

➤ If the trader doesn't reply to your letters, refuses to do anything, or makes a **final** offer you are not prepared to accept, you will have to think about going to Court. **Only a Court** can **order** a trader to sort out your problem. Most claims can be settled by an informal procedure in the Small Claims Court. This doesn't need to involve an advocate. You can pick up further leaflets that explain fully the procedure from the Court.

➤ If you decide to take the trader to Court you will have to prove what the original fault was and that it was not due to fair wear and tear or misuse since purchase. See the other green leaflet **IDENTIFYING THE FAULT**.

Remember, Court is a last resort.

➤ Before you go to Court, **think carefully**.

Ask yourself:

- | Will I be able to find the trader?
It is **your** job to find him/her.
- | Have I got **evidence**?
It is **your** job to prove your case.
- | Has the trader got money to pay what the Court may award?
It's **not worth** suing a person or limited company if they have gone bust.

If you have lost money on faulty goods, don't waste more money on a case you cannot win.



Once you have decided what your rights are, you will need to take a series of steps to solve your problem. It may seem a long procedure, but it does work.

- If you can, **stop using the goods**.
- Check there really is a fault - if instructions were supplied with the goods, read them carefully.
- Be certain that the fault was not caused by misuse, an accident, normal wear and tear or by not following any instructions.
- If you can, collect together any instructions, leaflets, packaging etc. which came with the goods. Pack them all up with the goods.
- You will need proof of purchase. If you haven't got a receipt you can use a credit card voucher or cheque stub. Own-brand goods, or something exclusive to one shop, or the packaging may prove where you bought the goods. If someone was with you when you bought the goods, they can back you up. Remember - it is up to you to show where and when you bought the goods. **If all else fails, you still have your word.**

You will now need to contact the trader straight away and report the problem.

- For small items, bought locally, visit the trader. Take the goods and any proof of purchase with you.
- If you cannot take the goods back to the shop, either visit, phone or write to the trader. If you visit, take your proof of purchase with you. If you write, briefly set out the problem and ask the trader to get in touch with you. Include a **copy** of your proof of purchase. Don't send originals.
- Ask to speak to, or write to, the manager or owner. Explain your problem, keep calm but be firm. Make it clear whether you want a **refund**, a **repair** or **compensation**. Remember you may be entitled to a refund or repair **plus** compensation. You may **still** be entitled to a refund when a repair turns out to be unsatisfactory. Don't **demand** something you're not entitled to.

Your problem may well be solved at this stage. **WELL DONE!**
Put the pack away for future use.

- If there is doubt about your claim the shop may want to send the goods to their head office or to the manufacturer for examination. Let them do this as it may help sort things out, but ask how long it will take. The goods must come back in a reasonable length of time - say two weeks. If you feel you are entitled to a refund make it clear that the goods aren't to be repaired without your agreement.
- For larger items or goods which have been fitted, you may ask or the trader may arrange for somebody to call out and examine the goods within a reasonable period of time, say 7 to 14 days. It may be

somebody from the shop, the manufacturer, the trader's own service department or an independent expert. When they come, make a note of the person's name, where they are from and anything they may say about the problem.

- If poor fitting caused the fault, contact the fitter - this may or may not be the trader who supplied the goods.
- If the problem still remains you **must** write to the trader. See the sample letter enclosed. If you know the head office address, send them a **copy** of your letter as well. Send your letter by **Recorded Delivery**. (You must go to the Post Office for this). **Keep a copy** of each letter.
- If the trader replies and asks for more information, be as helpful as you can. This may help the trader solve your problem. If the trader asks for receipts or other documents send **copies**, not the originals. **Keep a copy** of any reply you send.
- If you get no reply to your letter, send the trader a **reminder**. See the sample letter enclosed and send a **copy** of your last letter. Remember to **keep a copy** of both letters. Send your reminder letter by **Recorded Delivery**.
- If the trader offers to do something, but not what you have asked for, you can either accept the offer or **negotiate** for a better offer. Be reasonable in what you are prepared to accept. Sometimes it can be better to compromise. Only **you** can decide this. (**Keep a copy** of every letter you write).

Most problems should be solved by this stage. If yours isn't and you still feel you have a valid claim - **PRESS AHEAD**.