

THE ORIGIN AND DEVELOPMENT OF CONSUMER PROTECTION LAWS IN UNITED KINGDOM

Dr. Muhammad Akbar Khan¹

¹ Assistant Professor (Law), Faculty of Shariah & Law, International Islamic University, Islamabad, Pakistan. Email: m.akbar@iiu.edu.pk

Keywords:

Origin; Development; Consumer Protection; Law; OFT;

ABSTRACT

The emergence of consumer protection regime in the United Kingdom is not a recent phenomenon. A plethora of jurisprudence has been developed on the rights and liabilities of sellers and buyers in the UK. The present consumer protection regime in the UK did not appear out of thin air, rather it is the result of some important developments which took place from pre-industrial era to post-industrial revolution. During the pre-industrial revolution era, doctrine of caveat emptor held prime importance, but with the increase in number of goods and services, this doctrine became redundant and a greater responsibility was shifted on the sellers in sale transactions. During the twentieth century, a need was felt to enforce specific consumer protection laws in the UK and thus a comprehensive framework of laws was established to protect and safeguard the consumer rights. There are several enforcement authorities in the UK which ensure that the rights of consumers are safeguarded in the best possible way. It can be thus said that the legal framework in the UK is quite robust and strives to provide relief to consumers in the best possible way.

Publisher All rights reserved.

INTRODUCTION

The English common law began in the 11th century as the municipal law of Norman England. Although there are elements in it which antedated the Norman Conquest in 1066, it is distinctly discernible as an emerging legal system only from around the thirteenth century. Even then it was for some centuries a haphazard collection of individual decisions, not unified by any significant strands of basic principle. It was only in later centuries that the work of scholars assembled what Tenneyson described as “a wilderness of single instances” into an ordered body of legal knowledge. The expression, “common law” first came to be applied to this legal system, in consequence of the step taken by Henry II by the Assizes of Clarendon (1166) and Northampton (1176) [13] in reorganizing the legal system by requiring judges of the realm to go out regularly on circuit and bring the King’s justice to every man. This had the effect of evolving a law common to the whole realm as opposed to local custom which might vary from one district to another. It was thus that England began to acquire common law.

The basic source of the common law apart from parliamentary enactments is the great wealth of judicial decisions commencing with the Year Books in 1289 and reaching down to modern times through a vast number of law reports. One of the most important sources of common law is precedent. Historically, common law provides us with the latest example of this interesting phenomenon of expansion of the domain of certain legal systems beyond their original homes. Beginning from the 16th century, the influence and even the direct application of common law extended to North America and to Australia along with the offshoots of its parent society which took root on those continents. Later, British colonial rule extended the influence of common law to many parts of Asia and Africa where the present laws of the newly independent countries still reflect the strong impact of common law. According to the same yardstick, common law undoubtedly emerges as one of the major world legal systems.

EVOLUTION OF CONSUMER PROTECTION LAW IN ENGLAND

The basic purpose of this research paper is to trace the origin and development of consumer protection in English legal system. The roots of consumer protection laws are found in the religious books. In the Bible, various quotes are found that commands for the consumer protection indirectly such as: “*You shall not put a stumbling block in the path of the blind*”.

It has also stated: “*Just weights and measures shall you have*”. It has further stated: “*If you lend money to any of my people with you who is poor, you shall not be to him as a creditor, and you shall not exact interest*”.

from him". The historical evolution of English law on consumer protection can be examined in the following periods of history:

(a) Pre-Industrial Period:

In the period before industrial boost in eighteenth century, people consumed fewer products as they do today and there were not very many products as it is case today. The social set up was very much simple. This situation was dealt by the English law principle of "caveat emptor" i.e. let the buyer beware. The philosophy of course in those days was one of individualism so that consumers were expected to look after themselves. There were few laws to protect consumers. Only some laws exist related to weights and measures of bread and ale. The consumers used to know personally the producers and they would go out of business if they offered poor service or products. Thus, in this era protection was largely through self-help.

