

Autumn 2007 Issue



SAFETNET

WELCOME to the Autumn 2007 edition of **safeTnet** your trading standards update brought to you by Lawco in association with VMC Ltd and Experian's Automotive Division.

WHAT'S in this issue?

- New legislation in force
- Legislation coming soon
- Exclusive membership scheme for Experian and VMC clients

NEW legislation in force

On 1 September 2007 the Gambling Act 2005 came into force. The Act codifies what is allowed regarding free draws and competitions and what amounts to an illegal lottery.

You are now allowed to require the purchase of a product in order to enter a free prize draw as long as the product price does not include an entry fee. You are also allowed to charge a fee to enter a free draw as long as there is an alternative free entry method available to participants. Certain rules apply to both these new concepts.

The level of skill, judgement or knowledge required to differentiate a competition from a lottery has also changed. The onus is now on the competition organiser to show he had reasonable grounds to believe the level of skill etc required to win a prize is sufficient to prevent a significant proportion of entrants from winning; or that a significant proportion of people who would have entered are prevented from doing so.

This is only a very brief overview of the legislation and further rules apply to competitions and free draws. If you are in any doubt contact Lawco for further advice on 01663 762289 or lawco@lawcouk.com.

On 15 January 2007 the Fraud Act 2006 came into force. This replaces the “*deception*” element in the old Theft Act 1968 and will make it easier for the trading standards and police to prosecute fraudulent trading.

LEGISLATION coming soon

On 6 April 2008 the Consumer Protection from Unfair Trading Regulations 2007 come into force (CPR). The Regulations implement the European Unfair Commercial Practices Directive and will make major changes to consumer law. For all practical purposes the Trade Descriptions Act will be repealed, as will Part III of the Consumer Protection Act, which deals with pricing issues, and many more Acts and Regulations will be affected.

The CPR introduces some new concepts such as “*invitation to purchase*”, “*commercial practices*” and “*average consumer*”. It also creates new offences regarding “*misleading*” and “*aggressive*” practices. Misleading and aggressive are interpreted far wider than you may think. There are new penalties available to enforcement authorities through both civil and criminal means and some offences are strict liability, whilst others require a degree of *mens rea* (guilty knowledge).

The scope of the CPR are far wider than the old Trade Descriptions Act and will affect the display and advertising of new and used cars, and may bring into question the use of disclaimers.

It is not possible to go into any great detail of the Act in this newsletter, but full details and training are available from Lawco, or why not join our membership scheme and receive all these benefits at no extra cost.

LAWCO Membership scheme

In association with VMC and Experian’s Automotive Division, Lawco is able to offer you an exclusive membership scheme. For a yearly subscription you can receive an **on-site** trading standards risk assessment with a **full report**, an online **training** course of your choice, **2 adverts** compliance checked per month, **free** telephone advice line, 5 hours of **legal** casework including trading standards liaison and civil court representation, **unlimited** access to our web based trading standards manual and advice **guides**, plus massive **discounts** on other products. **Total peace of mind for just £995 + vat** per year. Amazing value, **save a massive £2,200** on the usual cost of these services. Terms and conditions apply.

CALL Wayne now for further information on 0800 028 4023, or email lawco@lawcouk.com, or check out our website www.lawcouk.com and follow the members link.