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Are you happy for your response to be published?

Yes

Would you like to be contacted when the consultation response is published?

Yes

Competition

1 What are the metrics and indicators the CMA and government could use to better understand and monitor the state of competition in the UK?

Please respond here.:

We have three suggestions that will minimise consumer issues. The first is to ensure that an appropriate approach is taken for each UK nation. This could utilise the investigations by consumer organisations within these nations such as Consumer Scotland. The second is to establish how many businesses operate within a given sector (if a monopoly exists within a given area, this would in turn lead to competition levels decreasing). The third is to record the number and frequency of issues that occur in each market. This will ensure that recurring issues can be noted, and future issues can be predicted with more accuracy.

2 Should the CMA have a power to obtain evidence specifically for the purpose of advising government on the state of competition in the UK?

Yes

Please expand on your answer here.:

A. Yes – This would help strengthen their capabilities in assessing a multitude of factors, including competition levels and consumer detriment. The more information they possess, the better the consumer landscape is understood. It would also help to produce effective decisions and judgements. It would also reveal the cause of emerging issues (e.g. like the package holiday refund troubles faced by many consumers last year) before they become more serious. In the longer term it will ensure that the state of each market is monitored to predict future issues.

However, the CMA should take a collaborative approach with consumer organisations in each UK nation. For example, Consumer Scotland is able to obtain information from a Scottish-specific context and address unique issues. Rural inequalities in consumer standards are prevalent in Scotland and will produce different data to other UK nations.

3 Should government provide more detailed and regular strategic steers to the CMA?

Maybe

Please expand on your answer here.:

A. Maybe – Yes in the sense that both parties need to work together to help produce better outcomes for all concerned and clear objectives at least allows the CMA to acknowledge where to focus on. But at the same time, the CMA needs the space to fully analyse the consumer landscape and set its own priorities to achieve such outcomes. Due to the CMA specifically addressing consumer related issues, they may be best placed to understand and identify key emerging trends. Therefore, they can be more efficient with their resources to target the most relevant and pressing issues and still maintain a clear focus on their priorities. At the same time, input from the government could ensure that issues raised by constituents and expert sources (e.g. findings from third sector organisations and universities) can be addressed. A balance between the two is key to ensure efficiency and attention is given

to consumer and competition issues.

4 Should the CMA be empowered to impose certain remedies at the end of a market study process?

Yes

Please expand on your answer here.:

Yes – This is extremely important as the Government makes clear. The CMA may feel reluctant to pursue cases if they feel that their ability to resolve them is ineffective. This may result in certain unfair practices existing in many consumer markets continuing at the expense of the welfare and interests of consumers. As for whether the CMA board should act as the decision maker for market study cases, we agree with this proposition, provided they pursue their main roles in accordance with their remit and adhere to the relevant rules and regulations.

5 Alternatively, should the existing market study and market investigation system be replaced with a new single stage market inquiry tool?

Maybe

Please expand on your answer here.:

Maybe – On the one hand, it would be a good idea simplify the inquiry process. This will reduce confusion and save valuable time in addressing issues. However, on the other hand, further research is needed to assess the overall effectiveness of each approach. If they are found to be beneficial for the CMA and their work, this proposal may need to be avoided so that we do not lose the benefits of the one or both models concerned.

6 Should government enable the CMA to impose interim measures from the beginning of a market inquiry?

Yes

Please expand on your answer here.:

Yes – Due the lack of this power, the CMA cannot address urgent cases as effectively, allowing unnecessary damage and compromise to the public interest. Despite concerns about how this could impact the market, it is appropriate that the CMA may be granted these powers providing they do so in accordance with reasonable rules and safeguards. Powers should also be given to consumer organisations such as Consumer Scotland to ensure that there is focus on specific problems in each UK nation. The appeal system is a good example of a balance to such a reform.

