

## WORK OF THE TRADING STANDARDS SERVICE

Here is an outline of some of the legislation enforced by the Trading Standards Service of Islington Council. As well as investigating complaints brought to us about traders in the borough, the service also advises traders on how to comply with the law.

### FAIR TRADING

#### 1. **Price Marking Order 2004**

Basically the selling price of all goods sold by retail should be indicated in writing. This may be via marking each item, shelf markers or price lists, but all methods must clearly refer to the relevant product. Items sold from bulk, for example, petrol, fruit, vegetables, meat, must have an indication of the unit price, that is the price per litre or price per kilogram.

#### 2. **Consumer Protection from Unfair Trading Regulations 2008**

These regulations cover a number of trading practices, such as:

- a) Restrictive statements. For example traders should not put up signs that say "no refunds" as a consumer could be misled into believing he/she had no rights.
- b) Disguised traders. A trader must not pretend he or she is a private seller.
- c) Hidden charges. Service charges, delivery costs, tax rates and other additional fees must be made clear before a consumer buys.
- d) Misleading prices. It is an offence for a trader to give a misleading price indication, for instance by stating non-genuine price reductions or by overcharging.
- e) Descriptions of goods and services. Descriptions must be accurate and contain no omissions that might mislead a customer. Issues covered include car dealers who reduce the mileage shown on cars and holiday companies who offer non-existent facilities.
- f) Trade Association membership. Traders should not make false claims about membership or approval.
- g) Pressure selling. There are now tighter laws on high pressure selling techniques. Sales people may not coerce a customer or apply undue influence.

#### 3. **Estate Agents Act 1979/Housing Act 2004**

This Act gives the Director General of Fair Trading powers to control those who engage in such businesses by barring persons who are undischarged bankrupts, or who have been convicted of fraud, dishonesty or violence. It is the Trading Standards Service's responsibility to check that clients' deposits are held in a special account "client account".

Estate agents should supply an Energy Performance Certificate to prospective buyers. Letting agents and landlords also need to supply an Energy Performance Certificate when a tenancy changes.

4 **Property Misdemeanors Act 1991**

It is an offence for Estate Agents to make false and misleading statements about matters relating to land and property as specified in Orders made under the Act, for example, size of rooms, locations and so on.

5. **Companies Act 2006: disclosure of ownership/business names**

This Act applies to individuals who trade under a name other than their own proper name and limited companies that trade under names other than their full corporate name. Such persons should display the names and addresses of owners at business premises, on business stationery and on web sites.

6. **Package Travel, Package Holidays and Package Tours Regulations 1992**

Any person organising packages which include travel accommodation and other tourist facilities, such as, day trips, must ensure clients are given sufficient information about pricing and the package as a whole. The organiser must cover the clients for repatriation and refunds in the event of insolvency.

7 **The Consumer Protection (Distance Selling) Regulations 2000**

People buying goods and services by mail order, over the telephone or internet have certain rights such as a cooling off period of 7 days to decide whether to keep the goods.

8. **Education Reform Act 1988**

Degrees and other academic awards offered by UK colleges must be officially recognised. Colleges can not award their own degrees without accreditation or recognition.

9 **Consumer Credit Act 1974**

This Act provides a system of licensing and other controls for traders who provide credit or supply goods on hire purchase. The Office of Fair Trading issues licences but the responsibility for the enforcement of all other matters is that of the Trading Standards Service.

10. **Sunday Trading Act 1994**

Shops with a trading area of over 280 square metres wishing to trade on a Sunday may trade for a six hour period between 10.00 am and 6.00 pm.

11 **Enterprise Act 2002**

Where it appears a trader is persistently breaking the criminal and civil law and fails to take advice, the trading standards service may seek an injunction from a court compelling the trader to stop breaking the law.

12 **Hallmarking Act 1973**

This Act makes provision for the composition, assaying, marking and description of articles which are made of gold, silver, platinum and palladium. All articles above certain minimum weights are required to be hallmarked and all premises selling such items must display a notice that describes the hallmarks and contains other explanatory matters.

13. **Video Recordings Act 1984**

All videos should be marked with a classification relating to their suitability for viewing by certain age groups. These range from PG through to 18R. It is an offence to supply a child with a video bearing a classification for an older age grouping.

14. **Textile Products (Indication of Fibre Content) Regulations 1986**

Under these Regulations all textile products should be marked with the fibre content.

15. **Copyright, Designs and Patent Act 1988**

This Act makes it an offence to reproduce or publish any work without permission where a copyright exists.

