

A Presentation by

HILL DICKINSON

# **Terms and Conditions of Business – the small print**

## Introductions:

- 1) Paul Taylor
- 2) Hill Dickinson LLP
  - Pioneering partnerships
  - Leading legal and industry advice
  - Achieving technical and client service excellence
  - Reaching out to our people and the communities in which the firm practices
- 3) You?

# Today

A. Any Requests?

B. Objective:

***“Introduce issues relating to contracting with suppliers/customers and give practical tips on risk mitigation”***

## 3 for the price of 1

- 1. Doing business with suppliers – key principles*
- 2. The consumer – “a protected beast”*
- 3. Doing business via the internet – “top tips”*

C. And finally...

- Wrap-up
- Questions
- Materials (contact sheets)



# **Doing business with suppliers:** **key principles**

You are the customer.

- Level of risk would depend on the value/significance/availability  
  
i.e Goods/services/outsourcing/software
- Standard terms (negotiated?) vs bespoke agreement – bargaining strength
- Notwithstanding who the supplier is bear in mind some key principles

**Doing business with suppliers:**  
**key principles**

- The contract **is** the commercial agreement (don't think there is a "legal" and then a "commercial" agreement)
- Unfortunately - read the small print (I would say that) and understand it  
**THEN MAKE IT REFLECT WHAT YOU HAVE AGREED.... AS CLEARLY AS POSSIBLE!**

## **Doing business with suppliers:** **key principles**

Think about:

- What are you buying (inc. service standards)
- Price/when paid (VAT)
- When is delivery/will services be provided (service levels if ongoing)
- Obligations on you (the customer!)
- Remedies for breaches
- Watch exclusions/limits on liability (mutual?)
- The “legal stuff”

## **The Consumer – “a protected beast”**

**You are the supplier:**

- What terms do you need:
  - Tourism (Sleeping Accommodation Price Display) Order 1977/1877
  - Regulation (protecting the consumer)
  - Common sense

## **The Consumer – “a protected beast”**

### Terms:

- Description of what is being provided (fair)
- Deposit (refundable?)
- Cancellation (sliding scale). Mutual?
- Check-in/check-out
- Payment
- Behaviour
- **Exclusions (remember the gym!)**
- Etc.!

## **The Consumer – “a protected beast”**

- Where are your terms (when does the consumer see them/take a copy)
- Make sure you get paid
- Think about insurance



# *Doing business via the internet – “top tips”*

## Advertising versus selling – different rules

- Advertising:
  - Legal requirements on the site
  - Include some terms (easy protections) - limitations/IPR/linking

## **Doing business via the internet –** **“top tips”**

- **Selling:**
  - Detailed terms
  - Where are your they
  - Learn the “Argos lesson”
  - Security

# ***Doing business via the internet - “top tips”***

Bear in mind data protection:

*“All personal information must be kept secure, up to date and processed lawfully and fairly.”*

- Privacy policy
- Consents
- Cookies
- Emails

[Registration (£35)]

## And finally...

1. Wrap-up
2. Questions
3. Materials (contact sheets)

## My Contact Details

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