In seventeenth century, manorial courts known as '*courts leet*' had a persistent role in safeguarding the trading standards and suppression of local nuisance, and in supervision of all other functions that we would associate with consumer protection and public health. Court of leet appointed an officer styled an '*aleconner*', more like a modern weight and measure inspector, to examine pricing, weight and quality of bread, ale and beer for sale. Same system was also prevalent until sixteenth century in England (1664) to control coal price and weight.

(b)The Period of Industrial Revolution (18th Century):

In this period, people had started moving to cities and had begun working in the factories and industries. The culture of manufacturing products started with the development of heavy machinery and many opportunities for work and labour were created. People have started consuming products of companies they didn't know. A large scale of new products became easily available in the markets. The large-scale production of products after the industrial revolution effected changes in the approach of the judges. Sellers and consumers were no longer contracting in a single place rather they used to bargain from a distance. Moreover, sellers started to realize the importance of maintaining good quality of the products in order to be competitive in a big market where the same product was sold by different producers:

These changes were not rapid and still in 1802, in *Parkinson v. Lee*, the King's Bench Court denied the existence of an implied warranty. In this particular case the consumer decided to purchase from the seller five pockets of hops that were supposed to be warranted by a sample that the buyer had had the possibility to examine. The rest of the products later delivered compatible with the sample but had been treated with water in order to increase their weight. Despite the fact that it was not possible for the customer to find out that the products had become worthless the court passed verdict in favor of the customer. *Le Blanc J.*, who directed the jury, expressly asserted that the *ratio decidendi* did not involve the implication

any non-written warranty. Hence, caveat emptor was still followed as a basic principle but many courts deviated from it. The concept of consumer protection throughout the 18th century involved protection from excessive prices levied on primary commodities and protection from short measures. The statutes of these times, encompassing different jurisdictions, were related to certain price related items such as bread, beer, meat and fuel. These laws were not as such covering all aspects of consumer protection but were designed to keep the states regulatory role over some areas while neglecting important aspects of consumer protection. The motivation behind these laws was to protect the honest traders from unfair competitors. For instance, laws related to enforce uniformity in weight and measures as, the assize of bread and ale of 1226 laid down a scheme to control the amount of bread and ale. Similarly, the weight of bread was controlled by Bread Act 1836 which required bread to be unadulterated and sold by weight. The reference to the uniformity in weight can be traced back to *Magna Carta* in 1225.

(c) The Period of Industrial Society (19th Century):

As it has been discussed earlier that due to the industrial revolution the methods of production of products had developed however not much case law can be found about the harms caused by complex products and machines in the first part of the nineteenth century. In this period the case law concentrated on the sale of raw material that was used in the process of production.

Karl Llewellyn, however, has pinpointed that since the first part of the nineteenth century some changes took place such as the sellers started to make good will to gain future benefits. The law of seller and buyer' relationship had to change, to adapt to these new developments. In this period individual craftsman was replaced by large manufacturers. On the other hand society also evolved and population converted from subsistence to a mass consumption society. In such situations it was easy for consumers to be deceived, misled and to be sold products of low quality. In this period the legal principle of 'caveat emptor' was still applicable which did not place any responsibility whatsoever on the seller for defective products. The government had almost no interference in transactions between a seller and a consumer. The traders also disapproved government intervention and they extracted full benefits out of the new markets that mass production had created. They relied on the free market economy that is based on free demand and supply rule. It was presumed that the market forces would balance between the powers of the manufacturer and that of consumer and it would help in regulating the quality of goods and their prices fairly. But this did not happen. The consumers started realizing that the application of caveat emptor put the consumer at a great disadvantage. The law of tort or negligence hadn't developed at that stage as it was in its infancy.

During the 19th century a considerable body of case law developed around the buyer/seller relationship in England. Sir Mackenzie Chalmers

was given the task of drafting Sale of Goods legislation which codified the common law position and the Sale of Goods Act appeared on the statute book in 1893 in Britain. This is the Sale of Goods Act, 1893. In this context Prof. Howells writes:

“The first Sale of Goods Act, codifying the common law position, appeared in statute books in 1893. At that time, any implied terms as to the quality of the goods in question were default rules that could be excluded from the contract if the parties agreed. This position changed in 1973 with the introduction of the Supply of Goods (Implied Terms) Act which made implied terms non-excludable. Excluding minimum guarantees of quality would have been viewed as grossly unfair, attracting concern about consumer inequality of bargaining power and potential exploitation by traders.”

