

加拿大安大略省 2002 年 消費者保護法（摘錄）

S. O. 2002，第 30 章

目錄 A

通用通知：此文件中包含所有的修正。

2005 年 7 月 30 日公布，修正 2004 年以前有關第 19 章第 7 頁規定。本文件尚未包含以上修正。

2005 年 7 月 30 日公布，修正 2002 年以前有關目錄 A 中第 30 章之規定。本文件尚未包含以上修正。

本通知係於發布後兩日內之文件。更詳盡之訊息請參見法規公佈欄之立法過程。

修正：2004 年，第 19 章，第 7 頁

註：本法案於生效前一日由副省長命名公布。參見：2002 年，目錄 A，第 30 章，第 124 頁。

Consumer Protection Act, 2002 (CANADA)

S. O. 2002, CHAPTER 30

SCHEDULE A

Notice of Currency:* All amendments have been incorporated into this document.

A proclamation has been issued naming July 30, 2005 as the day on which the amendments made by 2004, c. 19, s. 7 come into force. This is not yet reflected in this document.

A proclamation has been issued naming July 30, 2005 as the day on which the amendments made by 2002, c. 30, Sched. A come into force. This is not yet reflected in this document.

*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Public Statutes-Legislative History Overview.

Amended by: 2004, c. 19, s. 7.

Note: THIS ACT IS NOT YET IN FORCE. It comes into force on a day to be named by proclamation of the Lieutenant Governor. See: 2002, c.30, Sched.A, s.124.

第一編 解釋和應用

資訊公開

5. (1)適用本法之供應商於公布依法須公開之資訊時，須以清楚、明確及明顯之方式為之。2002 年，第 30 章，目錄 A，第 5 頁之(1)。

資訊交付

- (2)供應商依消費者之要求提供資訊時，除須符合第一節所規定條件外，並須以消費者能保存之方式為之。2002 年，第 30 章，目錄 A，第 5 頁之(2)。

第三編 不正當經營

虛偽，使人陷於錯誤或詐欺的表示

14. (1)有關虛偽，使人陷於錯誤或詐欺的表示。

2002 年，第 30 章，目錄 A，第 14 頁之(1)。

虛偽，使人陷於錯誤或詐欺的表示之情形為：

- (2)不論何種形式之虛偽，使人陷於錯誤或詐欺的表示，有下列情形：

PART I INTERPRETATION AND APPLICATION

Disclosure of information

5. (1) If a supplier is required to disclose information under this Act, the disclosure must be clear, comprehensible and prominent. 2002, c. 30, Sched. A, s. 5 (1).

Delivery of information

- (2) If a supplier is required to deliver information to a consumer under this Act, the information must, in addition to satisfying the requirements in subsection (1), be delivered in a form in which it can be retained by the consumer. 2002, c. 30, Sched. A, s. 5 (2).

PART III UNFAIR PRACTICES

False, misleading or deceptive representation

14. (1) It is an unfair practice for a person to make a false, misleading or deceptive representation. 2002, c. 30, Sched. A, s. 14 (1).

Examples of false, misleading or deceptive representations

- (2) Without limiting the generality of what constitutes a false, misleading or deceptive representation, the following are included

1. 對於商品或所提供的服務內容之資訊，不論在其保證、見證、性能說明、週邊物料等之用途或成分中，傳達不實之資訊。
2. 對於商品或所提供的服務內容之資訊，將相關之保證、見證、狀態等之內容，有不實的聯結情形。
3. 以不實之內容，表示該商品或所提供之服務是一種特殊之標準、質量、等級、樣式或模式。
4. 如果其非屬再製或回收，該商品始係為全新或尚未經使用之新品；但對合理的使用該物品係為服務、準備、測試和交付者，除外。
5. 商品經使用後與原提供之資訊有事實上明顯之差異。
6. 有關商品或其服務之內容，實質上並不存在。
7. 就所提供之商品或服務之資訊，有前後不一致之情形者。
8. 所提供之商品或其服務之全部或一部之資訊內容中，於其公開時，即明知或應知該內容有無法交付或實行之結果。
9. 所提供之商品或其服務之全部或一部之公開資訊內容中，訂有交付或執行之期限，但顯然係為不

as false, misleading or deceptive representations:

