

Memo: Business & General Info

I.F.E.D.A. MEMBERS INFORMATION ADVICE/UPDATE

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Number 18

The Consumer Protection from Unfair Trading Regulations 2007

Members should be aware that The Consumer Protection from Unfair Trading Regulations came into force on 26th May 2008.

Whilst the document deals with safeguarding consumer interests and much of our trading is business to business and therefore not covered by the regulation your attention is drawn to *Schedule 1 prohibitions 1 4* i.e. commercial practices which are considered unfair in all circumstances and which are prohibited.

1. Claiming to be a signatory to a code of conduct when the trader is not. Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorization. Claiming a code of conduct has an endorsement from a public or other body which it does not have. Claiming that a trader (including his commercial practices) or a product has been approved, endorsed or authorized by a public or private body when the trader, the commercial practices or the product have not or making such a claim without complying with the terms of the approval, endorsement or authorization. **e.g. A fire protection engineer states that he is a member of BAFE when he is not. This would breach the CPRs**

Your attention is also drawn to General Prohibition of Unfair Commercial Practices (Regulation 3) and specifically the prohibition of practices that contravene the requirements of professional diligence. Professional diligence is a catchall and is defined as:

the standard of special skill and care which a trader may reasonably be expected to exercise towards consumers which is commensurate with either (a) honest market practice in the trader's field of activity, or (b) the general principle of good faith in the trader's field of activity, or both.

The penalties for breaches of the above are 1. on conviction a fine not exceeding 5000 or 2. on conviction of indictment, a fine as above or imprisonment not exceeding two years.

If you become aware of breaches of the above regulations you can either report them to your local Trading Standards, to The Office of Fair Trading or to the IFEDA office.

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