



Coimisiún um
Iomaíocht agus
Cosaint Tomhaltóirí

Competition and
Consumer Protection
Commission

Criminal Enforcement Division

Investigating Vehicle Crime

Paul Hanna and Evelyn Galvin

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Criminal Enforcement Division

what we do

- Evaluate & investigate all criminal breaches and potential criminal breaches of the Competition Act 2002 and the Consumer Protection Act 2007.
- Prosecute cases in the District Court and assist the DPP in prosecutions on indictment.
- The Deputy Director handles the contact phone for the Cartel Immunity Programme.



Relevant Legislation

Competition and Consumer Protection Act 2014

- Functions of CCPC
 - Section 10(1)(b) to promote and protect the interests and welfare of consumers
 - Section 10(1)(c) carry out an investigation, either on own initiative or in response to a complaint by any person, into any suspected breach of
 - (i) the relevant statutory provisions, that may be occurring or has occurred
 - Section 10(1)(d) to enforce the relevant statutory provisions

Vehicle crime: criminal breaches of the Consumer Protection Act 2007

- Traders misleading consumers when selling clocked or crashed cars.

Misleading information:

- False odometer reading
 - Not roadworthy
 - Insurance write-off
- Disguised business sale
 - Must be a **business to consumer** transaction

Enforcement Measures

- Prosecution
- Compliance Notice
- Undertaking
- Prohibition Order

Activities in the Motor Trade

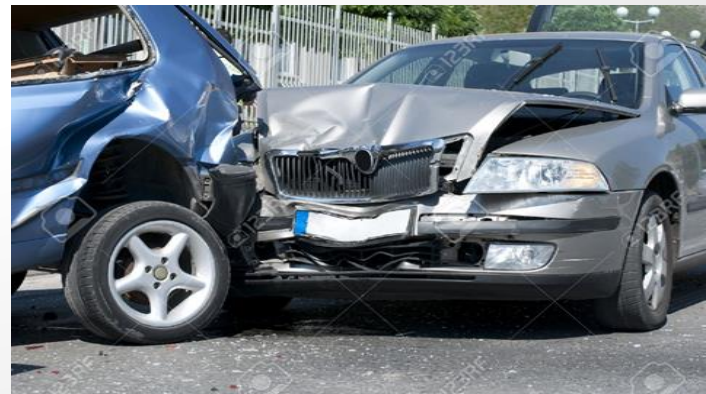
- ‘Clocked’ cars - Odometer tampering



Clocking:

The act of tampering with the odometer of a vehicle to make it appear that the vehicle has not travelled as far as it really has.

- Crashed cars
 - Not roadworthy
 - Uneconomical to repair
 - End of life





Vehicle Crime Investigation

Transaction

- Is the seller a trader / Is the buyer a consumer
- Identity and location of the trader
- Who is the owner of the vehicle?
- Who made the transactional decision to buy the car
- Date car was purchased or inspected
- Receipt from trader - what does it say
- Mileage on car at time of purchase / current mileage
- How much did they pay (trade-in) / how did they pay (cash, draft, credit agreement)
- How did they find the car; advertisement etc.
- How they found out the car was clocked / crashed
- Has consumer been back to the garage to discuss the matter
- Is the complainant prepared to give a statement of evidence



Vehicle Crime Investigation

Vehicle

Establish previous higher mileage/crash history

- Ownership - previous owners (private/commercial) NVDF
- NCT – National Car Test – annual test of vehicle safety
- Service history i.e. Dealerships e.g. BMW, Renault
- DVSA, MOT – UK annual test of vehicle safety
- Vehicle Registration Tax (VRT), Revenue – UK/NI imported cars
- Insurance claims
- Motor assessor's report
- View the car and confirm current mileage on odometer

Take statements of evidence, get original documentation, proofs and Criminal Evidence Act 1992 Section 6 Certificates where applicable



Vehicle Crime Investigation

Trader

Establish the identity of the trader – legal status

- Company
- Business name
- Not registered
- Has the trader come to the attention of the CCPC or the Gardaí in the past
- Members of SIMI
- Credit Intermediary
- Website / other online presence e.g. DoneDeal, adverts.ie, carzone.ie

Visit Trader

- Once all the evidence and statements have been gathered
- Trader may or may not wish to discuss the matter
- At some point it may be necessary to caution the trader
- Assess attitude of the trader towards the breach

Competition and Consumer Protection Commission

Consumer Helpline

- Helpline Lo-call: **1890 432 432**
- Helpline National: **01 402 5555**