



# Halifax press release

Wishing you a merry Christmas and many happy returns

**Friday 21st December 2007**

If you venture out to the shops just after Christmas, it's likely you are one of two types of people; the hardcore bargain hunter or those returning unwanted or faulty gifts. Halifax, one of the UK's largest credit card providers, is offering advice on what your legal rights are when it comes to making Christmas gift returns.

At Christmas, most of us have felt disappointed when unwrapping an oversized woolly jumper or when the latest must-have gadget just does not work. Instead of enjoying yet another turkey and stuffing sandwich, we are faced with long queues at the customer service desk amongst the hustle and bustle of the January sales. But when we get to the sales assistant, do we really know where we stand when it comes to claiming a refund or exchanging unwanted or faulty gifts?

Ken Stannard, head of Credit Cards at Halifax, said:

"With UK adults expected to spend an estimated £12 billion\* on presents this Christmas, knowing your rights as a consumer is really worthwhile this winter. There is no need for faulty or unwanted gifts to lie at the bottom of the wardrobe; with the right knowledge of your basic shopping rights you should have a very merry Christmas and a happy New Year.

"Additionally, consumers can have added protection on credit card purchases. Under Section 75 of the Consumer Credit Act, if the retailer refuses to issue a refund for faulty goods, for example if the shop has gone bust; a credit card company is equally liable for faulty purchases valued at over £100 and under £30,000."

## **Returning Faulty Gifts**

- Shops displaying signs that state that refunds and exchanges are not available are breaking the law; it is illegal for shops to claim this.
- If goods are faulty or not as described then the customer is entitled to a full refund, you do not have to accept a credit note or replacement. This also applies to goods bought in sales, unless the defects were drawn to your attention or if they were obvious at the time.
- You do not have to agree to a replacement or repair if goods are returned promptly or within a reasonable period of time.
- You do not have to produce a receipt if goods are faulty however, it is better to have one as evidence. If you have lost your receipt, you can use a credit card bill or bank statement as a proof of purchase.
- If you need to return items that are heavy, bulky or hard to manoeuvre, you can ask the retailer to collect for you.
- Most shops allow 28 days to claim refunds or exchanges, although there is nothing in the law that defines what a reasonable length of time is. However, you must not have kept the goods for longer than is reasonably necessary to discover the defect.
- If you have bought an item which was sold as 'seconds' then you cannot expect it to be in perfect condition and this will be taken into consideration for any claims for refunds, repairs or exchanges you make.

## Returning Unwanted Gifts

- If you want to return goods because you don't like or want them, you have no legal right to ask for your money back.
- Many stores will still offer you a refund, credit note or exchange in these circumstances, but this is a gesture of goodwill and they are actually doing more than is required by the law.
- Some stores offer gift receipts, which act as a proof of purchase but do not detail the price, making it easier for the recipient to seek a refund or make an exchange.
- You will almost always need a receipt in these circumstances - though a few stores will still offer credit notes or exchanges without one.
- Even with a receipt most stores will only offer an exchange and refund policy for a limited period, though this is often extended during the Christmas period.
- Many stores may not accept returns on underwear and pierced earrings for hygiene reasons, so it's best to check the store policy before you buy.

## Returning Gifts Bought Online

Gifts bought online, via the telephone or by mail order are all covered by the same shopping legislation as shop purchases. However, if you wish to return the gift, you will probably have to own up to the person who bought it.

- Goods must match their description and must be of satisfactory quality.
- Refunds on goods bought in these ways should also include any postage and packaging costs. If you buy goods from a UK website you are covered by the same rights that apply in the UK High Street.
- Under the Distance Selling Regulations 2000, if you buy online you have a 'cooling off' period during which an order can be cancelled without any reason and a full refund made.

## Credit Card Purchases

- In the case of faulty goods, if you are unable to claim a refund from a retailer, for example if the retailer is uncooperative or insolvent, and you have bought goods on your credit card that cost over £100 and under £30,000, you are protected by Section 75 of the Consumer Credit Act. This states that the credit card company is equally liable for any defects.
- Remember, the statutory rights apply to the person who made the purchase on their credit card, not the recipient of the gift, so the store could refund the money to the card and not to you.

## Information and Advice

There are several organisations you can turn to for Christmas consumer rights advice.

- The Citizens Advice Bureau website at [www.adviceguide.org.uk](http://www.adviceguide.org.uk) has free factsheets on a whole range of issues.
- Consumer Direct at [www.consumerdirect.gov.uk](http://www.consumerdirect.gov.uk) provides clear, practical, consumer advice before and after you buy.
- The Trading Standards Service is also a good place for information at [www.tradingstandards.gov.uk](http://www.tradingstandards.gov.uk) and if you visit the BBC's Watchdog website, you will find useful letter templates outlining how to complain and ask for refunds.

## Editor's Notes

\* Research featured in Halifax press release – Brits spend £12bn on Christmas presents (5<sup>th</sup> December 2007)

Further details on Halifax credit cards can be found online [www.halifax.co.uk/creditcards](http://www.halifax.co.uk/creditcards) or by calling 08457 28 38 48 or by visiting a local branch.