1991 No. 285

CONSUMER PROTECTION

Price Indications (Method of Payment) Regulations (Northern Ireland) 1991

Made	*1st July 1991*
Coming into operation . . .	*1st August 1991*

The Department of Economic Development, in exercise of the powers conferred on it by Article 19(1), (2), (3) and (4) of the Consumer Protection (Northern Ireland) Order 1987(**a**) and of every other power enabling it in that behalf and after consultation with the Director General of Fair Trading and such other persons as it considered it appropriate to consult, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Price Indications (Method of Payment) Regulations (Northern Ireland) 1991 and shall come into operation on 1st August 1991.

Interpretation and application

2.—(1) In these Regulations—

"goods" do not include fuel of any kind supplied for the propulsion of a vehicle intended or adapted for use on roads;

"the indicated price" has the meaning assigned to it in regulation 3(1);

"the Order" means the Consumer Protection (Northern Ireland) Order 1987; and

"statement" means a statement made available to the consumer under regulation 3(1).

(2) Subject to paragraph (3) in these Regulations "price", in relation to any goods, services, accommodation or facilities, has the meaning assigned to it in sub-paragraph (*a*) of the definition of "price" in Article 13(6) of the Order (that is to say, the aggregate of the sums required to be paid by a consumer for or otherwise in respect of the supply of the goods or the provision of the services, accommodation or facilities).

(3) In the case of an indication of a price within the meaning of sub-paragraph (*b*) of the definition of "price" in Article 13(6) of the Order (that is to say, any method which will be or has been applied for the purpose of determining the aggregate mentioned in paragraph (2)) these Regulations shall have effect as if references to a price were to the monetary amount or to all the monetary amounts included in such a method.

(a) S.I. 1987/2049 (N.I. 20)

(4) For the purposes of these Regulations—

(*a*) an indication of the price at which goods will be or are available by way of hire-purchase agreement, conditional sale agreement or credit-sale agreement shall not be treated as an indication of a price;

(*b*) the entry into, or making of payments under, such an agreement shall not be treated as a method of payment; and

(*c*) payment in a currency other than that in which a price indication is given shall not be treated as a different method of payment from payment in the currency in which the indication is given.

(5) In these Regulations, references to a method of payment do not include a method of payment which is available only to persons having a pre-existing contractual or other connection with the person indicating the price in question or with some person connected with him, being a connection which relates principally to matters other than payment in respect of transactions between that person and the consumer.

(6) These Regulations shall not have effect in relation to an indication of a price which is given to a consumer in response to a specific request from him that he be informed of the price payable by a specified method for or otherwise in respect of the supply of specified goods or the provision of specified services, accommodation or facilities.

(7) These Regulations shall not apply to anything done otherwise than in the course of business.

Differential price indications

3.—(1) Subject to paragraph (3) and the following provisions of these Regulations, where a person gives to consumers an indication of a price—

(*a*) at which any goods, services, accommodation or facilities will be or are available; and

(*b*) which is not a price applicable to all methods of payment accepted by him,

("the indicated price") he shall, before he enters into any contract under which the goods, services, accommodation or facilities are to be supplied or, as the case may be, provided, make available to the consumers statements of the matters to which this paragraph applies.

(2) The matters to which paragraph (1) applies are—

(*a*) any method of payment (being a method of payment accepted by the person giving the indication) to which the indicated price does not apply; and

(*b*) the difference between the price payable by each such method and the indicated price expressed (as the case may require) as an addition to, or a deduction from, the indicated price in terms of—

(i) an amount of money, or

(ii) a percentage of the indicated price.

(3) Where a person gives to consumers more than one indicated price relating to different methods of payment in respect of the same goods, services, accommodation or facilities—

(*a*) this regulation shall not require a statement to be given of the difference between those prices; and

(*b*) all statements under paragraph (1) may be given in relation to any one indicated price only.

Display of statements

4.—(1) This regulation applies to any statement (other than one given orally) which relates—

(*a*) to one or more items of goods (whether goods of the same description or not) which are exposed for sale at any premises or which may be available for supply to a consumer there (or for the supply of which arrangements may there be made); or

(*b*) to services, facilities or accommodation (whether, in each case, of the same description or not) which may be available for provision to a consumer at any premises (or for the provision of which arrangements may there be made).

(2) Except in a case to which paragraph (4) or (6) applies, any statement to which this regulation applies shall be displayed—

(*a*) at each public entrance to the premises in question; and

(*b*) at each point in those premises where consumers make payment or become bound to make payment.

(3) For the purposes of paragraph (2)(*a*)—

(*a*) where there is on or adjacent to the forecourt of a petrol-filling station to which the public has access a place used for the exposure for sale of goods or for making available goods to consumers or for the provision of services to consumers; or

(*b*) where a place is used for the parking of motor vehicles;

and where in each case, apart from this paragraph, the place would be comprised in larger premises, the place shall be treated as separate premises and as not comprised in those larger premises.

(4) If the place where goods are exposed for sale or may be available for supply or where services, facilities or accommodation may be provided or, in each case, where arrangements for their supply or provision may be made—

(*a*) is a part of larger premises which are not wholly in the occupation of the person giving the statement to which this regulation applies and sub-paragraph (*b*) does not apply, any such statement shall be displayed, as the case may require, either—

(i) at each public entrance to that part; or

(ii) if that part is so arranged that there is no specific public entrance to it, at a conspicuous place at that part,

and, in any event, at each point in that part where consumers make payment or become bound to make payment; or

(*b*) is a kiosk, booth, stall or similar place or is a vehicle and at which consumers may be served without entering, any statement to which