7 Should government enable the CMA to accept binding commitments at any stage in the market inquiry process?

Maybe

Please expand on your answer here.:

A. Maybe – This depends on whether it will disincentivise informal solutions. It is helpful to allow both parties in a dispute to find a compromise early as it avoids long, stressful, and potentially costly processes for each party. However, this binding commitment may not act as enough of a deterrent. Therefore, the remedies after an inquiry may possess more weight to hold actors to account and provide strong enforcement where it is needed. The effectiveness of binding commitments depends on how they affect the use of informal methods and remind traders of their responsibilities.

8 Will government's proposed reforms help deliver effective and versatile remedies for the CMA's market inquiry powers?

Yes

Please expand on your answer here.:

A. Yes – Reviewing cases to examine whether both parties have fulfilled their obligations is a sensible approach. This is because if one actor fails to deliver on the commitment they agreed to, the CMA should be able to adjust the remedies applied and impose tougher penalties for failing to adhere to the existing terms. We agree that CMA should have the ability to revisit investigations to ensure that the remedies imposed are still effective and delivering better outcomes for businesses and consumers alike. We also agree with the government's position on having a cooling off period as a fair mechanism to both parties concerned. This is because it gives the CMA a set time to decide whether to investigate a case or not and provides businesses with certainty as they would know that the case has been resolved, they can learn from it, and more forward.

9 What other reforms would help deliver more efficient, flexible, and proportionate market inquiries?

Please respond here.:

Reporting on the effectiveness and use of the inquiry process. This can include which remedies have been used, when remedies are used, the success of resolving issues and changes in market practises. The CMA can make lasting changes for the better and should have the ability to assess the effectiveness of its operations to ensure improvements can be made.

The CMA can also consider the perspectives and advice of other relevant consumer organisations, such as Consumer Scotland, when making inquiries to ensure that specific contexts (e.g. Scotland) are considered. We welcome the expansion of devolved powers of consumer advocacy and advice to ensure that Scottish consumers are protected on both the devolved and UK level.

10 Should the current jurisdictional tests for the CMA's merger control investigations be revised? If so, what are your views on the proposed changesto the jurisdictional tests?

Yes

Please expand on your answer here.:

Yes – If mergers become more commonplace, competition in the market will be reduced and we are concerned about the impact it would have on consumers (for example, facing higher prices). We agree with the changes being proposed, provided they don't affect low level mergers for microbusinesses (which have a smaller impact) and the consumer's interests.

11 Are there additional or alternative reforms to the current jurisdictional tests for the CMA's merger control investigations that government should be considering?

No

Please expand on your answer here.:

No- The reforms proposed ensure that mergers that could lead to reduced competition in markets are investigated. They also ensure that smaller businesses are not unnecessarily impacted or face unfair consumer competition.

12 What reforms are required to the CMA's merger investigation procedures to deliver more effective and efficient merger investigations?

Please respond here.:

The fast-track merger route could be suitable proposal worth researching to fully analyse its potential. If successful, the route will ensure that mergers are not unnecessarily delayed and that the CMA can ensure there is no harmful impact on the market as a result.

13 Should the CMA Panel be retained, but reformed as proposed above? Are there other reforms which should be made to the panel process?

Maybe

Please expand on your answer here.:

Maybe – Having a dedicated team working on the panel leads to better effectiveness and paid roles would incentivise them to do this. As has been pointed out, the level of talent and skill from each member affects the success of the panel overall. Payment will incentivise a greater pool of interested candidates. However, financial incentive alone will not attract good candidates. This must be combined with diversity of candidates to cover the various experiences and perspectives in the consumer landscape. For example, consideration should be made for each UK nation and ensure that candidates the represent each nation are chosen.

14 Should the jurisdictional requirements of the Chapter I and Chapter IIprohibitions be changed so that they apply to all anticompetitive agreements which are, or are intended to be, implemented in the UK, or have, or are likely to have, direct, substantial, and foreseeable effects within the UK, and conduct which amounts to abuse of a dominant position in a market, regardless of the geographical location of that market?

