

Examiner's Report

Qualifications Framework

Stage 1: Unit 3 Trading Standards Law Part 1 Examiner Report May 2025

Written Examiner's Report May 2025

General

28 candidates sat the paper in May 2025. The highest mark was 85% and the lowest mark was 45%. A total of 8 candidates achieved above 70% showing an excellent understanding of the syllabus, with the majority of the remaining marks above 55%.

Common strengths

- Most candidates showed good familiarity with the core provisions of the CPRs/DMCC, Schedule 5 CRA powers and the CCRs.
- Section B answers were generally well-structured, and the majority correctly identified the main offences in the scenario questions.

Common weaknesses

- **Time-management** – a few candidates over-wrote on Section A answers and had little time left for the 35-mark problems.
- **Reading the precise wording of the question** – several answers reproduced lengthy statutory definitions but omitted the application or examples actually requested.
- **Mixing up concepts** – Invitation to Purchase v Invitation to Treat; professional diligence v due diligence; Enterprise Act Part 8 gateways v DPA gateways.
- **Lack of specifics** – many missed marks by failing to quote sufficient detail, for example details of material information required for Invitations to Purchase or other application of offences, as well as specifics on powers or not going into sufficient detail when explaining concepts.

Section A

Q1 Attempted by 23 candidates.

The question required a concise definition of an “invitation to purchase” under either the CPRs or the DMCC, two or three clear examples, and the full statutory list of “material information”. Most candidates produced good definitions and suitable examples, so the majority scored between six and ten. Marks were lost where scripts omitted parts of the material-information list or confused an invitation to purchase with an invitation to treat. A small minority described “transactional decision” instead, earning only two or three marks.

Q2 Attempted by 11 candidates.

Examiner was looking for candidates to discuss the difference between the general duty to “give or make available” information (reg 13) and the additional requirement to place specific items “clear and prominent” immediately before checkout (reg 14) and give examples of these. Most candidates could list Schedule 2 items but did not explain that reg 14 imposes an extra, timed duty for electronic sales, nor did they discuss site layout. Consequently, marks clustered in the middle of the scale.

Q3 Attempted by 10 candidates.

Candidates were asked to define a “secondary ticketing facility”, state that the rules relate to recreational, sporting or cultural events, and outline three pieces of mandatory information, explaining why each protects consumers. Performances were generally solid. Lower-scoring scripts omitted either the face value or the unique ticket number or failed to link the information to consumer protection.

Q4 Attempted by 2 candidates.

The question required the scope of “estate agency work”, examples of covered activities, and the Act’s significance (client-interest duties, CMP schemes, disclosure of interests, competency). Only 2 candidates attempted this question.

Q5 Attempted by 13 candidates.

Candidates needed to define “specified information” under s.238 and list the five statutory disclosure gateways (ss. 239–243). Only a handful of scripts listed every gateway correctly. Common errors included confusing Part 9 disclosure with Part 8 enforcement, or substituting GDPR concepts for the statutory gateways, which suppressed scores in the lower half of the range.

Q6 Attempted by 25 candidates.

Marks were available for identifying the conditions that must exist before the power can be used, the definition of “container” and providing two realistic enforcement examples. Although popular, many candidates described the warrant conditions in paragraph 32 rather than the paragraph 31 pre-requisites or overlooked the requirement to request a person with authority to open the container first. Examples tended to focus narrowly on illicit tobacco concealments, only a few mentioned electronic devices or other practical scenarios. This limited many answers to mid-level marks, with only the strongest reaching nine.

Section B

Q7 Attempted by 12 candidates.

Examiner looked for a full application of the CPRs **or** DMCC to an online-sales scenario, including misleading-pricing offences (false **RRP**, prolonged “weekend-only” claim), hidden subscription and auto-enrolment (misleading omission or aggressive practice), unsubstantiated “100 % recycled plastic” and “tracks all fitness activity” claims, statement that sale items are “non-refundable”, reference to the CTSI Pricing Practices Guidance, relevant CCR breaches (missing pre-contract information, wrong seven-day return policy, reg 14 electronic-means duty, hidden trader details and handling fees, unlawful reg 34 charge), and a structured evidence plan. Most scripts dealt well with the pricing and subscription issues; several also linked them to the CTSI guidance. Fewer noticed the environmental claim or explained why a blanket “non-refundable” statement is itself a misleading action. Evidence sections were often light on statutory references: many listed “screenshots and witness statements” but did not tie specific activities to the corresponding Schedule 5 powers. The best answers were methodical and earned marks in the high twenties and low thirties.

Q8 Attempted by 22 candidates.

The marking scheme required candidates to apply CPRs/DMCC to a Cold-Calling-Control-Zone visit, identifying aggressive and coercive practices (unsolicited demo, demand for cash, driving a victim to the bank), misleading price claims and omissions, explain CCRs duties for off-premises contracts (pre-contract information, 14-day cancellation, reg 19 offence), discuss the situation with services started in the cancellation period and outline a victim-centred evidence strategy, considering potential vulnerability. Many candidates produced strong analyses of aggression, vulnerability and the CCCZ breach. Nearly all identified the lack of paperwork; only the better answers cited reg 19 explicitly. Part (b) caused difficulty: several stated that the consumers must pay a reasonable amount for work done, overlooking regulation 36(6), which removes the trader’s right to payment if no express request/information was provided. Evidence plans were generally sound, but some drifted into powers for searching the trader’s premises rather than obtaining victim statements.

Q9 Attempted by 2 candidates.

Candidates needed to outline CDPA 1988 s.107 making/dealing offences and attribute them correctly to Benny and Annie, describe the two categories of communications data available to local authorities (subscriber and service-use) and the IPA authorisation chain (investigating officer → SPOC / NAFN → Authorising Officer → OCDA), discuss necessity, proportionality and collateral intrusion and set out CRA Schedule 5 para 32 warrant conditions and preparatory steps. A good answer demonstrated a grasp of copyright, IPA procedure and warrant application. Candidates who concentrated on CPR concepts and treated message-content as “data”, forfeiting many marks. Candidates who attempt this specialist question must know the IPA vocabulary precisely.

Q10 Attempted by 20 candidates.

The Examiner expected a structured letter covering CPR/DMCC duties when describing vehicles (accurate mileage, service history, “30-point check”), practical due-diligence systems (documented inspections, provenance checks, staff training), pricing law – total price, drip-fees, Price-Marking Order, CCR Schedule 2 information and enforcement options: criminal penalties for misleading actions/omissions, plus civil undertakings or orders under Part 8 EA (or the DMCC) and Enhanced Consumer Measures. This was the most popular Section B option. The best scripts adopted a genuine

advisory tone and worked through each of Mr Fields' bullet-points, earning thirty plus marks. Common weaknesses were listing offences without translating them into practical steps, ignoring drip-pricing altogether, confusing due diligence (defence) with "professional diligence" (offence element). Overall, however, most candidates scored comfortably above the midpoint, showing solid understanding of everyday motor-trade issues.

Recommendations for future candidates

Answer what is asked – if the question asks for examples or why information is important, include them, repeating long statutory wording scores few marks.

List examples of items where the law prescribes a list – Invitations to Purchase material information, Part 9 gateways, CCR Sch 2 items, etc.

Quote the correct power – differentiate clearly between CRA routine entry (para 23), break-open (para 31) and warrant (para 32).

Use structured headings in Section B – offences, evidence, powers, enforcement. This helps ensure nothing is missed.

Practise applying the law to a variety of TS scenarios - keep an eye on the news, changes to legislation and current issues