

CTSI Professional Competency Framework (CPCF) written examination

Unit 3: Trading Standards Law Part 1

September 2022

Guidance for this examination

Please ensure that you indicate clearly, at the top of the answer 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 Part 1 paper 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 include the term 'invitation to purchase'.
 - (a) Explain what is meant by this and give some examples. (5 marks)
 - (b) What is deemed to be 'material information' where a commercial practice is an invitation to purchase? Provide three examples. (5 marks)
(total: 10 marks)

2. The Business Protection from Misleading Marketing Regulations 2008 covers advertising practices. Explain what is meant by misleading advertising in this legislation. (10 marks)

3. **English and Welsh candidates:**

The Criminal Procedures and Investigations Act 1996 makes provisions in relation to how investigators deal with material collected during an investigation. Explain what this means in practice, giving examples of the procedures you will follow with different types of material. (10 marks)

Scottish candidates:

Part 6 of the Criminal Justice and Licensing (Scotland) Act 2010 makes provisions in relation to disclosure. Explain how investigating agencies deal with material collected during an investigation and what this means in practice, giving examples of the procedures you will follow with different types of material. (10 marks)

4. When questioning a suspect, you must ensure that you have first 'cautioned' them.
 - (a) What is the wording of the caution and how would you explain this to a suspect who says they do not understand? (6 marks)
 - (b) How would you deal with comments made by a suspect who is not under caution? (4 marks)
(total: 10 marks)

Section A continues over the page.

5. Two cases – Office of Fair Trading v Purely Creative Ltd ChD 2011, and Secretary of State for Business, Innovation and Skills v PLT Anti-Marketing Limited December 2015 – provided important clarification with regard to interpretation of the provisions in The Consumer Protection from Unfair Trading Regulations 2008.

Explain the facts of these two cases and how the courts' decisions assist in relation to interpretation of the terms 'average consumer', 'transactional decision', 'misleading action' and 'misleading omission'.

(10 marks)

6. In order to conduct surveillance activities, you must have authorisation to do so. Why is this? Outline the process you will need to undertake, your considerations and conditions you will need to satisfy.

(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 Your service receives a telephone call from a new business, 'Value Vino'. Value Vino sells wine exclusively via its website, valuevino.co.uk. The owners request your advice following a number of complaints in relation to their offers. They believe the complaints are from a jealous competitor, disgruntled that they are entering the market.

On their website, you see that they have a banner stating: "**Cheaper than Oddbottles (National chain)**". There is also this advert:



You also check your complaints' database and see three complaints from consumers stating that they have been tied into a 12-month subscription for which they did not sign up.

Identify the provisions of the Price Marking Order 2004, The Consumer Protection from Unfair Trading Regulations 2008 and the CTSI Guidance for Traders on Pricing Practices that will apply to this business.

- (a) How would you advise Value Vino in relation to their pricing? Make reference to relevant legislation, guidance and case law.

(20 marks)

- (b) With regard to The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, advise the business in relation to information and cancellation requirements.

(15 marks)

(total: 35 marks)

Section B continues over the page.

8. You received a complaint from Mr Jones. He is complaining about his new garage door, from 'Roller4u'.

Mr Jones states that he went into the showroom to look at the doors and the next day decided to purchase one, over the phone. He stated that he wanted the 'Elite200', advertised at £650 including fitting, after seeing it in the showroom. The salesman on the phone told him that they didn't have any Elite200 doors in stock but had a one-day special offer on the 'Pro100', which was "more or less the same as the Elite200". The price was the same, so Mr Jones agreed to go ahead.

When the door was fitted, it was not the same; the design was different and the door went up and over instead of rolling, like the Elite200. Mr Jones was given a document stating that the door had been fitted by FlashFit Ltd.

One week after fitting, the garage door jammed. He called FlashFit Ltd and they stated that they will struggle to fix it as the Pro100 has been discontinued, along with the part needed. He stated that Roller4u has been "trying to flog them for weeks to get rid of the redundant stock".

Mr Jones tells you that he'd really like to cancel his contract with Roller4u. However, the salesman told him on the phone that, as he was agreeing to a special offer, there would be no cancellation rights.

- (a) Apply the provisions of The Consumer Protection from Unfair Trading Regulations 2008 and The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, and outline the potential offences.

(20 marks)

- (b) What evidence do you need to prove the offences and what powers would you use?

(15 marks)

(total: 35 marks)

Section B continues over the page.

9. You receive a complaint from Mrs Hussain. She has received a parking fine from Magpie Carpark Services Ltd through the post, saying that she overstayed in a car park by the hospital. Mrs Hussain claims that she did park in the car park on the day stated, and that she was rushing to see her husband who had been taken to hospital. Mrs Hussain claims that there is no signage in the car park regarding who the company is or the maximum duration.

Mrs Hussain states that, when she rang to dispute the fine, the man on the phone shouted at her and said that, if she didn't pay it that day, the fine would be doubled.

You check your complaints' database and find 30 complaints about this car park and other sites owned by Magpie Carpark Services Ltd.

You visit the car park and see a small sign, at the back of the car park, which you have to enter the car park to see.

Managed by:

MAGPIE CARPARK SERVICES

1 hr maximum stay – £50 fine

You must pay within 5 days of receipt of fine or the fine will increase by 50%

- (a) Apply the provisions of The Consumer Protection from Unfair Trading Regulations 2008 and outline any potential offences. (10 marks)
- (b) Explain your enforcement options in terms of criminal and civil measures, both informal and formal, setting out the issues that you would take into consideration, and the advantages and disadvantages of each option. (20 marks)
- (c) How would your choice of action affect the way you exercise your powers and gather evidence? (5 marks)
(total: 35 marks)

Section B continues over the page.

10. Your manager asks you to carry out a project into local estate and letting agents, following a national report claiming industry-wide non-compliance. You plan to visit 15 estate and letting agents. You have other colleagues who will be assisting you and carrying out the visits, but who have little knowledge with regard to estate and letting agents.

Create a plan covering the following:

- (a) What would you do in preparation for your visit? (15 marks)
- (b) What areas will you discuss with the businesses? (15 marks)
- (c) What powers will be used to carry out this project? (5 marks)

(total: 35 marks)

Section B total of 70 marks.

END OF EXAMINATION PAPER.