

Happy returns

We explain your rights when taking back the Christmas gifts you didn't want to stores on the high street and online

IN BRIEF

In this report we help you to:

- figure out what items can and can't be returned
- discover what proof of purchase you need to show
- understand your rights when returning gifts bought online, over the phone or by mail order.

Whether you received three copies of Parky's autobiography, or had to feign delight over a bright pink jumper that clings in all the wrong places, you won't be alone in considering returning a gift or two in the days after Christmas is over.

Under the Sale of Goods Act, consumers always have the right to return goods that are faulty, not as described or unfit for purpose in some way – unless the fault was noted at the time of buying.

In addition, most stores choose to provide a 'goodwill' returns policy, offering an exchange, refund or credit note for certain non-faulty items.

If your gift was bought online or by mail order, you may have additional rights to return it.

Shop returns

You can return non-faulty goods only if the store has a returns policy. This policy can be as reasonable or as rigid as the shop likes. Returns policies are usually displayed on receipts, on signs in-store and online. You can also ring the store's customer services line to find out details of its returns policy.

Most stores impose time limits for non-faulty returns, such as 28 or 90 days. Some extend this over the Christmas period.

Most shops say non-faulty items can be returned unused and in perfect condition with their undamaged original packaging. There may also be additional restrictions, depending on the type of item you'd like to return.

Many music, DVD and computer software stores refuse to change items that are no longer sealed. You won't usually be able to return an item if it was made to order or personalised, or if it is perishable. This would include made-to-measure clothing, food and flowers.

Most items that come into contact with the body during use are excluded from shop returns policies for hygiene

reasons – even if you've not used them. Examples include earrings, make-up, toiletries and some items of clothing.

Returns and refunds

Having proof of purchase usually helps, and some stores only allow returns with a receipt. Not having a receipt doesn't take away your legal rights, but the seller could dispute that the goods were ever bought from that store.

Even if you have the receipt, stores don't have to honour their returns policies if the person returning the item was not party to the original sale. In reality, most stores accept returns from people who received goods as a gift.

Some shops offer gift receipts. These look like normal receipts, but don't show prices and payment details.

If the store will accept the item back, you could be offered the opportunity to exchange the item for another, or you may get a credit note or a refund.

You won't usually be offered a cash refund if you don't have the receipt, and some shops only refund money the way it was paid. This means if the gift was bought on a credit card, the money will be refunded back on to that original card, so the cardholder will need to be there.

Returning sale items

Most major stores choose to treat sale item returns the same as non-sale items – but they do have the right to alter their returns policy for sale goods, as long as customers are notified before they buy.

If the price of the item you'd like to return has changed since it was bought and you do not have proof of purchase, you'll most likely be offered the current or most recent price.

Gifts not bought in person

If the gift was bought online, by post or by phone, The Consumer Protection (Distance Selling) Regulations 2000 (DSR) give consumers a 'cooling-off' period, dur-

Don't they have to take it back?

Can I get cash back?


ing which buyers can change their mind and cancel an order for many goods.

You have seven working days, starting from the day after you received goods you bought, to cancel for any reason. Go to www.which.co.uk/dsr to find out more.

You'll need proof of purchase, and you need to know the date the gift was received by the buyer to return it under these rules. You may have to pay postage costs for sending an item back, though some online retailers let you take items back to one of their high-street branches.

Check before you buy

Shop returns policies vary, so it's always worth checking when buying gifts or when you receive a gift that's not right. Even if the shop's policy appears to rule

 **ONLINE**
To find out more about the returns policies of online stores, check out www.which.co.uk/onlineetailers

Checklist

Lawyers at Which? Legal Service have the following tips for buying and returning gifts

- **Legal rights** No returns policy can limit or take away rights under the Sale of Goods Act if, for example, goods are defective, don't match their description or aren't fit for their purpose.
- **Keep packaging** If you're not sure about a gift you've received, don't throw away the packaging or take the labels off, as the seller may suggest the item has been used.
- **Keep the receipt** You may need to prove where goods were bought if there's a problem.
- **Credit cards** If the gift costs more than £100, pay on your credit card – your card company will be jointly responsible for gifts that don't arrive.
- **Returns policies** Ask if the person receiving the gift will be able to get a refund, or just a credit note or exchange.
- **DSRs** The Distance Selling Regulations allow you to return some goods if you change your mind, though some items can't be returned, including perishables, tailor-made and personalised items.

Do I need the receipt?

I've opened it – can I still return it?

out a return, it may be worth trying to take it back anyway, as shop managers can often use their discretion.

If you don't get an acceptable response and you feel you should be able to return your item, contact Which?, the government-funded advice service Consumer Direct, your local Citizens Advice Bureau or your local trading standards office for help with what to do next.

Contacts

Which? Legal Service 01992 822 828
www.whichlegalservice.co.uk

Consumer Direct 08454 040 506
www.consumerdirect.gov.uk

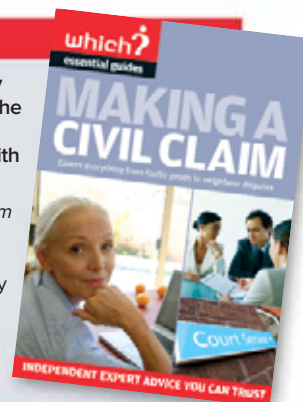
Trading Standards Central
www.tradingstandards.gov.uk

Citizens Advice www.citizensadvice.org.uk

WHICH? BOOKS

'Claims managers do not use legally qualified advisers, so the quality of the advice you receive can be variable. Make sure he or she is registered with the Claims Standards Council.'

Want to learn more? *Making a Civil Claim* explains how to resolve a small claims dispute, from consumer complaints to problem neighbours. To order your copy for £9.99 with free p&p (normal price £10.99), call 01903 828557 and quote CCW0109, or visit www.which.co.uk/books. Offer closes 30 January 2009.



MAJOR STORES' RETURNS POLICIES

How you can return gifts to John Lewis, Marks & Spencer and Amazon

John Lewis

John Lewis

John Lewis offers refunds or exchanges for products provided they are in a fully re-saleable condition. Returns should be made within a reasonable time (usually 28 days), and in undamaged packaging. Some perishable, made-to-measure and digital media products are excluded.

MARKS & SPENCER

Marks & Spencer

You can return your gift to M&S for an exchange or refund, as long as it is unused, returned in the original packaging and in a re-saleable condition, within 90 days of purchase. You'll get a credit voucher, which must be used within 12 months. Some perishable, made-to-measure and tech products are excluded.

amazon.co.uk

Amazon

If you return a gift to Amazon, you'll receive a gift certificate for the value of the item you've returned, but you'll have to pay for postage. If the gift is from Amazon but is not sent to you directly from the retailer, it can be returned with proof of purchase in perfect original condition within 30 days.