

N 10 Going North - Consumer Issues

If you live in the Republic of Ireland (ROI) and you want to go to Northern Ireland (NI) to live or to shop this factsheet provides a general overview of your rights as a consumer of goods and services. It describes the various agencies to which you may complain and outlines the procedures involved. It does not deal with transactions between businesses. You may further information from the addresses and websites listed.

The information in this leaflet was compiled in November 2007.

Consumer Rights

In general, consumer law in the North is broadly similar to consumer law in the South. It is mainly concerned with ensuring that you, the consumer, have enough information about prices and quality of products and services to make suitable choices on what to buy. It is also concerned with ensuring that goods and services are safe, that ingredients in food are listed and that unfair terms are not used in consumer contracts.

The Northern Ireland Department of Enterprise, Trade and Investment has responsibility for consumer policy. www.detini.gov.uk

How to complain?

If you are not satisfied with the quality of goods or services you receive you should:

- Know what your rights are
- Return the goods to the supplier who sold it to you (you should not return the goods to the manufacturer)
- Deal with the issue as soon as possible
- Do not attempt to repair the item yourself or give it to anyone else to repair it
- Make sure that you have a proof of purchase

Consumer Protection Agencies

If you are still unhappy after complaining to the retailer or service provider there are a number of statutory and voluntary consumer bodies in Northern Ireland. Your rights as a consumer in NI are the same regardless of whether you live there or in ROI. These bodies are there to inform you of your rights as a consumer and to help you enforce these rights. The following information describes the main organisations that can advise you of your rights as a consumer.

Office of Fair Trading

The Office of Fair Trading (OFT) is a government department whose aim is to protect consumers by ensuring that trading practices are fair and by encouraging competition between businesses. The OFT issues licences to traders who give credit, and keeps a register of licensed credit dealers. The OFT has regulatory and disciplinary powers under consumer legislation. The OFT cannot help an individual client to resolve a consumer complaint, but can take action against traders who persistently commit offences. The OFT produces leaflets for consumers giving information and advice on various subjects, for example, buying by post, obtaining credit and using estate agents.

Office of Fair Trading
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

Tel: (public consumer information line) 0(0044)845 722 4499

Fax: 020 7211 8877

Website: /www.offt.gov.uk

E-Mail: enquiries@oft.gsi.gov.uk

Trading Standards Service

The responsibility for enforcing trading standards legislation in Northern Ireland lies with the Trading Standards Service (TSS) of the Department of Enterprise, Trade and Investment. TSS are responsible for enforcing consumer criminal law and for giving help and advice on consumer matters.

Trading Standards Service
Department of Enterprise, Trade & Investment
176 Newtownbreda Road
BELFAST BT8 6QS

Tel: 028 (048) 9025 3900

<http://www.detini.gov.uk>

General Consumer Council for Northern Ireland

The General Consumer Council for Northern Ireland is a statutory body whose aims are to promote and safeguard the interests of consumers. The Council campaigns on behalf of consumers for the best possible standards of service and protection; undertakes research and data collection; gives advice, information and issues publications. It deals with individual complaints about passenger transport, coal, natural gas and electricity.

General Consumer Council for NI
Elizabeth House
116 Holywood Road
BELFAST BT4 1NY
Tel: 028 9067 2488
Complaints Line: 0845 601 6022
<http://www.gccni.org.uk/>

Consumerline

Consumerline is a partnership between the Trading Standards Office and the General Consumer Council for Northern Ireland. It provides advice and information to consumers.

Consumerline: 0(0044)845 600 62 62
www.consumerline.org

Citizens Advice Bureaux

Local Citizens Advice Bureaux provide comprehensive information, advice and advocacy on a wide range of consumer rights and entitlements.

www.citizensadvice.co.uk
www.adviceguide.org.uk

Food

Food Standards Agency Northern Ireland

The Food Standards Agency's role is 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.

Individual complaints about food hygiene should be made to the Environmental Health Department of the local District Council.

Complaints about food labelling should be made to Consumerline: 0(0044)845 600 62 62. If it appears the law is being broken your complaint is referred to the Trading Standards Service.

Food Standards Agency (Northern Ireland)
10c Clarendon Road
Belfast BT1 3BG
Phone: 028 9041 7711
www.food.gov.uk/northerireland

The European Consumer Centre

The European Consumer Centre provides free information and advice on your rights and entitlements as consumer within the European Union and may be able to help you if your complaint has a cross border dimension:

European Consumer Centre
13a Upper O'Connell St.,
Dublin 1
Tel (01) 809 0600
E-mail: info@eccdublin.ie
www.eccdublin.ie

The various bodies to which you may complain are described here. Ultimately, your rights may have to be determined by a Court – see Leaflet N8.

Small Claims Court

The Small Claims Court is particularly important for dealing with consumer complaints. It allows certain types of claims to be decided informally by the county court, usually without the need for a solicitor or barrister. You may take a claim to the Small Claims Court if the amount involved is less than £2,000. The procedure involved is simple, application forms are available from any county court office, Trading Standards office or the Northern Ireland Court Service website www.courtsni.gov.uk.

