



## Doorstep Crime and Trading Standards Offences

**A useful guide to legislation  
covering rogue doorstep traders**

As soon as you are notified of a  
doorstep crime incident think  
**Trading Standards** and telephone  
**03454 04 05 06**

## PNLD Codes

### Fraud Act 2006

Section 2 - FA06001

Section 3 - FA06002

Section 4 - FA06004

### Consumer Protection from Unfair Trading Regulations 2008

Reg. 8 - CP8001

Reg. 9 - CP8002

Reg. 10 - CP8003

Reg. 11 - CP8004



Reg. 12 - CP8005

# Doorstep Crime


**The aim of this booklet is to clarify the role of Trading Standards in dealing with Doorstep Crime.**

It is a common misconception that Trading Standards Services only deal with civil matters, but several **serious criminal offences**, linked to doorstep crime, come under the jurisdiction of Trading Standards. Most of these offences are dealt with in either the Magistrates' Court or the Crown Court in the same way as Police offences, and many of the offences carry terms of **imprisonment**.


It is really important to recognise that there are a **large number of criminal offences** relating to doorstep selling, which Trading Standards Services consider to be a **priority area**, especially where **elderly, vulnerable people** are involved.



Trading Standards Officers have wide ranging powers to investigate criminal offences, but there are challenges when investigating criminal offences committed on the doorstep.



Local Authority Trading Standards have knowledge and experience in dealing with doorstep crime offences, and should always be contacted if an offence is suspected. **If Trading Standards are not available, the Police are able to investigate all of these offences.**



## The Banking Protocol

The **National Banking Protocol** is an agreement between **National Police Forces, Trading Standards** and **the Banks** to improve better reporting procedures and tackle suspect fraudsters. The process is:

- The bank calls **999** and the Police attend
- Once on site, officers then call the local Trading Standards on the dedicated numbers as per the Operations and Communications Centre (OCC) Working Practice or on **03454 04 05 06**
- Trading Standards and Police then agree on the most appropriate course of action to deal with the potential offenders.

## Fraud Act 2006

Police officers will be familiar with **the Fraud Act**, but it is important to be aware **that money does not have to have changed hands for there to be a fraud.**

### Examples of where rogue traders breach

**Section 2** - Fraud by false representation include:

- Giving one price for work with intention of charging a much higher price
- Charging for work they have not done
- Charging for work that was not necessary

**Example of Section 3 - failure to provide information which you have legal duty to provide:**

- Not telling the consumer about the 14 day cancellation period, and not giving the cancellation notice

**Examples of Section 6 - Possessing or having under control any article for use in the course of or in connection with any fraud:**

- Possessing flyers containing false information
- Carrying tools, such as a damp meter, for use by a rogue trader

# The Consumer Protection from Unfair Trading Regulations 2008

- **Criminal Offences under the Regulations** may be committed where rogue traders are targeting people at home in a bid to get them to have work carried out, e.g. driveway resurfacing, roof jet-washing or tree pruning. This is particularly significant with elderly, vulnerable consumers.
- **The Regulations introduce a general ban on unfair trading.** This broadly means that traders have to act in a way that enables the average consumer to make free and informed purchasing decisions.
- **In addition, the Regulations make aggressive selling techniques, and misinforming or misleading people about products or services, a criminal offence.**

If the actions of the trader seem **dishonest or unfair** to an officer then it could be an offence under these Regulations

# The Consumer Protection from Unfair Trading Regulations 2008

There are 31 specific practices in the Regulations which are banned outright and are criminal offences e.g.

- Ignoring a consumer's request to leave their home during a visit
- Falsely claiming to be a member of a Trade Association or falsely displaying a trust mark or similar
- Falsely claiming approval for work or goods
- Falsely claiming that a product will only be available for a limited time to put a consumer under pressure to buy
- Falsely claiming a consumer's personal security is at risk if they do not buy goods or services
- Stating that the seller's livelihood is in jeopardy if the consumer does not buy their goods or services



# The Consumer Protection from Unfair Trading Regulations 2008

Other offences include:

- **Misleading actions:** False or misleading statements or actions e.g.
  - Claiming work needs doing which is not required
  - Falsely claiming to have done work
  - Misleading as to the price of the work to be carried out
- **Unfair practices** which contravene the requirements of **professional diligence** (generally acting in a dishonest or unfair way)
- **Misleading omissions:** Omitting important information likely to affect the consumer's decision to buy e.g.
  - The trader's true identity or address
  - The consumer's right to cancel the contract

