Title 35 - Consumer Fairness and Safety Act 2026 (CFS)

Preamble:

To protect consumers from misleading, unfair and unsafe commercial practices; to establish clear rights and remedies concerning goods and services; to provide proportionate enforcement and accessible redress; and to work in conjunction with the Financial Regulations Act 2025, the Online Safety and Digital Services Act 2025, the Public Health Preparedness Act 2025, the Civil Proceedings Act 2025, the Common Law Act 2025 and the Unity and Equality Act 2025.

Article 1: General Principles and Application

Section 1A — Purpose

(a) The purpose of this Act is to promote honest commerce, consumer confidence, product safety and fair contractual dealing.

(b) This Act shall be read alongside other applicable Acts and shall not displace a specialist statutory regime unless that regime expressly provides otherwise.

Section 1B — Application

(a) This Act applies to commercial practices and consumer contracts connected with the supply of goods or services to a consumer in Links Land.

(b) A consumer is an individual acting wholly or mainly outside that individual's trade, business, craft or profession.

(c) A business includes any person or organisation acting for purposes relating to trade, business, craft or profession.

Article 2: Fair Commercial Practices

Section 2A — Misleading Conduct

(a) A business shall not make a false, materially incomplete or otherwise deceptive representation concerning the nature, quality, quantity, origin, performance, price, availability or legal status of goods or services.

(b) A business shall not omit material information where the omission is likely to cause an average consumer to make a transactional decision that the consumer would not otherwise make.

(c) A business shall not falsely represent that a product is limited, urgently discounted, independently endorsed, environmentally beneficial, or legally required.

Section 2B — Prohibited Practices

(a) A business shall not engage in fraud, coercion, harassment, aggressive selling, bait advertising, fake reviews, subscription traps or the deliberate concealment of mandatory charges.

(b) A business shall not charge a consumer for goods or services that the consumer did not clearly request, except where another Act expressly authorises the charge.

(c) Prices and mandatory fees shall be stated clearly and prominently before the consumer is bound, subject to reasonable exceptions for taxes or charges that cannot lawfully be calculated in advance.

Section 2C — Legitimate Practices

(a) This Article does not prohibit lawful opinion, ordinary advertising puffery that no reasonable consumer would understand as a factual claim, accurate comparative advertising, or a genuine price reduction.

(b) A business is not liable for an honest and promptly corrected error where it took reasonable steps to prevent and remedy consumer harm, but this provision does not excuse unsafe products, fraud or deliberate misconduct.

Article 3: Consumer Contracts and Goods

Section 3A — Fair Terms

(a) A written consumer term shall be presented in plain and intelligible language and shall be reasonably accessible before agreement.

(b) A term is unfair if, contrary to good faith, it causes a significant imbalance in the parties' rights and obligations to the detriment of the consumer.

(c) An unfair term is not binding on the consumer, while the remainder of the contract continues where it can operate fairly and effectively.

Section 3B — Goods

(a) Goods supplied to a consumer shall be of satisfactory quality, fit for a disclosed purpose, accurately described and reasonably durable, subject to fair wear, misuse and disclosed defects.

(b) Where goods fail to meet this Article, the consumer may require repair or replacement within a reasonable time and without significant inconvenience.

(c) If repair or replacement is impossible, disproportionate or not completed within a reasonable time, the consumer may require an appropriate price reduction or reject the goods for a refund, subject to a reasonable deduction for use where permitted by regulation.

Section 3C — Services

(a) A service shall be performed with reasonable care and skill, within a reasonable time where no time is agreed, and in accordance with information the business presented as binding about the service.

(b) For a breach, the consumer may require repeat performance where practicable and proportionate, or may receive a price reduction reflecting the failure.

(c) A contractual term shall not exclude liability for death or personal injury caused by negligence, fraud, or rights expressly granted by this Act.

Article 4: Information, Safety and Recalls

Section 4A — Pre-contract Information

(a) Before a consumer is bound, the business shall provide its identity and contact details, the main characteristics of the goods or services, the total price or method of calculation, recurring charges, material restrictions and cancellation conditions.

(b) Information shall be provided in a form that a consumer can reasonably understand and retain.

