

REGULATION AND DEREGULATION -
ALL CHANGE PLEASE

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The body and burden of regulatory law can be divided into two areas: the law, and the enforcement of that law. With increasing quantities of European consumer-oriented legislation requiring to be translated into UK law, this distinction has never been more pointed. Attention is drawn, sometimes indignantly, to different levels of enforcement activity and penalties in other parts of the EU. The reason for this is that European legislation sets standards to be implemented across Europe and therefore also domestically, but questions of enforcement of those standards are subsidiary matters, to be decided upon and set into the enforcement framework of the Member State.

The current Government has, throughout its period of administration, undertaken an extensive review of the consumer regulatory regime in the UK, both with an ambition to increase consumer protection and confidence and with a view to simplification and improvement of its administration. These potentially inconsistent aims have been intertwined and both are to be carried forward: enhanced consumer confidence is no longer to be seen as the enemy of deregulation, but as an integral part of a process of simplification. This aim chimes with that expressed more widely in the European Union. Regulation has thus had a high political profile. Balances have been sought and will be further sought. Research has been undertaken. Changes have been implemented. More is to come.

Developments in enforcement

Hand in hand with the implementation of domestic regulations driven by European directives therefore, has been the detailed analysis in the UK of the philosophy and efficacy of enforcement. A major step forward in relation to the enforcement aspect of regulation was the publication of the Hampton report², nearly all of the recommendations of which have been or are to be incorporated into our regulatory panorama and the complementary report of the Better Regulation Task Force under the chairmanship of

¹ The views expressed in this article are those of the author alone. They are not to be attributed to other members of Gough Square Chambers, who have not been consulted and who may not agree.

² "Reducing Administrative Burdens: Effective Inspection and Enforcement"

David Arculus, "Less is More". The recommendations of these bodies are set out in more detail below.

Underlining the practical complexity of the task, the report of the Hampton review in early 2005 included the finding that:

"Regulation in the review's scope is delivered through 63 national regulators and 468 local authorities. Regulators at national level employ about 41,000 individuals, of whom about 12,000 work primarily on inspection and enforcement. There are just under 20,000 people working in local authority regulatory services of whom 5,500 work primarily on inspection and enforcement. National regulators in the review's remit carry out at least 600,000 inspections each year, and local authorities carry out approximately 2 ½ million. National regulators send out 2.6 million forms a year. Statistics are not collated for the number of forms sent out by local authorities."

The pace of change in enforcement practices has accelerated since Hampton (see below) and more is yet to happen (see below). The Government has declared for itself the target of making its trading standards enforcement among the best in the world by 2008. It will in due course be for businesses, for consumers and ultimately for the Local Government electorate to judge both whether this target has been met and whether the target is sufficient for the various communities the trading standards officers serve.

At the same time, overarching activity within the European Union has reinforced the implementation and strengthening of consumer protection provisions within the UK and throughout Europe. Some of these may also lead to further significant and fundamental changes in the way in which consumer protection law operates (see below).

It might be said that the pace of change is such that it is hard to keep up. This article is no more than a pointer in (it is hoped) the right direction.

Developments in the law

There have been two distinct European and domestic approaches during the period.

The first is the extension of the body of law sometimes referred to as "the consumer acquis"³. This can be found in 8 Consumer Directives (excluding the Unfair Commercial Practices Directive). These 8 directives are:

- *Doorstep Selling 85/577/EEC* (implemented in UK by the Unsolicited Goods and Services Act 1971 as amended and certain Orders)
- *Package Travel 90/314/EEC* (implemented in the UK by the Package Travel, Package Holidays and Package Tours Regulations 1992 as amended)

³ The "acquis communautaire" is the body of law that must be adopted by member states to become a lawful part of the European community

- *Unfair Contract Terms 93/13/EEC* (implemented in the UK by the Unfair Terms in Consumer Contracts Regulations 1999 as amended)
- *Timeshare 94/47/EC* (implemented in the UK by the Timeshare Act 1992 and subsequent Regulations and Orders)
- *Distance Selling 97/7/EC* (implemented in the UK by the Consumer Protection (Distance Selling) Regulations 2000 as amended)
- *Unit Prices 98/6/EC* (implemented in the UK by the Price Marking Order 2004)
- *Injunctions 98/27/EC* (implemented in the UK by Part 8 of the Enterprise Act 2002 and 2003 Order)
- *Sale of Goods and Associated Guarantees 99/44/EC* (implemented in the UK in particular by the Sale and Supply of Goods to Consumers Regulations 2002 against the background of pre-existing sale of goods legislation)

