

6 WHAT HAPPENS IF YOU DON'T COMPLY WITH THE REGULATIONS?

What action might an enforcer take?

- 6.1 If you do not comply with the CPRs or BPRs you may face enforcement action. A number of consumer enforcement bodies, for example Local Authority Trading Standards Services (TSS), have a duty to enforce these regulations.
- 6.2 This does not mean that formal enforcement action will be taken automatically in respect of each and every breach. Instead, the duty on enforcers obliges them to take steps to promote compliance by the most appropriate means. Enforcement action is one option open to them.
- 6.3 In deciding whether to act, enforcers will consider (amongst other things):
- the relevance and weight of evidence
 - whether action is necessary, proportionate and consistent (given the nature of the breach, the harm caused, your cooperation in putting matters right, and the need to deter future non-compliance)
 - whether the alleged misconduct appears to be an entrenched business practice or a one-off event
 - whether you have a defence (meaning, for some offences, whether what happened was due to an accident, your reasonable reliance on information given by another person or a cause beyond your control) **and** you took all reasonable steps and exercised the proper care and attention to avoid breaching the regulations.
- 6.4 The enforcer (or, in Scotland, the Procurator Fiscal) can choose to take criminal enforcement action. Alternatively, the enforcer can opt for civil enforcement action, which can include applying for a court order to prevent or stop breaches of the regulations.