

written examination

Unit 3:

September 2022

Guidance for this examination

Please ensure that you indicate clearly, at the top of the answer booklet, the law viewpoint from which you will be answering: English, Scottish or Welsh.

The examiners may expect candidates to show knowledge of legislation which is in place but not in force (i.e. has been enacted) and regulations which have been made but are not yet in force, if they are directly relevant to the subject-matter of the examination.

Examination structure

There are two sections to the examination paper:

Section A Consists of six questions.
Candidates should attempt to answer three questions.
Total allocation of marks is 30 marks.
Suggested time allocation is 30 minutes.

Section B Consists of four questions.

Section A
Candidates should attempt to answer three questions.
Each question carries ten marks.
Total

5. Two cases – Office of Fair Trading v Purely Creative Ltd ChD 2011, and Secretary of State for Business, Innovation and Skills v PLT Anti-Marketing Limited December 2015 – provided important clarification with regard to interpretation of the provisions in The Consumer Protection from Unfair Trading Regulations 2008.

Explain the facts of these two cases and how the courts' decisions assist in relation to inte

8. You received a complaint from Mr Jones. He is complaining about his new garage door, from 'Roller4u'.

Mr Jones states that he went into the showroom to look at the doors and the next day decided to purchase one, over the phone. He stated that he wanted the 'Elite200', advertised at £650 including fitting, after seeing it in the showroom. The salesman on the phone told him that they didn't have any Elite200 doors in stock but had a one-day special offer on the 'Pro100', which was "more or less the same as the Elite200". The price was the same, so Mr Jones agreed to go ahead.

When the door was fitted, it was not the same; the design was different and the door went up and over instead of rolling, like the Elite200. Mr Jones was given a document stating that the door had been fitted by FlashFit Ltd.

One week after fitting, the garage door jammed. He called FlashFit Ltd and they stated that they will struggle to fix it as the Pro100 has been discontinued, along with the part needed. He stated that Roller4u has been "trying to flog them for weeks to get rid of the redundant stock".

Mr Jones tells you that he'd really like to cancel his contract with Roller4u. However, the salesman told him on the phone that, as he was agreeing to a special offer, there would be no cancellation rights.

- (a) Apply the provisions of The Consumer Protection from Unfair Trading Regulations 2008 and The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, and outline the potential offences.

(20 marks)

- (b) What evidence do you need to prove the offences and what powers would you use?

(15 marks)

(total: 35 marks)

Section B continues over the page.

9. You receive a complaint from Mrs Hussain. She has received a parking fine from Magpie Carpark Services Ltd through the post, saying that she overstayed in a car park by the hospital. Mrs Hussain claims that she did park in the car park on the day stated, and that she was rushing to see her husband who had been taken to hospital. Mrs Hussain claims that there is no signage in the car park regarding who the company is or the maximum duration.

Mrs Hussain states that, when she rang to dispute the fine, the man on the phone shouted at her and said that, if she didn't pay it that day, the fine would be doubled.

You check your company's car park base and find 32 complaints about this car park and 639.58 items owned by Magpie Carpark Services Ltd.

You visit the car park and see a small sign, at the back of the car park, which you have to enter the car park to see.

Managed by:

MAGPIE CARPARK SERVICES

1 hr maximum stay – £50 fine

You must pay within 5 days of receipt of fine

10. Your manager asks you to carry out a project into local estate and letting agents, following a national report claiming industry-wide non-compliance. You plan to visit 15 estate and letting agents. You have other colleagues who will be assisting you and carrying out the visits, but who have little knowledge with regard to estate and letting agents.

Create a plan covering the following:

- (a) What would you do in preparation for your visit? (15 marks)
- (b) What areas will you discuss with the businesses? (15 marks)
- (c) What powers will be used to carry out this project? (5 marks)

(total: 35 marks)

Section B total of 70 marks.

END OF EXAMINATION PAPER.