

LEGAL AND POLITICAL PERSPECTIVES ON CONSUMER PROTECTION LAWS IN POST-BREXIT BRITAIN: AN ANALYSIS

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ABSTRACT

This article explores laws related to the protection of, and challenges to, consumer rights in the UK after its peoples' decision to withdraw from the European Union (EU, henceforth) in 2016. Consumer protection laws are formulated and enacted to safeguard consumers from illegal and deceitful behavior of traders and salesmen, etc., and provide buyers with a range of legal guarantees and protections. These laws deal with a number of issues such as the safety of the products used by citizens, criminalize not only false advertising, but also excessive pricing, and breach of contract terms. In the UK, the main piece of consumer protection legislation is the Consumer Rights Act 2015. However, despite the existence of consumer protection laws and regulations, problems still occur, and consumers can still fall victim to fraudulent or unethical business practices. Therefore, it is important for consumers to be informed about their rights and to be vigilant in protecting themselves from scams and other forms of consumer fraud. Additionally, consumer protection is an issue that is constantly evolving as new technologies and business models emerge. For example, the rise of e-commerce and online marketplaces has created new challenges for consumer protection, as consumers may not always know who they are buying from or how to resolve disputes with online sellers.

Keywords: Consumer Rights, UNO Guided Principles for consumer protection, Consumer rights and UK Legal System.

INTRODUCTION

A person or organization that makes purchases of products or services for their own personal use or consumption is referred to as a consumer. To put it another way, a consumer is someone who shops for and makes use of goods and services in order to fulfil personal or professional requirements or inclinations. Customers can range from individuals who shop for their own personal needs, such as groceries or clothing, to businesses that procure essential inputs, such as raw materials or machinery, in order to produce goods or deliver services. Customers can also include government agencies or non-profit organizations that buy goods or services to satisfy their missions or other objectives in order to accomplish their goals. The idea of consumerism places an emphasis on the part that customers play and the rights they have in the market, as well as the significance of safeguarding their interests and looking out for their well-being. The terms "consumer" and "customer" although often used synonymously, but there is a difference: customer refers to a person who makes purchases from a certain company or brand (Devenney & Kenny, 2017).

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What is consumer protection?

The phrase “consumer protection” refers to the measures that are taken by governments, consumer organizations, and businesses to ensure that consumers are treated fairly and are protected from unethical, fraudulent, or unsafe business practices. This protection is intended to shield consumers from the potentially harmful effects of unethical, fraudulent, or unsafe business practices. The purpose of consumer protection is to foster confidence, trust, and contentment on the part of consumers inside the marketplace. Consumers can be protected in a variety of ways, including through laws and regulations, the self-regulation of industries, consumer education and awareness programs, consumer advocacy and representation, and consumer education and awareness programs. The following are some typical examples of steps taken to protect consumers: The right to safe products, the right to knowledge, the right to redress, and the right to privacy are some examples of consumer rights that governments have the ability to codify into law for their citizens (McConnell, 2017). Consumer rights protection is key to shielding citizens from a rip-off by some, if not all, business owners. These rights require the protection of laws, which is possible by the codification of these rights into laws.

Product safety: governments have the ability to establish standards for the quality and safety of products, and businesses have the potential to be compelled to offer warnings and instructions for the safe use of their products. **Advertising and marketing practices** Governments have the ability to regulate advertising and marketing techniques to prevent deceptive or false claims from being made, and businesses have the potential to be obliged to reveal information regarding their products or services. Consumers have the right to seek redress for their grievances or disputes, and governments may create avenues for them to do so, such as through consumer protection organizations or small claims courts. **Education and awareness of consumers** Governments and consumer organizations may provide information and tools to consumers in order to assist them in making educated decisions. These may include product reviews, websites that compare products, or educational initiative (Smith & Fotheringham, 2022) In general, consumer protection is an essential component of modern economies since it serves to foster fairness, trust, and confidence in the marketplace and protects consumers from being harmed by or exploited by businesses.

