



Coimisiún um
Iomaíocht agus
Cosaint Tomhaltóirí

Competition and
Consumer Protection
Commission

putting **consumers** first



A Guide to Buying a Car



Introduction

This guide is designed to help you make an informed decision about buying a car. It takes you through the entire process from beginning to end. It is primarily aimed at people who are considering buying a second-hand car, but it should also help anyone who is buying a new car.

It outlines what you need to do once you decide to buy a car and explains how you can find the right car to meet your needs. It gives a clear guide to help you decide which is a good deal – and which is a bad one. It also shows you what you can do if things go wrong after your purchase. Because many second-hand

cars are sold by private sellers, specific information on buying from a private seller is contained at the end of each chapter.

From its own involvement in dealing with motor-related issues, the Competition and Consumer Protection Commission has a clear understanding of the challenges facing consumers when they want to buy a car. For most consumers buying a car is an exciting and rewarding experience – the information included here should help make that experience as positive as possible.





Contents

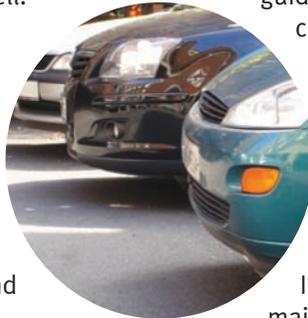
1. Some general information about buying a car	3
2. How do I decide which car to buy?	5
3. How do I check the condition of a car?	9
4. How do I do a background check on a car?	13
5. How I might pay for a car?	16
6. What are my legal rights when I buy a car?	18
7. A Car-Buyer's Checklist	21

Some general information about buying a car

The decision you make on the day you buy a car will have an effect on the money in your pocket long after you drive it home for the first time. When you buy a car, whether new or second-hand, the likelihood is that you will eventually sell it on, or trade it in. So, when choosing which car you buy, always remember that the day you buy is also the day you sell.

When you buy a new car, the process is normally fairly straightforward. However, if buying a second-hand car, all the information you need will not be in a shiny brochure for you and you need to ask some questions. Second-hand cars can be described in a number of different ways:

- * Used,
- * Nearly-new,
- * Second-hand,
- * Pre-owned,
- * Ex-lease, etc.



The one thing that is common to all of these descriptions is that someone has had use of the car before you buy it. For this reason, you need to be extra vigilant when making such a purchase. One of the best ways to protect yourself is to be well informed of all the relevant considerations before beginning the process. This guide proposes a series of checks you can do and questions you can ask which may assist you in informing yourself as much as possible about a car before making a decision to buy.

In general, there are two main sources of second-hand cars for sale, traders and private sellers. Traders are generally referred to as “dealers” and sell cars as part of their business. Private sellers generally have only one car to sell, and are not selling it in the course of a business. In general, if you buy a car from a dealer, you are covered by all

consumer protection laws. The same cannot be said regarding private sellers so you need to be more careful and well informed before buying a car privately.

Once the decision is made to buy a car, you need to start thinking about the following:

- * How much do you want, or have, to spend? This is your budget, the starting point in your search for your car.
- * How much is buying a car going to cost? The answer to this question is straightforward if you are a first-time buyer, but is more complicated if you are changing your car. You need to consider the “cost of changing”, i.e. the result of subtracting the value of your trade-in from the price asked by the dealer for the car you want. While a good price offered for your trade-in may sound like a good deal, it is the ‘cost of changing’ that is the important figure because that is the amount that will come out of your pocket.
- * How you are going to finance that amount? Do you have a car to trade in? Will you pay by cash, personal or car loan, finance deal, or even by credit card? Before you go to look at a car, you should have a good idea of how you propose to pay for it so that you can make a comparison with any finance deal a seller may offer.

- * Think about the likely running costs of whatever car you chose. You should consider the cost of insurance, road tax, NCT testing, fuel economy, repairs, servicing and spare parts. As with all purchases, when considering insurance costs, shop around for the best deal.

