

**ENHANCING CONSUMER
CONFIDENCE THROUGH
EFFECTIVE ENFORCEMENT**

Supplementary Legislative
Document for the
Consultation on consolidating
and modernising consumer law
enforcement powers

MARCH 2012

Contents

Table 1: List of enforcement bodies within the scope of this consultation.....	4
Table 2: Details of legislative provisions to be repealed or amended	5
Table 3: Enhanced powers of seizure under section 50 of the Criminal Justice and Police Act 2001	13
Table 4: List of product safety powers to be included with generic set	15
Table 5: List of specific weights and measures powers to be included with the generic set.....	16
Table 6: Details of changes to obstruction offence	18

Table 1: List of enforcement bodies within the scope of this consultation

The following enforcement bodies have powers under the legislation within the scope of this consultation:

1. Office of Fair Trading (OFT);
2. Local weights and measures authorities in Great Britain (also known as Trading Standards Services), which include unitary authority councils, county councils, district councils, county borough councils, London borough councils, City of London Council, Council of the Isles of Scilly or inspectors appointed by these bodies for the purpose of enforcing these provisions;
3. Department of Enterprise, Trade and Investment in Northern Ireland (DETI);
4. Medicines and Healthcare Regulatory Authority (MHRA);
5. British Hallmarking Council
6. Assay Offices

Consumer Protection Act 1987 and General Product Safety Regulations 2005:

7. District Councils in Northern Ireland;

Consumer Protection Cooperation (CPC) enforcers under the Enterprise Act 2002:

8. Civil Aviation Authority (CAA);
9. Financial Services Authority (FSA);
10. Secretary of State for Health;
11. Department of Health, Social Services and Public Safety in Northern Ireland (DHSSPS);
12. Office of Communications (Ofcom);
13. PhonepayPlus (previously known as Independent Committee for the Supervision of Standards of the Telephone Information Services (ICSTIS))

Table 2: Details of legislative provisions to be repealed or amended

	Statutes	Relevant Enforcement body	Provisions to be repealed, or amended where stated
1	Christmas Day (Trading) Act 2004	Unitary authority councils, county councils, district councils, county borough councils, London borough councils, City of London Council, Council of the Isles of Scilly or inspectors appointed by these bodies for the purpose of enforcing these provisions	Section 3(1)-(3)
2	Clean Air Act 1993	Local weights and measures authorities	Section 30(4)-(5)
3	Consumer Credit Act 1974	Office of Fair Trading, Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department of Commerce for Northern Ireland), local weights and measures authorities in Great Britain	Sections 161- 165
4	Consumers, Estate Agents and Redress Act 2007	Office of Fair Trading, Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department for Commerce in Northern Ireland), Local weights and measures authorities in Great Britain	Section 57 amends Section 11 of the Estate Agents Act 1979
5	Consumer Protection Act 1987	Local weights and measures authorities in Great Britain, district councils in Northern Ireland	Part 4 - Sections 27-35 (except Section 31 Power of customs officers) We will also make sure that the power under section 27(2) and the subordinate legislation made under it is saved
6	Copyright, Designs and Patents Act 1988	Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department for Economic Development for Northern Ireland), local weights and measures authorities in Great Britain	Sections 107A, 198A. We will ensure that section 198A(4) which provides for disclosure facilitating enforcement of the Trade Descriptions Act 1968 is saved

