



The Consumer Council

A - Z

CONSUMER ADVICE
HANDBOOK



2014 Update

Acknowledgements

The Consumer Advice Handbook was first published in 2006 and quickly became popular with advice workers, MLAs and others who were approached by consumers needing help with a whole range of questions and problems.

This version of the Consumer Advice Handbook provides updated information and we've also added new issues which have emerged.

Every effort will be made to keep this information up to date and when changes are made, these will be highlighted on the website version so that you can check if you're working with the most current information.

The Consumer Council wishes to acknowledge the contribution of Trading Standards Service in the development of the Consumer Advice Handbook and to thank all staff who provided advice and assistance in bringing together and revising the information.

Consumer Council, 2014.

This publication is available in other formats on request.

Contents

	Page
What is this handbook about?	2
Buying Goods	3
Buying Services	8
Consumer Protection from Unfair Trading	10
Safer Ways to Pay	14
How to Complain	19
The Consumer Council	21
The Trading Standards Service	22
Consumerline – Helpline and Website	23
A to Z Consumer Information Section	24
Useful Websites	140
Index	143

All information correct at time of print (2014 update).

An online version is available on www.consumercouncil.org.uk/publications.

What is this handbook about?

This handbook provides a quick reference for consumers, organisations, staff and volunteers involved in advocacy, advice or information work. It is also for community workers, paid and unpaid, who work with vulnerable groups including older people or those with disabilities; and advice for staff working in health and social care, housing or other settings in which staff need access to consumer rights information or are required to undertake a sign-posting role.

At the front of this guide you will find information about your general consumer rights and how to complain effectively. For example, if you need help and advice about faulty goods or poor service, this guide provides information about what the law says and what consumer protection is available. There is also useful advice on how to complain when things go wrong, providing a step-by-step approach to making a complaint.

However, you will sometimes need more specialist advice. There's a wide range of consumer organisations that can be of help and you can find the best one for your problem by consulting the A-Z section of this guide.

Buying Goods

Your rights

When you buy goods from a trader, the law says they must be:

- Of satisfactory quality;
- Fit for any particular purpose made known to the seller; and
- As described.

Satisfactory quality

Satisfactory quality means that the goods should meet the standard a reasonable person would regard as satisfactory quality, taking into account the description of the goods, the price and all other relevant circumstances. This includes their state and condition such as appearance, finish, freedom from minor defects, safety and durability.

Fitness for a particular purpose

Goods should be fit for all purposes for which they are commonly supplied and do what is claimed of them.

If you ask the retailer whether the goods are suitable for a particular purpose, e.g. if certain software is suitable for a particular type of computer and if the retailer says "yes", then they must really be fit for that purpose.

As described

The goods should match the description on the packaging, labels, as advertised or given verbally by the retailer.

These rights are in the **Sale of Goods Act 1979** (as amended).

Legal Remedies

If you've bought something not of satisfactory quality, not fit for a particular purpose or not as described, the law gives you a number of remedies:

- 1) If you complain to the retailer within a reasonable time, you're entitled to get a full refund. However, the law does not say what a reasonable time is. Each case may be different so the sooner you make your complaint, the better.

2) Once you go beyond a reasonable time to reject the goods, you're only entitled to claim compensation. You can also claim for any other consequential losses that result directly from the goods being unsatisfactory (see page 5).

These remedies are in the **Sale of Goods Act 1979** (as amended).

Up until 31 March 2003, these were the only remedies available. Since that date, you can now also ask, in the first instance, for a repair or replacement.

3) The repair or replacement has to be carried out within a reasonable time and without any great inconvenience to you. The retailer has to bear any costs, such as transporting the goods.

However, the retailer can refuse **either of these** remedies, if it can be shown that the **other one** would be less costly.

If a quick and trouble free repair or replacement is not possible, you can ask for a refund. This might only be a partial refund if you have already had some use from the goods.

Repairs

If the retailer fails to repair the goods within a reasonable time, you do not lose your right to ask for a partial or full refund.

Installation of Goods

The remedies described above are also available where the retailer agrees to install the goods and the installation is not satisfactory. If you've paid the retailer for both the goods and their installation, the retailer is liable even if they subcontract the installation to others.

Note: Each complaint will differ and your rights will depend on the individual circumstances. To check what you're entitled to, telephone

Consumerline: 0300 123 6262.

No Remedies

You have no right to a refund, repair etc, under the following conditions:

- You simply change your mind about the goods;
- The fault was pointed out to you at the time of sale;
- The fault should have been evident on reasonable inspection; and/or
- The fault is due to fair wear and tear, failure to follow instructions, misuse or accidental damage.

Proof of Purchase

When returning unsatisfactory goods, the retailer may ask you to provide proof of purchase. A receipt is the easiest way to prove purchase but a credit card statement or other financial records can also be used. Even having an eye-witness to vouch that you bought the goods from that shop can be enough. Be aware that retailers are not legally obliged to provide receipts but many do.

Credit Notes

If you're entitled to a refund, repair etc, you don't have to accept a credit note instead. However, if you are returning the goods because you have changed your mind, the retailer may voluntarily offer a credit note as a token of goodwill. Retailers can apply their own set of rules to credit notes, including setting expiry dates.

Burden of Proof

If you are returning faulty goods or goods which were not as described to the retailer and ask for **a refund or damages**, it is up to you to prove that the goods are faulty or are not as described.

However, if you wish to use the series of remedies (**repair, replacement, partial refund, full refund**) then the situation is different. During the first six months after the sale, it is up to the retailer to prove that the goods were not faulty or as described. After that six month period, it is up to you to prove that they were.

Consequential Loss

If you suffer injury or damage to other goods or property as a direct result of a faulty or wrongly described product, you may be able to claim for any such injury or damage. For example, if a faulty refrigerator causes the weekly food shop to go to waste, a consumer could claim for this. These are known as consequential losses. Claims for consequential loss do not normally cover distress, inconvenience or disappointment.

Second-hand goods

You have the same rights when buying second-hand as when buying new goods. However, because the goods are second-hand, the standard for meeting the 'satisfactory quality' conditions will not be so high.

Sale Goods

Generally, the same rights and remedies apply to goods that are bought in a sale. The only exception is where goods are marked “shop soiled” or “seconds”. You would not expect such goods to be perfect. However, if there was a major fault in the goods, you might still have rights and remedies.

Attempts to Restrict Your Rights

Retailers cannot restrict your rights regarding quality, fitness and description. Retailers will sometimes display notices in shops stating, for example, “No Refunds”. These notices are illegal and should be reported to the Trading Standards Service. Telephone **Consumerline: 0300 123 6262** or visit: **www.consumerline.org**

Goodwill

Some retailers will give you additional rights above and beyond those provided by law. For example, some stores have a returns policy where they will give you a refund when you return goods within a certain time, for whatever reason. Such policies are at the discretion of the retailer and are a gesture of goodwill.

Unfair Contract Terms

Businesses may also try to use terms in their contracts to restrict your rights, but the law limits their ability to do this.

Under the **Unfair Contract Terms Act 1977**, traders cannot exclude or limit their liability for death or personal injury arising from their own carelessness. Liability for other loss or damage resulting from carelessness can only be excluded or restricted if the exclusion clause is reasonable. In the same way, clauses attempting to exclude or restrict liability for breaches of contract also have to pass the reasonableness test in order to be legal.

The **Unfair Terms In Consumer Contracts Regulations 1999** offer further protection. Terms used by businesses in their standard written terms and conditions are considered unfair if they lean too much in favour of the business at your expense.

If you think a standard business contract contains unfair terms, contact the Trading Standards Service who can consider your case and take steps to get unfair terms removed from contracts. Telephone **Consumerline: 0300 123 6262** or visit: **www.consumerline.org**

Private Sales

When buying from a private individual, you have much less protection under the law than when buying from a retailer.

The goods only need to be as described. However, no rights or remedies are available to you if goods bought privately are not of satisfactory quality or not fit for a particular purpose.

Some traders try to pose as private sellers. It’s a criminal offence to suggest in advertisements that you’re a private seller when, in fact, you are a trader. If you suspect that someone is doing this, contact the Trading Standards Service. Telephone **Consumerline: 0300 123 6262** or visit: **www.consumerline.org**

Auctions

Generally, the normal rights and remedies do not extend to second-hand goods bought at auction. However, your “sale of goods” rights and the remedies of repair, replacement, full or partial refund, do apply to second-hand goods sold at an auction that consumers cannot attend in person, e.g. internet auctions where you buy from trade sellers.

However, rights as to quality, fitness and description and the full range of remedies do apply to **new** goods bought at auction.

Deposits

Unless otherwise agreed, if you pay a deposit on goods and then decide later that you don’t want them, the retailer is entitled to keep the deposit and in some cases may require full payment.

In the same way and unless otherwise agreed, if having accepted a deposit from you, the trader fails to supply the goods and you are unable to complete the purchase, your deposit should be returned. You may also be able to claim compensation from the trader if, as a result of his failure to supply you with the goods, you have to spend more to obtain the same goods elsewhere.

Free Guarantees or Warranties

Goods often come with a free guarantee and their duration is up to the company, but they usually last a year. Sometimes referred to as warranties, these guarantees are offered, usually by the manufacturer, on a voluntary basis and give you additional legal rights.

Terms governing free guarantees are legally binding on the person offering them and:

- must be written in plain English;
- must be available to you before purchase; and
- must state that they do not affect your statutory rights.

Buying services

Your rights

When you buy a service, the law says that you're entitled to the following:

- the work must be done with reasonable skill and care;
- if no time limit was agreed, it must be finished within a reasonable period; and
- if a price was not agreed in advance, the price must be reasonable.

If you are in dispute with the service provider and decide to take the case to the Small Claims Court (see page 124) it will be the judge who decides what is reasonable.

Where the service includes the supply of materials, e.g. car repairs or building work, then you are also entitled to expect those goods to be:

- of satisfactory quality;
- fit for any particular purpose mentioned; and
- as described.

These rights are set out in the **Supply of Goods and Services Act 1982**.

Remedies

1. If the service is a total failure, you may be able to claim a refund of the total money paid.
2. You may also be able to claim further compensation if it costs you more money to put things right.

If the problem with the service is not serious, you're unlikely to get a full refund. However, you may be able to claim some compensation for small faults, overcharging or delay.

Delay

If no dates have been agreed and you feel the trader is being unreasonable in the time taken to start or complete the work, you can write to the trader setting a definite, but reasonable, time to start or finish. In this way you will have made "time of the essence" part of the contract. If the trader then fails to meet any deadlines, you'll be in a stronger position to claim compensation.

Trade Associations

Many traders are members of trade associations. It will usually say in their advertisements or their paperwork if they are members.

Trade associations often have standards of performance or Codes of Practice that their members have to follow. In some cases, they can act as a referee between you and the trader.

If traders have suggested that they are members of trade associations when in fact they're not, you should report them to the Trading Standards Service, as it is a criminal offence to make false claims like this. Telephone **Consumerline: 0300 123 6262** or visit: **www.consumerline.org**.

Consumer Protection from Unfair Trading

In May 2008, new laws came into force aimed at preventing business practices that are unfair to consumers. The introduction of the **Consumer Protection from Unfair Trading Regulations 2008 (CPRs)** represent the biggest shake-up to UK consumer protection in forty years.

To avoid duplication, the CPRs replaced a number of existing pieces of legislation as they provide similar or greater protection.

The CPRs tackle commercial practices that are misleading or aggressive and the regulations also identify 31 specific practices that have an outright ban.

Misleading Actions

A commercial practice is misleading if it gives false information or sets out to deceive consumers.

Examples of misleading actions

- Odometer on a car reading 80,000 miles when in fact it has travelled 150,000 miles;
- Hand-sewn wedding dress when in fact it is machine stitched;
- Travel brochure stating 4 star hotel when in fact it is 2 star;
- Goods priced at £10 but charged £20 at till;
- Goods stating “save £50, was £150, now £100” when in fact goods had never been sold at the higher price;
- Falsely stating “approved by Trading Standards”; and
- Falsely claiming that a vehicle requires a new part, service or repair.

Misleading Omissions

A commercial practice can also mislead if it omits or hides material information or provides it in a manner which is unclear, unintelligible, ambiguous or untimely.

Examples of misleading omissions

- Not displaying prices of food clearly in a restaurant;
- Not displaying prices of car parking before entering a car park;
- A car trader not stating that a vehicle has been in an accident; and
- Not stating that an additional charge applies e.g. delivery charges or taxes.

Aggressive Practices

A commercial practice is aggressive if it causes a consumer to reach a decision about goods or services that they may otherwise not have made, had they not been subjected to harassment, coercion or undue influence.

Examples of aggressive practices

- Car mechanic who has done more work than agreed and who refuses to return the car to the consumer until they pay in full;
- Doorstep trader who pressures a consumer to pay in cash for home repairs immediately and brings them to the bank to withdraw cash; and
- Debt collector who contacts debtors at unreasonable times or at unreasonable locations e.g. their place of work.

31 Specific banned practices

There are 31 practices which are banned in all circumstances. These are:

1. Faking credentials – claiming to be a signatory to a code of conduct when the trader is not e.g. claiming to be a member of the Glass and Glazing Federation when they're not;
2. Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorisation;
3. Claiming that a code of conduct has an endorsement from a public or other body which it does not have;
4. Claiming that a trader or a product has been approved, endorsed or authorised by a public or private body when the trader or product have not;
5. Special offer, not in stock – making an invitation to buy products at a specified price without having sufficient stock to honour this deal;
6. Making an invitation to purchase products at a specified price and then –
(a) refusing to show the advertised item to consumers,
(b) refusing to take orders for it or deliver it within a reasonable time, or
(c) demonstrating a defective sample of it, with the intention of promoting a different product (a practice referred to as bait and switch);
7. Falsely stating that a product will only be available for a very limited time in order to rush the consumer into making a quick and uninformed choice;
8. Providing after-sales services to consumers in a language which is not an official language of the European Economic Area State where the trader is located, without clearly disclosing this to the consumer before the consumer is committed to the transaction;
9. Stating or creating the impression that a product can be legally sold when it cannot;
10. Presenting rights given to consumers in law (e.g. Sale of Goods Act 1979) as a feature of the trader's offer rather than their statutory rights;

11. Using editorial content in the media to promote a product where a trader has paid for the promotion without making that clear in the content (advertorial);
12. Scare tactics - making an inaccurate claim concerning the nature and extent of the risk to personal security of the consumer or his family if the consumer does not purchase the product;
13. Promoting a product similar to a product made by another manufacturer in such a manner as deliberately to mislead the consumer into believing that the product is made by the other manufacturer;
14. Establishing, operating or promoting a pyramid selling scheme;
15. Having a clearance sale because the trader claims they are about to cease trading or move premises when they are not;
16. Claiming that products are able to facilitate winning in games of chance e.g. the lottery;
17. Falsely claiming that a product is able to cure illness, dysfunction or malformations;
18. Passing on inaccurate information about market conditions or on the possibility of finding the product with the intention of making the consumer buy the product at conditions less favourable than normal market conditions;
19. Offering a competition or prize promotion without awarding the prizes described or a reasonable equivalent;
20. Describing a product as 'free' when in fact the consumer has to pay anything other than the unavoidable cost of responding to the promotion and paying for delivery of the item;
21. Including in marketing material an invoice seeking payment which gives the consumer the impression that they have already ordered the product when they have not;
22. Hidden trader - falsely claiming or creating the impression that the trader is acting as a private seller;
23. Creating the false impression that after sales service in relation to a product is available in a European Economic Area State other than the one in which the product was sold;
24. Creating the impression that the consumer cannot leave the premises until a contract is formed;
25. Conducting personal visits to the consumer's home and ignoring the consumer's request to leave;
26. Making persistent and unwanted sales 'calls' by telephone, fax, email;
27. Requiring a consumer who wishes to claim on an insurance policy to produce documents which could not reasonably be considered relevant in proving the claim is valid or not;
28. Including in an advertisement a direct message aimed at children to buy advertised products or persuade their parents or other adults to buy advertised products for them;
29. Demanding immediate or deferred payment for - or the return or safekeeping of - products supplied by the trader but not requested by the consumer;
30. Explicitly informing a consumer that if he does not buy the product or service, the trader's job or livelihood will be in jeopardy; and
31. Creating the false impression that the consumer has already won or will win a prize when there is no prize or the consumer must pay money or incur a cost in order to claim the prize, e.g. having to ring a premium rate telephone line to claim the prize.

If you suspect that a commercial practice is in breach of the **Consumer Protection from Unfair Trading Regulations 2008** contact **Consumerline: 0300 123 6262** or visit: **www.consumerline.org**

Safer Ways to Pay

Protecting your purchases and savings

If you're making a big purchase like a new washing machine or sofa, chances are you'll be asked to pay a deposit or sometimes the full amount in advance. Paying into savings schemes such as a Christmas savings club also means paying money up front. It's therefore important to know how to protect your pre-payments and savings, particularly if there's any risk that the business will go bust.

Paying by credit card

If you're buying a single item costing between £100 and £30,000, it may be worth paying by credit card because it gives you added protection if something goes wrong. This protection is known as equal or joint liability. Whether you use your credit card to pay the full amount or even part of it, (as little as £1¹ but no more than £25,000), by law the credit card company must help in cases of faulty goods, non-delivery or if the retailer goes out of business.

Get help making a claim from your credit card company by downloading a sample claim letter from the Consumer Council website:

www.consumerline.org or www.consumercouncil.org.uk or telephone **0800 121 6022** to request a copy.

Remember: If you're paying by credit card, try to pay the amount off in full when you get the bill to avoid paying interest.

Other types of card payment

If you have a Visa debit card, Visa Electron or a prepaid Visa credit card (that you top-up with money as you go), your card provider can use the 'Chargeback' process to claim money back for you.

Chargeback is a voluntary set of rules that Visa card providers follow and can be used in cases where goods don't arrive, arrive damaged, don't match the description given or where the business has gone bust.

It also means that if you use your Visa credit card for goods costing less than £100, your card provider can use the 'Chargeback' process to claim money back for you even though there's no equal or joint liability.

You have 120 days in which to make a claim through Chargeback starting from the day you become aware of a problem.

When you can't claim against your credit card provider

Many websites use an online payment processor such as PayPal, Google Checkout or WorldPay. While the law in this area is uncertain, if there's a problem it is currently unlikely that you will be able to claim against the credit card company as the payment goes through a third party. However, you may be able to claim using Chargeback if you've paid by Visa.

Online payment processors do have their own protection arrangements but these are not covered by law - make sure you read their terms and conditions carefully.

Remember: You cannot claim against the credit card company if you used your credit card to withdraw cash to pay for goods or services.

Paying by cash or cheque

Paying by cash or cheque can be risky if you have to wait for goods to arrive. If you pay for something this way and the business goes bust before the goods are delivered, you could end up with nothing.

How can you reduce the risk?

1. If possible, pay a small deposit for the item and get a receipt.
2. Confirm that you will pay the balance the day before or as close as possible to the delivery date.
3. If you are in a shop and they insist that you pay in full before delivery, write your name and address on the packaging if the item is in stock. This will mean that if the business goes bust, you may still receive your goods.
4. If the goods aren't in stock, get written confirmation from the business of the expected delivery date.
5. Think carefully before deciding to pay the full amount in advance, especially if there's a long delivery period.

Taking out a credit agreement

A credit agreement is a loan usually arranged for buying things like cars and kitchens. Some customers organise these themselves, but more often the shop will arrange one for you.

If the shop arranged the credit agreement for goods costing £100 to £30,000 and they go bust, you may have rights against the finance company that supplied the credit.

¹ Source: Which? 2008

However, if you arranged the credit agreement yourself then you have no extra rights and you will be unlikely to get your goods or money back if the business goes bust.

Remember: By law, you must be given a copy of the credit agreement when it is signed.

It is important to make sure you:

- Read the terms and conditions of the agreement carefully; and
- Keep the copy of your credit agreement safe so that you have the name, address and contact details of the finance company in case of problems later.

Remember: If you have received your goods and the business goes bust you must still pay the finance company the full amount for your goods under the terms of your credit agreement.

Using a Christmas savings club

Paying cash into a business's Christmas or savings club can be risky. If you decide to save this way, get receipts for all the payments you make because if the business goes bust you could end up with nothing.

If you decide to use a Christmas or savings club:

- Ask the business how your money will be protected – for example, if you lose or damage your savings card or booklet, can you still access your savings?
- Ask the business if they have insurance in place which protects savers in the event of **insolvency** (See 'What happens if a business goes bust?' page 17); and
- Ask the business for a copy of their terms and conditions and read these carefully.

Remember: Keep your savings card or stamp booklet safe. If it is lost or stolen it may not be replaced and there normally isn't a record kept of how much you have saved.

Leaving goods in for repair?

If you leave something into a shop for a repair or upgrade make sure you:

- Label it with your name and address clearly;
- Take a record of the serial number on the item; and
- Ask for a receipt to say that the item is with the business.

These steps should make it easier to get the item back if the business goes bust.

What happens if the goods are faulty and a business goes bust?

If the goods are still under the manufacturer's guarantee (usually 12 months from date of purchase) you should contact the manufacturer directly to explain the problem.

Buying an extended warranty

If you are buying an extended warranty, make sure you:

1. Read the terms and conditions carefully and check what the warranty actually covers.
2. Get a record of your policy number if you do not get the warranty document straight away.
3. Check to ensure the warranty document has the business contact details.
4. Get a receipt for any payments you make.

