

OFT Annual Report and Accounts 2013 to 2014

Annexe A

Consumer protection casework, 1 April 2013 to 31 March 2014

Enterprise Act 2002: Consumer protection enforcement outcomes

Table A.1: Numbers of enforcement outcomes achieved under the Enterprise Act, 1 April 2013 – 31 March 2014

	2012-13 (for comparison)	2013-14
Undertakings	20	4
Undertakings to the High Court	1	0
Court Order	2	0

Table A.2: Details of undertakings obtained under the Enterprise Act 2002, 1 April 2013 – 31 March 2014

Company/individual name(s)	Date case opened	Date of undertaking	Length of case in months	Underlying legislation
Investigations into health and fitness clubs contracts	01/12	See below:	20	Enterprise Act 2002. Unfair Terms in Consumer Contracts Regulations 1999. Consumer Protection from Unfair Trading Regulations 2008.
Dave Whelan Sports Limited,		01/09/13		
LA Leisure Limited		01/09/13		
Harlands Group Limited (and associated companies).		01/09/13		
Investigation into the pricing practices by certain carpet and flooring businesses	04/12	See below	22	The Enterprise Act 2002 ('EA02'); the Consumer Protection from Unfair Trading Regulations 2008; and the Price Marking Order 2004

United Carpets Group plc	12/13
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Table A.3: Details of court orders obtained under the Enterprise Act 2002, 1 April 2013 – 31 March 2014

Company/individual name(s)	Date case opened	Date of court order	Length of case in months	Underlying legislation
N/A				

Table A.4: Details of other consumer protection investigations closed, 1 April 2013 – 31 March 2014

Company/individual name(s) (where public)	Date case opened	Date case closed	Length of case in months	Underlying legislation	Reason for closure
Children's online & app based games	04/12	03/14	23	Consumer Protection (from Unfair Trading) Regulations 2008 ('CPRs'), the Unfair Terms in Consumer Contracts Regulations 1999 ('the UTCCRs') and the Electronic Commerce (EC Directive) Regulations 2002 ('the ECRs')	Case conclusion OFT Final principles for online and in-apps published. Games industry given till April 2014 to ensure their games do not breach consumer protection law
Investigation into providers in the quick house sales sector	07/13	12/13	5	The Enterprise Act 2002; the Consumer Protection from Unfair Trading Regulations 2008; the Unfair Terms in Consumer Contracts Regulations 1999, Estate Agents Act 1979	Undertakings/commitments given by BTA properties, Box MX Limited, Gateway, Property Rescue
Universities' Terms and Conditions	07/13	02/14	8	The Enterprise Act 2002, the Unfair Terms in Consumer Contracts Regulations 1999 ('UTCCRs'), the	Case conclusion Report published 18/02

				Unfair Contract Terms Act 1977 ('UCTA'), and the Consumer Protection from Unfair Trading Regulations 2008 ('CPRs').	
Investigation into the pricing practices by certain carpet and flooring businesses	04/12	01/14	23	The Enterprise Act 2002 ('EA02'); the Consumer Protection from Unfair Trading Regulations 2008; and the Price Marking Order 2004	Nixon & Hope Limited has agreed to amend its website to ensure that any price advantages claimed are accurate. It has also agreed to address the OFT's concerns by ensuring where a price is indicated to consumers a clear, unambiguous selling price inclusive of VAT will be given. The amendments to the website will be completed in February 2014
Nixon & Hope					
Investigations into the use of misleading reference pricing by certain furniture and carpet businesses	11/12	12/13	11	Part 8 of the Enterprise Act 2002 Consumer Protection from Unfair Trading Regulations 2008.	DFS has confirmed its commitment to: advertise the same prices across all their stores and online and ensure that promotional price periods are no longer than the periods during which the product in question is offered at its normal price.
DFS					
Investigation into the business practices of Weatherseal Home Improvements Limited, a national provider of double glazing and other energy efficiency and home improvement products.	10/12	01/14	16	Part 8 of the Enterprise Act 2002; Consumer Protection from Unfair Trading Regulations 2008; Cancellation of Contracts made in a Consumer's Home or Place of Work Etc. Regulations 2008	Weatherseal Home Improvements Limited agreed to make changes and gave assurances about its future conduct. Similar assurances were given by Window Care Limited, a company that provides training, compliance and customer service functions on behalf of Weatherseal Home Improvements Limited.

