

## Examiner's Report

### Qualifications Framework

#### Stage 1: Unit 3 Trading Standards Law Part 1 Written Examiner's Report November 2025

### General

2 candidates sat the paper in November 2025.

### Common strengths

- **Both candidates demonstrated familiarity with core areas of the syllabus**, particularly the DMCC, Schedule 5 CRA investigatory powers, and the CCRs. Their work in Section B, especially Question 9, showed they could identify key offences and apply the legislation to a doorstep-crime scenario.
- **Section B answers were generally well-structured**, with both candidates presenting logical narratives and recognising key consumer detriment indicators within the scenarios.

### Common Weaknesses

- **Time-management** – Both candidates overwrote on some Section A responses and consequently produced shorter, less detailed answers elsewhere, limiting their ability to score higher in the 35-mark questions.
- **Insufficient application to the question** – Candidates frequently quoted statutory wording or general definitions without applying them to the scenario or providing examples as required.
- **Mixing up or omitting key concepts** – Neither candidate addressed the DMCCA's new assumption about hidden information, and both missed elements such as targeted/vulnerable consumers, the full structure of the due diligence defence, and the CHIS authorisation process. Similar gaps occurred in distinguishing between different gateways, powers and statutory duties.
- **Lack of specificity and depth** – Both scripts lost marks for omitting examples from required statutory lists, failing to mention case law where expected, providing incomplete explanations of surveillance authorisation, and not supplying sufficiently detailed evidence lists or powers in Section B questions.

### Section A (Short-answer questions)

#### Question 1 – Average Consumer

*Attempted by 2 candidates | Mark range: 3*

The question required an explanation of the concept of the “average consumer” under the DMCCA. Both candidates gave a basic explanation covering the main definition, including reference to being reasonably well informed, reasonably observant and circumspect, but did not cover the new reference in DMCCA that they are assumed to lack knowledge of things the trader has hidden. Neither covered the average member of a targeted group or vulnerable persons which would have gained them the remaining marks for this question.

## **Question 2 – Intellectual Property**

*Attempted by 0 candidates | Mark range: n/a*

This question required a brief definition of intellectual property as creations of the mind that can be legally owned and protected, identification of two IP rights with the legislation that governs them, and examples of criminal offences relating to infringement.

Candidates were expected to refer to rights such as trade marks and copyright (TMA 1994, CDPA 1988) and outline common offences such as making or dealing with infringing copies or unauthorised use of a registered trade mark.

## **Question 3 – Secondary Ticketing**

*Attempted by 1 candidate | Mark range: 3*

The question required candidates to explain the statutory due diligence defence under fair-trading legislation, namely that it is available for strict-liability offences and allows a defendant to avoid liability where the offence was caused by another's act or omission, incorrect information, mistake, accident, or other uncontrollable circumstances, provided they had taken all reasonable precautions and exercised all due diligence.

Candidates were expected to note that the defence exists to prevent injustice in strict-liability regimes and to illustrate "reasonable precautions" through key case law such as *Tesco v Nattrass*, *Garrett v Boots* or similar examples. The candidate showed an understanding of the concept and gave some examples but did not go into sufficient detail in terms of the elements of the defence, and why it is available and did not show knowledge of case law.

## **Question 4 – Covert Human Intelligence Source**

*Attempted by 2 candidates | Mark range: 3 – 9*

The question required candidates to explain what constitutes a CHIS under RIPA/RIPSA, namely a person who establishes or maintains a covert relationship to obtain, access or disclose information, and to outline the authorisation required, including approval by the appropriate authorising officer (and judicial approval where applicable), with consideration of necessity, proportionality and collateral intrusion.

Candidates were also expected to give two clear trading-standards-relevant examples, such as the use of an undercover informant in counterfeit goods or doorstep-crime investigations. Answers should have included RIPA/RIPSA, the statutory definition or explain the components of the definition. The authorisation requirements were also incomplete, concepts such as necessity, proportionality and collateral intrusion were listed, but the authorisation process was not covered. Examples were limited to very general references without demonstrating how a CHIS would operate in practice in a trading standards context.

## **Question 5 – Data Protection**

*Attempted by 0 candidates | Mark range: n/a*

This question required a basic explanation of data protection as the fair and proper use of personal information, recognising the balance between individual privacy and wider societal interests.

Candidates were expected to identify that the law applies to any organisation processing personal data

for non-household purposes, and to outline the role of the ICO in regulating compliance, providing guidance, handling complaints, carrying out audits and taking enforcement action.

Full marks also required an explanation of how DPA 2018 and GDPR apply to Trading Standards work, including the lawful processing and sharing of personal data for prevention, investigation and enforcement of criminal offences, with relevant examples of TS situations where such processing is necessary.

### **Question 6 – The Caution**

*Attempted by 1 candidate | Mark range: 4*

The question required candidates to state the correct wording of the caution (for either E&W or Scotland), explain its meaning in clear terms, and to describe how to explain the caution if the suspect does not understand it. Full marks also required outlining the correct process for dealing with comments made outside caution (recording a significant comment, signing/dating, inviting the suspect to confirm or deny it during interview).

The candidate correctly reproduced the E&W caution wording, but the explanation of the caution's meaning was very limited and did not address adverse inferences, the right to silence, or how to break the wording down for a suspect who says they do not understand. The answer also did not set out the required process for dealing with comments made outside caution, resulting in several marks being missed.

