

Unit 202: Understand business success

Handout 1: Legislation

UK legislation

Trading Standards services generally have a statutory duty to enforce the following Acts of Parliament (statutory instruments including regulations made under these Acts are **not** included).

Protection of Children (Tobacco) Act 1986

The Children and Young Persons (Protection from Tobacco) Act 1991

- Prohibits the sale of tobacco to children.
- Controls the siting of cigarette vending machines.

Consumer Protection Act 1987

- Prohibits the supply of goods not in accordance with the general safety requirement or which are unsafe.
- Provides for the safety and protection of consumers by enabling regulations or orders to be made controlling consumer goods.
- Provides for approved safety standards to enable compliance with general safety requirements.
- Provides powers for seizing and forfeiture, and the powers to suspend the sale of suspected unsafe goods.
- Provisions as to the requirement for persons to publish notices warning of unsafe goods previously supplied.
- Provides for liability for damage caused by defective products.
- Prohibits misleading price indications.

Copyright, Designs and Patents Act 1988

Copyright etc. and Trade Marks (Offences and Enforcement) Act 2002

- Establishes legal protection for designs and creates a criminal offence to combat counterfeiting.
- Controls making, importing or distributing infringing copies of copyright material.

Criminal Justice and Police Act 2001

- Duty to enforce and allows the making of test purchases on the sale of alcohol to persons under 18 years of age.

Development of Tourism Act 1969

- Requires the price of accommodation to be displayed in hotels.

Fair Trading Act 1973

- Promotes fair trading. Provides controls on persistent offenders who contravene trading laws.

Food Safety Act 1990

- Prohibits sale of unfit or adulterated food.
- Controls the quality, standard and claims made for food.
- Controls its description, advertising and labelling.

Food and Environment Protection Act 1985

- Protects the public from food rendered unsafe as a result of the escape of harmful substances, such as radioactive fall-out.
- Protects the public from the misuse of pesticides.

Health and Safety at Work etc. Act 1974

- Controls the classification, packaging, labelling, carriage and storage of dangerous substances.

Prices Act 1974 and 1975

- Provides power to regulate the price display of certain goods and provides protection and price information for consumers.
- Promotes fair-trading.

Trade Descriptions Act 1968

- Prohibits the misdescription on the supply of goods.
- Prohibits false claims for services, accommodation and facilities.

Trademarks Act 1994

- Controls on fraudulent application of use of a trademark.

Weights and Measures Act 1985

- Regulates weighing and measuring equipment used for trade.
- Protects against deficient quantity in the sale of goods.
- Allows provision of metrological technology service to trade and industry.
- Provides guidance and control on packers' quality control systems.
- Promotes the free flow of goods within the European Union.

Other criminal legislation

Local authorities generally have no statutory duty to enforce the following legislation, but can authorise their Trading Standards service, and frequently do so.

Business Names Act 1985

- Requires a business, carried on under a name other than that of its owner, to display particulars of ownership on premises and stationery.

Intoxicating Substances (Supply) Act 1985

- Prevents the sale to young persons of intoxicating substances and equipment to aid misuse of such substances.

Knives Act 1997

- Prevents the marketing of dangerous knives and prohibits their sale to minors.

Licensing (Young Persons) Act 2000

- Control on the sale and consumption of intoxicating liquor to persons under eighteen.

Civil legislation

Local authorities have no responsibility for the following Acts. However, these Acts consolidate the trading civil law and are fundamental to the conduct of trading activities of both consumers and traders.

Late Payment of Commercial Debts (Interest) Act 1998

- Provision as to interest on the late payment of certain debts.

Sale of Goods Act 1979**Sale and Supply of Goods 1994 and Sale of Goods (Amendment) Act 1995**

- Details the rights of purchasers and the duties of sellers in the sale of goods.

Supply of Goods and Services Act 1982

- Details the rights of purchasers and the duties of suppliers of services.

European Legislation

The General Data Protection Regulation (EU) 2016/679 (GDPR) is a regulation in EU law on data protection and privacy in the European Union (EU) and the European Economic Area (EEA). It also addresses the transfer of personal data outside the EU and EEA areas. The GDPR aims primarily to give control to individuals over their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU. Superseding the Data Protection Directive 95/46/EC, the regulation contains provisions and requirements related to the processing of personal data of individuals (formally called data subjects in the GDPR) who reside in the EEA, and applies to any enterprise – regardless of its location and the data subjects' citizenship or residence – that is processing the personal information of data subjects inside the EEA.