	Statutes	Relevant Enforcement body	Provisions to be repealed, or amended where stated
7	Enterprise Act 2002 (Part 8)	Office of Fair Trading, Department of Enterprise, Trade and Investment Northern Ireland (DETI), local weights and measures authorities in Great Britain, Civil Aviation Authority, Financial Services Authority, Secretary of State for Health, Department of Health, Social Services and Public Safety in Northern Ireland, Office of Communications, the Independent Committee for the Supervision of Standards of the Telephone Information Services, Information Commissioner	Amend Sections 213, 225, and repeal Sections 227A-227F
8	Estate Agents Act 1979	Office of Fair Trading, Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department for Commerce in Northern Ireland), local weights and measures authorities in Great Britain	Sections 11, 26-27
9	Hallmarking Act 1973	Local weights and measures authorities in Great Britain, British Hallmarking Council and Assay Offices, Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Ministry of Commerce for Northern Ireland)	Section 9
10	Olympic Symbol etc (Protection) Act 1995	Local weights and measures authorities in Great Britain Department of Enterprise, Trade and Investment Northern Ireland (DETI)	Section 8A
11	Prices Act 1974	Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department for Commerce for Northern Ireland), local weights and measures authorities in Great Britain	Section 7, Schedule, paragraph 6-7, 9-10, 14
12	Property Mis-descriptions Act 1991	Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department for Economic Development in Northern Ireland), local weights and measures authorities in Great Britain	Section 3, Schedule
13	Sunday Trading Act 1994	Unitary authority councils, county councils, district councils, county borough councils, London borough councils, City of London Council, Council of the Isles of Scilly.	Schedule 2, Paragraphs 1-4
14	Trade Descriptions Act 1968	Local weights and measures authorities in Great Britain	Sections 26-33
15	Trade Marks Act 1994	Local weights and measures authorities in Great Britain	Section 93 We will ensure that section 93(4) which provides for disclosure facilitating enforcement of the Trade Descriptions Act 1968 is saved

	Statutes	Relevant Enforcement body	Provisions to be repealed, or amended where stated
16	Video Recordings Act 1994	Local weights and measures authorities in Great Britain	Section 16A
17	Weights and Measures Act 1985	Weights and measures authorities as defined in section 69: In England, each non-metropolitan county, metropolitan district and London borough council, the Council for the City of London and the Inner and Middle Temples and the Council of the Isles of Scilly. In Wales, the local weights and measures authority for each county council and county borough council. In Scotland, the local weights and measures authority for the area of each council constituted under section 2 of the Local Government etc (Scotland) Act 1994	Sections 11(4), 38-42, 79-81

	Statutory Instruments: Fair Trading	Relevant Enforcement body	Provisions to be repealed, or amended where stated
1	Business Protection from Misleading Marketing Regulations 2008 [SI 2008/1276]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 13-14, 21-13-27
2	Consumer Protection from Unfair Trading Regulations 2008 [SI 2008/1277]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Part 4 Regulations 19-25
3	Estate Agents (Entry and Inspection) Regulations 1981 [SI 1981/1519]	Office of Fair Trading, Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department for Commerce in Northern Ireland), local weights and measures authorities in Great Britain	The whole regulation
4	Cancellation of Contracts made in a Consumer's Home or Place of Work etc Regulations 2008 [SI 2008/1816]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 21-24
5	Consumer Credit (Entry and Inspection) Regulations 1977 [SI 1977/331]	Office of Fair Trading, Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department of Commerce for Northern Ireland), local weights and measures authorities in Great Britain	The whole regulation

	Statutory Instruments: Fair Trading	Relevant Enforcement body	Provisions to be repealed, or amended where stated
6	Crystal Glass (Descriptions) Regulations 1973 [SI 1973/1952]	Local weights and measures authorities in Great Britain	Regulation 8(3-4)
7	Footwear (Indication of Composition) Labelling Regulations 1995 [SI 1995/2489]	Local weights and measures authorities in Great Britain	Regulation 10(2-3)
8	Package Travel, Package Holidays and Package Tours Regulations 1992 [SI 1992/3288]	Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department for Economic Development in Northern Ireland), local weights and measures authorities in Great Britain	Regulation 23 Schedule 3
9	Price Marking Order 2004 [SI 2004/102]	Local weights and measures authorities in Great Britain	Regulation 15
10	Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010 [SI 2010/2960]	Department of Enterprise, Trade and Investment in Northern Ireland (DETI), local weights and measures authorities in Great Britain	Regulations 32-34