Rights of Consumer in International Law

Several international laws and agreements each contribute to the protection of consumer rights. Here are several examples: **Guidelines for Consumer Protection Adopted by the United Nations:** In 1985, the United Nations (UN) decided to offer a framework for safeguarding and promoting the welfare of consumers all around the world by adopting a set of guidelines called the Guidelines for Consumer Protection. The standards address a variety of topics, including product safety, education of consumers, and access to redress, among others. **Agreements reached inside the World Trade Organization:** The World Trade Organization (WTO) has a number of agreements that pertain to consumer protection. Two of these agreements are the Agreement on Sanitary and Phytosanitary Measures and the Technological Barriers to Trade Agreement. The purpose of these agreements is to make certain that the measures taken to safeguard consumers do not obstruct trade more than is required (McConnell, 2017). So, there is a close link between consumer protection and the smooth running, or its lack thereof, of international trade: more profitable, sustainable trade, if consumer rights are protected, and vice versa.

Laws enacted by the European Union to protect consumers include: a variety of consumer protection legislation, such as the General Product Safety Directive and the Consumer Rights Directive, is among those that have been enacted by the European Union and are applicable throughout all of its member states. **International Organization for Standardization.** The International Organization for Standardization (ISO) has developed standards related to consumer protection, such as ISO 10001 for customer satisfaction and ISO 10002 for complaint management. Both of these standards can be found on the website of the International Organization for Standardization (Kelly, 2018). In short, there are international treaties and obligations which guarantee consumer rights.

International organizations dedicated to protecting consumers: Consumers International and the International Consumer Protection and Enforcement Network are just two examples of the many multinational organizations that are actively working to promote and protect consumer rights on a global scale. In general, consumer rights are a key component of international law and are safeguarded in a variety

of ways, including through numerous agreements, organizations, and standards. These safeguards are designed to give customers the ability to make educated decisions, guarantee that they will get safe and high-quality goods and services, and give them recourse in the event that they are wronged.

Rights of Consumer in UK

Consumers in the United Kingdom have a variety of rights that are guaranteed by law. These are the following: right to have safe products, which are safe and suitable for their intended use. It is right of consumers to buy and use safe and suitable for their intended use. Right to information Consumers have the right to obtain information that is both clear and truthful regarding products and services, including information regarding the price, quality, and any dangers or limitations associated with using the product or service. Before making a purchase, customers have the legal right to select from among a variety of goods and services, as well as to evaluate and compare the offerings of competing businesses in terms of price and quality. Customers have the legal right to seek remedy if they believe that a product or service, they have purchased is defective, unsatisfactory, or does not live up to the standards they have set for it. A consumer has the legal right to withdraw from a contract for the purchase of goods or services within fourteen calendar days of the date of purchase without being required to provide a justification. Customers have the legal right to ask for a refund in the event that the goods or services they purchased were defective, did not live up to their expectations, or the seller went out of business (Smith & Fotheringham, 2022). Hence, consumer protection laws in the UK are sufficient, robust, and are enforced without any fear or favor.

Right to complain: If a customer is dissatisfied with a product or service, they have the legal right to file a complaint and to anticipate receiving a response that is both prompt and satisfactory. A number of statutes and regulations, such as the Consumer Rights Act of 2015, the Consumer Contracts Regulations of 2013, and the Sale of Goods Act of 1979, protect these rights in the United Kingdom. If a consumer has a problem or a complaint, they also have the right to seek guidance and support from consumer protection groups such as Citizens Advice or Trade Standards.

UK, the Consumer Rights Act 2015

One of the most important legislations regarding consumer rights protection in the UK is the Consumer Rights Act 2015, which clearly delineates the rights of customers in relation to goods, services, and digital content. This legislation was passed in 2015. It is easier for customers to understand their legal rights due to the consolidation and updating of the numerous consumer protection laws under the umbrella of the 2015 Act. It also now makes it easier for businesses to comply with the law.

