businesscompanion
trading standards law explained

Mileage of used vehicles

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for England, Scotland and Wales

Traders should carry out necessary checks to confirm the mileage when selling used vehicles. This guide specifically deals with how Part 4, Chapter 1 of the Digital Markets, Competition and Consumers Act 2024 (DMCCA) affects the motor trade with regard to odometer readings.

The DMCCA is a wide-ranging piece of legislation that makes it a criminal offence for a trader to engage in commercial practices that mislead in respect of goods and services. The misleading element could be in the form of an action (such as a statement or description) or in the omission of facts (such as failing to disclose information) about the goods or services. An action or omission may be seen as misleading if it is likely to affect the consumer's decision to purchase (or take any other 'transactional decision', as it is known in the DMCCA).

See 'Protection from unfair trading (criminal law)' for more detailed information on the workings of the DMCCA. For the time being, consumers' rights of redress are still covered by the Consumer Protection from Unfair Trading Regulations 2008 (CPRs); information on these rights can be found in 'Protection from unfair trading (consumers' rights of redress)'.

Odometer readings

The mileage indicated by the odometer of a car is a description, and as such it will be regarded as an accurate indication of the distance travelled by the vehicle. Traders are expected to carry out checks to make sure the description is accurate, as it is likely to be information that would affect a consumer's decision whether or not to purchase the vehicle. If the odometer reading is incorrect, you must not refer to it in any description - for example, on business paperwork, websites or advertisements.

Displaying an incorrect odometer reading may be a misleading action. In addition, you must tell the consumer the true mileage if known, as failure to do this may be a 'misleading omission' (another DMCCA term).

Mileage description offences

There are a number of practices that would undoubtedly constitute a misleading action or omission and are therefore prohibited, including:

- making a misleading statement by any means. This could include altering an odometer reading (for example, from a higher to lower figure or to zero) or making other false claims (written or oral) about a vehicle's mileage
- supplying or offering to supply a vehicle that has been subject to a misleading action or omission. This could include simply having the vehicle on the forecourt, selling it with an incorrect odometer reading or not informing the consumer of the true mileage, if known
- it is also an offence to include a false mileage in an advertisement on or near the vehicle - for example, 'low mileage' stickers

Failing to disclose the odometer reading or the fact that an odometer unit was found to be faulty and has been replaced (either with a new or second-hand unit) may be a misleading omission.

Avoiding committing an offence

The offences contained in the DMCCA would apply even if a trader did not know that the indicated mileage was incorrect. However, the Act also provides for a defence to the criminal charges.

To use the defence, the trader would have to show that they took all reasonable precautions and exercised all due diligence. This means a trader should be able to show that they have checks in place to verify the mileage and also show that these checks are carried out. Reasonable checks would include the following:

- when buying motor vehicles, always ask about the mileage and make sure it is written on the purchase document. Obtain the signature of the seller, declaring whether or not the mileage is correct, incorrect or unknown. Do not rely on verbal statements
- do not rely solely on a statement by the seller as to the mileage unless they have owned the car from new. Only when the full mileage history is known should a vehicle be offered for sale as genuine mileage
- check that the general condition of the car is both mechanically and bodily consistent with a vehicle of that mileage and age. Look at the service history, and if the car is accompanied by all previous MOT certificates consider whether they show a likely progressive mileage history
- if the vehicle comes with a service history, contact the garages and make enquiries about the mileage
- you can see the MOT history of vehicles more than three years old on the GOV.UK website; this allows you to check the mileage shown on the MOT history

- some commercial companies also offer a mileage and history research service
- ensure that all staff who may come into contact with customers are properly trained and instructed in these matters, and have access to all relevant details - for example, purchase invoices and results of any checks made

It is likely that any professionally diligent business would apply the above checks and maintain a record of the checks made. However, despite these checks it may still not be possible to verify the mileage recorded and you should state this to customers.

Disclaimers

If the accuracy of the odometer reading is in doubt, you must make this clear to prospective customers. This is usually done by the use of disclaimers (which obscure the entire odometer reading). Although they are not a specific legal requirement, it is always advisable to use disclaimers to avoid the potential false mileage description being read by consumers. Disclaimers are an attempt to remove or negate the description of the mileage given by the odometer to prevent the misleading action occurring. However, it isn't sufficient to disclaim all mileages without carrying out checks to confirm their accuracy. At best, it may be possible to indicate, using a disclaimer, that you have been unable to verify the mileage.

You must ensure that you give any disclaimer in a timely manner, and not in a way that the consumer is unlikely to see it.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see 'Trading Standards: powers, enforcement and penalties'.

In this update

Changes made to reflect the coming into force of the Digital Markets, Competition and Consumers Act 2024 (Part 4, Chapter 1: 'Protection from unfair trading').

Last reviewed / updated: April 2025

Key legislation

- Consumer Protection from Unfair Trading Regulations 2008
- Digital Markets, Competition and Consumers Act 2024 (Part 4, Chapter 1)

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all

changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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