	Statutory Instruments: Product safety	Relevant Enforcement body	Provisions to be repealed, or amended where stated
11	Cosmetic Products (Safety) Regulations 2008 [SI 2008/1284]	Local weights and measures authorities in Great Britain, district councils in Northern Ireland	Amendment of Regulation 24 for incorporation into the proposed generic set
12	Electrical Equipment (Safety) Regulations 1994 [SI 1994/3260]	Local weights and measures authorities in Great Britain, district councils in Northern Ireland	Amendment of Regulation 15(a) and repeal Regulation 18
13	The Electro-magnetic Compatibility Regulations 2006 [SI 2006/3418]	Department of Enterprise, Trade and Investment (DETI), in Northern Ireland, local weights and measures authorities in Great Britain	Amend Regulations 37, 38-40, 50, 60 for Trading Standards

	Statutory Instruments: Product safety	Relevant Enforcement body	Provisions to be repealed, or amended where stated
14	Furniture and Furnishings (Fire) (Safety) Regulations 1988 [SI 1988/1324]	Local weights and measures authorities in Great Britain, district councils in Northern Ireland	Regulations 12-13
15	General Product Safety Regulations 2005 [SI 2005/1803]	In England, a county council, district council, London Borough Council, the Common Council of the City of London in its capacity as a local authority and the Council of the Isles of Scilly, in Wales, a county council or a county borough council, in Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994, in Northern Ireland any district council.	Regulations 10, 21 -27 (Except that Regulation 10(5) will be re-enacted in the generic set for product safety matters)
16	Medical Devices Regulations 2002 [SI 2002/618]	Local weights and measures authority in Great Britain and district councils in Northern Ireland	We will amend Regulation 61(1)
17	Packaging (Essential Requirements) Regulations 2003 [SI 2003/1941]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), local weights and measures authorities in Great Britain	Amend relevant paragraphs in Schedule IV covering Trading Standards investigatory powers for incorporation into the proposed generic set
18	Personal Protective Equipment Regulations 2002 [SI 2002/1144]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), local weights and measures authorities in Great Britain	Schedule 10
19	Pressure Equipment Regulations 1999 [SI 1999/2001]	Local weights and measures authorities in Great Britain	Amend relevant paragraphs in Schedule 8(1-2) covering Trading Standards investigatory powers
20	Radio Equipment and Tele-communications Terminal Equipment Regulations 2000 [SI 2000/730]	Ofcom, local weights and measures authority in Great Britain and district councils in Northern Ireland	Schedule 9, Part I, Part II (paragraph 7 – 9, 11, 13-14, 17)

	Statutory Instruments: Product safety	Relevant Enforcement body	Provisions to be repealed, or amended where stated
21	REACH Regulations 2008 (Registration, Evaluation, Authorisation and Restriction of Chemicals) [SI 2008/2852]	In Greater London, a London borough council, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple; In England, a county council, district council, London Borough Council, the Common Council of the City of London in its capacity as a local authority and the Council of the Isles of Scilly, in Wales, a county council or a county borough council, in Scotland, a council constituted under section 2 of the Local Government etc (Scotland) Act 1994, in Northern Ireland district councils.	Schedule 6 Part 3 (excluding section 2 notices, section 3 forfeiture)
22	The Simple Pressure Vessels (Safety) Regulations 1991 [SI 1991/2749]	Local weights and measures authority in Great Britain and district councils in Northern Ireland	Amend relevant paragraphs in Schedule 5 Paragraph 3 covering Trading Standards investigatory powers
23	The Supply of Machinery (Safety) Regulations 2008 [SI 2008/1597]	Local weights and measures authority in Great Britain and district councils in Northern Ireland	Regulation 20 Schedule 5 Paragraph 2, 11-13
24	Toys (Safety) Regulations 2011 [SI 2011/1881]	Local weights and measures authorities in Great Britain, district councils in Northern Ireland	Regulation 17(6), 31(2), 38 (Except that we will re-enact Regulations 17(7-9))

