

## Higher National Unit Specification



### General information for centres

**Unit title:** Consumer Law

**Unit code:** F19X 34

**Unit purpose:** The purpose of this Unit is to provide candidates with the knowledge and skills required to work in a law firm, a retail environment or any agency where consumer advice is provided. The Unit will enable candidates to identify and apply the protections available in Scots law to consumers in a practical situation. The candidate will also be able to identify any defences open to a trader who is faced with a legal action brought by a consumer.

On completion of the Unit the candidate should be able to:

- 1 Apply the law relating to sale of goods.
- 2 Apply the law relating to advertising goods and description of services.
- 3 Apply the law relating to consumer credit agreements.

**Credit points and level:** 1 HN Credit at SCQF level 7: (8 SCQF credit points at SCQF level 7\*)

*\*SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

**Recommended prior knowledge and skills:** Access to this Unit is at the discretion of the Centre. However, candidates would normally be expected to have competence in communication skills at SCQF level 6 or equivalent.

**Core Skills:** There are opportunities to develop the Core Skills of Problem Solving and Communication at SCQF level 6 in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

**Context for delivery:** If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

## **General information for centres (cont)**

**Assessment:** Outcomes 1 and 2 may be assessed as 2 separate assessments or holistically in one assessment. Outcome 1 and 2 may be assessed using a case study/ies. These may be given to the candidate 7 to 10 days prior to the assessment. Candidates will be given questions requiring them to apply their knowledge of consumer law.

Outcome 3 may be assessed by an investigation using mini case studies to direct the candidate's investigation. In Outcome 3 a candidate may assemble a portfolio of evidence from their investigation which may be presented in the form of a report **or** presentation.

**Centres will have discretion in designing assessments so that they can assess outcomes individually or combine outcomes where they consider it appropriate.**

## Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, knowledge and/or skills, and Evidence Requirements are mandatory.

Please refer to *Knowledge and/or Skills for the Unit* and *Evidence Requirements for the Unit* after the Outcomes.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

### Outcome 1

Apply the current law relating to sale of goods

#### Knowledge and/or skills

- ◆ Legislation relating to the sale of goods act
- ◆ Implied terms
- ◆ Exclusion and/or limitation of seller's liability
- ◆ Breach of contract
- ◆ Consumer's remedies to breach of contract

#### Evidence Requirements

Candidates will need to provide evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ explain, from the legislation relating to sale of goods, the meaning of the statutory definitions and the rules relating to the transfer of title
- ◆ apply two implied terms to the given case study/ies
- ◆ explain the seller's ability to exclude and/or limit their duties
- ◆ apply three consumer's remedies for breach of a sale of goods contract against the seller

The case study/ies may be given to candidates 7 to 10 days prior to the assessment. At the assessment, candidates will be provided with questions relating to the given case study/ies. The questions set will ask the candidate to apply their knowledge of the sale of goods and in addition candidates will be encouraged in their responses to make use of legal cases. Candidates may be permitted to bring in relevant cases on 2 sides of A4 notes; this should be gathered in with their responses.

### Conditions of Assessment

The assessment is to be undertaken in supervised, open-book conditions. Candidates may be permitted to bring in relevant cases on 2 sides of A4 notes; this should be gathered in with their responses. The time allocated for the assessment is 1.5 hours.

### **Assessment guidelines**

This Outcome may be assessed as a separate assessment event using a relevant legal scenario or scenarios.

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Consumer Law

### **Outcome 2**

Apply the law relating to advertising and description of goods and services

#### **Knowledge and/or skills**

- ◆ Unsolicited goods and services
- ◆ Distance and doorstep selling
- ◆ Collective interest of consumers
- ◆ Description of goods and services
- ◆ Defences available to a trader
- ◆ Enforcement and penalties

#### **Evidence Requirements**

Evidence for the knowledge and/or skills in this Outcome will be generated through sampling and will cover 4 of the 6 knowledge and/or skills items. Candidates will need to provide evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ apply consumer law relating to unsolicited goods **or** services
- ◆ apply the law relating to distance **or** doorstep selling
- ◆ apply the regulations relating to collective interest of consumers
- ◆ apply current trade description regulations to a false or misleading goods **or** services
- ◆ explain the defence available to a trader when charged under the regulations
- ◆ explain the enforcement of trade description regulation and the associated penalties

This Outcome will be assessed separately using relevant legal case studies. These may be given to candidates 7 to 10 days prior to the assessment. At the assessment candidates will be provided with questions relating to the given situation. The questions set will ask the candidate to apply their knowledge of the law relating to goods and services and in addition candidates will be encouraged in their responses to make use of legal cases. Candidates may be permitted to bring in relevant cases on 2 sides of A4 notes; this should be gathered in with their responses to the scenario(s). Candidates may be permitted to have access to class notes and relevant text books.

