract in accordance with this regulation, subsequently enters

into a contract (called in this regulation the subsequent contract) with the supplier on substantially the same terms as the cancelled contract at any time before the expiry of the cancellation period of the cancelled contract —

- (a) the subsequent contract must not be enforced against the consumer at any time within the cancellation period of the cancelled contract; and
- (b) the consumer may give notice of cancellation of the subsequent contract at any time within the cancellation period of the cancelled contract.

(6) Despite paragraphs (3) and (4), if the supplier agrees to accept notice of cancellation by any additional means, including electronic means, the notice may be given by the means so agreed.”.

New Part 4 heading

8. The principal Regulations are amended by inserting, immediately above regulation 5, the following Part heading:

“PART 4

EFFECT OF CANCELLATION OF CONTRACT, ETC.”.

Amendment of regulation 5

9. Regulation 5 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “regulation 4” in paragraphs (1) and (2), the words “or section 9(12) of the Act”; and
- (b) by inserting, immediately after the words “these Regulations” wherever they appear in paragraph (6), the words “or section 9(12) of the Act”.

Amendment of regulation 6

10. Regulation 6 of the principal Regulations is amended —

- (a) by deleting the words “, acquired possession of any goods by virtue of the direct sales” in paragraph (1) and

substituting the words “or a contract under section 9(12) of the Act, acquired possession of any goods by virtue of the”; and

- (b) by deleting the words “direct sales” in the regulation heading.

Amendment of regulation 7

11. Regulation 7 of the principal Regulations is amended —

- (a) by deleting the words “regulated contract under these Regulations” and substituting the words “contract under regulation 4 or section 9(12) of the Act”; and
- (b) by deleting the word “regulated” in the regulation heading.

New Part 5 heading

12. The principal Regulations are amended by inserting, immediately after regulation 7, the following Part heading:

“PART 5
MISCELLANEOUS”.

Amendment of regulation 9

13. Regulation 9 of the principal Regulations is amended —

- (a) by deleting the word “or” at the end of paragraph (c);
- (b) by deleting the comma at the end of paragraph (d) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(e) the consumer had affirmed the contract under regulation 4(3); or

(f) the supplier had, before entering into the contract with the consumer, complied with an order mentioned in section 9(4)(b) of the Act that was made against the supplier under section 9(1)(c) of the Act;” and

(c) by deleting the words “or (d)” and substituting the words “, (d), (e) or (f)”.

Saving and transitional provision

14. Regulation 9 of the principal Regulations in force immediately before 9 December 2016 continues to apply in relation to any proceedings commenced in any court between a consumer and a supplier immediately before that date.

[G.N. Nos. S 157/2011; S 43/2014]

Made on 8 December 2016.

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