

WEB ANNEXE A

SUMMARY OF OFT CONSUMER LAW CASEWORK 2003 TO 2004 EXCLUDING CONSUMER CREDIT

CONSUMER PROTECTION (DISTANCE SELLING) REGULATIONS 2000

Between April 2003 and March 2004 45 cases were opened. We also dealt with 453 complaints and enquiries without opening a new case.

Undertakings under the Distance Selling Regulations

| <i>Date</i> | <i>Company/individual name</i> |
|-------------------|--|
| 28 April 2003 | Micro Anvika |
| 29 May 2003 | Community Education Lewisham |
| 12 June 2003 | Cheltenham Racecourse |
| 2 July 2003 | Kodak Limited |
| 14 July 2003 | Fleet Street Publications |
| 5 August 2003 | The Leather Workshop |
| 15 September 2003 | Cannock Gates Limited |
| 9 October 2003 | International Correspondence Schools Limited |
| 24 November 2003 | BVG Airflo Group plc |
| 3 December 2003 | Eclipse Computer Supplies Limited |
| 15 January 2004 | Streetwise Publications Limited |

CONTROL OF MISLEADING ADVERTISEMENTS REGULATIONS 1988

Between April 2003 and March 2004, 632 cases were raised (including those that were referred to other 'established means' for tackling misleading

advertising such as the Advertising Standards Authority and Trading Standards Services to deal with in the first instance).

Court orders under the Control of Misleading Advertisements Regulations

| <i>Date</i> | <i>Company/individual name</i> |
|-----------------|--|
| 7 August 2003 | Christopher Yewdall (<i>interim injunction</i>) |
| 4 December 2003 | Christopher Yewdall (<i>final injunction</i>) |
| 6 February 2004 | Data Processing Protection Corporation Limited (<i>final injunction</i>) |
| 6 February 2004 | Lee Parvin (<i>final injunction</i>) |
| 6 February 2004 | Joan Parvin (<i>final injunction</i>) |
| 6 February 2004 | Barry Parvin (<i>final injunction</i>) |

Undertakings under the Control of Misleading Advertisements Regulations

| <i>Date</i> | <i>Company/individual name</i> |
|------------------|---|
| 4 April 2003 | Francis Boyd (t/a Crown Data Collection Enforcement Agency) |
| 4 April 2003 | Christopher Williams (t/a Crown Data Collection Enforcement Agency) |
| 14 April 2003 | Gerry Stanley |
| 1 June 2003 | Julian Thompson (t/a Civil registration Authority) |
| 11 June 2003 | Gordon Ritchie |
| 11 June 2003 | Anthony Moore |
| 4 July 2003 | Protec (Great Britain) Limited |
| 8 July 2003 | Robert Chambers |
| 8 July 2003 | Pauline Chambers |
| 16 October 2003 | Internet Registrations Bureau Limited (t/a Euro Web Designs) |
| 16 October 2003 | Paul Dilling |
| 16 October 2003 | Susan Ford |
| 24 October 2003 | Trevor Hawkes (t/a Data Protection (Renewals)) |
| 12 November 2003 | Michael Robinson (t/a Data Protection Agency Services) |
| 8 January 2004 | Impala Business Solutions Limited |
| 12 January 2004 | Safeguard Products Limited |

ENTERPRISE ACT 2002

See attached Table A.1A for an analysis of the primary pieces of underlying legislation in Enterprise Act cases (and Stop Now cases before 20 June 2003).

Court orders under the Enterprise Act

| <i>Date</i> | <i>Company/individual name</i> | <i>Underlying legislation</i> |
|---------------|--------------------------------|-------------------------------|
| 15 July 2003 | Mark Talbot | SOGs |
| 12 March 2004 | Joseph Gauci/Paul Tedesco | SOGs |

Undertakings under the Enterprise Act (or Stop Now Regulations before 20 June 2003)

| <i>Date</i> | <i>Company/individual name</i> | <i>Underlying legislation</i> |
|-------------------|---------------------------------|-------------------------------|
| 20 April 2003 | Temps L Ltd | CMARs |
| 4 June 2003 | Craftmatic UK Limited | Doorstep |
| 10 September 2003 | Lisa De-Ville Bradshaw | CMARs |
| 10 September 2003 | Timothy John Roberts | CMARs |
| 28 September 2003 | Used Car UK limited | DSRs |
| 29 September 2003 | Ian James Derek Gale | Doorstep UTCCRs CMARs |
| 13 October 2003 | Frank Madden | CMARs Doorstep |
| 13 October 2003 | Discovery Concepts Limited | CMARs Doorstep |
| 6 January 2004 | Cyber Travel (UK) Limited | CMARs |
| 12 January 2004 | Peter R Johnston | CMARs |
| 6 January 2004 | Meridian Marketing (UK) Limited | CMARs |

ESTATE AGENTS ACT 1979

Between 31 March 2003 and 1 April 2004 the OFT's Adjudicating Officers (those appointed by the OFT to act on its behalf) notified two people that the OFT was considering issuing prohibition orders against them. There were also four proposals to issue a prohibition order in parallel with proposals to issue a warning order and one additional person was notified that the OFT was considering issuing a warning order against him.

Five prohibition orders and one warning order were made during the period, four of the prohibition orders being subject to appeal, and one prohibition order and one warning order came into force.

Nine people received a favourable determination allowing them to continue doing estate agency work following proposals to issue prohibition orders prior to this period.

From 3 May 1982, the date the Act came into effect, up to 31 March 2004, a total of 279 people were prohibited from doing estate agency work under the Act.

When a notice of proposal has been issued against an individual the OFT may, in lieu of making a prohibition order, accept undertakings from that person not to engage in estate agency work. During the period of the report, no such undertaking was accepted (the total number of undertakings accepted under the Act since 3 May 1982 is 87).

| <i>Date of determination</i> | <i>Date order due to come into force</i> | <i>Case title</i> | <i>Type of Order</i> |
|------------------------------|--|-------------------|----------------------|
| 8 August 2003 | 5 September 2003 | S G Bardsley | Prohibition |
| 8 August 2003 | 5 September 2003 | D A Bardsley | Prohibition |
| 8 August 2003 | 5 September 2003 | D Williams | Prohibition |
| 20 November 2003 | 18 December 2003 | Claudio Ascione | Prohibition |
| 20 November 2003 | 18 December 2003 | Luigi Ascione | Prohibition |
| 15 January 2004 | 13 February 2004 | R C Kennedy | Warning |

Determinations where an appeal was pending on 31 March 2004

| <i>Date of determination</i> | <i>Name</i> |
|------------------------------|-----------------|
| 8 August 2003 | S G Bardsley |
| 8 August 2003 | D A Bardsley |
| 20 November 2003 | Claudio Ascione |
| 20 November 2003 | Luigi Ascione |

UNFAIR TERMS IN CONSUMER CONTRACTS REGULATIONS 1999

We received a total of 1102 complaints in the period April 2003 to March 2004. 1541 terms were abandoned or amended as a result of enforcement action.

The most common successfully challenged terms were:

- 1(b) – exclusion or limitation of liability for breaches of contract, particularly liability for poor services/work/materials and defective or misdescribed goods
- Regulation 7 – failure to use plain and intelligible language
- 1(e) – requiring consumer to pay too high financial penalties

116 undertakings were given, all of which were informal.