	Statutory Instruments: Weights and measures	Relevant Enforcement body	Provisions to be repealed, or amended where stated
25	Alcoholmeters and Alcohol Hydrometers (EEC Requirements) Regulations 1977 [SI 1977/1753]	Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department for Commerce in Northern Ireland), Local weights and measures authorities in Great Britain	Regulations 13-14. Except that we will re-enact the provision in Regulation 13(2) regarding forfeiture)
26	The Measuring Container Bottles (EEC Requirements) Regulations 1977 [SI 1977/932]	Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department for Commerce in Northern Ireland), Local weights and measures authorities in Great Britain	Regulations 7(2), 8(1-4), 10(5-6)
27	The Measuring Instruments (Automatic Catchweighers) Regulations 2006 [SI 2006/1257]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 20, 26, 28(1-5,9)-29

	Statutory Instruments: Weights and measures	Relevant Enforcement body	Provisions to be repealed, or amended where stated
28	Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006 [SI 2006/255]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 17, 23, 25(1-5,9)-26, 31
29	The Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006 [SI 2006/1258]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 18, 24, 26(1-5,9), 27,32
30	The Measuring Instruments (Automatic Rail Weighbridges) Regulations 2006 [SI 2006/1256]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 18, 24, 26(1-5,9)-27, 32
31	The Measuring Instruments (Beltweighers) Regulations 2006 [SI 2006/1259]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 18, 24, 26(1-5,9)-27, 32
32	The Measuring Instruments (Capacity Serving Measures) Regulations 2006 [SI 2006/1264]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 16, 23(1-5,9)-24, 29
33	The Measuring Instruments (Cold Water Meters) Regulations 2006 [SI 2006/1268]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 17, 23, 25(1-5,9)-26, 31
34	The Measuring Instruments (EEC Requirements) Regulations 1988 [SI 1988/186]	Department of Enterprise, Trade and Investment Northern Ireland (DETI formerly Department for Commerce in Northern Ireland), Local weights and measures authorities in Great Britain	Regulations 26(1-4,7)-27
35	The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006 [SI 2006/1266]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 18, 23(1,4)-25, 25(1-5,9)-26, 31

	Statutory Instruments: Weights and measures	Relevant Enforcement body	Provisions to be repealed, or amended where stated
36	The Measuring Instruments (Liquid Fuel Delivered from Road Tankers) Regulations 2006 [SI 2006/1269]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 18, 24(1-2,4), 26(1-5,9), 27, 32
37	The Measuring Instruments (Material Measures of Length) Regulations 2006 [SI 2006/1267]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 16, 23(1-5,9)-24, 29
38	The Non-Automatic Weighing Instruments Regulations 2000 [SI 2000/3236]	Department of Enterprise, Trade and Investment Northern Ireland (DETI), Local weights and measures authorities in Great Britain	Regulations 38(1-5,8)-39
39	The Weights and Measures (Packaged Goods) Regulations 2006 [SI 2006/659]	As per Weights and Measures Act 1985	Regulations 10,12 Schedule 7

Table 3: Enhanced powers of seizure under section 50 of the Criminal Justice and Police Act 2001

List of consumer legislation with powers inserted by section 50

1. Business Protecting from Misleading Marketing Regulations 2008
2. Consumer Credit Act 1974
3. Consumer Protection Act 1987
4. Consumer Protection from Unfair Trading Regulations 2008
5. Copyright, Designs and Patents Act 1988
6. Enterprise Act 2002
7. Estate Agents Act 1979
8. Fair Trading Act 1973
9. General Product Safety Regulations 2006
10. Property Misdescriptions Act 1991
11. Prices Act 1974
12. Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
13. Trade Descriptions Act 1968
14. Trade Marks Act 1994
15. Weights and Measures (Packaged Goods) Regulations 2006
16. Weights and Measures Act 1985

