

# The Fair Player



The Fair Play Charter is operated by Bury, Manchester, Oldham, Salford, Stockport, Tameside & Wigan Councils

Issue 7: May 2003

## TRADING STANDARDS

STEERING YOU  
IN THE  
RIGHT DIRECTION

## NEW MEMBERS

**Bury Van Hire Ltd**  
t/a **Castlecroft Garage**  
Castlecroft Road  
Bury BL9 0LN  
Tel: 0161-764-3607

**Midland Garage**  
20A Buxton Road  
Hazel Grove  
Stockport SK7 6AE  
Tel: 0161-483-4238

**Spring Street Garage**  
Spring Street  
Wigan WN1 3AX  
Tel: 01942 242059

**Athertons Auto Repairs**  
Unit 4 Actons Walk  
Wigan WN3 4HN  
Tel: 01942 497474

## WATCH this space

See overleaf for details of an improvement resulting from the members' questionnaire.

## NEW LEGISLATION

### Sale and Supply of Goods to Consumers Regulations 2002

**From the 31<sup>st</sup> March 2003, the Sale and Supply of Goods to Consumers Regulations 2002 will update the existing Sale of Goods Act.**

The implications are that consumers will now be able to seek repair, replacement, partial or full refund on any goods that were faulty or defective at the time of purchase. For the first 6 months after purchase, consumers will no longer have to prove that the goods were faulty when purchased. Instead, the retailer will have to prove that they were of satisfactory quality and fit for their purpose when sold. Another provision of the new regulations is that traders will be liable for any statements made by manufacturers in their literature.

The new Regulations specifically give the right to a repair or replacement. The only exceptions are when it would be 'disproportionate' or 'cause significant inconvenience' to the seller, eg if they wanted a replacement but a repair would be equally effective and cheaper, or if a mere price reduction was more "appropriate" for minor defects. **After 6 months the onus of proving fault goes back to the consumer.**

Responsible retailers should not find the new Regulations to be a problem. They put into law what is currently good practise. If traders are experiencing problems with a dispute, they should contact their local Trading Standards for advice.

**If you need further information in relation to the new Regulations we are running a half-day course.**

**TO BOOK A PLACE, contact your Fair Play Charter Representative**

### The Consumer Protection (Distance Selling) Regulations 2000

These Regulations also provide extra rights and protection for purchasers of many types of goods and services. If you sell goods or services to consumers using any of the following methods then the regulations may apply to you:

- on the internet
- on interactive digital television
- by telephone
- by fax
- advertising on TV, radio, in newspapers or magazines

#### **In brief the regulations state that:**

- Consumers must be given clear information about products or services before purchase, these include name and address of supplier, description of goods/service, price, delivery cost, cooling off periods, arrangements for payment and delivery, and the minimum duration of contract.
- After purchase, the consumer must be given written confirmation of the items listed above.

There are, of course, further definitions and exceptions which will have to be considered when deciding if the rules apply to your business. *A guide has been produced by the Department of Trade and Industry, and is available in a download version from their website at: [www.dti.gov.uk/DTI/Pub](http://www.dti.gov.uk/DTI/Pub)*

# TRADING STANDARDS WORKING FOR YOU

## Dealers advised against improper trading practices

### *The Motor Trade Tops League of Consumer Credit Licence refusals or revocations by the Office of Fair Trading!*

Second-hand car dealers are being warned against engaging in unfair and improper trading practices such as 'clocking' cars and supplying unroadworthy vehicles in new guidance issued by the OFT. Such behaviour, as well as failing to deal with consumers fairly, could jeopardise their consumer credit licences.

The motor trade accounted for nearly a third of all licencing action in 2002. The OFT revoked 19 licences, and refused 8. The main problems identified with the second-hand car market are:

- **incorrect mileage readings,**
- **difficulty in establishing ownership of vehicles,**
- **faulty mechanical condition of vehicles and**
- **poor after-sales care.**

New guidance sets out clearly the types of behaviour that will call into question the licence holder's suitability, these include:

- **convictions,**
- **complaints,**
- **failure to comply with legislation,**
- **evidence of unfair business practices; and**
- **evidence of discrimination.**

It is aimed primarily at second-hand dealers, but where appropriate also applies to new car traders.

**A copy of the new guidance should be attached to this Newsletter, if it is not please contact your Fair Play Charter Representative.**

## RE-ASSESSMENTS

From now on when carrying out re-assessment of your business we will be issuing a new certificate which includes the number of years you have been a member of the scheme.

This is being provided for you to display on your business premises and results from a request by a member in our recent questionnaire.

## MEMBERS' QUIZ

**Q** Recently a customer bought a brand new car from my dealership. He is now complaining that there is a leak in the front passenger foot well. I've looked at it and don't think there is a problem but he has mentioned something about some changes to the law and is telling me that I have to prove the car is not faulty. I thought it was the other way round.

**A** Not any more. Recent changes to the Sale of Goods Act 1979 (as amended) have meant a change in this area. If goods fail within the first 6 months there is a presumption that they are faulty. The changes to the Act have meant that there is a reverse burden of proof for the first 6 months from the date of delivery. This means that you will have to prove that there is no inherent fault on your customer's car rather than the other way round as before. This is just one of a number of changes that will have an effect on the way you deal with any complaints from your customers in the future.