However, there was no recognized legal right of the consumer to a safe product or service. The product suppliers controlled the marketplace to a great extent, while consumers of these products were very much at the risk. The position of the courts was very weak to develop public policy in this regard. Common law had no exact rules to protect the consumers and most cases used to be decided in favor of the seller. The law of Equity later on recognized the unfavorable situation of the consumer. The famous case *Carlill vs. Carbolic Smoke Ball Co.* was a step towards the realization of consumer protection.

(d)The Period of Mass Consumption Society (20th Century)

In this period great growth in retail chains, advertisements and use of credit began that led to a consumer revolution in a sense that large range of products and services were now available to consumers. It was not easy to bring a change in the legal structure of England at that time to the conservative nature of the judges. However, a landmark case brought about a significant change in the existing legal regime in the UK. This was the famous case of *Donoghue vs. Stevenson*.

It can be classified as a classical case of a consumer against a larger producer. It appears from a thorough analysis of the case that a legal debate was generated on the issue among the then best legal minds in England. One of the strong arguments against Mrs. Donoghue's position was that if she was to recover damages, then the door for such claims will open up and everybody who ever had any slight harm would be able to seek remedy. No doubt that there was a great resistance against it. Moreover, it was unknown to English law to imply duty so widely and sacrifice the classical rules of common law.

After 1945, consumer law, litigation and the law of negligence developed to a large scale. Due to Ralph Nadar who challenged the safety of cars against the General Motors in 1960, people became more aware of their rights. In the 1960s, consumer protection became a matter of concern to a small consumer. A consumer movement developed at grass-roots level

because many western consumers became dissatisfied with unsafe and inferior products.

In USA and UK, the call for the protection of consumer rights from ordinary consumers was strong enough. Ralph Nader's book *Unsafe at Any Speed* 1964, USA, and the effects of the drug thalidomide sparked similar calls from Australians. About 1962, John F. Kennedy set out a series of fundamental rights for consumers, for example, the right to safety, the right to information.

During this time, there was a great increase in choice of goods and services, transactions became more remote, technology advanced at high level, credit became available and advertising became essential factor for marketing of products. Despite all these developments this period has also created many problems for the consumers such as difficulty in assessing the quality of similar goods, consumers will not always deal directly with the manufacturers of products that may cause difficulties in seeking remedies if problems arise, difficulty in assessing quality and value for money, increased capacity to incur debts consumers ought to consider the added cost of using credit, increasingly goods and services represent status and image that increases the temptation to spend and incur debts. In this period many consumer groups, government and non-government organization started a movement for the promotion and protection consumers' interest. Due to this movement, the states were required to make laws that ensured the protection of consumers against unfair trade and commercial practices and defective products and services. Although consumers were still required to be vigilant and make rational decisions before making large contracts, the state established various governmental organizations that helped consumers if a problem occurred.

CURRENT STATUS OF CONSUMER PROTECTION IN ENGLAND

Consumer Protection has become unavoidable due to the advance technology and rapid increase in number of goods and services. The Common law has offered protection to the consumers in the areas of contracts, torts and criminal law for hundreds of years. There are number of laws, in addition to those laws whose basic concern is consumer protection such as prosecution of fraud, protecting property, or facilitating litigation etc. Therefore, consumer protection cannot be conceived in a single document. In this context Peter Cartwright writes:

“In this age of advance technology, consumer protection has become increasingly necessary as the number of goods and services available has grown dramatically. The common law, which has operated in the area of contracts, torts and criminal law for hundreds of years, offers some protection to consumers. In addition to those laws that specify consumer protection as their primary concern, numerous other provisions have the effect of protecting the consumer, for example by streamlining the prosecution of fraud, protecting property, or facilitating litigation. As a

result, the boundaries of consumer protection law are not easily drawn.” The United Kingdom has actively responded to the developments in the area of consumer protection through the introduction of a number of statutes, regulations and administrative authorities to respond to the new challenges in the field.

