

Which? news

Make the most of Which?

■ Calling Northern Ireland

We're looking for Northern Ireland members to join our online panel. Members of the panel regularly complete simple online surveys – such as this month's high-street retailer survey (see p36) – for Which? and our other publications. We also test out new ideas with the panel. To join, Northern Ireland members can send an email to whichresearch@which.co.uk with 'online panel' as the subject.

■ Which? Local

Last month Which? Local had its 16,000th recommendation, but you've told us you want more. For recommended local traders, or to help the Which? community by recommending a local business yourself, go to www.which-local.co.uk.

■ Best prices are online

Don't forget you can find up-to-date prices for all our Best Buys (and lots of other products) at www.which.co.uk. The Which? website gives you easy access to ratings on all the products we've tested (even those that don't make it into the magazine) and it's also where you can find the lowest prices online. If you can't remember your login details, click on 'I've forgotten my username & password' on the login page, answer a few simple questions, and we'll send you a reminder. For more help, email customer services at which@which.co.uk or call 01992 822800.

MONEY RESEARCH TEAM INVESTIGATION

Inadequate compensation for stranded passengers

Which? helps members caught up in XL airline collapse

Flying home from holiday is rarely stress-free, but one journey couldn't have been worse for Dave Allen, his wife Pam and friends, who were among the 90,000 travellers caught by the collapse of travel firm XL in September last year.

Stranded in Cyprus and unsure how best to get home, Dave forked out £1,250 for him and three others to fly back home with EasyJet.

Which? member Dave had paid for the original and replacement flights using his Virgin credit card and, having read our advice that credit card users could claim refunds

following the XL collapse (*Which*, December 2008, p27), he contacted Virgin.

Virgin offered him £470 – the cost of the original return flights. This still left Dave £780 out of pocket after paying for the new flights. However, Virgin hadn't mentioned his rights to a full refund: under section 75 of the Consumer Credit Act they were covered for all reasonable costs of getting home.

'I wasn't clear on how much I could claim, but £470 didn't seem enough,' Dave told us.

We advised Dave of his rights and contacted Virgin on his behalf. It agreed that it should

compensate him for the full £1,250, plus £25 for the inconvenience caused.

A Virgin spokesman said: 'We were happy to work with Mr Allen to understand his situation and resolve it to his satisfaction.'

Dave isn't the only Which? member caught up in the XL collapse that we've advised about credit card rights.

For example, Nationwide offered Norman McPhail £800 rather than the full £1,300 after his family's flights to Turkey with XL were cancelled. Armed with information about section 75, he was awaiting confirmation of full compensation as we went to press.

We think all credit card providers should make their customers aware of their entitlement to full refunds when companies go under.

TAKE ACTION Under section 75 of the Consumer Credit Act, your credit card provider is jointly liable with the retailer or service provider for purchases you make. So, if you've been left short-changed following the collapse of a company, contact your card provider with a section 75 claim as soon as possible.

Dave and Pam suspected Virgin should've offered them a bigger refund, and they were right



Brief case Diane's story

Our lawyers help Which? member Diane West fight an unfair penalty charge notice

Last January, Diane West parked her car on a broad stretch of pavement outside her house, within designated markings, only to find that she faced a £120 fine. Transport for London (TfL) issued her with a penalty charge notice (PCN) for 'parking with one or more wheels on any part of an urban road other than a carriageway'.

She had parked diagonally at the end of a broad stretch of pavement in a designated parking area. There was no line at the side or end of the parking bay, but there were markings at the front.

Other residents also park in the same way. All cars have to park there diagonally because of limited space, and because of the angle cars have to drive into the spaces from the road.

Diane refused to pay the fine and appealed the PCN saying that she was parked in a legal parking area. She provided TfL with photographs to

demonstrate this. In her appeal to TfL, Diane also explained that in the previous August, her fiancé, Geoff Swettenham, received a PCN for parking in the same bay and in the same manner, and his fine was cancelled after he appealed on the same basis.

TfL failed to consider this in dealing with Diane's appeal, which it refused, saying her vehicle was not contained within the parking bay lines.

Diane contacted the lawyers at Which? Legal Service, who advised her to appeal to the Parking and Traffic Appeals Service and when doing so to provide all available evidence.

RESULT The Parking and Traffic Appeals Service upheld her appeal on the basis that the contravention did not occur, as there weren't any clear markings at the rear or the side demarcating the bay.



Diane didn't think she deserved a ticket for parking like this (inset)

SOLVING PARKING TICKET PROBLEMS

■ **Get a picture** If you get a parking ticket, take photos of your car and any relevant signs immediately. This is particularly important if it is parked somewhere you don't visit regularly – it could be difficult to appeal later if you can't remember where things were.

■ **Look for signs** If there are no signs, take pictures of the surrounding area to show this.

■ **Pay under protest** If you have received a private parking ticket, and your car has been clamped and the company will not release your vehicle until



payment is made, make sure you pay under protest. This will protect your right to claim the money back later.

■ **Display your ticket** If you have parked in a pay-and-display space, make sure that the ticket is clearly on display before you leave your car. It will not be enough to say that you bought a ticket but it blew away or fell on the floor.

■ **Appealing a ticket**

If you receive a ticket issued by the local council and they refuse your appeal, you can make a further appeal to the Traffic Penalty Tribunal (www.trafficpenaltytribunal.gov.uk). If the alleged offence occurred within London, you need to appeal to the Parking and Traffic Appeals Service (www.parkingandtrafficappeals.gov.uk).

MEMBER BENEFIT

Find out how our expert lawyers can help you with a wide range of consumer and employment issues



Which? members pay just £39 for 12 months' membership of Which? Legal Service.

It provides unlimited telephone advice from professional,

experienced lawyers who are ready to provide you with best value and practical advice tailored to your case on a wide range of everyday problems, from

employment advice to consumer issues and parking fines to holidays from hell. Call now on 01992 822828 or find out more at www.whichlegalservice.co.uk.