The Consumer Rights Act of 2015 addresses various important topics, including the following:

1. **Products:** The legislation stipulates that products must be of a quality that is satisfactory, suitable for their intended use, and as advertised. The consumer has the right to request a refund, a repair, or a replacement of items if the product falls below the expectations of the consumer.
2. **Services:** The act mandates that services must be performed with a sufficient level of care and skill, as well as within a period that is fair. Consumers possess the right to demand either a price reduction or a repeat performance of the service in the event that it does not meet this quality.
3. **Digital content:** The act states that digital content, such as music downloads or software, must be of a decent quality, suitable for purpose, as described and explained to the consumer. This applies to all digital content, including software and music downloads. Customers have the right to a repair, replacement, or refund in the event that the digital content they purchased does not live up to these criteria.
4. **Unfair conditions:** The legislation makes it illegal for consumer contracts to contain unfair terms, such as provisions that limit or exclude liability for faulty products or services.
5. **Remedy:** The act establishes a variety of remedies that consumers can seek in the event that their rights are not respected. These remedies include the right to reject faulty goods and the right to seek compensation for losses that have been incurred as a result of faulty goods or services. (Helveston, 2015)

The Consumer Rights Act of 2015 is a significant piece of legislation that, all things considered, is an important piece of law that provides customers with a clear set of rights when interacting with businesses.

It is essential for customers to be informed of their legal rights as outlined in the act and to pursue legal action if they believe those rights have been violated in any way (Ferbrache, 2019). This Act ensures that consumers know what their rights are and stood for it if violated by anybody.

A large number of consumer protection laws that were formerly regulated by EU law in the UK have been altered or replaced as a direct result of Brexit. This has had a substantial influence on consumer rights in the UK. On the other hand, the government of the United Kingdom has said that it intends to maintain a high degree of consumer protection, and it has enacted new legislation to ensure that this intention is carried out (Hestermeyer & Ortino, 2016). This shows that the UK consumer protection laws are not negatively affected by Brexit.

Since Brexit, the issue of cross-border disputes has emerged as one of the primary areas of worry for customers. Previously, customers in the United Kingdom had the ability to seek redress for purchases made from businesses located in other EU nations through the Online Dispute Resolution (ODR) platform of the European Union. But, as a result of Brexit, this choice is no longer a viable alternative. Consumers who have made purchases from companies located in the United Kingdom now have access to a new Online Dispute Resolution (ODR) platform, which was developed by the government of the United Kingdom to take the place of the previous EU platform. Nevertheless, this platform is only applicable to companies established in the United Kingdom and therefore does not cover disagreements with companies based in other countries.

Another area that gives rise to anxiety is the effect that Brexit will have on consumer rights in relation to product safety and standards. In the past, numerous consumer protection measures in the UK were harmonized with EU legislation. This was done to ensure that customers had access to items that were both safe and of high quality. But once the UK leaves the EU, the government there will be free to establish its own standards for the quality and safety of products, which may or may not be the same as those established by the EU. New regulations, such as the Product Safety and Metrology Regulations 2019, have been enacted by the government of the United Kingdom in response to this problem. These regulations are intended to ensure that the United Kingdom continues to have high standards for the quality and safety of its products.

In general, even if Brexit has resulted in some modifications to consumer rights in the UK, the government has taken measures to guarantee that consumers will still have access to redress and protection in the future. On the other hand, it is unknown how these changes will affect customers over the long term, which is especially important considering that the UK is currently in the process of negotiating new trade agreements with a number of other nations. (Giliker, 2017) The World Trade Organization (WTO) has enacted a number of rules and regulations that are put in place with the aim to safeguard consumers in global commerce. These requirements are an integral component of the overarching mission to encourage ethical business activities and guarantee that customers have access to products and services of a high standard of both safety and quality. Some of the most important consumer protection provisions in the WTO are as follows:

Agreement on Technical Regulations, Standards, and Conformity Assessment Procedures, which could affect international trade. This agreement establishes rules for the development and implementation of regulatory mechanisms, standards, and conformity assessment procedures that could have serious repercussions for international trade and development. While maintaining protections for the health and safety of consumers, the objective here is to make certain that these measures do not erect unnecessarily high barriers to commerce. Agreement on Sanitary and Phytosanitary (SPS) Measures: this agreement establishes a framework for regulating food safety as well as animal and plant health measures that can also affect international trade badly. The objective is to verify that these regulations are founded on reliable scientific evidence and do not erect unnecessary roadblocks in the way of international commerce (Augenhofer, 2016). So, there are scientific foundations behind the consumer protection laws and regulations.