Yes

Please expand on your answer here.:

Yes - The jurisdictional requirement changes would ensure that collusion and abuse of power over the market can be effectively combatted. It is important to apply these prohibitions to anticompetitive agreements as they damage the ability for others to compete and leave consumers with reduced alternatives if those in the agreement have bad practises. Ensuring the foreseeable effects are kept in check will hopefully prevent consumer issues before any damage is done.

15 Should the immunities for small agreements and conduct of minor significance be revised so that they apply only to businesses with an annual turnover of less than £10 million?

Maybe

Please expand on your answer here.:

Maybe - This depends on the effect that businesses can have on the market. Although they are small by comparison, it does not mean that they are guaranteed to maintain competition and consumer interest. Without enough regulation, certain businesses in this category may take advantage of their immunity. This could lead to many small businesses being absorbed and the market being profoundly affected. However, it is important to ensure that small businesses don't face delays and burdens disproportionate to their size. Careful investigation must be made to ensure that there are no unintended consequences from the decision.

16 If the immunity thresholds are revised for agreements of minor significance, should the immunity apply to (a) any business which is party to an agreement and which has an annual turnover of less than £10 million or (b) only to agreements to which all the business that are a party have an annual turnover of less than £10 million?

Maybe

Please expand on your answer here.:

A. Maybe - As previously mentioned, there are risks to changing the immunity criteria. The appropriate change will depend on the effect it will have on the businesses included and their impact on consumer rights. Attention should be paid to specific UK nations, such as Scotland, and the unique impact such agreements will make.

17 Will the reforms being considered by government improve the effectiveness of the CMA's tools for identifying and prioritising investigation? In particular will providing holders of full immunity in the public enforcement process, with additional immunity from liability for damages caused by the cartel help incentivise leniency applications?

Maybe

Please expand on your answer here.:

A. Maybe - As previously mentioned, there are risks to changing the immunity criteria. The appropriate change will depend on the effect it will have on the businesses included and their impact on consumer rights. Regarding immunity, it is important that businesses have the chance to report cartels and will be unlikely to do so if they will be punished as a result. They should be protected from both the cartel and legal action that may dissuade them from coming forward.

18 Will the CMA's interim measures tool in Competition Act investigations be made more effective by (a) changing the procedures for issuing decisions and/or (b) changing the standard of review of appeals against the decision?

Yes

Please expand on your answer here.:

Yes - This would ensure that the process of issuing a decision and giving the business a chance to appeal helps to make the process swifter and more efficient. These measures ensure that the business is still informed of the decision and is given the chance to appeal. However, the changes mean that the CMA can deliver these quicker and attend to their duties in a more effective way. The success of the appeals measures in mergers indicates that this will improve the process overall.

19 Will the reforms in paragraphs 1.170 to 1.174 improve the effectiveness of the CMA's tools for gathering evidence in Competition Act investigations? Are there other reforms government should be considering?

Yes

Please expand on your answer here.:

A. Yes - These tools would ensure that the CMA can gather more evidence in a timelier fashion. An investigation should account for as many factors as possible and broadening interviewing powers is sure to increase the amount of useful evidence that the CMA can access. For the same reasons, preservation will ensure that companies will not dispose of critical evidence that could help bring an investigation to a close. Increased seizure powers will also help with this. In addition, it will reduce disruption for the business as the CMA can take the evidence to another location for analysis. The data of other consumer organisations, such as Consumer Scotland, should be accounted for to ensure that the context of each UK nation is considered.

20 Will government's proposals for the use of Early Resolution Agreements help to bring complex Chapter II cases to a close more efficiently? Do government's proposals provide the right balance of incentives between early resolution and deterrence?

Yes

Please expand on your answer here.:

Yes - Being able to reach an early resolution agreement will allow the CMA to quickly deal with issues by getting the business to commit to fixing them. This must be combined with other deterrence measures to ensure that the business does not persist in its behaviour. If there is no infringement of competition law, businesses may see this as a chance to avoid changing their behaviour. The important factor is the business taking the commitments to future conduct seriously.

21 Will government's proposals to protect documents prepared by a business in order to seek approval for, and operate, a voluntary redress scheme from disclosure in civil litigation encourage the use of these redress schemes?