1. A representation that the goods or services have sponsorship, approval, performance characteristics, accessories, uses, ingredients, benefits or qualities they do not have.
2. A representation that the person who is to supply the goods or services has sponsorship, approval, status, affiliation or connection the person does not have.
3. A representation that the goods or services are of a particular standard, quality, grade, style or model, if they are not.
4. A representation that the goods are new, or unused, if they are not or are reconditioned or reclaimed, but the reasonable use of goods to enable the person to service, prepare, test and deliver the goods does not result in the goods being deemed to be used for the purposes of this paragraph.
5. A representation that the goods have been used to an extent that is materially different from the fact.
6. A representation that the goods or services are available for a reason that does not exist.
7. A representation that the goods or services have been supplied in accordance with a previous representation, if they have not.
8. A representation that the goods or services or any part of them are available or can be delivered or performed when the person making the representation knows or ought to know they are not available or cannot be delivered or performed.
9. A representation that the goods or services or any part of them will be available or can be delivered or performed by a

可能達成者。

10. 有關其所提供之服務、權責、替換或修理，係為不適當或不合理者。
 11. 其所表示之優惠價格並非屬實者。
 12. 對於與廠商之代表、職員或代理人之談判協議之期限，有錯誤之表示者。
 13. 對於交易與否之補救或相關義務之說明，有虛偽，使人陷於錯誤或詐欺的表示之情形者。
 14. 所公開之資訊係以誇大、影射或歧義性字詞描述，顯有欺詐之情形者。
 15. 基於虛偽之銷售目的或意圖而與消費者進行聯繫。
 16. 基於虛偽之交易目的而提供報價或價目表。
 17. 以虛偽或誇大之方式，誘使消費者以介紹其他潛在消費者加入並藉此獲致利益之方式，提供不實資訊者。
- 2002 年，第 30 章，目錄 A，第 14 頁之(2)。

specified time when the person making the representation knows or ought to know they will not be available or cannot be delivered or performed by the specified time.

10. A representation that a service, part, replacement or repair is needed or advisable, if it is not.
11. A representation that a specific price advantage exists, if it does not.
12. A representation that misrepresents the authority of a salesperson, representative, employee or agent to negotiate the final terms of the agreement.
13. A representation that the transaction involves or does not involve rights, remedies or obligations if the representation is false, misleading or deceptive.
14. A representation using exaggeration, innuendo or ambiguity as to a material fact or failing to state a material fact if such use or failure deceives or tends to deceive.
15. A representation that misrepresents the purpose or intent of any solicitation of or any communication with a consumer.
16. A representation that misrepresents the purpose of any charge or proposed charge.
17. A representation that misrepresents or exaggerates the benefits that are likely to flow to a consumer if the consumer helps a person obtain new or potential customers.

2002, c. 30, Sched. A, s. 14 (2).

第四編 消費者特殊協議之權利和義務

定義和應用

資訊公開

38. (1) 供應商應於消費者於登錄網路同意書之前，對消費者公開所規範之相關資訊。

2002 年，第 30 章，目錄 A，第 38 頁之(1)。

明確接受或拒絕協議之時機

(2) 供應商應在錯誤發生之前，明確告知並提供消費者有關明確接受或拒絕協議之時機。

2002 年，第 30 章，目錄 A，第 38 頁之(2)。

公開方式

(3) 除第五節所規定之情節外，依本節之規定所資訊公開之方式係容易知曉與利用的，

(a) 消費者係容易取得相關資訊；並且

(b) 消費者能夠保留和列印該資訊。

2002 年，第 30 章，目錄 A，第 38 頁之(3)。

PART IV RIGHTS AND OBLIGATIONS RESPECTING SPECIFIC CONSUMER AGREEMENTS

INTERNET AGREEMENTS

Disclosure of information

38. (1) Before a consumer enters into an internet agreement, the supplier shall disclose the prescribed information to the consumer.
2002, c. 30, Sched. A, s. 38 (1).

Express opportunity to accept or decline agreement

- (2) The supplier shall provide the consumer with an express opportunity to accept or decline the agreement and to correct errors immediately before entering into it.
2002, c. 30, Sched. A, s. 38 (2).

Manner of disclosure

- (3) In addition to the requirements set out in section 5, disclosure under this section shall be accessible and shall be available in a manner that ensures that,
- (a) the consumer has accessed the information; and
 - (b) the consumer is able to retain and print the information.
- 2002, c. 30, Sched. A, s. 38 (3).

