

➤ 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 in the County Court in England and Wales, the Small Claims Court in Northern Ireland, or the Sheriff Court in Scotland. This doesn't need to involve a solicitor. 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.

HOW TO SOLVE YOUR PROBLEMS

Goods

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. See the sample letter enclosed. Send your letter by Recorded Delivery. Include a copy of your proof of purchase. Don't send originals. Start keeping a record of what happens for future evidence.
- 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, replacement, a repair or compensation. Remember you may still be entitled to a refund, replacement or a repair, plus compensation. You may still be entitled to a replacement or 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 manufacturers for examination. Let them do this as it may help to sort things out, but ask how long it will take. The goods must come back within a reasonable length of time and without causing you significant inconvenience. If you feel you are entitled to a refund/replacement make it clear that the goods are not 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. Ask for the head office address and 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.