Maybe

Please expand on your answer here.:

Maybe - This depends on whether businesses believe that the scheme will match their interests. There are many examples of businesses that have tried to avoid CMA regulation altogether because it was the easiest option. Package holiday companies are a key example of this. The business must believe that it will be more difficult to make the issue go away later to choose to resolve it in this way. Voluntary redress is a great opportunity to quickly resolve consumer issues if businesses understand that enforcement will certainly be made against them later if they do not engage with it.

22 Will government's proposed reforms help to speed up the CMA's access to file process and by extension the conclusion of the CMA's investigations?

Yes

Please expand on your answer here.:

Yes - Confidentiality rings require agreement to function and ensuring that confidentially is maintained will allow them to speed up the investigation process. Extending responsibility to both an individual and an employer will ensure that greater efforts are made to maintain confidentiality.

23 Should government remove the requirements in the CMA Rules on the decision makers for infringement decisions in Competition Act investigations?

Yes

Please expand on your answer here.:

Yes – Giving the CMA the flexibility to set out their own procedures may be beneficial in ensuring a more efficient and less timely process. However, this must be done in a manner which maintains transparency and accountability.

24 What is the appropriate level of judicial scrutiny for decisions by the CMA in Competition Act investigations?

Please respond here.:

Maintaining the existing system of conducting regular reviews of the entire process seems to be the most desirable step to pursue.

25 What is the appropriate level of judicial scrutiny for decisions by the CMA in relation to non-compliance with investigative and enforcement powers, including information requests and remedies across its functions?

Please respond here.:

Ensuring that all parties commit to being transparent and open is extremely important in this process. We agree that giving the CMA the powers to impose sanctions should one party fail to comply with the investigation is vital in acting as a deterrent which, in turn, may help to make more effective decisions.

26 Are there reforms which fall outside the scope of government's recent statutory review of the 2015 amendments to Tribunal's rules which would increase the efficiency of the Tribunal's appeal process for Competition Act investigations?

Not Answered

Please expand on your answer here.:

27 Will the new investigative powers proposed help the CMA to conclude its investigations more quickly? Are the proposed penalty caps set at the right level? Are there other reforms to the CMA's evidence gathering powers which government should be considering?

Yes

Please expand on your answer here.:

Yes – Clearly defining their powers and the appropriate sanctions will be beneficial in helping to make effective and efficient excisions. The penalty caps seem fair and justified as it does present itself as too burdensome upon businesses. However, greater involvement from consumer organisations in each UK nation would ensure that investigations are well researched and consider local factors.

28 Will the new enforcement powers proposed improve compliance? Are the proposed penalty caps at the right level? Are there other reforms to the CMA's enforcement powers which government should be considering?

Yes

Please expand on your answer here.:

Yes, as it clearly establishes that should a party fail to meet their obligations, they will face sanctions which can be useful in acting as a strong deterrent and deliver compliance. We agree that the penalty caps seem reasonable and fair.
However, more devolution would ensure that issues specific to each UK nation are given more focus. An example of this is increased delivery prices and difficulty getting consumer redress in Scotland.

29 What conditions should apply to the CMA's use of investigative assistance powers to obtain information on behalf of overseas authorities?

Please respond here.:

Gaining the approval from overseas states to allow the CMA the right to use its investigative powers when dealing with foreign businesses would be an important condition to adopt. If the CMA does pursue cases involving overseas interactions, it is important they are given the autonomy and tools to carry out their investigative work providing they still act within the high standards set out of being transparent and accountable for their actions.

Consumer Rights

30 Do you agree with the description of a subscription contract set out in Figure 8 of this consultation? How could this description be improved?

Yes

Please expand on your answer here.:

We agree that this is a suitable description of what a subscription means. This is because it clarifies the variety of services and goods it covers and categorises them well. One improvement is to ensure that regular reviews of this definition is made to help keep it updated should emerging and new subscriptive services appear.

31 How would the proposals of clarifying the pre-contract information requirements for subscription contracts impact traders?

