

Qualification Framework written examination

Unit 3: Trading Standards Law Part 1

November 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 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 Digital Markets, Competition and Consumers Act 2024 refers to the average consumer. In your own words, explain what the term “average consumer” means in this context. (10 marks)

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

The Government emphasises the importance of fostering a stable environment that encourages innovation, supports creators and protects their intellectual property rights.

In this context:

- (a) Briefly explain what is meant by “intellectual property”. (3 marks)
- (b) Identify two different types of intellectual property rights and the UK legislation that protects them. (4 marks)
- (c) Identify three breaches of these Intellectual Property rights which constitute criminal offences. (3 marks)
- (Total: 10 marks)

3. Explain the concept of the due diligence defence under fair trading legislation and why it is available.

Illustrate what is meant by “reasonable precautions” with reference to key case law.

(10 marks)

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

When investigating offences, enforcement officers may use a “Covert Human Intelligence Source”.

- (a) Explain what is meant by this term and what authorisation is required. (6 marks)
- (b) Give two examples to illustrate how it would apply in practice in trading standards activities. (4 marks)
- (Total: 10 marks)

Section A continues on the next page.

5. Explain the basic concepts of the Data Protection Act 2018 (DPA 2018) and the General Data Protection Regulation 2016 (GDPR 2016).

In your answer, cover the following points:

- What is data protection?
- Who does the law apply to?
- What is the role of the Information Commissioner's Office (ICO)?
- How does the law apply to the processing and sharing of data relevant to Trading Standards?

(10 marks)

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

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 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.

Jav is a young entrepreneur from EcoWise Living Supplies Ltd, an online retailer of eco-friendly home products. He has requested advice from your Trading Standards Department regarding distance selling practices and promotions. He provides the following details for review:

The website advertises "Buy One, Get One Free" promotions, but customers report not receiving the free item with their orders. Jav states they use a third party fulfilment service, Grade A Fulfilment Ltd, who provide storage as well as order processing and delivery to customers. Jav says that the missing free items are down to Grade A Fulfilment Ltd.

The design and content for the website was done by a business called Revise & Design Digital who have added countdown timers for promotions ("Hurry! Ends in 24 hours!"), which reset daily. They also provided standard terms and conditions which state that customers have 14 days to cancel their orders, but customers have complained that the cancellation process is unclear and difficult to navigate.

Jav provides Revise & Design Digital with the product details for the website, but they have also added additional claims about the environmental impact of some products such as "plastic free" and "kinder to the environment".

Jav has asked for advice about:

- The rules about price promotions as he wants to provide other types of offers.
- The information that he needs to display on the website, and how he can ensure the cancellation process is clear and easy for customers to use.
- The "green" claims for the products and how he can make sure these are accurate.
- His liability for the actions of Grade A Fulfilment Ltd and Revise & Design Digital.

You have been allocated this request by your manager, asking you to prepare a letter to send to Jav. Your letter should give basic advice covering the following, and include signposting to further available guidance:

- (a) Identify and explain any potential breaches of the Digital Markets, Competition and Consumers Act 2024 concerning promotional practices. (8 marks)
- (b) Discuss the implications of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 on distance selling practices and cancellation rights. (8 marks)
- (c) Discuss the requirements for providing accurate claims about Jav's products. (6 marks)
- (d) Explain EcoWise Living Supplies Ltd's liability and the role of due diligence defences in ensuring compliance with trading standards legislation. (8 marks)
- (e) Provide recommendations for EcoWise Living Supplies Ltd to ensure their distance selling practices, promotions and product claims comply with relevant trading standards regulations. (5 marks)
- (Total: 35 marks)

Section B continues over the page.

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

A pop-up stall, GradeUp Gizmos, has appeared in Marina Shopping Centre in Riverside City selling smartwatch bands resembling major tech-brand designs. Signs proclaim “40% CHEAPER THAN TECH HUB STORES!”.

Complaints suggest consumers are told these are manufactured by the leading brands, just without their name on, and that the seller is refusing to give receipts or product origin details.

Your manager asks you to pay them a visit but, as you enter the shopping centre, a trader from another stall, Tony’s Tat, shouts, “Trading Standards!!” and before you can get to GradeUp Gizmos’ stall you see two men run out of the staff exit.