The assessment must be conducted under supervised conditions.

#### **Conditions of Assessment**

This assessment is to be undertaken in supervised, open-book conditions. Candidates may be permitted to bring in relevant cases on 2 sides of A4 notes; this should be gathered in with their responses. The time allocated for the assessment is 1.5 hours.

#### **Assessment guidelines**

Where sampling is used a different sample should be used in a reassessment event.

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Consumer Law

### **Outcome 3**

Apply the law relating to consumer credit agreements

#### **Knowledge and/or skills**

- ◆ Types of consumer credit agreements
- ◆ Office of Fair Trading
- ◆ Licensing system
- ◆ Advertising of consumer credit facilities
- ◆ Formation of a credit agreement
- ◆ Consumer's cancellation rights
- ◆ Termination of credit agreements

#### **Evidence Requirements**

Evidence for the knowledge and/or skills in this Outcome will be generated through sampling. Candidates will need to provide evidence for 5 of the 7 knowledge and/or skills listed above. Candidates will need to provide written/oral evidence to show that they can:

- ◆ explain, clearly, the main types of regulated agreements
- ◆ explain the role of the office of fair trading in the granting of licences
- ◆ explain the consumer credit licensing system
- ◆ apply the regulation of consumer credit advertisements
- ◆ apply the key elements of contract formation under a consumer credit agreement
- ◆ apply a consumer's rights to cancel
- ◆ apply 2 ways in which a consumer credit agreement could be terminated

#### **Assessment guidelines**

This Outcome may be assessed by a candidate investigating the law relating to consumer credit. A set of mini case studies may provide the stimulus to start a candidate's investigation which may be collated in a portfolio of evidence. The candidate's portfolio of evidence may be presented in the form of a report or presentation comprising approximately 1,000 words or in the case of an oral presentation it should be a minimum of 10 minutes length. A suitable checklist should be developed to record a candidate's presentation of evidence. Alternatively candidates may be given a case study or studies to demonstrate their knowledge and skills.

Where sampling is used a different sample should be used in a reassessment event.

## Administrative Information

**Unit code:** F19X 34

**Unit title:** Consumer Law

**Superclass category:** EC

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### History of Changes:

Version	Description of change	Date
03	Conditions of Assessment revised to state open-book with specified permitted reference materials  Wording revised relating to guidance for candidates with additional support needs.	25/09/19
02	Assessment guidelines amended to allow centres greater discretion in designing assessments.	26/08/09

**Source:** SQA

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## **Higher National Unit specification: support notes**

### **Unit title: Consumer Law**

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

### **Guidance on the content and context for this Unit**

At the end of this Unit the candidate will be able to identify and apply the protections available to consumers in a practical situation. The candidate will also be able to identify any defences open to the trader.

The candidate should be able to apply the law in given situations rather than simply an ability to memorise it and teaching should therefore concentrate on the practical application of the law. The relevant legislation is always changing and teaching and assessment should take into account the most up to date legislation and case law but it is anticipated that the main points of the following legislation and any additions and amendments thereto (or replacements thereof) will be covered:

#### **Outcome 1**

Current legislation in respect of:

- ◆ Sale of Goods Act and related regulations in particular
- ◆ The Sale and Supply of Goods to Consumers Regulations
- ◆ Consumer Protection Act
- ◆ Unfair Contract Terms Act
- ◆ Unfair Contract Terms in Consumer Contracts Regulations

#### **Outcome 2**

Current legislation in respect of:

- ◆ Trade Descriptions Act
- ◆ Unsolicited Goods and Services Act
- ◆ Consumer Protection (Distance Selling) Regulations
- ◆ Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations
- ◆ Control of Misleading Advertising Regulations
- ◆ Enterprise Act
- ◆ Communications Act

#### **Outcome 3**

Current legislation in respect of:

- ◆ Consumer Credit Act
- ◆ Control of Misleading Advertising Regulations
- ◆ Consumer Credit (Advertisement) Regulations



## Higher National Unit specification: support notes (cont)

**Unit title:** Consumer Law

### Guidance on the delivery and assessment of this Unit

This Unit is intended to assist candidates to understand and apply the main principles of consumer law. Learning and teaching should focus on problem solving and case studies which should be contextualised to reflect the experience of the candidates and the qualification within which the Unit is being taught. The Outcomes can be taught in any order although it is suggested that Outcome 1 is taught first as it is likely to be easy to contextualise for most candidates.