Please respond here.:

It will present a clear set of conditions that they must follow when offering services or goods on a subscription model. This could benefit them in helping to gain a better understanding of what their obligations are.

32 Would it make it easier or harder for traders to comply with the pre-contract requirements? And why?

Yes

Please expand on your answer here.:

It would make it easier because it clearly sets out the requirements they need to follow.

33 How would expressly requiring giving consumers to be given, in all circumstances, the choice upfront to take a subscription contract without autorenewal or rollover impact traders?

Please respond here.:

It could be argued that it would benefit traders in the sense of building trust with their clients as they are provided with transparent information and multiple options they can take when they enter into an agreement.

34 Should the reminder requirement apply where (a) the contract will auto-renew or roll-over, at the end of the minimum commitment period, onto a new fixed term only, or (b) the contract will auto-renew or roll-over at the end of the minimum commitment period?

Yes

Please expand on your answer here.:

Yes – We agree with (b) as it would make sense for consumers to be sent a reminder before their contract auto-renews or rolls over at the end of the minimum commitment period. This is because it is clear and simple two step solution which benefits traders (when communicating the rules with their clients) and consumers (easy to understand information of what they can do when approaching the end of their contract).

35 How would the reminder requirement impact traders?

Please respond here.:

It would not impact them negatively, but rather benefit their business as it can help build trust with their consumers about being open and transparent with their services and reduce the potential for complaints or disputes.

36 Should traders be required, a reasonable period before the end of a free trial or low-cost introductory offer to (a) provide consumers with a reminder that a “full or higher price” ongoing contract is about to begin or (b) obtain the consumer’s explicit consent to continuing the subscription after the free trial or low cost introductory offer period ends?

Yes

Please expand on your answer here.:

We support the (b) option as gaining a consumer’s consent is an essential condition of engaging in the market. The (a) option risk consumers entering a subscription trap whereas (b) at least reminds the consumer about what is upcoming. We hope that the regulations will mean that should a customer opt out of a paid subscription, the contract will terminate giving the consumer a less stressful experience.

37 What would be the impact of proposals regarding long-term inactive subscriptions have on traders’ business models?

Please respond here.:

It would be beneficial for traders as it keeps them updated of their client’s situation and allows them to issue out reminders about their subscription status.

38 What do you consider would be a reasonable timeframe of inactivity to give notice of suspension?

Please respond here.:

Within 6 months. We are concerned about the possibility of debts accumulating for consumers the longer their contract continues.

39 Do you agree that the process to enter a subscription contract can be quicker and more straightforward than the process to cancel the contract (in particular after any initial 14 day withdrawal period, where appropriate, has passed)?

Yes

Please expand on your answer here.:

Yes – We agree that cancelling a contract is much harder to do than signing up because there can be a lack of information or options to do the former. One example we have experienced is an individual signing up to Love Film which was easy. However, when wishing to end the contract over the free period finished, it became increasingly difficult to end it due to a lack of clear mechanisms available to facilitate this.

40 Would the easy exiting proposal, to provide a mechanism for consumers that is straightforward, cost-effective, and timely, be appropriate and proportionate to address the problem described?

Yes

Please expand on your answer here.:

Yes – It provides consumers with an easier system of cancelling a contract compared to the existing model. It empowers consumers to pursue this themselves and offers more certainty that they have managed to cancel this.

41 Are there certain contract types or types of goods, services, or digital content that should be exempt from the rules proposed and why?

Not Answered

Please expand on your answer here.:

42 Should government add to the list of automatically unfair practices in Schedule 1 of the CPRs the practice of (a) commissioning consumer reviews in all circumstances or (b) commissioning a person to write and/or submit fake consumer reviews of goods or services or (c) commissioning or incentivising any person to write and/or submit a fake consumer review of goods or services?

Yes

Please expand on your answer here.:

Yes – It should be added to the list of automatically unfair practices because the very practice of commercialised consumer reviews can be regarded as biased and potentially misleading.

43 What impact would the reforms mentioned in Q42 have on (a) small and micro businesses, both offline and online (b) large online businesses and (c) consumers?