# The Consumer Protection from Unfair Trading Regulations 2008

- **Aggressive practices** involving harassment, coercion or undue influence likely to significantly impair the consumer's freedom of choice e.g.
- The trader refusing to leave unless paid (often a disproportionate sum)
- Continuing to carry out work when asked to stop
- Making threats to return and potentially cause damage



If you believe an offence has been committed under the Consumer Protection from Unfair Trading Regulations, there may also be **Fraud Act offences**.

## Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013



- Consumers have a right to a **“cooling-off” period of 14 days** on contracts made away from the trader’s normal business premises, even where the visit has taken place at the consumer’s request.
- For a ‘service only’ contract (e.g. jet-washing a drive) the cancellation period is **14 days from when the contract is made**. For contracts involving goods and services (e.g. tarmacking a drive), the cancellation period is **14 days after the goods have been delivered**.
- **A notice explaining these rights must be provided in writing** at the time the contract is formed, before any work begins. This applies to the sale of goods or services **which exceed £42**.

## Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

- The paperwork given to the consumer must include the identity of the trader, his address, details of the work, the price (or how this will be calculated), full information of cancellation rights, (including how to cancel) and a model cancellation form.
- Certain contracts do not allow consumers a cancellation period (for example where a consumer has **specifically asked the trader to call for emergency repairs or maintenance**), but if that is the case, the contract should explicitly state this.
- A consumer can make an express request for the trader to start work in the cancellation period, but this request must be made in writing.
- If cancellation rights are not given, or the express request is not made, the consumer does not have to pay for the work done.
- **It is a criminal offence not to give cancellation rights.**



Companies Act 2006  
The Company, Limited Liability  
Partnership and Business (Names  
& Trading Disclosures) Regulations  
2015

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- All individuals and partnerships trading under a trading name must include the name(s) of the owner(s) of the business, and an address where documents can be served, on invoices, receipts and certain other paperwork.
  - Limited companies must have their registered name on invoices, receipts and other business documentation, such as quotations.
  - At first sight this offence may sound purely technical, but it is of key importance with doorstep crime. Very often householders are left with no, or false, details of the trader when the work is found to be substandard.
  - Failure to disclose details of business ownership is a **criminal offence**.

## Pedlars Act 1871

- **The Pedlars Act 1871** states that any person selling goods on the doorstep may be a pedlar.
- The Act requires that any pedlar must have a **pedlar's certificate** issued by the Chief Constable of the area in which the salesman resides.
- If you get called to a case involving a pedlar it may be because they have been overly aggressive and have intimidated householders.
- The pedlar must produce his certificate on demand, and it is a **criminal offence** if he fails to do so.

## Protection from Harassment Act 1997

The above Act, and the Consumer Protection from Unfair Trading Regulations 2008, make it an offence to 'harass' a person.

- Harassment includes behaviour which may cause a person, or members of their family, to feel **alarmed**, **distressed** or **humiliated**.
- Officers can provide a consumer with a **harassment notice** to give to the trader to prevent any further communication from the trader.
- If the trader contacts the consumer having received such a notice, it may be considered to be harassment, which is a **criminal offence**.

## Enterprise Act 2002

- Trading Standards Officers can take action in relation to **civil breaches** as well as criminal offences. This can be done by obtaining injunctions in the civil courts under the Enterprise Act.
- Even if there is no criminal offence this means Trading Standards may be able to take action, e.g. for poor workmanship.
- A breach of an enforcement order, or an undertaking to the court, would be **contempt of court** and **could result in imprisonment.**



## Proceeds of Crime Act 2002

**This Act allows a court to deprive an individual of criminal property obtained in whole or in part from criminal conduct.**

- The Act covers the definition of **money laundering**.
- The proceeds from work carried out by rogue traders are likely to be considered to be criminal property.
- Rogue traders committing doorstep crime may be engaging in money laundering, and this needs to be considered by officers.