### **Section B (35 mark questions)**

#### **Question 7 – EcoWise Living Supplies Ltd – Advisory letter, claims and CCRs**

*Attempted by 0 candidates | Mark range: n/a*

This question required candidates to draft an advisory letter covering potential breaches of the DMCCA 2024, including misleading price and promotion practices such as countdown timers that reset daily, BOGOF “free” items not supplied, and misleading actions relating to price advantage. It also required an outline of the implications of the Consumer Contracts Regulations 2013, including the need to provide all Schedule 2 information, ensure clear and accessible cancellation rights and processes, and supply cancellation forms.

Candidates were expected to discuss the requirements for accurate product claims, including avoiding misleading actions or omissions and ensuring environmental (“green”) claims comply with guidance such as the CMA’s Green Claims Code.

The question further sought an explanation of the trader’s liability for the actions of fulfilment and digital-design third parties, and how the due diligence defence operates where breaches arise from another’s act or default.

Finally, it required practical recommendations—such as reviewing promotions in line with CTSI pricing guidance, ensuring robust instructions for third-party fulfilment providers, displaying all mandatory website information, providing a clear cancellation route, and substantiating environmental claims

#### **Question 8 – GradeUp Gizmos -Counterfeit/lookalike goods and comparative advertising**

*Attempted by 0 candidates | Mark range: n/a*

This question required candidates to identify potential offences under the Trade Marks Act 1994 (such as offering or possessing for sale goods likely to be mistaken for a registered trade mark), as well as

breaches of the DMCCA 2024 including Schedule 20 prohibited practices—particularly promoting a product as being made by a well-known manufacturer when it is not—and misleading actions such as inaccurate price comparisons.

Candidates were also expected to recognise that the BPRs 2008 restrict comparative advertising where it is misleading or takes unfair advantage of a competitor's reputation or presents products as imitations.

In relation to immediate actions at the scene, candidates needed to outline the use of CRA 2015 Schedule 5 powers, including entering business premises without notice, seizing stock and signage, issuing seizure notices, and recording all observations in line with CPIA requirements.

For the follow-up steps, the expected answer included obtaining statements or requiring documents under CRA, using vehicle information for enquiries, and taking a statement from the TECH HUB manager. Finally, candidates were expected to consider Tony's conduct and discuss whether he may have obstructed officers or provided false information, whilst recognising that mere possession of goods is not in itself a DMCCA or BPR offence without intent to supply.

### **Question 9 – Jim the Roofer – Doorstep Crime**

*Attempted by 2 candidates | Mark range: 15 –19*

This question required an explanation of the potential criminal offences under the DMCCA 2024, including Schedule 20 prohibited practices such as making materially inaccurate safety-risk claims, as well as misleading actions about the need for repairs, severity of defects and price escalation, misleading omissions (failure to give material information), aggressive practices (threatening to remove tiles and pressuring for payment) and breaches of professional diligence.

Candidates also needed to identify that failure to give cancellation rights or required written information constitutes an offence under reg.19 of the Consumer Contracts Regulations 2013.

For part (b) the required answer was that following the roofer covertly constituted directed surveillance and candidates were expected to outline authorisation procedures (RIPA/RIPSA), the immediate-response exception, the need to seek authorisation within 24 hours, and to discuss proportionality and collateral intrusion.

Part (c) required a structured list of additional evidence: statements from the police officer and consumer, bank transfer details, communications data for the mobile number, digital evidence such as doorbell footage, an expert opinion on the roof, vehicle enquiries, and checks to confirm the address observed during surveillance, together with reference to appropriate CRA Schedule 5 powers and CPIA/PACE procedures when gathering and recording evidence.

Both candidates recognised the core doorstep-crime issues and correctly described the roofer's behaviour as misleading and aggressive, picking up key elements such as price escalation and threats. They each also identified that the scenario involved consumer detriment and began to outline relevant investigatory steps, showing an understanding that further evidence would be needed.

Neither candidate fully addressed the range of statutory offences under the DMCCA 2024, particularly the Schedule 20 prohibited practices and the significance of failing to provide material information. Both were also light on the CCR 2013 breaches, especially the reg.19 offence failure to provide cancellation rights. In the surveillance section, both candidates fell short of giving a complete explanation of directed surveillance, the legal test, and the authorisation process.

Finally, their evidence sections lacked full detail on powers and did not set out a complete list of evidence needed, such as comms data, expert roof inspection, or digital evidence handling.

## Question 10 – Advisory Letter to HighRoad Autos

Attempted by 2 candidates | Mark range: 8 -26

This question required candidates to outline a structured training session for supermarket managers and staff, covering the key legislation and guidance governing pricing and price promotions, including the Price Marking Order and the DMCCA.

Candidates needed to explain misleading actions, misleading omissions, banned practices, and unit pricing obligations, and to incorporate guidance such as the CMA/CTSI pricing principles, including reference pricing, multi-buy offers, time-limited deals and consistency across marketing channels. The question also required discussion of the operational considerations when developing promotions, such as clarity, transparency, substantiation of savings and fairness, as well as a clear explanation of why meticulous record-keeping is essential for compliance, due diligence, and responding to enforcement activity.

Both candidates demonstrated some understanding of the legislation governing pricing and promotions, with each identifying the relevance of the Price Marking Order and aspects of the DMCC. The weaker answer provided only a brief, high-level outline focused mainly on basic PMO requirements and a limited reference to misleading actions, with little detail on price promotions, guidance, or the role of internal systems and record-keeping.

The stronger answer included a far more thorough and structured response, covering DMCC offences, PMO requirements, CMA/CTSI Pricing Practices Guidance, detailed considerations for designing compliant promotions, consistency across marketing channels, and the operational importance of accurate and auditable record-keeping.

### 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, CCR Sch 2 items, etc.

**Quote the correct power** – differentiate clearly between CRA routine entry (para 23), and warrant (para 32) and other powers used.

**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.