

25 July 2012



Your ref:  
Our ref: LJ/2/7

Dear Consultee

### **JOINT ISSUES PAPER: UNFAIR TERMS IN CONSUMER CONTRACTS**

We invite comment on the abovementioned joint Issues Paper which has been published today with an Impact Assessment and other Appendices. In addition, a Summary, which includes all the questions and proposals set out in the full Issues Paper and the Impact Assessment, is available.

The Issues Paper reviews and updates our 2005 joint Report on Unfair Terms in Contracts and considers the current exemption from review for main subject matter and price under the Unfair Terms in Consumer Contracts Regulations 1999 (UTCCR). The five accompanying appendices comprise the Impact Assessment and background material covering comparative law, the "grey list" contained in Schedule 2 of the UTCCR and the re-written list from our 2005 Report, end user licence agreements and the Unfair Terms Directive. Our aim, having carefully considered all the responses to the Issues Paper, is to give advice on this topic to the Department for Business, Innovation and Skills by the end of March 2013.

Consultation is critical in all our law reform projects to ensure that the final recommendations would, if implemented, result in law which is just, principled, responsive and easy to understand. We would therefore be grateful to receive your views on any or all of the proposals in this Paper and also on the questions in the Impact Assessment; they will be fully considered and analysed in the course of reaching our final conclusions. Even if you agree with our proposals but do not wish to make any further comments, a brief note to that effect would also be most helpful as an indication that our proposals are on the right lines.

As the Law Commission for England and Wales is leading this project, please send your comments to that Commission at the address shown at the front of the paper. Where possible, we would prefer the electronic submission of comments. [Electronic response forms are available on the websites of both Commissions.](#) Please note that the consultation process for this project will conclude on **25 October 2012**; accordingly, we would be grateful if comments were submitted by then.

**PLEASE NOTE THAT** information about this Issues Paper, including copies of responses, may be made available in terms of the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002. Any confidential response will be dealt with in accordance with these Acts and as stated at the front of the Issues Paper. We may also attribute comments and publish a list of respondents' names.



Finally, should you wish to offer any comments on the way in which we conduct our consultation exercises, we would be pleased to hear from you.

Yours sincerely

*Malcolm McMILLAN*

MALCOLM McMILLAN  
Chief Executive