As long as the warranty company is independent of the trader and is still in business, these steps should make it easier to claim against the warranty if the shop has gone out of business.

Remember: Keep receipts and paperwork for all transactions in a safe place. For your free Consumer Council Receipt Wallet, please call us on **0800 121 6022** or email us at info@consumercouncil.org.uk

What happens if a business goes bust?

When a business goes bust, a licensed insolvency practitioner (IP) is normally appointed to handle the business's affairs and deal with all creditors, including customers and suppliers. If you are owed money by the business you become known as an "unsecured creditor".

Insolvency means that a business is unable to pay its debts or that it doesn't have enough assets to cover its debts.

A **licensed IP** is a person licensed by one of the Chartered Accountancy bodies, the Law Societies, the Insolvency Practitioners' Association or the Secretary of State for Business, Innovation and Skills. They are usually an accountant or a solicitor. Only a licensed IP can be appointed to deal with the affairs of an insolvent business.

What do insolvency practitioners do?

The IP will work to get the best result for everyone involved and will respond to your queries as soon as possible. This can take some time, so it is important to be patient but keep in regular contact.

What can you do when a business goes bust?

1. Find out which IP has been appointed to the business. This should be advertised in the local paper within 15 days of the business folding. You may also see or hear about it on the news.
2. Many IPs set up a helpline and an information website for customers. Remember, phone calls can be expensive, especially from a mobile phone or at peak times. It may be cheaper to email or write a letter to the IP.
3. Write to the IP outlining your circumstances. If you have not received your goods you should tell them:

- What goods were ordered;
- When they were ordered;
- How much they cost;
- When and how you paid;
- The address of the shop where the goods were bought;
- Details of the finance company involved if you have a credit agreement arranged; and
- The name of the member of staff you dealt with, if you have it.

You can download a sample letter to an IP from the Consumer Council website. Visit www.consumerCouncil.org.uk or call **0800 121 6022** for a free copy.

4. Keep in touch with the IP. If you move house, tell them your new address.

Remember: Don't forget to send a photocopy of your receipts to the IP. It is important you keep hold of the original copies and a record of all letters, emails and phone calls made.

These guidelines should not be considered as legal advice. The legal position and circumstances of each case may vary and anyone who requires legal advice should consult a solicitor.

If the business has entered into insolvency it will be the appointed IP who ultimately deals with your query.

For more information about your consumer rights, contact **Consumerline: 0300 123 6262** or visit: www.consumerline.org

How to Complain

- Make sure you've good grounds for complaining and that you know what your rights are;
- Contact the trader as soon as possible - if you delay, it may be assumed you have accepted the goods or that you are happy with the service and so lose some of your rights;
- Explain clearly to the trader what the problem is and what you want - try to speak to a person in authority and be polite but firm;
- Refuse to be fobbed off by excuses such as "It's the manufacturer's responsibility" or "You're past our 28 day limit for complaints" - it's up to traders to sort out the problem as your contract is with them and time limits set by retailers have no legal standing;
- Keep a record of everything you do in connection with the complaint, such as dates of telephone conversations, who you spoke to and what was said. Keep copies of invoices, receipts, letters and contracts;
- If you are getting nowhere by talking to the trader, put your complaint in writing, addressing your letter to the manager;
- Set out your grounds for complaint briefly and clearly state what you will accept to resolve the complaint;
- If possible, refer to the relevant law and finish your letter by giving the trader a definite time for them to respond (e.g. 14 days);
- If your first letter does not produce a suitable response, you may wish to send a second by recorded delivery, pointing out the lack of response and advising that if the matter cannot be resolved by this means, you intend seeking legal advice;
- If your complaint cannot be settled through this direct route, you should check if the trader is a member of any trade body or association. They often operate codes of practice or arbitration schemes that may be able to assist in settling the dispute; and
- Check if there is an Ombudsman Scheme which covers that particular business.

If all else fails and you are determined to pursue your complaint, then the final stage is to go to court. If the amount you want to claim is £3,000 or less, then you can take your case to the Small Claims Court, where any costs can be limited to an application fee that you will get back if you win (see section on Small Claims Court page 124).

For claims above £3,000, you will have to go to the County Court, in which case you should first seek legal advice.

The Consumer Council

The Consumer Council for Northern Ireland (The Consumer Council)

The Consumer Council has a statutory duty to promote and safeguard the interests of consumers and campaigns for the best possible standards of service and consumer protection. The Consumer Council also investigates complaints on issues including buses, trains, planes, ferries, natural gas, electricity, coal and water and sewerage services.

The Consumer Council

Elizabeth House
116 Hollywood Road
Belfast
BT4 1NY

Telephone / Textphone: 028 9067 2488

Email: info@consumercouncil.org.uk

Web: www.consumercouncil.org.uk



Consumer Council Northern Ireland



ConsumerCouncil

Complaints

Freephone: 0800 121 6022

Email: complaints@consumercouncil.org.uk

For general consumer advice and information visit: www.consumerline.org

The Trading Standards Service

The Trading Standards Service

The Trading Standards Service (TSS) is a government agency that enforces consumer protection laws including:

- false descriptions of goods and services;
- misleading price information;
- counterfeit goods; and
- weights and measures.

Trading Standards Officers make regular visits to shops, petrol stations, pubs, car showrooms etc to make sure that the traders know the consumer laws that affect them and that they're doing what they're supposed to do. The TSS may take a trader to court if they find that they're breaking the law.

For help and advice, telephone **Consumerline: 0300 123 6262**
Monday to Friday 9.00am to 5.00pm or visit www.consumerline.org

Headquarters:

Trading Standards Service

Department of Enterprise, Trade and Investment
176 Newtownbreda Road
Belfast
BT8 6QS

Telephone: 0300 123 6262

Textphone: 028 9025 3988

Email: tss@detini.gov.uk

Web: www.detini.gov.uk/deti-consumer-contacts.htm

Trading Standards Service Regional Offices:

Armagh:

Crown Buildings
Alexander Road
Armagh
BT61 7JL

Telephone: 0300 123 6262

Enniskillen:

Crown Buildings
Queen Elizabeth Road
Enniskillen
BT74 7JH

Telephone: 0300 123 6262

Ballymena:

Academy House
121A Broughshane Street
Ballymena
BT43 6BA

Telephone: 0300 123 6262

Londonderry:

Crown Buildings
Asylum Road
Londonderry
BT48 7EA

Telephone: 0300 123 6262

Consumerline Helpline and Website

Consumerline telephone helpline is an advice and information service for consumers (managed by the Department of Enterprise, Trade and Investment) and available on a low cost telephone number telephone: **Consumerline: 0300 123 6262** or visit: www.consumerline.org

By connecting to the website – www.consumerline.org you can read and print off information and advice pages on a wide range of consumer issues and problems. You can also use the website to email queries or complaints.

A

A

A to Z of Consumer Information Section

Listed in this alphabetical section is useful advice and information on common consumer problems and how to resolve them. It also lists consumer organisations, regulatory bodies and advice agencies that offer support to consumers.

Topic	Page ref
Advertisements	24
AdviceNI	26
Air travel	27
Air Travel for passengers with disabilities and reduced mobility	28
Auctions	7, 37, 121

Advertisements

Generally, advertisements try to get us to buy something. In doing so, adverts have to be truthful and not mislead, deceive or imply something that is not the case. Various bodies have responsibility for the content or presentation of advertising to make sure that standards are maintained and action is taken to stop abuses. Sometimes inaccurate or offensive adverts do slip through and it's up to the public to bring these to the attention of the authorities.

The Advertising Standards Authority (ASA) covers advertisements in newspapers or magazines, on TV or radio, outdoor posters, direct mail leaflets and brochures, cinema advertisements, advertisements on the internet, including banner and pop-up ads and commercial emails and sales promotions of any kind.

The ASA enforces advertising codes written by the **Committee of Advertising Practice**. If an advert is found to contravene one of the codes, the advertiser is asked to withdraw or change it. The ASA publishes its adjudications every Wednesday on their website: www.asa.org.uk

Some advertisements fall outside of the ASA's remit:

Credit advertising

The ASA has powers to investigate financial advertising on TV and radio, but complaints about product-related claims in non-broadcast ads for credit products, e.g. credit cards, store cards, personal loans and secured loans should be made to **Consumerline: 0300 123 6262**

Financial advertising

The ASA has powers to investigate financial advertising on TV and radio, but complaints about product-related claims in non-broadcast advertisements for mortgages, general insurance, investments, pensions, cash savings and bank accounts are dealt with by the **Financial Conduct Authority** - see contact section below.

Discrimination on the grounds of race, sex, age or disability

For advice on suspected discrimination in advertisements, contact the Equality Commission for Northern Ireland - see contact section below.

How to Complain

- If you think an advertisement is dishonest or offensive, you should write to the ASA, complete their online complaints form or telephone their complaints team. Where possible send a copy of the ad and say where and when you saw it.
- If your complaint is upheld, the ASA can ensure that the advertisement is withdrawn or changed.

Contacts

Advertising Standards Authority

Mid City Place
71 High Holborn
London
WC1V 6QT

Telephone: 020 7492 222

Web: www.asa.org.uk

The Financial Conduct Authority

25 The North Colonnade
Canary Wharf
London
E14 5HS

Telephone: 0800 111 6768

Email: consumer.queries@fca.org.uk

Typetalk: 18001 0800 111 6768

Web: www.fca.gov.uk

A

Equality Commission for Northern Ireland

Equality House
7 - 9 Shaftesbury Square
Belfast
BT2 7DP

Telephone: 028 9050 0600
Textphone: 028 9050 0589
Email: information@equalityni.org
Web: www.equalityni.org

AdviceNI

AdviceNI is a membership organisation for independent advice centres in Northern Ireland.

- Independent advice centres offer advice to the public on matters such as social security, housing and consumer rights. Many of the centres also represent their clients at appeal tribunals.
- Some centres offer specialist advice on matters relating to lone parents, people with disabilities, prisoners and their families, housing matters and the needs of older people.
- AdviceNI expects its members to provide advice that:
 - is free, top quality and confidential;
 - is non-party political and non-sectarian;
 - is totally independent and impartial; and
 - respects the dignity of the enquirer.

AdviceNI headquarters does not provide advice directly to the public but will refer people to their nearest advice centre.

Contact

AdviceNI

1 Rushfield Avenue
Belfast
BT7 3FP

Telephone: 028 9064 5919
Email: info@adviceni.net
Web: www.adviceni.net

A

Air Travel

Regulation (EC) No 261/2004 provides passengers with rights if their flight is delayed or cancelled or if they are denied boarding by their airline.

Passengers' rights

Delayed flights

- You are entitled to free meals and refreshments and two free telephone calls, emails or faxes if you are delayed for two hours for a short-haul flight, three hours for a medium-haul flight and four hours for a long-haul flight.
- If your flight is delayed for five hours or more, you are entitled to a full refund of your ticket if you decide not to travel.
- If your flight is delayed overnight you are entitled to free hotel accommodation and transfers to and from the hotel.
- Assistance must be provided regardless of whether or not the reason for the delay is outside the airline's control, for example because of bad weather.

Cancelled flights

- If your flight is cancelled for any reason the airline must offer you a choice between a full refund and an alternative flight. If the cancellation is for one leg of the journey (e.g. the return flight), you will only be refunded for this part of the ticket.
- If you choose the option of an alternative flight the airline must provide you with the same assistance provided to delayed passengers.
- If your flight is cancelled and the cause of the cancellation is within the airline's control you may also be entitled to financial compensation (see the Consumer Council's Plane Facts guide for more information).

Denied boarding (when the airline overbooks a flight)

- When an airline has overbooked a flight they must first call for volunteers to give up their seats before they prevent passengers boarding the plane. If you decide to give up your seat willingly you must be offered the opportunity to negotiate benefits from the airline. European law does not specify what these benefits are, except that they must be agreed between the passenger concerned and the airline. These benefits cannot replace your right to a refund for the price of your original ticket or re-routing.
- If there are insufficient volunteers and you are denied boarding, the airline must immediately provide you with compensation which is set at the same limit as for cancelled flights. You must also be offered a choice between a full refund and an alternative flight. In addition you must be provided with meals and refreshments, telephone calls and where appropriate, hotel accommodation and transport to and from the hotel.

How to complain

- To complain during a flight, tell the cabin staff and, if necessary, ask for a complaint form;
- To complain at the airport, ask to speak to the airline's representative with the power to help you (e.g. duty manager); and
- Claims for any loss or damage to luggage etc should be made before you leave the airport.

Air travel for passengers with disabilities and reduced mobility

Passengers with a disability or reduced mobility are legally entitled to assistance, if required, when travelling by air. A passenger may have reduced mobility because of their age, an illness or a temporary disability, for example, a broken limb.

Regulation (EC) No 1107/2006 requires all airports and airlines in the European Union to provide assistance to passengers with a disability or reduced mobility at every stage of the passenger's journey, from booking flights, checking-in and boarding the aircraft, right through to leaving the destination airport.

The Regulation makes it illegal for airlines, tour operators or travel agents to refuse a booking on the grounds of a passenger's disability or reduced mobility. The only exceptions are:

- Restrictions imposed for safety reasons; and
- Where the size of the aircraft or its doors prevents access to the passenger requiring assistance.

However, due to some airlines' safety rules and the level of assistance a passenger requires onboard the aircraft, some passengers may be required to arrange for another person to accompany them when travelling.

Passengers that require assistance because of a disability or reduced mobility should inform their airline, travel agent or tour operator of the assistance they need at least 48 hours before their flight.

The Consumer Council's **Access to Air Travel** guide contains detailed information about the rights of passengers with a disability or reduced mobility and advice for organising travel. To download the guide visit www.consumerCouncil.org.uk/publications or telephone **0800 121 6022**.

Contact

The Consumer Council

Elizabeth House
116 Hollywood Road
Belfast
BT4 1NY

Telephone: 0800 121 6022

Email: complaints@consumercouncil.org.uk

Web: www.consumercouncil.org.uk

Topic	Page ref
Benefits	30
Bus travel	33
Buying goods	3
Buying services	8

Benefits

The Social Security Agency

Administration of the majority of benefits such as Disability Living Allowance, Employment and Support Allowance (formerly Incapacity Benefit) and Pension Credit is the responsibility of the Social Security Agency.

General information can be obtained from the Benefit Enquiry Line – 0800 220 674 and fuller information on all of the benefits administered by the Agency can be found at www.dsdni.gov.uk/index/ssa.htm

The whole system is complex and it is often a good idea to discuss which, if any, benefits you might be entitled to with your local Citizens Advice office or independent advice centre.

HM Revenue & Customs (formerly Inland Revenue)

In recent years government has given responsibility for the provision of some benefits to HM Revenue & Customs. These include Child Benefit, Working Tax Credit and Child Tax Credit.

The Benefit Helplines are **0300 200 3100** for Child Benefit and **0345 300 3900** for Tax Credit queries. You can also find out more at www.hmrc.gov.uk
If you have any problems your best option is to get help from your local Citizens Advice office or independent advice centre.

Help with housing costs

People on low incomes may receive help with their housing costs from a variety of sources. Claimants of Income Support or Income Based Job Seeker's Allowance may be entitled to some help with their mortgages. Tenants can receive help with their rent from the Northern Ireland Housing Executive and further information on this is available from your local District Office and at www.nihe.gov.uk

Owner-occupiers may receive help with their rates from the Land and Property Services (LPS). The Rate Collection Agency, Valuation and Lands Agency, Ordnance Survey of Northern Ireland and Land Registers Northern Ireland have all now merged to become Land and Property Services (LPS).

Land and Property Services (LPS)

Lincoln Building,
27-45 Great Victoria Street,
Belfast
BT2 7SL

Freephone: 0800 5877 477

Telephone: 0845 300 6360

Minicom: 0845 300 6361

Email: housingbenefit.rating@lpsni.gov.uk

Web: www.lpsni.gov.uk

Employers

If you are in employment your employer will be responsible for paying benefits that you may be entitled to, such as Statutory Sick Pay and Maternity and Paternity pay. Further information and help in case of difficulty is available from the HM Revenue & Customs Helpline **0300 200 3211** (local call rate applies).

Access to Benefits online benefits calculator

If you have access to the internet, you could use the online benefit checker at www.a2b.org.uk which takes you through a series of questions and tells you about the benefits (age-related; health and care; housing; income; maternity, paternity and adoption; means-tested and work/education) that you may be entitled to.

What to do if things go wrong

When your claim for a benefit has been decided, you should receive a written decision. This will normally tell you how the decision has been arrived at and what you can do if you think the decision is wrong.

With regard to social security benefits and housing benefit (rent and rates rebates), you can request that the decision be reconsidered depending on the circumstances of the case. You may also have a right of appeal to a Social Security Appeals Tribunal.

With regard to Tax Credits, you can ask for the decision to be reviewed and, again, you may have a right of appeal to a Social Security Appeals

Tribunal. Before considering an appeal you should seek skilled support and representation from your local Citizens Advice office or Independent Advice Centre.

If you are concerned not so much about the decision but the way in which it has been made – e.g. excessive delay - then you can send a formal complaint to the Chief Executive, or if you wish, in the case of the Social Security Agency, to the Independent Case Examiner. If, having received a response, you are still dissatisfied you could consider making a complaint to the Ombudsman. To do so, however, you must have used all other options available.

The Ombudsman can look into complaints of injustices arising from poor administration by any government department, agency or public body in Northern Ireland. He will not normally consider any complaint about a matter for which there is a right of appeal and will generally expect you to have exhausted the body's own complaints procedure before coming to him. Complaints about HM Revenue & Customs will have to be made to the Parliamentary Ombudsman. Contact details are given below.

Contacts

Independent Case Examiner

PO Box 1245
Belfast
BT2 7DF

Telephone: 0845 606 0777

The Ombudsman

Freepost BEL 1478
Belfast
BT1 6BR

Telephone: 0800 34 34 24 (freephone) / 028 9023 3821

The Parliamentary Ombudsman

Millbank Tower
Millbank
London
SW1P 4QP

Telephone: 0345 015 4033 (local call rate applies)

Bus Travel

The main provider of bus services in Northern Ireland is Translink, which operates the Ulsterbus and Metro Services. Other bus services include private coach hire, local and community transport.

The Department of the Environment (DoE) is responsible for licensing bus operators and services.

Translink operates a Passenger Charter that outlines standards of service and lists the range of concessionary fares available.

Bus services are covered by the normal consumer protection laws. The bus should be roadworthy and the driver should drive with reasonable care and skill.

How to Complain

- Complaints about scheduled bus services should be made to the staff on the bus or at the station. If that doesn't work, write to Translink Head Office;
- If your complaint is not resolved satisfactorily by the company, you can complain to the Consumer Council; and
- By law, the Consumer Council has to investigate complaints about bus services.

Contacts

Translink Contact Centre

Falcon Road
Belfast
BT12 6PU

Telephone: 028 9066 6630

Email: feedback@translink.co.uk

Web: www.translink.co.uk

The Consumer Council

Elizabeth House
116 Hollywood Road
Belfast

BT4 1NY

Telephone: 0800 121 6022

Email: complaints@consumercouncil.org.uk

Web: www.consumercouncil.org.uk



Topic	Page ref
Cancellation rights	54, 118
Cars	34
Charity collectors	39
Christmas savings clubs	16
Citizens Advice	40
Coal	41
Consequential loss	5
Consumerline	23
The Consumer Council for Northern Ireland	21
Consumer Advice Centre (Belfast)	42
Councils	43
Counterfeit goods	44
Credit agreements	15
Credit cards	47, 14
Credit licensing	45
Credit notes	5
Credit reference agencies	46

Cars

Your rights when buying a car, whether new or second-hand, are the same as for any other goods. However, exactly what rights you have will depend on who you buy your car from. For example, you will have more rights buying from a dealer than when buying privately.

Buying a new car

When you buy a new car from a motor dealer you have the same rights under the **Sale of Goods Act 1979** as for any other goods. The car must be:

- of satisfactory quality;
- fit for any particular purpose that was made known to the dealer; and
- as described.

Obviously, what you would accept in a new car as satisfactory quality would be of a higher standard than that for a second-hand car.

Fuel consumption and carbon dioxide emissions

The law says that clear and accurate information on the fuel consumption and CO2 emissions of new cars must be readily available at points of sale.

Fuel consumption and CO2 emissions information must follow the guidelines set out in the **Passenger Car (Fuel Consumption and CO2 Emissions Information) (Amendment) Regulations 2004**. Information must be shown on labels, posters, displays and in guidebooks against the description of the model. This information must also be included in all promotional brochures.

Buying a second-hand car

When you buy a second-hand car from a trader, you enter into a legally binding contract covered by the Sale of Goods Act 1979 (see section on Buying Goods, page 3) and your rights are the same as when you buy any other goods. Therefore, when you buy from a motor trader you have the right to expect the car to be:

- of satisfactory quality;
- fit for its purpose; and
- as described.

While you should be prepared to accept a lower standard of quality from that for a new car, a second-hand car should certainly be:

- fit to be used on the road;
- in a condition in line with its age and price; and
- reasonably reliable.

A motor trader cannot take away or reduce these rights. Therefore, if dealers include wording such as “sold as seen” on their receipts, it has no legal effect and you can disregard it. If you find such wording on a receipt, you should report it to the Trading Standards Service as it is a criminal offence to try to mislead you about your rights in this way. Telephone **Consumerline: 0300 123 6262**.