Please respond here.:

With regards to microbusinesses and large online businesses, this would benefit them adopting such a requirement as it would help strengthen trust amongst their clients and reviews would be more accurate and credible. As for consumers, they will benefit as they can get a realistic account of what purchasers think about a given product.

44 What 'reasonable and proportionate' steps should be taken by businesses to ensure consumer reviews hosted on their sites are 'genuine'? What would be the cost of such steps for businesses?

Please respond here.:

If businesses fail to deal with fake reviews on their website or platform, the CMA should investigate this due to this being a violation of fair competition rules. If this continues, the CMA should have the power to issue sanctions. It would cost businesses financially due to the sanctions being imposed, but such steps should be designed in a way that acts as a deterrent against planning on commercialising fake reviews. This would deter the practise in future.

45 Should government add to the list of automatically unfair practices in Schedule 1 of the CPRs the practice of traders offering or advertising to submit, commission or facilitate fake reviews?

Yes

Please expand on your answer here.:

Yes, as it clearly violates any notion of fair commercial practice and disadvantages consumers.

46 Are consumers aware of businesses using behavioural techniques to influence choice that affect their purchasing decisions? Is this a concern that they would want to be addressed?

Yes

Please expand on your answer here.:

Yes, they are aware as the clients we have been contacted by have reported numerous examples of unfair consumer practices being carried out by certain traders and businesses. Both our organisation and our clients believe these issues to be concerning and needs to be dealt with appropriately.

47 Do you think government or regulators should do more to address (a) 'drip pricing' and (b) paid-for search results that are not labelled accordingly, as practices likely to be breached under the CPRs?

Not Answered

Please expand on your answer here.:

We believe that both government and regulators must do more to tackle these issues as they are misleading and offer no transparency whatsoever.

48 Are there examples of existing consumer law which could be simplified or where we could give greater clarity, reducing uncertainty (and cost of legal advice) for businesses/consumers?

Not Answered

Please expand on your answer here.:

When hiring a trader to carry out a service such as a repair or installation, the Consumer Rights Act 2015 states that if no timescale for completion of the work was made clear, the work should be completed within a reasonable timescale. We believe this should be revisited to clarify what a reasonable timescale is. The opaque nature of the term can allow businesses to stall for time when dealing with a customer.

49 Are there perverse incentives or unintended consequences from our existing consumer law?

Not Answered

Please expand on your answer here.:

Traders may take advantage of the 'reasonable time' mechanism to suit their needs at the detriment of the consumer. Clear rules allow businesses and consumers to know their rights and obligations, reducing the number of issues.

50 Are there any redundant or unnecessarily burdensome requirements to provide information or other reporting requirements, which burden businesses disproportionately compared to the benefits they bring to consumers?

No

Please expand on your answer here.:

No – The effects of reforms suggested in this consultation would not harm businesses as some may believe. In fact, there are a lot of benefits we have raised in this response which may help businesses in clarifying the consumer guidance and regulations.

51 Do you agree that these powers should be used to protect those using "savings" clubs that are not currently within scope of financial protection laws and regulators?

Not Answered

Please expand on your answer here.:

We agree with introducing further powers to help regulate such clubs as we wish to see the interests of the consumer protected.

52 What other sectors might new powers regarding prepayment protections be usefully applied to?

Please respond here.:

53 How common is the practice of using terms and conditions to delay the formation of a sales contract?

Please respond here.:

54 Does the practice of using terms and conditions to delay the formation of a sales contract cause, or have the potential to cause, detriment to consumers? If so, what is the nature of the detriment or likely detriment?

Not Answered

Please expand on your answer here.:

Consumer Law Enforcement

55 Do you agree with government's proposal to empower the CMA to enforce consumer protection law directly rather than through the civil courts?

Yes

Please expand on your answer here.:

Yes - This change would provide the CMA with the power needed to incentivise businesses with bad practises to meet their obligations. A consistent issue is that CMA action is too slow and small to deter businesses. In the time that it would have taken to secure civil court action, more damage was done by the business. An example of this is package holiday refunds, where many businesses were comfortable continuing their practises, knowing the CMA could do little to stop them. Direct enforcement ensures that issues are dealt with quickly and the public can get redress.

