



PROVISION OF SERVICES REGULATIONS - HELM COM LIMITED:

What are the Provision of Services Regulations?

The Provision of Services Regulations come into force in the UK on 28th December 2009. They implement the EU Services Directive which aims to make it easier for service providers, particularly small and medium sized enterprises, to offer their services to customers across the European Economic Area (EEA).

How does Helm comply with these Regulations?

Regulations will require businesses within the relevant services sectors, (including building companies, plumbers, joiners, electricians and similar trades, architects and surveyors etc.), to provide consumers with a certain set of information about their business.

Helm ensures that consumers have access to this information and a complaints procedure.

Helm also provides services generally and not discriminate against clients on the grounds of nationality or place of residence.

What information must Helm make available?

Name and address.

Contact details allowing for rapid and direct communication, where clients can request information or make a complaint. This must include a telephone number and one or more of; a postal address, fax number or email

Legal status and form of the business (eg sole trader, limited company)

General terms and conditions used by the business

Existence of contractual terms, if any, that Helm use concerning the competent courts or the law applicable to the contract (eg, this contract is governed by the law of England and Wales)

Price of the service, where pre-determined

Main features of the service, if not clear from the context

Name of trade register or similar if relevant, plus registration number or means of identification within the register (eg Gas Safe Register and registration number)

Particulars of relevant regulator if subject to an authorisation scheme

Relevant identification number if service is subject to VAT

Any professional body or similar with which you are registered, (eg RICS for surveyors or RIBA for architects), plus professional title and country where obtained

Existence of any after-sales guarantee not imposed by law, if relevant
Existence of professional liability insurance, in particular contact details of insurer and the territorial coverage, if relevant

If subject to a code of conduct or a member of a trade association or professional body that provides for recourse to a non-judicial means of dispute settlement, this must be made clear (and mentioned in any information document detailing the provider's services), specifying how to access detailed information on how to use it. (eg the FMB's code of conduct and dispute resolution service, details available on the FMB website at www.fmb.org.uk)

Helm is also obliged to make further information available to clients on request:

Price of the service where this is not pre-determined, or method for calculating the price if an exact price cannot be given, or a sufficiently detailed estimate

For regulated professions, reference to the professional rules applicable to them in the country where they are established and how to access the rules

Information on multidisciplinary activities and partnerships directly linked to the service in question and on measures taken to avoid conflicts of interest. This is to be included in any information document used by the provider to detail their services

Codes of conduct to which the provider is subject and website address where the codes can be consulted, specifying language version available.

How this information should be made available?

The minimum information should be made available to clients either:

At the place where the service is provided or the contract concluded

Electronically, for example, on a freely available website

In information documents that you supply to the recipient about the service

Or otherwise supplied on the provider's own initiative.

Ensure that any information provided as a requirement of the Regulations is communicated clearly, in good time before any contract is concluded, or where there is no contract, in good time before the service is provided.

How does Helm deal with complaints?

Supply clients with contact details where they can send a request for information about the service or make a complaint.

Respond to complaints in the shortest possible time and make best efforts to find a satisfactory solution.

Helm also ensures that they do not discriminate against clients of different nationalities or places of residence.

Businesses must ensure they have no provisions in their general conditions of service that will result in differential treatment for clients of different nationalities or places of residence.

However, Helm is able to retain different conditions of service where these are justified by objective criteria, for example:

price difference due to additional costs incurred because of the distance involved

price difference due to extra risks incurred.

Penalties for non compliance?

These provisions are enforceable under Part 8 of the Enterprise Act by local authorities' trading standards, the Office of Fair Trading and the Department for Enterprise, Trade and Industry in Northern Ireland and non compliance can lead to an enforcement order under that Act.

Where can customers find further help and guidance?

The Department for Business Innovation and Skills (BIS) has published a booklet, Guidance for Business on the Provision of Services Regulations, October 2009, available on their web site at

www.bis.gov.uk/servicesdirective.

www.businesslink.gov.uk will have further details and host the UK point of single contact.

This Information Sheet has been produced for general guidance. It does not constitute specific legal advice, which should be sought if any of the above issues arise. Except as required by law, we accept no liability for your reliance on the information provided here.