

HOW TO SOLVE YOUR PROBLEMS Identifying the Fault

If you're in dispute with the trader about what the fault is, how it was caused or when it happened:

- It is **your** responsibility to show that your problem is caused by a manufacturing fault or poor quality work and not by wear and tear, misuse or an accident since your purchase. However, if the goods become faulty within the first six months and you are only seeking a repair or replacement then it is assumed that the fault was present at the time of purchase. It is for the trader to prove otherwise.
- To help you prove the cause of the fault you may need to contact a person who can give you a valid independent written report on the goods or the work done. You will need to check that this person is prepared to allow the report to be used in Court if necessary. You may have to pay for the report but if it supports your case you can add the cost to your claim against the trader.
- You should tell the trader before getting an independent report to give them an opportunity to resolve your problem or offer to pay all or some of the cost.
- To find someone who is prepared to give you a written report you should contact a reputable dealer, an experienced repairer or contractor, a university or college, or a trade association. Yellow Pages, the Thomson Directory or any other commercial directory may help

you find someone. The report should also include an estimate of the cost of putting things right.

- When something needs to be stripped down for an examination it may be quicker and cheaper to have the repair done at the same time. All faulty parts or materials **must** be kept as evidence. Keep all receipts.
- If the report supports your case give the trader a **copy** of the report plus **copies** of any receipts or estimates. Ask the trader to put things right or pay compensation as appropriate.

IMPORTANT

- If you can't afford a report or can't find anyone to write one you may still be able to pursue your case.
- If you do go to Court the district judge or Sheriff may be able to decide your claim without a report or may direct that a report be carried out.
- However it is still **your** job to prove your case.