

## ASK THE ADVISER

21) CHRISTMAS - The latest in a series of articles by Iain Gregory of Caithness CAB

Many years ago in a certain North Highland village there occurred a series of mysterious events. Residents, invariably pensioners, awoke and found that an unknown benefactor had left a gift on the front step for them overnight. In each case the tribute was a large, freshly caught and most palatable salmon. This came to the notice of the press, for whom it was also a gift from heaven, (or possibly the nearby river), and headlines such as "Robin Hood", "A fishy tale" and "The scales of justice" were – to be honest – rather overused. There was great speculation and it was even suggested – quite wrongly I am sure – that these prime specimens of the Salmonidae family may have been obtained without the permission of the riparian owner. As far as I know the philanthropist(s) in question were never identified, but it did lead to one of the best pieces of advice ever given by a Police Officer to a member of the public. An old lady opened her front door, armed with her scrubbing brush, and found such a present on the step. Being an old lady she telephoned my friend, now sadly deceased, and asked what she should do. After a moment or two of thought he advised, "Well my dear, first take a large pan .....". Wonderful. And the village? Well there is a clue for you in the last paragraph so please read on.

There is no doubt that this was a story of giving and of generosity and as Christmas approaches we are all turning our thoughts to exactly that. We all know that it can be a time of great happiness and we all want it to go well so I thought some general advice would be timely.

First of all remember your consumer rights – If you buy from a shop then The Consumer Rights Act 2015 says that goods must be "as described, fit for purpose and of satisfactory quality". During the expected lifespan of your product you're entitled to the following: if your goods are faulty, you can get an immediate refund for up to 30 days; for up to 6 months, if it can't be repaired, then you're entitled to a full refund, in most cases; and for up to 6 years, if the goods do not last a reasonable length of time, you may be entitled to some money back. Think for example of a TV – is it reasonable for a £500 TV to expire after 2 years? No, it isn't. If you order something from home The Consumer Contract Regulations say that you have up to 14 days to change your mind and get a full refund and after that we are back to your standard consumer rights as above. What about digital content? As we all know this can go wrong and you are entitled to the same protection under the Consumer Contracts Regulations as you are with other purchases, but if you have started a download you lose the 14 day right to change your mind (provided the seller has told you and you have acknowledged this). Caithness CAB can help you with any issues or you can telephone our Consumer Helpline on 03454 04 05 06.

And what about paying for things? My wife and daughter have the perfect solution – they shop and I pay – but protecting yourself is always wise. Clearly you can use cash, or pay by cheque, but always get a receipt. If you decide to use a credit card or debit card then there are additional protections in place. I have mentioned them before, but they are not widely known (or publicised) so here is a brief guide for you. If you buy something with a credit card then Section 75 of The Consumer Credit Act 1974 says that “joint and several liability” applies and the card provider is just as liable as the trader if things go wrong. So long as you have spent between £100 and £30,000 – even if the card was only used as part payment – then full protection is in place. So if you bought something for £1000 and paid it half cash and half with your card and it proved to be faulty then you can go to the lender as well as the retailer – very useful if the retailer has gone bust or is unresponsive. Also, the Court of Appeal has ruled that, so long as you used an UK issued card, then the protection applies to goods bought from overseas companies as well. But remember this only applies to credit cards - not debit cards. With a debit card there is a system called “Chargeback” - in some cases, if a customer disputes a transaction made on her/his card, the business who took the money will be requested by the bank to repay same to your account. This is called a Chargeback. A chargeback may apply to debit card transactions for any amount and to credit card transactions for less than £100, which are not covered by the equal liability rules. A chargeback may arise where:- The goods have not been received; the goods have arrived damaged; the goods have been received but are not as described; the transaction was not authorised. A chargeback is not an automatic right and depends on the policy of the card provider. If you have a problem then contact the bank issuing the card to find out if you can make a claim under a chargeback scheme and, if so, the time limit for making such a claim. For example, the Visa chargeback scheme requires a customer to contact her/his card provider within 120 days. If it can be shown that the transaction was not properly authorised, the bank or building society must immediately refund the amount to you and make any other correction so that you do not suffer any loss, unless there is some evidence that justifies further investigation. This can get a bit complicated, so if there is any problem please come and see us.

Sadly, we have to help quite a number of people with debt – usually peaking around the end of January when the bills start rolling in. The main thing to remember is not to panic and not to ignore the demands for payment. Unfortunately, things will get worse the longer you leave it so contact Caithness CAB quickly and we will support you. The very first thing we will do is take the pressure off and notify the various creditors that Caithness CAB are now assisting. We will carry out a budgeting exercise and advise you of the various options available – we never tell you what to do - and then, when you have made your decision, we will help you through the whole process of sorting things out and moving on with your life.

There is a lot of useful information about all these subjects and many more

besides on our website – [caithnesscab.org](http://caithnesscab.org) – and you can visit us on Twitter and Facebook as well or look at [Adviceguide.org.uk](http://Adviceguide.org.uk) (just remember to click the button for “Scotland”).

And now for the clue which I promised you. Where was the village? Well, a lady in pink used to dine below the palm trees in the local oasis. Answer will be on Facebook and Twitter in a week or so.