

Consumer Rights Act 2015 - One Year on Conference

Eminent consumer lawyers point out the perils and pitfalls of the CRA one year on

5 May 2016

Central London

9.00 Registration

9.30 Welcome and Chair's introduction
Richard Mawrey QC, Henderson Chambers

9.45 Sale of goods: the gap between consumer and non-consumer sales widens: can this gap be justified?

- How do the new statutory provisions distinguish between consumer and non-consumer sales?
- To what extent has the gap between consumer and non-consumer sales widened?
- In which scenarios might the gap be seen as unjustified?

James Ross, Gough Square Chambers

10.30 Sale of goods: have the remedies provisions actually reduced the rights of the aggrieved consumer?

- Tiered remedies
- Consolidating and aligning remedies for goods supplied under different types of contracts
- Are the new remedies more consumer friendly?

Kate Urell, Gough Square Chambers

11.15 Refreshments

11.30 Digital content: has Chapter 3 made any real change to the existing law governing defective software?

- To the provision of which goods and services do the new statutory provisions apply?
- To what remedies is a supplier be liable for defective digital content?
- May a supplier feasibly exclude liability?

Peter Susman QC, Henderson Chambers

12.15 Puff or promise: to what extent do the claims made by the trader become contractual terms?

- Misrepresentation v contract breach; what has changed?
- How will practice match up to theory?
- Where are the new limits for traders?

Richard Humphreys, Blake Morgan LLP

1.00 Questions

1.15 Lunch

2.15 Operating the unfair terms 'Grey List': has the law become too prescriptive?

- What is the Grey List?
- What is approach of the courts to the operation of the Grey List?
- Has the Grey List in reality become a black list, such that the inclusion of a term on the list is ordinarily determinate of the fairness of the term?

Simon Poplewell, Gough Square Chambers

3.00 Refreshments

3.15 How does the CRA interact with the current rules for product liability?

- Consumer contracts
- Unfair terms
- Enforcement

Toby Riley-Smith, Henderson Chambers

4.00 Multiple 'regulators' (Schedules 3 and 5): fair policing or an activists bonanza?

- Which enforcers can access which powers and what are the safeguards?
- How has the abolition of the OFT further diversified regulation?

Ruth Bala, Gough Square Chambers

4.45 Chair's concluding remarks and Questions

Conference Close **5.00**

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CONFERENCE OVERVIEW

The Consumer Rights Act 2015 is the most important piece of consumer legislation this century. But it is not without its problems and difficulties. Is it really a Consumer's Charter for the 21st century or merely a potential feeding ground for hungry lawyers? Eminent consumer lawyers point out the perils and pitfalls of the CRA and explore the interaction between the CRA and other areas of consumer law.

CHAIR

Richard Mawrey QC is a consumer lawyer of over fifty years' experience and is currently rated as a leading consumer practitioner by Chambers Directory and the Legal 500. He is specialist editor of five leading practitioners' books including Butterworths Commercial and Consumer Law Handbook and Goode: Consumer Credit Law and Practice.

EXPERT SPEAKERS

Ruth Bala has a specialist practice in consumer credit and consumer regulatory law. She is ranked as a 'Leading Junior' in Legal 500 for banking and finance and in Chambers & Partners for consumer law. She has successfully represented finance institutions in a number of the leading appellate 'PPI mis-selling' cases.

Richard Humphreys is a Partner in the Financial Compliance section of the finance and leasing team at Blake Morgan. His clients include banks, independent finance institutions and manufacturer subsidiaries. Richard has worked in this sector for 25 years and is closely involved in the ongoing reforms of consumer law and regulation, including the CCA and the shift to FCA regulation.

Simon Popplewell is a barrister at Gough Square Chambers specialising in all aspects of consumer and regulatory law. He is regarded as a Band 1 expert in consumer law by Chambers and Partners and is ranked by Legal 500 in the areas of both Banking and Finance (including Consumer Credit) and Consumer.

Toby Riley-Smith was called in 1995 and took silk in 2016. He has been consistently recommended by the Legal 500 and/or Chambers UK as a leading junior barrister in his principal areas of his practice including Product Liability and Consumer Law. He is a co-editor of Butterworths' Commercial and Consumer Law Handbook and one of the editors of Goode: Consumer Credit Law and Practice.

James Ross has a broad consumer law practice with particular emphasis on consumer credit, banking and financial services. He is ranked as a "Leading Junior" in the Legal 500 and Chambers & Partners directories. James regularly advises and represents traders, enforcement authorities and consumers.

Peter Susman QC has for over 40 years been advising and acting for institutions who arrange or extend credit, and business and individuals to whom credit has been extended, and he has been ranked in the Legal Directories as a "Leading Silk in Consumer Credit."

Kate Urell acts in a wide range of regulatory matters. She specialises in consumer credit, unfair terms and credit referencing errors. Kate advised on the implementation of the Consumer Credit Directive, the Consumer Rights Directive and the Green Deal. Kate is ranked as a leading barrister by Chambers and Partners and the Legal 500.

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