The second is the gradual move from the introduction of “sectoral” provisions dealing with specific topics, to an acceptance that an umbrella approach using widely based objectives may be a more satisfactory means of achieving compliance, reducing regulatory fragmentation and burdens and improving EU harmonisation. A lesser example of this approach can be found in Part 8 of the Enterprise Act 2002, which allows designated enforcers to obtain injunctive relief against rogue traders in various fields of activity, which the domestic law was frequently reluctant to do⁴. A more significant example is the *Unfair Commercial Practices Directive* which introduces a wide notion of trading fairly (see below) and which must be introduced into the UK by 2007.

The European Commission is currently undertaking a review of the Consumer Acquis, the first annual review for which can be found at:
http://ec.europa.eu/consumers/cons_int/safe_shop/fair_bus_pract/cont_law/progress05_en.pdf

Chronology of changes in the UK to date

Not all the steps that have been taken since this administration began can be listed. Here, however, are some prominent ones:

1997 - establishment of the Better Regulation Task Force and the Better Regulation Unit of the Cabinet Office

1998 – Publication of *the Enforcement Concordat* setting out principles of good enforcement, namely:

⁴ See, however, the *London Borough of Barking and Dagenham v. Jones* (unreported) and the Sunday trading cases

- Standards: the setting of clear standards
- Openness: the clear and open provision of information
- Helpfulness: helping business by advising on and assisting with compliance
- Complaints: having a clear complaints procedure
- Proportionality: ensuring that enforcement action is proportionate to the risks involved
- Consistency: ensuring consistent enforcement practice.

1999 – Publication of the Government White Paper “*Modern Markets, Confident Consumers*”. This advanced the proposed policy means for achieving greater consumer influence for consultation and set out its plan for achievement of these goals. For a report on the targets achieved see the Report on the Implementation Plan of the 1999 Consumer White Paper published in July 2004, some of which are set out also below.

Aug 1999 - Limits for consumer arbitrations raised from £3,000 to £5,000 under the *Arbitration Act 1996*

1999 - *Consumer Gateway* set up by DTI (the web-based precursor to Consumer Direct)

Nov 1999 - *Good Practice Guide on Product Recall* published by the DTI (and now see General Product Safety Regulations 2005 and European Commission Good Practice Guide “*Product Safety in Europe*” on product recall)

2000 - *CPR rule 19.11* made provision for a Group Litigation Order where there are likely to be a number of similar claims involving a number of different people

April 2000 - The Control of Misleading Advertisements (Amendment) Regulations 2000 implemented the Comparative Advertising Directive (97/55/EC)

2001 - Government Green Paper “*Towards Effective Enforcement*” published

June 2001 - “Stop Now Orders” introduced to prevent continued activities of rogue traders (now replaced by Part 8 of the Enterprise Act 2002)

July 2001 - The Panel for Regulatory Accountability became a cabinet committee chaired by the Prime Minister

July 2001 - the European Commission published a consultative “*Communication on European Contract Law*”, intended to “broaden the debate” on European Contract law amongst interested bodies, including “businesses, legal

practitioners, academics and consumer groups." This Communication was not limited to areas of contract law relating to consumers, but directed itself to questions of contract more generally. In particular, it sought to identify areas in which divergences between the (contract) laws of Member States created obstacles for the proper functioning of the Internal Market, and how such obstacles could be overcome.

October 2001 - the European Commission published an *EU Green Paper* on European Consumer Protection seeking views on a proposed reform of consumer protection law which would move from a process of harmonisation based on sectoral directives to harmonisation around a more flexible framework based on a "general duty to trade fairly".

2002 - Enterprise Act 2002

Apr 2002 - *National Performance Framework for Trading Standards* was introduced, intended to ensure co-ordinated priorities and standards between different local authorities

June 2002 - "Green" Claims Code issued jointly by DEFRA and DTI

Mar 2003 - Government White Paper "*Effective Enforcement*" published

June 2003 - DTI Guidance on the Enforcement Concordat encouraged its use and gave examples of the circumstances for enforcement action.

