

Module	<b>CONSUMER PROTECTION</b>
Jurisdictions	<b>UK</b>
Legal Expert	<b>MARTIN POLAINE</b> Barrister <a href="https://www.amicuslegalconsultants.com/about/our-people/mr-martin-polaine">https://www.amicuslegalconsultants.com/about/our-people/mr-martin-polaine</a> <a href="https://www.linkedin.com/in/martin-polaine-fciarb-faiadr-961363132/">https://www.linkedin.com/in/martin-polaine-fciarb-faiadr-961363132/</a>

## Module Application

Does your organisation provide products and/or services to consumers?

Does your organisation know and understand its obligations in respect of consumer protection law?

## Module Scope

The CONSUMER PROTECTION module informs UK organisations of their legislated legal consumer protection obligations. The module also demonstrates effective practical advice and assistance to UK organisation to implement procedures and processes that will ensure compliance and regulatory accountability throughout all levels of the entity.

The CONSUMER PROTECTION module advises UK organisations of the processes and procedures they need to implement to ensure compliance with all legal and regulatory obligations. Core legal and regulatory obligations are based on considerations of the broad questions determining:

- Decision making;
- Accountability
- Stewardship;
- Direction; and
- Control.

To fulfil its purpose the module focuses on providing practical assistance to the UK organisation establishing and maintaining a robust foundational framework that determines how the organisation will:

- Engage in compliant sales and marketing of its products or services;
- Avoid unfair trade practices;
- Ensure the product liability obligations are met and
- At all times be compliant with the obligations of Consumer Protection laws of the UK.

Organisations, their employees and authorised individuals are all expected to be familiar with the broad landscape of legal obligations to which they are subject as well as more specific obligations relevant to the particular sector they are operating in. The CONSUMER PROTECTION module should be subscribed by all UK organisations dealing with consumers, their employees and authorised individuals.

The aim of the module is to equip the subscriber with knowledge of their obligations and the skills they require to establish relevant systems and processes to ensure compliance with consumer protection law throughout the organisation.

Consumer protection law in the UK is designed to ensure the fair treatment of consumers. It is primarily governed by the Consumer Rights Act 2015 which applies, not only to corporations, but to sole traders, partnerships, unincorporated associations and unincorporated joint ventures.

The broad scope of the CONSUMER PROTECTION module is to provide answers to these questions;

- What are our legal obligations?
- Where are our legal obligations derived from?
- How can we ensure that we are complying with our legal obligations? And
- What are the consequences if we are not complying with our legal obligations?

The CONSUMER PROTECTION module covers all legislated legal obligations of UK organisations and demonstrates practical assistance and guidance to ensure that these obligations are complied with through the implementation and maintenance of best practice processes throughout the organisation. The module also covers the role of the regulator as well as exemptions to the obligations, if applicable, and how they may or may not apply in particular circumstances.

The module fulfils this objective by comprehensively covering three areas;

The UK Legislation;

Obligations; and

The legislative and regulatory landscape which the primary legal obligations are derived from are:

Business Protection from Misleading Marketing Regulations 2008 (for B2B);

Competition Act 1998;

Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013;

Consumer Credit (Advertisements) Regulations 2010 (2010 No. 1970);

Consumer Credit Act 1974 (as amended by CCA 2006);

Consumer Protection (Amendment) Regulations 2014;

Consumer Protection (Enforcement) (Amendment etc.) (EU Exit) Regulations 2019;

Consumer Protection Act 1987;

Consumer Protection from Unfair Trading Regulations 2008;

Consumer Rights (Payment Surcharges) Regulations 2012;

Consumer Rights Act 2015;

Data Protection Act 2018;

Enterprise Act 2002;

Enterprise and Regulatory Reform Act 2013;

Financial Guidance and Claims Act 2018;

Financial Services (Distance Marketing) (Amendment and Savings Provisions) (EU Exit) Regulations 2019;

Financial Services (Distance Marketing) Regulations 2004;

Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013;

General Data Protection Regulation;

General Product Safety Regulations 2005 (GPSR) as amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019;

Privacy and Electronic Communications (EC Directive) Regulations 2003;

Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019; and

Unfair Terms in Consumer Contract Regulations 1999 (B2B and C2C)

Significant consequences can apply to UK organisations, their employees and authorised individuals found to have breached or not complied with their legal obligations. These consequences vary considerably depending on the nature and extent of the breach or failure.

The CONSUMER PROTECTION module covers specific consequences in detail and the role regulators. They can include monetary penalties, disciplinary measures and even terms of imprisonment for individuals found to have committed serious criminal offences.

The CONSUMER PROTECTION module does not cover the rights or entitlements of individuals who have suffered damages or losses due to breaches of consumer law obligations by UK organisations. The module does not cover the process that an entity or an individual would follow to report or seek compensation for the breach or their loss.

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