

# 英美消費者保護法簡介

## 英國

消費者保護之概念源自英國，早在十八世紀中葉，英國王室法庭首席法官曼斯菲德，以衡平原則適用於商業契約，創造新衡平理念，消費者保護之具體概念亦因此萌生。至工業革命興起，自由放任思潮澎湃，使曼氏苦心建立之消費者保護概念消失殆盡，十九世紀末期，資本主義極度發展而弊端叢生，英國雖立法保護消費者，但均未脫離契約關係之法則。近二十年間，消費者主義在世界各國風起雲湧，英國消費者亦於1957年成立消費者聯盟，積極展開消費者保護運動，而受美國消費者立法之影響，英國國會亦陸續制定一些法案。

相關法案如下：

- 1824 Weights and Measures Act
- 1877 Merchandise Marks Act
- 1893 Sale of Goods Act
- 1938 Hire Purchase Act
- 1961 Consumer Protection Act
- 1964 Hire Purchase Act
- 1973 Fair Trading Act
- 1974 Consumer Credit Act
- 1975 Price Act
- 1976 Resale Prices Act
- 1977 Price Commission Act
- 1978 Consumer Safety Act
- 1985 Weights and Measures Act
- 1986 Consumer Safety (Amendment) Act
- 1987 Consumer Protection Act
- 1988 Consumer Arbitration Agreements Act

## 1987年消費者保護法 (Consumer Protection Act 1987)

### PART I PRODUCT LIABILITY

#### Section

- 1 Purpose and construction of Part I
- 2 Liability for defective products
- 3 Meaning of "defect"
- 4 Defences
- 5 Damage giving rise to liability
- 6 Application of certain enactments
- 7 Prohibition on exclusions from liability
- 8 Power to modify Part I
- 9 Application of Part I to Crown

### PART II CONSUMER SAFETY

- 10 The general safety requirement
- 11 Safety regulations
- 12 Offences against the safety regulations
- 13 Prohibition notices and notices to warn
- 14 Suspension notices
- 15 Appeals against suspension notices
- 16 Forfeiture: England and Wales and Northern Ireland
- 18 Power to obtain information
- 19 Interpretation of Part II

### PART III MISLEADING PRICE INDICATIONS

- 20 Offence of giving misleading indication
- 21 Meaning of "misleading"
- 22 Application to provision of services and facilities
- 23 Application to provision of accommodation etc

- 24 Defences
- 25 Code of practice
- 26 Power to make regulations

**PART IV**  
**ENFORCEMENT OF PARTS II AND III**

- 27 Enforcement
- 28 Test purchases
- 29 Powers of search etc
- 30 Provisions supplemental to s 29
- 31 Power of customs officer to detain goods
- 32 Obstruction of authorised officer
- 33 Appeals against detention of goods
- 34 Compensation for seizure and detention
- 35 Recovery of expenses of enforcement

**PART V**  
**MISCELLANEOUS AND SUPPLEMENTAL**



- 37 Power of Commissioners of Customs and Excise to disclose information
- 38 Restrictions on disclosure of information
- 39 Defence of due diligence
- 40 Liability of persons other than principal offender
- 41 Civil proceedings
- 42 Reports etc
- 43 Financial provisions
- 44 Service of documents etc
- 45 Interpretation
- 46 Meaning of "supply"
- 47 Savings for certain privileges
- 48 Minor and consequential amendments and repeals
- 49 Northern Ireland
- 50 Short title, commencement and transitional provision

## SCHEDULES

Schedule 1—Limitation of actions under Part I

Schedule 2—Prohibition notices and notices to warn

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Schedule 4—Minor and consequential amendments

Schedule 5—Repeals

## 美國

美國消費者保護運動在1960至1970年代便蓬勃發展，聯邦、州及地方政府都成立了不少保護消費者的新機構，更通過了許多法律。此種趨勢到1980年代才稍見緩和，由於體驗到過份執行消費者保護工作，足以影響經濟活動，甚至不利於消費者，因而將工作的重點，轉向消除消費資訊之障礙，以及教育消費者方面。

其相關法律如下：

1938 Wheeler—Lea Amendment

1966 Fair Packaging and Labelling Act

1968 Truth-in-Lending Act

1968 Consumer Credit Protection Act

1970 Fair Credit Reporting Act

1972 Consumer Product Safety Act

1974 Equal Credit Opportunity Act

1974 Real Estate Settlement Procedures Act

1974 Consumer Home Mortgage Assistance Act

1975 The Magnuson—Moss Warranty Act

1975 Consumer Goods Pricing Act

1976 Consumer Leasing Act

1976 Consumer Product Safety Commission Improvement Act

1977 Fair Debt Collection Practices Act

1978 Electronic Fund Transfer Act

1978 Consumer Education Act

1981 Consumer — Patient Radiation Health and Safety Act

1981 Consumer Product Safety Amendments

1990 Consumer Product Safety Improvement Act

## 1990年消費者產品安全改進法

(Consumer Product Safety Improvement Act of 1990)

### TITLE I — AMENDMENTS TO ACTS

#### Section

- 101 Reference
- 102 Qualifications of members of the commission
- 103 Quorum on commission
- 104 Appointment of certain personnel
- 105 Priorities
- 106 Disclosure to contractors
- 107 Monitoring compliance
- 108 Voluntary standards
- 109 Proposed rules
- 110 Petition and voluntary standards
- 111 Cost-benefit analysis
- 112 Information reporting to consumer product safety commission
- 113 Settlement offers
- 114 Product surveillance program
- 115 Civil penalties
- 116 Chronic hazard advisory panel
- 117 Authorization
- 118 Enforcement by state attorneys general
- 119 User fee study

### TITLE II — RELATED PROVISIONS

#### Section

- 201 Lighters
- 202 Indoor air pollutants
- 203 Automatic garage door openers
- 204 Study of aversive agents

## 參考書目

- 1.消費者保護之研究 551.85/7730
- 2.消費者保護法 551.85/0376
- 3.Consumer and commercial credit management 332.35/C689
- 4.Consumer credit R347.4203/A873
- 5.Consumer credit legislation 332.743/C756
- 6.Consumer law in a nutshell 343.73071/E64
- 7.Consumer law in the EEC 342.371094/C748
- 8.Consumer law, sales practices and credit regulation 343.73071/A456
- 9.Consumers and the law 343.071/C891
- 10.The law of consumer protection and fair trading 343.071/H341