

CTSI Professional Competency Framework (CPCF) written examination

Unit 3: Trading Standards Law 1

September 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 Trading Standards Law 1 paper is a **closed book**; no materials are permitted to be taken into the examination room.

An additional 10 minutes of reading time is allowed at the start of the examination.
You may highlight, underline and make notes on the EXAM PAPER ONLY

The examination paper has 7 pages, including this front sheet.

Section A

Candidates should attempt to answer three questions.

Each question carries ten marks.

Total: 30 marks.

1. The Consumer Protection from Unfair Trading Regulations 2008 prohibit 'aggressive practices'. Explain what is meant by this term, using examples to illustrate your answer. (10 marks)

2. What is meant by the term 'continuity of evidence'? Why is it important and how would you demonstrate this? (10 marks)

3. Trading Standards Officers have numerous powers when enforcing consumer protection legislation. Explain how you would request information about a business or suspect from a third party. What are the consequences if the information is not provided? (10 marks)

4. The majority of consumer protection legislation contains a 'due diligence defence'. Why do we have this defence? Using case law, provide examples of how it applies in practice. (10 marks)

5. The Investigatory Powers Act 2016 covers public authorities' access to communications data. Outline what is meant by communications data and explain the types of communications data that are available to Trading Standards Officers, using examples to illustrate your answer. (10 marks)

6. Explain the meaning of the terms 'on premises' and 'off premises' contracts in The Consumer Contracts (Information, Cancellation and Additional Requirements) Regulations 2013. How are these different types of contract treated differently by the Regulations, and why? (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. Rodney Delany, the Managing Director of Rod's Revs Ltd, has contacted your department and asked whether you can deliver a training session to his team on the legislation that affects the sale of used cars. He tells you that the business specialises in high performance second-hand vehicles, and the team is made up of 25 staff who deal with sourcing the vehicle stock, and others who specialise in sales at their four showrooms and marketing through the media. They currently list vehicles in both print and online classified advertising, but are about to set up their own website and offer a full online service with delivery to customers' homes. Rodney would like you to explain whether there are any additional legal requirements that he needs to consider.

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

(35 marks)

Section B continues over the page.

8. Gurdeep Ahmed is a 75-year-old pensioner who lives alone. He is still active but suffers from a bad back, which is becoming increasingly problematic. One day, he received a booklet through the door advertising reclining chairs, adjustable mattresses and other similar products, from 'MaxComfort'.

One product was described as:

“Fully adjustable reclining armchair, heat and massage function, luxury fabric and leather options, approved by the British Association of Orthopaedic Products.” The photograph of the product showed two variations – one fabric and one leather – both with illustrations indicating heat and massage functions. Across the top of the page, there was a banner which said **“limited offer better than half price”**. Next to the product was, **“Original price £1599, then £1299 now £795”**.

On the back of the brochure was the following:

“Try before you buy, give our products a 7 day test drive before you commit. We will deliver to your door and one of our consultants will set up the product and talk you through the functions so you can trial it in your own home. Book with you local consultant now on 01987 456 000”

Gurdeep decided to phone and book a trial. It still seemed like a lot of money but it was a good deal, and he would only buy it if it helped his back after the trial. He got an appointment for the next afternoon.

When the consultant, John, arrived, he said the van would be arriving with the chair in 15 minutes, so he'd get the paperwork done. Gurdeep invited him in, and John began chatting and was friendly. He asked Gurdeep for some more details and about his back problems. John showed Gurdeep some fabric and leather samples and asked him which ones he liked. Gurdeep chose a black leather and John made a note. The van arrived and two more men unloaded a chair and put it in Gurdeep's front room. John said he'd call to check how he was getting on, and they left.

The next day, John phoned Gurdeep and asked him how everything was with the chair. Gurdeep said he'd only used it for an hour so far but it was very comfortable. The following morning, John phoned again and asked if Gurdeep wanted to place an order, as the offer would finish the next day.

