businesscompanion

trading standards law explained

Part 3. Stages of the civil enforcement regime

In this section

Flow chart

Flow chart

Investigation and powers

- use of powers such as Information Notices
- possible monetary penalty for noncompliance with the Notice

Consultation stage

 in most cases, Trading Standards will consult with a person or business to try and resolve any breaches, future breaches or potential breaches of consumer protection law

An Undertaking given to Trading Standards

- this is a formal promise to comply with consumer protection law
- it can include Enhanced Consumer Measures and can be required to be published
- If an Undertaking is given and then breached, the person or business may be subject to a monetary penalty

An Enforcement Order or Undertaking given to the court

- an Enforcement Order or Interim Enforcement Order can be granted by the court against a person or business
- the court can also order the person or business to pay a monetary penalty, with or without an Enforcement Order being granted
- in some circumstances, the court may accept an Undertaking given by the person or business and may require it to be published
- an Online Interface Order or Interim Online Interface Order can also be granted by the court

Breach of an Enforcement Order or court Undertaking

 if an Enforcement Order or Undertaking given to the court is breached, the person or business may be subject to a monetary penalty or an Enforcement Order being made against them, depending on the circumstances. They could also be held in contempt of court

Not all stages in the above diagram must be followed, and enforcers such as Trading Standards can apply for Interim Orders. The diagram gives a general overview of each stage of the civil enforcement regime. The aim is to achieve compliance with consumer protection law. If the law is complied with by the relevant person or business, then no further action would be required after each of these stages.

In addition to the court-based system, the Competition and Markets Authority (CMA) can also directly enforce consumer protection law.

Videos on civil enforcement and the CMA's powers can be found in the introduction to this guide.

< Part 2. Investigation and powers

> Legislation etc

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