

CTSI Professional Competency Framework (CPCF) written examination

Unit 3 Trading Standards Law 1

September 2023

Guidance for this examination

Please ensure that you indicate clearly at the top of the answer booklet, by ticking (✓) the relevant box on the front of your examination booklet, the law viewpoint from which you will be answering: English, Scottish or Welsh.

The examiners may expect candidates to show knowledge of legislation which is in place but not in force (i.e., has been enacted) and regulations which have been made but are not yet in force, if they are directly relevant to the subject-matter of the examination.

Examination structure

There are two sections to the examination paper:

Section A Consists of six questions.
Candidates should attempt to answer three questions.
Total allocation of marks is 30 marks.
Suggested time allocation is 30 minutes.

Section B Consists of four questions.
Candidates should attempt to answer two questions.
Total allocation of marks is 70 marks.
Suggested time allocation is 90 minutes.

Total time allowed – two hours (plus ten minutes' reading time).

Note:

The Trading Standards Law 1 is a **closed book**; no materials are permitted to be taken into the examination room.

*The examination paper has **seven** pages, including this front sheet.*

Section A

Candidates should attempt to answer three questions.

Each question carries ten marks.

Total: 30 marks.

1. The Consumer Protection from Unfair Trading Regulations 2008 cover unfair commercial practices. Using case law and examples, explain what is meant by the term 'commercial practice'.

(10 marks)

2. **Answer all parts of the question.**

An officer or an enforcer has a power under Para 23 of Schedule 5 of the Consumer Rights Act 2015 to enter any premises without a warrant. Para 23(3) states that if it is a routine inspection, the enforcer must give notice to the occupier two working days before entry.

 - (a) How should the notice be given and what information must it contain?

(2 marks)
 - (b) In what circumstances can an enforcer enter without notice? Give examples of each.

(8 marks)

(Total: 10 marks)

3. **Answer all parts of the question.**

When investigating offences, enforcement officers may use "directed surveillance".

 - (a) Explain what is meant by this term and what authorisation is required.

(6 marks)
 - (b) Give two examples illustrating how it would apply in practice in trading standards activities.

(4 marks)

(Total: 10 marks)

4. The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 cover different types of consumer contracts. Outline the meaning of "on-premises", "off-premises" and "distance" contracts, using examples to illustrate your answer.

(10 marks)

Section A continues over the page.

5. The Price Marking Order 2004 stipulates how prices of products must be indicated to consumers.
- (a) Outline the meaning of the terms 'selling price' and 'unit price'. (4 marks)
- (b) How must these prices be indicated to consumers? (6 marks)
- (Total: 10 marks)
6. Part 9 of the Enterprise Act 2002 deals with protection and disclosure of specified information. Outline the general restriction and gateways for disclosure of specified information. (10 marks)

Section A total of 30 marks.

End of Section A.

Section B

Candidates should attempt to answer two questions.
Each question carries 35 marks.
Total: 70 marks.

7. Blankshire Council have received a consumer complaint about a locally-based website: www.discountstockclear.uk. The consumer, Mrs Neal, placed an order which was delivered yesterday:

- **6 packs of branded cakes**
Product listing details:
2 Chocolate Cake Slices (BB Jan 23 - May 23) RRP £1.39 now 59p or £1 for 2
- **1 carton of professional laundry liquid**
FREE DELIVERY Professional Eco Extra 20 Litres RRP £113.97 now £25
- **A pack of 2 kids fancy dress costumes**
Children's Fancy Dress Police Shirts UK Size 8/10 Years RRP £8.99 now £2

Mrs Neal was charged £5.99 for delivery as well as the price of the goods, a total of £35.99

Mrs Neal looked at the ingredients on the label and they are not as environmentally friendly as she had thought. They are the same as non "eco" versions. The fancy dress outfits didn't fit, so she decided to return everything except the cakes. She emailed the company and they have told her she can only have a partial refund and referred her to the Cancellation Policy on the website:

CANCELLATIONS POLICY

The vast majority of our orders are short dated, FMCG and food and drink items, the quality of which may further deteriorate over time.

Full Refund - 2 Hour Cooling Off Period

Customers receive a full refund if, and only if, the order is cancelled within 2 HOURS of order confirmation. We will refund payment in full within 30 working days.

Partial Refund - After 2 hours from ordering and within 14 days from delivery of order or within 30 days from placing the order.

Customers wishing to cancel after the 2-hour cooling off period, can do so within 14 days from delivery of the order or within 30 days from the order date. All cancellations must be via email. A deduction for admin and packing fee of 10% of the order will be made from refund.

If you reject the parcel at your doorstep and allow the parcel to be returned to us this is at your own risk. There will be a delivery charge for return to us as well as the original delivery charge to send to you. Both will be taken from the refund.

On reviewing the website, you find all products are discounted by reference to RRP's, a variety of multi-buy offers as well as free delivery on some products.

Write a trader advice letter, outlining the potential breaches identified and how to rectify them with reference to the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 and the Consumer Protection from Unfair Trading Regulations 2008.

(35 marks)

Section B continues over the page.

8. Answer all parts of the question.

Irshan Ali has contacted your department in relation to his new business venture, Certified Comfort Ltd, who import and sell mobility furniture. He is currently recruiting his sales and marketing team and would like to include some training on the relevant trading standards legislation as part of their induction training. There are some members of the team who have experience, but most are new to this type of business. Once trained, marketing staff will be preparing marketing campaigns online, through social media and printed leaflets to be delivered door to door, and the sales team will be cold calling on the telephone and door-to-door. Mr Ali is particularly concerned about the sales team and how he can ensure that they do not say things they shouldn't and mislead or pressure consumers.

