

Qualification Framework written examination

Unit 3: Trading Standards Law Part 1

May 2025

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 Regulatory Environment and Enforcement paper is a **closed book**; no materials are permitted to be taken into the examination room.

The examination paper has 8 pages, including this front sheet.

Section A

Candidates should attempt to answer three questions.

Each question carries ten marks.

Total: 30 marks.

1. **Answer both parts of the question.**

Both the Consumer Protection from Unfair Trading Regulations 2008 and the Digital Markets Competition and Consumers Act 2024 include the term “invitation to purchase.” Choose one of these pieces of legislation, and in relation to an “invitation to purchase” answer the following:

(a) Explain what is meant by this term and give examples.

(5 marks)

(b) What is deemed to be “material information” where a commercial practice is an invitation to purchase?

(5 marks)

(Total: 10 marks)

2. Regulation 13 of The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (CCRs) specifies that for a distance contract, traders must **“give or make available to the consumer”** the pre-contractual information in Schedule 2.

Regulation 14 adds that where a contract is concluded by electronic means, the trader must **“make the consumer aware in a clear and prominent manner, and directly before the consumer places the order, of the information listed in paragraphs (a), (f), (g), (h), (s) and (t) of Schedule 2.”**

If you were giving advice to a trader regarding the inclusion of pre-contractual information on their website, how would you explain the difference between these two requirements?

Give specific examples of the type of information required, where and how this should be communicated.

(10 marks)

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

The Consumer Rights Act 2015 introduced specific rules for secondary ticketing.

(a) Explain what is meant by “a secondary ticketing facility” and the type of tickets that these rules relate to.

(4 marks)

(b) Summarise three key pieces of information a reseller must provide to a potential buyer and explain why each is important for consumer protection.

(6 marks)

(Total: 10 marks)

Section A continues over the page.

4. Explain the scope of the Estate Agents Act 1979 (EAA) and its significance in regulating estate agency work.

(10 marks)

5. **Answer both parts of the question.**

Part 9 of The Enterprise Act 2002 covers disclosure of specified information.

- (a) Explain what is meant by “specified information,”

(4 marks)

- (b) In what circumstances is disclosure of specified information permitted?

(6 marks)

(Total: 10 marks)

6. **Answer both parts of the question**

Paragraph 31 of Schedule 5 to the Consumer Rights Act 2015, provides enforcement officers with the power to break open a container, open a vending machine or access an electronic device.

- (a) Explain the conditions under which an officer can use these powers.

(5 marks)

- (b) Define what is meant by “container” in this context and give two examples of how this power might be used during an enforcement visit.

(5 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 all parts of the question.

StudyStride, an online fitness retailer, advertises Bluetooth workout trackers with “60% OFF RRP – This Weekend Only”.

Consumers complain the RRP was never actually used, and that they have seen repeated advertising on the website and social media for at least 4 weeks.

Some buyers also report being auto subscribed to a monthly “fitness coaching” plan that they have not agreed to, and others state that the device does not connect to the associated smart phone app on android. When contacting the company, they have been told that sale items are non-refundable.

You check the website, and it includes claims that these trackers are made from “100% recycled plastic” and will “track all fitness activity”. Minimal contact information is listed on the main website pages. There are some lengthy terms and conditions which are not easy to find but include:

- Returns can be made within 7 days.
- Customers must email a customer services’ email address to obtain a returns authorisation number and will be provided with a return address at that point.
- By purchasing the device, customers are agreeing to the fitness coaching plan for a monthly fee of £30 and a minimum 12-month contract.

(a) Identify potential offences under the Consumer Protection from Unfair Trading Regulations **OR** The Digital Markets, Competition and Consumers Act 2024 and consider adherence to the CTSI Pricing Practices Guidance.

(14 marks)

(b) Identify breaches of The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.

(10 marks)

(c) What evidence would you need to collect and which powers might you use to investigate?

(11 marks)

(Total: 35 marks)

Section B continues over the page.

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

TopStone Paving operates door-to-door in residential areas, targeting older residents with “cut-price driveway cleaning and paving.” Multiple complaints have been received, including from two elderly consumers, Mrs Carter (82) and Mr Lennox (78) who live in an area of ‘older peoples housing’ which has been designated as a Cold Calling Control Zone:

Mrs Carter’s Experience

- Salesmen arrived uninvited and knocked on Mrs Carter’s door handing her a leaflet, and said they were offering a “discounted price”. Mrs Carter had just got up and did not have her hearing aid in so is not sure what they said but she thanked them for the leaflet, said she would “take a look” and closed the door.
- An hour later there was another knock at the door and when Mrs Carter opened it, they said that to demonstrate their work they had power-washed a 2m² patch of her driveway (without her consent).
- Mrs Carter asked them to leave but the trader demanded £800 to finish, claiming she had agreed and said there were “no refunds or cancellations” once the service had begun because it’s a “special discounted price.”
- Mrs Carter felt pressured to pay and wrote out a cheque but never received any written contract or cancellation notice.

