businesscompanion
trading standards law explained

Part 1. How civil enforcement is used

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Businesses and consumers

The civil enforcement regime applies to 'commercial practices', which are acts or omissions made by a trader before, during or after the promotion and supply of:

- the trader's goods, services or digital content to a consumer
- another trader's goods, services or digital content to a consumer
- a consumer's goods, services or digital content to a trader or another person - for example, a trader designing an online marketplace in such a way that consumer goods may be misdescribed due to its design

What is a trader?

If you are a 'person' acting for purposes mainly relating to your trade, business, craft or profession then you are a 'trader'. A person can mean more than one individual - for example, if your business is a partnership of two or more people. A person can also be a company, a charity (or other not-for-profit organisation), a Government department, a local authority or a public authority. If another person acts in your name or on your behalf, you would still be the trader.

What is a consumer?

A 'consumer' is an individual who, in their dealings with a trader, is acting for purposes wholly or mainly outside their trade, business, craft or profession. The definition also covers people who may become consumers in the future - for example, people who have not yet considered buying a particular product, but may do so in the future.

Breach of consumer protection law

The civil enforcement regime can be used where there is a breach, continues to be a breach or could be a breach of the consumer protection law covered by this part of the Digital Markets, Competition and Consumers Act 2024 (DMCCA). A wide range of consumer protection law is covered, including:

- the Consumer Rights Act 2015 (CRA), which sets out the rights and remedies for consumers for goods, services and digital content, and the requirements for consumer contract terms and notices. See 'Selling and supplying goods', 'Supplying services', 'Digital content' and 'Consumer contracts: general' for more information on the CRA
- unfair commercial practices in the DMCCA. These are covered in 'Protection from unfair trading (criminal law)'
- Other fair-trading laws relating to pre-contract terms, cancellation rights and pricing. These are covered in a number of guides across the site, including 'Consumer contracts: general', 'Consumer contracts: distance sales' and 'Providing price information'
- intellectual property law covering trademarks, copyright, designs and patents. See 'Intellectual property'

Harming the collective interests of consumers

The civil enforcement regime is not designed to replace mechanisms for resolving individual disputes, but is rather for circumstances where a breach of law harms the collective interests of consumers. This can be caused by a single act or omission, as well as repeated acts or omissions. Harm to future consumers can also be taken into account.

For example, if a business is not complying with their legal requirements to provide cancellation information to consumers who have entered into 'off-premises' contracts with them, this could harm the collective interests of consumers. This is because it would affect all consumers and future consumers if the breach of law continues, and the business's paperwork is not changed. You can find out more information about off-premises contracts and these requirements in the 'Consumer contracts: off-premises sales' guide.

A UK connection

The business must do one or more of the following:

- have a place of business in the UK
- carry on a business in the UK
- carry on commercial activities that are, by any means, directed to consumers in the UK

Activities do not have to be carried out in the UK for the civil enforcement regime to apply. If an overseas business is promoting their services to UK consumers, for example, then they may be directing their activities to consumers in the UK.

Who are the enforcers?

The Digital Markets, Competition and Consumers Act 2024 sets out who the enforcers are. There is a wide list of enforcers under the Act, which include Trading Standards services, the Competition and Markets Authority, and the Financial Conduct Authority.

< Introduction

> Part 2. Investigation and powers

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