

Unit Title

LA47 First Line Consumer Legal Advice

Summary

This Unit is designed to equip you with a broad understanding of the knowledge required to provide clients with information and advice on consumer and contract law at the point of initial contact with the service and to decide when to refer a client on to more specialist sources of advice.

This is a new Knowledge Unit that has been developed for the independent Legal Advice sector. This Knowledge Unit supports the generic National Occupational Standards for Legal Advice.



To meet the National Standard, you must be able to:

- a) Identify and explain the legislative framework relating to consumer and contract law and explain the difference between goods and services
- b) Describe the common elements of contract law
- c) Explain the relevant statutory rights and associated remedies in relation to consumer and contract legislation
- d) Describe criminal issues and discrimination within the provision of goods, services and credit
- e) Describe the role of relevant consumer organisations and agencies
- f) Explain appropriate methods and relevant legal proceedings for taking action to resolve issues, including the critical time limits that apply
- g) Explain how to recognise and challenge unfair terms and conditions
- h) Explain how to differentiate between the range of transactions in order to recognise the relevant legislation
- i) Describe how to identify relevant social policy issues and take appropriate action

Knowledge and Understanding

You must show that you know and understand:

1. The legislative framework relating to consumer and contract law, including:
 - The sale of goods
 - The supply of goods and services
 - Consumer credit
 - Limitations
2. The key differences between goods and services
3. The common elements of contract law, including:
 - The basic principles of a contract
 - Express and implied terms
 - Who the relevant parties may be to any contract
 - Which contractual terms can be challenged
 - The issues of jurisdiction relating to where a contract is formed, including distance selling and holiday clubs
4. The statutory rights and remedies available to clients, including:
 - Those regarding delivery, price and quality
 - Cancellation rights and the consequences of exercising such rights
 - The six-month reverse burden of proof under sale of goods legislation
 - The right to acceptance/rejection of goods
 - The practical difficulties involved in enforcing rights
5. How to identify when cancellation rights apply relating to doorstep selling and the relevant action to take
6. Criminal and regulatory issues and discrimination within the provision of goods, services and credit
7. The role of national and local consumer organisations and agencies, including:
 - Office of Fair Trading (OFT)
 - Trading Standards
 - European Consumer Centre
 - Ombudsman schemes
8. Common arbitration and alternative dispute resolution schemes, including the related critical time limits
9. Relevant small claims methods, legal proceedings and forms, including the critical time limits
10. Unfair terms in consumer contract regulations and how to challenge them

11. The different kinds of transactions in order to recognise the relevant legislation, including:
 - Trader to consumer
 - Trader to trader
 - Private to private

12. Relevant social policy issues such as unfair trading or vulnerable clients, and the action required by their own organisation