16. **Trade Marks Act 1994**

This Act makes it an offence for the unauthorised application or use of a mark identical to, or closely resembling a registered trade mark.

17. **Packaging (Essential Requirements) Regulations 2003**

The amount of packaging material must not be excessive and should be limited to a minimum to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer. Additionally packing materials must not contain polluting heavy metals.

## **PROTECTION OF CHILDREN FROM HARM**

Trading Standards work with a number of agencies to ensure young people are not supplied dangerous products.

1. **Children and Young Persons (Protection from Tobacco) Act 1991**

It is illegal to sell tobacco products to any one under the age of 18. Signs to this effect should be displayed on premises where cigarettes etc are sold.

2. **Intoxicating Substances (Supply) Act 1985**

This Act makes it an offence to supply or offer to supply a substance that is likely to be inhaled by a person under 18 years causing intoxication.

3. **The Pyrotechnic Articles (Safety) Regulations 2010**

It is illegal to sell fireworks to anyone under the age of 18.

4. **Licensing Act 2003**

It is illegal to supply alcohol to anyone under the age of 18. Trading Standards is a "responsible authority" under the Act and may therefore request the licensing committee to review a trader's licence if it appears he/she is supplying alcohol to young people.

5. **Criminal Justice Act 1988**

It is illegal to sell knives and other bladed articles to children under 18.

## **CONSUMER SAFETY AND ENVIRONMENT**

1. **Consumer Protection Act 1987**

This Act provides for the protection of consumers by enabling Regulations to be made relating to the safety of a wide range of goods. These include toys, electrical equipment, upholstered furniture, nightwear, pushchairs, and cosmetic products.

This Act also introduces the "general safety requirement" and the CE mark which is recognised throughout Europe.

## 2. **Road Traffic Act 1988**

The Trading Standards Service has four main areas of responsibility under this Act:

- a) Arranging to have vehicles checked to ensure they are not sold in an unroadworthy condition.
- b) Checking that motor cycle crash helmets are manufactured to the British Standard and marked accordingly.

## 3. **Fireworks and Explosives**

Trading Standards work with a number of agencies to ensure the safe supply of fireworks.

### a) **Manufacture and Storage of Explosives Regulations 2005**

These regulations lay down the requirements regarding the safe storage of explosives. These regulations are used particularly to control the storage of fireworks during November.

### b) **Fireworks Regulations 2004**

Without a licence granted under the Fireworks Regulations 2004 it would be illegal for a shop to sell fireworks outside certain specified periods such as New Year, Divali, Chinese New Year and the four weeks around 5 November.

## **LICENSING AND REGISTRATION**

### 1. **Poisons Act 1972**

All premises storing certain poisons must be registered with the Local Authority

### 2. **London Local Authorities Act 2007 – Mail Forwarding Businesses**

Mail forwarding businesses must register with the Local Authority

## **WEIGHTS AND MEASURES**

### 1. **Weights & Measures Act 1985**

- a) Inspection and testing of weighing and measuring equipment on trade premises, for example, petrol pumps, weighing machines, length measuring equipment, measuring equipment for serving alcohol in licensed premises.
- b) Testing new weighing and measuring equipment for accuracy before use. A special mark is placed on all equipment that passes the Inspectors' tests.
- c) Checking packaged goods (food and non-food) for weight and quantity. Checks on labelling. Checks are made on imported goods as well as those manufactured in the U.K.
- d) Checks on short measure.
- e) Checks on the manner in which the quantity is made known to the purchaser.
- f) Metrication.

## **AGRICULTURE**

### **1. Agriculture Act 1970**

Officers are responsible for the enforcement of the Animal Feeding Stuffs Regulations and the Fertilisers Regulations. These lay down requirements on the ingredients, marking and labelling of such products.

### **Consumer rights**

The Service will give traders general advice on the Sale of Goods Act 1979 and Supply of Goods and Services Act 1982, as well as on other aspects of the civil law relating to consumer transactions. Consumers may now contact Consumer Direct 08454 04 05 06 [www.consumerdirect.gov.uk](http://www.consumerdirect.gov.uk) for practical consumer advice.

### **How can I get further advice?**

If you require further information, clarification or advice on any of the above, please do not hesitate to contact the Trading Standards Service at:

**222 Upper Street, London N1 1XR**

**Tel: (020) 7527 3198**

**Email: [trading.standards@islington.gov.uk](mailto:trading.standards@islington.gov.uk)**

In offering the above advice, this Authority wishes to make it clear that only the Courts can interpret the Law.