Understanding the Dispute Settlement System, The World Trade Organization (WTO) has in place a system known as the dispute settlement system. This system provides a mechanism whereby disputes between the member countries, especially those related to consumer protections, are resolved. This

mechanism helps to verify that trade standards are observed and protects consumers from unfair business activities. Trade-Related Aspects of the TRIPS Agreement on Intellectual Property Rights This agreement establishes baseline requirements for the protection of intellectual property rights in the context of international commerce. This includes intellectual property rights such as patents, trademarks, and copyrights, all of which can be used to shield customers from purchasing fake or subpar goods.

In a nutshell, the World Trade Organization (WTO) has multiple agreements and mechanisms in place to defend the interests of consumers involved in international trade. These rules aim to protect the rights of producers and traders while also ensuring that consumers have access to products and services that meet a high standard of both quality and safety (Gilani et al., 2021).

Right of consumer protection in Europe

Consumer protection is considered a fundamental right in Europe, and the continent has a number of rules and regulations in place to shield customers against deceptive or unethical commercial behavior. The General Product Safety Directive, the Consumer Rights Directive, and the Unfair Commercial Practices Directive are just a few examples of the various pieces of consumer protection legislation that have been enacted by the European Union (EU) in order to safeguard the rights of consumers.

Under the General Product Safety Directive, firms are obligated to guarantee that the products they sell to customers are free from any hazards that could endanger customers and to label any potential dangers. The Consumer Rights Directive establishes the rights of consumers in relation to distance and off-premises sales, including the right to clear and concise information about the product, the right to cancel the purchase within a certain timeframe, and the right to get a refund if there is some fault in product or is not of the same quality as described to the buyer. Other rights include the right to clear and concise information about the product, the right to cancel the purchase within a certain timeframe, and the right to clear and concise information about the product.

The purpose of the Unfair Business Practices Directive is to provide protection for consumers against deceptive or aggressive business activities. This includes making it illegal to use misleading or fraudulent advertising, requiring companies to offer information that is both clear and true about the things they sell, and making it illegal to use high-pressure sales practices (Glogoveţan et al., 2022). The Directive provides adequate protection to consumers against false pricing, deceitful advertisements, unnecessary pressure to make them buy things which they will otherwise not buy.

It is possible that various nations within the EU will also have their own consumer protection laws in addition to these EU-wide restrictions. For instance, in the United Kingdom, the Consumer Rights Act 2015 was passed in order to establish the rights of consumers in relation to goods and services. These rights include the right to a refund or replacement in the event that a product is defective, as well as the right to cancel a service within 14 days of making a purchase. The right to consumer protection in Europe is an important legal principle, and consumers are encouraged to be fully cognizant of the rights and to bring to the notice of relevant authorities any violations of these rights.

How to Safe Consumer Rights in UK

The following is a list of some of the actions that UK customers can take to defend their legal rights:

1. Learn your rights: Learn about the rights you have as a consumer under UK law and get familiar with them. An excellent place to begin is with the Consumer Rights Act of 2015 and the Consumer Protection from Unfair Trade Regulations of 2008. Both of these pieces of legislation were passed in 2015.
2. Carry out your investigation. Do some research about the product or service you are interested in buying before you go ahead and make the purchase. Check out the comments and ratings left by other customers, as well as contrasting the pricing offered by various vendors.
3. Check out the stipulations in the terms and conditions: Make it a point to thoroughly familiarize yourself with the stipulations of any and all contracts and agreements that you intend to sign. If there are any terms that you do not fully understand, it is in your best interest to seek the guidance of a consumer protection organisation or an experienced legal practitioner.