Investigation into retirement home exit fees. 09/09

Bovis Homes Limited

Goldsborough Estates Limited

Shropshire Leisure Group Limited

Friel Investment Company Limited

Part 8 of the Enterprise Act 2002; the Unfair Terms in Consumer Contracts Regulations 1999

Following publication of an OFT report in February 2013 on the findings of its industry wide investigation into retirement home transfer fee terms, a number of companies confirmed that, whilst they did not agree with the OFT's views, they had voluntarily made changes or were making changes to how such terms were enforced.

Ongoing consumer protection investigations

Table A.5: Details of consumer protection investigations that are in the public domain and which were ongoing at 31 March 2014

Company/individual name(s) (where public)	Date case opened	Underlying legislation	Procedural milestones passed as at 31 March 2014
Alleged unlawful pyramid selling scheme	01/09	Consumer Protection from Unfair Trading Regulations 2008.	Proceedings ongoing. The OFT is unable to provide further details as the case is the subject of reporting restrictions
Prosecution for fraud in property sales	09/12	Fraud Act 2006. Forgery and Counterfeiting Act 1981.	Defendants pleaded guilty and sentenced. Proceeds of Crime Act proceedings ongoing.
Investigations into the use of misleading reference pricing by certain furniture and carpet businesses	11/12 (furniture) 04/12 (carpets)	Part 8 of the Enterprise Act 2002 Consumer Protection from Unfair Trading Regulations 2008.	Case closure letters have been sent to all parties indicating they will be able to provide commitments along the same lines as DFS.
Dreams Ltd			A compliance and monitoring strategy is to be put to CMA management for consideration.
Carpetright Plc			
Homestyle Operations Ltd's trading brands 'Harveys' and 'Bensons for Beds'.			
A Share & Sons Ltd ('SCS'),			
Furniture Village Limited			

Inspection and information-gathering

Table A.6: Inspections and information gathering by the OFT under consumer protection law, 1 April 2013 – 31 March 2014

	2012-13 (for comparison)	2013-14
On-site inspections under Regulation 22(1) of the CPRs	0	0
On-site inspections/Notices issued under Regulation 21 of the CPRs	0	0
s.224 notices	/	11

Estate Agents Act 1979

Table A.7: Enforcement outcomes under the Estate Agents Act, 1 April 2013 – 31 March 2014

	2012-13 (for comparison)	2013-14
Persons notified by OFT Adjudicators that the OFT was considering issuing a Prohibition Order against them	1	6
Proposals to issue a Prohibition Order in parallel with proposals to issue a Warning Order	8	9
People receiving a favourable determination allowing them to continue doing estate agency work following a proposal to issue a Prohibition Order in parallel with proposals to issue a Warning Order	0	2
Prohibition Orders	9	9
Warning Orders	0	11
Prohibition Orders entering into force during period	10	3
Warning Orders entering into force during Period	0	10

From 3 May 1982, the date the Act came into force, up to 31 March 2013, a total of 330 people have been prohibited from doing estate agency work under the Act.

Table A.8: Determinations under the Estate Agents Act, 1 April 2013 – 31 March 2014

Date of order	Company/individual names	Type of order
18/07/13	Sam Weston	Warning
18/09/13	Benjamin Curtis	Warning
18/09/13	Matthew Sheldon	Warning
18/09/13	Simon Cole	Warning
18/09/13	Edward Bloom	Warning
18/09/13	Daniel Ginsburg	Warning
18/09/13	Sarah Leyens (nee Webber)	Warning
24/09/13	James Starr	Prohibition
08/11/13	Nathan Priestley	Prohibition
25/02/14	Eastbourne Property Shop Limited	Warning
25/02/14	Adam Upton	Warning
25/02/14	Adam Davidson	Warning
06/03/14	Avtar Singh Gohlan	Prohibition
06/03/14	Jagdeep Singh Gohlan	Prohibition
18/03/14	Britannia Property Services (UK) Ltd	Prohibition
18/03/14	Saeema Anwar Butt	Prohibition
18/03/14	Leila Amjadi	Prohibition
27/03/14	Andrew Stephen Butts	Warning
27/03/14	Samantha Jayne Kelly	Prohibition
27/03/14	Thomas Francis Kelly	Prohibition

Table A.9: Determinations where an appeal was pending on 31 March 2014

Date of determination	Company/individual names	Type of order
N/A		