外國消費者保護法（十三）

長久性協議

資訊公開

45. 供應商應於與消費者達成長久性協議之前，告知依法應公開之資訊予消費者。

2002 年，第 30 章，目錄 A，第 45 頁

第七編 貸款協議

公開

陳述

77. 非依法律規定，不得以口頭、文字或其他方式，誘使貸款方涉及貸款協議相關事宜。

2002 年，第 30 章，目錄 A，第 77 頁。

經紀人佣金資訊公開

78. (1)經紀人之佣金扣除方式，應事先向貸款人說明，

- (a) 並說明其佣金數額；以及
- (b) 在其借款費用中所佔之比例。

2002 年，第 30 章，目錄 A，第 78 頁之(1)。

註：由副省長命名公布，第(1)款由安大略法規撤銷，2004

REMOTE AGREEMENTS

Disclosure of information

45. Before a consumer enters into a remote agreement, the supplier shall disclose the prescribed information to the consumer and shall satisfy the prescribed requirements.

2002, c. 30, Sched. A, s. 45.

PART VII CREDIT AGREEMENTS

DISCLOSURE

Representations

77. No lender shall make representations or cause representations to be made with respect to a credit agreement, whether orally, in writing or in any other form, unless the representations comply with the prescribed requirements.

2002, c. 30, Sched. A, s. 77.

Disclosure of brokerage fee

78. (1) If a lender deducts a brokerage fee from an advance, the lender's initial disclosure statement must,
- (a) disclose the amount of the brokerage fee; and
 - (b) account for the brokerage fee in the annual percentage rate and in the cost of borrowing.

2002, c. 30, Sched. A, s. 78 (1).

Note: On a day to be named by proclamation of the Lieutenant

年，第 19 章，第 7 款之(21)和以下被替代：

經紀人佣金資訊公開

- (1) 於借款人辦理貸款協議事宜之初，應向其說明支付予貸款經紀人之經紀人佣金，係採直接支付或採自貸款金額中扣抵之方式為之。
 - (a)告知經紀人佣金之數額；及
 - (b)該項費用佔其所借貸金額總數之比例。

2004 年，第 19 章，第 7 頁之(21)。

參見：2004, c. 19, ss. 7(21), 24 (2).

貸款經紀人之聲明

- (2) 貸款經紀人為借款人向貸與人提出貸款協議之申請，貸款經紀人必須事前向借款人聲明包括第(1)款及本編或其他依法所應公開之資訊。

2002 年，第 30 章，目錄 A，第 78 頁之(2)。

註：由副省長命名並宣佈，將第(2)款修正為安大略省 2004 年，第 19 章，第 7 款之(21)。

Governor, subsection (1) is repealed by the Statutes of Ontario, 2004, chapter 19, subsection 7 (21) and the following substituted:

Disclosure of brokerage fee

- (1) If the borrower pays or is liable to pay a brokerage fee to a loan broker, either directly or through a deduction from an advance, the initial disclosure statement for the credit agreement must,
- (a) disclose the amount of the brokerage fee; and
 - (b) account for the brokerage fee in the annual percentage rate and in the cost of borrowing.
- 2004, c. 19, s. 7 (21).
See: 2004, c. 19, ss. 7 (21), 24 (2).

Loan broker's statement

- (2) If a loan broker takes an application from a borrower for a credit agreement and sends it to a lender, the loan broker shall deliver a statement to the borrower containing the information required in the initial disclosure statement referred to subsection (1), any other information required by this Part and any prescribed information.
- 2002, c. 30, Sched. A, s. 78 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is repealed by the Statutes of Ontario, 2004, chapter 19, subsection 7 (21) and the following substituted:

貸款經紀人之聲明

- (2) 貸款經紀人為借款人向貸與人提出貸款協議之申請，貸款經紀人應先向借款人提出事前之聲明，其聲明內容包括第(1)款及 2004 年，第 19 章，第 7 頁之(21)。
參見：2004 年，c. 19 ss 7(21), 24 (2)。

貸與人採納貸款經紀人聲明

- (3) 若貸款經紀人已向借款人提出聲明，貸與人可就其聲明內容之全部或一部做為己方之聲明。

2002 年，c，目錄 A，s78 (3)。

註：由副省長命名並宣佈，第(3)款由安大略省法規修正，2004 年，第 19 章，第 7 款之(22)刪除原“向借款人提出聲明”文字改為“向借款人提出事前之聲明”。

參見：2004 年，c19, ss7(22), 24 (2)。

事前公開之陳述

79. (1)貸與人應於借款人在進行貸款協議之前，就相關事項為事先之公開陳述。

Loan broker's statement

- (2) If a loan broker takes an application from a borrower for a credit agreement and sends it to a lender, the loan broker shall deliver to the borrower an initial disclosure statement that includes the information required in the initial disclosure statement referred to in subsections (1) and 79 (1). 2004, c. 19, s. 7 (21).