Prepare a plan for a training session for the sales and marketing teams.

(25 marks)

Provide some written advice to Mr Ali on what else he can do to avoid offences being committed.

(10 marks)

Your answer should include reference to the Consumer Protection from Unfair Trading Regulations 2008 and the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.

(Total: 35 marks)

9. Answers all parts of the question.

You receive a complaint from Zoe, daughter of Jack Stevens, aged 72, who lives alone after losing his wife. Zoe is helping Jack to organise household bills and is concerned about payments from her father's accounts.

- Several large sums of money have been paid into both business and personal bank accounts for:
 - New boiler £5,000
 - Loft and roof insulation £7,000
 - Solar panels £10,000

Jack claims these were paid to the same company without paperwork.

- Jack is making monthly payments to five different companies, which all appear to be for white goods service plans. Jack believes he only has one plan with a leading insurance company but has been receiving numerous calls about it.
- Despite spending £22,000 on the boiler, insulation and solar panels, Jack's heating bills have tripled since last year, contrary to promises of savings by Damien from Phoenix Eco Pro, the company that did the work.

According to your database, Phoenix Eco Pro, owned by Damien Dodger, has three other similar complaints and a history of multiple businesses in the last five years, along with previous advice about his claims and practices.

Jack says his boiler was leaking last year so he'd called an emergency plumber, as at that time his wife was terminally ill and he was desperate to keep the house warm. Damien had fixed it and then told Jack that it was an old boiler and he should replace with a new efficient model. Jack said he would think about it. Damien then offered him cheap boiler breakdown cover.

Jack received a phone call the next day from a lady who said she was from a well-known insurance company about boiler cover. Jack agreed to £15 per month. He then had further calls about his cooker, washing machine and other appliances but he doesn't remember agreeing to cover.

Question 9 continued over the page.

A few weeks later Damien visited Jack and told him he was starting a new company with introductory prices on energy saving improvements, including 25% discount on a new boiler. Jack said he wasn't interested, but Damien called back twice after that saying he was local and checking in on how Jack's wife was. The last visit was just after Jack lost his wife and was upset, Damien invited himself in to make Jack a cup of tea, then convinced him to agree to the new boiler.

Jack was given a receipt and brochure with the boiler details a week after the boiler had been fitted. Damien then sold the loft insulation and special roof insulation paint, persuading Jack over several visits that he would save more money on his energy bills, and if he had solar panels installed at the same time, they could do him a special offer as the scaffolding would already be up.

- (a) Apply the provisions of the Consumer Protection from Unfair Trading Regulations 2008 and the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, identify potential offences in relation to the works carried out by Phoenix Eco Pro. (20 marks)
- (b) Outline the powers to be used for a visit to Phoenix Eco Pro, and what evidence you will need to collect. (10 marks)
- (c) You suspect that Jack has been misled in relation to the appliance cover plans and has unwittingly agreed to them. What steps could you take to investigate this? (5 marks)

(Total: 35 marks)

10. You receive a complaint from Lucy and Steph about a puppy purchased from 'Fabulous Frenchies' after seeing a social media advert for "Pedigree French Bulldog puppies £2000". The advert was on several local buying and selling groups and the profile had photos of various puppies, the parents and the Kennel Club logo.

They had been told that the mother was a family pet and the father was Crufts Champion 2022 and would be ready for forever homes three weeks later. Fabulous Frenchies said they couldn't view the puppies as the family were isolating two weeks after a virus, but sent photos of the puppies to Lucy and Steph who saw a bitch they liked. Fabulous Frenchies said in social media posts that most of the puppies had been sold, and messaged Lucy and Steph asking for a deposit to secure their puppy. They asked again if they could see the puppy but were told it wasn't convenient due to building work. Fabulous Frenchies offered to meet somewhere else after a deposit of £500 was paid. Lucy and Steph agreed and arranged to meet at a motorway services, and were given a mobile telephone number.

On arriving, the mobile number was answered by a female who directed them to a white van. The puppy was lying down in a crate in the back. The woman, introduced herself as Fiona and said the puppy was travel sick after injections yesterday. Lucy and Steph agreed to buy the puppy, and Fiona said, as she wasn't good at travelling, it might be best to take her immediately and all the others were going in the next few days. Excited, they agreed and transferred £1,500. Fiona said she had forgotten to bring the Kennel Club and vaccination paperwork but would send it in the post.

Once they got home, the puppy was still withdrawn and being sick, so they went to the vet who said she had a serious virus and needed to be kept in for medication and observation. He commented she was large for eight weeks and he was unsure whether she was full French Bulldog. Lucy had chased Fiona for the paperwork but had no reply. She also found a social media group complaining about sick puppies from Fabulous Frenchies and that they are a puppy farm, apparently advertising on another pet-related online marketplace.

Q10 continued over the page.

(a) Outline the potential offences in relation to the Consumer Protection from Unfair Trading Regulations 2008 and the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.

(20 marks)

(b) What steps will you take to investigate this further and how will you gather the evidence required to prove the offences?

(15 marks)

(Total: 35 marks)

Section B total of 70 marks.

END OF EXAMINATION PAPER.