They have left some stock on the stall and, although there are no brand names, they are labelled “for Apple Watch”, etc. There is some stock in boxes under the stall, and you notice a similar box half-hidden under Tony’s Tat’s stall. Tony notices you’ve spotted it and brings it over, stating they’d left it when they went for lunch earlier. You ask Tony if he knows the names of the men and he says, “Bill and Ben”. Your colleague ran after the two men but only saw a white transit van speeding out of the staff car park.

(a) Outline the potential offences and breaches under the Trade Marks Act 1994, Digital Markets, Competition and Consumers Act 2024 and the Business Protection from Misleading Marketing Regulations 2008. (15 marks)

(b) Explain what immediate action you are going to take whilst at the shopping centre, detailing the powers that you will use and any procedures you will follow when collecting evidence. (10 marks)

You speak to the manager of the shopping centre, who provides you with the name of the person who rented the space, Tomas Szabo, and a vehicle registration number for the staff car park permit. He also tells you that one of the tenants of another retail unit, TECH HUB, has just been in to complain about GradeUp Gizmos and their practices.

(c) What are you going to do with this information? (6 marks)

(d) What offences, if any, may Tony from Tony’s Tat have committed? (4 marks)
(Total: 35 marks)

Section B continues over the page.

9. Answer all parts of the question.

You receive a call from a local police officer who was called to a consumer's property yesterday.

PC Jones tells you that Mrs Miggins had been approached at her house by a roofer who called himself Jim, who offered to fix a loose ridge tile for a small fee.

After completing the initial job, the roofer claimed that there was a significant issue with the roof, and it was unsafe and in danger of collapse. He quoted £5,000 for the repairs, but later increased the price to £15,000. Jim demanded cash up front and threatened to leave the roof stripped of tiles if the consumer did not pay. The consumer, feeling pressured, paid the roofer by bank transfer, but received no paperwork.

He has not returned to finish the job. Mrs Miggins has been unable to contact him as the mobile number provided is disconnected. A neighbour captured the van's vehicle registration mark (VRM) on their video doorbell. PC Jones says it's a civil issue and he has told the consumer that he will contact Trading Standards.

- (a) Explain to PC Jones the potential criminal offences that have been committed under the Digital Markets, Competition and Consumers Act 2024 and the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 and the penalties for these offences.
- (15 marks)

You visit Mrs Miggins to gather more information. On the way back to the office, you spot the van outside a property with a man on the roof. You decide to park nearby and observe.

After a while, around 4pm, the man gets into the van and drives to another residential address 15 miles away, where he goes inside. You note down the address in your notebook and head back to the office.

- (b) Explain why, by following the roofer home, you have conducted directed surveillance. Discuss the actions you need to take in relation to the directed surveillance, including the process for obtaining authorisation and the considerations for proportionality and collateral intrusion.
- (10 marks)
- (c) Identify the additional evidence you need to collect, including any powers you will use and the procedures you will need to follow.
- (10 marks)
(Total: 35 marks)

Section B continues over the page.

10. As the Primary Authority Officer for PennywiseBasket, a national discount supermarket chain operating 90 stores nationwide along with an online platform, you are tasked with addressing a critical issue identified in a recent audit.

PennywiseBasket offers weekly promotions such as “buy one get one free”, “3 for 2”, “pound deals”, and various price reductions throughout the store, which are advertised via a weekly leaflet distributed directly to consumers nationwide. It has come to light that records of price changes have not been maintained consistently by staff in accordance with company policy.

PennywiseBasket requires you to deliver a comprehensive training course for all managers and staff involved in developing offers and managing in-store price indications. This course should provide an in-depth explanation of the relevant legislation and guidance pertaining to pricing and price promotions. Additionally, it should cover the key considerations when developing promotions and emphasise the importance of meticulous record-keeping.

Prepare a detailed outline covering all of PennywiseBasket’s requirements as described above. Structure your response with clear headings and bullet points to address each aspect of the task.

(35 marks)

Section B total of 70 marks.

END OF EXAMINATION PAPER.