

## Unit Title

**LA48 Consumer Legal Advice and Casework**

## Summary

This Unit is designed for you if you specialise in the provision of legal advice in relation to a broad range of consumer and contract issues. This includes advising clients on more complex areas of consumer law. You will also know how to prepare and present cases in formal or informal hearings.

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) Interpret and explain the relevant legislation, case law and guidance relating to consumer law
- b) Explain how to recognise the situations in which disability discrimination legislation applies to consumer advice
- c) Describe the different types of credit and the distinctive nature of hire purchase, together with the relevant implications for clients
- d) Describe the proper execution of credit agreements, including licensing, the consequences for enforceability and the statutory rights attached to such agreements
- e) Explain how to follow the pre-action procedures and relevant civil procedure rules
- f) Explain how to use relevant publications to identify unfair contract terms and describe the tactics and arguments that can be used to challenge such terms
- g) Describe the problems, trade practices and fraudulent activities (scams) amongst the range of common trading areas and list the appropriate regulators for referral
- h) Describe the appropriate strategies to choose when negotiating for clients and explain how to assess the potential forms and amount of redress
- i) Describe the appropriate next steps where a negotiated settlement is not possible, including appropriate agencies who may be involved
- j) Explain how to assess the risks and costs in taking action to resolve cases via court or arbitration, the prospects for success and the circumstances when a case may not be allocated to a small claims process
- k) Describe how to complete the court forms appropriate to relevant proceedings
- l) Describe the procedures and costs of enforcement of judgements and the practicability of enforcement
- m) Describe the rules for and the risks of appealing a judgement

## Knowledge and Understanding

You must show that you know and understand:

1. The relevant legislation, case law and guidance relating to consumer law, including:
  - The sale of goods
  - The supply of goods and services
  - Consumer credit
  - Distance selling and marketing, e-selling
  - Unfair terms and exclusion clauses
  - Doorstep selling (cash and credit)
  - Package holidays
2. The Disability Discrimination Act or relevant up-to-date legislation and how it applies to consumer advice
3. The different types of credit, the distinctive nature of hire purchase and the implications in each case for:
  - Liability
  - Title
  - Cancellation rights
  - Pre-disclosure
  - Early settlement
  - Breach
  - Right to terminate regulated credit agreements
4. The proper execution of credit agreements, including licensing, the consequences for enforceability and the associated statutory rights
5. The relevant rules relating to civil procedures, including the pre-action procedure
6. The relevant publications and how to use them to identify unfair contract terms, precedents and tactics
7. The types of tactics and arguments that can be used to challenge unfair contract terms
8. The types of common problems and trade practices for:
  - Cars
  - Domestic electrical appliances, including computers and contracts for Internet access
  - Building and double glazing
  - Furniture
  - Dry-cleaning
  - Insurance
  - Transfer of utility supply contracts
  - Telecommunications

9. The types of commonly occurring fraudulent practice (scams) and the appropriate regulator for referral
10. The range of strategies when negotiating for clients and how to assess the forms and amounts of redress
11. The appropriate next steps when it is not possible to reach a negotiated settlement, including alternative dispute resolution (ADR) for a, court procedures or relevant agencies, such as the appropriate Ombudsman
12. How to judge the appropriateness of ADR, taking account of the risks and costs involved and the likelihood of it being worthwhile
13. The criteria for evaluating the strength of a case to be brought via court or arbitration, including the risks and costs involved and the prospects for success
14. The circumstances when a case may not be allocated to a small claims process
15. How to complete the court forms appropriate to relevant proceedings, including:
  - Allocation questionnaires
  - Claim forms
  - Defence and counterclaim forms
16. The procedures and costs of enforcement of judgements and the practicability of enforcement
17. The rules for appealing a judgement and the risks and costs involved