- * Think about how long you are going to keep the car and what it might be worth when it comes to sell it or trade it in. You may get a feel for how quickly a particular car depreciates from checking the motoring press or from websites which show the price of the car as new and the depreciation over a number of years.

Buying privately:

- * If you are buying privately and not from a dealership, the seller will not be able to arrange finance for you, so you should decide on your payment method before you go to look at the car - it may be useful to be able to access this finance quickly in case you manage to strike a good deal with the seller on the day. However, you should never hand over any money unless you are completely satisfied with the car.

How do I decide which car to buy?

It is important that you buy a car which is practical and suitable to your needs. Think about what style of car suits you best – hatchback, saloon, estate, SUV (Sports Utility vehicle) or MPV (People Carrier). To help you choose, you need to consider all aspects of the car and how you intend to use it.

Some basic questions:

- * Do you carry passengers regularly? Are they very young, or elderly, how many will you carry at a time, or might you be carrying pets?
- * Are your circumstances likely to change in the lifetime of the car? Elderly passengers may have accessibility needs. A growing family could mean you need space for a pram, or just need more room for teenagers. Or if your children have moved out, you might think about getting a smaller car.
- * What other cargo do you need to carry? You may want to carry sports equipment, or bulky work-related items, and will need to judge the size of the boot accordingly. Will you need a roof-rack? If you need to tow a trailer or a caravan, consider whether the engine and suspension is strong enough to allow this.
- * What sort of mileage are you likely to do? If you will be doing a lot of miles then comfort, fuel economy, reliability and/or environmental concerns might be foremost in your mind. Therefore, some thought needs to go into what sort of engine is best suited to your travelling habits:
 - If you need the car for short journeys only, a smaller engine may be more suitable.
 - Is a petrol or a diesel engine more suitable. Many owners who have high mileage needs choose diesel cars for fuel economy.

- Environmental concerns or taxation of cars with higher emissions might make it worthwhile to see if buying a hybrid/biofuel car is an option?
- * Is there anything in particular you want in this car by way of additional equipment? You may want a sunroof or air-conditioning, or an automatic transmission? Is connectivity for an MP3 player or telephone/Bluetooth important to you?

Where to Look

Having considered which general type of car you want to buy and what budget you have to spend, you then have to think about where to find that car. The most usual places to find cars are in dealer showrooms and forecourts, in trade magazines, in newspapers, in classified ads, on the internet, and on signs in shop windows and noticeboards. Checking these sources is like window-shopping in that it gives you an idea of what's available and is a good way to get to know the market.

Shop around:

Always shop around! It may be helpful to put your price range into a website search to see what cars it throws up for that type of money. You might also consider doing this in the 'new car' section of the site as you may just see

something there that might also be suitable for the money you're willing to pay for a used car.

Timing:

Timing is important. If you visit a garage in the early part of the year, they may be busy with new car sales, but this could also mean that they have a good supply of second hand cars in stock. If you're interested in a convertible, Spring and Summer is not necessarily the best time to shop.

However, the latter part of the year generally sees dealers trying to shift stock, and they don't want that convertible sitting on their forecourt until Spring. The seasons don't have as dramatic an effect on private sales.



New models:

Make sure you check whether a new model of the car you are thinking about buying is about to be launched.

The arrival of a new model can affect both the price you pay for a car and its later resale price. Your bargaining position can be strengthened by the fact that a new model is coming out because you can press for a better deal on the older version. Of course, when it comes to you selling this older version, you may find a buyer driving a harder deal, just like you did! Also, if a new model is imminent, later versions of the old model will generally have improved equipment

levels so always carefully check the specification on your intended purchase.

Information on new models can be found in the motoring press and on websites.

Trading-in:

Get to know how much your trade-in is worth? Check motor magazines/ websites for similar models to your own and look at the prices.

Ring and get a “straight deal” price (i.e. a “cash” price) from several dealers for cars you’re interested in. This should give you an idea of which dealers are willing to offer the best discounts. This information can be helpful when you approach the dealer with a trade-in proposition.

