

LEGISLATION REQUIRED TO BE ENFORCED IN ENGLAND AND WALES

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*]

AGRICULTURE ACT 1970

Provides for controls on the labelling of fertilisers and animal feeding stuffs.
Prevents excessive deleterious materials in animal feeding stuffs.

AGRICULTURAL PRODUCE (GRADING AND MARKING) ACTS 1928 and 1931

Provides for the grading and marking of agricultural produce.

ANIMAL HEALTH ACT 1981

Provides for the control of animal diseases (that can be caught by humans), and for the welfare of animals on the farm, in transit and at market.

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.

CLEAN AIR ACT 1993

Controls the lead content of petrol and the sulphur of diesel fuel in order to reduce atmospheric pollution.

CONSUMER CREDIT ACT 1974

Provides for control of consumer credit and hire.
Requires licensing of credit and hire traders.
Controls credit and hire advertising; debt collecting and credit reference agencies. Controls credit and hire documentation and format used to indicate credit charges. Provides powers to revoke licences of traders offering credit or hire charges.
Provides certain safeguards to consumers who purchase goods and services on credit.

CONSUMER PROTECTION ACT 1987

Prohibits the supply of goods not in accordance with the general safety requirement or 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.

CONTROL OF POLLUTION ACT 1974

Controls the sale of anti-fouling paints and treatments.

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.

EDUCATIONAL REFORM ACT 1988

Restricts the ability to award degrees to certain authorised bodies.
Controls the use of terms "Bachelor, Master or Doctor".

ENERGY ACT 1976

Requires the publication of data relating to passenger car fuel consumption.

ENERGY CONSERVATION ACT 1981

Provides for the making of regulations requiring the labelling of certain domestic appliances as to their fuel efficiency.

ESTATE AGENTS ACT 1979

Governs accounts in respect of client's money.
Controls certain activities in connection with disposal and acquisition of interest in land by Estate Agents.
Provides powers to ban "unfit" persons from estate agency work.

EUROPEAN COMMUNITIES ACT 1972

Implements community obligations and the approximation of the laws of Member States.
Prohibits supply of goods not of prescribed standard or composition.
Imposes safety restrictions on certain goods.
Protects consumer's interests as to holiday travel and in respect of distance selling contracts.
Controls the packaging of products and their suitability for recycling.
Controls the activities of traders who persist in a course of illegal conduct in a way, which is detrimental to the interests of consumers.

EXPLOSIVES ACTS 1875 & 1923. EXPLOSIVES (AGE OF PURCHASE) ACT 1976

Control on the selling of fireworks and the registration of explosive stores.
Controls on the sale of fireworks to under-aged persons.

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.

HALLMARKING ACT 1973

Provides for the protection of purchasers of precious metals in relation to the composition, assaying, marking and description. Provides for recognition of international markings on gold, silver and platinum.

HEALTH AND SAFETY AT WORK ETC ACT 1974

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

MEDICINES ACT 1968

Provides control for medicinal products in production, composition, labelling, advertising. Controls the incorporation of medicinal products in animal feeding stuffs.

MOTOR CYCLE NOISE ACT 1987

Regulates the sale of exhaust systems for motor cycles.

NURSES AGENCIES ACT 1957

Provides control to ensure that agencies supplying nurses for temporary work at private hospitals and nursing homes are properly run by qualified and licensed persons and that only qualified nurses are supplied.

OLYMPIC SYMBOL ETC (PROTECTION) ACT 1995

Prevents unauthorised use of the Olympic Games symbols and similar labels.

PETROLEUM (CONSOLIDATION) ACT 1928 and PETROLEUM (TRANSFER OF LICENCES) ACT 1936

Requires business storing petroleum spirit to hold a licence and to comply with stringent safety rules.

POISONS ACT 1972

Provides for the registration of the sellers of poisons and controls the sale of such poisons.

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.

PROPERTY MISDESCRIPTIONS ACT 1991

Prohibits false or misleading statements about property by estate agents or builders.

TIMESHARE ACT 1992

Regulates the conduct of the sale of timeshare properties.

TRADE DESCRIPTIONS ACT 1968

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

TRADE MARKS ACT 1994

Controls on fraudulent application of use of a trademark.

TRADING REPRESENTATIONS (DISABLED PERSONS) ACTS 1958 and 1972

Controls representations made by traders in respect of the employment or assistance of blind or disabled persons in the production, packing or sale of goods.