56 What would be the benefits and drawbacks of the CMA retaining the same or similar enforcement scope under an administrative model as it has under the court-based, civil enforcement process under Part 8 of the EA 02?

Please respond here.:

The main benefit would be that the CMA can continue to work with other organisations to enforce consumer law. A notable example is Consumer Scotland, which will begin operations in 2022. This organisation can provide focussed information on the consumer issues of Scotland and propose solutions tailored to the Scottish consumer context. We welcome the devolution of consumer advocacy and advice, which ensures that protections are added on a Scottish level. It also allows the CMA to select cases that it believes are representative of significant wide-ranging problems. The disadvantages are that only certain areas of consumer law that can be used for enforcement, potentially leaving key areas unenforced.

57 What processes and procedures should the CMA follow in its administrative decision-making to ensure fair and proportionate administrative decisions?

Please respond here.:

The suggested model illustrated in figure 13, if implemented well, will ensure a fair decision-making process. Gathering information will ensure that the case is well understood. Consideration should also be given as whether the business has broken the law and whether action will be effective in preventing further damages. Giving a provincial decision to the business is also a good opportunity to allow them to correct their behaviour. Not all will do this, but it will encourage proactive behaviour overall. Determination of the consequences is also important to ensure that the correct and appropriate action is taken.

58 What scope and powers of judicial scrutiny should apply in relation to decisions by the CMA in consumer enforcement investigations under an administrative model?

Please respond here.:

The CMA should have the power to make effective decisions within its remit provided they are appropriate to the actions of the business. At the same time, an appeal body should have the power to scrutinise and quash CMA decisions that were made incorrectly. The CMA should also consider other consumer regulators, such as Consumer Scotland and cooperate for greater effectiveness. The ideal is for the CMA to able to enact correct decisions but also that businesses have safeguards if an error has been made in the procedure or decision.

59 Should appeals of administrative CMA decisions be heard by a generalist court or a specialised tribunal? What would be the main benefits of your preferred option?

Maybe

Please expand on your answer here.:

Maybe-The court that hears the decision must have the appropriate knowledge and resources to do so and must have the power to act if something has gone wrong. The benefits of doing this are that the court is more likely to make an informed decision and can take appropriate action as a result.

60 Should sector regulators' civil consumer enforcement powers under Part 8 of the EA 02 be reformed to allow for enforcement through an administrative model? What specific deficiencies do you expect this to address?

Not Answered

Please expand on your answer here.:

61 Would the proposed fines for non-compliance with information gathering powers incentivise compliance? What would be the main benefits, costs, and drawbacks from having an option to impose monetary penalties for non-compliance with information gathering powers?

Yes

Please expand on your answer here.:

Yes-The proposed fines would ensure that businesses act quickly address the issues they have created. Current powers are restricted to the point where businesses can wait for months without facing any tangible consequences. With this change, they would need to act immediately to avoid significant financial loss. However, this may make businesses more wary about the CMA and make them more reluctant to cooperate in investigations for fear of being fined.

62 What enforcement powers (or combination of powers) should be available where there is a breach of a consumer protection undertaking to best incentivise compliance?

Please respond here.:

Fines are an effective deterrent to bad consumer practises but also the prospect of being noted as a business that has failed to maintain consumer rights. These are key business concerns and will demand their attention if compromised. Enforceable undertakings are also useful to reach a quick voluntary decision that come with obligations for the business.

63 Should there be a formal process for agreeing undertakings that include an admission of liability by the trader for consumer protection enforcement?

Maybe

Please expand on your answer here.:

Maybe - This would be useful if the business is interested in a quick solution and is willing to admit they did something wrong. Admission of liability could ensure that the business cannot deny the bad practise in future. However, if admitting liability is always mandatory, there is a risk that businesses will not cooperate where they otherwise would.