In this regard, the UK government introduced a wide range of legislation covering various aspects of the basic needs of consumer interests such as The Consumer Protection from Unfair Trading Regulations 2008 (CPRs), The Fair Trading Act, 1973, The Supply of Goods (Implied Terms) Act 1973, Unfair Contract Terms Act, 1977, The Sale of Goods Act, 1979, Supply of Goods and services Act, 1982, Consumer Protection Act, 1987, The Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations 1987, The Sale and Supply of Goods Act 1994, The Unfair Terms in Consumer Contracts Regulations 1999, The Consumer Protection (Distance Selling) Regulations 2000, The Sale and Supply of Goods to Consumers Regulations 2002, the Enterprise Act of 2002 and many others. As a member of the EU, the UK must also implement legislation passed by the EU. An important development in the area of consumer protection was the enactment of the Consumer Rights Act, in 2015. This legislation brought about significant changes in the existing consumer protection regime in the UK. The Government took the following stance for endorsement of this new law:

“There is general agreement across business and consumer groups that the existing UK consumer law is unnecessarily complex. It is fragmented and, in places, unclear, for example where the law has not kept up with technological change or lacks precision or where it is couched in legalistic language. There are also overlaps and inconsistencies between changes made by virtue of implementing European Union (EU) legislation alongside un-amended preexisting UK legislation.”

The legal framework on consumer protection is encapsulated in different statutes which often create confusion in the mind of the consumer. Sometimes this complex legal framework also leads to inconsistencies and contradictions. This situation justified the need for bringing a consolidated piece of legislation which dealt with consumer rights. Prior to the Consumer Rights Act, 2015 the UK consumer law was unnecessarily complex, fragmented, ambiguous, and lacked precision.

The Consumer Rights Act, 2015 strives to protect the rights of the consumers and to provide greater role to the regulatory agents for better enforcement of consumer rights. With the aim to safeguard the consumer rights in an effective manner, this law defines consumer rights in relation to faulty goods, services and digital content, the law also provides comprehensive rules regarding unfair terms in consumer contracts, and to control the anti-competitive tendencies in consumer market this legislation provides greater role to Competition Appeal Tribunal.

The Consumer Rights Act 2015 is a landmark legislation in the area of consumer protection in the UK. This particular legislation strives to streamline, strengthen and modernize the overall consumer protection regime in the UK. This legislation would play a vital role in harmonization and consolidation of consumer laws in the UK and would result in effective protection of consumer rights.

The Consumer Protection Act of 1987 is of prime importance for the research in hand that seeks remedy to the consumers affected by defective products. These statutes have given various definitions of the term 'consumer'. So far, there is no universally agreed definition of the term 'consumer', although a number of statutes, both criminal and civil, attempt to define it for their own purposes.

Similarly, the UK government has established many departments under one central government on local and national levels with an adequate homogeneousness and uniformity between both levels. The role of the central government in relation to consumer protection can be described as the initiation and furtherance of legislative policy and supervising the enforcement of consumer protection measures designed to protect the economy and safety interests of consumers within the general constraints of the market.

Consequently, consumers are protected from unsafe products, fraud, deceptive advertising, and unfair business practices through a mixture of national and local governmental laws and the existence of many private bodies with legal right to take action. These public and private bodies both protect consumers and, at a formal level, equip them with the knowledge they need to protect themselves, while also putting pressure on businesses to be more efficient and innovative.

ENFORCEMENT OF CONSUMER LAW IN UNITED KINGDOM

The role of central government in the area of consumer protection is to promote legislative policy, oversee the implementation of legislation and supervise the work of various government agencies.