VIDEO RECORDINGS ACTS 1984 and 1993

Requires the classification and labelling of videos.

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.

ACCOMMODATION AGENCIES ACT 1953

Controls the taking of money for providing services in connection with the finding of property to let.

ADMINISTRATION OF JUSTICE ACT 1970

Creates an offence for the harassment of debtors or alleged debtors.

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.

CANCER ACT 1939

Prohibits claims concerning cures for cancer.

COMPANIES ACT 1985

Requires limited companies to state their trading details on business premises and in documents.

COPYRIGHT, DESIGNS AND PATENTS ACT 1988 and 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 PUBLIC ORDER ACT 1994

Control of ticket touting at designated public events and touting for private car hire.
DOGS ACT 1906 and THE DOGS (AMENDMENT) ACT 1928

Deals with unburied animal carcasses.

FARM AND GARDEN CHEMICALS ACT 1967

Controls labelling and marking of products.
Prohibits transactions in certain unlabelled products.

FORGERY AND COUNTERFEITING ACT 1981

Prohibits forgery and counterfeiting of documents.

INSURANCE BROKERS (REGISTRATION) ACT 1977

Requires brokers to be registered.

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.

MALICIOUS COMMUNICATIONS ACT 1988

Prohibits the sending or delivering letters or other articles with the purpose of causing distress or anxiety.

MOCK AUCTIONS ACT 1961

Prohibits certain practices in relation to the conduct of the running of sales by auction.

MOTOR VEHICLES (SAFETY EQUIPMENT FOR CHILDREN) ACT 1991

Amends Road Traffic Act 1988 to provide for the making of regulations as to shape, construction or other quality of restraining devices used by young children.

NATIONAL LOTTERY ACT 1993

Age restrictions on the sale of lottery tickets to young persons.

PET ANIMALS ACT 1951

Control on the sale of pets to young persons.
PROTECTION AGAINST CRUEL TETHERING ACT 1988

Prohibits animals from being tethered in certain circumstances.

PROTECTION OF ANIMALS ACT 1911 as amended by THE PROTECTION OF ANIMALS (AMENDMENT) ACT 1954 and THE AGRICULTURE (MISCELLANEOUS PROVISIONS) ACT 1968

Deals with cruelty aspect of animal welfare.
Gives power to the Court to ban persons from keeping animals.

ROAD TRAFFIC ACTS 1988 and 1991
ROAD TRAFFIC ACT (CONSEQUENTIAL PROVISIONS) ACT 1988
ROAD TRAFFIC OFFENDERS ACT 1988
ROAD TRAFFIC (FOREIGN VEHICLES) ACT 1972

Prohibits the overloading of goods vehicles.
Prohibits the sale of unroadworthy vehicles.
Imposes minimum safety requirements on certain vehicles.

SCRAP METAL DEALERS ACT 1964

Control on scrap metal dealers acquiring scrap from under aged persons.

SOLICITORS ACT 1974

Controls unlicensed conveyancing.

THE SUNDAY TRADING ACT 1994

Reform of the complex rules on Sunday trading.

TELECOMMUNICATIONS ACT 1984

Controls advertising, marketing and labelling of telephones and associated equipment.

THEFT ACT 1968 and 1978

Prohibits obtaining property or obtaining a pecuniary advantage by deception or false accounting, or going equipped to cheat.

TRADING STAMPS ACT 1964

Regulates the issue, use and redemption of trading stamps.

UNSOLICITED GOODS AND SERVICES ACT 1971 and UNSOLICITED GOODS AND SERVICES (AMENDMENT) ACT 1975

Controls the supply of unsolicited goods and demands for payment.
Controls trade directory entries.

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.

ARBITRATION ACT 1996

Protection of consumers' rights in arbitration agreements.
Safeguarding consumers' payment by cheque.

LIMITATION ACT 1980

Prevents Court action being taken by parties to legal disputes after a fixed period of time.

LATE PAYMENT OF COMMERCIAL DEBTS (INTEREST) ACT 1998

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

MISREPRESENTATION ACT 1967

Gives consumers redress for misrepresentation of contracts.

SALE OF GOODS ACT 1979 and 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.

TORTS (INTERFERENCE WITH GOODS) ACT 1977

Allows holders of another's goods to sell them under certain conditions.

UNFAIR CONTRACT TERMS ACT 1977

Makes unfair contract terms void.