

Teacher's notes

Within Law there are two different forms – Civil and Criminal. As a Consumer exercising your consumer rights you might find yourself involved in one of these forms.

For example

If a shop were to sell you alcohol and you were under the age of 18 this would be criminal offence

If a shop were to sell you faulty goods and dispute giving you a refund you this would be a civil offence

This can be quite a confusing area so it is best to seek advice from appropriate agencies such as

- Trading Standards
- Consumer Direct
- Citizens' Advice Bureau
- Solicitor
- Police

Definitions of Civil and Criminal

Civil law deals with the rights and duties of one individual towards another

Taking a complaint/dispute against a trader further would come under civil law. Consumers can sue at small claims court division of county court or if it's a large amount of money and very serious they would sue in the full county court.

Criminal Law is seen as breaking the law and a threat to society; it is a criminal offence and will be prosecuted in the Magistrates court – very serious crown court.

If a person is found guilty they could be given a fine, probation, community service or imprisonment

Consumer Protection Act - safe and not misleading

Trades Description Act – the goods or service must be correctly described, either verbally with a trader or written

Weights and Measures Act – offence to give incorrect weight or mark goods with the wrong indication of their amount

Criminal Law is concerned with establishing social order and protecting the community as a whole. It gives us a set of rules for peaceful, safe and orderly living. People who break these laws can be prosecuted and if found guilty they could be fined or sent to prison, or both.

Most prosecutions are brought by the Police, for offences like murder and theft - but they aren't the only ones who enforce the criminal law.

Trading Standards Officers, Environmental Health Officers and Customs and Excise Officers can also prosecute offenders. Many of our consumer laws come under the criminal category.

For example: traders can be prosecuted for serving short measure, or charging more than the advertised price, or watering-down alcohol or milk. Problems like these would be investigated by local Trading Standards Departments on behalf of all the people living in the area.

(Cited from Ask CEdRIC website)

Students should start to gain an understanding of offences that are against the law and try to decide whether they think this would be a civil or criminal matter. The more independent we become the more likely we are to come up against these sorts of problems. Knowledge of what type of offence we might face may help us to know how to resolve the situation.

Students may then think about which agency or support unit they would contact, how they would contact them and what evidence they might need to support their case. This information is essential as dealing with problems promptly can help to reduce the stress or anxiety involved in the situation,

- Trading Standards – local council will provide you with details or www.tradingstandards.gov.uk
- Consumer Direct – 08454 04 05 06, minicom 08451 28 1384 or www.consumerdirect.gov.uk
- Citizens' Advice Bureau - www.citizensadvice.org.uk
- Solicitors
- Police
- Local council – environmental health, housing,
- Support workers

More extensive literature will be available on the Trading Standards Website, CABx website or Police Website for your area.