

CTSI Professional Competency Framework (CPCF) written examination

Unit 1: Regulatory Environment and Enforcement

May 2021

Guidance for this examination

Please ensure that you indicate, on the front of your 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 **five** pages, including this front sheet.*

Section A

Candidates should attempt to answer three questions.

Each question carries ten marks.

Total: 30 marks.

1. Many trading standards' criminal offences are 'triable either way'. In what courts will these cases be heard and what are the processes that will decide which court will be used?
(10 marks)

2. Many consumers will tell you that "shops must sell goods at whatever they are priced, even if it is the wrong price". Explain the process that leads to the formation of a contract, to explain why that is not true. Use relevant case law to illustrate your answer.
(10 marks)

3. How has the Consumer Rights Act 2015 made businesses liable for what they say to consumers when they contract for a service? Explain the rights that the consumer has and what remedies are available if these are broken.
(10 marks)

4. **Answer both parts:**
 - (a) Describe the elements, using practical examples and relevant case law, needed to prove a misrepresentation.
(7 marks)

 - (b) Describe the three types of misrepresentation.
(3 marks)(total of 10 marks)

5. What is case law? In the context of criminal law, do all courts have to follow it? What is the hierarchy of the criminal courts? Explain one of the rules of statutory interpretation used by the courts.
(10 marks)

6. What mechanisms are in place, in the Consumer Rights Act 2015, to prevent a trader from taking away a consumer's statutory rights under the Consumer Rights Act 2015? How are these enforced and by whom?
(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. You work for a local authority Trading Standards Service and you have been approached by Siobhan for advice concerning a new business that she has opened, selling new furniture and floor coverings. In particular, she wants to know what she has to do if consumers return items that they claim to be faulty.

Write a letter to Siobhan, explaining how the Consumer Rights Act 2015 would apply to her business. In particular:

- (a) Explain the consumer rights that would be relevant to her business. (15 marks)
- (b) Explain the remedies that consumers would have if the goods did not conform. (20 marks)
(total of 35 marks)

8. Prepare a briefing paper on the Regulators' Code for a group of new Councillors, whose committee will be responsible for Trading Standards. Your briefing should contain the following information:

- (a) Why Trading Standards must have regard to the Code. (5 marks)
- (b) The standards that the Code expects for Trading Standards regulatory activities, and what they mean in practical terms. (30 marks)
(total of 35 marks)

Section B continues over the page.

9. Martin has driven into his local town to do some shopping and to visit his local hardware store, Harry's Hardware, to collect some shears that he had taken in for sharpening. He also wanted to return some paint that he had bought to paint his outdoor chairs, but which was totally unsuitable for the job.

Martin parked in the supermarket car park, just across the road from Harry's Hardware, and popped into buy some groceries. As he walked back to his car, he was shocked to see a long line of trolleys heading towards his car; the member of staff who was moving them had lost control. Luckily, other bystanders were able to stop the out-of-control trolley line, but not before the trolleys had hit and broken the glass in the rear light cluster of Martin's car. Martin went back into the supermarket to complain to the Manager and ask the supermarket to pay for the damage. The Manager said it would not do that as people parked in the car park at their own risk but, as a gesture of goodwill, he offered a voucher, worth £25, to use in the supermarket. Martin said that he would not be shopping there again and said that he would seek further advice about who should pay for the damage.

Martin walked across to Harry's Hardware. He saw Harry at the counter and asked for his shears that he had left for sharpening. As soon as he was handed them, he could see that whoever had tried the sharpen them had completely damaged the cutting edge. He pointed this out to Martin, who said that the work was carried out by a local man, Norman Sharp, and he should take the matter up with him. He also said that Martin would not get his shears back until he paid the £6.50 owing.

Martin then handed Harry the tin of paint that he purchased the week before. He explained to Harry that he had sought his advice before buying the paint; he said that he wanted it for painting some metal outdoor chairs and this was what Harry had recommended. Martin explained that he started to use the paint on the chairs and found that it was not drying. When he checked on the tin, the instructions said that it was suitable for outdoor wooden furniture only. Harry said that he would not refund Martin because he had opened the paint and there was nothing wrong with it; it wasn't his fault if Martin had not read the instructions before applying the paint.

When he got home, Martin found a note through his letterbox from the local Farm Park. One of their llamas had escaped, and they were offering a £50 reward for anyone who could find the llama and secure it ready for their collection. When Martin looked out on to his garden, he saw the llama on his lawn eating his prize dahlias. Despite being spat at, Martin was able to tie a rope around the llama and secure it against the rotary clothes drier, where it could only eat grass and not his favourite flowers. Martin rang the Farm Park and someone came immediately to collect the llama. Martin asked about the reward, saying it would pay for some new plants, but the member of staff said that they always said that when an animal escaped, but didn't pay because it was what any good neighbour would do.

Analyse Martin's legal position using contract law, negligence/delict and the Consumer Rights Act 2015.

(35 marks)

Section B continues over the page.

10. The sale of second-hand cars is a major area of complaint for UK consumers.

- (a) With reference to any relevant case law, explain how the definition of satisfactory quality can be applied to decide whether a used car is in conformance with the contract. (20 marks)
- (b) How are a consumer's remedies different when a motor vehicle is involved? (5 marks)
- (c) What other routes are available to the buyer and seller to avoid taking their dispute to court, and what might be the benefits or risks of using these instead? (10 marks)
- (total of 35 marks)

Section B total of 70 marks.

END OF EXAMINATION PAPER.