June 2003 - *Performance Measures* introduced for Trading Standards service

2003 - *Price Marking (Food and Drink Services) Order 2003*

Mar 2003 - *Sale and Supply of Goods to Consumers Regulations 2002* in force

Oct 2003 - *Timeshare (Cancellation Information) Order* in force 31 Oct 2003

Dec 2003 - *Green Claims – Practical Guidance* published

Dec 2003 - Consumer Credit White paper

- 2004** - *Price Marking Order 2004*
- July 2004** - DTI report on the implementation of “Modern Markets: Confident Consumers”
- October 2004** - Better Regulation Task Force report “*Avoiding Regulatory Creep*” was published – “regulatory creep” being described broadly as the imposition of burdens in circumstances where it is not clear what is needed to comply and where the consequences of non-compliance are severe.
- March 2005** – the *Hampton report* was published (see below)
- March 2005** - the *Arculus report* published (see below)
- May 2005** - the *Unfair Commercial Practices Directive* (“UCPD”) was adopted by the EU, to be implemented in the UK by 2007. Its objective is the prohibition of unfair commercial practices in business to consumer contracts. A practice is unfair for this purpose if it is contrary to the requirements of professional diligence and it materially distorts or is likely materially to distort the economic behaviour of the average consumer whom it reaches or to whom it is addressed. In particular the directive regards as unfair practices which are misleading, including by omission, or aggressive, including as a result of the use of harassment, coercion or undue influence.
- June 2005** - the *Local Authority Better Regulation Group* (LABREG), consisting of senior representatives from business, regulators, departments, consumer groups and local government was established by way of implementing the recommendations of Hampton to look at issues such as best practice, prioritisation, performance management, and risk-based enforcement.
- June 2005** - “*A Fair Deal for all: Extending Competitive Markets: Empowered Consumers, Successful Business*” published. Among other ambitions were
- a. implementation of the Arculus report;
 - b. introduction of a general duty not to trade unfairly
 - c. pursuit of simplification of EU consumer legislation
 - d. looking for further opportunities to simplify the legal framework.
- June 2005** - *Trading Schemes Guide* was published

Oct 2005 - *General Product Safety Regulations 2005* in force

Nov 2005 - Draft simplification plan was drawn up by the DTI in November 2005 to implement in part the Arculus report (see below).

December 2005 - In the Pre-Budget Report, however, the Chancellor announced the creation of the *Local Better Regulation Office*, to progress the Hampton and LABREG findings. He also announced that the Consumer and Trading Standards Agency proposed by Hampton would not now be created, and that instead a refocused Office of Fair Trading would take on the trading standards agenda. In the light of this announcement, LABREG decided not to consult formally on its findings. Instead it delivered a progress report to BRE, and dissolved itself.

Jan 2006 - the Better Regulation Task Force became the Better Regulation Commission under the chairmanship of Rick Haythornthwaite to provide independent advice and external challenge to Government about new regulatory proposals and the Government's overall performance on delivering the better regulation commitments announced in Budget 2005.

The Regulatory Impact Unit of the Cabinet Office became the Better Regulation Executive under the chairmanship of

2006 - Consumer Direct rolled out throughout the year. It is a free advice and information service, initiated by the Department of Trade and Industry and supported by the Office of Fair Trading. It intends to provide consumers with clear, practical advice to help sort out problems and disagreements with suppliers of goods or services and comprises a web-site, telephone service, local information services and an introductory booklet called (not surprisingly) "*Consumer Direct: an Introduction*".

March 2006 - *Consumer Credit Act 2006* in force

March 2006 - draft Regulator's Compliance Code published for consultation.
See: http://www.cabinetoffice.gov.uk/regulation/documents/enforcement/compliance_code.pdf

April 2006 *Weights and Measures (Packaged Goods) Regulations 2006* took effect.

17th May 2006 - the *Legislative and Regulatory Reform Bill* has received its first reading in the House of Lords. See the printed bill as transferred from the House of Commons to the House of Lords at:
<http://www.publications.parliament.uk/pa/ld200506/ldbills/109/2006109.htm>.

