

Guidance for Businesses

The Provision of Services Regulations 2009

The above Regulations came into force on 28 December 2009 and affect all businesses operating in the service sector. There are some exceptions to the requirements and these are listed below:

The following types of services are not affected

- Financial services e.g. banking, credit, insurance, investments
- Electronic communications services and networks
- Transport e.g. air, maritime, taxis and ambulances
- Temporary work agencies
- Healthcare services
- Cinemas and broadcasting
- Gambling services
- Social services
- Private security services
- Notaries & Bailiffs appointed by an official act of Government

All other businesses not on the list above should consider themselves included in the requirements of the regulations.

What is required of businesses?

The law means that certain information must be provided to customers. Clients can be other businesses or private individuals. The aim is to ensure that service recipients have access to a minimum amount of information and to a complaints procedure. This should enable recipients to make a more informed decision when considering to buy services from a particular provider. Many businesses already give this information so it shouldn't create an extra burden.

Information that must be made available

- (a)** The name of the business
- (b)** Legal status, e.g. a sole trader, limited company
- (c)** Geographic address with details on how the business can be contacted and if it can be contacted electronically e.g. e-mail or text message number
- (d)** If registered in a trade or public register, the name of the register, registration number or similar identification e.g. this applies to gas fitters registered with Gas Safe.
- (e)** If the business must be authorised by an authority to trade, the particulars of the competent authority. This also applies to authorisation by a body outside of the UK
- (f)** If VAT registered, the VAT registration number
- (g)** If carrying on a regulated profession, any professional body and EEA state where registered, e.g. UK
- (h)** Any general terms and conditions used by the business and which country's law applies, e.g. English law
- (i)** The existence of any after sales guarantee offered
- (j)** The price of the service if pre-determined, e.g. price of photocopying service

- (k) Main features of the service if not already apparent
- (l) If the business is subject to a requirement to have professional liability insurance, the contact details of the insurer and its coverage

How to make the information available

- (a) Make it easily accessible at business premises
- (b) Make it easily accessible electronically by use of a website
- (c) Include it in any documents supplied to the recipient

Further information that must be made available

- (a) If the business is subject to a code of conduct as part of a trade association or other body that has a dispute resolution service, then the recipient should be informed about it in any documents supplied that describes the service being offered
- (b) Full contact details about where a recipient can request information or make a complaint

Information that must be supplied if asked

- (a) If the price of the service being offered isn't pre-determined, then the method by which the price is calculated by so that it can be checked by the recipient, or a sufficiently detailed estimate
- (b) For regulated professions a reference to the professional rules applicable and how a recipient can access them, e.g. directing them to a website
- (c) Information on any other activities carried out by the business that is linked to the service being offered and on the means taken to avoid a conflict of interest

Complaints procedure

Businesses must respond to complaints as quickly as possible. There are no time limits but things to consider will be how easy it is to contact the recipient, how complicated the matter is and whether any information is needed from a third party.

Businesses must make best efforts to find a solution unless the complaint is vexatious or malicious but this excuse should not be used simply because the business find the complaint annoying or inconvenient.

Discrimination

Businesses must not discriminate on the grounds of nationality or place of residence in their general terms and conditions. It is acceptable however to use 'objective criteria' for example, additional costs incurred because of distances or market conditions such as higher or lower demand influenced by seasonality or different holiday periods.

For more help

This note is a very brief guide to the main requirements and it is not a full interpretation of the law. A full guide is available by download from the Department for Business, Innovation & Skills at www.bis.gov.uk