



ADVISERS ON TRADING STANDARDS
LAW & SYSTEMS

SAFETNET

Your free quarterly Trading Standards legal update from Lawco

WELCOME to the Spring 2008 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?

- Delayed UCPD implementation
- Car Servicing Code agreed
- Under Arrest
- Extended **Free** training for all sales executives

The Consumer Protection from Unfair Trading Regulations 2008

The above regulations implementing the Unfair Commercial Practices Directive (UCPD) were due in force on 6 April 2008 as reported in our last newsletter, however BERR (the Department for Business, Enterprise and Regulatory Reform) has delayed its arrival until the 26 May 2008. This is to allow businesses time to adapt to the new regulations.

If you wish to read the regulations in full the draft is now posted on the HMSO website. Just cut and paste the following link into your browser:

http://www.opsi.gov.uk/si/si2008/draft/ukdsi_9780110811574_en_1

Car Servicing Code Agreed

For a number of years now the National Consumer Council have threatened to lodge a super-complaint with the Office of Fair Trading against the car service industry relating to the standard of car servicing within the UK. This threat has largely been delayed by the industry promising to get their house in order by way of a Code of Practice.

The Retail Motor Strategy Group, representing all aspects of the industry have finally agreed a Code of Practice covering the car servicing and repair sector. The next step is to put the Code to the OFT in order to achieve Stage One approval. Once this is achieved compliance, enforcement and conciliation arrangements are next on the agenda, with - perhaps the most important of all – getting garages to sign up to the code. The Group is aiming to launch the Code to the public this spring.

The National Consumer Council has welcomed the move, but has also warned that they are ready and willing to step in if things do not improve rapidly.

Under Arrest

“Good morning Mr Garage Manager”

“Good morning constable”

“Mr Garage Manager you are under arrest”

This nightmare situation may seem very far-fetched, but it is very possible. Changes made to the Police & Criminal Evidence Act 1984 Codes of Practice now mean that many previously non-arrestable offences are arrestable. You could be arrested in front of your customers and staff and taken to the police station for questioning. You could be placed in a cell. You could even have your fingerprints and DNA taken.

It is unlikely that you would be arrested for Trading Standards offences, although it is possible, however many offences traditionally thought of as TS issues could also be viewed as police matters. Selling a clocked car is an offence under the Trade Descriptions Act; it could also be an offence under the Fraud Act, a police matter.

It is important to get proper procedures and systems in place to ensure these things don't happen.

The advice given above is a brief outline of changes in legislation and is not designed as a comprehensive explanation of the law. 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

There has never been a better time to join Lawco's exclusive membership scheme, which for a limited period, is now offering **free** training. For an annual 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.

FREE TRAINING FOR ALL SALES STAFF FOR MEMBERSHIPS

OFFER EXTENDED UNTIL 26 MAY
RECEIVED BEFORE 8 APRIL 2008

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