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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

**CONSUMER PROTECTION**

The Consumer Protection from  
Unfair Trading Regulations 2008

*Made* - - - - 2008

*Coming into force* 26th May 2008

THE CONSUMER PROTECTION FROM  
UNFAIR TRADING REGULATIONS 2008

PART 1

GENERAL

1. Citation and commencement
2. Interpretation

PART 2

PROHIBITIONS

3. Prohibition of unfair commercial practices
4. Prohibition of the promotion of unfair commercial practices
5. Misleading actions
6. Misleading omissions
7. Aggressive commercial practices

PART 3

OFFENCES

8. Offences relating to unfair commercial practices
9. A trader is guilty of an offence if he engages...
10. A trader is guilty of an offence if he engages...
11. A trader is guilty of an offence if he engages...
12. A trader is guilty of an offence if he engages...
13. Penalty for offences
14. Time limit for prosecution
15. Offences committed by bodies of persons
16. Offence due to the default of another person

17. Due diligence defence
18. Innocent publication of advertisement defence

#### PART 4

#### ENFORCEMENT

19. Duty to enforce
20. Power to make test purchases
21. Power of entry and investigation, etc.
22. Power to enter premises with a warrant
23. Obstruction of authorised officers
24. Notice of test and intended proceedings
25. Compensation
26. Application of Part 8 of Enterprise Act 2002
27. Evidence as to factual claims

#### PART 5

#### SUPPLEMENTARY

28. Crown
  29. Validity of agreements
  30. Amendments, repeals and transitional and saving provisions
- Signature

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#### SCHEDULE 1 — Commercial practices which are in all circumstances considered unfair

1. Claiming to be a signatory to a code of conduct...
2. Displaying a trust mark, quality mark or equivalent without having...
3. Claiming that a code of conduct has an endorsement from...
4. Claiming that a trader (including his commercial practices) or a...
5. Making an invitation to purchase products at a specified price...
6. Making an invitation to purchase products at a specified price...
7. Falsely stating that a product will only be available for...
8. Undertaking to provide after-sales service to consumers with whom the...
9. Stating or otherwise creating the impression that a product can...
10. Presenting rights given to consumers in law as a distinctive...
11. Using editorial content in the media to promote a product...
12. Making a materially inaccurate claim concerning the nature and extent...
13. Promoting a product similar to a product made by a...
14. Establishing, operating or promoting a pyramid promotional scheme where a...
15. Claiming that the trader is about to cease trading or...
16. Claiming that products are able to facilitate winning in games...
17. Falsely claiming that a product is able to cure illnesses,...
18. Passing on materially inaccurate information on market conditions or on...
19. Claiming in a commercial practice to offer a competition or...
20. Describing a product as 'gratis', 'free', 'without charge' or similar...
21. Including in marketing material an invoice or similar document seeking...
22. Falsely claiming or creating the impression that the trader is...
23. Creating the false impression that after-sales service in relation to...
24. Creating the impression that the consumer cannot leave the premises...

25. Conducting personal visits to the consumer's home ignoring the consumer's...
26. Making persistent and unwanted solicitations by telephone, fax, e-mail or...
27. Requiring a consumer who wishes to claim on an insurance...
28. Including in an advertisement a direct exhortation to children to...
29. Demanding immediate or deferred payment for or the return or...
30. Explicitly informing a consumer that if he does not buy...
31. Creating the false impression that the consumer has already won,...

## SCHEDULE 2 — Amendments

### PART 1 — Amendments to Acts

1. Anglo-Portuguese Commercial Treaty Act 1914
2. Anglo-Portuguese Commercial Treaty Act 1916
3. Fraudulent Mediums Act 1951
4. Trading Representations (Disabled Persons) Act 1958
5. Trading Representations (Disabled Persons) Act (Northern Ireland) 1958
6. Mock Auctions Act 1961
7. Trade Descriptions Act 1968
8. The following provisions shall cease to have effect—
9. In section 1, for subsection (2) substitute—
10. In section 12 (false representations as to royal approval or...
11. In section 38 (orders), in subsection (3), for the words...
12. In section 39 (interpretation), in subsection (1), for “2 to...
13. Administration of Justice Act 1970
14. Greater London Council (General Powers) Act 1972
15. Fair Trading Act 1973
16. Hallmarking Act 1973
17. Consumer Credit Act 1974
18. Section 46 (false or misleading advertisements) shall cease to have...
19. In section 77 (duty to give information to debtor under...
20. In section 78 (duty to give information to debtor under...
21. In section 79 (duty to give hirer information), in subsection...
22. In section 85 (duty on issue of new credit tokens),...
23. In section 97 (duty to give information), in subsection (3),...
24. In section 103 (termination statements)— (a) omit subsection (5), and...
25. In section 107 (duty to give information to surety under...
26. In section 108 (duty to give information to surety under...
27. In section 109 (duty to give information to surety under...
28. In section 110 (duty to give information to debtor or...
29. Telecommunications Act 1984
30. Companies Act 1985
31. Weights and Measures Act 1985
32. Airports Act 1986
33. Consumer Protection Act 1987
34. Sections 20 to 26 (misleading price indications) shall cease to...
35. In section 39 (defence of due diligence), in subsection (5),...
36. In section 46 (meaning of “supply”), in subsection (7), for...
37. In section 49 (Northern Ireland), in subsection (1)(a), for “Parts...
38. County of Cleveland Act 1987
39. Copyright, Designs and Patents Act 1988
40. In section 114A (forfeiture of infringing copies, etc: England and...
41. In section 114B (forfeiture of infringing copies, etc. Scotland), in...
42. In section 204A (forfeiture of illicit recordings: England and Wales...