Section 4B — Unsafe Products

(a) A business shall not knowingly supply a product that presents a demonstrable and unreasonable risk of death, injury or serious damage when used as reasonably foreseeable.

(b) A business that discovers a material safety risk shall promptly notify the designated regulator, warn affected consumers where practicable, and take reasonable steps to withdraw, repair, replace or recall the product.

(c) Compliance with a technical standard is evidence of safety but does not prevent action where the product remains demonstrably unsafe.

Article 5: Consumer Protection Authority

Section 5A — Authority and Functions

(a) The Minister shall designate an independent Consumer Protection Authority accountable to Parliament through annual public reports.

(b) The Authority may investigate suspected breaches, require relevant information, conduct proportionate inspections subject to judicial warrant where entry is not consented to, issue compliance and corrective-notice orders, and publish guidance.

(c) The Authority shall coordinate with specialist regulators and shall not impose duplicate sanctions for the same conduct except where separate harms and legal bases are clearly identified.

Section 5B — Enforcement and Penalties

(a) The Authority may impose a civil administrative penalty only after notice and a reasonable opportunity for representations.

(b) The penalty shall reflect the seriousness, duration, gain, harm, cooperation, previous breaches and financial circumstances of the business, and shall be no greater than necessary to secure compliance and deter repetition.

(c) A business may appeal an enforcement decision to a competent court, and an appeal shall ordinarily suspend a monetary penalty unless the court orders otherwise.

(d) A repeated or deliberate breach may be referred for prosecution under applicable criminal law, but imprisonment shall not be imposed under this Act.

Section 5C — Small Business Assistance

(a) The Authority shall publish plain-language guidance, model notices and compliance assistance for microbusinesses and small businesses.

(b) Assistance and a warning or improvement period should be used for minor, first-time breaches where no significant consumer or safety harm occurred.

(c) No warning period is required for fraud, deliberate deception, obstruction, retaliation or a material risk to health or safety.

Article 6: Consumer Redress and Procedure

Section 6A — Complaints and Remedies

(a) A consumer may seek repair, replacement, repeat performance, refund, price reduction, cancellation or compensation as provided by this Act and the contract, without surrendering any remedy available under another Act.

(b) The Authority may approve or require an accessible complaints process and may direct a business to provide collective redress where numerous consumers suffered substantially similar loss.

(c) A term purporting to waive rights under this Act before a dispute arises is void to the extent that it deprives the consumer of a mandatory protection.

Section 6B — Limitation and Evidence

(a) A claim under this Act must be brought within six years of the breach or discovery of concealed fraud, unless a shorter period is expressly required by another Act and is constitutionally valid.

(b) A business shall retain material records supporting safety, price and performance claims for a reasonable period prescribed by regulation.

(c) Nothing in this Act reverses the burden of proving a civil claim unless expressly provided by regulation consistent with due process.

Article 7: Regulations and Review

Section 7A — Regulations

(a) The Minister may make regulations necessary to implement this Act, including standards for notices, recalls, complaint handling, penalty calculation and accessible communications.

(b) Regulations shall be published, subject to consultation, and laid before Parliament. They shall not create a criminal offence or materially enlarge a penalty beyond the powers stated in this Act.

Section 7B — Review

(a) The Minister shall arrange an independent review of the operation, cost, enforcement outcomes and effects on small businesses within three years of commencement and lay the report before Parliament.

Article C: Constitutional Compliance

Section C1 — Rights and Due Process

(a) This Act shall be interpreted consistently with constitutional equality, freedom of expression, property, privacy, access to justice and judicial independence guarantees.

(b) Investigations, inspections, penalties and redress orders shall be lawful, necessary, proportionate and subject to review by an independent court.

Section C2 — Relationship with Existing Law

(a) This Act works in conjunction with and is read alongside the Financial Regulations Act 2025, Online Safety and Digital Services Act 2025, Public Health Preparedness Act 2025, Civil Proceedings Act 2025, Common Law Act 2025 and Unity and Equality Act 2025.

(b) Where a specialist regulator has primary jurisdiction, this Act shall be applied cooperatively and consistently so far as possible, preserving existing legal rights and duties.