

# Annual Report and Resource Accounts 2009-10

## Annexe A

Consumer protection casework, 1 April 2009 to 31 March 2010

### Enterprise Act 2002: Consumer protection enforcement outcomes

**Table A1: Numbers of enforcement outcomes achieved under the Enterprise Act, 1 April 2008 – 31 March 2010**

	2008-09 (for comparison)	2009-10
Undertakings	7	20
Undertakings to the High Court	1	0
Court Order	0	1

**Table A2: Details of undertakings obtained under the Enterprise Act 2002, 1 April 2009 – 31 March 2010**

<i>Company/ individual name(s)</i>	<i>Date case opened</i>	<i>Date of undertaking</i>	<i>Length of case in months</i>	<i>Underlying legislation</i>
Smart Energy (UK) Ltd, Allan Travis Berry, Michael Lee Lowe, Gary Dennis Payne	22/07/04	27/04/09 28/04/09 23/03/09 27/04/09	59	Unfair Terms in Consumer Contracts Regulations 1999
Direct Response Security Systems Ltd, David Price, Ranjit Singh Dhillon, Lee Hosking	02/08/08	15/07/09	11	Consumer Protection from Unfair Trading Regulations 2008, Misrepresentations Act 1967
Total Fitness (UK) Ltd	14/04/03	23/07/09	77	Unfair Terms in Consumer Contracts Regulations 1999
Millennium Experience	06/08/08	09/10/09	33	Consumer Protection from Unfair Trading Regulations

Direct Marketing Ltd, Millennium Experience Ltd, David Philip Black				2008
Matters Consulting Ltd, Peter Farnell, Amanda Phillips	06/08/08	09/10/09 09/10/09 09/10/09	33	Consumer Protection from Unfair Trading Regulations 2008, Consumer Credit (Advertisements) Regulations 2004
Fitlife Ltd, Alphons Petrus Smit, Doriana Smit	06/08/08	09/10/09	26	Consumer Credit (Advertisements) Regulations 2004, Consumer Credit (Disclosure of Information Regulations 2004, Consumer Protection (Cancellation of Contracts Concluded Away From Business Premises) Regulations 1987, Consumer Credit (Cancellation Notices & Copies of Docs) Regulations 1983, Consumer Credit Act 1974, Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008
Adaptive Affinity Ltd, Andrew Millet	22/02/08	26/02/09*	11	Consumer Protection from Unfair Trading Regulations 2008

\* not listed in 2008-09 annual report

**Table A3: Details of court orders obtained under the Enterprise Act 2002, 1 April 2009 – 31 March 2010**

<i>Company/individual name(s)</i>	<i>Date case opened</i>	<i>Date of court order</i>	<i>Length of case in months</i>	<i>Underlying legislation</i>
Foxtons Ltd	20/07/2004	23/12/2009	68	Unfair Terms in Consumer Contracts Regulations 1999

**Table A4: Details of other consumer protection investigations closed, 1 April 2009 – 31 March 2010**

<i>Company/ individual name(s) (where public)</i>	<i>Date case opened</i>	<i>Date case closed</i>	<i>Length of case in months</i>	<i>Underlying legislation</i>	<i>Reason for closure</i>
Case A	03/12/08	07/04/09	4	Consumer Protection (Distance Selling) Regulations 2000, Electronic Commerce Regulations 2002, Unfair Terms in Consumer Contracts Regulations 1999	Advice Assumed compliance
Case B (Potential Breach of Undertaking)	03/11/08	08/07/09	8	Unfair Terms in Consumer Contracts Regulations 1999	Advice Assumed compliance
Case C	02/07/07	13/07/09	24	Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008, Sale of Goods and Services Act 1982, Unfair Terms in Consumer Contracts Regulations 1999, Sale and Supply of Goods to Consumers Regulations 2002	Warning Assumed compliance
Case D	02/07/07	16/09/09	26	Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008, Unfair Terms in Consumer Contracts Regulations 1999	Advice Assumed compliance
Case E	17/04/09	28/07/09	3	Sale of Goods Act 1979	Referral Other enforcer
Case F	03/12/08	02/07/09	6	Consumer Protection from Unfair Trading	Closed for reasons of