See: 2004, c. 19, ss. 7 (21), 24 (2).

Lender adopting loan broker's statement

- (3) If a loan broker has delivered a statement to the borrower, the lender may adopt it as his, her or its own initial disclosure statement or may elect to deliver a separate initial disclosure statement to the borrower.

2002, c. 30, Sched. A, s. 78 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (3) is amended by the Statutes of Ontario, 2004, chapter 19, subsection 7 (22) by striking out “has delivered a statement to the borrower” and substituting “has delivered an initial disclosure statement to the borrower” .

See: 2004, c. 19, ss. 7 (22), 24 (2).

Initial disclosure statement

79. (1) Every lender shall deliver an initial disclosure statement for a credit agreement to the borrower at or before the time that the borrower enters into the agreement.

外國消費者保護法（十三）

2002 年，c30，目錄 A，s79 (1)。

註：由副省長命名並宣佈，第(1)款由安大略法規撤銷，
2004 年，第 19 章，第 7 款之(23)及以下被替代：

事前公開之陳述

- (1) 貸與人應於借款人在進行貸款協議或其達成協議之前，為一定之事前公開之陳述；但貸與人採納貸款經紀人之事前公開陳述者除外。

2004 年，第 19 章，s 7(23)。

參見：2004, c. 19, ss. 7(23), 24 (2).

聲明內容，固定貸款

- (2) 貸款協議中，事前公開之陳述內容，應包含固定貸款利率之資訊。

2002 年，c30，目錄 A，s79 (2)。

聲明內容，無擔保貸款

- (3) 有關無擔保貸款之事先聲明內容之規定。

2002 年，c30，目錄 A，s79 (3)。

經紀人佣金

- (4) 由貸款經紀人所辦理之貸款協議，應依規定事先聲明相關規範。

2002, c. 30, Sched. A, s. 79 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is repealed by the Statutes of Ontario, 2004, chapter 19, subsection 7 (23) and the following substituted:

Initial disclosure statement

- (1) Every lender shall deliver an initial disclosure statement for a credit agreement to the borrower at or before the time that the borrower enters into the agreement, unless the lender has adopted the loan broker's initial disclosure statement as his, her or its own.

2004, c. 19, s. 7 (23).

See: 2004, c. 19, ss. 7 (23), 24 (2).

Contents of statement, fixed credit

- (2) The initial disclosure statement for a credit agreement for fixed credit shall disclose the prescribed information.

2002, c. 30, Sched. A, s. 79 (2).

Contents of statement, open credit

- (3) The initial disclosure statement for a credit agreement for open credit shall disclose the prescribed information.

2002, c. 30, Sched. A, s. 79 (3).

Brokerage fee

- (4) If a loan broker assists in arranging a credit agreement, the initial disclosure statement shall disclose the prescribed information.

外國消費者保護法（十三）

2002 年，c30，目錄 A，s79 (4)。

隨後之揭示：固定的貸款利率

80. (1) 如貸款利率係採浮動利率計算，貸與人應至少每 12 個月，將利率之計算相關內容告知借款人。

2002 年，c30，目錄 A，s80 (1)。

利率之增加

(2) 若貸款協議中，其利率之計算係非採浮動利率之方式為之，並允許貸與人有權改變利率之計算，當貸與人增加至少百分之一的利率時，應於在改變之日起 30 天之內，通知借款人。

2002 年，c30，目錄 A，s80 (2)。

延遲付款

(3) 在固定之貸款協議中，當借款人有未依協議而有拖欠費用或因疏忽未按時還款之情事，貸與人應通知借款人應依協議還款。

2002, c. 30, Sched. A, s. 79 (4).

Subsequent disclosure: fixed credit

80. (1) If the interest rate in a credit agreement for fixed credit is a floating rate, the lender shall, at least once every 12 months after entering into the agreement, deliver to the borrower a disclosure statement for the period covered by the statement disclosing the prescribed information.

2002, c. 30, Sched. A, s. 80 (1).

