



# Fair Trading Act 1973

## 1973 CHAPTER 41

### PART III

#### ADDITIONAL FUNCTIONS OF DIRECTOR FOR PROTECTION OF CONSUMERS

#### **34 Action by Director with respect to course of conduct detrimental to interests of consumers**

- (1) Where it appears to the Director that the person carrying on a business has in the course of that business persisted in a course of conduct which—
- (a) is detrimental to the interests of consumers in the United Kingdom, whether those interests are economic interests or interests in respect of health, safety or other matters, and
  - (b) in accordance with the following provisions of this section is to be regarded as unfair to consumers,

the Director shall use his best endeavours, by communication with that person or otherwise, to obtain from him a satisfactory written assurance that he will refrain from continuing that course of conduct and from carrying on any similar course of conduct in the course of that business.

- (2) For the purposes of subsection (1)(b) of this section a course of conduct shall be regarded as unfair to consumers if it consists of contraventions of one or more enactments which impose duties, prohibitions or restrictions enforceable by criminal proceedings, whether any such duty, prohibition or restriction is imposed in relation to consumers as such or not and whether the person carrying on the business has or has not been convicted of any offence in respect of any such contravention.
- (3) A course of conduct on the part of the person carrying on a business shall also be regarded for those purposes as unfair to consumers if it consists of things done, or omitted to be done, in the course of that business in breach of contract or in breach of a duty (other than a contractual duty) owed to any person by virtue of any enactment or rule of law and enforceable by civil proceedings, whether (in any such case) civil proceedings in respect of the breach of contract or breach of duty have been brought or not.

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*Status: This is the original version (as it was originally enacted).*

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- (4) For the purpose of determining whether it appears to him that a person has persisted in such a course of conduct as is mentioned in subsection (1) of this section, the Director shall have regard to either or both of the following, that is to say—
- (a) complaints received by him, whether from consumers or from other persons;
  - (b) any other information collected by or furnished to him, whether by virtue of this Act or otherwise.