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2 November 2016

Robert Leiper,
Department for Transport Freight,
Operator Licensing and Roadworthiness Zone 3/28,
Great Minster House,
33 Horseferry Road,
London
SW1P 4DR

Dear Mr Leiper,

Consultation on Directive 2014/45/EU: Vehicle 'Clocking'

The Society of Chief Officers of Trading Standards in Scotland, SCOTSS, is the professional body representing the lead officers for Scottish local authority trading standards services.

On behalf of the Society, I welcome the opportunity to comment on this Government consultation involving vehicle 'clocking', a recurring issue that occupies our members in local authorities, and can be of particular detriment to consumers right across the UK. Our comments relate in particular to question 15 of the consultation paper, and we note that the Executive Summary to the paper suggests that there may be future work on this area. We believe a much greater examination of vehicle clocking, and how to prevent it, would be extremely helpful both to business and consumers, and we would be keen to contribute further in that event.

I hope our comments are helpful, but should you wish any further input from SCOTSS, in relation to this or any other matters, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink that reads "Peter Adamson".

Peter Adamson
Chair of SCOTSS

Q15 – Do you consider that existing legislative provision is sufficient to tackle the issue of “clocking”? If not, please give your reasons.

SCOTSS' view is that the Consumer Protection from Unfair Trading Regulations 2008 (CPRs) is an adequate legislative instrument to allow criminal proceedings in relation to instances where vehicles are proved to be offered for supply with incorrect mileages. Difficulties however can relate to the acquisition of sufficient evidence to prove offences. Whilst cars over three years old have their mileages recorded annually as part of their MOT, prior to this there will often be no publicly available mileage data (available to a prospective purchaser or enforcement agencies) which might act as a deterrent to the would-be clocker. Unfortunately many investigations often follow complaints from consumers who have found out the mileage history after purchase.

The UK Government responded to the then Office of Fair Trading's calls in 2010, for legislation controlling mileage correction services, by agreeing that the CPRs are sufficient. A good summary of this area can be found here <http://portfolio.cpl.co.uk/TS-Today/201605/car-clocking/> SCOTSS believes that this is an opportune time to review this area, not in terms of the CPR legislation but in terms of making it more difficult to disguise the true mileage of a vehicle across its whole life.

We understand that in some countries, for example Belgium, specific mileage fraud legislation exists built upon requirements to record mileage throughout the life of car. So when serviced, tyres fitted, body work repair etc. a mileage has to be recorded. SCOTSS would support consideration of the introduction into UK law of a requirement on all motor trade professionals to submit mileage data at all relevant points, similar to Belgian law, this data being available to third-parties (such as the data-checker company HPI) and potential buyers in a similar way to MOT data. Through these measures fraudsters would have less capacity to manipulate mileages.