Increase in interest rate

- (2) If the interest rate in a credit agreement for fixed credit is not a floating rate and the agreement allows the lender to change the interest rate, the lender shall, within 30 days after increasing the annual interest rate to a rate that is at least 1 percent higher than the rate most recently disclosed to the borrower, deliver to the borrower a disclosure statement disclosing the prescribed information.

2002, c. 30, Sched. A, s. 80 (2).

Insufficient scheduled payments

- (3) The lender shall deliver to the borrower notice if the amount of the borrower's scheduled payments required by a credit agreement for fixed credit is no longer sufficient to cover the interest accrued under the agreement because the principal set out in the agreement has increased as a result of default charges or the failure of the borrower to make payments under the agreement.

外國消費者保護法（十三）

2002 年，c30，目錄 A，s80 (3)。

註

- (4)依第(3)款所為之通知，應以書面為之；通知之送達應自延遲支付之日起，30 天內為之。

2002 年，c30，目錄 A，s80 (4)。

修正

- (5)依第(6)款之規定，貸與人因當事人之同意而所作之貸款協議修正，該內容應於修正日起 30 天之內告知借款人。

2002 年，c30，目錄 A，s80 (5)。

註：由副省長的命名並宣佈，第(5)款由安大略法規撤銷，
2004 年，第 19 章，第 7 款(24)被以下替代：

修正

- (5)依第(6)款規定，因當事人所同意之固定貸款之修正協議及修正有關第 79 款之(2)中所指定之資訊內容者，貸與人應自修正日起 30 天之內，告知借款人該修正內容。

2002, c. 30, Sched. A, s. 80 (3).

Notice

- (4) The notice under subsection (3) shall be in writing, shall disclose the situation and shall be delivered within 30 days after the point when the amount of the scheduled payments is no longer sufficient to cover the accrued interest.

2002, c. 30, Sched. A, s. 80 (4).

Amendments

- (5) If information disclosed in a disclosure statement delivered under this section changes because the parties have agreed to amend a credit agreement, the lender shall deliver a supplementary disclosure statement to the borrower within 30 days after the amendment is made setting out the changed information, subject to subsection (6).

2002, c. 30, Sched. A, s. 80 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (5) is repealed by the Statutes of Ontario, 2004, chapter 19, subsection 7 (24) and the following substituted:

Amendments

- (5) Subject to subsection (6), if the parties have agreed to amend a credit agreement for fixed credit and the amendment changes any of the information prescribed under subsection 79 (2), the lender shall, within 30 days after the amendment is made, de-

2004 年，c19, s7(24)。

參見：2004, c. 19, ss. 7(24), 24 (2).

例外

- (6)當貸款協議之修正僅係為借款人之還款日程之修正，
不涉及利率之變動或還款總額之變動。

2002 年，c30，目錄 A，s80 (6)。

隨後之揭示：無擔保貸款

81. (1)依第(2)款規定，貸與人應於無擔保貸款達成協議後，
每月至少提供帳單一次與借款人。

2002 年，c30，目錄 A，s81 (1)。

例外

- (2)自最近期帳單之期間到達前，當借款人未承認貸款
並未依協議付款時，貸與人不須提供帳單給借款
人，及

- (a)借款人於該期間結束時，其未付餘額為零；或，

liver to the borrower a supplementary disclosure statement setting out the changed information.

2004, c. 19, s. 7 (24).

See: 2004, c. 19, ss. 7 (24), 24 (2).

Exception

- (6) If an amendment to a credit agreement consists only of a change in the schedule of required payments by the borrower, it is not necessary for the supplementary disclosure statement to disclose any change to the annual percentage rate or any decrease in the total required payments by the borrower or the total cost of borrowing under the agreement.

2002, c. 30, Sched. A, s. 80 (6).

Subsequent disclosure: open credit

81. (1) Subject to subsection (2), the lender under a credit agreement for open credit shall deliver a statement of account to the borrower at least once monthly after entering into the agreement.

2002, c. 30, Sched. A, s. 81 (1).

