

businesscompanion

trading standards law explained

Part 2. Traders

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FAQs

This next set of questions examines what you need to do once you have established that you are a trader.

Q. What consumer laws do I have to comply with?

A. This depends on the nature of your business. Consumer law is very wide-ranging, covering topics such as consumer buying rights, online contract formation, product descriptions, weights and measures, price display, product safety, and age-restricted sales. However, it may be that only some of these are relevant to your business. The Business Companion website has comprehensive and readable information on all these laws. If you begin on the '[Get Started](#)' page you will be guided to the relevant material.

Q. I'm very busy establishing my new online business, I haven't got time to start writing terms and conditions or enough money to pay a lawyer to write them for me. What do I do?

A. If you sell goods online, one option for creating terms and conditions (Ts & Cs) is to use our suggested model terms below. Some may need to be adapted to suit your business model, but they should save you time and money and can help you to be legally compliant.

Q. Why should I bother worrying about compliance? Can't I just deal with any problems that arise?

A. This approach is not recommended for several reasons. Leaving yourself open to complaints risks damage to your business reputation, a problem that can spiral quickly through online postings. You may also be subject to enforcement action by Trading Standards. A third risk is being sued, a particular danger if you sell safety-critical items such as nursery goods, toys or electrical products, where an injured consumer could successfully sue you for a large sum if you are not compliant.

Q. I've read your model terms; aren't they a bit over the top?

A. The terms have been designed to be as short and straightforward as possible, while still helping to protect your legal position. For example, if you don't have a term requiring the consumer to pay whatever it costs to return goods cancelled during the cooling-off period of 14 days, you will have to pay it. The laws provide fairness to both parties, business and consumer.

Q. Can't I just copy and paste some Ts & Cs from the internet?

A. Quite apart from a possible copyright breach, this is a dangerous approach. There is no guarantee that the Ts & Cs will be compliant with consumer law or provide the protection you need. Furthermore, they may have been designed for commercial B2B contracts and so be unsuitable for B2C sales.

Q. Why does this guidance not give me any information about the particular products that I sell?

A. This guidance is designed to give general information to those starting an online business. Business Companion has a wide range of guidance on the various Trading Standards laws. Looking at the [Quick Guides](#) is a good place to start. Some products have very specific legal requirements - for example 'Toys' - while others will fall under the more general information covered in 'Selling and supplying goods'. There are many requirements when selling 'Food and drink' and you will need to look at the individual guides carefully, depending on what exactly you sell.

Q. What else do I have to comply with?

A. Business Companion only covers Trading Standards law. You will need to make enquiries about compliance with other areas of law such as health and safety, employment, data protection and tax. A good starting point for these enquiries is the Government's web page '[Get help and support for your business](#)'.

Q. I've read Business Companion but there are a few requirements that I don't understand in relation to what I do. Can someone help me?

A. Your local authority Trading Standards service should be able to provide specific advice as you are a business based in their area. Simply enter your postcode into this [online search tool](#) for contact details.

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