

L : Common Criminal Offences

This section outlines briefly some of the most common criminal offences which can affect consumer shopping on the high street.

If you have a complaint regarding any of the legislation in this section please notify **Trading Standards on 01925 442678**.

TRADE DESCRIPTIONS ACT 1968 : Any descriptions of goods and services, given by a person acting in the course of a trade or business, should be accurate and not misleading. It is a criminal offence to make false claims about goods which are sold in the course of trade or business. It is also an offence for traders to make false statements about services.

So if you purchase a car from a car dealer described as having a 2.0L engine when in fact it turns out only to be 1.6L, the car dealer may well be guilty of an offence and liable to prosecution.

If you were to book a hotel with indoor heated swimming pool, all rooms having a sea view and you find the accommodation does not have one or more of these facilities, the company you paid for the accommodation may be guilty of an offence and liable to prosecution.

PRICING: The Prices Act 1974 and the Price Marking Order 1991 require that :

- when a retailer offers goods for sale there must be a written indication of the selling price.
- every price indication must be unambiguous, easily identifiable as applying to the goods and clearly legible.
- any price given must not be misleading
- all prices displayed on goods offered for sale to consumers **MUST** be inclusive of VAT.

In addition, the Consumer Protection Act 1987, Part III, makes it a criminal offence for a trader to give a misleading price indication. The legislation puts controls on price comparisons and makes it an offence for a retailer to show a reduction of the price unless the goods or services have been displayed at the higher price for a minimum of 28 days in any 6 month period.

FOOD SAFETY ACT 1990 : This Act covers a very wide area regulating the safety of food. As far as Trading Standards are concerned the most important points to remember are:

- It **is** a criminal offence to sell food beyond its USE BY date
- it **is not** an offence for food to be sold after its BEST BEFORE date unless it is unfit for human consumption.

Trading Standards will also enforce food labelling requirements. The Act creates criminal offences for incorrectly labelled food.

Complaints about foreign materials in food ie. glass etc and foods fitness for human consumption are dealt with by Environmental Health.

RESTRICTIONS ON STATEMENTS ORDER 1976 : This Order makes it an offence for traders to put up signs in their premises that appear to take away a consumer's rights. So if you receive a complaint that a shop has a sign up saying something like "No Refunds" then this is a possible criminal offence and is something that can be referred to Trading Standards for investigation.

CONSUMER PROTECTION ACT 1987 PART II ; All goods sold in the UK must be safe and this is the main piece of legislation that covers the safety of all goods.

As well as this there are many Regulations and British Standards that goods such as toys, prams, tyres, furniture etc are required to meet before being placed on the market. Failure to meet such requirements is a potential criminal offence.

CONSUMER CREDIT ACT 1974 : As well as there being many civil remedies available under this legislation, there are also criminal offences that can be investigated by Trading Standards under this Act. Traders' offering credit facilities to consumers must be licensed by the Office of

Fair Trading. Trading in credit without such a licence is a potential criminal offence.

Adverts that offer credit facilities must comply with Regulations made under this legislation. These Regulations require certain information to be contained within such adverts and failure to indicate such information is an offence. It is also an offence to advertise credit information that may be misleading to the public. Children, under 18's, shouldn't be sent credit cards or offers to obtain credit

BUSINESS NAMES ACT 1985 : This legislation makes it a requirement that all traders using a business name that is different from their own, must display their name and an address on business premises and on any company literature where legal documents can be sent.

WEIGHTS AND MEASURES ACT 1985 : This legislation makes it a criminal offence to sell or supply products in the course of a business or trade if their weight or measurement is inaccurate ie. short weight or measure. Equipment should be accurate.

COUNTERFEIT GOODS : It is a criminal offence for a trader to sell counterfeit goods. These are goods which have been copied to imitate brand named products. Some common examples are sportswear and sports footwear, computer software, music, jewellery and perfumes.

UNSOLICITED GOODS : - It is an offence for a business to pursue payment for unsolicited goods sent to consumers. Any incidents of this should be reported to Trading Standards.

UNDER AGE SALES : - It is an offence for traders to sell age restricted goods to young people. If you know of a business that is selling any of the following goods to persons under the age indicated, this should be reported to Trading Standards.

Tobacco - aged 16 years

Alcohol - aged 18

Fireworks - aged 18

Solvents - aged 18

Lottery tickets - aged 16

Aerosol sprays - aged 18