Exception

- (2) The lender is not required to deliver a statement of account to the borrower at the end of any period when, since the most recent statement of account, the borrower has received no advances and made no payments under the agreement and,
- (a) at the end of the period the outstanding balance payable by the borrower under the agreement is zero; or

- (b) 借款人係因延遲支付並被通知，貸與人取消或暫停依協議支付其貸款或貸款餘額之權利。

2002 年，c30，目錄 A，s81 (2)。

帳戶資訊

- (3) 貸與人應提供免付費電話號碼予借款人，俾便利借款人於營業時間內向其詢問帳戶資訊。

2002 年，c30，目錄 A，s81 (3)。

帳單內容

- (4) 有關無擔保貸款協議內容之陳述規定。

2002 年，c30，目錄 A，s81 (4)。

利率之變更

- (5) 貸與人依據無擔保貸款之協議規定，應向借款人告知利率之變動資訊。

- (a) 於下期帳單變更之後，且非為信用卡之貸款協議之情形下；及
(b) 至少於變動前 30 天之內，該信用卡之貸款協議係採非浮動利率。

- (b) the borrower is in default and has been notified that the lender has cancelled or suspended his or her right to obtain advances under the agreement and has demanded payment of the outstanding balance.

2002, c. 30, Sched. A, s. 81 (2).

Information about account

- (3) The lender shall provide to the borrower a telephone number at which the borrower can make inquiries about the borrower's account during the lender's ordinary business hours without incurring any charges for the telephone call.

2002, c. 30, Sched. A, s. 81 (3).

Contents of statement of account

- (4) A statement of account for a credit agreement for open credit shall disclose the prescribed information.

2002, c. 30, Sched. A, s. 81 (4).

Change in interest rate

- (5) A lender under a credit agreement for open credit who, pursuant to the agreement, changes the interest rate under the agreement shall deliver a disclosure statement to the borrower disclosing the change,
 - (a) in the next statement of account after the change, in the case of a credit agreement that is not for a credit card; and
 - (b) at least 30 days before the change, in the case of a credit agreement that is for a credit card where the interest rate is

外國消費者保護法（十三）

2002 年，c30，目錄 A，s81 (5)。

其他收費

(6)貸與人就無擔保貸款之協議，有改變 79 款之(3)所規定之內容以及其他利率以外之協議事項，應告知借款人，

(a) 於下期帳單變更之後，如依規定所辦理之非重大變更；並且

(b) 依規定屬重大變更者，但係於變更前 30 天以上者。

2002 年，c30，目錄 A，s81 (6)。

註：副省長命名並宣佈，第(6)款由安大略法規撤銷，2004 年，第 19 章，第 7 款之(25)和以下被替代：

其他收費

(6)依第(7)款之規定，如當事人同意修正符合第 79 款之(3)所規定之資訊，貸與人應於修正日起 30 天內，向借款人提供該修正之資訊。

2004, c19, s7(25)。

not a floating rate.

2002, c. 30, Sched. A, s. 81 (5).

Other changes

(6) A lender under a credit agreement for open credit who, pursuant to the agreement, changes any of the matters prescribed under subsection 79 (3), other than the interest rate under the agreement, shall deliver a disclosure statement to the borrower disclosing the change,

(a) in the next statement of account after the change, if the change is not a material change, as prescribed; and

(b) at least 30 days before the change, if the change is a material change, as prescribed.

2002, c. 30, Sched. A, s. 81 (6).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6) is repealed by the Statutes of Ontario, 2004, chapter 19, subsection 7 (25) and the following substituted:

Other changes

(6) Subject to subsection (7), if the parties have agreed to amend a credit agreement for open credit and the amendment changes any of the information prescribed under subsection 79 (3), the lender shall, within 30 days after the amendment is made, deliver to the borrower a supplementary disclosure statement setting out the changed information.

2004, c. 19, s. 7 (25).

相同

(7)當事人同意修正信用卡之無擔保貸款協議之內容，而該內容係符合第 79 款之(3)之規定，貸與人應告知借款人該相關補充內容。

(a) 依規定非為重大變更者，應於變更後 30 天之內；
及，

(b) 若依規定為重大變更，但係於修正前 30 天以上者。

2004 年，c19, s7(25)。

參見：2004, c. 19, ss. 7(25), 24 (2).

第六編 通用規定

虛偽，令人錯誤或詐欺之表示

109. (1)主管者合理地確信若有任何存在於消費交易中之廣告、通函、手冊或印刷品等有虛偽，令人錯誤或詐欺之表示，主管者可以，

(a) 令其停止；並且

(b) 收回該宣傳品或以效力相當與醒目之印刷品進行更正。

2002 年，c30，目錄 A，s109 (1)。

Same

- (7) If the parties have agreed to amend a credit agreement for open credit in respect of a credit card and the amendment changes any of the information prescribed under subsection 79 (3), the lender shall deliver to the borrower a supplementary disclosure statement setting out the changed information,
- (a) within 30 days after the amendment is made, if the change is not a material change, as prescribed; and
 - (b) at least 30 days before the amendment is made, if the change is a material change, as prescribed.