4. **Maintain a record of:** Always make sure to keep detailed records of all of your company's dealings, including receipts, contracts, and any and all correspondence with other companies. If you need to file a complaint or seek restitution, this can help you develop a case to support your position.
5. **Submit a complaint:** every citizen has the right to file a complaint if they think they any of their consumer. The complaint is to be filed with the company that the citizen deems was responsible for the infraction. In your complaint, be precise and succinct, and offer any proof you may have in support of your claim.
6. **Consult others for guidance and support.** There are a number of organizations that can assist you if you are unclear about your rights or require support in making a complaint. If this describes you, look into one of these groups. The Citizens Advice Bureau and the Trade Standards Department are both excellent places to begin (Alae-Carew et al., 2022).

By taking the actions listed below, consumers in the UK can contribute to the protection of their rights and guarantee that businesses in the nation treat them fairly. The Consumer Protection Act of 2015 has a number of measures that were created to protect the rights of consumers in a variety of different transactions, including the purchase and sale of products and services. It is possible, depending on the gravity of the infraction and the specifics of the violation, that violators of the act will be subject to penalties, fines, or other types of punishment.

In violation of the Consumer Protection Act of 2015, some of the most common offences include deceptive or misleading advertising, the sale of defective products, and a failure to give enough information regarding the products or services in question. The severity of the consequences that accompany these infractions is relative to the particular transgression that was committed. For instance, a company that is found guilty of false advertising may be ordered to pay a fine or cease the deceptive advertising; a company that is found guilty of selling defective products may be ordered to compensate customers or recall the products. Both of these options are available if the company is found guilty (Adams et al., 2022). This evidence suggests that companies have to think twice before trying to trick citizens into buying sub-standard products, as they have to face serious legal consequences for deceive citizens in such a manner.

In general, if you violate the Consumer Protection Act of 2015, you could be subject to any or all of the following punishments:

1. Financial sanctions in the form of fines
2. Restitution to the customers that were adversely affected
3. Recalls of products or product replacements
4. Licenses to conduct business could be revoked or suspended.
5. In the case of more serious violations, possible incarceration in addition to additional criminal charges

It is necessary for both consumers and businesses to be aware of the requisites of the Consumer Protection Act of 2015 and to ensure that they are compliant with the regulations of the act in order to prevent any legal action or penalties that may be imposed. (Chawla & Kumar, 2022)

CONCLUSION

In conclusion, consumer protection is a key component of contemporary society that plays a significant role in ensuring that customers are provided with just treatment by companies. In the UK, there are many laws and regulations, however, two laws, i.e., the Consumer Rights Act of 2015 and the Consumer Protection from Unfair Trading Regulations, 2008, that have been put in place to ensure that customers have a distinct set of rights and options to pursue when interacting with commercial entities. It would appear that following Brexit, firms that interact with customers would face a number of obstacles as well as opportunities. During the time of Brexit and for some time immediately following it, there will be no significant shifts in the consumer protection laws that are in place.

The consumer protection laws of the EU and the UK are beginning to diverge significantly. Despite the fact that significant disparities are unlikely due to the same interests and previous experiences that firms have had when selling throughout Europe, this is an area that businesses need to pay particular attention to. In the immediate term, careful attention needs to be directed towards some of the negative impact that the

new directives will have because it is possible that this may be the point at which different approaches to consumer law begin to emerge.

To guarantee that their rights are safeguarded, consumers should be aware of their rights under UK law, conduct their research before making a purchase, preserve records of transactions, and seek advice and support if they believe their rights have been infringed. Consumers may assist to establish a marketplace that is fairer and more transparent by adopting these measures. In such a marketplace, corporations are held accountable for their activities, and consumers are given the ability to make decisions based on accurate information.

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