Proposed list of legislation to be included under section 50

Consumer law

1. Cancellation of Contracts made in a consumers Home or Place of Work etc Regulations 2008¹
2. Consumer Protection (Distance Selling) Regulations 2000
3. Package Travel, Package Holidays and Package Tours Regulations 1992
4. Sunday Trading Act 1994
5. Christmas Day Act 2004

¹ Both the Cancellation of Contracts made in a consumers Home or Place of Work etc Regulations 2008 and Consumer Protection (Distance Selling) Regulations 2000 are amongst 12 pieces of legislation to be repealed and replaced as a result of the implementation of the Consumer Rights Directive

Weights and measures regulations

1. Measuring Container Bottles (EEC Requirements) Regulations 1977
2. Alcoholmeters and Alcohol Hydrometers (EEC Requirements) Regulations 1977
3. Measuring Instruments (EEC Requirements) Regulations 1988
4. Weights and Measures (Non-Automatic Weighing Instruments) Regulations 2000
5. Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006
6. Measuring Instruments (Automatic Rail Weighbridges) Regulations 2006
7. Measuring Instruments (Automatic Catchweighers) Regulations 2006
8. Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006
9. Measuring Instruments (Beltweighers) Regulations 2006
10. Measuring Instruments (Capacity Serving Measures) Regulations 2006
11. Measuring Instruments (Cold Water Meters) Regulations 2006
12. Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006
13. Measuring Instruments (Material Measures of Length) Regulations 2006
14. Measuring Instruments (Liquid Fuel Delivered from Road Tankers) Regulations 2006

Table 4: List of product safety powers to be included with generic set

1. We intend to repeal the specific powers contained in product safety laws, subject to the following exceptions. We believe it is important that officers can check the compliance of products in relation to their safety, so we will include the current powers provided in product safety legislation which enable an officer to inspect any record, and examine any procedure (including any arrangements for carrying out a test) connected with the production of a product.²
2. It is also important that officers are able to check compliance of goods that are imported into the UK through ports of entry before they are distributed whilst ensuring these checks are carried out in a targeted, risk-assessed basis so that legitimate trade through our borders is not unduly hindered. So we will also include the power to require a person to supply information, such as production of records and the power to seize and detain samples of goods to determine (if necessary by testing) where there are reasonable grounds for suspecting that an unsafe product might be about to be placed on the market or supplied in the UK, or if it has not yet been placed on the market.³
3. We intend to maintain the provisions in relation to a business's right to appeal against the detention of goods and records⁴ and the ability for enforcers to recover expenses for enforcement.⁵ We also intend to maintain provisions regarding the forfeiture of goods.⁶

² See section 29(3) Consumer Protection Act 1987 and Regulation 22(2)& (3) General Product Safety Regulations 2005

³ Section 29(4) Consumer Protection Act 1987 and Regulation 22(4) General Product Safety Regulations 2005

⁴ For example, section 33 Consumer Protection Act 1987 and Regulation 25(1) General Product Safety Regulations 2005

⁵ Section 35 Consumer Protection Act 1987 and Regulation 27 General Product Safety Regulations 2005

⁶ Section 29(6)(b) Consumer Protection Act 1987

Table 5: List of specific weights and measures powers to be included with the generic set

