

CTSI Professional Competency Framework (CPCF) written examination

Unit 3: Trading Standards Law Part 1

November 2019

Guidance for this examination

Please ensure that you indicate, by writing 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 part 1 paper is a **closed book**; no materials are permitted to be taken into the examination room.

*The examination paper has **six** pages, including this front sheet.*

Exam: Trading Standards Law part 1

Exam cycle: Nov 2019

Date: 15 November 2019

Reading time: 10 minutes

Time: 10:00 – 12:00

Max.: 100 marks

Section A

Candidates should attempt to answer three questions.

Each question carries 10 marks.

Total: 30 marks.

1. Using case law, explain what is meant by a “commercial practice” in The Consumer Protection from Unfair Trading Regulations 2008.

(10 marks)

2. “The work of innovators, creators and inventors sits at the heart of the Government’s Industrial Strategy. Their ideas, supported by a stable business environment, offers us the opportunity to build on our strengths as we plan for a future outside the EU. Enforcing and protecting IP rights is undoubtedly one of these strengths”.

(Sam Gyimah, Minister of State for Universities, Science, Research and Innovation. IP Crime Report 2017-18)

 - (a) Briefly explain the meaning of intellectual property.

(3 marks)
 - (b) Identify the different types of intellectual property rights and the legislation that protects them in the UK.

(4 marks)
 - (c) Which breaches of intellectual property rights are criminal offences?

(3 marks)

(total 10 marks)

3. Schedule 5 of the Consumer Rights Act 2015 contains the enforcer’s power to enter any premises without a warrant. Para 23(3) states that, if it is a routine inspection, the enforcer must give notice to the occupier, and there must be two working days between giving notice and entry.
 - (a) What information must the notice contain.

(2 marks)
 - (b) In what circumstances can an enforcer enter without notice? Give examples of each.

(8 marks)

(total 10 marks)

Section A continues over the page.

4. Most of the offences under The Consumer Protection from Unfair Trading Regulations 2008 are strict liability. Using case law, briefly explain what is meant by a strict liability offence, and the defence of due diligence.

(10 marks)

5. "When investigating criminal offences, Trading Standards personnel must ensure that they comply with a range of legislation governing the investigatory process, such as legislation governing human rights, the regulation of investigatory powers and data protection."

Briefly explain two of the pieces of legislation with which Trading Standards must comply when carrying out a criminal investigation.

(10 marks)

6. You are investigating complaints that older people are being cold-called over the telephone and offered a range of products to aid independent living. When the products arrive, they are poor quality. Consumers are then called repeatedly to sell further products. The invoice gives a return address, in your area, which is known to be a fulfilment company. With reference to the Consumer Rights Act 2015, Data Protection Act 2018 and The General Data Protection Regulation 2016:

(a) explain what information you could request from the fulfilment company;

(4 marks)

(b) who could you share this information with and in what circumstances?

(6 marks)

(total 10 marks)

Section A total: 30 marks

End of Section A.

Section B

Candidates should attempt to answer two questions.

Each question carries 35 marks.

Total: 70 marks.

7. Simon Slick, the Managing Director of Comfy Furniture Stores, has contacted your department and asked whether you can deliver a training session to his sales and marketing team on the legislation that affects their part of the business. He tells you that the team is made up of some new members, and others who specialise in marketing through the media and in-store. He is particularly concerned about their price promotions, because he says that his company is not being aggressive enough when competing with some of the other brands on the marketplace.

Prepare a plan for your session, identifying the relevant legislation and the key points/example that you will discuss.

(35 marks)

Section B continues over the page.

8. You receive a request from a local double glazing company, Windows 'R' Us, for advice on how The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 apply to their business.

The manager informs you that they have a team of sales staff who carry out door-to-door canvassing, take telephone enquiries and orders, and deal with orders from the website as well as their showroom. For most orders, measurements will be taken by the sales person, to provide the quote. The consumers are given a discount of 10% if they sign at the time, or they can take up to seven days to decide and confirm by calling into the offices of Window 'R' Us, or telephoning the sales team.

As soon as the order is confirmed, the windows are ordered from the manufacturer and can't be cancelled. Standard sizes are available on next day delivery, but special sizes are made to order and take anywhere from two to six weeks. Windows 'R' Us have also expanded their range and have just begun supplying and fitting guttering and fascias.

Write a letter to Window 'R' Us to explain the requirements of the legislation and the consequences of breaching them.

(35 marks)

9. (a) Explain your powers when enforcing legislation, such as The Consumer Protection from Unfair Trading Regulations 2008.

(b) You are planning a visit to a business which has been ignoring your advice with regard to in-store price promotions. You plan to visit to seize examples of the advertising material that they are using, but have asked the Police to provide an Officer to accompany you as the Store Manager was quite obstructive last time you visited. The Police Officer has asked for more details and whether you can enter the premises without notice and without obtaining a 'search warrant'. Explain, with reference to applicable case law, the powers you have and how you intend to carry out the visit and seizure.

(20 marks)

(total 35 marks)

Section B continues over the page.

10. You visit Alan. He tells you that a man came to his door last week with a leaflet and asked whether he needed any work doing in his garden. He agreed for the trader to cut the grass. He was not given any other paperwork or a price.

After an hour, the trader spoke to Alan again and said that two of the trees at the front were overhanging the footpath and need trimming. He told Alan that he would get into trouble with the council if he did not have them cut back.

At lunchtime the trader asked if Alan could pay then, as he didn't have any money for his lunch; he asked for £150. Alan was shocked by this as he thought the grass cutting of the lawn was £20, as it said on the leaflet, and had not been given a price for the trees.

The trader said it was an old leaflet and the £20 for lawn mowing was only if it was under 25m². Alan only had £50 in cash so offered to pay by cheque. At this point, the trader became agitated and said that he didn't take cheques, only cash, and would take Alan to his bank. Not wanting to make the situation worse, Alan agreed to go with the man to the bank.

Alan withdrew the cash and handed it to the man, who then went into a shop to buy his lunch. Back at Alan's house, the trader said that he had to go to pick up his boss and would return.

The next morning, the man and another man arrived and started clearing the branches. When they had finished, the second man knocked on Alan's door and said that it was going to cost another £50 to get rid of the branches. Alan said he wasn't paying any more and began to shut the door, but the man moved closer and put his foot in the doorway; he shouted "if you don't pay we'll dump all the branches back on to the footpath". Alan reluctantly paid another £50 as he felt intimidated. The trader drove off. The front lawn was still untouched and the trees looked uneven.

Apply the provisions of The Consumer Protection from Unfair Trading Regulations 2008 and The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 to this scenario, and identify offences that have been committed. Outline what evidence you will need to gather and any powers you will need to use to obtain it.

(35 marks)

Section B total of 70 marks

End of examination paper.