22nd May 2006 - the Interim Review by Professor Macrory of *Regulatory Penalties* was published on 22nd May 2006. For a copy of the report see:
http://www.cabinetoffice.gov.uk/regulation/mergers_and_penalties/penalties_review.asp
The consultation on this interim report closes on 18th August 2006

The Hampton Review and its implementation

6. On March 16th 2005, Professor Hampton reported on his instruction given in the preceding year on the efficacy of enforcement practices. The report was called "Reducing Administrative Burdens: Effective Inspection and Enforcement". While recognising that there was much good enforcement, he recommended that inspection should be more risk assessment based and that advice was preferable to enforcement. His report and recommendations identified a mind set not always previously identifiable in enforcement practices. A summary of the proposals (taken below from the executive summary to the report) is:

- Regulators should follow the following principles of regulatory enforcement
 - Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources on the areas that need them most;
 - Regulators should be accountable in the decisions they take;
 - All regulations should be written so that they are easily understood, easily implemented, and easily enforced, and all interested parties should be consulted when they are being drafted;
 - No inspection should take place without a reason;
 - Businesses should not have to give unnecessary information, nor give the same piece of information twice;
 - The few businesses that persistently break regulations should be identified quickly, and face proportionate and meaningful sanctions;
 - Regulators should provide authoritative, accessible advice easily and cheaply;
 - When new policies are being developed, explicit consideration should be given to how they can be enforced using existing systems and data to minimise the administrative burden imposed;
 - Regulators should be of the right size and scope, and no new regulator should be created where an existing one can do the work; and
 - Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.

- Risk assessment should be used comprehensively by every regulator. Also, information requests, and penalties should also be based on risk assessment;

- Regulators should use the resources released through full implementation of risk-based assessment to provide improved advice including on-site advice visits and tailored advice.
- Regulators should judge the effectiveness of their advice by monitoring business awareness and understanding of regulations;
- Regulators should reduce the number of duplicated data requests and reduce the overall burden of forms by: involving business at all stages;
- when designing new forms, all Regulators should include a statement detailing how long they will take to complete and should keep a tally of how many forms they issue and set targets to reduce them;
- over the longer-term, Regulators should look to improve cooperation and data sharing to reduce the need for businesses to submit the same data more than once; no proposal for significant upgrades or enhancements to existing Regulators' IT systems should go ahead without prior scrutiny by the proposed Better Regulation Executive;
- every Regulatory Impact Assessment should include, in addition to implementation on regulatory costs, an assessment of the practicality of enforcement;
- the penalty regime should be based on managing the risk of re-offending, and the impact of the offence, with a sliding scale of penalties that are quicker and easier to apply for most breaches with tougher penalties for rogue businesses which persistently break the rules;
- early warning before enforcement action should allow companies to correct problems before going to court, and therefore cut the administrative burden;
- Regulators should be structured around simple, thematic areas, in order to create fewer interfaces for businesses, to improve risk assessment and to reduce the amount of conflicting advice and information that businesses receive;
- thirty one national regulatory bodies should be consolidated into seven, with individual Regulators covering the entire scope of environment, health and safety, food standards, consumer and trading standards, animal health, agricultural inspections, and rural and countryside issues;
- a new Consumer and Trading Standards Agency, incorporating the work of four existing regulators, should help coordinate local authority services to improve the use of risk-based inspection and consistency for businesses whilst maintaining national standards for consumers. (*As to this, see the pre-Budget speech December 2005 [above]*);

- all regulators should ensure they have a performance management framework and systems in place to deliver fully risk based inspection, improved advice services and to monitor the impact of these changes on those they regulate;
- the administration of all new policies and regulations should be based on the principles set out in this report, so new regulations are, where possible, implemented through existing inspection services and data collection channels; no new regulator should be set up if an existing regulator is able to carry out the task effectively;
- the accountability of regulators for implementing the approach recommended in this report should be increased through for example suggesting enhanced Parliamentary scrutiny. This should not affect regulators' independence on individual regulatory decisions;
- in place of the existing Regulatory Impact Unit, a new Better Regulation Executive, led by a senior business person, should be created in the Cabinet Office to drive through this reform programme. *(This has been achieved, and the Better Regulation Task Force has become the Better Regulation Commission headed by Rick Haythornthwaite)*

The Arculus report

8. The Better Regulation Task Force considered how to go about the process of reducing and simplifying the administrative burden of regulation. Its 8 recommendations included the following approach:

a. Measuring the administrative burden by using a standardised approach in all governmental departments for measurement purposes. The measurement should include all the administrative obligations imposed by central government departments and regulatory agencies under both national and European legislation. The Task Force recommended that the government should start developing a methodology for assessing the total cumulative costs of regulatory proposals. It was recommended that this measurement process should be in place by May 2006.

