



Uk Experience in Consumer Law and Competition Law Enforcement

Andrew Richard Keay*

Department of Law, Professor, University of Leeds, United Kingdom

Abstract

The government plans to introduce a Bill to open up markets, boost competition, give consumers more power and choice and make economic regulators work better.

Keywords: Regime; Tribunal; Enterprise Act; UK Competition Law; Authority; States

Introduction

The government plans to introduce a Bill to open up markets, boost competition, give consumers more power and choice and make economic regulators work better. The UK's competition regime is rightly considered one of the world's best. Its independence and professionalism are often cited as reasons why firms feel confident investing in the UK. The major changes made to the competition regime in 2013 and over the last few years have placed competition and consumers at the heart of government thinking and policy making. Competition authorities with the right powers are integral to driving effective competition and ensuring that markets work well for consumers and businesses [1]. The Competition and Markets Authority (CMA) and the Competition Appeal Tribunal are key components of that regime. The changes to the competition regime, brought into effect in 2014, have had a positive impact and have been largely successful in realizing the benefits of a streamlined system.

The Small Business, Enterprise and Employment Act 2015 introduced a power for the CMA to comment on government proposals which the CMA believes could adversely affect competition. The Consumer Rights Act 2015 introduced a power for the CMA to approve voluntary redress schemes for settlement of private actions for damages following breaches of competition law. However, in the case of Ethiopian Competition regime, the TCCPA has not given the power to comment on government proposals concerning matters which may enhance or affect the competition. The CMA has powers under the Enterprise Act 2002 to assess possible competition issues in markets and arising from anticipated and completed mergers [2]. The Competition Act limits the statutory deadline within which the CMA should complete investigation and give decision on mergers issues. But the Ethiopian competition regime empowers the Authority only to decide on the issues of merger if it is notified to it by the firms than dealing with anticipated mergers where the need arise and the competition regime does not specify the statutory dead line within which the Authority must complete investigation concerning mergers issues and give its own decision [3].

Discussion

In the UK the responsibility for enforcing competition law lies with the independent competition authority: the Competition & Markets Authority (CMA). In UK, consumer law enforcement may be carried out by three enforcers. Principally it is carried out by CMA which replaced the former Office of Fair Trade and in some cases the Secretary of State may designate sectorial regulators and consumer protection bodies as enforces in respect of all or a limited range of infringements. Sector regulators in the United Kingdom are mandated to enforce the UK Competition Act concurrent with the principal competition authority, the CMA, in their respective sectors. This

shows that the competition law enforcement is highly characterized by strong public bodies' involvement. As per the Enterprise Act of 2013, CMA has investigation power, the power of civil litigation, the power of adjudication, and the power of criminal prosecution and the power of rulemaking in the protection of consumer interests. However, the laws made by CMA are soft laws. On the other hand, the Ethiopian Competition and consumer protection regime prohibits the TCCPA from making rules either soft or hard laws. This law mandates the trade and industry minister and council of ministers with the power of rulemaking. CMA has more power of criminal prosecution even than that of the USA FTC and at most similar to the Authority in Ethiopia. The criminal prosecution power of the TCCPA is elaborated by the new competition and consumer protection law [4].

CMA is mandated or able to make a consultation with concerned business and issue consent order. On the other hand, the investigation Directorate within TCCPA is devoid of the power to consult with concerned business and instead the Directorate is charged with police tasks and investigation of a criminal following the formal rules of criminal procedure code.

Competition law regimes provide for a legally independent institution with substantial administrative autonomy from vertically integrated ministries. Thus, CMA is non-ministerial or non-departmental body. It is an independent both in politics and financial aspects. The Government has very limited powers to intervene in either the assessment of mergers or the investigation of markets. However, the TCCPA is accountable to the Ministry of Trade; as a result the Ministry of Trade is the ultimate monitor given the one party dominance and parliamentary form of government. Thus, TCCPA is autonomous only in aspect of administration and dependent both politically and financially. Thus, the government has wide opportunity to interfere in the market and the merger issues. CMA is mandated to ask injunction or relief order from any regular court. However, the prosecution Directorate within TCCPA is mandated only to ask injunction of relief order only from adjudicative tribunal and if and only if the TCCPA has not issued an injunctive order. Again, the prosecution Directorate in Ethiopia cannot bring collective suit to victimized consumers either before adjudicative tribunal or federal courts [5]. However, the OFT is

*Corresponding author: Andrew Richard Keay, Department of Criminology, Professor, Tessedde University, UK, Tel: +1642342392, E-mail: a.r.keay@leeds.ac.uk

Received: 23-Jun-2022, Manuscript No. JCLS-22-71017; **Editor assigned:** 25-Jun-2022, PreQC No. JCLS-22-71017 (PQ); **Reviewed:** 09-Jul-2022, QC No. JCLS-22-71017; **Revised:** 14-Jul-2022, Manuscript No. JCLS-22-71017 (R); **Published:** 21-Jul-2022, DOI: 10.4172/2169-0170.1000339

Citation: Keay AR (2022) Uk Experience in Consumer Law and Competition Law Enforcement. J Civil Legal Sci 11: 339.

