Provision of Services Regulations 2009 checklist

The Provision of Services Regulations 2009 came into force on 28 December 2009. The Regulations apply to the majority of private sector businesses in the UK. They apply to business to-business and services.

The Regulations impose obligations on businesses to make certain information available to customers, and to deal with customer complaints promptly. They also prohibit discrimination against individual customers in the provision of services on the basis of then place of residence.

This checklist highlights the obligations that the Regulations impose on your business and the consequences for your business of failing to meet those obligations.

General points

- You should check the information that you currently provide to your customers and ensure that you include any additional information that is required by the Regulations (see **information requirements** below).

- Make sure that you have procedures in place that enable you to provide the relevant information dearly and in good time before any contracts are concluded.

- Ensure that you are ready to provide the relevant information that must be provided if requested by a customer (see **information to be provided if requested** below).

- Check that you have a complaints handling process in place and ensure that you deal with any complaints you receive as quickly as possible.

- You must not discriminate against individual customers on the grounds of their place of residence (town, region or country) in your general conditions of supply (for example, your standard terms and conditions). This prohibition will not apply if you can objectively justify the reason for the discrimination.

Information requirements

Mandatory information

- Name.

- Legal status (for example, sole trader or partnership).

- Address of where you are established (for example, your registered office).

- Contact details for direct communication (for example, your e-mail address).

- Contact details for making complaints and for information requests. These should include a postal, fax or e-mail address, telephone number and your registered office (if different from your postal address).

- Price of services, if pre-determined.

- Main features of serve, if it is not obvious from the context.

- VAT number, if registered for VAT.

- If applicable, your trade registration scheme and your registration number.

- If applicable, UK authorisation scheme details and the relevant regulatory body or single point of contact. The point of contact in the UK is www.businesslink.gov.uk.

- General terms and conditions, if any.

- If applicable, your professional body's name, your professional title and the country in which the title was granted.

- Contract terms on law and jurisdiction applicable to your service contracts, if any.

- Any after-sales guarantee which provides more protection than that required by law.

- If you are required to hold professional liability insurance, details about this, the geographical coverage and your insurers contact details.

- If you are subject to a code of conduct, trade association or professional body that has non-judicial dispute resolution procedures, details of this and how to access information about it.

Information document with a detailed description of your services

If you provide your customers with an information document with a detailed description of your services, the following information must be included:

- Whether you carry on other activities which are directly linked to the service in question, details of this and the measures taken to avoid conflicts of interest.

- If you are subject to a code of conduct, trade association or professional body that has non-judicial dispute resolution procedures, details of this and how to access intonation about it.

Information to be provided if requested

- If you do not have pre-determined prices, the method for calculating the price (or a sufficiently detailed estimate).

- Whether you are carrying out a regulated profession (for example, legal or financial services), reference to the applicable professional rules and how they can be accessed.

- If you carry on other activities which are directly linked to the service in question, details of these and the measures taken to avoid conflicts of interest.

- Whether you are subject to any codes of conduct, what these are and how to access such codes electronically.

How to make information available

You can make information available to a customer using any one of four methods:

- You provide customers with information on your own initiative.

- It is easily available to the customer at the place where you provide the service, or where the contract for the service is concluded.

- It is easily available to the customer electronically (for example, on your website).

- It appears in any information document you supply to the customer in which you give a detailed description of the service.

Consequences of failure to meet your obligations under the Regulations

If your business breaches its obligations under the Regulations:

- Enforcement bodies (such as the Office of Fair Trading) have the right to take action if a breach of the Regulations by your business harms, or has the potential to hams, the collective interests of consumers.

- A business that acts as a customer in a business-to-business transaction can take action against your business for a breach of the Regulations on its own initiative.

More information

If you have any questions relating to the content of this checklist please contact Peter Turner on email: pturner@clarkeandson.co.uk or Tel: 01256 320 555.