

Airdrie

8 August 2024

Sheriff D A C Young KC

Act: McBride

Alt: McBride of consent

The Sheriff, on joint motion; Grants Decree as craved and in terms thereof:

(1) Grants an Enforcement Order in terms of Section 217(3) of the Enterprise Act 2002 “the Act” to prohibit the Defender or their agents to servants or anyone acting on their behalf in the course of their business activities from -

(a) Contravening Regulation 10 of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 by failing to provide a consumer with written notice of their right to cancel any contract made with the Defender at the time the contract is made where the Defender is obliged to provide such notice;

(b) Contravening Part III of the Enterprise Act 2002 (Part 8 Domestic Infringements) Order 2003 by engaging in an act or omission to which Section 211(2) of the Enterprise Act 2002 applies, specifically by selling motor vehicles which are dangerous;

(c) Contravening the Sale and Supply of Goods Act 1994, Section 1, and contravening the common law relating to performance of contracts by failing to carry out work with reasonable care and skill, specifically in the preparation of second-hand motor vehicles for re-sale;

(d) Contravening Paragraph 9 of Schedule 1 to the Consumer Protection From Unfair Trading Regulations 2008 by stating or otherwise creating the impression that a motor vehicle can legally be sold when it cannot;

(e) Engaging in a commercial practice which is a misleading action because it contains false information and is therefore untruthful as to any of the matters specified in Regulation 5(4) of the Consumer Protection from Unfair Trading Regulations 2008 in contravention of Regulation 3(1) and 3(4)(a) of said Regulations;

(f) Contravening Section 1 of the Sale and Supply of Goods Act 1994, and being in breach of the common law relating to the performance of contracts and the Consumer Protection from Unfair Trading Regulations 2008;

(2) Grants an order requiring the First and Second Defender to publish any granted enforcement order in such form and manner and to such extent as the court thinks appropriate for the purpose of eliminating any continuing effects of the infringement under Section 217(1) of the Enterprise Act 2002; and

(3) Finds no expenses due to or by either party

Sheriff Young KC
Sheriff