2004, c. 19, s. 7 (25).

See: 2004, c. 19, ss. 7 (25), 24 (2).

PART XI GENERAL

False, misleading or deceptive representation

- 109.* (1) If the Director believes on reasonable grounds that any person is making a false, misleading or deceptive representation in respect of any consumer transaction in an advertisement, circular, pamphlet or material published by any means, the Director may,
- (a) order the person to cease making the representation; and
 - (b) order the person to retract the representation or publish a correction of equal prominence to the original publication.

2002, c. 30, Sched. A, s. 109 (1).

不動產

- (2)儘管有第 2 (2)(f)條款之規定，不動產之部分仍適用此規定。

2002 年，c30，目錄 A，s109 (2)。

命令生效

- (3)命令做成後即刻生效。

2002 年，c30，目錄 A，s109 (3)。

送達

- (4)主管者應按命令上之指定對象，送達包含書面理由之命令。

2002 年，c30，目錄 A，s109 (4)。

聽證之要求

- (5)命令通知中之相關人得於裁判庭命令送達後 15 天之內，向主管者或裁判庭提出聽證之請求。

2002 年，c30，目錄 A，s109 (5)。

聽證日期

- (6)相關人如於期限內提出聽證之要求，裁判庭應辦理一次聽證。

2002 年，c30，目錄 A，s109 (6)。

Real property

- (2) Despite clause 2 (2) (f), this section applies to any representations involving real property.

2002, c. 30, Sched. A, s. 109 (2).

Order effective

- (3) The order takes effect immediately upon being made.

2002, c. 30, Sched. A, s. 109 (3).

Service

- (4) The Director shall serve the order, together with written reasons for it, on the person named in it.

2002, c. 30, Sched. A, s. 109 (4).

Request for a hearing

- (5) The order shall inform the person named in it that the person may request a hearing before the Tribunal by mailing or delivering a written notice of request for a hearing to the Director and the Tribunal within 15 days after service of the order.

2002, c. 30, Sched. A, s. 109 (5).

Hearing date

- (6) If the person gives a notice of request for a hearing within the allowed time, the Tribunal shall hold a hearing.

2002, c. 30, Sched. A, s. 109 (6).

解除令

(7) 裁判庭得依證實結果或依第(9)款之規定發出解除令。

2002 年，c30，目錄 A，s109 (7)。

當事人

(8) 主管者，聽證申請人和法庭指定之人係聽證會之成員。

2002 年，c30，目錄 A，s109 (8)。

裁判庭之權力

(9) 於聽證舉行後，裁判庭可以，

(a) 基於法律之適用或立法目的，批准經修正之命令；或

(b) 暫緩命令之執行。

2002 年，c30，目錄 A，s109 (9)。

相同

(10) 裁判庭得採用主管者的看法來替代經批准或擱置命令。

2002 年，c30, SchedA, s109 (10)。

上訴

(11) 即使相關人依上訴裁判庭法第 11 節（1999 年）之規定提出上訴，裁判庭可暫停命令之生效直到上訴

Stay of order

- (7) The Tribunal may stay the order until it confirms or sets aside the order under subsection (9).

2002, c. 30, Sched. A, s. 109 (7).

Parties

- (8) The Director, the person who requested the hearing and the persons whom the Tribunal specifies are parties to the hearing.

2002, c. 30, Sched. A, s. 109 (8).

Powers of Tribunal

- (9) After holding the hearing, the Tribunal may,

(a) confirm the order with the amendments, if any, that the Tribunal considers proper to give effect to the purposes of the Act; or

(b) set aside the order.

2002, c. 30, Sched. A, s. 109 (9).

Same

- (10) In confirming or setting aside the order, the Tribunal may substitute its opinion for that of the Director.

2002, c. 30, Sched. A, s. 109 (10).

Appeal

- (11) Even if the person named in an order made under this section appeals it under section 11 of the Licence Appeal Tribunal Act,

裁判為止。

2002 年，c30，目錄 A，s109 (11)。

1999, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal.

2002, c. 30, Sched. A, s. 109 (1).