

Qualifications Framework written examination

Unit 2: Business and Consumer Legal Frameworks

September 2024

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 Business and Consumer Legal Frameworks paper is a **closed book**; no materials are permitted to be taken into the examination room.

The examination paper has 5 pages, including this front sheet.

Section A

Candidates should attempt to answer three questions.

Each question carries ten marks.

Total: 30 marks.

1. Having an understanding of the business environment is an important part of a Trading Standards professional's role. The open systems thinking model can help to develop your understanding of a business and how it impacts on other businesses, stakeholders and consumers.

Draw a diagram showing the open systems thinking model and provide one example for each stage of the model.

(Total: 10 marks)

2. Write a short leaflet for businesses about the Approved Code Scheme, administered by the Chartered Trading Standards Institute (previously called the Consumer Codes Approval Scheme), and explain its benefits to businesses.

(Total: 10 marks)

3. Describe the role and responsibilities of the Office of Product Safety and Standards and provide two examples of how it works with Trading Standards Services.

(Total: 10 marks)

4. Answer both parts of the question.

- (a) Discuss the benefits of using regulation to achieve compliance.

(4 marks)

- (b) Outline three options, other than regulation, that governments can use to meet their policy objectives and identify one benefit for each of these alternatives.

(6 marks)

(Total: 10 marks)

5. Answer both parts of the question.

- (a) Local Authorities, within which most Trading Standards Service departments are based, are usually either single (unitary) or two-tier authorities. Briefly describe what is meant by single and two-tier authorities and provide one example of each type of Local Authority.

(6 marks)

- (b) Identify four statutory functions or responsibilities of Local Authorities.

(4 marks)

(Total: 10 marks)

6. Answer both parts of the question.

- (a) 'Intelligence is just another word for information.' Briefly discuss whether you agree with this statement and give your reasons.

(4 marks)

- (b) Identify the six steps in the intelligence cycle.

(6 marks)

(Total: 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. Answer both parts of the question.

- (a) Drawing on examples, write a briefing document explaining the different types of partnerships, Limited Companies and Community Interest Companies.

(20 marks)

- (b) You have been asked by a Partnership for advice on the legal requirements in relation to providing their trading name and address. Explain:

- which legislation would set out these requirements
- what the requirements are,
- where and how the information needs to be supplied, and
- any potential offences for non-compliance.

(15 marks)

(Total: 35 marks)

8. Answer all parts of the question

You are a Trading Standards Officer working for Blankshire Trading Standards and you identify a business which is making false claims about its products and services, which you believe could be misleading and harmful to consumers. The business has been given advice about these matters previously and your enforcement policy states that you should recommend a prosecution in this instance. Prior to undertaking the inspection, you note that the business has a Primary Authority partnership with Vacantshire Trading Standards.

- (a) Identify the roles of Blankshire Trading Standards and Vacantshire Trading Standards in this scenario, in relation to the Primary Authority scheme. Describe how you would check if a business has a relevant Primary Authority partnership.

(5 marks)

- (b) Explain what is meant by the term *assured advice* and why you would need to take into account any relevant assured advice that has been issued. What legal requirements would you have to follow, and are there any relevant time frames that would apply?

(20 marks)

- (c) Describe what a “determination” is, briefly outline the process and provide an example of a recent determination.

(10 marks)

(Total: 35 marks)

Section B continues over the page.

9. Answer all parts of the question.

- (a) Many aspects of the work carried out by Trading Standards Services assist with the safeguarding of the public. Briefly discuss Local Authorities' responsibilities for, and the key principles of, safeguarding.

(13 marks)

- (b) One area of work undertaken by Trading Standards Services is the enforcement of legislation relating to age restricted products. Identify two age restricted products and outline:

- Why the product needs an age restriction.
- The types of harm the product can cause.
- One example of an organisation or other regulator that is involved in the regulation of this product and how it may work in partnership with Trading Standards.

(12 marks)

- (c) Other than age restricted products, identify five areas of Trading Standards work that contribute to safeguarding people within our communities, and briefly explain the importance of these areas.

(10 marks)

(Total: 35 marks)

10. *'Effective local regulation depends upon the professionals involved. The regular review of their development needs is essential, as the nature of their roles, and the legislation they enforce, change over time.'*

Gov.uk, 2016

Discuss the role of Trading Standards as local regulators, highlighting the principles of good regulatory practice and its impact on businesses. To what extent do you agree with the above statement, and do you think it is still relevant today?

(Total: 35 marks)

Section B total of 70 marks.

END OF EXAMINATION PAPER.