1. We intend to repeal a number of pieces of legislation which have powers specific to weights and measures enforcement. In order to ensure accessibility and transparency we will reproduce the powers which we will retain in the generic set of powers.
 - i. To request from any person on the premises such assistance as the officer reasonably considers necessary to enable the officer to effectively exercise his powers in relation to testing weighing and measuring equipment, or goods⁷ and packages.⁸ As is currently the case an officer will not be obliged to proceed with testing any equipment until the person provides such assistance;⁹
 - ii. To require any person to give information as to the name and address of the packer and of any importer of packages found on the premises.¹⁰ This will continue to allow officers to trace the ownership of the packages and to identify where the package was packed or imported in order to take any action necessary to bring the packages into compliance;
 - iii. To require goods to be unloaded from any vehicle,¹¹ require the vehicle to be taken to the nearest suitable weighing and measuring equipment,¹² and require the person in charge of vehicle to have it check-weighed.¹³ Also, where a vehicle is loaded with goods for sale by weight to a single buyer, or for delivery after sale, to require the person in charge of the vehicle to have it checked-weighed.¹⁴ These powers are needed to allow for testing of vehicle weighbridges;
 - iv. To serve a notice on any person carrying on a business of packer or importer of packages requiring a person to provide particulars of any marks which are applied to packages made up by that person or to packages imported by him and also to inform the officer when a mark ceases to be applied.¹⁵ Identity marks are permitted to be used to avoid a packer having to include full name and address details for identification purposes. These powers are needed to ensure that where such identifying marks are used, they can be traced to the business responsible;

⁷ Section 11(11) Weights and Measures Act 1985

⁸ Paragraph 1(e) Schedule 7 Weights and Measures (Packaged Goods) Regulations 2006

⁹ Section 11(11) Weights and Measures Act 1985

¹⁰ Paragraph 1(f) Schedule 7 Weights and Measures (Packaged Goods) Regulations 2006

¹¹ Section 40(2)(a) Weights and Measures Act 1985

¹² Section 40(2)(b) Weights and Measures Act 1985

¹³ Section 40(2)(c) Weights and Measures Act 1985

¹⁴ Section 41 Weights and Measures Act 1985

¹⁵ Paragraph 5 Schedule 7 Weights and Measures (Packaged Goods) Regulations 2006

- v. To give instructions in writing requiring the packages to be kept until the end of next working day or shorter¹⁶ or to give instructions in writing as the officer considers appropriate with a view to ensuring that the person does not subsequently fail to perform duties in relation to equipment, checks and documentation.¹⁷ However, we propose to maintain the safeguard that any instructions in relation to equipment, checks and documentation shall not come into force until the expiration of 21 days beginning with the day on which the instructions are given and, if the recipient gives notice that he objects to the instructions, they shall not come into force except as agreed in writing by that person or as directed by the Secretary of State.¹⁸ These powers allow officers to return to examine a batch of packages the next day where a reference test cannot be completed the same day. They also allow officers an opportunity to give instructions to businesses, as an alternative to instigating proceedings, on the actions that should be taken to bring quantity control systems into compliance in future;

- vi. To require a person to sell goods to an officer where the goods in a container or vending machine are not already sold and also where a container is broken.¹⁹

¹⁶ Regulation 12(1) Weights and Measures (Packaged Goods) Regulations 2006

¹⁷ Regulation 12(2) Weights and Measures (Packaged Goods) Regulations 2006

¹⁸ Regulation 12(3) Weights and Measures (Packaged Goods) Regulations 2006

¹⁹ Section 38(3) Weights and Measures Act 1985

Table 6: Details of changes to obstruction offence

1. The specific changes that we propose are where a person intentionally obstructs an officer, intentionally fails to comply with any requirement, or without reasonable cause fails to give such an officer any other assistance or information, the upper limit upon summary conviction will either be at level 3 (currently set at £1,000) on the standard scale, level 4 (currently £2,500) or level 5 (currently £5,000).
2. The penalties for a person, who makes any statement which he knows to be false, in a material particular, will either be at level 3, level 4 or the statutory maximum (£5,000) on summary conviction; or on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.²⁰

²⁰ We also propose retaining the offence of failing to comply with a court order under Regulation 50(1)(d) of the Electromagnetic Compatibility Regulations 2006 and section 165 (1A) of the Consumer Credit Act 1974 to ensure there is no duplication of offences within the Act

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URN 12/699