

**PART 8 OF THE ENTERPRISE ACT 2002  
UNDERTAKING RELATING TO:**

- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Contracts (Information, Cancellations and Additional Charges) Regulations 2013

**UNDERTAKING GIVEN TO BATH AND NORTH EAST SOMERSET COUNCIL TRADING  
STANDARDS SERVICE BY: Albert Ayers**

I, **Albert Ayers**, of **Standerwick, Frome**, admit to failing to provide the consumer with a written cancellation notice and returning to the consumers home between 6-7 times to ask where the cheque was.

I hereby undertake to Bath and North East Somerset Council Trading Standards Service pursuant to section 219 of the Enterprise Act 2002 ("the Act"):

**that** I will not (whether by my officers, employees, agents or otherwise) continue or repeat the conduct referred to in paragraphs 1 to 3 below;

**and that** I will not (whether by my officers, employees, agents or otherwise) engage in such conduct in the course of my business or another business;

**and that** I will not (whether by my officers, employees, agents or otherwise) consent to or connive in the carrying out of such conduct by a body corporate with which I have a special relationship (within the meaning of section 222(3) of the Act):

Namely,

1. Engage in a commercial practice which is a misleading action, in that it contains false information, and is therefore untruthful in relation to;
  - i. The main characteristics of the product
  - ii. The consumer's rights or the risks he may face

Or if its overall presentation in any way deceives or is likely to deceive the average consumer in relation to the matter listed above, even if the information is factually correct and;

It causes, or is likely to cause, the average consumer to take a transactional decision he would not have taken otherwise, by virtue of Regulation 5 of the Consumer Protection from Unfair Trading Regulations 2008.

Commercial Practice" is defined as any act, omission, course of conduct, representation or commercial communication (including advertising and marketing) by a trader, which is directly connected with the promotion, sale or supply of a product to or from consumers; whether occurring before, during or after a commercial transaction (if any) in relation to a product;

2. Engage in a commercial practice that contravenes the requirements of professional diligence and materially distorts or is likely to materially distort the economic behaviour of the average consumer with regard to the \*product, by virtue of Regulation 3 of the Consumer Protection from Unfair Trading Regulations 2008.
3. Enter into an off premises contract to which Regulation 10 of the Consumer Contracts (Information, Cancellations and Additional Charges) Regulations 2013 apply, and fail to give the consumer the information listed in paragraph (l), (m) or (n) of Schedule 2.
  - (l) Where a right to cancel exists, the conditions, time limit and procedures for exercising that right in accordance with regulations 27 to 38.
  - (m) Where applicable, that the consumer will have to bear the cost of returning the goods in case of cancellation and, for distance contracts, if the goods, by their nature, cannot normally be returned by post, the cost of returning the goods; or
  - (n) That, if the consumer exercises the right to cancel after having made a request in accordance with regulation 36(1), the consumer is to be liable to pay the trader reasonable costs in accordance with regulation 36(4),
4. Regulation 7 of the Consumer from Protection from Unfair Trading Regulations prohibits aggressive commercial practices that intimidate or exploit consumers, restricting their ability to make free or informed choices.

**THE CONDUCT REFERRED TO IN PARAGRAPHS 1 TO 4 ABOVE ARE DOMESTIC AND/OR COMMUNITY INFRINGEMENTS PURSUANT TO SECTIONS 211(1) AND 211(2)(a) OF THE ENTERPRISE ACT 2002 AND THE ENTERPRISE ACT 2002 (PART 8 DOMESTIC INFRINGEMENTS) ORDER 2003 AND COMMUNITY INFRINGEMENTS BY VIRTUE OF SECTION 212 OF THE ENTERPRISE ACT 2002 AND THE ENTERPRISE ACT 2002 (PART 8 COMMUNITY INFRINGEMENTS SPECIFIED UK LAWS) ORDER 2003,**

**AND IF, HAVING SIGNED THIS DOCUMENT, YOU BREACH THE ABOVE UNDERTAKING, YOU MAY BE THE SUBJECT OF AN APPLICATION TO THE COURT FOR AN ENFORCEMENT ORDER UNDER SECTION 215 OF THE SAID ACT.**

**IF YOU SIGN THIS DOCUMENT YOU AGREE TO OBEY ITS REQUIREMENTS.**

**I CONSENT TO BATH AND NORTH EAST SOMERSET COUNCIL'S TRADING STANDARDS SERVICE PUBLICISING THIS UNDERTAKING BY DISTRIBUTING THESE DETAILS VIA THE AVON AND SOMERSET CONSTABULARY'S NEIGHBOURHOOD WATCH CO-ORDINATORS GROUP AND TO PUBLICISE IT VIA BATH AND NORTH EAST SOMERSET COUNCILS WEBSITE.**

Signed by: A Ayres

Date: 24/6/19

Print Name: ALBERT AYRES

Date: MON 24<sup>TH</sup> JUNE 2019.

Address: .