There is a strong relationship between consumer protection and competition policy in the United Kingdom. The Office of Fair Trading (OFT) had played an important role in consumer protection and implementation of competition law in the UK. In the United Kingdom, trade practice law has historically been characterized by decentralized enforcement. Local trading standards offices had exclusive jurisdiction over the enforcement of the Trade Descriptions Act 1968, whereas the Office of Fair Trading had limited enforcement powers.

Governmental bodies had followed traditional approaches of dealing with problems by using a reactive rather than proactive approach in addressing the new problems. To tackle those difficulties, and to alleviate the huge concern about inconsistency and the need for coordination in

enforcement, the model was changed as increasing enforcement responsibilities were transferred to the new independent official body.

Two major steps were introduced by UK government to enhance consumer protection through administrative bodies. The first was the establishment of the Office of Fair Trading (OFT), which has become the United Kingdom's competition and consumer protection authority and which works in partnership with Trading Standard Services (TSS) across the United Kingdom to promote and protect the interests of consumers and businesses. The model was adopted to simulate the US Federal Trade Commission model. Therefore, a variety of powers and functions were conferred upon this new independent and nonpolitical office by the Fair Trading Act 1973. The official rationale for the creation of the OFT was to remove the regulation of competition and consumer policy from the political arena, encouraging continuity and expertise in the development of policy on a long-term basis. Administrative regulation was also justified in terms of its being a response to the limitation of judicial and legislative processes. A major objective of the newly created office was to maintain and promote an effective market mechanism by responding to market failures attributable to uncompetitive practices and information failure.

Second, the government has also developed some degree of uniformity in enforcement through the creation in 1978 of the Local Authorities Coordinating Body on Trading Standards (LACOTS), which subsequently became known as 'LACROS'. This body was created to suggest the central government on reform proposals, provide for the collection and exchange of technical information, negotiate voluntary standards of quality with trade associations; promote uniformity in interpretation and aids in the coordination of enforcement work.

Accordingly, in order to avoid inconsistency in the scope of operations, the UK model had delegated powers to OFT to protect consumer rights while also establishing LACROS, which was meant to act as a supporting department to enhance and promote uniformity in interpretation and aids in the coordination of enforcement work.

Additionally, the enactment of the Enterprise Act of 2002 enhanced the role of the OFT. Firstly, it changed the structure of the OFT from that of a Director General Model to a board structure in 2003. The new model required the board to be composed of a Chair and at least four other members who are appointed for terms no longer than five years. This step was taken by the government to reduce the risks of capture, to secure stability and to limit idiosyncrasy.

Secondly, it has given the OFT various functions to act effectively, monitoring unfair business practices that affect the interests of consumers, and the power to recommend reforms to the Secretary of State. The OFT was also given an important new role of taking rule-making initiatives to propose regulations for those practices which seemed to adversely affect consumers' economic interests. Another function was to seek assurances from individual traders that they would refrain from persisting in a course of conduct that was deemed detrimental and unfair to consumer interests.

The new centralized enforcement model had more advantages in regard to enforcement through national agencies. There are arguments for central enforcement; indeed, one test case, or a communication directed to a head office, may secure countrywide compliance, avoiding a multiplicity of local actions. In addition, the national agencies would enjoy reduced compliance costs. A further supporting argument for centralized enforcement was that national agencies may have more bargaining power vis-à-vis national firms, although this must be balanced against the potential danger of agency capture. National agencies may also take advantage of economies of scale in producing and collecting certain information, for example, as in testing the safety of products, developing standards and collecting information for licensing purposes.

