

CTSI Professional Competency Framework (CPCF) written examination

Unit 3: Trading Standards Law 1

September 2020

Guidance for this examination

Please ensure that you indicate, by ticking (✓) the relevant box on the front of your examination 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 1 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. The concept of the 'transactional decision' was introduced by The Consumer Protection from Unfair Trading Regulations 2008. Using examples and case law, explain what is meant by this term.

(10 marks)

2. The Price Marking Order 2004 stipulates how prices of products must be indicated to consumers.
 - a. Outline the meaning of the terms 'selling price' and 'unit price'.

(4 marks)
 - b. How must these prices be indicated to consumers?

(6 marks)

(total 10 marks)

3. Surveillance is a valuable tool for investigators. Outline how its use is governed by legislation and why this safeguard is necessary.

(10 marks)

4. Discuss the steps that an online retailer of age restricted products could take to prevent sales being made to a person under the legal age limit.

(10 marks)

5. To what types of contracts do The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 apply?

(10 marks)

6. With reference to The Business Protection from Misleading Marketing Regulations 2008, explain what is meant by 'comparative advertising' and when it is permitted?

(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 are a Trading Standards officer at Manbury City Council. You have received a complaint from Miss Dollins, regarding a vehicle description. The complainant alleges that she purchased a car from an individual called Phil Cole, after seeing an advert on social media platform Facegram.

She can no longer find the advert, but it stated that the car, a Ford Fiesta, was in excellent condition, one careful previous owner and had a mileage of 18,000 miles. Miss Dollins spoke to Phil on the phone, who said that the car was an excellent runner and he'd had lots of enquiries about it, so it would sell quickly. As she was keen to purchase the car, Miss Dollins agreed to pay a £100 holding deposit by bank transfer to Phil, and arranged to test drive the car three days later.

Phil gave Miss Dollins the address of Den's Deals, a local car dealer, and he was in the office when she arrived three days later. After the test drive, Miss Dollins agreed to purchase the car for the advertised price of £3,500, Phil said that the £100 deposit was already taken off the listed price. Miss Dollins wrote a cheque to Den's Deals.

Four weeks later, the car broke down and was taken to a garage. They informed Miss Dollins that the car is a Category C insurance write-off and has travelled 118,000 miles. Miss Dollins has not been able to contact Phil as his profile has been deleted from Facegram. Interrogation of complaints data shows seven similar complaints.

- a. Apply the provisions of The Consumer Protection from Unfair Trading Regulations 2008 and outline the offences that appear to have been committed.
(10 marks)
- b. Identify the evidence that you will need to obtain in order to prove the offences, and what powers you will need to exercise to obtain it.
(15 marks)
- c. Explain how an enforcement authority could take civil action in this case and outline the process for doing so.
(10 marks)

(Total 35 marks)

Section B continues over the page.

8. Simon Slick, the Director of local estate agent Forever Homes Ltd, has contacted your department and asked whether you can provide some guidance in relation to the legislation that affects his business, and due diligence. The business is engaged in selling both residential and commercial properties via its three offices and also advertises on its own website, as well as on third party websites.

Mr. Slick states that he is not familiar with the Trading Standards legislation that controls how he describes the properties they sell. Currently, sales' agents ask vendors to complete a questionnaire, the answers of which are used to draft the particulars for the adverts.

The company is not carrying out any of its own checks on the details given, as vendors are asked to sign to take responsibility. Mr Slick has recently found out that this would not provide them with a defence.

Prepare some written guidance for Mr Slick, using examples and case law, explaining:

- a. the legislation in relation to property sales and descriptions;
(15 marks)
- b. what is meant by the due diligence defence and what reasonable steps Forever Homes Ltd can take to avoid committing offences.
(20 marks)

(total 35 marks)

9. You are the Primary Authority Officer for SuperSave, a national supermarket chain which has 150 shops nationwide and an online store. SuperSave has weekly offers, including buy one get one free, 3 for 2, "pound deals", as well as various items subject to price reductions, throughout the store.

A weekly leaflet advertising these deals is distributed nationally, directly to consumers. Following a recent audit, it became apparent that records of price changes were not always retained by staff, in accordance with company policy.

SuperSave would like you to deliver a course to all managers and staff involved in developing offers and managing in-store price indications. The course should provide a thorough explanation of the legislation and associated guidance in relation to pricing and price promotions, the things that should be considered when developing promotions and why proper record keeping is essential.

Prepare an outline of the training session that you will deliver.

(35 marks)

Section B continues over the page.

10. Maureen is an 82-year-old widow. One afternoon, a man called at her home and introduced himself as Paul from National Surveys. He asked if she would take ten minutes to complete a survey about her lifestyle. Maureen agreed and let the man into her house, where he asked her a number of questions about her house, financial position, health, shopping habits and daily routine. It took 45 minutes, in total. The man then said he had noticed the old windows in the property and that their company had a special deal with Windows R Us; she could get 40% off the cost and new windows would cut her heating bills in half. Maureen told Paul that she would like to think about it, but he told her that the deal was only valid for another few days, so she eventually agreed that he could arrange for Windows R Us to provide a quote.

One evening during the next week, a salesman from Windows R Us, who said his name was Dave, visited Maureen and showed her brochures of windows and doors, and measured the windows in the property. Dave told Maureen that the windows were rated as the most energy efficient in tests by the Environment Agency. Dave provided a written quote to Maureen with a total of £10,000 and asked if she would like to book a date for installation. Maureen said that she would like it doing as soon as possible. Dave then said they had space the following Friday, as a job had been postponed, and the windows Maureen needed were in stock. He wrote the date on the quote and asked Maureen to sign it. Maureen then remembered about the 40% discount from National Surveys and asked Dave about it. He said that the discount would be applied when she received her invoice. Dave gave Maureen the quote but no other paperwork was provided.

The next week, Maureen was having second thoughts and contacted Windows R Us. They tell her that she cannot cancel as the windows have been made to order. Three men from Windows R Us arrived at 7am on the Friday morning and installed the windows. Maureen was given an invoice for £11,000 which listed the 40% discount from the original £10,000, but admin, delivery and installation costs had been added to this. Maureen queried this but was told that the 40% only applied to the standard windows and not to the additional costs of delivery and installation. She is told by the installation team that she must pay, by bank transfer or cash, before they leave – otherwise the windows will be removed immediately. Maureen ‘phones Trading Standards for advice, and, due to her age and situation, it is allocated to you to visit. Police presence has been requested, as Maureen felt threatened.

When you arrive, Police Officers are present and have a man, who said he was the boss, in the back of their van. They ask whether you want him to be arrested and taken to the station. You go and see Maureen, who is upset and confused and says she wishes she had never agreed to fill out the survey as it’s been nothing but trouble. She has had people ‘phoning her to sell other things and some letters about investments.

- a. Explain to the Police Officer the potential offences that appear to have been committed by Windows R Us and consider whether you are able to ask the police to have the man arrested and for what purpose. (20 marks)
- a. What actions will you take whilst at Maureen’s house? (10 marks)
- b. What, if any, offences have been committed by National Surveys? (5 Marks)
(total 35 marks)

Section B total of 70 marks.

END OF EXAMINATION PAPER.