Mileage

It's an offence to change the mileage reading of a vehicle or to sell or offer for sale a vehicle that has an altered mileage reading. Turning back the mileage on a vehicle is known as "clocking".

A car dealer can be prosecuted for selling a car with a false mileage reading even if the dealer did not change the mileage himself, or didn't know that the mileage had been changed. Contact the Trading Standards Service if you discover that your car has been clocked. Telephone **Consumerline: 0300 123 6262**.

Disclaimers

Dealers sometimes use disclaimers to try to avoid falling foul of the law. A disclaimer tells you that the mileage cannot be confirmed and should be disregarded. However, the value and status of the disclaimer will very much depend on how it is worded and when it is given. So even if a disclaimer was used in the sale of a car that you later discover was clocked, you should still contact **Consumerline: 0300 123 6262** for advice. A dealer cannot successfully disclaim the mileage if they actually clocked the car themselves.

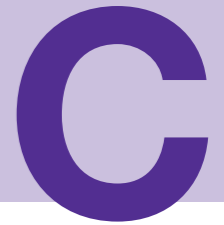
Accident damage

A dealer commits a criminal offence if they make a false statement about a car's accident history or omits to pass on information which is likely to have an influence on your decision to buy e.g. if they fail to tell you the car has previously been the subject of an insurance write-off. If you think you've been misled in this way, e.g. you were told the car had never been damaged when in fact it had been written off, you should contact **Consumerline: 0300 123 6262**. They can also tell you about your rights against the dealer.

It's an offence to sell a car that is in such poor condition that it is unroadworthy. You should contact the Police Service if you think you've been sold an unroadworthy car.

Stolen car

If you've bought a vehicle that has been stolen, the general rule is that it remains the property of the owner from whom it was stolen. The police may recover it from you and return it to the original owner or to the insurance company if a claim has been paid.



You will not get any refund or compensation for your loss of the vehicle in these circumstances. If you bought the car on credit, you may still have to pay off the loan, depending on the type of agreement you have.

You can sue the seller for your loss but you will have to take this action yourself.

Buying privately

If you buy from a private individual, you've much less protection under the law than when buying from a dealer. When buying privately, the car must be as described. However, no rights or remedies are available if the car is not of satisfactory quality or fit for a particular purpose.

Dealers posing as private sellers

Dealers sometimes pretend to be private sellers by using small ads and a private address and telephone number. It's a criminal offence to do this and if you find someone you think is posing as a private seller, when they're actually a dealer, you should contact **Consumerline: 0300 123 6262**.

Auctions

When you buy a second-hand car from an auction, your consumer rights are greatly reduced. Second-hand goods bought at an auction don't have to meet the normal legal requirements regarding description, quality and fitness.

The auction will have written conditions which you are bound by. These are usually posted on the wall or in the auction's catalogue.

If, however, the auction itself falsely describes the goods, above and beyond the description given by the seller, then you may have a case against the auction.

Hire purchase

If you're using a hire purchase (HP) agreement to finance your purchase of a car, it is important to understand how it works.

Usually, car buyers are introduced to finance companies through the car dealer. In such a situation, the finance company buys the car from the dealer and you then enter into a HP agreement with the finance company. At the end of the hire period you're given the choice, usually with the final payment, of buying the car.



If you're buying a car under a HP agreement, you should make any complaints to the finance company as your contract is with them. The finance company are also responsible for any problems arising from statements made by the dealer, as he is considered to be acting as their agent.

There are some special terms in HP agreements:

- Once you've paid half the total amount payable under the agreement (plus any costs required to bring the car's condition up to a reasonable standard), you can return the car to the finance company; and
- Once you've paid one third of the total amount payable, the finance company cannot take back the car without first getting a court order. If they breach this term, you can recover all the money you've paid.

These terms should be explained in the agreement that you sign and you should get at least one copy to keep.

Innocent purchasers

If you're buying a car using a HP agreement, you're not entitled to sell the car until you've made the final payment. Up until that point, the car is still the property of the finance company.

If, however, a car that is still under an HP agreement is sold, the buyer may not get what is known as "good title" and the finance company may take the car back. But if the buyer is not a dealer and acted as "an innocent purchaser for value", in that they had no reason to suspect that the car was still under an HP agreement, the buyer would get "good title" to the car.

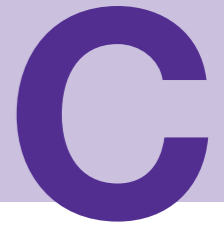
Deposits

If you pay a deposit on a car and later decide not to buy it, you will not be able to get your money back, unless the seller had earlier agreed to give you back your deposit if you changed your mind.

Guarantees and Warranties

If the car came with a guarantee or warranty, this will give you additional rights to those you have under consumer law.

You may have bought an extended warranty with the car. This is an insurance policy and is a separate contract between you and an insurance company. Although an extended warranty gives you added protection, it does not replace your existing rights against the dealer.



Trade Associations

Many car dealers are members of trade associations that have a Code of Practice covering the sale of second hand cars and repairs. If the dealer is a member, the trade association may be able to take up your complaint.

The largest car trade association is the **Retail Motor Industry Federation**, contact 020 7580 9122.

If you need further advice or assistance, contact **Consumerline: 0300 123 6262**.

Charity Collectors

In order to carry out a house to house collection throughout Northern Ireland, charities must get authority from the Charity Commission for Northern Ireland.

Those charities organising smaller house to house collections or street collections must get a licence from the Police Service.

Before making a donation to a charity you can:

- Ask to see the collector's identity badge or card and signed authority from the charity;
- Examine a copy of the police permit or Charity Commission authority (collectors are not required to carry this, but many of them now do);
- Ask for the full name and address of the charity;
- Ask who exactly will benefit from the collection and how they will benefit; and
- Ask how much of the money raised will be spent on administration.

How to complain

If you've reason to believe you've been approached by a bogus charity collector, tell the legitimate charity, (if there is one) and the Police Service immediately on **0845 600 8000**.

Contacts

Charity Commission for Northern Ireland

257 Lough Road
Lurgan
Craigavon
BT66 6NQ

Telephone: 028 3832 0220

Textphone: 028 3834 7639

Email: admin@charitycommissionni.org.uk

Web: www.charitycommissionni.org.uk



Citizens Advice

Citizens Advice is the largest advice charity in Northern Ireland working against poverty and meeting the information and advice needs of some 200,000 people per year. It has formal links to Citizens Advice Bureau (CAB) in England & Wales and close working relationships with Citizens Advice Scotland.

Together, the three Associations constitute the biggest advice network in Europe with 60 years of giving advice and information to the public. Citizens Advice in Northern Ireland also has close working relationships with the Dublin-based agency Comhairle with which it operates a cross border advice project www.borderwise.ie supported by EU funding. The Association has funding relationships with 24 of Northern Ireland's District Councils.

The Citizens Advice network in Northern Ireland deals with some 200,000 enquiries per year - 56 per cent of these relate to social security, with Disability Benefits and Income Support the largest categories.

Advice is provided to all communities in Northern Ireland from 28 main offices and from some 106 other outlets. Website based advice is available by email from the website www.citizensadvice.co.uk. This also provides a link to the self-serve website www.adviceguide.org.uk/nireland

Advice is provided within the framework of four principles. The advice is:

- Free at the point of use;
- Impartial;
- Confidential; and
- Independent.

Tribunal representation

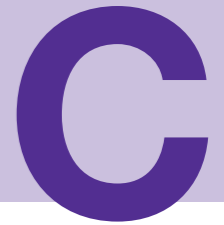
Citizens Advice represents at some 2,274 tribunals a year (mainly social security) and is the largest single source of help for people making appeals in Northern Ireland.

Contacts

To find your local Citizens Advice, visit:

www.citizensadvice.co.uk/en/Where-We-Are/Bureaus/

or check in the telephone directory.



Coal

Weight

Coal is sold by weight. For example, if you're buying pre-packed sealed bags from a filling station, the weight should be marked on the bag. If you get your coal delivered by the coalman in open-topped bags, there should be a notice displayed on the lorry telling you the weight of the bag. It's a criminal offence to sell or deliver short weight.

Price

The price of the coal should be displayed.

Safety

The most serious safety problems arise from damaged fires or blocked chimneys. These can cause carbon monoxide fumes that can kill. Have chimneys swept at least once a year.

If you have concerns about the safety of coal fired heating, who to contact about safety issues will depend on who owns the dwelling:

- Housing Executive tenants should contact their NIHE District Office;
- Private tenants should contact their landlord; and
- Owner-occupiers should contact the Environmental Health Department of their local Council.

How to complain

- Complaints regarding weight and/or price should be made to Trading Standards Service by calling **Consumerline** on **0300 123 6262**;
- Complaints about quality should first be taken up with the fuel supplier;
- Help and advice is also available from the NI Coal Advisory Service (who can try to settle any dispute between you and the supplier); and
- The Consumer Council is an independent body that represents coal consumers and can take up complaints on your behalf.



Contacts

Consumerline

Telephone: 0300 123 6262
Web: www.consumerline.org

Coal Advisory Service

Central Park
Mallusk Road
Newtownabbey
BT36 4PP
Telephone: 0845 712 5300
Email: info@coaladvisoryservice.com
Web: www.coaladvisoryservice.com

The Consumer Council

Elizabeth House
116 Holywood Road
Belfast
BT4 1NY
Telephone: 0800 121 6022
Email: complaints@consumercouncil.org.uk
Web: www.consumercouncil.org.uk

Consumer Advice Centre (Belfast)

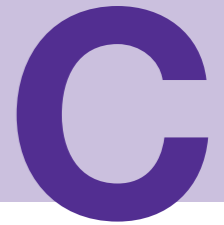
The Consumer Advice Centre (CAC) in Belfast is run by Belfast City Council's Health and Environmental Services Department.

The service is only available to people who live in the Belfast City Council area, or who have a complaint about goods or services either bought from a trader in that area or whose head office is in Belfast.

CAC give free information and advice on consumer rights to the public and traders and to help resolve consumer complaints and disputes.

The CAC can help by:

- Advising on goods and services before you buy;
- Helping you sort out any problems with goods or services you have already bought;
- Trying to settle any dispute between you and a trader; and
- Advising and assisting on claims to the Small Claims Court



Contacts

Consumer Advice Centre

14 Wellington Place
Belfast
BT1 6GE
Telephone: 028 9032 8260
Email: consumeradvice@belfastcity.gov.uk
Web: www.belfastcity.gov.uk/consumeradvicecentre

Councils

There are 26 local Councils in Northern Ireland responsible for the following services:

- Building control;
- Community services;
- Dog control and licensing;
- Environmental health;
- Standards in rented property;
- Leisure and parks;
- Public toilets;
- Refuse collection and waste disposal;
- Registration of births, deaths and marriages;
- Street cleaning;
- Street naming and postal numbering;
- Burial grounds;
- Economic development; and
- Tourism and events.

The **Local Government Act (NI) 1972** sets out what the Councils have to do and gives them powers to carry out these tasks.



How to complain

- Under the Citizen's Charter, Councils are expected to have good and easy-to-use complaints procedures. If you feel the Council has treated you unfairly, complain first to the head of the department concerned or to your local Councillor.
- If you're not happy with the reply, write to the Council's Chief Executive asking them to look into your complaint.
- Local Councils are public bodies and come within the scope of the Commissioner for Complaints, also known as the Northern Ireland Ombudsman. If, after you've got the Chief Executive's reply you still feel the Council has done something wrong, you should write to the Ombudsman.

Contacts

To find the contact details of your local Council, visit:

www.nidirect.gov.uk/contacts/local-councils-in-northern-ireland

or look in the telephone directory.

Northern Ireland Ombudsman

Freepost BEL 1478

Belfast

BT1 6BR

Telephone: 0800 34 34 24 (freephone) / 028 9023 3821

Email: ombudsman@ni-ombudsman.org.uk

Web: www.ni-ombudsman.org.uk

Counterfeit Goods

Goods are counterfeit if they carry the trademark of a company but were not actually made by that company. All sorts of goods are falsely trade marked but the most common include clothing, videos and DVDs. It is a criminal offence to produce counterfeit goods. It is also a criminal offence for a trader to display or sell counterfeit goods.

Offences relating to counterfeit goods are in the **Trade Marks Act 1994**.

Offences in relation to counterfeit books, records, videos and DVDs are covered by the **Copyright, Designs and Patents Act 1988**.

How to complain

If you've been sold counterfeit goods, or have any information on counterfeit goods, contact **Consumerline: 0300 123 6262**.

Credit

A large amount of law exists to protect consumers who apply for or take out credit. The main controls are in the **Consumer Credit Act 1974** and the regulations made under it. The following is a summary of the main areas of concern to consumers. If you need further advice, contact **Consumerline: 0300 123 6262**.

Credit Licensing

All those in the credit business must have a consumer credit licence, issued by the Office of Fair Trading (OFT). Providing credit, acting as a credit broker, debt adjusting and debt collecting are some of the things for which a licence is needed.

It's a criminal offence to carry on a credit business without a consumer credit licence. Also, if the trader involved in an agreement is unlicensed, then that agreement cannot be enforced against you without a court order. If you've any queries about a trader's consumer credit licence, contact **Consumerline: 0300 123 6262**.

The OFT will consider a licence holder's conduct when deciding if they're fit to hold a licence. If at any stage you feel that the credit provider, broker, debt collector etc, is acting unfairly or generally behaving badly, you should report this to **Consumerline: 0300 123 6262**.



Credit Reference Agencies

Credit reference agencies (CRAs) collect information on the financial standing of individuals. There are three main CRAs and they keep information about almost every adult in the UK. Lenders very often check the information a CRA holds about you on your credit file before deciding whether or not to grant you credit.

A lender has to give you the name and address of any CRA they have used if they receive a written request from you within 28 days of you having dealt with them. Failure to do so is a criminal offence.

No one has a right to credit. However, if you're refused credit on the basis of information obtained from a CRA you should be told that this is the case and given contact details for the CRA. Failure to do so is a criminal offence.

But you don't have to wait to be refused credit before asking to see what information CRAs hold about you on their files. You have the right to ask them at any time for a copy of your file. You are entitled to receive a copy if you make your request in writing and send a fee of £2. The CRA commits a criminal offence if it fails to give you a copy of your file in response to such a request. Any other requests are not subject to these rules and may cost more.

Once you've received a copy, if you think any information on the file is wrong and is likely to harm your credit rating, you've a right to ask for that information to be removed or changed. You may also want your file changed if it contains information about other people with whom you have no financial connection.

The CRA commits criminal offences if it fails to correct files. For more information contact **Consumerline: 0300 123 6262**.

Find out more about your rights on information held by CRAs by contacting the Information Commissioner:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Web: www.ico.org.uk

Information Commissioner's Office - Northern Ireland

3rd Floor
14 Cromac Place
Belfast
BT7 2JB

Telephone: 0303 123 1114

Email: ni@ico.org.uk



Credit Cards – see also Safer Ways to Pay, page 14

If you've a problem with goods or services and you used a credit card to pay for them, you may have some extra protection. This extra level of protection is known as equal or joint liability.

For example, if you were sold faulty goods, you can claim against the supplier. If you bought the goods by credit card you may have an equal claim against the credit card company. However, there are some conditions that have to be met for the credit card company to be equally liable. These are:

- The cash price of the item supplied must be over £100 but not more than £30,000 - (e.g. if you used your credit card to spend £200 on car hire, you would be covered but if it were used to buy four concert tickets costing £30 each, the credit card company would not be equally liable because the individual item cost less than £100);
- You used your credit to card to pay the deposit (as little as £1 but no more than £25,000); and
- There must have been a potential breach of contract i.e. the goods were not delivered, arrived faulty or not as described.

Note: Being able to pursue the credit card company as well as the supplier is especially useful if the supplier has since gone out of business.

If you wish to claim against the credit card company, you should write to them, quoting **Section 75** of the **Consumer Credit Act 1974** as the relevant law. To download a sample claim letter go to www.consumercouncil.org.uk/publications or visit www.consumerline.org/sample-complaint-letters/

Note: A credit card company would not be equally liable if you used your credit card to get cash, which you then used to pay for goods or services.

If the credit card company doesn't accept your claim, you should contact **Consumerline: 0300 123 6262**.

Equal liability is not just for credit card purchases. As long as the three equal liability conditions (mentioned previously) are met, there is equal liability where credit is obtained through a supplier for example, a finance company asked by a retailer to arrange a personal loan for a customer to pay for goods or services would be equally liable.



Credit card fraud

Most credit cards offer protection against fraudulent use, although you are usually liable for the first £50. However, if someone fraudulently uses your credit card to buy something from a distance seller e.g. on the internet or by mail order, then you're entitled to cancel the payment and get all your money back from the card issuer.

This extra protection for distance purchases also applies to debit and store cards.

Credit agreements

You should always get at least one copy of any credit agreement you sign. How many copies you should get will depend on whether the agreement has to be sent for signature by a finance company for it to become legally binding after you've signed it.

When an agreement has been signed, it becomes legally binding and is known as an executed agreement. Up until then, the agreement is known as unexecuted.

Right of withdrawal

You have a right to withdraw from a credit agreement within 14 days without giving any reason. There are only a few exceptions to this right, mostly relating to agreements on land or for credit exceeding £60,260.

Notice of withdrawal may be given orally or in writing. It must be given using the contact details provided in the agreement for the giving of notice. If the notice of withdrawal is faxed or emailed it is considered to have been given at the time of transmission. If it is posted, it is considered to have been given at the time of posting.

Upon withdrawal you must repay the credit that has been provided and any interest that may have accrued. It should be remembered that the right to withdraw refers to the credit agreement only; the contract for the goods or services agreed to still stands and will have to be paid for by some other means.

You should also remember that you can always back out of an agreement up until the time it comes into being, which is usually when the agreement is signed by the lender.



Broker's fees

If a trader has charged you a fee to arrange a loan and after six months you've not gone ahead with the loan, the trader is only entitled to keep £5 of the fee. This is the case whatever your reason for not going ahead with the loan.

Hire purchase

If you're using a hire purchase (HP) agreement to finance your purchase it's important to understand how it works.

Usually you are introduced to finance companies through a retailer. The finance company then buys the goods from the retailer and you then enter into an HP agreement with the finance company to enable you to buy the goods from them. At the end of the hire period, you're given the choice, usually with the final payment, of buying the goods.

If you're buying goods under an HP agreement, you should contact the finance company about any complaints you may have as your contract is with them. The finance company is also responsible for any problems arising from statements made by the retailer, as he is considered to be acting as their agent.

There are some special terms in HP agreements:

- Once you've paid half the total amount payable under the agreement (plus any costs required to bring the condition of the goods up to a reasonable standard), you can return the goods to the finance company; and
- Once you've paid one third of the total amount payable, the finance company cannot take back the goods without first getting a court order. (If they breach this term, you can recover all the money you've paid).

Note: These terms should be explained in the agreement that you sign – you should also be given a copy of this agreement to keep.

Outstanding finance

If you're buying goods using an HP agreement, you're not entitled to sell them until you've made the final payment. Up until that point, the goods are still owned by the finance company.

However, if goods that are still under an HP agreement are sold, the buyer cannot normally get what is known as 'good title' to the goods and the finance company can take them back.

Motor vehicles are an exception to this rule. Someone who buys a motor vehicle which is still under an HP agreement will get “good title” to the vehicle if they’re not a dealer and acted as “an innocent purchaser for value”, in that they had no reason to suspect that the vehicle was under an HP agreement.

Early settlement

Debtors have the right to settle an agreement early, either in full or in part. If you want to go for full or partial early settlement you should tell the lender what it is you intend to do. This notice can be given either orally or in writing.

If you’re settling an agreement early for a fixed sum of credit, you’ll be entitled to a rebate. However, the rebate is often less than people expect. This is because the ways for working out early settlement rebates are designed to compensate credit providers for the costs of setting up and administering the agreement.

If you are settling early you are entitled to get information from the lender. For **full** early settlement, the lender has to give you a statement showing how much you need to pay to settle the agreement early. For **partial** early settlement, the statement will give information about its effect on the agreement, e.g. changes to the amount of repayments or the length of the agreement.

There are further rules about how and when these statements should be given and you should not be charged for requesting them.

Right to information

During the lifetime of an agreement, if you send the credit provider a written request, along with a fee of £1, you’re entitled to receive a copy of your agreement and a statement of account.

Where the agreement is for a set amount, i.e. the amount borrowed and the interest rate are fixed, you should receive statements from the lender at least once a year and you are also entitled to ask for a statement of account at any time, which you do not have to pay for.

Topic	Page ref
Data protection	51
Debit cards	14
Debt	52
Deposits	7, 14, 38
Direct selling schemes	130
Disability Action	53
Distance selling (online shopping)	118
Doorstep selling	54
Double glazing	54
Dry cleaning	56
DVDs	132

Data Protection

What the law says

All organisations that hold or process personal data must obey the **Data Protection Act 1998**. The Act has eight principles, which state that data must be:

- Obtained fairly and lawfully;
- Held only for specific and lawful purposes;
- Relevant, adequate and not excessive;
- Accurate and, where necessary, kept up to date;
- Not kept for longer than necessary;
- Processed in accordance with the individual’s rights (as defined);
- Kept secure; and
- Transferred only to countries that offer adequate data protection.

The Information Commissioner administers and enforces the Act and keeps a public register of data controllers. The Act requires every data controller who is processing personal data to notify the Commissioner.