SHORTCOMINGS IN THE OFFICE OF FAIR TRADING

Although OFT played an important role in ensuring fair trade and protecting consumer rights in the UK, it was also criticized by many people for the lack of efficiency and ineffective implementation of its policies. The Office of Fair Trading admitted its mistakes in failure to build a good case for British Airways price-fixing trial in 2010. OFT could have procured important evidence (companies computers) but they refrained from doing so, hoping that the accused companies would cooperate in the investigation. OFT's failure in this particular case attracted bad publicity for the organization. Furthermore, this fiasco also raised many questions on the efficacy of OFT. Some experts believe that through settlement offers many business enterprises go unpunished for violating the competition law in the United Kingdom. Serious concerns were raised by some quarters regarding the settlement offers made by OFT to such business entities. An instance in this regard is the investigation undertaken by the OFT in the case of price-fixing of dairy products. In this case seven out of nine supermarkets applied for the settlement, while the remaining two chose to fight the charges leveled against them. However, the OFT had to drop three alleged violations of competition laws due to insufficient evidence. Consequently, OFT was compelled to lower the already agreed fines under the settlement. Tesco was one of the firms which initially refused to settle but after the subsequent developments agreed to settle while publicly denying any violation of law. Following was the stance taken by Tesco in this particular case:

“We firmly maintain that we are innocent of all allegations against us and at no point sought to collude with other retailers or dairy processors on prices [...] but given the passage of time and cost of litigation, we are keen to bring this process to a close.”

This particular case also resulted in criticism on the performance of OFT especially in the implementation of anti-trust laws. In the wake of these

circumstances, an overwhelming need was felt to overhaul the existing regulatory structure for fair trading and consumer protection.

The Department for Business, Energy and Industrial Strategy (BEIS) (formerly known as Department for Business, Innovation and Skills, BIS) held a consultation on options for reform in competition regime in 2011. Under this consultation it was purposed that a merger of OFT and Competition Commission (CC) into a single body Competition and Markets Authority (CMA) would improve the overall competition regime in the UK. This proposal was based on three main considerations which are as follows:

- i. A single enforcement body would be in a better position to use enforce fair competition in a more dynamic way.
- ii. The creation of such a single body would lead to efficient and effective use of scarce public resources.
- iii. The establishment of Competition and Market Authority (CMA) may become a powerful body for competition in the UK, Europe and internationally.

After in-depth consultations, it was decided to transfer the functions of Office of Fair Trading to two new authorities. In order to promote fair trade and competition in the market, the Competition and Market Authority (CMA) was established on April 2014. During the same year, the regulation for consumer credit industry was transferred from the Office of Fair Trading to the newly formed Financial Conduct Authority. Since their establishment, these two authorities have played an important role in the protection of consumer rights. The role and responsibilities of these two regulatory bodies is discussed as below:-

COMPETITION AND MARKET AUTHORITY (CMA)

In the light of the suggestions put forth by the Department for Business, Innovation and Skill (BIS), Competition and Market Authority (CMA) took over many functions of the Competition Commission (CC) and Office of Fair Trading (OFT). Competition and Market Authority (CMA) was created under the provisions of Enterprise and Regulatory Reform Act, 2013 and superseded both the Consumer Commission and Office of Fair Trading in 2014. Competition and Market Authority (CMA) is the chief competition agency and consumer enforcement authority that works for the benefit of consumers both within and outside UK. Following are the chief responsibilities of Competition and Market Authority in the UK:

- i. Investigate mergers
- ii. Conduct studies and investigations to explore any concerns with competition in particular markets.
- iii. Investigate anti-competitive agreements such as price fixing or abuses of dominant positions.
- iv. Bring criminal proceedings against individuals who are members of cartels

- v. Work with sector regulators to enforce competition law in regulated sectors, and to promote competition.

This is an all-encompassing role and CMA has mandate to ensure that there is fair competition in the market. In addition to CMA, there are regulators in the UK which strive to promote competitive practices in the market. The role of regulators is concurrent to CMA. In the nutshell, CMA is playing an effective role in fostering competition in the UK and thereby contributing in protection of consumer interests.

FINANCIAL CONDUCT AUTHORITY (FCA)

The regulation of consumer credit was transferred from Office of Fair Trading to Financial Conduct Authority (FCA). The ambit of FCA's operations extends to agreements between a 'lender' and a 'borrower', where such agreements are entered with individuals, sole traders, partnerships of two or three partners (unless all the partners are bodies corporate), and other unincorporated bodies (again, unless they consist entirely of bodies corporate). Credit agreements entered with companies or bodies corporate are not regulated by the FCA under the consumer credit regime. The businesses which offer goods and services on credit, lend money to consumers or provide debt solutions or advice to consumers are carrying out consumer credit activities and are regulated by FCA. Therefore, the operations of FCA is meant to protect the rights of consumers in credit arrangements.