Mr Lennox’s Experience

- He was approached similarly; a 1m² patch of his pathway was cleaned without permission.
- When he hesitated to pay £500 for the full job, they drove him to the bank to withdraw cash, stating he had “waived all rights” by letting them start, and told Mr Lennox to tell the bank staff the money was for his granddaughter’s birthday.
- Again, no paperwork or mention of a 14-day cancellation period was provided.

Other Issues

- Some neighbours have seen varying prices for the same “discounted” service and suspect misleading pricing tactics.
- At least one other resident was told her final bill included “extra disposal fees”, discovered only after the work had been done.

You have obtained a copy of the leaflet:



Question 8 continues over the next page

Section B continues over the page.

- (a) Apply the provisions of The Consumer Protection from Unfair Trading Regulations OR The Digital Markets, Competition and Consumers Act 2024 and The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 and identify the potential breaches.
(22 marks)
- (b) Explain the consumers' position with regard to the service being carried out immediately.
(5 marks)
- (c) Briefly outline how you will gather evidence from the consumers.
(8 marks)
- (Total: 35 marks)

9. Answer all parts of the question.

You are a Trading Standards Officer employed by Shire County and are planning an investigation following intelligence you have received from a neighbouring authority:

Operation EXAM

Seizure of goods from Ben Andrew at Anytown Car Boot Sale consisting of:

- Music CDs
- Music videos
- Digital storage devices containing music compilations

All seized items have been examined by the rights holders and are in breach of the Copyright, Designs and Patents Act 1988.

Analysis of Ben Andrew's mobile phone has identified several text messages relating to the supply of these goods from Annie whose telephone number is 07777 123456.

Ben stated in interview that he was introduced to Annie in an online chat room and has never met her in person, but she supplies him with products and has said she lives in Shire County.

Your manager has instructed you to find out who Annie is and her address, with a view to obtaining a warrant. You have a new member of the team shadowing you who has never undertaken any investigation work and your manager asks you to explain what you are going to do.

- (a) Briefly explain the offences that you are investigating and identify potential offences being committed by Ben and Annie.
(8 marks)
- (b) Outline the types of communications data that can be obtained by local authorities under the Investigatory Powers Act 2016 (IPA) and the process for obtaining authorisation to access communications data, including the roles of the Authorising Officer, Single Point of Contact (SPOC), and the Office for Communications Data Authorisations (OCDA).
(10 marks)
- (c) Explain the concepts of necessity, proportionality, and collateral intrusion in the context of communications data applications.
(7 marks)
- (d) Explain your power to enter under a warrant and outline what your next steps will be once you have Annie's address in order to apply for the warrant.
(10 marks)

Section B continues over the page.

(Total: 35 marks)

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

RevisionAutos is a small used-car dealership that has recently taken over premises in Shire County. The owner, Mr Fields, is new to the used car trade and has approached the Shire County Trading Standards Service for advice because he wants to ensure his business practices comply with current law, particularly the Consumer Protection from Unfair Trading Regulations 2008 (CPRs).

Mr Fields' concerns:

Vehicle Descriptions

- He wants to know how detailed he needs to be when advertising online or on forecourt stickers.
- He's heard about "clocked" mileage cases and wants to ensure disclaimers about mileage accuracy do not themselves breach CPRs (for example, disclaiming knowledge vs. actively misleading).
- He's unsure whether referencing "full-service history" is acceptable if some maintenance records are missing.

Vehicle Checks and Due Diligence

- Mr Fields plans to inspect all trade-in cars for mechanical or bodywork issues.
- He wonders if a "30-point check" claim might be misleading if certain checks are only cursory.
- He wants to demonstrate his "reasonable precautions" to avoid breaching consumer law.

Pricing and Additional Fees

- He's seen other dealers add extra fees (e.g., for paperwork, warranty activation, or vehicle preparation) and wants to know if this is permitted.
- He'd like clarity on how to display prices both on his forecourt and online so that no consumer feels misled.

Potential Enforcement

- a) Mr Fields has heard about criminal offences for misleading actions or omissions and is aware that civil enforcement under Part 8 of the Enterprise Act or the new DMCC could lead to undertakings, enforcement orders, or large fines.
- b) He wants the TS officer to explain:
 - The types of criminal offences he could commit if he misdescribes cars or hides fees.
 - The civil route (e.g., undertakings or injunctions) if consumers are collectively harmed.

Draft a letter to Mr Fields covering the following:

- (a) Outline the key provisions under the Consumer Protection from Unfair Trading Regulations 2008 or the Digital Markets Competition and Consumers Act 2024 that he should pay attention to when describing vehicles, disclaiming mileage, and stating service histories.

(10 marks)
- (b) Explain the concept of due diligence and what steps RevisionAutos can take to demonstrate "reasonable precautions".

(7 marks)

Question 10 continues over the page.

Section B continues over the page.

- (c) Discuss the pricing requirements for advertising a car, any additional fees and clarify how hidden or drip-fees might contravene the rules.
(8 marks)
- (d) Summarise the potential enforcement actions if he gets it wrong, including criminal offences and civil enforcement.
(10 marks)
(Total: 35 marks)

Section B total of 70 marks.

End of Section B.

END OF EXAMINATION PAPER.