CONSUMER PROTECTION

The Consumer Protection from Unfair Trading Regulations 2008

Made - - - - 2008
Coming into force 26th May 2008

THE CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008

PART 1
GENERAL

1. Citation and commencement
2. Interpretation

PART 2
PROHIBITIONS

3. Prohibition of unfair commercial practices
4. Prohibition of the promotion of unfair commercial practices
5. Misleading actions
6. Misleading omissions
7. Aggressive commercial practices

PART 3
OFFENCES

8. Offences relating to unfair commercial practices
9. A trader is guilty of an offence if he engages...
10. A trader is guilty of an offence if he engages...
11. A trader is guilty of an offence if he engages...
12. A trader is guilty of an offence if he engages...
13. Penalty for offences
14. Time limit for prosecution
15. Offences committed by bodies of persons
16. Offence due to the default of another person
17. Due diligence defence
18. Innocent publication of advertisement defence

PART 4

ENFORCEMENT

19. Duty to enforce
20. Power to make test purchases
21. Power of entry and investigation, etc.
22. Power to enter premises with a warrant
23. Obstruction of authorised officers
24. Notice of test and intended proceedings
25. Compensation
27. Evidence as to factual claims

PART 5

SUPPLEMENTARY

28. Crown
29. Validity of agreements
30. Amendments, repeals and transitional and saving provisions

Signature

SCHEDULE 1 — Commercial practices which are in all circumstances considered unfair
1. Claiming to be a signatory to a code of conduct...
2. Displaying a trust mark, quality mark or equivalent without having...
3. Claiming that a code of conduct has an endorsement from...
4. Claiming that a trader (including his commercial practices) or a...
5. Making an invitation to purchase products at a specified price...
6. Making an invitation to purchase products at a specified price...
7. Falsely stating that a product will only be available for...
8. Undertaking to provide after-sales service to consumers with whom the...
9. Stating or otherwise creating the impression that a product can...
10. Presenting rights given to consumers in law as a distinctive...
11. Using editorial content in the media to promote a product...
12. Making a materially inaccurate claim concerning the nature and extent...
13. Promoting a product similar to a product made by a...
14. Establishing, operating or promoting a pyramid promotional scheme where a...
15. Claiming that the trader is about to cease trading or...
16. Claiming that products are able to facilitate winning in games...
17. Falsely claiming that a product is able to cure illnesses,....
18. Passing on materially inaccurate information on market conditions or on...
19. Claiming in a commercial practice to offer a competition or...
20. Describing a product as ‘gratis’, ‘free’, ‘without charge’ or similar...
21. Including in marketing material an invoice or similar document seeking...
22. Falsely claiming or creating the impression that the trader is...
23. Creating the false impression that after-sales service in relation to...
24. Creating the impression that the consumer cannot leave the premises...
25. Conducting personal visits to the consumer’s home ignoring the consumer’s...
26. Making persistent and unwanted solicitations by telephone, fax, e-mail or...
27. Requiring a consumer who wishes to claim on an insurance...
28. Including in an advertisement a direct exhortation to children to...
29. Demanding immediate or deferred payment for or the return or...
30. Explicitly informing a consumer that if he does not buy...
31. Creating the false impression that the consumer has already won,...