Unlike its predecessor (Office of Fair Trading OFT), the FCA is empowered to make and apply binding rules on firms and their activities in credit markets, thereby exercising stronger control on credit engaged in credit business and thus better consumer protection. This regulatory oversight plays a pivotal role in ensuring that the consumer credit firms are not only driven by corporate interests rather they should also take into account the interests of the consumers while providing credit facilities.

The government has enhanced the role of FCA in relation to regulation of consumer credit. Such role was not given to the Office of Fair Trading. The Government has included twelve new areas within the ambit of regulation. However, the important areas among these are:

- i. Operating an electronic peer-to-peer lending platform
- ii. Credit intermediation (broking)
- iii. Debt adjusting, counseling, collecting and administration
- iv. Entering into a regulated consumer hire agreement as lender or owner
- v. Providing credit information and credit referencing

The regulation of these areas has contributed in protection of consumer interests in the credit market. Furthermore, FCA strives to enhance the integrity of the UK financial system which ultimately benefits firms, individuals and society as a whole.

Moreover, to practically impose the consumer protection laws in England there are various organizations such as Citizen's Advice Bureau (Cab),

Consumer Association, National Consumer Council, Ombudsmen, etc. that help consumers understand their rights and responsibilities. These organizations also play a vital role in protection of consumers' interests. The legal system is also meant to regulate the behavior of suppliers of products and services and try to reduce the number of consumer disputes.

CONCLUSION

The development of consumer protection law began a long time ago in the United Kingdom. Initially the principles aimed at protecting the rights of consumers were vague and incomprehensive. The changing needs of the society, however, resulted in a better and all-encompassing consumer protection regime in the country. Consumer protection law aims to safeguard the rights and interests of the consumers. Thus, in order to be more responsive to the needs of consumers, the consumer protection law in the UK takes into consideration various consumer rights such as product safety, wholesomeness, product standards, fair trade in market and fair terms for consumers. Without effective regulation the implementation of any law is next to impossible. The case of consumer protection law is no different. The regulation and enforcement of consumer protection law is entrusted to a number of authorities in the UK. Initially the Office of Fair Trading played a phenomenal role in implementing fair trade in the consumer markets. Now the functions of the OFT have been transferred to two new authorities namely the Competition and Markets Authority and Financial Conduct Authority. These two authorities are responsible to ensure that the rights of consumers are not compromised. Thus, it can be said the consumer protection regime in the UK is all-encompassing, comprehensive and quite effective. The laws and the enforcement authorities in the UK ensure that consumers are not exploited and their rights are protected in the best possible way.

REFERENCES

- Abdulla M. A. Al-Ghafri, 'The Inadequacy of Consumer Protection in the UAE: The Need for Reform, a thesis submitted to the department of law, Brunel University, UK for the degree of doctor of philosophy in law in 2013, 280.
- Black, J. (1996), Constitutionalizing Self-Regulation, *The Modern Law Review*, Vol. 59, No. 1, 24-55.
- Brian W Harvey and Deborah L Parry, 'The Law of Consumer Protection and Fair Trading', Fifth ed, London, Dublin & Edinburgh; Butterworth 1996, 1-4.
- Cardwell, K. (1987), The Consumer Protection Act 1987: Enforcement of Provisions Governing the Safety of Consumer Goods, *The Modern Law Review*, Vol. 50, No. 5, pp. 622-638, 628-632
- Carlill vs. Carbolic Smoke Ball Co. [1893] QB 256.
- Cartwright, P., Crime, Punishment, and Consumer Protection, *Journal of Consumer Policy*, Vol. 30, No. 1, 2007, 1-20.
- Consumer Rights Act, 2015.