64 What enforcement powers should be available if there is a breach of consumer protection undertakings that contain an admission of liability by the trader, to best incentivise compliance?

Please respond here.:

Fines are an effective deterrent to bad consumer practises but also the prospect of being noted as a business that has failed to maintain consumer rights. These are key business concerns and will demand their attention if compromised.

65 What more can be done to help vulnerable consumers access and benefit from Alternative Dispute Resolution?

Please respond here.:

ADR must be easily available to those that are vulnerable, and support should be given to ensure that they can have access. ADR schemes should ensure that there are multiple ways to engage with them and that help can be provided to help vulnerable people use their services. Digital inclusion is a key part of this as most communications have moved online. Digital skills and access to internet devices will be a key concern.

The devolution of consumer advocacy and advice in Scotland will ensure that the vulnerable have another source of assistance and support. Cooperation with Consumer Scotland will ensure that vulnerable people have access to resolution options, including ADR.

66 How can regulators and government balance the need to ensure timely redress for the consumer whilst allowing businesses the time to investigate complex complaints?

Please respond here.:

Clear and shorter timeframes that provide the customer with a source for the customer to escalate the issue if not met. The 8-week period is often used by businesses as a delaying tactic to prevent customers from getting solutions to their issues. In the case of more vulnerable customers, clear definitions and support policies would ensure that they do not face unnecessary hardship.

67 What changes could be made to the role of the 'Competent Authority' to improve overall ADR standards and provide sufficient oversight of ADR bodies?

Please respond here.:

We agree with the government's proposal to require that all providers of consumer ADR are assessed and approved for their ability to provide an ADR service, strengthen the minimum service expectations of all ADR providers (focusing on four key principles to improve the quality of ADR; neutrality, efficiency, accessibility, and transparency), and achieve these goals by amending the ADR regulations.

68 What further changes could government make to the ADR Regulations to raise consumer and business confidence in ADR providers?

Please respond here.:

Reducing applications windows (i.e. the existing 8-week working period).

69 Do you agree that government should make business participation in ADR mandatory in the motor vehicles and home improvements sectors? If so, is the default position of requiring businesses to use ADR on a 'per case' basis rather than pay an ADR provider on a subscription basis the best way to manage the cost on business?

Not Answered

Please expand on your answer here.:

We agree with the assessment in the Consumer Green Paper that proposes a suitable solution to require business participation in sectors where the volume and value of consumer detriment is demonstrably high. One area we would welcome ADR being expanded to is with regards to used cars which represents the most widely reported issue within our consumer service.

70 How would a 'nominal fee' to access ADR and a lower limit on the value of claims in these sectors affect consumer take-up of ADR and trader attitudes to the mandatory requirement?

Please respond here.:

Fees to access ADR services will deter people from using them. This would reduce usage of ADR services and by extension, increase the severity of consumer issues. To avoid this, fees should not be used.

71 How can government best encourage businesses to comply with these changes?

Please respond here.:

Persuading businesses that solving a dispute through ADR is less troublesome and costly compared to going to court. If you make these schemes mandatory, then this will require them to participate.

72 To what extent do you consider it necessary to open up further routes to collective consumer redress in the UK to help consumers resolve disputes?

Please respond here.:

We consider this very important as other approaches will tend to be more costly and time consuming compared to ADR which is typically more efficient.

73 What impact would allowing private organisations and consumer organisations to bring collective redress cases in addition to public enforcers have on (a) consumers, and (b) businesses?

Please respond here.:

It would help to expand and improve access to ADR schemes for more people and meet demand.

74 How can national enforcement agencies NTS and TSS best work alongside local enforcement to tackle the largest national cases of criminal breaches of consumer law?

Please respond here.:

It may be suitable to develop a strategy group consisting of all the major stakeholders in this sector to create a coordinated and unified approach to tackling cases.

75 Does the business guidance currently provided by advisory bodies and public enforcers meet the needs of businesses? What improvements could be made to increase awareness of consumer protection law and facilitate business compliance?

Not Answered

Please expand on your answer here.: