

Here to help

Which? lawyers and experts help solve your problems

Which? news

Make the most of Which?

■ Recommend on W? Local

After April's article on the digital TV switchover (see p36), many of you contacted Which?

about finding a reliable aerial installer on Which? Local. If you've used a good Which? Local installer, or another you've found yourself – please recommend them at www.which-local.co.uk so members like you can benefit. The website now has more than 20,000 recommendations across all trades.

■ Haggle for money off

Haggling over prices may be an old trick, but a Which? members' survey shows that 72% of you haven't tried it recently. 85% of those who had tried haggling were successful, however. If you need that extra confidence, go to www.which.co.uk/haggling for our online guide to bagging a bargain, including expert and member videos with top tips.

■ New Which? Money podcast

In one of our latest money podcast interviews, Which? speaks to former Chancellor Norman Lamont about the current recession – his views on why it happened and what can be done to move forward. Go to www.which.co.uk/normanlamont to download or listen to the full interview.



SERVICES RESEARCH GROUP

Which? stepped in to help after a reader's attempts to book train tickets with her mobile hit the buffers

Getting cheap train tickets sent to your mobile phone sounds like a great idea – but a Which? reader faced problems when she tried using the service.

Catherine Riley called us for help after trying to buy a ticket from London to Manchester.

She had signed up to Mobitix, a trial service run by www.thetrainline.com, that sends

tickets to a customer's mobile. These can be activated once the customer receives a text.

Catherine was sent a message for a cheap £7 single ticket on a Virgin train service from London to Manchester, but could not activate it. She had used the service before with no problem.

Virgin customer services told her the problem had happened

because she had changed her handset but kept her old number and Sim card. She was told that if you change handset you have to re-register for the ticketing service with your new handset.

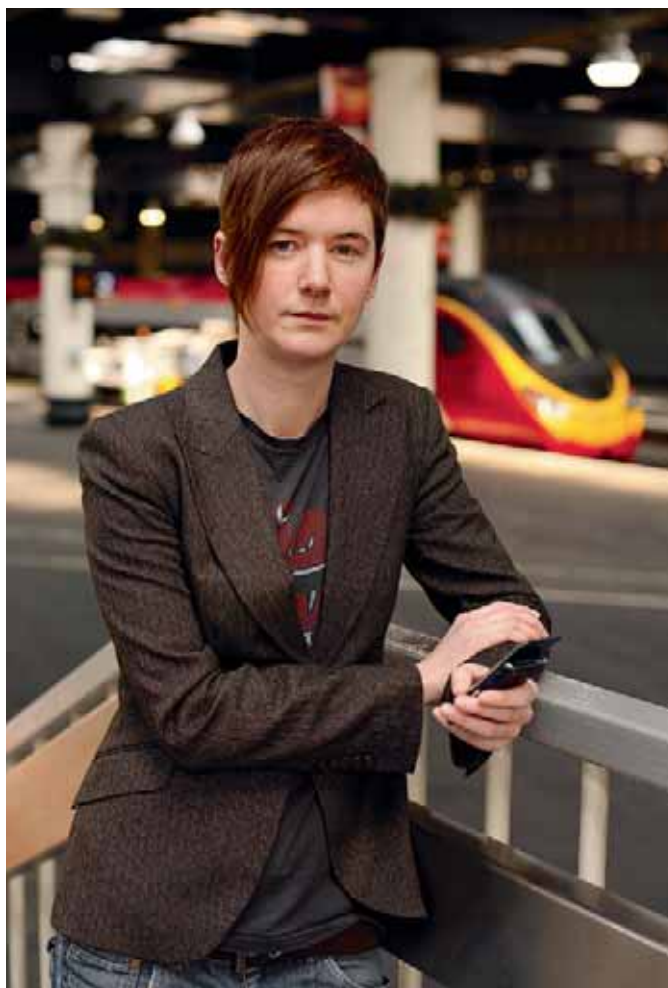
However, she wasn't allowed to de-register her old one, until the ticket expired. And she couldn't book a new ticket as she had the same phone number.

She contacted Virgin and it did step in and de-register the old handset and register the new one. By this time though, the train fare for her journey had gone up from £7 to £22.

Catherine complained and said that while the Mobitix website asks customers if they have changed their phone number, it doesn't ask whether they have changed their handset. Virgin at first refused to refund the cost of her extra ticket. However, when Which? contacted the company it offered Catherine a free standard class return journey to take at the time and on the day she chooses.

When you buy a service, you must comply with the trader's terms and conditions. However, we checked terms and conditions on the Mobitix website and they didn't mention that buying a new handset requires re-registering for the service. It wasn't mentioned in the www.thetrainline.com website terms and conditions, either.

A spokesman for www.thetrainline.com said changes had been made to the service which now allows users to rebook on an upgraded phone.



Catherine Riley faced frustration in using a new ticket service

Brief case Sue's story

Which? member Sue Cataldo called our legal experts when she reached her limit with Sky

Our legal experts often advise members who have problems with products, but we can also help you if a company won't provide a service that you have paid for.

Sue Cataldo contacted us over problems that she had in dealing with Sky.

Sue had a Sky+ box that worked fine for almost two years but then failed to record a programme on one of her favourite sports, skiing, because of signal problems. She checked that programmes from the previous night had recorded correctly, which they had.

Sue called Sky which recommended a series of checks. Sky said it would send a signal within two hours to try to fix the problem. Two hours later, the problem wasn't fixed. Sue then found she and her husband Alex couldn't watch any pre-recorded programmes. A message on the screen gave an out-of-date number to ring.

Over the next two weeks, the Cataldos made repeated phone calls to Sky, but were given no satisfactory explanation.

One staff member said the problem was due to her contract being cancelled by mistake when Sue first contacted Sky.

Sue was then told it would take another week to fully reinstate their service due to demand on Sky's technical department.

She wrote a complaint letter, but got no response. A week later, the problem remained. In another call, she was told by Sky that its records showed she had two Sky boxes and the wrong one had been cancelled. She was also told a senior manager would be able to reinstate the contract.

Finally, Sue contacted us. We advised her that Sky couldn't end a contract without her consent. She called Sky, mentioning she'd been advised by W?LS. She was told to wait a few minutes, then check her Sky+ box.

RESULT When she checked her Sky+ box, it was in full working order.



Sue Cataldo and her husband Alex had a problem with their Sky+ box

BREACH OF CONTRACT

Breach of contract

If the trader doesn't supply goods or services you've contracted for, it's in breach of contract. The law aims to put you in the position you would have been in if the trader had kept its side of the bargain, for example the cost of you getting comparable goods or services elsewhere.



You can also ask for a refund of any sum paid while you are without the service.

Ending a contract

A contract is binding on both parties and neither can end the arrangement unless the law or contract gives you a right to end it (or both parties agree). Read terms and conditions

before you sign and don't assume you will have a right to cancel before the term is up.

Unfair terms

A trader's terms and conditions must be fair. Unfair terms can be challenged and won't be binding on you.

Cancellation rights

The law gives you an automatic

right to cancel certain contracts including some agreed at a distance (online or mail order for example), those entered into at home or away from a trader's place of business and extended warranties on domestic electrical goods. See www.which.co.uk/righttocancel.



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range of everyday problems from employment advice to consumer issues and parking fines to holidays from hell. Call Which? Legal Service on 01992 822828 to find out more.