If you are not happy with any of their trade-in offers, you might consider selling your car privately. Generally, you should get a better price for your car if you sell it privately rather than trading it in. You may find it awkward and time-consuming, but it may well be worth the effort if it results in you having more cash-in-hand to bargain with when you then go to buy your next car.



Car-Matching Schemes:

If you do decide to sell privately, be very wary of so-called “Car-Matching” schemes. Some car sales websites will have a warning about this practice

whereby someone contacts you saying something like, “we have three buyers interested in your car and, for a fee, we will put them in touch with you.” You may find that they offer no written guarantee that you will be contacted, so be very careful, ask for their terms in writing and check exactly what you’ll get for your money before engaging with them.

Private Selling:

If you are selling privately, you should be careful about how you accept payment as almost any method of payment can be forged, including cash. Probably the safest means of accepting payment is to accompany the buyer to their bank where they can have a draft made out in your name – the bank will not give the

buyer a draft unless there is sufficient cash in their

account. Once the bank issues the draft, neither the bank nor the buyer can cancel the draft. If this method is not possible, the Gardaí recommend the use of internet or telephone banking if available. If you are willing to accept a bank draft, you should only do so within normal banking hours when you can ring the bank to check the validity of the draft. Otherwise, the only advice that can be given is to be extra careful when accepting any high-value payment.

Dealers:

Find out as much about the dealer as possible:

- * Are they an established trader with a good reputation?
- * Ask if they are a member of a trade association?
- * Ask if they adhere to an established Code of Practice & get details of this? It is a breach of the law for a seller to mislead you as regards any aspect of a Code of Practice.
- * Do they have a quality assurance/guarantee scheme in place?
- * What sort of after-sales service do they offer?
- * Will they give you a courtesy car if your car has to go back to them for any reason?



Auctions:

If you are considering buying at auction, and haven't been to one previously, visit one to familiarise yourself with what happens before actually going with the intention of making a bid. You should be aware of all aspects of the auction process before going, such as the fact that there is a fee to be paid when buying a car, and you will generally not get a guarantee (unless some of the manufacturer's original guarantee period is still valid).

Research:

Always ring around. If you're particularly interested in a car, ring the seller and ask for more information on the car. During this call, you might also ask them to

confirm the mileage the car has done. However, you should always ask if the mileage is genuine when you are physically checking the car as well. Be sure to check if the quoted mileage is in miles or kilometres.

Always ask around. If you know someone with the type of car that you are interested in, ask them about their experience with the car and if they've had any problems with it. A seller will tell you all of the good points of a particular car, but a person who's had day-to-day experience of the car may tell you something invaluable. But remember, cars are affected by different driving styles and driving conditions, so be sure to ask a few people for their experiences.

Buying privately:

If you are buying privately, try to check if a seemingly private seller is in fact a dealer by ringing and asking about "the car"! If the seller has to ask you to be more specific, it is possible they are a dealer selling more than one car, as they may not know which car you are asking about. A dealer trying to sell as a private individual may be trying to deny you your consumer rights (see section 6 on Legal Rights). If a dealer does not disclose that they are selling the car in the course of their business, they may be guilty of engaging in a disguised business sale, which is a breach of consumer legislation.

How do I check the condition of a car?

There are a few golden rules when checking the condition of a car:

- * Never examine a car at night or in poor light conditions, always do it during daylight hours.
- * Always try to view the car when it's dry – rain can hide a multitude of scrapes or scratches.
- * Never rush a physical examination – it's your money, take whatever time you need to be sure this is the right car for your money.
- * Always meet a private seller at their home address and ensure it is not a dealer trying to disguise a sale.
- * Always approach a purchase knowing what questions to ask (A Car Buyer's Checklist is at the end of this guide).
- * Always take a test-drive. At auctions, this may not be possible, so try to learn as much about the car as possible, and ideally, have it checked by a

- mechanic before putting in a bid.
- * Never be pressured into purchasing. Shop around as there are plenty of used cars out there.