43. In section 204B (forfeiture: Scotland), in subsection (15), for the...
44. In section 297C (forfeiture of unauthorised decoders: England and Wales...
45. In section 297D (forfeiture of unauthorised decoders: Scotland), in subsection...
46. Road Traffic Act 1988
47. Water Act 1989
48. Courts and Legal Services Act 1990
49. Water Industry Act 1991
50. Water Resources Act 1991
51. North Yorkshire County Council Act 1991
52. Railways Act 1993
53. Trade Marks Act 1994
54. In section 91 (power of Commissioners for Revenue and Customs...
55. In section 97 (forfeiture: England and Wales or Northern Ireland),...
56. In section 98 (forfeiture: Scotland), in subsection (14), in the...
57. Coal Industry Act 1994
58. London Local Authorities Act 1996
59. Greater London Authority Act 1999
60. Postal Services Act 2000
61. Utilities Act 2000
62. Transport Act 2000
63. Criminal Justice and Police Act 2001
64. In Schedule 1 to that Act, in Part 1 (powers...
65. (1) In Schedule 2 to that Act, Part 1 (application...
66. Kent County Council Act 2001
67. Medway Council Act 2001
68. Enterprise Act 2002
69. Section 10(2) (saving of section 22 of the Fair Trading...
70. In Schedule 13 (listed Directives and Regulations)—
71. Licensing Act 2003
72. Communications Act 2003
73. Nottingham City Council Act 2003
74. Wireless Telegraphy Act 2006
75. Companies Act 2006
- PART 2 — Amendments to other legislation
76. Tourism (Sleeping Accommodation Price Display) Order 1977
77. Weights and Measures (Northern Ireland) Order 1981
78. Road Vehicles (Construction and Use) Regulations 1986
79. The Companies (Northern Ireland) Order 1986
80. Consumer Protection (Northern Ireland) Order 1987
81. Control of Misleading Advertisements Regulations 1988
82. Road Vehicles Lighting Regulations 1989
83. Estate Agents (Specified Offences) (No. 2) Order 1991
84. Airports (Northern Ireland) Order 1994
85. Motor Cycle Silencer and Exhaust Systems Regulations 1995
86. Energy Information (Washing Machines) Regulations 1996
87. Energy Information (Tumble Driers) Regulations 1996
88. Energy Information (Combined Washer-Driers) Regulations 1997
89. Motor Cycles (Protective Helmets) Regulations 1998
90. Motor Cycles (Protective Headgear) Regulations (Northern Ireland) 1999
91. Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1999
92. Energy Information (Lamps) Regulations 1999

93. Energy Information (Dishwashers) Regulations 1999
94. Road Vehicles Lighting Regulations (Northern Ireland) 2000
95. Control of Misleading Advertisements (Amendment) Regulations 2000
96. Consumer Protection (Distance Selling) Regulations 2000
97. Sale and Supply of Goods to Consumers Regulations 2002
98. Energy (Northern Ireland) Order 2003
99. Energy Information (Household Electric Ovens) Regulations 2003
100. Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003
101. Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003
102. Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003
103. Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003
104. Price Marking (Food and Drink) Services Order 2003
105. Control of Misleading Advertisements (Amendment) Regulations 2003
106. Price Marking (Food and Drink) Services Order (Northern Ireland) 2004
107. Energy Information (Household Refrigerators and Freezers) Regulations 2004
108. Consumer Credit (Advertisements) Regulations 2004
109. Contracting Out (Functions relating to Broadcast Advertising) and Specification of Relevant Functions Order 2004
110. Financial Services (Distance Marketing) Regulations 2004
111. Duty Stamps Regulations 2006
112. The Water and Sewerage Services (Northern Ireland) Order 2006
113. Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2006
114. Licensing (Relevant Offences) (Scotland) Regulations 2007
115. Legislative and Regulatory Reform (Regulatory Functions) Order 2007

#### SCHEDULE 3 — Transitional and Saving Provisions

1. Trade Descriptions Act 1968
2. The repeal of section 19(4)(b) and (c) of the Trade...
3. The repeal of section 24(3) of the Trade Descriptions Act...
4. Notwithstanding the repeal by these Regulations of section 39(2) of...
5. Application of the Consumer Protection Act 1987 to the Price Indications (Bureaux de Change) (No. 2) Regulations 1992
6. Notwithstanding the repeals and amendments made by these Regulations to...
7. Application of the Consumer Protection (Northern Ireland) Order 1987 to the Price Indications (Bureaux de Change) Regulations (Northern Ireland) 1992
8. Notwithstanding the repeals and amendments made by these Regulations to...
9. Enterprise Act 2002 (Part 8 Notice to OFT of Intended Prosecution, Specified Enactments, Revocation and Transitional Provision) Order 2003
10. Notwithstanding the amendments made by these Regulations to the Enterprise...
11. Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003
12. Notwithstanding the amendments made by these Regulations to the Enterprise...
13. Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Consumer Protection from Unfair Trading Regulations 2008* No. 1277

14. Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws)  
Order 2006
15. Disclosure of information

SCHEDULE 4 — Repeals and Revocations  
PART 1 — Repeals  
PART 2 — Revocations

Explanatory Note