b. Committing to a target for reducing administrative burdens, such target being a net target, taking into account any new burdens from regulations brought in by the government or the EU during the period of the target. It was recommended that targets should be set by May 2006.

c. Setting up the necessary organisational structure. In particular, the Arculus report recommended the deregulation activities in Holland as a model for the UK. It was recommended that this be in place by July 2005.

d. "One in, One Out" This shorthand expression emphasised that choices have to be made. The idea is that if ministers want new laws they will need to prioritise and drop other proposals - thus stemming the flow, or repeal existing laws - thus reducing the stock. The cultural change recommended would have regulatory reform ministers, departmental champions and the boards of individual regulatory bodies continuously questioning along the lines of, "if this one really has to go in, what must come out?" It would be up to each individual organisation to think how it can best adapt this method of questioning to its own particular circumstances and requirements. As part of this process, departments and Regulators should undertake more frequent and better post-implementation reviews of regulation, including reviews of how the UK has implemented EU law. Such reviews should assess whether the measure is working as expected, whether the costs and benefits are as predicted, whether there have been unintended consequences and whether there is scope for simplification. The results of these reviews should feed into future policy making and simplification proposals. Also included in this proposal was review of the Regulatory Reform Act, together with a Deregulation Bill to take through important changes that require primary legislation. The review should consider how the scope of the Regulatory Reform Act can be widened to allow a greater number of reforms to be delivered by Regulatory Reform Order (RRO). Specifically it should explore whether the scope of RROs should be extended to deliver non-controversial proposals for simplification. In addition the review should consider whether the whole process for developing an RRO and subsequent scrutiny could be more proportionate. *(A consultation exercise has been undertaken and the relevant legislation is currently under consideration in the House of Lords).*

e. As to promoting simplification, the Task Force recommended that, by the end of 2005, the Regulatory Impact Unit in the Cabinet Office should, in consultation with departments, develop a robust mechanism for the submission of evidence-based proposals for simplification by business and other stakeholders with options for reform.

f. The above recommendation should by September 2006 involve a rolling simplification programme, which should include:

- Proposals to reduce Administrative Burdens.
- Revisiting the implementation of EU directives, particularly framework directives.

Departments should undertake post-implementation reviews of all major pieces of legislation, the results of which should feed into their rolling simplification programme. Departments' simplification programmes should be subject to scrutiny by the Panel for Regulatory Accountability.

g. The Task Force recommended that the Regulatory Impact Assessment process for major regulatory proposals should require consideration of compensatory simplification measures. Where it is not possible to include any simplification measures, there should be a reasoned explanation of why not. The guidance on Regulatory Impact Assessment should be amended to reflect this change by the end of 2005. Clearance by the Panel for Regulatory Accountability of any major regulatory proposal should include consideration of offsetting simplification proposals.

Draft Simplification plan

A draft simplification plan was drawn up in November 2005. It envisages simplification in the area of consumer law as follows:

Total savings over 5 years £53m (discounted, only counting Consumer Voice once for 09/10)					
Consumer Law: Internal Market: Services Directive	Administrative burdens on business trading across EU borders	Simplification and deregulation.	Reduced burdens for service business, especially SMEs.	Government says study calculates cross EU benefit (economic welfare) as 0.6%GDP (37bn euros) 600k new jobs.	Ongoing negotiations
Consumer Law: Transposition of the Unfair Commercial Practices Directive	Overlapping regulatory requirements (policy costs - no admin costs apart from one-off familiarisation costs)	Consultation on wide range of options: from wholesale repeal to minimum necessary to meet EU obligations.	Possible reduction in consumer detriment of £100m + per year. Honest businesses engaging in B2C transactions will benefit from a more level playing field. Some internal market benefits from harmonisation of legislation.	Subject of further research. Business concerns about uncertainty from replacing detailed but clearer rules with vaguer general duty that would have to be tested in Courts.	Consulting in December 2005. In force December 2007.
Consumer Law: Review of the Consumer Acquis (8 Directives)	Over-complex, overlapping set of EU Directives	UK research and engagement with Commission and stakeholders.	(For negotiation) Modernised and simplified EU framework	Benefits too early to assess	DTI research project underway to report in November 2005. Consultation to develop UK proposals will follow.
Consumer Law: Sunday Trading	Removal or easing of restrictions on Sunday Trading Hours in the Sunday Trading Act 1994.	Potential deregulation	The retail sector would be affected/liberalised. Independent consultants report being commissioned to carry out a cost-benefit analysis..	Too early to assess But the gains might be expected to be more intensive competition, bringing benefits to consumers.	Cost benefit analysis underway and stakeholder views being sought.

