

Service Delivery Module: **Fair Trading Criminal**

Number of written papers:	1
Written Exam duration:	3 hours
Updated/ Reviewed:	April 2016

NOTE: The legislation outlined in this syllabus is not an exhaustive list. Candidates will be required to answer questions in accordance with this syllabus.

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 which are not yet in force if they are directly relevant to the subject-matter of the examination.

Aim:

To provide candidates with in depth knowledge of key consumer protection legislation and concepts. An understanding of the range of criminal legislative mechanisms and injunctive powers available to Trading Standards Services as a means of securing a fair trading environment. An appreciation of the practical application of the law as an enforcement tool and the ability to critically appraise the effectiveness of relevant legislation as a means of consumer protection

Learning Outcomes:

1. The competence for this module is the demonstration of knowledge and understanding of
2. The range of legislative mechanisms available to Trading Standards Services as a means of securing compliance in a fair trading environment
3. The responsibilities, precautions and diligence requirements applicable to those involved in businesses selling goods and services to consumers, including those trading in the package travel industry and the sale of property
4. The application of the laws relating to the pricing and description of goods and services
5. The appropriate means of tackling rogue trader activity and recognising scams and the available options for consumer protection
6. The relationship between the criminal and civil provisions of the relevant legislation and the knowledge of offences, powers and sanctions available for the control of trade practices and maintenance of a fair trading environment

Indicative areas of knowledge

The range, extent and limitations of enforcement powers under relevant legislation including injunctive action

Statutory defences and the application of disclaimers and case law

The roles of enforcement agencies and their inter-relationships with the Trading Standards Service so as to ensure the most effective approach to securing a fair trading environment

The following terms have been used to indicate the level of knowledge required in each element;

Detailed: To an in-depth level, and with a fine degree of distinction between concepts

Working: With the ability to apply the learning to situations so as to resolve problems

Basic: Having an awareness of the organisations and concepts

Assessments will reflect the requisite level of knowledge in each given area of the syllabus.

Syllabus

Legislation

A detailed knowledge of:

- Consumer Protection from Unfair Trading Regulations 2008 (as amended by the Consumer Protection (Amendment) Regulations 2014)
- Price Marking Order 2004
- The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- The range, extent and limitations of enforcement powers for the above legislation as implemented by the Consumer Rights Act 2015
- Definitions, scope, offences, the due diligence defence and other statutory defences relating to the above legislation

A working knowledge of:

- The Package Travel, Package Holidays and Package Tours Regulations 1992 (criminal provisions)
- The Hallmarking Act 1973
- The Estate Agents Act 1979 and subordinate legislation
- The Unsolicited Goods and Services Act 1971
- The Fraud Act 2006 (English and Welsh candidates only)

- Companies Act 2006 part 41 and The Companies (Trading Disclosures) Regulations 2008
- Business Protection from Misleading Marketing Regulations 2008
- The Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
- The Price Indications (Bureaux de Change) (No. 2) Regulations 1992
- The Video Recordings Act 1984 as revived by the Video Recording Act 2010
- The range, extent and limitations of enforcement powers under the above legislation
- Definitions, scope, offences, the due diligence defence and other statutory defences relating to the above legislation
- Education Reform Act 1988 ss 214 – 217
- Enterprise Act 2001 Part 8 and Part 9
- Subordinate legislation, codes of practice and relevant case law relating to the above legislation
- The range, extent and limitations of enforcement powers for the above legislation as implemented by the Consumer Rights Act 2015

A basic knowledge of:

- The Energy Performance of Buildings (Certificates and Inspections) (England & Wales) Regulations 2012 (as amended) in relation to Energy Performance Certificates (English and Welsh Candidates only), or Part 3 of the Housing (Scotland) Act 2006 Energy Performance of Buildings (Scotland) Regulations 2005
- The Provision of Services Regulations 2009
- The Consumer Rights (Payments Surcharges) Regulations 2012

General:

A working knowledge of:

- Relevant EU Directives and regulations
- The structure and foundation of law
- The evidential requirements and admissibility of evidence
- The relevant aspects relating to the structure and workings of central and local government
- Government policy, guidance, reports, practice and papers relevant to this subject area.