The fees for using the Small Claims Court are:

- £16 for claims of £150 or less
- £36 for claims of £150.01 to £300
- £52 for claims of £300.01 to £500
- £62 for claims of £500.01 to £2,000

Standards for Goods and Services

Goods, and goods supplied with a service, which are offered for sale must be of satisfactory quality, properly described and fit for their purpose.

Satisfactory quality covers matters such as the appearance and finish of the goods, their safety, fitness for their normal purpose and the length of time they should continue to do what they are supposed to do.

Properly described means they should match any description on the packaging or the label or any claim the seller makes about them

Fit for their purpose means that the goods must be fit for the purpose for which they are usually sold or fit for any purpose which the vendor told the seller s/he wanted to use the goods for.

If something you bought does not meet these general conditions, you may be entitled to get your money back or get the item replaced or repaired.

General Standards for Services

If you contract with someone to supply services – for example, a plumber or carpenter, then, in general, you are entitled to expect that:

- The work will be done with reasonable skill and care.
- If no time limit was agreed before the work started, it will be finished within a reasonable period.
- If no charge was agreed before the work started, the charge will be a reasonable one.
- Any materials used will be of satisfactory quality, properly described and fit for any specified purpose.

If these conditions are not met, you are entitled to have the problem put right or to a refund or compensation. Some service providers belong to a professional or trade organisation to which you can complain. Details of these are available from Citizens Advice Bureaux.

The statutory consumer rights relating to goods and services described above also apply to online shopping and other forms of distance selling. There are additional detailed regulations relating to these forms of shopping involving, amongst other things, cancellation rights.

Guarantees

Many goods have a guarantee for a set period. You may pursue the people who gave the guarantee if the goods do not perform in accordance with the guarantee. If the goods do not meet the general conditions set out above, you should bring them back to the seller. You may also invoke the guarantee but the guarantee is not a substitute for your basic rights to receive quality goods.

Prices

In general, the prices of goods and services are not controlled. This means that retailers and service providers may charge any price.

If you consider that, for example, the price charged by a particular retailer is too high, you may complain to the retailer. Your most effective remedy is to refuse to shop there. There is no external body to which you can complain as there is no law being broken. If all the retailers are charging the same amount for a particular product, you may consider that they are acting in a non competitive way and you can complain about that to the Office of Fair Trading (see section on Enforcement of Consumer Rights).

Display of Prices

The prices of most consumer goods must be displayed. The price shown – whether it is the actual price being charged, the “recommended” price or the previous price – must be accurate and not misleading.

In the case of products which are sold by weight, volume or measure (for example, vegetables, cloth) the unit price for a relevant unit – a kilogram, a litre, a metre, a square metre or a cubic metre must be displayed. This is the case for almost all goods.

If the price is not correctly displayed

If the price which is displayed is the wrong price, you may complain to the Trading Standards Office.

Safety standards

Product Safety

Manufacturers, importers and traders are required to ensure that the products they put on the market are safe. This requirement applies when the products are used under reasonably foreseeable conditions. Unsafe products must be recalled and taken off the market.

Liability for defective products

If goods are defective and the defect causes injury or damage, the manufacturer is liable for the damage caused. You do not have to prove that the manufacturer was negligent; you have to show that the product was defective and that the defect caused damage.

Specific Services

Some industries are regulated and the Regulators have certain responsibilities towards consumers but consumer protection is generally not their primary function.

Water

It is proposed to introduce water charges in Northern Ireland from 2007 and to change the structures for the delivery of water services. At present the service is the responsibility of the Water Service.

Water Service Head Office
Northland House
3 Frederick Street
BELFAST BT1 2NR
Tel: 028 9024 4711
www.waterni.gov.uk

Electricity and Gas

The electricity and gas industries are regulated by the Northern Ireland Authority for Energy Regulation. The office is popularly known as Ofreg.

Ofreg/NIAER
Brookmount Building
42 Fountain Street
BELFAST BT1 5EE
Tel: 028 9031 1575
<http://ofreg.nics.gov.uk>

Airlines, Tour Operators and Travel Agents

Travel and tour operators are obliged to hold a licence called an "ATOL". This is a protection scheme for flights and air holidays and is managed by the Civil Aviation Authority (CAA).

Consumer Protection Group
Civil Aviation Authority
K3 CAA House
45-59 Kingsway
London WC2B 6TE
<http://www.caa.co.uk>

Telecommunications

The Office of Communications (Ofcom) is the regulator of the communications sector regulator. It covers phone services (both fixed line and mobile) and broadcasting.

Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Phone: 0845 456 3000
www.ofcom.org.uk

Ofcom Northern Ireland
Landmark House
The Gasworks
Ormeau Road
Belfast BT7 2JD
Tel: 028 9041 7500