Modernisation of the Trading Standards Service

Following the Government's decision taken after consultation not (at least in the short term) to introduce a centralised Consumer and Trading Standards Agency to enforce trading standards law, different steps have been taken to achieve the objectives of simplifying and making more efficient the various strands of enforcement of regulatory controls on business throughout the UK. The Government has consequently committed itself to modernising the existing Trading Standards service. Steps supported by the DTI include:

- ***Regional Coordination***

Regional Coordination is part of the DTI's consumer strategy to encourage "joined up working" in Trading Standards regions throughout Great Britain.

Regional Coordinators have been appointed to take forward the priorities for their region and work closely with other regional coordinators to encourage best practice and consistency.

From April 2005 the Government allocated up to £25,000 a year for three years to each of the 9 English regions, Scotland and Wales to fund regional coordination.

In addition, a Regional Coordination pilot study to run throughout 2006 has been set up by Warwickshire County Council, working with the district councils of Warwick, Stratford-upon-Avon and North Warwickshire Borough council, and by the London Borough of Bexley to carry out a trial through 2006 of the co-ordination of routine planned inspections across trading standards, environmental health, health and safety, food standards and fire. The specific measures being taken include:

- A single joint risk and business performance assessment model, that can be used as a tool for sharing data and planning a joint approach to business inspection;
- Video based interpretation of legislation to inform and educate business on what they need to do to comply with regulatory requirements;
- Alternative methods for assessing compliant business behaviours;
- A conciliation service and a proposed service for resolving conflicting requirements from different regulatory areas;
- A mechanism for the provision of feedback to business on how it is performing.

The aim will be to reduce the number of routine planned inspections but to protect consumers and workers by the sharing of information on businesses. Any savings in

routine visiting will be redirected into educating business, running intelligence led campaigns which targeted poor performers and those who trade illegally.

- ***National Performance Framework***

The framework, developed in co-operation with LACORS, TSI, NWML and the OFT, aims to ensure that Trading Standards services throughout the UK develop coherently. The Government describes this performance framework as having the following key elements:

Service Delivery Plan. Every Trading Standards Service will be required to draw up an 'Executive Summary' Service Delivery Plan outlining its provisions in key areas. These will then be monitored and audited with the plan as the basis.

The Standards. National Standards indicate what Trading Standards should aim to provide for as a basis for delivering the priorities.

The Performance Measures and Contextual Information Return. This provides a method of comparing performance of Trading Standards Departments in key areas. Indicators include customer and business satisfaction, inspection rates, staff training and development.

Peer Review. This is an annual self-assessment by Trading Standards Departments followed by the production of a self-improvement plan. Every three years an external appraisal is undertaken. The aim is to improve performance and spread good practice across the Trading Standards Community.

- ***Trading Standards Performance Measures***

The Performance Measures and supporting contextual information aim to provide Local Authorities with an opportunity to benchmark their performance and make valid comparisons with like authorities encouraging continuous improvement. The NPF return is authorised as the annual information return under s.70 of the Weights and Measures Act 1985.

Other matters to come

In addition to the assessment and implementation of changes to the enforcement regime as described above, the implementation into UK law of the Unfair Commercial Practices Directive will be a significant step forward. In particular, it imposes a broad obligation on the Member State to prohibit unfair commercial practices. A commercial practice is unfair if:

- It is contrary to the requirements of professional diligence *and*
- It materially distorts or is likely to materially distort the economic behaviour with regard to the product of the average consumer/average

member of a group of consumers where the commercial practice is directed to a group

Vulnerable consumers are also to be protected.

The wide-ranging extent of this, together with the European and domestic review of the consumer acquis could lead to still more very significant changes in consumer law as we have known it. The Trading Standards Service and other regulators may still be our conductors when in due course we leave the terminus, but the bus route and the service delivery may show us a very different horizon.