Examining a car is a daunting prospect for someone who does not know how they work. However, there are a few basic things which everyone can check out, even if they have no experience of cars.

What to look for on the outside of the car:

- * Check for visible signs of damage. Are there dents, scrapes, panels not matching up evenly?
- * Look along the sides of the car for any gaps, raised areas, doors out of line, or anything out of the ordinary.
- * Are there broken or cracked light clusters, marks on bumpers, etc..
- * Check for hidden signs of damage, and wear and tear such as rust under the sills or wheel arches (run your finger under the

rim to check). Light clusters not the same make could mean they've been damaged and replaced after a crash.

- * Tyres not of the same make and/or unevenly worn could mean they may have been replaced following damage.
- * Are there any signs of leaks on the ground after the car has been standing for a time? There could be a simple explanation for this, but you want to hear it, so ask! The only way to be absolutely certain, however, is to have it checked by a mechanic.



Check the functions of the car:

- * Do all the lights work properly?
- * Do the doors open properly without creaking?
- * Do the wipers, water jets, sunroof and all other equipment work properly?
- * If there is a tow-bar present, ask what it was used to tow. A caravan is far heavier and more damaging on the suspension than a small trailer. Sometimes a tow bar may have been removed before the sale. Check the boot area for any holes which might indicate that there was one present at one time, and again, ask what it was used to tow.

What to look for under the bonnet:

- * Check that there is a Vehicle Identification Number (VIN) present in the engine bay which matches the car's registration documents. The VIN is made up of letters and numbers (including the chassis number), and is used to uniquely identify the car. If you can't find it, ask the seller to point it out to you. If the VIN is not present, has numbers scratched off, or the numbers do not match the car's documentation, you should not buy this car as there is every possibility it has been tampered with, or it may even have been stolen. You should also report the matter to the Gardaí.
- * Are there any signs of leaks?
- * Remove the dipstick and check that there is an appropriate amount of oil in the car and that the oil is clean.
- * Are there any strange noises when the engine is running?
- * Are there any signs of spray paint or a different shade of paint in the engine bay (this is known as "overspray" and could indicate the car has been in a crash and has been re-sprayed)?
- * Are there any signs of freshly welded metal (this is a good indicator of damage and should be questioned)?

What to look for inside the car:

- * Before checking the inside, consider any access issues when getting into the car. If you need to carry children or elderly passengers regularly, make sure access is suitable.
- * Sit in the driver's seat and adjust it to a comfortable driving position. Then, get out and go sit directly behind it. Is the space sufficient for your backseat passengers' needs?
- * On the safety front, you should check your view is not overly-obstructed by head restraints or wide pillars.
- * Check how many airbags the car has and ask if they are in order. Ask what other safety features are present, like a three-point centre seat belt in the back, secure fixing points for a child seat, Anti-Lock Braking system (ABS) etc.

Check the mileage on the car!

- * Check and note the displayed mileage on the odometer. Note whether this is displayed in miles or kilometres. You need to be absolutely certain that this is the correct mileage before you buy the car (see section 4 on background checks and section 6 on knowing your legal rights).
- * Check the wear and tear inside the cabin – is it consistent with the displayed mileage? Pay particular attention to either very worn or very new/replacement pedal rubbers and/or carpet in

this area. You'll generally find that new materials have been used to replace very worn materials.

- * Also look out for a smooth/worn steering wheel, signs of heavy wear on the driver's seat or discolouration of the lining above a driver's seat.

How to check the boot of the car:

- * Check that the boot will suffice for all of your daily needs. A "high lip" may make loading and unloading uncomfortable.
- * Check under mats for anything untoward like leaks, or holes in the floor which could indicate that a tow bar was present at one time.
- * Check that the spare wheel, and full wheel replacement kit is there. Some cars might have what's called a "space-saver" wheel which is smaller than the wheels on the car. Such wheels are usually subject to both speed and distance restrictions. If the car has alloy wheels, check that the tool or "key" to release/secure these is present.

Some tips when starting the engine:

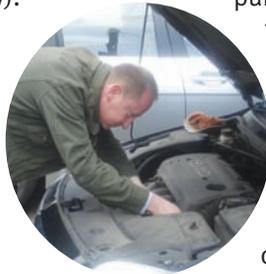
- * Before you start the engine, check if it is still warm from having been started already – the seller may have "warmed-up" the engine to hide any starting problems. A warm bonnet may indicate a warm engine.
- * Ask, and note, if and when the timing belt has been changed as

problems here can prove very costly.

- * The presence of unusual noises, smells and/or blue smoke from the exhaust once the engine is running may be bad news and you should seriously consider walking away from the deal if you notice these.

What to look for during a test drive:

- * Try to take the car for a test drive over a reasonable distance, on differing road surfaces and conditions (country road, in-town, motorway). Make sure you are insured to do this before setting off.
- * Look, feel, listen and smell for anything untoward while driving the car. Remember to turn the radio off so you can listen properly.
- * Consider how it handles, accelerates, stops, how comfortable it is and how easy it is to use all the functions in the cabin.



there are not hidden problems.

It is strongly advised that you get a mechanic, an auto engineer or a person with some mechanical background to inspect the car – several motoring organisations offer this service for a fee. Doing this can also take the emotion out of your purchase - you may really like the car, but a professional has no emotional attachment to the car and should give you an impartial view.

Buying privately:

If you are buying privately always meet a private seller at their address rather than at a car park or other public area. You should check that the address on the car's documentation matches this address. Beware of any tricks. For example, a car parked outside a driveway when there's no car in the driveway should raise your vigilance levels as the seller may have just parked outside the house without living there. You should ask the seller for ID (e.g. driver's licence) to confirm that they are the person named on the Vehicle Registration document and that the car is theirs to sell.

Ask a mechanic:

Once you have considered and checked all of the above, you may be very interested in the car. However, unless you are a mechanic, or the car is subject to a recognised quality assurance scheme which guarantees that certain checks have been made on the car, you cannot be certain that

Because private sales do not include a guarantee, and a private seller can't be expected to know every mechanical detail of the car they're selling, it is strongly advised that you have the car examined by a person with a good mechanical background before buying.

How do I do a background check on a car?

Some basic background checks are essential before you make your final decision.

Documentation:

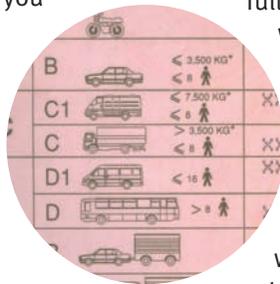
You will need to check that the details in the car's documentation accurately match every detail of the car, right down to colour and body type (hatchback, saloon etc). A seller should be able to supply you with genuine documentation which identifies the car:

- * In the case of cars sold before 1st of January, 1993, the relevant documentation is called the Logbook.
- * For cars sold between January 1993 and May 2004, cars will have been issued with a Registration Cert before being taxed, and a Licensing Cert (RF101) after being taxed. The seller should be able to supply you with both of these

documents.

- * Cars sold after May 2004 will have a single document called a Vehicle Registration Cert.

You should carefully check the car's handbook (which guides you through all the functions of the car) to see that it matches the model of car you are looking at and, ideally, that it has a full, stamped service history with regular service intervals.



Mileage:

Always ask the seller if the mileage is genuine and for added peace of mind, try to get some sort of written warranty on this. Be sure to note whether the reading is in miles or kilometres. If a seller is reluctant to confirm the mileage is genuine, either verbally or in writing, you should reconsider buying from that seller. If the seller gives you a verbal guarantee as to the mileage, write down exactly what was said in case you need to refer to it later. If

you have a witness to this statement, this may also be helpful. You may also wish to contact previous owner(s) of the car to double-check the mileage.

Be particularly aware of the practice of “car-clocking” which seems to be a widespread problem in Ireland. This concerns cars which have had their odometers (the meter which records the distance the car has travelled) tampered with and their reading reduced. Under consumer legislation, it is an offence to mislead consumers about any aspect of a car, including the distance it has travelled. Both older analogue, or “wheel” type odometers, and newer digital, or electronic type odometers, can be altered.