SCHEDULE 2 — Amendments

PART 1 — Amendments to Acts
1. Anglo-Portuguese Commercial Treaty Act 1914
2. Anglo-Portuguese Commercial Treaty Act 1916
3. Fraudulent Mediums Act 1951
4. Trading Representations (Disabled Persons) Act 1958
5. Trading Representations (Disabled Persons) Act (Northern Ireland) 1958
7. Trade Descriptions Act 1968
8. The following provisions shall cease to have effect—
9. In section 1, for subsection (2) substitute—
10. In section 12 (false representations as to royal approval or...
11. In section 38 (orders), in subsection (3), for the words...
12. In section 39 (interpretation), in subsection (1), for “2 to...
15. Fair Trading Act 1973
16. Hallmarking Act 1973
17. Consumer Credit Act 1974
18. Section 46 (false or misleading advertisements) shall cease to have...
19. In section 77 (duty to give information to debtor under...
20. In section 78 (duty to give information to debtor under...
21. In section 79 (duty to give hirer information), in subsection...
22. In section 85 (duty on issue of new credit tokens),...
23. In section 97 (duty to give information), in subsection (3),...
24. In section 103 (termination statements)— (a) omit subsection (5), and...
25. In section 107 (duty to give information to surety under...
26. In section 108 (duty to give information to surety under...
27. In section 109 (duty to give information to surety under...
28. In section 110 (duty to give information to debtor or...
29. Telecommunications Act 1984
30. Companies Act 1985
31. Weights and Measures Act 1985
32. Airports Act 1986
33. Consumer Protection Act 1987
34. Sections 20 to 26 (misleading price indications) shall cease to...
35. In section 39 (defence of due diligence), in subsection (5),...
36. In section 46 (meaning of “supply”), in subsection (7), for...
37. In section 49 (Northern Ireland), in subsection (1)(a), for “Parts...
38. County of Cleveland Act 1987
40. In section 114A (forfeiture of infringing copies, etc: England and...
41. In section 114B (forfeiture of infringing copies, etc. Scotland), in...
42. In section 204A (forfeiture of illicit recordings: England and Wales...
43. In section 204B (forfeiture: Scotland), in subsection (15), for the...
44. In section 297C (forfeiture of unauthorised decoders: England and Wales... 
45. In section 297D (forfeiture of unauthorised decoders: Scotland), in 
subsection...
46. Road Traffic Act 1988 
47. Water Act 1989 
48. Courts and Legal Services Act 1990 
49. Water Industry Act 1991 
50. Water Resources Act 1991 
52. Railways Act 1993 
53. Trade Marks Act 1994 
54. In section 91 (power of Commissioners for Revenue and Customs...
55. In section 97 (forfeiture: England and Wales or Northern Ireland),...
56. In section 98 (forfeiture: Scotland), in subsection (14), in the...
57. Coal Industry Act 1994 
58. London Local Authorities Act 1996 
59. Greater London Authority Act 1999 
60. Postal Services Act 2000 
61. Utilities Act 2000 
62. Transport Act 2000 
63. Criminal Justice and Police Act 2001 
64. In Schedule 1 to that Act, in Part 1 (powers... 
65. (1) In Schedule 2 to that Act, Part 1 (application...
66. Kent County Council Act 2001 
67. Medway Council Act 2001 
68. Enterprise Act 2002 
69. Section 10(2) (saving of section 22 of the Fair Trading...
70. In Schedule 13 (listed Directives and Regulations)—
71. Licensing Act 2003 
72. Communications Act 2003 
73. Nottingham City Council Act 2003 
74. Wireless Telegraphy Act 2006 
75. Companies Act 2006 

PART 2 — Amendments to other legislation 
76. Tourism (Sleeping Accommodation Price Display) Order 1977 
77. Weights and Measures (Northern Ireland) Order 1981 
78. Road Vehicles (Construction and Use) Regulations 1986 
79. The Companies (Northern Ireland) Order 1986 
80. Consumer Protection (Northern Ireland) Order 1987 
81. Control of Misleading Advertisements Regulations 1988 
82. Road Vehicles Lighting Regulations 1989 
83. Estate Agents (Specified Offences) (No. 2) Order 1991 
84. Airports (Northern Ireland) Order 1994 
85. Motor Cycle Silencer and Exhaust Systems Regulations 1995 
86. Energy Information (Washing Machines) Regulations 1996 
87. Energy Information (Tumble Driers) Regulations 1996 
89. Motor Cycles (Protective Helmets) Regulations 1998 
90. Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1999 
91. Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999 
92. Energy Information (Lamps) Regulations 1999
93. Energy Information (Dishwashers) Regulations 1999  
94. Road Vehicles Lighting Regulations (Northern Ireland) 2000  
95. Control of Misleading Advertisements (Amendment) Regulations 2000  
96. Consumer Protection (Distance Selling) Regulations 2000  
97. Sale and Supply of Goods to Consumers Regulations 2002  
98. Energy (Northern Ireland) Order 2003  
104. Price Marking (Food and Drink) Services Order 2003  
105. Control of Misleading Advertisements (Amendment) Regulations 2003  
106. Price Marking (Food and Drink) Services Order (Northern Ireland) 2004  
107. Energy Information (Household Refrigerators and Freezers) Regulations 2004  
108. Consumer Credit (Advertisements) Regulations 2004  
109. Contracting Out (Functions relating to Broadcast Advertising) and Specification of Relevant Functions Order 2004  
110. Financial Services (Distance Marketing) Regulations 2004  
111. Duty Stamps Regulations 2006  
112. The Water and Sewerage Services (Northern Ireland) Order 2006  
114. Licensing (Relevant Offences) (Scotland) Regulations 2007  
115. Legislative and Regulatory Reform (Regulatory Functions) Order 2007  

SCHEDULE 3 — Transitional and Saving Provisions  
1. Trade Descriptions Act 1968  
2. The repeal of section 19(4)(b) and (c) of the Trade...  
3. The repeal of section 24(3) of the Trade Descriptions Act...  
4. Notwithstanding the repeal by these Regulations of section 39(2) of...  
5. Application of the Consumer Protection Act 1987 to the Price Indications (Bureaux de Change) (No. 2) Regulations 1992  
6. Notwithstanding the repeals and amendments made by these Regulations to...  
8. Notwithstanding the repeals and amendments made by these Regulations to...  
10. Notwithstanding the amendments made by these Regulations to the Enterprise...  
12. Notwithstanding the amendments made by these Regulations to the Enterprise...  
15. Disclosure of information

SCHEDULE 4 — Repeals and Revocations
   PART 1 — Repeals
   PART 2 — Revocations

Explanatory Note