- Department for Business, Innovation & Skills, "A Competition Regime for Growth: A Consultation on Options for Reform", March 2011, 14.
- Donoghue vs. Stevenson [1932] AC 562.
- Exodus 22:25.
- Explanatory notes to the Consumer Rights Act, 2015 (paragraph 5)- Department for Business, Innovation and Skills (BIS).
- G. Howells and S. Weatherill, Consumer Protection Law, 2005, 576-577.
- Gamal Moursi Badr, "Islamic Law: Its Relation to Other Legal Systems", The American Journal of Comparative Law, Vol. 26, No. 2, [Proceedings of an International Conference on Comparative Law, Salt Lake City, Utah, February 24-25, 1977] (Spring, 1978),187-198.
- Harvey, B. and Parry, D. Consumer Protection and Fair Trading, 6th edition, Butterworths, 2000, 49.
- Ioannis Lianos, Damien Geradin, Handbook on European Competition Law: Substantive Aspects, (Edward Elgar Publishing: 2013), 231.
- J. A. Jolowicz, The Protection of the Consumer and Purchaser of Goods Under English Law' Modern Law Review, Vol.32, No.1, January 1969; http://bilder.buecher.de/zusatz/23/23331/23331195_inha_1.pdf.
- Jaffe, L. (1973), The Illusion of the Ideal Administration, Harvard Law Review, Vol. 86, No. 7, 1183-1191.
- Karl L. Llewellyn, Cases and Materials on the Law of Sales, London, Callaghan & Co. 1930, p.204.
- Katalin Judit Cseres, Competition Law and Consumer Protection, (Kluwer Law International: 2005), 163.
- Kennedy, John, F., Special Message to the Congress on Protecting the Consumer Interests, 15, March, 1962 available at: <http://www.presidency.ucsb.edu/ws/?pid=9108>, last accessed on 29.05.2015.
- Leviticus 19:14.
- Lorraine Conway, Consumer Rights Act 2015, Briefing Paper, House of Commons Library.
- Mark Furse, The Criminal Law of Competition in the UK and in the US: Failure and Success, (Edward Elgar Publishing: 2012), 153.
- OFT Press Release 170/70, "OFT Update on Dairy Investigation", 30th April, 2010.
- Oughton D. and Lowry J., Text book on Consumer Law, Blackstone Press, 2nd Ed., 2000, 21.
- Paula Gilker, "The Consumer Rights Act 2015- A Bastion for European Consumer Rights?" Legal Studies, Vol.37 No.1, 2017, pp.78-102 available at <http://onlinelibrary.wiley.com/doi/10.1111/lest.12139/pdf>.
- Paula Gilker, "The Consumer Rights Act 2015- A Bastion for European Consumer Rights?" Legal Studies, Vol.37 No.1, 2017, 78-102 available at <http://onlinelibrary.wiley.com/doi/10.1111/lest.12139/pdf>.
- Peter Cartwright, Consumer Protection and the Criminal Law: Law, Theory, and Policy in the UK, Cambridge University Press, p.1.
- Ramsay I., Consumer Law, 2007, p. 454; Abdulla M. A. Al-Ghafri, 'The Inadequacy of Consumer Protection in the UAE: The Need for Reform, a thesis submitted to the department of law, Brunel University, UK for the degree of doctor of philosophy in law in 2013, 280.
- Rupert Neate, "Office of Fair Trading admits it 'made mistakes' in collapsed British Airways price-fixing trial", The Telegraph, December 17, 2010.
- Stephan A. "OFT Dairy-Price Fixing Case Leaves Sour Taste for Cooperating Parties in Settlement," ECLR, 30 (11), (2010) 14-16.

- The Enterprise Act, 2002.
- V Balakrishna Eradi “Consumer protection jurisprudence” India; Lexis nexis and Butterworth publishers, 1999.
- Waller, S., Brady, J., Jillian, G. and Acosta, R. (2011), Consumer Protection in the United States: An Overview, European Journal of Consumer Law, available at; SSRN: <http://ssrn.com/abstract=1000226>, last accessed on 17/05/2014.
- Weeramantry, GC, An Invitation to the Law, Lawman Private Limited, New Delhi, India, 1998, 44.