Sellers have been prosecuted in the past for engaging in this practice, and the Commission plan to intensify the focus on this area in the future. If you have evidence that a car has been clocked, even if a seller refunds, or offers to refund, your money, we would ask that you report the matter without delay to our office so that we can take all necessary steps to try to stop this illegal practice. For information on how to formally complain, see Section 6 concerning your legal rights.

The Society of the Irish Motor Industry (SIMI) operates a Car History Check system for their members. Any member who has access to this

system should be able to guarantee the mileage of any car they sell, as well as other details on the car’s history.

If you are buying from an SIMI dealer who doesn’t operate this system, or a non-SIMI dealer, you might consider conducting your own Car History Check and/or a Financial Check on one of the specialist websites who offer this service (enter a search for “car history check” on the internet for options). There may be a cost involved, but this can be offset by the peace of mind such a check can give you. These websites can tell you if the car’s registration number and/or chassis

number do not match their records, in which case the car might have been stolen, or if there is outstanding finance on the car – either of these scenarios could result in the car being taken from you without you getting a cent back on your outlay. You will also find information concerning whether the car has ever been crashed or written off and if it has been used as a taxi. However, it may not give you information on the mileage of the car. Again, you should always ask the seller if the mileage is genuine and try to get information on previous owners so that you can check the mileage with them.

Imported cars:

If you are buying an imported car,

there are a few things you need to be aware of. If the car is imported, you need to check if the correct Vehicle Registration Tax has been paid on the car. If the car was new when it was imported, VAT would also have been payable. The seller, if they have paid the correct tax, should be able to provide you with a Certificate to show this.

If you are importing the car yourself, you need to be satisfied that you have met all relevant tax requirements in both the country of purchase and in Ireland. Information on taxation issues is available from the Revenue Commissioners website at www.revenue.ie.

You should also be aware that if you buy a car abroad with the intention of importing it into Ireland, the car will not be covered by Irish consumer legislation if things go wrong. The law of the country in which you bought the car will apply. Information on cross-border legal action is available from the European Consumer Centre, MACRO Building, 1 Green Street, Dublin 7, phone: (01) 8797620, www.eccireland.ie.

NCT cert:

If the car is over four years old, it is required by law to have an NCT cert. Check that the details on the NCT cert match the details of the car. If the car doesn't have an NCT cert, you could have to pay for the test afterwards, along with any costs for necessary remedial work.

Warranty:

Finally, if a warranty is being offered with the car, check what the warranty covers (parts, labour, or both parts and labour), and for how long. Make sure to get details of any warranty in writing. Remember, if you buy from a private seller, you generally will not be given a warranty, so have the car checked professionally before purchasing.

Buying privately:

If you are buying privately, you need to make absolutely sure the car is the seller's to sell:

- * Arrange to meet the seller at their home address and ask for ID.
- * Check that the above details match the details on the car's documentation (Logbook, Licensing Cert or Vehicle Registration Cert).
- * Check that the VIN (Vehicle Identification No) matches the car's documentation (see section 3 on How Do I Check the Condition... – Under The Bonnet)
- * Check that all other documentation (NCT, VRT, Handbook with service stamps, even the Road Tax Disk) relates to the car the seller is selling.

How I might pay for a car?

Agreeing a price:

Before you make payment, make sure you know and are satisfied with the price you will pay, and remember:

- * Know what you want to spend.
- * Know the value of your trade-in.
- * Know the 'cost of changing'.
- * Negotiate hard to get the best price – faults, lack of equipment, scratches, dents, age, older specification models, etc., can all be used as bargaining tools.
- * Settle on a 'cost of changing' that you are happy with.

Cash, Drafts or Cheques:

- * If you are paying with cash, be aware that, because it is difficult to track, you may have no way of contacting the seller after the purchase if something goes wrong.
- * Try to pay by banker's draft or

cheque, made out in the seller's name, as this creates a paper trail.

