

# [brief cases]

Two legal cases from our files

## Loss of sound

Robert's hi-fi system wasn't returned by the repairer

When the CD player on Robert Greaves's £350 Technics hi-fi stopped playing, he took the system into a local repair shop, Audio Visual Services, in Morriston, Swansea – little realising that he would never see it again. The battle to get any compensation involved not only a court hearing but in Robert having to take drastic steps to get the owner of the repair shop to pay up.

Robert left the hi-fi system with Audio Visual, together with a £15 deposit towards the cost of the repair. A month or so later the hi-fi was returned with a bill for £50.

Robert settled down to listen to some music, but to his great disappointment the CD still wasn't working. Robert arranged for the hi-fi to go back to Audio Visual.

Over the next three or four months, Robert repeatedly contacted the shop. But despite his numerous requests for its return, Robert didn't get his hi-fi back. In fact, he never saw it again.

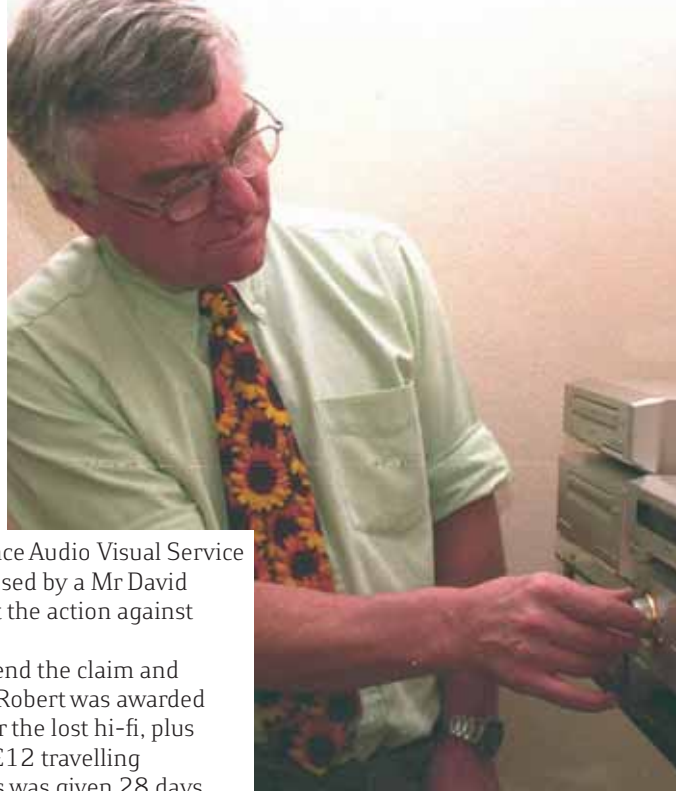
Robert asked Which? Legal Service for advice. We told him to warn Audio Visual that if it didn't return his hi-fi, he would take court action. So when Audio Visual didn't even bother to reply,

Robert did just that. Since Audio Visual Service was the trading name used by a Mr David Dennis, Robert brought the action against him personally.

Mr Dennis didn't defend the claim and the case went to court. Robert was awarded £260 compensation for the lost hi-fi, plus the £50 court fee and £12 travelling expenses. David Dennis was given 28 days in which to pay the £322.

The 28 days came and went and Robert didn't get his money, so we recommended that he ask the court for an 'order to obtain information from a judgment debtor'. This would enable the court to hold a hearing at which Mr Dennis would have to disclose his finances and assets and would make it easier for our lawyers to advise on the best way to proceed.

The court set a date for the hearing but six days before it was due, Robert received a cheque for £366. This covered the original award of £322, plus the cost of bringing the additional action (£40) and interest.



### POINT OF LAW

If you entrust your property to someone, the law of 'bailment' requires them to take reasonable care of it. If they fail to do so, or refuse to return the item, you can claim from them the item's value.

## The no-cash-back cashback deal

Jeremy had to take court action to get the money he was owed

Jeremy Legg faced a stressful six-month slog to get his money back on two cashback warranties, when the company he bought them from folded.

Jeremy took out the warranties, worth about £300, when he bought some appliances from Scottish Power Retail. He could get his money back on them if, after five years, he hadn't claimed. Altogether, the deal cost £800. Jeremy paid a deposit of £80



Jeremy Legg

and Scottish Power Retail arranged a credit agreement with Tricity Finance to cover £720.

But by the time Jeremy tried to cash the

warranties, Scottish Power Retail had sold out to Powerhouse and Powerhouse had gone bust. His claim was passed to the receivers, The Macdonald Partnership.

Jeremy had read that finance companies are jointly liable with suppliers if something goes wrong, so he also contacted Tricity. It just sent him back to the receivers. They didn't help, so he pursued his claim against Tricity.

Jeremy spent the next six months battling with Tricity – but with no success. At the end of his tether, he rang the Which? Legal Service telephone team, which advised him on how to take his claim to court.

Tricity didn't defend the claim but instead sent Jeremy a cheque for £268. He returned it. A few days later it sent another for £382, which Jeremy did accept.

### POINT OF LAW

In situations such as this, section 75 of the Consumer Credit Act 1974 states that finance companies are jointly liable for breaches of contract by suppliers. This means that if you have a credit agreement and the supplier you're dealing with goes bust, you can look to the finance company for compensation.

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