Individuals may seek compensation through the courts if they’ve suffered damage because the Act has been broken.

Contacts

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Web: www.ico.org.uk

Information Commissioner's Office - Northern Ireland

3rd Floor
14 Cromac Place
Belfast
BT7 2JB

Telephone: 0303 123 1114

Email: ni@ico.org.uk

Debt

What the law says

While lenders have a right to get back what you owe them, their attempts to recover a debt must not become harassment. For example, if debt collectors are phoning you late at night or too often at home or work, these actions may be considered as harassment. If you feel you're being harassed, you should complain to **Consumerline: 0300 123 6262** or in the most extreme cases, to the Police Service immediately on **0845 600 8000**.

A court can re-open a credit agreement if it considers the relationship between a lender and a borrower arising out of a credit agreement is unfair. The unfairness in an agreement may be the result of some of its terms or because of the way in which the lender has exercised or enforced any of their rights under the agreement. If you believe your agreement is unfair contact **Consumerline: 0300 123 6262**.

All those involved in the credit business need to have a consumer credit licence, issued by the Office of Fair Trading (OFT). The OFT will consider a licence holder's conduct when deciding if they're fit to hold a licence. If at any stage you feel that the lender or the debt collector is acting unfairly or generally behaving badly, you should report this to Consumerline.

While there are companies that will offer to manage your debts for you, they will normally charge for the service.

AdviceNI offer free, face to face debt advice under their service 'Debt Action NI' and Citizens Advice are also able to offer free, independent advice on debt problems.

The Consumer Credit Counselling Service is a registered charity that also provides assistance and can be contacted through their freephone helpline.

Contacts

Consumerline - 0300 123 6262

StepChange Debt Charity - 0800 138 1111

Citizens Advice - Check telephone directory

Advice NI - Debt Action NI - 0800 917 4607

Disability Action

Disability Action Northern Ireland works to ensure that people with disabilities (physical, mental, sensory and hidden) attain their full rights as citizens.

They provide a range of services including Information; Policy, Employment and Training Support; Capacity Building; Training on Disability & Diversity Issues; and Transport and Mobility Assessment. For more information, see contact details below.

Contacts

Disability Action

Portside Business Park
189 Airport Road West
Belfast
BT3 9ED

Telephone: 028 9029 7880

Textphone: 028 9029 7882

Email: hq@disabilityaction.org

Web: www.disabilityaction.org

Doorstep Selling

What the law says

The **Cancellation of Contracts Made in a Consumer's Home or Place of Work etc Regulations 2008** covers contracts made during both uninvited and pre-arranged visits by traders and apply to goods or services costing more than £35. In most cases you will generally have seven days to change your mind and cancel the contract.

The seller must give you written details about your right to cancel. Failure to do so is a criminal offence and the contract cannot be enforced against you. These details may be set out in the contract or given in a separate form.

If you cancel the contract then you should get your money back. There are a few exceptions, e.g. if you've received certain goods already or the items are perishable e.g. cut flowers.

How to complain

If you have a complaint or need information about doorstep sales, contact **Consumerline** on **0300 123 6262** or visit **www.consumerline.org**

Double Glazing

What the law says

When you get double glazing installed, under the **Supply of Goods and Services Act 1982**, you've a right to expect the following:

- The work should be done with reasonable care and skill;
- The materials used should be of satisfactory quality, fit for any specified purpose and as described;
- Unless a price was agreed at the outset, the price charged should be reasonable; and
- Where no time limit has been agreed, the work should be carried out within a reasonable time.

If the trader organises a credit agreement for you to pay for the double glazing, and you sign the agreement off trade premises, you may be able to cancel or withdraw from the contract. See the earlier section on Credit Agreements (page 15).

As with any other goods and services, if you paid using a credit card you may have extra protection in the case of a dispute. See the other sections on Credit Cards (pages 14 and 47).

How to complain

If there's a problem with the installation of the double glazing or the materials used, you should try to get it resolved with the installer in the first instance.

If you cannot come to a suitable agreement, check if the installer is a member of a trade association. One of the largest is the Glass and Glazing Federation (GGF). Members of the GGF work to a Code of Practice and the Federation operates a free conciliation service and an independent arbitration scheme. Conciliation is where an outsider looks into a dispute and tries to get an agreed settlement. Arbitration is where an outsider decides who is right. The contact details are shown below.

If there are no other means to resolve the dispute, you may have to consider taking your case to the Small Claims Court (see page 122) or the County Court, depending on the amount you're claiming. Claims up to £3,000 can be brought to the Small Claims Court.

Contacts

The Glass and Glazing Federation

54 Ayres Street
London
SE1 1EU

Telephone: 020 7939 9101

Email: info@ggf.org.uk

Web: www.ggf.org.uk

Telephone **Consumerline: 0300 123 6262** or visit: **www.consumerline.org**

Dry Cleaning

What the law says

A dry cleaner provides you with a service so under the **Supply of Goods and Services Act 1982** they must clean items with reasonable care and skill and within a reasonable time. If your dry cleaner loses your item or it is damaged because they have been careless or negligent you should be compensated for its value. You may not always get the full replacement value if you have had the item for some time or it was quite worn or in poor condition.

Do not be put off complaining by notices such as “All items cleaned at owners risk”. If the dry cleaner thinks there might be a problem with your garment or item they should warn you in advance so you can decide if you want to go ahead with the service.

How to complain

If you are unhappy with the service you have received and you want advice on your rights before you complain to the dry cleaner you can contact **Consumerline: 0300 123 6262**. You should then complain to the manager or supervisor of the shop. If the dry cleaner will not help and it is a member of a chain then you should contact the Customer Services Manager at the chain's head office.

Some dry cleaners are members of a trade association such as the Textile Services Association Ltd. If your dry cleaner is a member, this trade association may be able to offer some help and advice and may even be able to help resolve a dispute.

Sometimes the problem may have been caused by a fault in the item rather than through any fault of the dry cleaner. It is usually a good idea to let the shop where you bought the item know about the complaint in case they may already be aware of the problem or you need to follow up your complaint with them.

If your complaint is about damage you may need independent expert help. You could consider getting a test carried out by an independent test centre which could give you a report. These tests can be quite expensive. You should always get the shop where you bought the item to agree in advance to pay for the test in case the report should prove that the problem was due to a manufacturing fault and was not the fault of the dry cleaner. It is a good idea to contact a test centre first to get their advice before deciding on a test.

If you are still unable to resolve your complaint you may have to consider taking your case to court. If your claim is for less than £3,000 you could take the case yourself to the Small Claims Court (see page 124). Talk to **Consumerline: 0300 123 6262** or your local advice centre or Citizens Advice - they can advise you how to apply. For amounts over £3,000 you should speak to a solicitor.

Useful Addresses

Drycleaning Complaints Arbitration Service

David Taylor (DCAB)
c/o 57 Grove Road
Harrogate
North Yorkshire
HG1 5EP

Telephone: 01423 560436

Web: www.drycleaningcomplaints.co.uk

Textile Services Association Ltd

3 Queen Square,
Bloomsbury
London
WC1N 3AR

Telephone: 020 7843 9490

Email: tsa@tsa-uk.org

Web: www.tsa-uk.org

Topic	Page ref
Electricity	58
Energy efficiency labelling	63
Environmental health	63, 73, 83
Estate agents	64, 114
European Consumer Centres	66

Electricity

There is now competition in the domestic electricity market in Northern Ireland. At present consumers can choose between four electricity suppliers, Airtricity, Budget Energy, Electric Ireland and Power NI.

The Consumer Council has produced a leaflet explaining how to switch your electricity supplier. You can also use an electricity price and service comparison tool by visiting: www.consumerCouncil.org.uk/energy/price-comparison/

There are defined standards of service that suppliers must keep to. You can contact Airtricity on 0845 601 9093, Budget Energy on 0800 012 1177, Electric Ireland on 0845 600 5335 and Power NI on 08457 455 455 to get copies of the Codes of Practice that contain these standards.

A number of companies are licensed to supply electricity to business customers. These include Airtricity, Energia, Electric Ireland, firmus energy, Power NI and Vayu.

How you are protected

- The electricity industry is regulated by government, which means that each supplier has to work to rules set out in its licence;
- Companies are also required to set standards of performance, (e.g. about how they respond to complaints and enquiries) and social obligations, (e.g. the services they provide for pensioners, sick or disabled people);
- The Utility Regulator has a duty to make sure that suppliers keep to the rules set out in their licence;
- The Consumer Council is an independent body which represents and protects the interests of energy consumers and has the legal power to investigate complaints on your behalf; and

- NICEIC is the industry's independent, non-profit making and voluntary regulatory body covering the whole of the UK. Their purpose is to protect consumers from unsafe and unsound electrical work. They maintain a Roll of Approved Contractors who are assessed every year to check their work meets the national safety standard BS 7671 and other relevant technical standards.

Power Cuts

Be prepared for a power cut:

- Know where your household fuses and trip switches are.
- Test smoke alarms regularly and fit new batteries in torches and radios (for checking updates on news bulletins). You can also use your car radio.
- If you have a baby at home, make sure you have a supply of formula milk and prepare a flask of hot water to prepare and heat bottles and baby food.

If you rely on life support electrical equipment –

If you rely on life support electrical equipment you should be registered on Northern Ireland Electricity's (NIE) Critical Care Register. Once on the list, NIE will treat you as a priority during a power cut and will provide you with the most up to date information, including when they expect a fault to be fixed. This will allow you to make alternative arrangements during the power cut. You can also nominate a carer or relative for NIE to contact during a power cut.

NIE will also tell you about any planned interruptions to your electricity supply at least three days in advance, including how long the interruption is expected to last and will keep you informed of any changes during the interruption.

For more information or to register contact 08457 643 643.

Insurance

Householders should make sure their home and contents insurance covers severe weather conditions.

- 1) Read your policy to see how you are covered. If you are not, contact your insurance company and amend your policy or shop around for a new policy.
- 2) If you cannot find your policy, then contact your insurance provider who will send you another copy or advise you on what your policy covers.



If you have a complaint about how your insurance company is dealing with your claim, tell the company first. This will allow them the opportunity to put things right. If you are still unhappy, contact the Financial Ombudsman Service on **0800 023 4567** or **0300 123 9123** or visit **www.financial-ombudsman.org**

How to complain

- For failure of supply, details about new electricity supply or alterations to lines or equipment call NIE on 08457 643 643.

Note: Regardless of which electricity supplier you use, NIE will still be responsible for delivering electricity to homes and businesses. NIE are not an energy supplier. Airtricity, Budget Energy, Electric Ireland and Power NI are electricity suppliers and separate companies to NIE.

- If you feel that your supplier has treated you unfairly or has not given you the standard of service you're entitled to, get in touch with them at the address and telephone number shown on your bill.
- If your supplier is unable to resolve the matter, you should contact the **Consumer Council** on **0800 121 6022** or by email: **complaints@consumercouncil.org.uk** - they can provide you with advice and investigate your complaint if appropriate.

Contacts

Airtricity

2nd Floor
83-85 Great Victoria Street
Belfast
BT2 7AF

Customer Service: 0845 601 9093
Email: customerservice@airtricity.com
Web: www.airtricity.com

The Consumer Council

Elizabeth House
116 Hollywood Road
Belfast
BT4 1NY

Telephone: 0800 121 6022
Textphone: 028 9067 2488
Email: complaints@consumercouncil.org.uk
Web: www.consumercouncil.org.uk

Budget Energy Limited

Energy House
30-32 Ballinska Road
Springtown Industrial Estate
Londonderry
BT48 0LY

Telephone: 0800 012 1177
Email: info@budgetenergy.co.uk
Web: www.budgetenergy.co.uk

Electric Ireland

Forsyth House
Cromac Square
Belfast
BT2 8LA

Telephone: 0845 600 5335
Email: customerservice@electricireland.com
Web: www.electricireland.com



Energia

Energia House
PO Box 1275
Belfast
BT9 5WH

Telephone: 0845 073 0099
Email: customer.service@energia.ie
Web: www.energia.ie

NICEIC Group Ltd

Warwick House
Houghton Hall Park
Houghton Regis
Dunstable
LU5 5ZX

Telephone: 0870 013 0382
Email: enquiries@niceic.com
Web: www.niceic.com

NIE Transmission and Distribution

Telephone: 08457 643 643
Email: customercontact@nie.co.uk
Web: www.nie.co.uk

Power NI

Greenwood House
64 Newforge Lane
Belfast
BT9 5NF

Telephone: 08457 455 455
Minicom: 08457 147 128
Email: home@powerni.co.uk
Web: www.powerni.co.uk

Vayu

3rd Floor, Macken House
39-40A Mayor Street
Dublin 1

Telephone: 028 9043 6994
Email: info@vayu.ie
Web: www.vayu.ie

Energy Efficiency Labelling

What the law says

The law requires labels giving information on energy efficiency to be displayed on a range of electrical equipment offered for sale. This includes tumble dryers, washing machines, refrigerators, freezers and household lamps.

The labels use colour coded bars to show the energy efficiency rating of each appliance. The dark green 'A' bar shows that the appliance uses the least electricity and the red 'G' bar, the most. This information allows you to compare the energy efficiency of different appliances.

The law on energy efficiency labelling of electrical appliances is contained within a number of regulations - each one dealing with a particular appliance.

How to complain

If you see such electrical equipment being offered for sale without energy efficiency labels or need further information, contact **Consumerline: 0300 123 6262** or visit www.consumerline.org

Environmental Health

Each local Council has an Environmental Health Department (EHD) employing Environmental Health Officers (EHOs) whose job is to enforce environmental health law.

Your local EHD provides the following services:

- Investigating complaints about food;
- Inspecting premises to ensure that they comply with the food and hygiene laws;
- Investigating complaints about consumer safety;
- Ensuring privately rented accommodation conditions are not damp, in poor condition or unsafe;
- Dealing with illegal evictions;
- Enforcing health and safety law in offices, shops and other specified premises;
- Investigating complaints about public health nuisances, e.g. noise; and
- Investigating environmental pollution;

Contacts

To find the contact details of your local Council, visit: www.nidirect.gov.uk/index/contacts/local-councils-in-northern-ireland or look in the telephone directory.

Estate Agents

What the law says

Under the **Estate Agents Act 1979**, estate agents must:

- Give you a written quotation showing the amount they will charge you for their services and tell you when it must be paid;
- Use standard wording in their contracts to clearly explain the terms “sole agency”, “sole selling rights” and “ready, willing and able purchaser”;
- Pass on quickly and in writing details of all offers received (unless you request that offers below a certain amount are not passed on);
- Tell you if they intend to offer services, e.g. surveys, valuations or mortgages to potential buyers;
- Tell you if they, a member of their staff or another connected person, have an interest in buying or selling a property;
- Tell you in writing if they have been asked by potential buyers to provide them with a service relating to their purchase of your property, e.g. arranging a mortgage, insurance etc;
- Hold deposits in a separate client account and pay interest on any deposit over £500, if it amounts to £10 or more; and
- Describe properties accurately (see section on **Property Descriptions** on page 115).

How to complain

Try to sort your complaint with the estate agent first. If that doesn't work, complain to a senior partner in the firm or to the agency's headquarters if it is part of a chain.

From 1 October 2008, all estate agents engaging in residential estate agency work must belong to a redress scheme approved by the Office of Fair Trading. This means that actual and potential buyers and sellers of residential property with complaints about estate agency work will be able to use a free, easily accessible and fair estate agents' redress scheme, which will have the power to make a range of awards, including requiring a member to pay compensation.

There are currently two approved schemes, operated by The Property Ombudsman (TPO) and the Surveyors Ombudsman Service Ltd (SOS). Further information on redress schemes can be found on the websites of the Office of Fair Trading, the Ombudsman Services: Property and The Property Ombudsman.

Contacts

The Property Ombudsman (TPO)

Beckett House
4 Bridge Street
Salisbury
Wiltshire
SP1 2LX

Telephone: 01722 333306
Email: admin@tpos.co.uk
Web: www.tpos.co.uk

Ombudsman Services: Property

PO Box 1021
Warrington
WA4 9FE

Telephone: 0330 440 1634 / 01925 530 270
Textphone: 0330 440 1600
Email: enquiries@os-property.org
Web: www.ombudsman-services.org

Office of Fair Trading

Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

Telephone: 08457 22 44 99
Email: enquiries@oft.gsi.gov.uk
Web: www.oft.gov.uk

European Consumer Centres (ECC)

There is an ECC in most but not all countries that belong to the European Union. The ECCs' main job is to give free and confidential information and advice on consumers' rights in European Union countries and to assist consumers with cross-border disputes.

Consumers in Northern Ireland must contact the UK European Consumer Centre based in England.

Contacts**UK European Consumer Centre**

Trading Standards Institute
1 Sylvan Court
Sylvan Way
Southfields Business Park
Basildon
Essex
SS15 6TH

Telephone: 08456 04 05 03
Email: ecc@tsi.org.uk
Web: www.ukecc.net

Topic	Page ref
Ferries	67
Financial services and products	70
Financial Ombudsman	71
Financial Services Authority (FSA)	70
Food safety and handling	72
Food Safety Promotion Board	72
Food Standards Agency (Northern Ireland)	73
Freedom of Information	74
Funerals	76

Ferries

Ferry routes from Northern Ireland go to Cairnryan and Troon (Scotland), Douglas (Isle of Man) and Liverpool (England). Other ferry services operate at Rathlin Island, Strangford and Magilligan.

What the law says

From 18 December 2012 passengers travelling by ferry have additional rights in instances of delayed and cancelled services and passengers with a disability will be entitled to assistance when travelling.

Passengers with a disability or reduced mobility

- Ferry companies, travel agents and tour operators will be prevented from refusing travel to a person with a disability or reduced mobility. A passenger may have reduced mobility because of their age, an illness or a temporary disability, for example, a broken limb. Carriage can only be refused where the design of the ship or port terminal makes it impossible to board the passenger or if carriage of the passenger contravenes safety requirements.
- Passengers that require assistance because of a disability or reduced mobility should inform their ferry company of the assistance they need at least 48 hours before their sailing.
- Assistance should be provided, if requested, at all stages of the journey, from booking the ticket, arriving at the terminal, boarding the ship right through to disembarking the ship and leaving the arrival terminal.

Delayed and cancelled services

- In the case of a cancellation or delay of more than 90 minutes passengers are entitled to free snacks, meals or refreshments.
- If the ferry operator expects the service to be cancelled or delayed in departure by more than 90 minutes passengers are entitled to a choice between a full refund which must be paid within seven days and an alternative service at the earliest opportunity.
- If a cancellation or delay results in passengers having to wait overnight, the ferry company must, where it is physically possible, offer passengers accommodation aboard the ship or ashore free of charge. The cost of accommodation may be limited by the ferry operator to €80 per passenger per night for a maximum of three nights. Accommodation will not be provided if the service is disrupted by weather conditions endangering the safe operation of the ship.
- If passengers are delayed by one hour for a journey of up to four hours, two hours for a journey between four and eight hours or three hours in the case of a journey between eight and 24 hours, the passenger is entitled to compensation equal to 25 per cent of the ticket price. If the delay exceeds double the time mentioned above, the compensation will be 50 per cent of the ticket price. Where the transport is for a return journey, compensation shall be calculated in relation to half the price paid for the ticket. Compensation will not be provided if the service is disrupted by weather conditions endangering the safe operation of the ship or by extraordinary circumstances beyond the control of the ferry company.

How to complain

- If you are dissatisfied with the service you receive make your complaint with a member of staff on the ferry or at the terminal. If that doesn't work, contact the Customer Services Manager.
- If you are unsatisfied with the response you receive contact the Consumer Council. The Consumer Council represents ferry passengers and investigates their complaints.

Contacts

Ferries operating out of Northern Ireland

Isle of Man Steam Packet Company

Telephone: 08722 992 992

Web: www.steam-packet.com

P&O

Telephone: 0871 664 6464

Web: www.poferries.com

Stena Line

Telephone: 0844 770 7070

Web: www.stenaline.co.uk

Local ferry services operating in Northern Ireland

Rathlin Island Ferry Ltd.

Telephone: 028 2076 9299

Web: www.rathlinballycastleferry.com

The Lough Foyle Ferry Company Limited

Telephone: 00353 74 9381901

Web: www.loughfoyleferry.com

Strangford Lough Ferry

Telephone: 028 4488 1637

Web: www.nidirect.gov.uk/strangford-ferry-timetable

Ferries operating to and from other UK ports

If your journey is not to or from a Northern Ireland port but another UK port, you can contact the Consumer Council and they will direct you to the organisation responsible for handling your complaint.

If you have a complaint against an Irish ferry company, you can contact the European Consumer Advice Centre (ECC) in Dublin. This Centre deals with cross-border consumer disputes.

European Consumer Centre

MACRO Centre
1 Green Street
Dublin 7

Telephone: 00353 18797620

Web: www.eccireland.ie

The Consumer Council

Elizabeth House
116 Holywood Road
Belfast
BT4 1NY

Telephone: 0800 121 6022

Textphone: 028 9067 2488

Email: complaints@consumercouncil.org.uk

Web: www.consumercouncil.org.uk

Financial Services and Products

Financial services and products include current accounts, loans, credit cards, mortgages, insurance and financial advice.

What the law says

Most financial services are regulated by the Financial Services Authority (FSA), an independent organisation set up by government.

Most businesses that offer goods or services on credit, for hire or lend money, are involved in activities relating to credit or hire have to be licensed by the Office of Fair Trading (OFT).

The Financial Ombudsman Service was established by Parliament to settle individual complaints between consumers and businesses providing financial services. They can look at complaints about a wide range of financial matters including the 26,000 businesses regulated by the FSA and the 80,000 businesses who have a consumer-credit licence issued by the OFT. The service is free to consumers.

What to do if you have a complaint

If you feel that your financial services provider has acted unreasonably you should complain to them first to give them a chance to put things right. If they don't, ask for details of their complaints procedure.

You can usually make a complaint by telephone, by letter or face to face. Try to have all the information you need before you start. Here are some useful tips:

- State your case clearly and include any relevant dates. Put the facts down in a sensible order. Avoid unnecessary detail and repetition;
- Be firm but polite;
- Include any reference numbers – for example for the product you bought, the account you hold or a customer reference;
- Send copies of documents, if they are relevant but always keep the originals;
- Every time you write, keep a copy of your own letter for reference;
- If you're complaining by telephone, make a note of the date of the conversation, the name of the person you talked to and the main points you made. Write a follow-up letter to confirm what was said or agreed; and
- If you are still unhappy at how they have dealt with your complaint you can contact the Financial Ombudsman Service.

Contacts

Financial Ombudsman Service

South Quay Plaza
183 Marsh Wall
London
E14 9SR

Consumer helpline: 0800 023 4567 or 0300 123 9123
(Monday – Friday between 8am – 6pm and
Saturday 9am - 1pm)

Email: complaint.info@financial-ombudsman.org.uk

Web: www.financial-ombudsman.org.uk

Money Advice Service

The Money Advice Service produces a range of guides on financial products.

Visit their website at www.moneyadvice.service.org.uk or request free topic guides by telephone:

Money Advice Service

Holborn Centre
120 Holborn
London
EC1N 2TD

Telephone: 0300 500 5000

Email: enquiries@moneyadvice.service.org.uk

Typetalk: 18001 0300 500 5000

Monday to Friday – 8am to 8pm (excluding Bank Holidays)

Saturday - 9am to 1pm

Food Safety and Handling

What the law says

The **Sale of Goods Act 1979** says that the food you buy must be of satisfactory quality. This means that it must be fit for you to eat and not harmful to your health.

The **Food Safety Order (Northern Ireland) 1991** lays down rules for producers, distributors and sellers about temperatures for the cool storage of foods, labelling and hygiene.

How to Complain

If you've bought food that is bad or has something in it that shouldn't be there, contact the Environmental Health Department in the Council for the area where you bought the food.

Don't throw out the bad food or take it back to the shop until you've spoken to the Environmental Health Department. They may want to have it scientifically examined. Depending on the circumstances, the Council may decide to take legal action against the trader who sold the food.

Complaints about incorrect labelling, poor cold storage of food and unhygienic practices can also be made to your local Council Environmental Health Department.

For contact details of your local council visit: www.nidirect.gov.uk or look in your telephone directory.

Food Safety Promotion Board

Food Safety Promotion Board (*safefood*) was set up in December 1999 to improve food safety. The Food Safety Promotion Board is an all-Ireland organisation.

safefood's main duties are to:

- Promote food safety through information, advice and guidance on food safety and nutrition;
- Identify and support research into food safety;
- Ensure that the public are given early, full and correct information about any food alert;

- Promote cross-border cooperation in monitoring diseases spread by food;
- Promote cooperation between laboratories; and
- Get the best value for money out of the island of Ireland's special laboratory services.

Contacts

safefood

7 Eastgate Avenue
Eastgate
Little Island
Cork

Telephone: 0800 085 1683 (freephone)

Email: info@safefood.eu

Web: www.safefood.eu

Food Standards Agency (Northern Ireland)

The Food Standards Agency was set up in 2000 to protect consumers from unsafe food and to generally protect consumers' food interests. **The Food Standards Act 1999** sets out the Agency's duties and powers.

The Agency's three main duties are to:

- Advise the public and the government about food safety, nutrition and diet;
- Protect consumers through enforcement and monitoring; and
- Support consumer choice through accurate and meaningful labelling.

How to complain

The Agency does not normally accept complaints about food hygiene or labelling from the general public. Any such complaint should be made to the Environmental Health Department of your local Council.

For contact details of your local council visit: www.nidirect.gov.uk or look in your telephone directory.

Contacts

Food Standards Agency (Northern Ireland)

10A-C Clarendon Road

Belfast

BT1 3BG

Telephone: 028 9041 7700

Email: infofsani@foodstandards.gsi.gov.uk

Web: www.food.gov.uk/northern-ireland/

Freedom of Information

The Freedom of Information Act 2000, which came into full force in January 2005, gives everyone a general right to obtain recorded information held by public bodies including:

- Central Government;
- Local Councils and Public Bodies;
- National Health Service;
- Schools; and
- Police.

What the law says

The Freedom of Information Act 2000 entitles you to find out more about the public body, for example, its policies and procedures. If the information you are seeking is about yourself, you should use your rights under the **Data Protection Act 1998**.

Under the Freedom of Information Act, public bodies must make clear:

- the sort of information the body routinely publishes;
- the format in which the information is available; and
- whether there are charges for releasing same, and if so, what those charges are.

This information must be approved by the Information Commissioner.

You can ask for information, whether in an approved publication scheme or not, by writing or by email. Public bodies have to provide advice and assistance

to people who have made or are thinking of making, a request. The body should help you to understand your rights and tell you what fees, if any, may be involved. Generally, the body should respond within 20 working days. You can ask for a summary or a copy of the information or you can ask to see the actual records themselves. Unless it is unreasonable to do so, the body should comply with your request.

Please remember that your right to access is a general right. Local bodies and government departments do not have to give you the information you are seeking if the cost to them of gathering it would exceed £450 and £600 respectively. Also, there are twenty-three exemptions which prevent access. For example, you will not be given what you've asked for if the information could be:

- Prejudicial to national security or international relations;
- Commercially sensitive;
- Confidential; or
- Not in the public interest to release.

Neither would you be given personal data about other people if to do so would breach the Data Protection Act 1998.

How to complain

In the first instance, you should complain to the body concerned if you've reason to believe that it has responded improperly to your request for information. If, having exhausted their complaints procedure, you're still unhappy, you may complain to the Information Commissioner. In due course, you will receive a Decision Notice from the Commissioner. Both you and the body may appeal against a Decision Notice to the Information Tribunal.

Contacts

For complaints:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

Web: www.ico.org.uk

Information Commissioner's Office - Northern Ireland

3rd Floor
14 Cromac Place
Belfast
BT7 2JB

Telephone: 0303 123 1114

Email: ni@ico.org.uk

Funerals

What the law says

There is no special law dealing with funerals. However, funeral directors and those selling funeral plans do come under the general consumer protection laws provided by the the **Supply of Goods and Services Act 1982** and the **Sale of Goods Act 1979**. Among other things, the funeral must be carried out with reasonable skill and care and it must be as it was described.

How to Complain

- First try to sort out any complaint with the funeral director or company;
- If that doesn't work, find out whether they're a member of a professional association. If they are, then there's probably a Code of Practice that you could ask to read and a complaints procedure that you could use; and
- If you still think you've been treated unfairly, you may wish to consider legal action. If the amount involved is not more than £3,000, you can apply to the Small Claims Court for a decision. Talk to your local Advice Centre or Citizens Advice Bureau. They can advise you how to apply. For amounts over £3,000, you should talk to a solicitor.

Contacts

National Association of Funeral Directors

618 Warwick Road
Solihull
West Midlands
B91 1AA

Telephone: 0845 230 1343

Email: info@nafd.org.uk

Web: www.nafd.org.uk

National Society of Allied and Independent Funeral Directors

SAIF Business Centre
Sawbridgeworth
Hertfordshire
CM21 9DB

Telephone: 0845 230 6777
Email: info@saif.org.uk
Web: www.saif.org.uk

Funeral Arbitration Scheme

618 Warwick Road
Solihull
West Midlands
B91 1AA

Telephone: 0121 711 1636

Topic	Page ref
Games (DVD, video)	132
Gas (natural)	79
Guarantees	7, 17

Gas (Natural)

There is competition in the domestic gas market in the Greater Belfast and Larne area as Airtricity and firmus energy both supply gas in these areas. This means domestic customers in these areas can shop around for their best price.

The Consumer Council has produced a leaflet explaining how to switch your natural gas supplier and an online gas price and service comparison tool is available from: www.consumercouncil.org.uk/energy/price-comparison/

Business customers in Belfast or Larne have the choice of three natural gas suppliers. These are Airtricity, firmus energy and Vayu. For contact details see page 80.

firmus energy is the only natural gas supplier to domestic and businesses customers in Antrim, Armagh, Banbridge, Craigavon, Newry, Ballymena, Ballymoney, Coleraine, Limavady and Derry.

If you want to connect to natural gas please contact the relevant gas distribution company to see if they operate in your street.

How you are protected

- The gas industry is regulated by the Utility Regulator, which means that the supply companies have to work to rules set out in their licence.
- Licensed companies are also required to set standards of performance e.g. how they respond to complaints and enquiries, offer customers connection to the gas network, respond to gas incidents and provide energy efficiency advice. They must also make clear their social obligations e.g. the services provided for pensioners, sick or disabled people.
- The Consumer Council is an independent body which represents and protects the interests of energy consumers and has the legal power to investigate complaints on your behalf.



How to complain

- For concerns about safety or if you suspect a gas leak, contact the **Northern Ireland Gas Emergency Service immediately - 0800 002001**. (lines are open 24 hours);
- Complaints about the supply of gas should be raised directly with the supplier;
- If your supplier is unable to resolve the matter, you should contact the Consumer Council on **0800 121 6022** or by email: **complaints@consumercouncil.org.uk**. They can provide you with advice and investigate your complaint if appropriate;
- The Gas Safe Register can investigate complaints about the safety of work undertaken by both registered installers and non-registered installers. Their contact details are shown on page 81; and
- Gas appliances should be serviced annually by a Gas Safe registered engineer. Contact Gas Safe Register for a list of qualified gas engineers in your area.

Contacts

The Consumer Council

Elizabeth House
116 Holywood Road
Belfast
BT4 1NY

Telephone: 0800 121 6022
Textphone: 028 9067 2488
Email: complaints@consumercouncil.org.uk
Web: www.consumercouncil.org.uk

Airtricity Gas (NI) Ltd

197 Airport Road West
Belfast
BT3 9ED

Telephone: 0845 900 5253
Minicom: 028 9055 5801
Email: info@airtricity-ni.com
Web: www.airtricitygasni.com

firmus energy

A4-A5 Fergusons Way
Kilbegs Business Park
Antrim
BT41 4LZ

Telephone: 08456 08 00 88
Textphone / Minicom: 08456 03 10 88
Email: furtherinfo@firmusenergy.co.uk
Web: www.firmusenergy.co.uk

Gas Safe Register

PO Box 6804
Basingstoke
RG24 4NB

Telephone: 0800 408 5500
Textphone: 0800 408 0606
Email: enquiries@gassaferegister.co.uk
Web: www.gassaferegister.co.uk

Phoenix Natural Gas Ltd

197 Airport Road West
Belfast
BT3 9ED

Telephone: 0845 455 5555
Email: info@phoenixnaturalgas.com
Web: www.phoenix-natural-gas.com

Vayu

3rd Floor
Macken House
39-40A Mayor Street
Dublin 1

Telephone: 028 9043 6994
Email: info@vayu.ie
Web: www.vayu.ie

Topic	Page ref
Hallmarking	82
Health and safety	83
Health and social care	84
Hire purchase	37, 49
Holidays	88
Home Heating Oil	91
Homelessness	93
Home-working schemes	92
Housing	93
Housing benefit	95

Hallmarking

What the law says

Hallmarking is the stamping of symbols on an item containing precious metals, e.g. gold, silver and platinum, to show that it has been tested for purity.

The **Hallmarking Act 1973** lists the following offences:

- Failure to display a hallmarking notice on premises where hallmarked goods are for sale;
- Applying false or misleading hallmarks to items; or
- Other offences relating to the description, marking and alteration of items made of precious metals.

How to complain

If you have a complaint concerning hallmarked items or require further information contact **Consumerline: 0300 123 6262**.

Health and Safety

The Health and Safety Executive for Northern Ireland and local Council Environmental Health Departments are responsible for enforcing health and safety laws. Their areas of responsibility are as follows:

Health & Safety Executive for NI	Local Councils
Factories	Offices
Building sites	Retail and wholesale shops
Farms	Tyre and exhaust fitters
Motor vehicle repairs	Restaurants, take away food shops, mobile snack bars and catering services
Mines and quarries	Hotels, guest houses, residential homes etc
Chemical plants	Wholesale and retail warehouses
Schools and universities	Leisure and entertainment facilities (privately owned)
Leisure and entertainment facilities (owned by District Councils)	Exhibitions
Fairgrounds	Religious activities
Hospitals and nursing homes	Undertakers
District Councils	The practice or presentation of the arts, sports, games, entertainment or other cultural or recreational activities
Fire and police	Therapeutic and beauty services
Government departments	Animal care
Railways	
Any other workplace not listed under District Councils	

The Health and Safety Executive is also responsible for investigating gas safety incidents in the home.



How to complain

Contact either the **Health and Safety Executive for Northern Ireland**, telephone: 0800 0320 121 or your local Council's **Environmental Health Department**.

To find the contact details of your local Council, visit:

www.nidirect.gov.uk/index/contacts/local-councils-in-northern-ireland or look in the telephone directory.

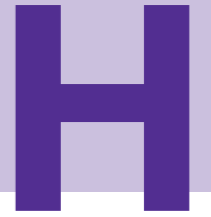
Health and Social Care

Patient Client Council

The Patient and Client Council is an independent organisation set up to represent the views and opinions of the public. If you have a complaint about health and social services then you can ask your local Patient and Client Council for help.

The aim of the PCC is to provide a powerful, independent voice for patients, clients, carers and communities on health and social care issues by:

- Representing the interests of the public by engaging with them to get their views on services and engaging with Health and Social Care (HSC) organisations to ensure that the needs and expectations of the public are addressed in the planning, commissioning and delivery of health and social care services;
- Promoting the involvement of patients, clients, carers and the public in the design, planning, commissioning and delivery of health and social care;
- Providing assistance to individuals making or intending to make a complaint relating to health and social care; and
- Promoting the provision of advice and information to the public by the HSC about the design, commissioning and delivery of health and social care services.



Making a complaint against the health service

If you are unhappy with the care or treatment you receive from the health service in Northern Ireland, you have the right to complain.

Health services include hospitals, community services, nursing or residential homes, ambulance services, social services, family doctors and health service pharmacists, opticians and dentists.

You can complain on someone else's behalf, although you will generally need their consent.

How to complain

You can complain face to face, by telephone, by letter or by email. You should try to provide clear and concise details about:

- Who or what you're complaining about;
- If something specific happened - where and when it took place;
- What you would like to be done about your complaint; and
- How best to contact you.

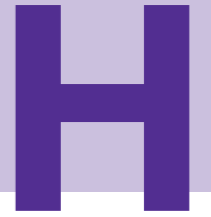
If you are unhappy, let someone know as soon as possible so that they can try to put things right straight away.

Generally speaking, complaints should be made within six months and no longer than 12 months after the event.

Who to complain to

You can speak to a member of staff who is involved in your treatment or care. Alternatively, all health service organisations will have someone who is responsible for dealing with complaints and you can ask to speak to them.

If your complaint relates to services provided by a GP or a health service dentist, pharmacist or optician, you can also contact the Patient and Client Council (see contact details page 87).



What will happen next?

Your complaint will be acknowledged within 2-3 working days of receipt. You should receive a full response within 10 days if your complaint was about a GP, dentist, pharmacist or optician. If your complaint was about a hospital or community service, you should receive a full response within 20 working days. Some complaints take longer to resolve than others. You should be told if this is the case and be given an explanation.

Help with making a complaint

Health service complaints managers can provide you with more information on how to make a complaint.

Specialist advocacy services may also be available. Complaints managers or the Patient and Client Council can tell you about these.

What to do if you're still not happy

If you are not happy with the response to your complaint, you can contact the service again and they will try to address your concerns.

The Ombudsman will look at your complaint and decide whether he should investigate it (see page 105).

Complaints about independent establishments

If the health service has placed you or a friend or relative in an independent establishment, such as a residential or nursing home and you have a complaint, you should raise it first with the care provider. If you are not happy with their response, you can ask the **Regulation and Quality Improvement Authority (RQIA)** to review your complaint. RQIA are also responsible for children's homes, independent hospitals, clinics and nursing agencies.

With the transfer of duties of the Mental Health Commission to RQIA under the **Health and Social Care (Reform) Act (NI) 2009**, RQIA undertakes a range of responsibilities for people with a mental illness and those with a learning disability. These include:

- Preventing ill treatment;
- Remedying any deficiency in care or treatment;
- Terminating improper detention in a hospital or guardianship; and
- Preventing or redressing loss or damage to a patient's property.

Contacts

The Patient and Client Council headquarters

(also the South Eastern Area office)

1st Floor
Lesley House
25-27 Wellington Place
Belfast
BT1 6GD

Email: info.pcc@hscni.net

Freephone: 0800 917 0222

Or you may contact the local regional offices at:

Northern Area Office

Houston's Mill Site
10A Buckna Road
Broughshane
BT42 4NJ

Phone: 0800 917 0222

Southern Area Office

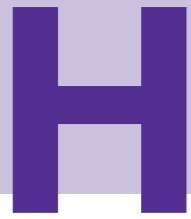
Quaker Buildings
High Street
LURGAN
BT66 8BB

Phone: 0800 917 0222

Western Area Office

Hilltop
Tyrone and Fermanagh Hospital
Omagh
BT79 0NS

Phone: 0800 917 0222



The Regulation and Quality Improvement Authority

9th Floor Riverside Tower
5 Lanyon Place
Belfast
BT1 3BT

Telephone: 028 9051 7500
Email: info@rqia.org.uk
Web: www.rqia.org.uk/home

The Regulation and Quality Improvement Authority

Hilltop
Tyrone and Fermanagh Hospital
Omagh
Co Tyrone
BT79 0NS

Telephone: 028 8224 5828

Commissioner for Complaints (the Northern Ireland Ombudsman)

Freepost BEL 1478
Belfast
BT1 6BR

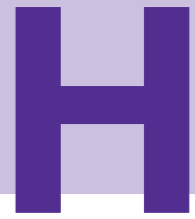
Telephone: 0800 34 34 24 (freephone) / 028 9023 3821
Email: ombudsman@ni-ombudsman.org.uk
Web: www.ni-ombudsman.org.uk

Holidays

What the law says

The sale and provision of package holidays is controlled by the **Package Travel, Package Holidays and Package Tours Regulations 1992** which:

- Controls what information you must get when you buy a package holiday (including the brochure);
- Restricts price changes once the holiday is booked;
- States when you can claim compensation from tour operators; and
- Requires tour operators to be prepared to refund and to bring travellers home if the operator suddenly goes out of business.



It's a criminal offence for a tour operator or travel agent to make false statements about certain parts of a holiday (see **Consumer Protection from Unfair Trading Regulations 2008** page 10).

ATOL

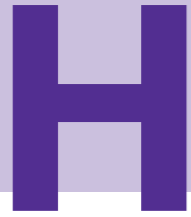
ATOL (the Air Travel Organiser's Licence) is a financial protection scheme for air passengers. ATOL is managed by the Civil Aviation Authority (CAA). All companies selling air package holidays in the UK are legally required to hold an ATOL.

If a tour operator goes out of business before a passenger is due to travel on an ATOL protected holiday the passenger can claim a full refund. If the tour operator goes out of business while a passenger is abroad the passenger will be able to continue their holiday and arrangements will be made for them to fly home once the holiday is over.

ATOL was introduced nearly 40 years ago and since the scheme's introduction the way many consumers buy holidays has changed. Many consumers now book using intermediary firms that arrange the various parts of the holiday and it can be unclear to the consumer that the flights, accommodation or car hire are provided by different suppliers. Until recently these types of bookings were not protected by ATOL because the different components came from different suppliers.

However, from 30 April 2012 flights sold in conjunction with overseas accommodation and/or car hire are protected by ATOL even if the services have been sourced from different suppliers and do not constitute a traditional package holiday. These types of bookings are called Flight-Plus. Flight-Plus will be protected when sold through any channel, for example via the internet, on the high street or by phone. To qualify as a Flight-Plus the flight and accommodation or car hire have to be requested on the same day or within one day either side but it does not matter which is requested first. Also, the trip must depart from the UK.

From 1 October 2012 travel agents and tour operators will be required to supply an ATOL Certificate when selling an ATOL protected holiday. The Certificate will be a standardised document issued by all ATOL holders or their agents. In the meantime tour operators and travel agents must provide clear information to their customers that their holiday is protected.



How to complain

If you've a complaint about your holiday, try to get it sorted out on the spot. If that's not possible, make sure your complaint is registered with a company representative and fill in any standard complaint forms that are available. Depending on the nature of the complaint, it may be worth taking photographs as evidence.

As soon as you arrive home, put your complaint in writing to the tour company's customer services section, including any supporting evidence you may have. If you're unhappy with the company's response, you may be able to pursue your complaint further by arbitration through an independent body. Arbitration is where an outsider looks into a complaint and decides who is right. The main bodies are ABTA (The Travel Association) and the Association of Independent Tour Operators (AITO).

Contacts

ABTA (The Travel Association)

30 Park Street
London
SE1 9EQ

(For complaints and disputes about an ABTA member)

Telephone: 020 3117 0599

Email: pre@abta.co.uk (before travel)
post@abta.co.uk (after travel)

Web: www.abta.com

Association of Independent Tour Operators (AITO)

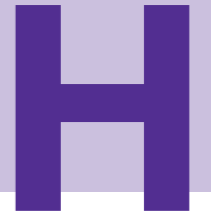
133a St Margaret's Road
Twickenham
Middlesex
TW1 1RG

Telephone: 020 8744 9280

Email: info@aito.co.uk

Web: www.aito.co.uk

If you think parts of your holiday were falsely described, you should also contact **Consumerline: 0300 123 6262** or visit **www.consumerline.org** who can inform you about your rights and investigate any possible offences.



Home heating oil

Home heating oil (HHO) is the most commonly used heating fuel in Northern Ireland with approximately 68 per cent of households relying on it. The HHO sector consists of around 275 suppliers operating throughout Northern Ireland.

The Consumer Council carries out an oil survey to find out the cheapest and dearest prices for oil in areas across Northern Ireland - allowing you to benchmark costs and shop around for the best deal. The survey, which is updated regularly, is available from

www.consumercouncil.org.uk/oil-price-watch/

How you are protected

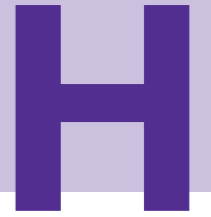
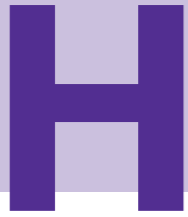
The HHO sector is unregulated. However the Consumer Council has worked with the NI Oil Federation (NIOF), an industry body for the HHO sector, to produce a Customer Charter which offers guaranteed standards of service for consumers. It also means that you can take your complaint to the NIOF if you are dissatisfied with the response from your supplier to a complaint about customer services. If you remain dissatisfied you can contact the Consumer Council who will take the complaint up on your behalf.

Around 60 per cent of HHO suppliers are members of the Federation. A list of the members and a copy of the Customer Charter can be found at: **www.nioil.com**. Complaints relating to measures and quality of oil can be investigated by Trading Standards Service.

How to complain

For complaints relating to customer services you should contact your oil distributor, and give them a chance to resolve the problem. If your supplier cannot sort out the problem to your satisfaction, and they are a member of the NIOF, you can contact them and they will review your complaint. Alternatively, you can contact the Consumer Council for independent advice and information on your rights.

For complaints relating to disputed delivery amounts of quality you should contact the Trading Standards Service (Page 22).



Contacts

The NI Oil Federation

David Blevings
Northern Ireland Oil Federation
11 Ballyblack Road East
Newtownards
BT22 2BD

Telephone: 0845 6002105

Mobile: 07714705120

Email: david@nioil.com

Web: www.nioil.com/distribution_members.asp

Trading Standards Service

Department of Enterprise, Trade and Investment
176 Newtownbreda Road
Belfast
BT8 6QS

Telephone: 0300 123 6262

Textphone: 028 9025 3988

Email: tss@detini.gov.uk

Web: www.detini.gov.uk/deti-consumer-contacts.htm

Home-working Schemes

What the law says

Advertisements often appear in newspapers or shop windows offering good money for working from home. While genuine home working jobs do exist, many of the schemes advertised in this way are bogus.

Typical examples are adverts claiming that you can make money working at home by addressing and filling envelopes or assembling items from kits. In order to find out more you're usually asked to send a registration or administration fee.

Generally, once the fee has been paid, people then discover the scheme is not what it first appeared and they cannot earn the money they thought they could. It's not illegal to advertise or run these schemes. However, you do have grounds for complaint if any misleading claims have been made about a scheme.

How to complain

Whether or not you've paid out money, if you've any queries about a home-working scheme or think that advertisements or literature are misleading you should contact **Consumerline: 0300 123 6262** or visit: **www.consumerline.org**

Housing

Housing in Northern Ireland falls into three general categories –

- Renting from the Northern Ireland Housing Executive (NIHE) or a Housing Association (HA);
- Renting privately; or
- Owning your own property.

Here are some of the more common problem areas that relate to housing.

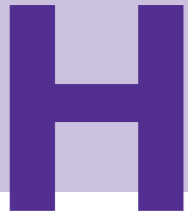
Homelessness

You don't have to be living on the streets to be homeless. You may be regarded as homeless if your home is unsuitable or if you've no right to be there. Generally, the Housing Executive must help you if it agrees that you are homeless. In some circumstances it will try to find you temporary accommodation. You may be able to get help from social services if the Housing Executive can't help you.

Being homeless does not affect your right to claim social security benefits. You can appeal if the Housing Executive decides you are not homeless. If you are, or are likely to be, homeless, you should immediately contact your local District Office of the Housing Executive. Their addresses and telephone numbers are in the telephone directory. If the District Office is closed, you can find the appropriate phone number for the **After Hours Homeless Service** also in the telephone directory or on the Housing Executive's website **www.nihe.gov.uk**

Applying for rented property from the NIHE or Housing Association

Generally, to apply for social rented accommodation you have to be over 18 years of age, not subject to immigration control and not someone whose anti-social behaviour the Housing Executive has determined as unacceptable. You apply by completing a General Housing application form which is available at any Housing Executive District Office or at any Housing Association (HA).



The Housing Executive will then assess your application by awarding points for:

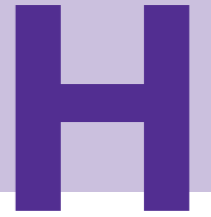
- Intimidation;
- Homelessness;
- Housing conditions; and
- Health and social well-being.

Accommodation will be awarded as it becomes available to those with the highest number of points. You do not have to accept the first accommodation offered but you will not normally receive more than three offers. If you are a new tenant you will be offered an Introductory Tenancy which lasts for 12 months before becoming secure (permanent).

Privately rented property

About one in ten households living in rented accommodation have a private landlord. If the tenancy began after 1 April 2010, such tenants have a right to the following:

- A rent book showing, among other things, the name and address of the owner and agent, the rent, rates and any other charges payable and the dates such payments are due;
- To claim housing benefit. The landlord has the right to choose his tenants but once the agreement has been signed, the tenant has the right to claim housing benefit;
- To four weeks notice of the ending of the tenancy agreement. The landlord cannot start court action to get you out until the end of this four-week period. The notice must be in writing;
- The due process of law. Under this right, tenants cannot just be put out of their accommodation at the end of the four-week 'notice-to-quit' period. Before you can be put out, the landlord must first ask the court to give him a possession order;
- To be free from harassment or illegal eviction. If you feel that your landlord is harassing you, get in touch with the Environmental Health Officer in the Council area where you live. Contact details of local Councils are on www.nidirect.gov.uk or can be found in the telephone directory;
- A statement of tenancy terms which should set out clearly the rights and responsibilities of your landlord and you;
- A right to certain repairs;
- Default repair obligations; and
- A basic tenancy term of six months if no end date is specified in your tenancy agreement.



For further information on the private rented sector visit NI Direct:

www.nidirect.gov.uk/index/information-and-service/property-and-housing/buying-selling-and-renting-a-home.htm

If you are renting furnished accommodation, the law does not specify what your landlord should provide. However, it is generally accepted that he should provide furniture and furnishings to allow you to wash, cook and sleep. In practice this means a minimum of:

- Kitchen – cooker, sink with hot and cold water, work surfaces and storage;
- Living room – curtains, floor covering, heating and chairs; and
- Bedroom – curtains, floor covering, bed and mattress.

Owning or buying your own property

Clearly, the advice for consumers in this group is to shop around and make sure you find the most suitable mortgage for your particular circumstances. While mortgages can be burdensome, you should be aware that, depending on your property, financial assistance may be available through the Housing Executive's grants scheme to improve your home. The four most common grants which may be available to owners or purchasers are:

- Renovation grant – to bring accommodation up to a fit standard;
- Disabled facilities grant – to adapt accommodation for a disabled person;
- Replacement grant – to replace an old house in a rural area with a new one; and
- Home repairs assistance grant – for moderate repairs, basic security measures and adaptations.

Housing Benefit

Housing Benefit is a tax-free, income related (means tested) benefit which is awarded to you if you are responsible for paying rent or rates (or both). You don't have to be unemployed or claiming other benefits to get housing benefit but you do have to satisfy the qualifying conditions. You may also qualify if it is decided that your income is so low that the full payment of rent or rates would cause you financial difficulty.

You can get an application form HB1 from your local Social Security Office, any District Office of the Housing Executive or from the Land and Property Services: **0800 5877 477**. In addition, you can download a Housing Benefit/ Rate Relief application form from: www.nihe.gov.uk/hb1_08.pdf



If you think the decision on your claim is wrong, you can ask for a Statement of Reasons. If you're still unhappy, you can ask for a Revision of your claim or apply for a Supersession and eventually, if appropriate, you can appeal the decision. You will be given appropriate details at each stage of this process.

What to do if things go wrong

If you feel that the Housing Executive has treated you unfairly, you can complain in the first instance to the local Area Manager or Grants Manager, as appropriate. Their addresses and telephone numbers are in the telephone directory. If, having received a response, you still believe you've been treated unfairly, you should complain to the Chief Executive at the address shown below.

If you feel that a HA has treated you unfairly, you can complain to its Manager.

If, after having exhausted the internal complaints procedures of the Housing Executive or HA, you're still unhappy, you can complain to the Northern Ireland Commissioner for Complaints (Ombudsman).

Housing Rights Service will give you advice and information about your housing rights and help you with any reasonable complaint or appeal. The NIHE will also provide you with information on housing matters through any of their District Offices. You can also access housing advice from www.housingadviceni.org



Contacts

The Commissioner for Complaints (The Northern Ireland Ombudsman)

Freepost BEL 1478

Belfast

BT1 6BR

Telephone: 0800 34 34 24 (freephone) / 028 9023 3821

Email: ombudsman@ni-ombudsman.org.uk

Web: www.ni-ombudsman.org.uk

Housing Rights Service

4th Floor

Middleton Buildings

10-12 High Street

Belfast

BT1 2BA

Telephone: 028 9024 5640

Textphone: 028 9026 7927

Web: www.housingrights.org.uk

The Housing Centre

Northern Ireland Housing Executive

2 Adelaide Street

Belfast

BT2 8PB

Telephone: 03448 920 900

Textphone: 18001 03448 920 900

Email: info@nihe.gov.uk

Web: www.nihe.gov.uk

The Land and Property Services

Lincoln Buildings

27-45 Great Victoria Street

Belfast

BT2 7SL

Telephone: 0300 200 7802

Textphone: 1800 1101

Email: housingbenefitsrating@lpsni.gov.uk

Web: www.lpsni.gov.uk

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Topic	Page ref
Insolvency practitioners	17
Installation of goods	4
Junk mail, faxes, telephone calls and emails	98

Junk Mail, Faxes, Telephone Calls and Spam Email

Junk mail is the everyday term for unwanted advertisements and offers that you receive through the post. It's probably the most common form of direct marketing. Faxes, telephone calls and emails are other ways for unwanted advertising material to reach us. Junk emails are commonly known as "spam".

While there is no law against sending junk mail, there are rules that now give consumers some protection from spam emails. They also require all direct marketing emails to include proper sender and contact details. The rules are contained in the **Privacy and Electronic Communications (EC Directive) Regulations 2003** and are enforced by the Office of the Information Commissioner.

You can try and reduce the amount of junk mail, faxes etc you receive by having your details removed from direct marketing company lists. Apart from complaining directly to the senders themselves, you can contact the Direct Marketing Association.

The Association operates a number of preference services that you can register with free of charge. The appropriate preference service can remove your name from most of the lists used by the direct marketing companies. Registering with a preference service will not get rid of all unwanted mail and it will take a few months for registration to have a noticeable effect. The Direct Marketing Association operates the following preference services:

- Mailing Preference Service;
- Fax Preference Service;
- Telephone Preference Service; and
- Email Preference Service.

Contacts

Direct Marketing Association

DMA House
70 Margaret Street
London
W1W 8SS

Telephone: 020 7291 3300
Email: info@dma.org.uk
Web: www.dma.org.uk

Office of the Information Commissioner

Wycliff House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 113
Email: mail@ico.org.uk
Web: www.ico.org.uk

Information Commissioner's Office – Northern Ireland

3rd Floor
14 Cromac Place
Belfast
BT7 2JB

Telephone: 0303 123 1111
Email: ni@ico.org.uk

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Topic	Page ref
Mail Order Protection Scheme	100

Mail Order Protection Scheme

The **National Newspaper Safe Home Ordering Protection Scheme (SHOPS)** will compensate consumers who have responded to an advertisement in a national newspaper and have lost money because the goods aren't delivered as a result of the advertiser going into liquidation, bankruptcy or ceasing to trade. It also covers readers who have returned goods and not received a refund from a failed advertiser.

Contacts

National Newspaper Safe Home Ordering Protection Scheme (SHOPS)

22-24 King Street
Maidenhead
SL6 1EF

Telephone: 01628 641930

Email: enquiries@shopspromise.com

Web: www.shopspromise.com

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Topic	Page ref
NI Direct	101

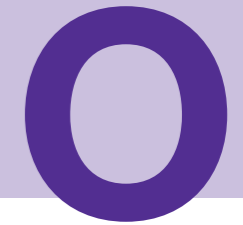
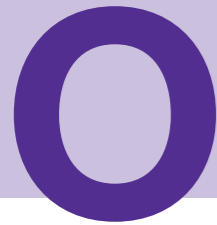
NI Direct

The nidirect website is part of a wider reform programme that aims to make government information and services more accessible for consumers. The major benefit is that information is provided in one place rather than having to visit a number of government websites.

The website uses clear language and the information is organised under 16 easily recognisable themes such as Motoring, Employment, Property and Housing.

A wide variety of online transactions can be carried out on the website, at a time that suits the consumer. For example, booking a car for its MOT, applying for or replacing a passport or using the Benefits Adviser Service to check benefits entitlement.

Visit: www.nidirect.gov.uk



Topic	Page ref
Office of Communications (OFCOM)	102
Office of Fair Trading (OFT)	103
Online auctions	121
Online shopping (Shopping from home)	118
Ombudsman	105

Office of Communications (Ofcom)

Ofcom is the independent media and communications regulator. Its main legal duties are to ensure:

- The UK has a wide range of electronic communications services, including high-speed services e.g. broadband;
- A wide range of high-quality television and radio programmes, appealing to a range of tastes and interests;
- Television and radio services are provided by a range of different organisations;
- People who watch television and listen to the radio are protected from harmful or offensive materials;
- People are protected from being treated unfairly in television and radio programmes, and from having their privacy invaded; and
- The radio spectrum (airwaves used by everyone from taxi firms and boat owners, to mobile-phone companies and broadcasters) is used in the most effective way.

If you have a complaint about television, radio or telephone services you should first contact the service provider. If your complaint is not resolved to your satisfaction, you should then contact Ofcom.

Contacts

Ofcom Contact Team

Riverside House
2A Southwark Bridge Road
London
SE1 9HA

Telephone: 0300 123 3333

Textphone: 020 7981 3043

Email: contact@ofcom.org.uk

Web: www.ofcom.org.uk

NI Regional Office (Regional offices do not deal with complaints from consumers)

2nd Floor
Landmark House
5 Cromac Quay
The Gasworks
Ormeau Road
Belfast
BT7 2JD

Telephone: 028 9041 7500

Email: ofcomnorthernirelandoffice@ofcom.org.uk

Office of Fair Trading (OFT)

The OFT's job is to make markets work well for consumers. Markets work well when businesses are in open, fair and vigorous competition with each other for the consumer's custom.

What the law says

As an independent professional organisation, the OFT plays a leading role in promoting and protecting consumer interests throughout the UK, while ensuring that businesses are fair and competitive. The tools to carry out this work are the powers granted to the OFT under consumer and competition legislation.

The OFT team:

- Ensures that consumer legislation and regulations are properly enforced;
- Takes action against unfair traders;
- Encourages Codes of Practice and standards;



- Offers a range of information to help consumers understand their rights and make good choices; and
- Liaises closely with other regulatory bodies that also have enforcement powers.

The OFT cannot advise consumers about their particular disputes but OFT Enquiries can provide guidance on who to contact for help.

Contacts

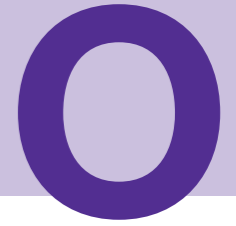
Office of Fair Trading

Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

Telephone: 08457 224499

Email: enquiries@oft.gsi.gov.uk

Web: www.oft.gov.uk



Ombudsman (Northern Ireland)

What the law says

The Ombudsman's main duties and powers come from three pieces of legislation passed by Parliament. These are the **Ombudsman (Northern Ireland) Order 1996**, the **Commissioner for Complaints (Northern Ireland) Order 1996** and the **Commissioner for Complaints (Amendment) (Northern Ireland) Order 1997**.

Useful information

You have a right to complain to the Ombudsman if you feel that a government department, government agency or other public body has treated you unfairly or if you have received poor service and your complaint to the body in question has not been resolved to your satisfaction. However, you must show you have fully exhausted the body's complaints procedure before making a complaint to the Ombudsman. Where the Ombudsman investigates your complaint and finds the body has been at fault he can recommend appropriate action.

The rules that apply to investigations by the Ombudsman generally prevent him from considering complaints if:

- You make your complaint to him more than 12 months after you first became aware of the problem;
- You could appeal to or have appealed to a tribunal;
- You could have gone to court;
- You simply disagree with a decision made by the body and it has not done anything wrong; or
- It is about government policy or legislation.

Investigations by the Ombudsman are detailed and the issues are often complex. As a result it can, in some cases, take some time for a final decision to be reached.

The full list of bodies which the Ombudsman's Office is able to investigate is available on their website or by contacting the office. It includes all the Northern Ireland government departments, their agencies, local Councils, education and library boards, the health and social care boards and Trusts, housing associations and the Northern Ireland Housing Executive.

What to do if you have a complaint

If you remain dissatisfied after using the complaints procedure of the body concerned, you should bring your complaint to the Ombudsman's attention. This should normally be in writing, using either a complaints form (available from their website and the office) or by sending a letter. If you have difficulty in writing, completing the form in its current format or with translation you should contact the Ombudsman's office for assistance.

If you are complaining about a government department or agency your complaint must be referred to the Ombudsman by a Member of the Northern Ireland Assembly (MLA). You should therefore send your completed form or letter of complaint to an MLA asking him/her to sponsor your complaint to the Ombudsman.

If you are complaining about any other public body you should send your completed form or letter of complaint directly to the Ombudsman.

There is no right of appeal against the Ombudsman's decision.

Contacts

Northern Ireland Ombudsman

Freepost BEL 1478
Belfast
BT1 6BR

Telephone: 0800 34 34 24 (freephone) / 028 9023 3821

Email: ombudsman@ni-ombudsman.org.uk

Web: www.ni-ombudsman.org.uk

Topic	Page ref
Patient Client Councils	84
Payday loans	107
Petrol & diesel (Laundered Fuel)	109
Postal Services	111
Premium rate services	113
Prices	114
Private sales	6, 34, 37, 123
Prize draws & competitions	115
Property descriptions	116

Payday Loans

Payday or paycheque loans are short-term loans that you get in return for your pay cheque or proof of your income. They are basically cash advances on the wages you are expecting and are available online and on the high street.

Loans are usually for a few hundred pounds and they have to be repaid on a certain date which is normally the borrower's next payday. To arrange a payday loan, people either authorise a direct debit from their bank account, which will be deducted when they get paid, or post-date a cheque which the payday lender cashes on the date the loan is due.

Payday loans are not suitable for people who want to repay their loans over a longer period, as they are designed as short-term loans to deal with emergency and cash flow problems. APR charged by payday lenders can be over 1,000%. Also if you fall behind with your repayments and 'roll over' the interest until the next pay cycle the cost of borrowing even a small amount can become very high, very quickly.

What the law says

- There is no legal limit to the amount or rate of interest payday lenders can charge in the UK.
- All payday lenders must be licensed by the Office of Fair Trading (OFT) and you can check this on the OFT register at www2.crw.gov.uk/pr/
- All lenders must tell you what their APR is before you sign an agreement.

- A payday lender must check a consumer's credit worthiness **before** they provide a loan, **before** they roll over a loan or increase the amount of credit. Payday lenders should also satisfy themselves that you can afford the repayments.
- You must get written information and a copy of the contract you have signed.

OFT guidance

The primary purpose of the OFT's **irresponsible lending guidance** (www.offt.gov.uk/shared_offt/business_leaflets/general/oft1107.pdf) is to provide greater clarity for businesses and consumer representatives as to the business practices that the OFT considers constitute irresponsible lending practices. The guidance sets out the standards the OFT expects from businesses engaged in lending if they are to be considered fit to hold a licence. It covers the entire lending process from the initial lending decision up to the handling of arrears and defaults.

What to do if you have a complaint

If you feel that a payday lender provider has acted unreasonably, you should complain to them first to give them a chance to put things right. If you are still unhappy at how they have dealt with your complaint you can contact the **Financial Ombudsman Service**. The Financial Ombudsman Service has been set up by law to provide consumers with a free independent service for resolving disputes with financial firms. Its address and phone number is shown below.

Contacts

Financial Ombudsman Service

South Quay Plaza
183 Marsh Wall
London
E14 9SR

Telephone: Consumer Helplines 0800 023 4567/0300 123 9123

Email: complaint.info@financial-ombudsman.org.uk

Web: www.financial-ombudsman.org.uk

Office of Fair Trading

Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

Telephone: 08457 22 44 99

Email: enquiries@oft.gsi.gov.uk

Web: www.oft.gov.uk

Advice NI

1 Rushfield Avenue
Belfast
BT7 3FP

Telephone: 028 9064 5919

Email: info@adviceni.net

Web: www.adviceni.net

Citizens Advice

Regional Office
46 Donegall Pass
Belfast
BT7 1BS

Telephone: 028 9023 1120

Email: info@citizensadvice.co.uk

Web: www.citizensadvice

Petrol and Diesel

Listed below are some of the problems that can arise when buying petrol or diesel motor fuel from a filling station.

Short measure

Petrol and diesel pumps are tested for accuracy by the Trading Standards Service when they're first installed. Although the pumps are checked again at intervals, faults can develop at any time. If you think you received a short measure delivery from a pump you should contact **Consumerline: 0300 123 6262** or visit: www.consumerline.org

Laundered fuel

Engine damage can occur as a result of using petrol or diesel that has been tampered with, usually by adding chemicals to change the fuel's colour, e.g. to change red diesel into clear diesel. This process is known as laundering and it is the chemicals used in the process that can harm a vehicle's engine.

If you think your car has suffered engine damage as a result of using laundered petrol or diesel, you'll have to take legal action yourself against the filling station that you suspect sold you the fuel. But it can be difficult to prove that the engine damage was due to fuel from a particular filling station. Before you consider any such action, you should get the fuel tested to see if it has been tampered with. HM Revenue & Customs have a road testing unit you can contact.

If you suspect a filling station of selling laundered fuel, you should also report your suspicions to **Customs and Excise, Road Fuel Section** on **028 9035 2220**.

Smuggled fuel

Petrol and diesel may be smuggled to avoid excise duties. If you suspect fuel has been smuggled contact the **Customs and Excise Road Fuel Section** on **028 9035 2220**.

Pricing

The law says that the price of petrol and diesel must be displayed. It does not have to be displayed on the roadside but most filling stations do show it there anyway. If you find that you were charged more than the price displayed, you should contact **Consumerline: 0300 123 6262** or visit: **www.consumerline.org** as it is a criminal offence to display misleading pricing information.

Contacts

Trading Standards Service

Department of Enterprise, Trade and Investment
176 Newtownbreda Road
Belfast
BT8 6QS

Telephone: 0300 123 6262

Textphone: 028 9025 3988

Email: tss@detini.gov.uk

Web: www.detini.gov.uk/deti-consumer-contacts.htm

Postal Services

The **universal postal service** is provided by Royal Mail. This ensures the delivery of letters (six days a week), packets and parcels (five days a week) with one price-goes-anywhere in the UK. Some of the products and services that are part of the universal service include the First and Second Class mail service, Special Delivery (next day) and Recorded (Signed-for) products.

The regulator of the postal market is Ofcom. It is responsible for safeguarding the provision of the universal service and regulating any postal operator that provides regulated postal services.

If you experience any issues - for instance lost mail, receiving items for other addresses or delayed delivery - with your postal service it is important to establish which postal operator is responsible. In most cases this will be **Royal Mail**.

How to complain

- Contact the relevant postal operator to report your complaint and allow them the opportunity to put things right. If you are dissatisfied with the response escalate the matter in accordance with the operator's complaint handling procedures.
- If you remain unhappy you may be able to refer the matter to the **UK Independent Postal Redress Scheme (POSTRS)** which an independent ombudsman style service. The service is free service and its findings are binding on the postal operator. A list of regulated postal operators that are registered members of the Postal Redress Service is available at **www.postrs.org.uk**.
- At any stage of the complaint you can seek advice and guidance from **Citizens Advice consumer service**.

While separate from Royal Mail, the Post Office network provides access to the universal postal service. If you have a complaint about the service you received at a post office you should contact the Post Office Customer Care on 08457 22 33 44. Complaints about Post Office Limited are not eligible for referral to POSTRS.

Contacts

Royal Mail

Royal Mail Customer Services

Freepost

PO Box 740

Plymouth

PL9 7YB

Telephone: 08457 740 740

Web: www.royalmail.com

The Postal Redress Service (POSTRS)

70 Fleet Street

London

EC4Y 1EU

Telephone: 020 7520 3766

Web: www.postrs.org.uk

Citizens Advice Consumer Service

PO Box 833

Moulton Park

Northampton

NN3 0AN

Telephone: 08454 04 05 06

Web: www.citizensadvice.org.uk

Post Office Customer Care

FREEPOST

PO Box 740

Barnsley

S73 0ZJ

Telephone: 08457 22 33 44

Web: www.postoffice.co.uk

Premium Rate Services

How you are protected

PhonepayPlus (formerly known as ICTIS) regulates phone-paid services in the UK. These are the premium rate goods and services that you can buy by charging the cost to your phone bill and pre-pay account.

PhonepayPlus regulate services using a Code of Practice that all providers of phone-paid services must comply with. These include the provision of:

- Clear and accurate pricing information;
- Honest advertising and service content; and
- Appropriate and targeted promotions.

How to complain

Contact PhonepayPlus if you have a complaint about a premium rate service, e.g. if the cost of the call is not shown in an advertisement for the service.

Contacts

PhonepayPlus

Clove Building

4 Maguire Street

London

SE1 2NQ

Enquiries and

Complaints: 0800 500 212

Web: www.phonepayplus.org.uk/output/for-the-public.aspx

Note: The website has a section for checking a premium rate telephone number that you don't recognise on your phone bill.

Prices

Price marking

The law says that you should be able to see the price of any product on offer for sale. The price to be displayed is the selling price, which must be in sterling and include VAT.

This law applies to products sold from stalls and vehicles as well as shops.

There are a few exceptions. For example, the prices of works of art or antiques do not have to be displayed.

In the case of some goods, the unit price has to be displayed, e.g. for fresh meat - the price per kilogram; at the petrol pump - the price per litre. In supermarkets, the unit price also has to be shown for packaged goods, e.g. the price per 100g for cornflakes. This is to allow you to compare goods packed in different quantities.

The law does not specify how exactly the price should be displayed; products can be individually price marked, the price can be shown on a price list etc, as long as the price is legible and it is clear what product it relates to. Also, there should be no need to have to ask for assistance in order to be able to see the price.

The detailed controls on price marking are in a number of separate laws, the main one being the **Price Marking Order (Northern Ireland) 2004**.

How to complain

If you find a trader is not displaying prices or you think prices are displayed incorrectly, contact **Consumerline: 0300 123 6262** or visit: www.consumerline.org

Misleading Prices

The law on misleading prices comes under the **Consumer Protection from Unfair Trading Regulations 2008** see page 10.

What the law says

It's a criminal offence for a trader to give you misleading information about the price of any goods or services.

Misleading pricing information can be given in a number of ways. The following are some examples:

- The price shown on a shelf edge label or a price ticket is lower than the price actually charged at the till;
- Incomplete information is given about the price;
- Not all charges, such as VAT or a call-out charge, are included in the price quoted; and
- False information is given when making comparisons with other prices (e.g. in a sale).

Despite it being a criminal offence, if an item has been marked incorrectly with the wrong price, e.g. the shelf label says £1.50 but the item scans at £1.80, you cannot demand that the retailer sells you the item at the lower price. If a business regularly prices items incorrectly it is likely Trading Standards Service will want to investigate.

Note: Only if a business solely trades with other businesses can it display prices without VAT.

How to complain

If you feel you've been misled by a trader about the price of any goods or services, contact **Consumerline: 0300 123 6262** or visit: www.consumerline.org

Prize Draws & Competitions

What the law says

Almost every day in the UK people receive mail telling them they've won a prize of some sort. Unfortunately, these mailshots usually turn out to be scams.

Watch out in particular if you're asked to send a fee or call a premium rate phone number to claim your "prize". These are tell-tale signs that the offer of a prize is not what it seems.

These types of scams are increasingly being sent to mobile phones and the same warnings apply.

It's not illegal to send these mailshots and text messages and they're usually cleverly worded to avoid breaking the law. However, in the worst cases there may be evidence of fraud.

How to complain

If you want some advice about a prize draw mailshot you have received or to register a complaint, you should contact **Consumerline: 0300 123 6262** or visit: **www.consumerline.org**

Property Descriptions

What the law says

Under the **Property Misdescriptions Act 1991** it's a criminal offence for an estate agent or property developer to make false or misleading statements about property being offered for sale.

If any of the following are described wrongly an offence has been committed:

- Location;
- Aspect or view;
- Nearness to facilities and amenities;
- Physical characteristics or condition;
- Measurements; and
- Existence of any rights of way.

Property details often include general disclaimers for any wrong description of the property. But these do not necessarily protect the estate agent or developer. It will depend on the facts of the case as to how effective such disclaimers will be.

How to complain

If an estate agent or property developer has made a false statement about a property, report it to **Consumerline: 0300 123 6262** or visit: **www.consumerline.org**

From 1 October 2008, all estate agents engaging in residential estate agency work must belong to a redress scheme approved by the Office of Fair Trading (see section on Estate Agents page 64). This means that actual and potential buyers and sellers of residential property with complaints about estate agency work will be able to use a free, easily accessible and fair estate agents' redress scheme, which will have the power to make a range of awards, including requiring a member to pay compensation.

There are currently two approved schemes, operated by The Property Ombudsman (TPO) and the Surveyors Ombudsman Service Ltd (SOS). Further information on the redress scheme can be found on the websites of the **Office of Fair Trading**, the **Surveyors Ombudsman** and **The Property Ombudsman (TPO)**.

Contacts

Office of Fair Trading

Fleetbank House
2 – 6 Salisbury Square
London
EC4Y 8JX

Telephone: 08457 22 44 99

Web: www.of.gov.uk/OFTwork/estate-agents/EARS/

Surveyors Ombudsman Service

PO Box 1021
Warrington
WA4 9FE

Telephone: 0330 440 1634 or 01925 530270 (Monday - Friday between 9am – 5pm)

Web: www.ombudsman-services.org/property.html#

The Property Ombudsman (TPO)

Milford House
43-55 Milford Street
Salisbury
Wiltshire
SP1 2BP

Telephone: 01722 333306

Web: www.tpos.co.uk/index.htm

Topic	Page ref
Radio broadcast complaints	24, 102
Rail travel	118
Refunds or exchange notices	119
The Regulation and Quality Improvement Authority	86
Repairs	4
Rented properties	43, 63, 93, 94

Rail Travel

In Northern Ireland, the rail service is provided by one publicly owned company, Northern Ireland Railways, which is part of Translink.

Northern Ireland Railways has to make sure that its tracks and trains are well maintained and safe for public use.

Translink's Passenger's Charter gives details of the standard of service you can expect. It covers things like trains being on time and how clean they should be. You can get a copy of this Charter at any station.

When Northern Ireland Railways changes the time of a service or cancels it altogether, it should do its best to make sure that its customers are told in good time. If, you decide not to travel by rail because your train is delayed or has been cancelled, you can get a refund on your ticket if you return it immediately to where you bought it.

How to Complain

Try to get any complaint sorted out with a member of staff on the train or at the station. If that doesn't work, contact Translink.

If you don't get a satisfactory response, you can ask for help from the Consumer Council. The Consumer Council looks after the interests of rail users and investigates their complaints.

Contacts

Translink

Central Station
East Bridge Street
Belfast
BT1 3PB

Telephone: 9066 6630

Email: feedback@translink.co.uk

Web: www.translink.co.uk

The Consumer Council

Elizabeth House
116 Hollywood Road
Belfast
BT4 1NY

Telephone: 0800 121 6022 (complaints line)

Textphone: 028 9067 2488

Email: complaints@consumercouncil.org.uk

Web: www.consumercouncil.org.uk

For information and advice on the website: www.consumerline.org

Refunds or Exchange Notices

What the law says

It's a criminal offence to display a notice that tries to restrict your consumer rights. Here are a few examples of illegal notices:

"No refunds given"

"Goods can only be exchanged"

"Only credit notes will be given against faulty goods"

As well as being illegal, this type of notice has no effect on your legal rights. If goods are faulty, not fit for a particular purpose or not as described, you are legally entitled to a range of different remedies (see the section on Buying Goods, page 3).

How to complain

If you find a trader displaying such a notice, please report it to **Consumerline: 0300 123 6262** or visit: www.consumerline.org

Topic	Page ref
Sale goods	6
Second-hand goods	5
Shopping from home	120
Small Claims Court	124
Solicitors	126
Spam emails	98

Shopping From Home

What the law says

If you buy goods or services over the internet, on TV, by telephone or from a catalogue, newspaper or magazine advertisement from a seller in the United Kingdom, you're protected by the same laws that apply to goods and services bought from shops or other local suppliers. These include the **Sale of Goods Act 1979**, the **Supply of Goods and Services Act 1982** and the **Consumer Protection from Unfair Trading Regulations 2008**. Any goods you buy must be of satisfactory quality, as described, and fit for any specified purpose. Services must be carried out with reasonable skill and care, within a reasonable time (if a time limit hasn't already been specified) and at a reasonable charge (if the cost hasn't already been agreed in advance).

Consumers buying goods and services through these shopping methods are also protected by the **Consumer Protection (Distance Selling) Regulations 2000**. These help by giving consumers:

- The right to receive clear and comprehensive information about the goods or service before deciding to buy, including the supplier's name, the price including taxes, delivery costs and arrangements and how you can pay.
- You must also be told that you have the right to cancel.
- When you have placed an order you should get written confirmation about how you can cancel the order and by when.

From June 2014 new laws are in force giving consumers greater protection. Find out more at www.consumercouncil.org.uk or request our new Online Shopping Tips leaflet on 0800 121 6022.

- Consumers have seven working days, starting the day after goods arrive, to change their minds and return the goods. This is called a cooling-off period.
- There are some exceptions to this rule, for example perishable or personalised goods, tickets for air or rail travel or CDs and DVDs that have had their packaging removed.
- The seller must deliver the goods or services within 30 days unless you agree to something else. If this doesn't happen you must be refunded within 30 days.

Shopping Online

On the basis that prevention is always better than cure, we advise you to consider the following before you buy anything on the internet.

- Make sure you have the supplier's real contact details i.e. a number and street address and phone number.
- Check how to return unsuitable or faulty goods and who has to pay the cost.
- Compare prices with those in local shops. Remember that the website price may not show handling, shipping, customs, excise and VAT charges.
- Check your delivery options. Some booking systems will simply choose one method if you don't specify your choice. Remember that surface delivery is generally cheaper than air, but you will have to wait longer for your purchase to arrive.

Shopping Safely Online

- Protect yourself against 'phishing' where fraudsters try to trick you into revealing information. Don't click on email links to your favourite shop as they may take you to a fake version of the website - always type the shop's address in the browser.
- If you receive an email or see an advert that's offering goods at an amazingly low price, or it's telling you that you've won a prize, it might be a scam. The general rule is, if it seems too good to be true it probably is!
- Most internet buyers are asked to pay by credit card. Some people may be worried about giving their credit card details by email, but the risk is probably no greater than giving your details over the phone.

- Responsible traders should have anti-fraud measures built into their systems. Safe websites which protect your financial details will show 'https' at the beginning of the web address once you get to the payments section. They may also display a padlock symbol within the window frame of Internet Explorer – don't be fooled by a padlock on the web page itself as it's easy for conmen to copy the symbol. You can also double click on the padlock symbol and check that the certificate is not out of date and the name on it matches the company behind the website. Be aware that these symbols may not appear until you start the payment process.
- Consider using an online directory such as **www.shopsafe.co.uk**. It only lists websites that offer secure transactions and have clear returns policies, terms and conditions.
- Paying by credit card gives you added protection for single items costing over £100 but no more than £30,000 - if your goods are faulty or fail to arrive you can claim against your credit card provider if the website company ignores your requests. (See 'Safer Ways to Pay' page 14).

Many websites use online payment processors such as PayPal, Google Checkout or WorldPay. The law in this area is not certain so if a problem arises with the goods or services it is unlikely that you will be able to claim against the credit card company as the payment does not go directly from the company to the seller. Online payment processors have their own payment protection arrangements but these may not fully cover your purchase so read their terms and conditions carefully.

The Distance Selling Regulations also give you the right to a refund of all the money taken through fraudulent use of your credit or other payment card.

What to do if you have a complaint

There are no special ways of making a complaint about something you've bought on the internet. Try first to get the seller to put things right. If that doesn't work, contact any trade association which the trader belongs to. If that fails, you may have to consider taking court action. For amounts involving not more than £3,000, you may be able to take your case yourself to the Small Claims Court. Talk to **Consumerline: 0300 123 6262**, before applying to your local court. For larger amounts, you should talk to a solicitor.

Online auction sites

Auction websites such as eBay are popular but there are things you might want to do to protect your purchases:

- Start by reading the auction site rules and the safety advice they provide. Perhaps practice on some low price purchases first such as books or DVDs;
- Check the seller's feedback to see how happy other buyers were with the standard of goods and delivery before you buy from them;
- Remember, if you buy from a 'trader' (who makes their living from regularly selling goods) you have the same rights as buying from a shop. However if you buy from a private individual then providing the goods arrive 'as described' there is little legal comeback;
- Don't let anyone trick you into giving your account username, password or personal details; and
- Keep a record or printout of any order placed, the terms and conditions and the seller's contact details.

For further information about your rights contact: **Consumerline: 0300 123 6262**

Contacts

National Newspaper Safe Home Ordering Protection Scheme (SHOPS)

22-24 King Street
Maidenhead
SL6 1EF

Telephone: 01628 641930

Email: enquiries@shopspromise.com

Website: www.shopspromise.com



The Newspaper Society

292 Vauxhall Bridge Road
London
SW1V 1AE

Telephone: 020 7963 7480
Email: ns@newspapersoc.org.uk
Website: www.newspapersoc.org.uk

Periodical Publishers Association Ltd

Queens House
55-56 Lincoln's Inn Fields
Holborn
London
WC2A 2LJ

Telephone: 020 7404 4166
Email: info@ppa.co.uk
Website: www.ppa.co.uk

Small Claims Court

The Small Claims Court is a low cost, quick and informal way of settling disputes and seeking compensation for faulty goods, poor service or problems relating to credit agents.

It allows anyone to make a claim to recover money owed to them up to a fixed amount of £3,000.

The fees for using the Small Claims Court are:

- For claims not exceeding £300 - £30;
- For claims over £300 but not over £500 - £50;
- For claims over £500 but not over £1,000 - £70; or
- For claims over £1,000 but not over £3,000 - £100.

Further information and application forms can be obtained from any Trading Standards Office or any Court Office. Citizens Advice or local Advice Centres can also usually give you advice and an application form. After you've sent in your application form with the fee, the Court will tell you the date, time and place of the hearing. It will also send the person you're claiming against (the



respondent) a copy of your application. If the Court decides in your favour, it will write to the respondent a few days after the hearing, stating how much he has to pay you.

If the respondent doesn't pay up within two weeks, you can apply to the Enforcement of Judgements Office (EJO) to try to make him pay. There are fees that you must pay for the EJO to help you. You will not get these back if the EJO is unsuccessful and so before you take this action, you should decide whether applying to the EJO is likely to be worthwhile. For a £6 fee, you can ask the EJO to let you know whether there are any outstanding judgements registered in their office against the respondent during the last six years. If there are, you will be given the details.

Before you begin a small claim you should be aware that if the respondent has no money to pay the amount of the claim you may not get your money. The EJO uses a queuing system and if it decides that the respondent is in a position to pay you whatever the Court has ordered, the EJO will first ask the respondent to clear any earlier outstanding judgements.

Contacts

Enforcement of Judgements Office

6th Floor, Bedford House
16-22 Bedford Street
Belfast
BT2 7FD

Telephone: 028 9024 5081
Email: postroomejo@courtsni.gov.uk

Northern Ireland Courts and Tribunals Service

Communications Group
23-27 Oxford Street
Belfast
BT1 3LA

Telephone: 028 9032 8594
Textphone: 028 9041 2920
Email: communicationsgroup@courtsni.gov.uk
Web: www.courtsni.gov.uk



Small Claims Civil Processing Centre

PO Box 882

Laganside Courts,
45 Oxford Street

Belfast

BT1 3LL

Telephone: 028 9072 4566

Email: civilprocessingcentre@courtsni.gov.uk

Web: www.courtsni.gov.uk

Solicitors

Your rights

Like any other service provider, solicitors must carry out their work with reasonable care and skill. If they don't and you suffer as a result, you may be able to get compensation.

Before you agree to employ a solicitor, make sure you understand their terms and conditions, especially how charges are set. Ask whether there are likely to be other costs, such as search fees or barrister's charges. If the work is to do with buying or selling a house, they must give you a written quotation of the cost.

How to complain

Overcharging

- Write to the head partner of the firm of solicitors and explain why you think the bill is too high. If you're still unhappy after you've got their reply, your next move depends on the type of work your solicitor was doing for you;
- If it involved court action (even though the case never got to court), ask for a detailed breakdown. If you're still unhappy, for a fee, you can ask the court to 'tax' your costs. This means that the court will decide what costs were reasonable; and
- If no court action was involved, you can ask your solicitor to apply to the Law Society for what is called 'a remuneration certificate'. This is a free service, but you have to ask for it within two weeks of getting your bill. The Society will look at the charge and decide whether it's reasonable. If it's not, the Society will say what it thinks is a reasonable charge.

Poor service

- If you are dissatisfied with poor service or the way your solicitor is handling your case, but you've suffered no financial loss, you should complain to the Law Society;
- Negligence is where you suffer loss because of something your solicitor should reasonably have done or perhaps, shouldn't have done; and
- If, through negligence, you suffer a loss of not more than £3,000 you can apply to the Small Claims Court for compensation. For larger claims, you will have to find another solicitor experienced in negligence claims.

Contacts

Law Society of Northern Ireland

Law Society House

96 Victoria Street

Belfast

BT1 3GN

Telephone: 028 9023 1614

Email: info@lawsoc-ni.org

Web: www.lawsoc-ni.org

Lay Observer for NI

Room S5

Rathgael House

Balloo Road

Bangor

BT19 7NA

Email: a.maclaughlin@btinternet.com

Web: www.layobserverni.com



Topic	Page ref
Telephones	98, 128
Television broadcast complaints	24, 102
Timeshare	130
Trade associations	9, 39
Trading schemes	132
Trading Standards Service	22
Train travel (see Rail Travel)	118

Telephones

BT and Virgin Media are the only telephone companies operating fixed line telephone services in Northern Ireland. However, many resellers offer residential and business telephone services over BT lines and there are several mobile telephone companies operating here. It makes no difference which company you're dealing with or which type of phone you have, your rights as a consumer are the same.

The consumer rights that apply come under the **Sale of Goods Act 1979** and the **Supply of Goods and Services Acts 1982** apply (see page 3).

How to complain

- Contact the Company's Customer Services Manager initially and give them a chance to put things right;
- If they are unable to resolve your complaint satisfactorily, under the **Communications Act 2003** you have the right to alternative dispute resolution if a complaint cannot be resolved by the service provider; and
- Two schemes have been approved by Ofcom to provide dispute resolution. These are Ombudsman Service: Communications and CISAS (Communications and Internet Services Adjudication Scheme). You will not be charged for using either scheme and they are entirely independent.

Contacts

Ofcom

Ofcom Advisory Team
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

Telephone: 0300 123 3333
Email: contact@ofcom.org.uk
Web: www.ofcom.org.uk

Ofcom Northern Ireland

(Regional offices do not deal with individual complaints from consumers)

Landmark House
5 Cromac Quay, The Gasworks
Ormeau Road
Belfast
BT7 2JD

Telephone: 028 9041 7500
Email: ofcomnorthernirelandoffice@ofcom.org.uk
Web: www.ofcom.org.uk

Ombudsman Services: Communications

PO Box 730
Warrington
WA4 6WU

Telephone: 0330 440 1614
Textphone: 0330 440 1600
Email: enquiries@os-communications.org
Web: www.ombudsman-services.org/communications.html

CISAS

International Dispute Resolution Centre
70 Fleet Street
London
EC4Y 1EU

Telephone: 020 7520 3814
Textphone: 020 7520 3767
Email: info@cisas.org.uk
Web: www.cisas.org.uk



Virgin Media General Enquiries

PO Box 333
Matrix Court
Swansea SA7 9ZQ

Telephone: 0845 454 1111

Web: www.virginmedia.com

BT Complaints Line

Telephone: 0800 800 150

Web: www.bt.com

Timeshare

What the law says

Under the **Timeshare, Holiday Products, Resale and Exchange Regulations 2010** consumers have certain rights with regard to timeshare and holiday clubs.

Timeshare means buying the right to spend a set period in a holiday property each year. Holiday clubs give you access to discounted accommodation and travel.

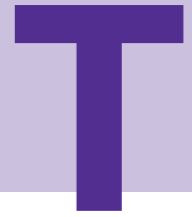
The regulations give you the following rights with respect to timeshare and holiday club contracts:

- A 14-day cooling off period during which the buyer can withdraw from the contract without penalty;
- The seller cannot ask for, or accept, any money from the consumer during the cooling-off period;
- Written information about the contract must be provided in your preferred language; and
- You must be given written notice of the right to cancel the contract and a cancellation form.

These rules apply if you enter a contract for timeshare or a holiday club anywhere in the European Economic Area, i.e. countries in the European Union plus Iceland, Liechtenstein and Norway.

How to complain

If you've entered into a holiday club or timeshare agreement and need advice on your legal position, contact **Consumerline: 0300 123 6262**, your local Citizens Advice, independent advice centre or a solicitor.



The following are also organisations that specialise in queries about timeshares:

Contacts

ABTA

Telephone: 020 3117 0599 for complaints about an ABTA member

Email: abta@abta.co.uk

Web: www.abta.com

If the company is a member of ABTA (The Travel Association), you can contact them. ABTA members are regulated by a Code of Conduct and there is an independent arbitration scheme for disputes.

Further information and advice is also available from:

The Association of Timeshare Owners' Committees

Manchester House
84-86 Princess Street
Manchester
M1 6NG

Telephone: 0845 230 2430

Email: info@timeshareassociation.org

Web: www.tatoc.co.uk

T

Trading Schemes

Trading schemes have different names, including direct selling schemes, network marketing and multi-level marketing. Whatever their title, if you join one, you will usually be self employed and earn money by selling the scheme's goods or services, often in a small way from your own home.

In some schemes, you can get extra commission for recruiting others and also benefit from their sales.

There are legal controls on how trading schemes should operate.

What the law says

The law on trading schemes is in the **Trading Schemes Act 1996** and the **Trading Schemes Regulations 1997**. It sets out what information should be included in advertisements in handbills etc, for such schemes.

If the advertisement includes a claim about earnings, a warning must be included telling people not to be misled by claims that high earnings can easily be achieved.

Before you join such a scheme, you should get a written contract setting out all your rights and duties. After signing the contract, you have the following rights:

- In the seven days after signing, you should not be asked to pay the scheme more than £200.
- You can cancel the contract up to fourteen days after signing it.

How to complain

If you think a trading scheme is breaking the law or you want more information on trading schemes, contact **Consumerline: 0300 123 6262** or visit **www.consumerline.org**

U

Topic	Page ref
Unfair contract terms	6
Unsolicited goods & services	133
Useful Websites	140

Unsolicited Goods and Services

If you receive goods or services that you had not ordered, those goods and services are termed "unsolicited". The law in this area is set out in the **Unsolicited Goods and Services (Northern Ireland) Order 1976**.

What the law says

You can treat any unsolicited goods or services you receive as a gift and do whatever you want with them. It is an offence for the supplier to then request payment for the unsolicited goods or services or threaten to take legal action for the recovery of such payment.

There are also rules around the payment for entries in business directories. These rules are laid down in the **Unsolicited Services (Trade and Business Directories) Act (Northern Ireland) 2010**. Under the Act it, is an offence to demand payment for an entry in a directory unless one of the four methods for agreeing to an entry as set out in the Act is met. These methods include the giving of written permission by way of an order form or note of agreement and, particularly with electronic communication, the provision of specific information about the directory.

How to complain

If you're having problems with unsolicited goods or services, contact **Consumerline: 0300 123 6262** or visit: **www.consumerline.org**

V, W

Topic	Page ref
Videos, DVDs and Games	134
Warranties	7, 17, 38
Water	135
Weights & measures	138
Which	139

Videos, DVDs and Games

What the law says

Most film, video/DVD and video games have to be legally classified by the British Board of Film Classification (the BBFC).

Over 90 per cent of video games do not require legal classification but instead use the PEGI (Pan-European Game Information) age-rating system, introduced in 2003. This system is supported by the major games console manufacturers.

The VSC (Video Standards Council) checks games targeted at the higher age range (12, 16, 18 ratings) against PEGI criteria.

While most video games don't have to be classified, all the other rules apply to them in the same way they apply to videos and DVDs.

It's a criminal offence for a retailer to supply or offer to supply:

- An uncertified video, DVD or game;
- A video, DVD or game to a person below the age stated in the classification;
- A "Restricted 18" video, DVD or game on premises other than a licensed sex shop;
- A video, DVD or game that is not labelled with its classification in accordance with the law; and
- A falsely labelled video, DVD or game.

These controls are in the **Video Recordings Acts of 1984 and 1993** and labelling regulations made under them.

V, W

How to complain

If you've been offered or supplied with a video, DVD or game and you believe that the law has been broken, contact **Consumerline: 0300 123 6262** or visit: www.consumerline.org

Water

Northern Ireland Water (NI Water) provides water and sewerage services for consumers in Northern Ireland. In April 2007 the Consumer Council became the representative for water and sewerage consumers.

How you are protected

The law sets down certain standards that NI Water must keep to. This covers issues such as water quality, treatment of waste water and new connections to the water or sewerage system. The economic, environmental and quality regulators make sure NI Water keeps to the rules that have been set out.

NI Water is required to set standards of performance. For example, these cover how NI Water responds to complaints and enquiries, offers customers connection to the water and sewerage networks, responds to incidents and provides water efficiency advice. The standards of performance are set out in NI Water's Codes of Practice and Customer Charter.

NI Water's Customer Care Register

NI Water provides a range of free additional services to consumers who have a disability, are an older consumer, have a serious medical condition or those who need extra help for any other reason. To register on its Customer Care Register contact Waterline on 08457 440088.

How to complain

If you or anyone you represent is disappointed with any of NI Water's services, you can complain to them by telephone, in writing, by email or in person.

If you are not happy with how NI Water has dealt with your complaint or would like independent advice, contact the Consumer Council.

Pollution

The **Northern Ireland Environment Agency** provides an emergency pollution hotline which you can phone at any time to report pollution such as untreated



sewage in rivers or along the seashore. **Water Pollution hotline: 0800 80 70 60.**

Flooding

Flooding Incident Line is Northern Ireland's single telephone number for consumers to report any flooding problems. You can contact the **Flooding Incident Line** 24 hours a day on **0300 2000 100** to report any flooding incidents such as problems on roads, burst mains or blocked drains. Your details will then be passed onto the most appropriate organisation to deal with the issue.

Water and Frozen Pipes

When we experience freezing temperatures it is possible that water pipes can freeze and burst. You are responsible for the pipes within your property. Below are some simple steps you can take to help avoid frozen pipes and what you should do if you have a burst pipe.

Being prepared and avoiding frozen pipes

- Make sure pipes and tanks are insulated in unheated areas like lofts, roof spaces, garages and outbuildings.
- Know where the internal stop tap/valve is and how to turn it off (usually under the kitchen sink, in a downstairs bathroom or cloakroom).
- NI Water has a video on their website, which shows you how/where to look for pipes that can potentially freeze and how to turn off your water if a burst happens. Watch the video at www.niwater.com/winter-films/
- Fix dripping taps as a trickle of water can freeze and block a pipe.
- Get your boiler serviced regularly by a qualified plumber.
- Write down the contact details of a qualified plumber. NI Water recommends using an Approved Plumbing Contractor. Details can be found on www.needaplumber.org or by telephoning SNIPEF (Scottish and Northern Ireland Plumbing Employers Federation) on 0131 556 0600.
- If you are going away leave a key with a neighbour, friend or family member who can check your home for frozen pipes. Show them where the internal stop tap/valve is and how to turn it off.

If your pipes freeze

- Turn off your water supply at the internal stop tap/valve.
- Thaw along the pipe starting at the end nearest the tap. Wrap warm cloths/ hot water bottles around it or use hairdryer at its lowest setting. Don't heat the pipe too quickly or use a naked flame as this could cause them to burst.
- Don't leave taps dripping or running as the pipes below may be frozen.
- Call a qualified plumber and ask for advice.



If a pipe bursts

- Turn off your water supply at the stop tap/valve.
- Use towels to stop escaping water.
- Turn **ON** all your taps to reduce flooding.
- Call a qualified plumber.
- When the burst pipe has been fixed remember to turn **OFF** your all taps.
- If you see a leak on a road or footpath report these to **NI Water's Leakline: 0800 028 2011.**

For more information contact Waterline on **0845 744 0088** or visit: www.niwater.com

Insurance

You should make sure your property and contents insurance covers severe weather conditions. Read your policy to see how you are covered. If you are not, contact your insurance company and amend your policy or shop around for a new policy. If you cannot find your policy, contact your insurance provider who will send you another copy or advise you on what your policy covers.

Keep your insurance documents along with a torch and a few other essentials in a waterproof box in case of an emergency flood or leak. If your house or its contents are damaged as a result of burst pipes or a flood check your policy to make sure you are covered and contact your insurance company immediately. They will advise you on how best to put in a claim.

If you have a complaint about how your insurance company is dealing with your claim, tell the company first. This will allow them the opportunity to put things right. If you are still unhappy, contact the Financial Ombudsman Service on **0800 023 4567** or **0300 123 9123** or visit www.financial-ombudsman.org.uk

Contacts

Waterline

Northern Ireland Water
PO Box 1026
Belfast
BT1 9DJ

Telephone: 08457 440088
Email: waterline@niwater.com
Web: www.niwater.com



Water Pollution Hotline

Telephone: 0800 80 70 60
Email: emergency-pollution@doeni.gov.uk

Flooding Incident Line

Telephone: 0300 2000 100

The Consumer Council

Elizabeth House
116 Holywood Road
Belfast BT4 1NY

Telephone: 0800 121 6022 (complaints line)
Textphone: 028 9067 2488
Email: complaints@consumercouncil.org.uk
Web: www.consumercouncil.org.uk

Financial Ombudsman Service

South Quay Plaza
183 Marsh Wall
London
E14 9SR

Consumer helpline: 0800 023 4567 or 0300 123 9123
(Monday – Friday between 8am – 6pm and
Saturday 9am – 1pm)
Email: complaint.info@financial-ombudsman.org.uk
Web: www.financial-ombudsman.org.uk

Weights & Measures

What the law says

The main law for weights and measures is the **Weights and Measures (Northern Ireland) Order 1981** and various regulations made under it. Enforcement is the responsibility of the Trading Standards Service.

Many everyday goods including food, petrol, home heating oil and alcoholic drinks are sold by weight or measure and you should always get the amount you've paid for. Certain goods have to be sold in certain quantities and there are also controls on how the quantity should be marked on the packaging.



Equipment used for weighing or measuring, such as shop scales or petrol pumps, must be accurate.

How to complain

If you think you've been sold short weight or measure, you should complain to the retailer immediately. Even if your complaint is dealt with satisfactorily you should also report your complaint to the Trading Standards Service by contacting **Consumerline: 0300 123 6262** as the problem may be one that can affect others. Consumer information and advice is available online at www.consumerline.org

Which?

Which? Is the largest consumer body in the UK with over a million members. It promotes informed consumer choice in the purchase of goods and services and is known for testing household products like washing machines and digital cameras to establish the 'best buy'. They also campaign on important issues affecting consumers.

Which? has an online subscription website and publishes a monthly magazine featuring product testing, mystery shopping and best buy information on a range of products and services including computing, cars, food and health, holiday and leisure, photography and video, money, TV, music and legal rights.

Contacts

Which?

2 Marylebone Road
London
NW1 4DF

Telephone: 020 7770 7000
Web: www.which.co.uk

USEFUL WEBSITES

Advertising Standards Authority www.asa.org.uk

Adviceni..... www.adviceni.net

ABTA (The Travel Association)..... www.abta.com

Airtricity (electricity) www.airtricity.com

Airtricity (gas) www.airtricitygasni.com

Association of Independent Tour Operators www.aito.co.uk

Association of Timeshare Owners' Committees www.tatoc.co.uk

Budget Energy www.budgetenergy.co.uk

Chartered Institute of Arbitrators..... www.ciarb.org

Citizens Advice www.adviceguide.org.uk

Consumer Council..... www.consumercouncil.org.uk

Consumers Advice Centre..... www.belfastcity.gov.uk/consumeradvicecentre

Consumers Association of Ireland www.consumerassociation.ie

Consumer Credit Counselling Service www.cccs.co.uk

Consumerline..... www.consumerline.org

Direct Marketing Association www.dma.org.uk

Disability Action www.disabilityaction.org

Electric Ireland www.electricireland.com

Energia www.energia.ie

Equality Commission www.equalityni.org

National Association of Estate Agents..... www.naea.co.uk

European Consumer Centre..... www.ukecc.net

Financial Ombudsman www.financial-ombudsman.co.uk

Financial Services Authority www.fsa.gov.uk

firmus Energy www.firmusenergy.co.uk

Food Safety Promotion Board..... www.safefood.eu

Food Standards Agency www.food.gov.uk/northernireland

National Association of Funeral Directors..... www.nafd.org.uk

National Society of Allied & Independent Funeral Directors.... www.saif.org.uk

Gas Safe Register..... www.gassaferegister.co.uk

Glass and Glazing Federation www.ggf.org.uk

Housing Rights Service www.housingrights.org.uk

Information Commissioner..... www.ico.org.uk

Law Society of Northern Ireland www.lawsoc-ni.org

National Consumer Agency (ROI)..... www.consumerhelp.ie

National Newspapers Safe Home Ordering (S.H.O.P.S) www.shopspromise.com

Newspaper Society..... www.newspapersoc.org.uk

nidirect..... www.nidirect.gov.uk

NIE Transmission and Distribution..... www.nie.co.uk

Northern Ireland Housing Executive www.nihe.gov.uk

Northern Ireland Ombudsman..... www.ni-ombudsman.org.uk

Northern Ireland Courts and Tribunals Service	www.courtsni.gov.uk
Ofcom	www.ofcom.org.uk
Office of Fair Trading	www.oft.gov.uk
Ombudsman Services: Communications	www.ombudsman-services.org/communications.html
Periodical Publishers Association Ltd	www.ppa.co.uk
Phoenix Natural Gas Ltd	www.phoenix-natural-gas.com
PhonepayPlus	www.phonepayplus.org.uk
Power NI	www.powerni.co.uk
Trading Standards Service	www.detini.gov.uk/deti-consumer-contacts.htm
Translink	www.translink.co.uk
NI Water	www.niwater.com
Vayu	www.vayu.ie
Which?	www.which.co.uk

Index

Index	Page ref
Advertisements	24
Air travel	27
Adviceni	26
Auctions	7, 37, 123
Benefits	30
Bus travel	33
Buying goods	3
Buying services	8
Cancellation rights	54, 120
Cars	34
Charity collectors	39
Christmas savings clubs	16
Citizens Advice	40
Coal	41
Consequential loss	5
Consumerline	23
Consumer Advice Centre (Belfast)	42
Consumer Council	21
Councils	43
Counterfeit goods	44
Credit agreements	15
Credit cards	14, 47
Credit licensing	45
Credit notes	5
Credit reference agencies	46
Data protection	51
Debit cards	14
Debt	52
Deposits	7, 14, 38
Direct selling schemes	132
Disability Action	53

Index	Page ref
Distance selling	120
Doorstep selling	54
Double glazing	54
Dry cleaning	56
DVDs	134
Electricity	58
Energy efficiency labelling	63
Environmental health	63, 73, 83
Estate agents	64,116
European Consumer Centres	66
Ferries	67
Financial services	71
Financial Ombudsman	72
Financial Services Authority (FSA)	71
Food safety	73
Food Safety Promotion Board (<i>safefood</i>)	73
Food Standards Agency (Northern Ireland)	74
Freedom of Information	75
Funerals	77
Games (DVD, video)	134
Gas (natural)	79
Guarantees	7,17
Hallmarking	82
Health and safety	83
Health and social care	84
Hire purchase	37, 49
Holidays	88
Home Heating Oil	91
Homelessness	93
Home-working schemes	92
Housing	93

Index	Page ref
Housing benefit	95
How to complain	19
Insolvency practitioners	17
Installation of goods	4
Junk mail, faxes, telephone calls and emails	98
Mail Order Protection Scheme	100
nidirect	101
Office of Communications (OFCOM)	102
Office of Fair Trading (OFT)	103
Online auctions	123
Online shopping (shopping from home)	120
Ombudsman	105
Patient Client Councils	84
Payday loans	107
Petrol & diesel fuel	109
Postal Services	111
Premium rate services	113
Prices	114
Private sales	6, 34, 37, 125
Prize draws & competitions	115
Property descriptions	116
Radio broadcast complaints	24, 102
Rail travel	120
Refunds or exchange notices	121
The Regulation and Quality Improvement Authority	86
Repairs	4
Rented properties	43, 63, 93, 94
Sale goods	6
Second-hand goods	5
Shopping from home	120
Small Claims Court	124

Index	Page ref
Solicitors	126
Spam emails	98
Telephones	98, 128
Television broadcast complaints	24, 102
Timeshare	130
Trade associations	9, 39
Trading schemes	132
Trading Standards Service	22
Train travel (see Rail Travel)	118
Unfair contract terms	6
Unsolicited goods & services	133
Useful Websites	140
Videos, DVDs and Games	134
Warranties	7, 17, 38
Water	135
Weights & measures	138
Which?	139



The Consumer Council

Elizabeth House
116 Hollywood Road
Belfast
BT4 1NY

Complaints line: 0800 121 6022
Tele/Textphone: 028 9067 2488
Fax: 028 9065 7701

Email: info@consumercouncil.org.uk
complaints@consumercouncil.org.uk

Website: www.consumercouncil.org.uk



Consumer Council Northern Ireland



ConsumerCouncil