- * If you are paying a deposit, always get a signed receipt. If you are attaching conditions to this deposit, such as "Subject to mechanical inspection", be sure to have that written on the receipt.



Finance:

If a garage offers you a finance package, make sure that they have a current Credit Intermediary Authorisation which allows them to do so.

Motor dealers who offer to arrange credit for a consumer must hold such an Authorisation. The Authorisation should be displayed in a prominent position on the premises and you can also check the current register on www.ccpic.ie.

There are numerous types of finance packages available and some may be branded with the dealer's own brand name. Essentially, you should be informed of the nature of the deal and you should check the Terms and Conditions of any finance package thoroughly before you sign up. Generally, the types of package available are:

- * **Motor or Personal Loan:** These can be obtained directly from a credit institution. The car is yours from day one, but if you do not keep up repayments, you may suffer penalties or risk repossession of the car by the credit institution.
- * **Hire Purchase:** Although you may enjoy "quiet possession" (i.e. partial ownership) of the car after a certain amount has been repaid, you will not own the car outright until the final payment is made. You may also have to pay penalties if you wish to end the agreement early.
- * **Lease:** In a Lease agreement, you will never own the car and will be paying for the use of the car over a specific or an open-ended period.

Once again, before deciding on a finance package, shop around for the best deal. You should keep in mind the duration of the contract, the cost of each repayment and the total cost of the deal at the end of the final payment.

What the seller should supply: Once you have the money in place to make the payment, make sure that the seller can supply you with:

- * The relevant Registration Document.
- * A written warranty, if possible.
- * The car's handbook.
- * All the keys for the car – new cars are normally supplied with two keys! You should check that each key operates all the functions that they are supposed to.
- * A written or verbal warranty stating that the mileage on the odometer is genuine. If the statement is verbal, make a note of what was said.
- * A signed receipt for payment.

Buying Privately:

If you are dealing with a private seller, make sure you have an address or a landline number in order to follow up the matter should you have problems after the purchase.

What are my legal rights when I buy a car?

When buying from someone acting in the course of their business, every consumer is protected by consumer legislation which also gives them the right to take legal action if their rights are not upheld. However, the same rights do not exist when you are buying a car privately as the seller is not acting in the course of a business (see 'Buying Privately' below).

Responsibility on the buyer:

You should also be aware that there is a responsibility on consumers to protect themselves by checking the relevant facts before entering any contract. As long as you ask the right questions, note the answers or get them in writing, and know your consumer rights, you should have the tools at your disposal to challenge a seller if things go wrong.

Responsibility on the seller:

A motor vehicle must be in roadworthy condition when sold to a consumer. This means that it must be

safe for the user, and for other road users. It is an offence under the Sale of Goods & Supply of Services Act, 1980 to sell a car to a consumer which is not roadworthy. It is also an offence under Road Traffic legislation which is enforced by the Gardaí.

Sale of Goods Act:

The Sale of Goods Act also requires that all goods sold should be:

- * Of merchantable quality (reasonable, acceptable quality given what was said about them and taking into account the age and history of the vehicle).
- * Fit for the purpose they are intended to be used for.
- * As described.

Misleading information:

There are several offences under consumer legislation regarding the provision of false or misleading information to consumers in commercial transactions. A trader must not give misleading material

information in relation to any aspect of the car, including its history (such as if the car has been crashed or clocked etc.), specification, the need for any repair or other work required on the car etc. A trader must also not give misleading information about themselves, including information on after-sales assistance they will provide, any approval, authorisation or endorsement they have, and, any information concerning a code of practice.

Furthermore, the withholding, omission or concealment of any material information by the trader, regarding the main characteristics of a car is also an offence.

These offences amount to added protection for the consumer if they already know what questions to ask. It is important to remember that a private seller cannot be expected to know as much about the car as a dealer would, but you may still be able to take legal action against them if they supply you with information which they know to be false. You will find a checklist of relevant questions that you should ask in the 'Buyer's Checklist' at the back of this booklet.