Although most of the legal protection enjoyed by consumers is statutory, it is important that the Unit is taught within the context of the course as a whole and appropriate links made with the common law principles of contract which it is anticipated that the candidate may have already encountered. Consumer law covers not only the civil remedies available to consumers but also the legal protection afforded by the criminal law. It is important that the candidate appreciate the difference between the two. The Outcomes 1 and 2 may be assessed separately.

#### *Opportunities for developing Core Skills*

Elements of the Core Skill of Problem Solving, that is, planning and organising, critical thinking, and reviewing and evaluating, will be naturally developed and enhanced as candidates analyse and investigate a series of case studies where they must identify and apply the protections available in Scots law to consumers and traders. Candidates should be encouraged to consider a range of options and refer to similar cases before devising and justifying strategies. Identifying precedent and considering the potential Outcomes of decisions for the responsibilities and liabilities of all parties involved will encourage a high level of analytical thinking. Evaluation of all aspects of legal advice and the formulation of conclusions and recommendations should be an aspect of the investigation report in Outcome 3.

Communication skills are not discretely assessed but candidates have to research, analyse and evaluate complex information relating to a range of consumer issues, and they must present a formal, structured written or oral report which is accurate and to a professional standard, using appropriate terminology.

They should express complex ideas and information accurately and concisely, using language, and style appropriate for purpose and readership. Some support, including checklists and appropriate software packages, could be made available to ensure technical accuracy and effective presentation. Group discussion of current case studies could support oral skills development. If evidence for Outcome 3 is presented orally candidates should be encouraged to:

- ◆ signpost key points
- ◆ select and produce support materials if appropriate
- ◆ use effective non-verbal communication techniques, such as eye contact and interested expression
- ◆ use pace and voice projection for impact
- ◆ respond to questions confidently and in a way that progresses communication

## **Higher National Unit specification: support notes (cont)**

**Unit title:** Consumer Law

### **Open learning**

This Unit is suitable for open and distance learning delivery. The assessment strategy and guidelines described in this specification must still be applied if this method of delivery is chosen.

### **Disabled candidates and/or those with additional support needs**

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website

**[www.sqa.org.uk/assessmentarrangements](http://www.sqa.org.uk/assessmentarrangements)**

## **General information for candidates**

### **Unit title: Consumer Law**

This Unit is intended to provide you with the knowledge and understanding of the various protections which the law affords to consumers. Before commencing this Unit it is helpful if you have an understanding of the basic law of contract.

The Unit covers the areas of sale of goods, unfair contract terms, product liability, protection against unsolicited selling and consumer credit. The civil law provides the consumer with remedies such as suing in the civil courts for damages. The criminal law creates numerous criminal offences which may be committed by a trader and will result in prosecution in the criminal courts and the imposition of a fine or in serious cases imprisonment.

Knowledge and understanding of consumer law is therefore invaluable for your studies of law because it involves some of the most commonly encountered legal disputes. It is also essential if you wish to pursue a career in business, particularly the retail trade, to ensure that you do not fall foul of the consumer protection legislation.

This Unit introduces you to:

#### **Outcome 1**

The law relating to current sale of goods.

#### **Outcome 2**

Apply the law relating to advertising and description of goods and services.

#### **Outcome 3**

Explain the law relating to consumer credit agreements.

Outcomes 1 and 2 may be assessed by separate assessment events using relevant legal scenario or scenarios. The scenario(s) may be given to you 7 to 10 days prior to the assessment event. At the assessment event you will be provided with questions relating to the scenario(s). The questions set may ask you to apply their knowledge of the law relating to goods the scenario(s) set and in addition may encourage you to use legal cases in your responses. You may be permitted to bring in relevant cases on 2 sides of A4 notes; this may be gathered in with your responses to the scenario(s). Outcome 2 will be assessed under supervised conditions.

Outcome 3 may be assessed by an investigation regarding the law relating to consumer credit. A set of mini case studies may provide the stimulus to start your investigation which may be collated into a portfolio of evidence. Your portfolio of evidence may be presented in the form of a report **or** presentation. Your report may require a response of approximately 1,000 words. Where you are asked to complete a presentation this may be minimum of 10 minutes length.