Copyright: © 2022 Keay AR. This is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

mandated to bring a collective suit of victimized consumers either to the adjudicative tribunal or to the ordinary courts.

The prohibition in UK competition law of the abuse of a dominant position and anti-competitive agreements is underpinned by equivalent provisions in EU law [6]. The Government has also reformed the institutional arrangements for advising consumers on their rights, and enforcing legislation for their protection: these responsibilities are now the work of the citizen's advice Bureau [7]. That said, the CMA has the lead role in investigating and prosecuting cases relating to the legislation to prevent unfair terms in consumer contracts. In the case of Ethiopia such powers are not given to the Authority and the citizens; and the problem is that the regime itself is not participatory from the very beginning.

Recommendations

UK's CMA is required to prepare an annual statement of intent that outlines objectives and specific deliverables. This is the method of enhancing the accountability of competition commission under UK's competition law regime. UK's competition law regime constituted specialized competition appeal courts within the judiciary. The Ethiopian legal regime empowers the Federal Supreme Court with the mandate of appeal rights only in case where there is fundamental error of law. The new competition of Ethiopia establishes Federal Appellate Tribunal; and the decision of the tribunal is final. The enforcement mechanism of competition and consumer protection in UK is both public and private enforcement mechanisms; whereas it is only aggressive public enforcement mechanism in Ethiopia with little or no role of private actors [8].

The EU competition law regime fixes the cooling period at least to 14 days and subject to elongation by member states for moiré protection of the consumer, whereas the Ethiopian law is devoid of the right of withdrawal even if it claims for the advance protection of the consumer in principle. The EU competition which applies equally in UK has proportionate and reasonable replacement or refund as remedies in case of defects or prejudice; this is difficult in the case of Ethiopia even if it follows the same principle because there are practical cases where the replacement or refund is disproportionate and unreasonable. The UK law adopts repair as remedy distinct from replacement or refund; but the Ethiopian competition regime does not recognize repair as remedy distinct from replacement. Under EU law the period of limitation within which an action can be brought is fixed to not less than two years from the date of delivery subject to extension by member countries for favourable protection but not less than one year for second hand products. But the case of Ethiopia is difficult since the new competition and consumer protection fixes to 15 days. This is an obstacle to the victimized consumers to identify the defects of the goods and services and brought an action against the seller for the available remedies. For centuries women who suffered sexual assault perpetrated by their spouses had no legal recourse [9]. In 2014 Tenesha Myrie, a Jamaican attorney and lecturer, passionately expressed in a local newspaper article that "Marriage does not mean irrevocable consent to sexual intercourse;" and pleaded with us that "as

a people, let us not use the notions of privacy and sanctity of marriage to condone sexual violence." Legislation in numerous countries was later created to correct this. In the late 1900's states such as the US began to legally prohibit this historical right. By mid-2000's Caribbean states followed the same steps including Jamaica in section 5 of their 2009 Sexual Offences Act; Barbados and Grenada in their Amendment Acts, and other Caribbean countries. Despite the step taken, married women are still not fully protected from marital rape due to conditions provided for in the relevant legislations, which render the prohibition conditional [10]. These conditions appear to protect married women, however, the language used depicts otherwise. This proves that no significant change has been made throughout the centuries regarding the right of married women to bodily autonomy and not be treated as their husband's property.

Conclusion

To sum up, the UK Competition regime has some lessons which Ethiopia can learn from in order to enhance her competition regime. Some of the best experience which Ethiopia can take as a lesson includes; incorporating strong rules regulating issues of merger, establishing independent impartial competition authority, expanding the possible remedies for the consumers in case of defects such as replacement, withdrawal and repair, establishing independent competition tribunal and respective appellate tribunal with in the regular courts, allowing member states to come up with supplementary law and participate in the competition authority, etc,

Acknowledgement

None

Conflict of Interest

None

References

1. Minar NBNI, Tarique M (2012) Bluetooth security threats and solutions: a survey. IJDPS US 3: 127-148.
2. Patil BP, Kharade KG, Kamat RK (2020) Investigation on data security threats & solutions. Int j innov sci technol IND 5: 1-5.
3. Pearce M, Zeadally S, Hunt R (2013) Virtualization: Issues, security threats, and solutions. ACM Comput Surv US 45: 1-39.
4. Cihan A, Akleylek S (2019) A survey on security threats and solutions in the age of IoT. Eur J Lipid Sci Technol EU 15: 1-7.
5. Eken H (2013) Security threats and solutions in cloud computing. World CIS NY 22: 139-143.
6. Minar NBNI, Tarique M (2012) Bluetooth security threats and solutions: a survey. IJDPS US 3: 127-148.
7. Majstor F (2003) WLAN security threats & solutions. IEEE LCN US 21- 650.
8. Biswas K, Ali M (2007) Security threats in mobile ad hoc network. Procedia Comput Sci EU 92: 329-335.
9. Zagar D, Grgic K (2006) IPv6 security threats and possible solutions. World Autom Congr Proc US : 1-6.
10. Sebastian AM (2015) A review on cloud security threats and solutions. ICNSNS US: 54-62.