

Unit 1: Chapter 2

CONSUMER CONFLICT

Learning Outcomes from this chapter

On completion, you should be able to:

- Outline non-legislative ways of solving conflict
- Describe how the Competition and Consumer Protection Commission protects the interests of consumers
- Outline a consumer's legal rights under the terms of the Sale of Goods and Supply of Services Act 1980
- Illustrate the provisions of the Act for both goods and services
- Illustrate the forms of redress available to consumers for a breach of the Act
- Explain the main provisions of the Consumer Protection Act 2007
- Evaluate the role of the small claims procedure
- Evaluate the role of the Office of the Ombudsman for public services

Competition and Consumer Protection Commission (CCPC)

Informing the consumer	Provides information online, on social media and via helpline
Enforcing consumer law	Issues compliance notices and fines, uses 'name and shame'
Conducting research into consumer issues	Publishes research on consumer behaviour to help consumers realise possible savings or improvements
Educating the consumer	Provides tools on its website (e.g. financial calculators) to allow consumers to compare costs
Advising the government	Highlights issues facing consumers and suggests law changes
Protecting consumers from firms dominating a market	Examines potential mergers and acquisitions, reduces likelihood of monopolies that prevent fair competition

Sale of Goods and Supply of Services Act 1980

Provisions for goods

When sold, goods should:

- Be of merchantable quality and reasonably durable given the price paid for them
- Conform to the sample used to sell them (e.g. from a samples book or showroom)
- Be fit for purpose – able to do what they are intended to do
- Be as described/shown in advertisements, by a salesperson or on the label

Sale of Goods and Supply of Services Act 1980

Provisions for services

When sold, services should:

- Be provided by someone who has the necessary skills and is qualified
- Be provided with due care (e.g. not rushed or poorly delivered)
- Not be provided with improper or unsuitable tools. Any goods supplied with the service should be of merchantable quality





Sale of Goods and Supply of Services Act 1980

Other provisions

- **Guarantees** are additional protection given to the consumer; they don't take away from the consumer's legal rights.
 - It is illegal for shops to display signs reducing legal rights (e.g. 'No refunds').
 - Goods sent to a person who has not ordered them (inertia goods) can be kept after six months if no attempt has been made to collect the goods.
 - When goods are bought from a retailer, it is not the responsibility of the manufacturer but the *retailer* to resolve customer complaints.
 - Forms of redress for faulty goods are (**3 Rs**):
 - **Refund**: Entitled to money back for complaining promptly
 - **Replace**: Entitled to replacement product with new or similar model
 - **Repair**: Entitled to ask for the product to be fixed.
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False claims about a product	A business cannot : sell counterfeit items as real items; lie about origin; lie about an award received; lie about previous usage.
Misleading advertising about a product	A business should be clear what is included in the purchase and what a consumer can reasonably expect. A business cannot mislead consumers when comparing products.
Advertising of false prices	A business must be truthful about the actual price, previous price and recommended retail price in any comparison.
Misleading price displays	A business must display prices for all items on sale; some items must be shown in a particular way (e.g. foods sold by the kilogram).
Aggressive selling practices	The Act prohibits harassment, coercion or exercising undue influence to get someone to buy something.
Pyramid schemes	The Act bans (pyramid) schemes where people buy in at a certain level and then recruit more people to buy in below them in order to profit from those people.
Price controls	The government can impose a maximum price on certain goods in an emergency situation.



Consumer Protection Act 2007

The small claims procedure

- For claims up to the value of €2,000 involving a consumer and a business – or involving two businesses
- Initial fee of €25 to start the procedure
- Claims can be started online on the Small Claims Court's website or by downloading a small claims form on the CCPC website
- Consumer or business can represent themselves: no need for solicitor
- If the claim is undisputed, it will be awarded in favour of the consumer

The Ombudsman for public services

This is an impartial body that investigates consumer complaints about the activities of public bodies (e.g. An Post).

It is a last resort and will only investigate a case if the person has already tried to resolve the problem themselves.

It is accessible to all and free of charge.