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TRADING STANDARDS SERVICE

NOTES FOR GUIDANCE

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Descriptions and the Sale of Motor Vehicles

What is prohibited?

The Consumer Protection from Unfair Trading Regulations 2008 is a wide-ranging piece of legislation which makes it a criminal offence for a trader to engage in unfair commercial practices in relation to the provision of goods or services, including any practice likely to mislead consumers. The misleading element could be in the form of an actual action or description, or in the omission of facts about the goods or services.

This leaflet deals with how these regulations relate to descriptions applied to motor vehicles.

In what ways can descriptions be made?

A vehicle can be described in many ways, for example:

- In writing, including in newspaper advertisements and notices displayed on the vehicle.
- Spoken statements by a salesman.
- Supply in pursuance of a request by a customer, such as “I want a car in excellent condition”.
- Vehicles can misdescribe themselves, for example by means of a badge indicating a larger engine size than that fitted.

What are the usual problem areas?

- Mileage readings (see separate ***Mileages of Used Vehicles*** guidance note).
- Other previous history, such as the date of manufacture or the number or status of previous owners (for example, “One lady owner” or “Not a company car”).
- Physical characteristics, including model type and engine capacity.
- Condition of the vehicle or of a particular specified part of it.

If a statement such as “Excellent condition” is not qualified (for example by wording such as “Excellent body condition”), then the description will be taken to refer to all aspects of the vehicle, including the bodywork and all mechanical and other parts.

What are the consequences of non-compliance?

Failure to comply with the Consumer Protection from Unfair Trading Regulations 2008 is a criminal offence. The maximum penalty on conviction is an unlimited fine and / or two years imprisonment. In addition, a trader may risk losing his consumer credit licence. Enforcers may also take civil enforcement action under the Enterprise Act 2002.

A trader can commit an offence even without knowing that the indicated mileage was incorrect. However, the law also provides a defence. The law requires traders to take responsibility for descriptions applied to vehicles, by having in place checks regarding their accuracy.

What steps can you take to avoid misdescribing a vehicle?

When wishing to describe the vehicle in any particular way, you should ensure that what you say is completely accurate and not misleading. For example, “one owner” may be strictly true of a car that has been used for hire purposes, but it may be misleading as to the use it has had.

With regard to the previous history of the vehicle, always refer to the registration document to check the age and date of first registration in the UK, particularly checking to see if it has previously been used abroad. Check also for the number and status of the previous owners.

The model and engine capacity should be checked in the registration document to see if they agree with the model motifs on the vehicle, and also to check that no major modifications (such as the fitting of a smaller capacity engine) have been made during the vehicle’s life.

Before deciding on a description of the condition, carry out an examination of the bodywork and mechanical parts and describe the vehicle accordingly.

If when you buy in a vehicle the seller informs you of an improvement you will want to repeat to an intending purchaser (such as “Recently reconditioned engine”), obtain proof from the seller in the form of an invoice for the work done or obtain the signature of the seller verifying the fact.

Ensure that all sales staff and other employees who may come into contact with customers are properly instructed in these matters and have access to all relevant information such as registration documents and purchase invoices.

If you require further information please contact the Trading Standards Service.

This is not an authoritative document on the law and is only intended for guidance.

For a copy of this document on audio cassette, in large print or Braille, or if you require assistance in reading this, please contact the Council's Policy Unit.

Shetland Islands Council Policy Unit
Town Hall, Hillhead, Lerwick, Shetland ZE1 0HB

Tel: 01595 744537

Email: policy@shetland.gov.uk

This document is also available at www.shetland.gov.uk/tradingstandards

Do you require the services of an interpreter?

If you do, please contact **01595 744537** for assistance.

We will provide an interpreter, or we can supply the document in your choice of language.

你是否需要傳譯服務?

如果需要，請致電 01595 744537 尋求幫助。

我們會適當地為你安排傳譯人員或者提供你需要文字的文件。

ਕੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਇੰਟਰਪਰੈਟਰ (ਤੁਭਾਸ਼ੀਆ) ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ?

ਜੇਕਰ ਤੁਹਾਨੂੰ ਲੋੜ ਹੈ ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਸਹਾਇਤਾ ਲਈ 01595 744537 ਤੇ ਸੰਪਰਕ ਕਰੋ।

ਜਿਥੇ ਸੰਭਵ ਹੋ ਸਕਿਆ ਇੰਟਰਪਰੈਟਰ ਉਪਲਬਧ ਕਰਵਾਇਆ ਜਾਏਗਾ ਜਾਂ ਤੁਹਾਡੀ ਪਸੰਦ ਵਾਲੀ ਭਾਸ਼ਾ ਵਿਚ ਦਸਤਾਵੇਜ਼ ਭੇਜਿਆ ਜਾਏਗਾ।

আপনি কি একজন দোভাষীর সাহায্য চান ?

যদি আপনার প্রয়োজন থাকে তাহলে অনুগ্রহ করে যোগাযোগ করুন -01595 744537
যেখানে সম্ভব সেখানে একজন দোভাষীর ব্যবস্থা করা হবে অথবা আপনি যে ভাষাতে চা
দলীলটি অনুবাদ করে আপনাকে প্রদান করা হবে।

کیا آپ کو انٹریپرٹری کی ضرورت ہے؟

اگر ایسا ہے تو پھر (انٹریپرٹری کی) مدد حاصل کرنے کیلئے فون نمبر 01595 744537 پر بات کریں۔

جہاں ممکن ہو وہاں انٹریپرٹری کی سہولت فراہم کی جائے گی یا پھر (مطلوبہ) دستہ ویز کارجمہ آپ کی

پسندیدہ زبان میں فراہم کیا جائے گا۔