What to do if something goes wrong:

If you have a genuine grievance after purchasing a car, you should first complain to the seller to see what

remedy they will offer. The car may be under warranty and the seller may be willing to repair the fault or offer compensation. If you bought a car from a dealer who is a member of a recognised trade association (such as the Society of the Irish Motor Industry – SIMI), they may have an arbitration scheme or a code of conduct which may facilitate resolving the problem. Check if the association has a code of conduct, or can supply information on how it will deal with complaints made to it.



If no arbitration scheme or code of conduct exists, you may wish to take legal action which could involve hiring a solicitor. For claims up to €2,000, you might consider taking the matter through the Small Claims Court for a small fee (further details at www.courts.ie).

Clocked Cars:

'Clocking' is the practice of changing the genuine odometer reading of the car, generally by reducing it, in order to make the car a more attractive proposition to a buyer. If you have evidence that a car has been clocked, you should report the matter as soon as possible to the Commission on LoCall 1890 432 432, or through our website. Any delay in reporting the matter may affect the Commission's ability to take action.

According to Sustainable Energy Ireland (SEI) figures for 2005, the average annual mileage on privately owned petrol cars in Ireland was about 10,000 miles (16,000 kms), and about 15,000 miles (24,000 kms) for diesels. If you are interested in a car with lower than this average mileage, but which shows signs of heavy wear and tear, you should be on your guard. If you find evidence to suggest the odometer has been tampered with, you should report this evidence to the Commission. It is an offence to mislead consumers regarding a cars' usage or prior history. The Commission takes a very serious view of this practice and prioritises such investigations, as well as carrying out proactive unannounced visits on dealers. The Commission's aim is to contribute to stamping out this practice through raising consumer awareness, prosecuting offences, liaising with the industry and in any other way it possibly can.



questions to ask in the first place (see 'Car Buyer's Checklist' at the end of this guide). If you have been, or believe you have been, supplied with dubious information which left you out-of-pocket as a result, you should consider taking legal advice to see if you can recoup your loss.

Note: A consumer cannot take a case in the Small Claims against another consumer.

Buying Privately:

While consumer protection legislation generally does not cover private sales, there is still a requirement on a seller to give you accurate and truthful information to any questions that you ask. However, there is no obligation on the private seller to offer up any information freely, so you will have to know which

A Car-Buyer's Checklist

The following is a non-exhaustive list of questions you should ask a seller. Ideally, you should ask the seller to fill it in for you, but if they just agree to answer these questions, be sure to note exactly what they've said. Do not be afraid to ask direct questions, after all it's your money you will be parting with. If a seller is reluctant to answer, or doesn't know the answer to any of these questions, you should seriously consider walking away from the deal as there are plenty of second-hand cars for sale elsewhere. And always remember that private sellers may not have all the answers (so have the car checked by a mechanic), will generally not be in a position to give you a guarantee and cannot offer to arrange finance for you.



Consumer Car Purchase Checklist

Make: _____ Model: _____

Seller's Name: _____

Seller's Address: _____

Reg.: _____ Seller's Phone Number (Landline): _____

Advert seen in (publication/website): _____

Date: _____

Yes/No/Details These questions should be asked in all transactions

Has the car ever been crashed?	
Has any bodywork been done to the vehicle (by you or by others)?	
Has any major mechanical work been done on the vehicle (by you or by others)?	
What is the correct mileage for this vehicle?	
How many previous owners has the vehicle had?	
Is there any outstanding finance on the vehicle?	
When was the last full service carried out on the vehicle?	
Has the car been imported and if so, have all relevant charges been paid (VAT, VRT etc)?	
These questions should also be asked when buying from a trader	
Are you a member of any trade association?	
How long is the guarantee period on the vehicle?	
What does the guarantee cover? (parts, labour, etc)	
Can you arrange finance for this vehicle?	
If so, please list your Credit Intermediary Authorisation number	

Signed: _____ Name (Block Letters): _____

On Behalf of: _____
Name of Garage
Garage Stamp

