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New consumer rights for victims of rogue traders

From 1 October consumers will have the right to get their money back if they are misled or intimidated when buying, or signing a contract for, goods or services.

Under the Consumer Protection (Amendment) Regulations 2014 consumers who have been victims of misleading or aggressive sales practices can demand a full refund, if they act within 90 days, or a discount on the price. And, if the unfair practice caused them additional loss, they may be able to claim damages.

High-pressure selling tactics are commonplace, and a large proportion of the victims are among the most vulnerable in society, with housebound and older people facing a particular threat from aggressive doorstep selling.

The new Regulations result from a review conducted by the Law Commission and the Scottish Law Commission at the request the Department for Business, Innovation and Skills. They fill the gaps in consumer protection left by the Consumer Protection from Unfair Commercial Practices Regulations 2008. These made it a criminal offence for traders to mislead or intimidate customers but did not give customers a right of redress, leaving victims unable to take action.

David Hertzell, Law Commissioner for Commercial and Common Law in England and Wales, said:

“The Consumer Protection (Amendment) Regulations 2014 give consumers valuable new rights. Lies and pressure selling are common problems for some consumers. They distort fair competition and cost the UK economy billions every year. But, until now, it has been very difficult for victims of misleading and aggressive sales practices to get their money back.

“We are delighted that the Government has acted so quickly to implement our recommendations and bring consumers these important new protections.”

Scottish Law Commissioner Professor Hector MacQueen added:

“We know that elderly and vulnerable consumers are being systematically targeted by traders employing unfair practices. These Regulations will give more confidence to consumers and help drive rogue traders out of the market place, where currently they damage the reputation and livelihood of good, honest businesses.”

Notes for editors

1. The Law Commission and the Scottish Law Commission are non-political independent bodies, set up by Parliament in 1965 to keep all the law of England and Wales and of Scotland under review, and to recommend reform where it is needed.
2. For more details on this project, visit www.lawcom.gov.uk and www.scotlawcom.gov.uk
3. Mobility Aids: An OFT Market Study (OFT1374) 2011:
http://webarchive.nationalarchives.gov.uk/20130301185841/http://www.offt.gov.uk/shared_offt/market-studies/oft1374
4. The Law Commissions have drafted guidance on the Consumer Protection (Amendment) Regulations 2014 for businesses and consumers:
<https://www.gov.uk/government/publications/misleading-and-aggressive-selling-new-rights-for-consumers>
5. Examples of misleading and aggressive practices, to which the new rights of redress apply, include:
 - A consumer takes out an expensive 18 month broadband package advertised with speeds of “up to 24 MB”. In fact, it was never possible for any customer to achieve this and average speeds were less than half.
 - Bogus double-glazing firms. A double-glazing firm held itself out as a member of the Glass and Glazing Federation when it was not. The consumer did not have access to the trade body’s free conciliation scheme.
 - A trader offers money for gold. The trader tells the consumer the gold is low quality when in fact it is not. The consumer sells their gold to the trader for much below the market price.
 - A door step seller says she works for the council and enters the elderly consumer’s home. The consumer is house bound. He asks the seller to leave but she refuses, and stays for one hour until the consumer agrees to buy an expensive mobility aid. The consumer pays a cash deposit, and signs up to a credit agreement for the balance.
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