				Regulations 2008, Estate Agents Act 1979	administrative priority
Case G	03/12/08	02/07/09	6	Consumer Protection from Unfair Trading Regulations 2008, Estate Agents Act 1979	Closed for reasons of administrative priority
Case H	03/12/08	02/07/09	6	Consumer Protection from Unfair Trading Regulations 2008, Estate Agents Act 1979	Closed for reasons of administrative priority
Case I	03/12/08	02/07/09	6	Consumer Protection from Unfair Trading Regulations 2008, Estate Agents Act 1979	Closed for reasons of administrative priority
Case J	03/12/08	02/07/09	6	Consumer Protection from Unfair Trading Regulations 2008, Estate Agents Act 1979	Closed for reasons of administrative priority
Case K	03/12/08	02/07/09	6	Consumer Protection from Unfair Trading Regulations 2008, Estate Agents Act 1979	Closed for reasons of administrative priority
Case L	03/12/08	02/07/09	7	Consumer Protection from Unfair Trading Regulations 2008, Estate Agents Act 1979	Closed for reasons of administrative priority
Case M	07/02/08	21/05/09	15	Control of Misleading Advertisements Regulations 1988, Consumer Protection from Unfair Trading Regulations 2008	Warning Assumed compliance
Case N	08/01/09	28/05/09	4	Control of Misleading Advertisements Regulations 1988	Consumer Protection Cooperation referral to France

## Ongoing consumer protection investigations

**Table A5: Details of consumer protection investigations that are in the public domain and which were ongoing at 31 March 2010**

<i>Company/individual name(s) (where public)</i>	<i>Date case opened</i>	<i>Underlying legislation</i>	<i>Procedural milestones passed as at 31 March 2010</i>
Alleged unlawful pyramid selling scheme	January 2009	Consumer Protection from Unfair Trading Regulations 2008	Charges brought against 11 individuals
London North Securities Ltd: alleged carrying on a consumer credit business without a licence	November 2008	Consumer Credit Act 1974	Charges brought against one individual and one company
Retirement Homes Investigations	03/09/09	Unfair Terms in Consumer Contracts Regulations 1999	Twenty-four traders approached for information under Enterprise Act (section 224)
GoldPost investigations	21/01/10	Consumer Protection from Unfair Trading Regulations 2008, Consumer Protection (Distance Selling) Regulations 2000, Unfair Terms in Consumer Contracts Regulations 1999	Five traders approached for information under Enterprise Act (section 224)
Used Cars Investigations	18/03/10	Consumer Protection from Unfair Trading Regulations 2008, Sale of Goods Act 1979, Sale of Goods and Services Act 1982	Ongoing monitoring and investigations
Purely Creative Ltd Strike Lucky Games Ltd McIntyre & Dodd Marketing Ltd, The Winners Club Ltd, Dod Marketing Ltd	11/01/10	Consumer Protection from Unfair Trading Regulations 2008	OFT seeking High Court Injunction
Ashbourne Management Services Ltd	15/10/09	Unfair Terms in Consumer Contracts Regulations 1999	OFT seeking High Court Order

## Inspection and information-gathering

**Table A6: Inspections and information gathering by the OFT under consumer protection law, 1 April 2008 – 31 March 2010**

	2008-09* (for comparison)	2009-10
On-site inspections under Regulation 22(1) of the CPRs	5	1
Notices issued under Regulation 21 of the CPRs	1	60

\* The Consumer Protection from Unfair Trading Regulations 2008 came into force on 26 May 2008

## Estate Agents Act 1979

**Table A7: Enforcement outcomes under the Estate Agents Act, 1 April 2008 – 31 March 2010**

	2008-09 (for comparison)	2009-10
Persons notified by OFT Adjudicators that the OFT was considering issuing a Prohibition Order against them	5	8
Proposals to issue a Prohibition Order in parallel with proposals to issue a Warning Order	4	9
People receiving a favourable determination allowing them to continue doing estate agency work following a proposal to issue a Prohibition Order in parallel with proposals to issue a Warning Order	2	3
Prohibition Orders	11	8
Warning Orders	4	7
Prohibition Orders entering into force during period	12	6

From 3 May 1982, the date the Act came into force, up to 31 March 2010, a total of 329 people have been prohibited from doing estate agency work under the Act.

**Table A8: Determinations under the Estate Agents Act, 1 April 2009 – 31 March 2010**

<i>Date of order</i>	<i>Company/individual names</i>	<i>Type of order</i>
22/06/09	John Jeffery	Prohibition
05/08/09	David Philip Copestake	Warning
05/08/09	David Philip Copestake (Stroud Green Ltd)	Warning
05/08/09	David Philip Copestake (Highbury Ltd)	Warning
14/08/09	Wolfgang David Dunn	Prohibition
14/08/09	Astons GB Ltd	Prohibition
16/09/09	Kevin Allsop	Prohibition
22/09/09	MS Estates	Warning
22/09/09	Mohinder Singh Sahota	Warning
22/09/09	Satwinder Kaur Sahota	Warning
23/09/09	Joseph Young	Prohibition
27/10/09	Christopher Lewars	Prohibition
13/11/09	Jacqueline Rowles	Warning

**Table A9: Determinations where an appeal was pending on 31 March 2010**

<i>Date of determination</i>	<i>Company/individual names</i>	<i>Type of order</i>
14/08/09	Sean Allen Wrenn	Prohibition
07/10/09	Aled Glynn Williams	Prohibition
23/12/09	Gavin Human	Prohibition