Gurdeep thought he had seven days for the trial, but John that said after next day the price would go up. Gurdeep said he would think about it.

Question continues on the next page

That afternoon, John knocked on Gurdeep's door. He said he was passing and thought he would drop in to see whether Gurdeep had made a decision. Gurdeep said that he really wanted more time to try the product, but it was easing the stiffness in his back. John said that he could only do the special price until the end of the day, and that he really needed to make some sales or his boss was threatening to sack him. He had other customers waiting to try and couldn't waste any more time with Gurdeep. Gurdeep felt guilty that he had wasted John's time and wouldn't want to see anyone lose their job, He did like the chair and decided to order. John said that he'd already made a note that he wanted the black leather option, and took Gurdeep's credit card details. He handed Gurdeep an order form stating "black leather adjustable chair £795".

Four weeks later, a reclining black leather armchair was delivered. It did not have a heat or massage function, so Gurdeep phoned them, to complain, on the number that he had used before, but it was not in use. He did not have any other paperwork with any address for the business.

- a) Apply the provisions of The Consumer Protection from Unfair Trading Regulations 2008 and The Consumer Contracts (information, Cancellation and Additional Charges) Regulations 2013, and outline the potential offences.

(20 marks)

- b) What evidence do you need to prove the offences and how will you obtain it?

(15 marks)

(total 35 marks)

Section B continues on the next page

9. Your manager asks you to undertake a project looking at compliance with pricing legislation in your local area, as there have been complaints about some of the shops. You are to cover a range of retailers, including small convenience stores and grocers, large supermarkets, diy and homeware stores, and discount stores.

- a) Identify the provisions of The Price Marking Order, The Consumer Protection from Unfair Trading Regulations and the CTSI Guidance for Traders on Pricing Practices that will apply to these businesses, and prepare a plan of what you will cover on your visit.

(15marks)

- b) Consider your powers under the Consumer Rights Act 2015, and identify which powers you will exercise, and any documentation you are required to provide.

(15 marks)

Whilst out on your visits, you find a shop that is not on your list – Bargain Basement. In the window, it has various posters with photographs of well known branded food products, such as Heinz Baked Beans, stating “Tesbury’s Price £xx Bargain Basement price £xx”. All the posters showed between 25% and 50% lower prices for Bargain Basement. Tesbury’s is a national supermarket chain. Just inside the window, you can see a stack of cans with no labels and a handwritten sign that says “Hienz Beanz”.

- c) Explain the offences which may have been committed (ignoring food labelling legislation).

(5 Marks)

(total 35 marks)

Section B continues over the page.

10. You have received numerous complaints from consumers about a local hairdressers selling counterfeit jewellery and handbags.

One of the complaints is from an ex-member of staff, Jane, who says that the owner of the hairdressers, Lucy Locket, has been selling items to customers in the salon as well as on Instagram, the social media platform, for a few years and is making thousands of pounds per month. She orders the stock from a man called MJ, who then delivers it to her house every Sunday. Customers can either collect from Lucy's house or from the salon.

You have also received a report from the Brand Manager of luxury handbag brand Dolce Vita. She has used a covert identity to purchase a handbag through Instagram and has confirmed that it is counterfeit.

Your manager instructs you to sit outside Lucy's house in your car all day on Sunday and to plan an operation, with local Police support, to seize the goods if there is a delivery.

- a) Explain the formal process that you will need to undertake before you attend to observe Lucy's house on Sunday, and why these additional requirements are in place.

(10 marks)

- b) You contact the local policing team, explain to the Police officer the offences and the powers that you have under the Consumer Rights Act 2015 to enter both the salon and Lucy's home address.

(15 marks)

- c) The officer tells you that they will accompany you and make any necessary arrests, subject to you obtaining a warrant for entering Lucy's house. What information will you need to make your application?

(10 marks)

(total 35 marks)

Section B total of 70 marks.

END OF EXAMINATION PAPER.