# Possible Rogue Trader Offences

## **1. Flyers which omit details of the identity and geographical address of the trader.**

Fraud Act 2006 Section 3, Consumer Protection from Unfair Trading Regulations (CPRs) Regulation 10 (By virtue of Reg. 6 Misleading Omission)

## **2. Trader makes false claim regarding condition of roof/presence of damp in a property, in order to sell roof repairs/damp proofing etc.**

Fraud Act 2006 Section 2, CPRs Reg. 9 (By virtue of Reg. 5 Misleading Action)

## **3. Trader makes false claim regarding risk to consumer's personal security in order to sell a burglar alarm or security cameras.**

Fraud Act 2006 Section 2, CPRs Reg. 12 (By virtue of Schedule 1 Banned Practice 12)

## Possible Rogue Trader Offences

### **4. Trader ignores 'No Cold Calling' sticker displayed in consumer's window.**

CPRs Reg. 12 (By virtue of Schedule 1 Banned Practice 25)

### **5. Trader falsely claims to be approved by a body, or to be a member of a trade association.**

Fraud Act 2006 Section 2, CPRs Reg. 12 (by virtue of Schedule 1 Banned Practice 2 or Banned Practice 4), CPRs Reg. 9 (By virtue of Reg. 5)

### **6. Trader makes false claim e.g. regarding benefits gained from waterproof coating of roof or brickwork of property.**

Fraud Act Section 2, CPRs Reg. 9 (By virtue of Reg. 5 Misleading Action)

### **7. Trader fails to give the consumer written notice of their statutory right to a 14 day cooling-off period.**

Fraud Act 2006 Section 3, CPRs Reg. 10 (By virtue of Reg. 6 Misleading Omission), Consumer Contracts Regs (ICACS) Reg. 19

## Possible Rogue Trader Offences

**8. Trader falsely claiming that the offer of goods/services is for a limited period only in order to force a sale.**

Fraud Act 2006 Section 2, CPRs Reg. 12 (By virtue of Schedule 1 Banned Practice 7)

**9. Trader staying at a consumer's home for an excessive period of time in order to make a sale and refusing to leave when asked.**

CPRs Reg. 12 (By virtue of Schedule 1 Banned Practice 25), CPRs Reg. 11 (By virtue of Reg. 7 Aggressive Practice)

## Possible Rogue Trader Offences

**10. Trader claiming that his job or livelihood is in jeopardy if the consumer does not buy the goods or service.**

Fraud Act 2006 Section 2, CPRs Reg. 12 (By virtue of Schedule 1 Banned Practice 30), CPRs Reg. 9 (By virtue of Reg. 5 Misleading Action), CPRs Reg. 11 (By virtue of Reg. 7 Aggressive Practice)

**11. False claim regarding the extent and the nature of the work carried out e.g. the number of roof tiles replaced or depth of hardcore etc.**

Fraud Act Section 2, CPRs Reg. 9 (By virtue of Reg. 5 Misleading Action)

**12. Trader offering to carry out work at a reasonable price, and then charging substantially more.**

Fraud Act 2006 Section 2, CPRs Reg. 9 (By virtue of Reg. 5 Misleading Action)

## Possible Rogue Trader Offences

**13. Trader escorts vulnerable consumer to the bank to withdraw cash for payment for work, or threatening to return again to collect payment.**

CPRs Reg 11 (By virtue of Reg. 7 Aggressive Practice)

**14. Trader fails to have a valid Pedlar's Certificate.**

Section 4 Pedlars Act 1871

**15. Trader fails to have his name and address on invoices.**

Section 1205 Companies Act 2006, Reg. 10  
CPRs (By virtue of Reg. 6 Misleading omission)

**16. Trader returns to consumer's home after having been served with a Harassment notice.**

Section 2 Protection from Harassment Act 1997, Reg. 11 CPRs (By virtue of Reg. 7 Aggressive Practice), Reg. 12 CPRs (By virtue of Schedule 1 Banned Practice 25)

## Contact Details for Reporting Doorstep Crime Incidents

- Trading Standards Officers will endeavour to make themselves available to assist you. If officers are unable to come out to the incident, they will provide advice over the phone.
- Officers can provide advice and guidance to both you and to any injured party.
- Our enforcement officers are not only authorised under Trading Standards legislation but are also authorised under the **Fraud Act** and the **Proceeds of Crime Act**.
- **However, we cannot arrest people and we cannot require the provision of names and addresses.**

As soon as you are notified of a  
doorstep crime incident think  
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**03454 04 05 06**

