
1.8

Exploring Business

Protecting the Consumer (Legislation and Agencies)

Learning Outcome Notes

LO 1.8 - Compare the services provided by consumer agencies and financial institutions to assist and support customers.

CHAPTER QUESTIONS

1. Outline the main provisions (Features) of the Sale of Goods and Supply of service act 1980.?
2. Describe how it protects the consumer?
3. Outline the main provisions of the Consumer Protection act 2007?
4. Describe how it protects the consumer?
5. Explain the redress available to the consumer for faulty goods?
6. Write a letter / e-mail of complaint?
7. List and explain the agencies that aid consumers to resolve their complaints?

COSUMER PROTECTION

There are two pieces of legislation that protect the consumer. They are -

1. The Sale of Goods and Supply of Service Act 1980
2. The Consumer Protection Act 2007

We have learnt already that form LO 1.8

1. That the wise consumer plans their purchases beforehand and they know their right s and responsibilities.
2. They know they are not entitled to a refund if they change their mind, but they know their rights if the product is faulty.
3. They also know that they are protected from a dishonest sales people and retailers that make false claims.

THE SALE OF GOODS AND SUPPLY OFSERVICE ACT 1980

This piece of legislation protects the consumer under 5 headings. These headings are -

1. Goods
2. Services
3. Redress
4. Responsibility of the Seller
5. Guarantees and Warranties

1. Goods

- a) Goods must be of merchantable quality - this means that goods must be of certain standard and quality considering the price paid. The goods must be undamaged and usable.
- b) Goods must be fit for purpose - The goods must do what it is supposed to do. It must do what it says on the tin. For example, a kettle must boil water.
- c) Goods must be as described - the goods must match the description that is given by the sale person, packaging or advert. For example, a waterproof coat must keep the rain out.
- d) Goods must match sample - When the item you are given should be the same as the sample you were shown. For example, if you order a green carpet from a sample the same type should be delivered.

2. Services

- a) Must be provided by someone who has the necessary qualification and skills. For example, if you want wires put in your house the person doing the job must be a qualified electrician.
- b) The job must be completed with due care and attention.
- c) The goods or raw materials that are being used must be of merchantable quality.

3. Redress

Under this legislation if you purchase a goods that is faulty you are entitled to the 3 Rs

- a) Refund - You get back the money that you paid for the item.
- b) Repair - The item is repaired free of charge.
- c) Replace - you are entitled to a new or alternative product free of charge.

If the shop offers you a credit note you have a right to refuse as this only entitles you to spend the money in that shop, but you might want to go to a different shop.

Credit Note ^{Def} This is credit (Money) up to a certain value that can be spent in a shop. It is usually given if there is a problem with a product.

1. Responsibilities of Sellers

- a) Consumer complaints must be dealt with by the Seller. This is because you have the contract with the seller and not the manufacture as you bought the items from the shop and not the manufacture.
- b) Retailer must respect consumer right when selling goods and services.
- c) Retailers can't display signs that limit their responsibilities. For example, No Refunds, No Exchanges, Credit Notes only
- d) Guarantees and warranties don't replace consumer rights they are an in addition.

2. Guarantees and Warranties

A warranty

This is a promise made by the manufacturer or seller of a product that the product will meet certain standards of quality and performance. Typically, a warranty covers defects in materials and workmanship and may also cover repairs or replacements of the product.

Warranties may be expressed (stated in writing or verbally) or implied (assumed based on the nature of the product and the circumstances of the sale).

For example, a smartphone manufacturer may offer a one-year warranty that covers defects in the hardware or software of the phone. If the phone malfunctions due to a defect during the warranty period, the manufacturer will repair or replace the phone at no cost to the customer.

A guarantee

This is a promise made by the seller or manufacturer of a product that the product will perform as advertised. Guarantees are usually less specific than warranties and may cover a range of issues related to the performance of the product.

For example, a vacuum cleaner manufacturer may offer a 30-day satisfaction guarantee. If a customer is not satisfied with the performance of the vacuum cleaner within 30 days of purchase, the manufacturer will refund the purchase price or exchange the vacuum cleaner for a different model

In summary, both warranties and guarantees are promises made by businesses to customers regarding the quality and performance of their products, but warranties are more specific and

typically cover defects and repairs, while guarantees are more general and may cover a range of issues related to product performance or customer satisfaction.

CONSUMER PROTECTION ACT 2007

This law protects the consumer under two headings. These are -

1. Misleading Claims and
2. Misleading Practices

1. Misleading Claims

Business can make false claims about

- a) The Product
- b) Service or
- c) prices

a) The Product

1. Claims about the performance of the product the ingredients and weight of the product must be truthful.
2. For example, claim that the product will remove acne must be true. That a product was made in Ireland.

b) Services

1. Claim made about the time, place and effort of a service must be truthful.
2. For Example, a service that says it is country wide but only in Galway or Claims that photos will be ready in one hour, but it takes 3 hours.

c) Prices

1. Recommended, Previous and Actual price must be truthful. Before an item can go on sale it must be at the same price of 28 days in a row.

2. Misleading Practices

There are three main unfair commercial practices. These are -

- a) Misleading - This is when false or misleading information is used to deceive a customer.
- b) Aggressive - This is when harassment, physical force or influence are used to force a consumer into buying a product.

- c) Prohibited - There are 32 practice that are banned here. They include telling someone they have won a prize but asking them to pay for it.

MAKING A COMPLAINT

If you notice a fault with your product you will need to make a complaint to the retailer. The following are the steps you should use when making a complaint.

- Step 1** Stop using the product.
- Step 2** Bring the item back to the shop and speak to the manager. You will need to bring the product and proof of purchases (Receipt).
- Step 3** Explain the problem given details. Don't get cross remain polite but firm. Know your right under the Sale of Goods Supply of Service Act 1980
- Step 4** Decide what form a Redress you would like.
- Step 5** If you don't get a result that you are happy with, you may need to send a letter of complaint.
- Step 6** If you find that the problem is not getting resolves you can get advice from a third party (Competition and Consumer Protection Commission).
- Step 7** After all this if you are still not getting it resolve you can take a case to the Small Claims Court.
- Step 8** Go to Court.

When is a complaint not valid?

The following are reasons when a consumer doesn't have a right to complain -

1. If they change their mind.
2. If the fault arises because of their misuse of the item.
3. If you were told about the fault before you bought the product.

WRITING A LETTER OF COMPLAINT

Sometimes you may to write a letter of complain to a retailer. A letter of complaint follows a certain layout. The letter should include 3 paragraphs. These are -

1. Describe the details of the purchase.
2. Give an outline of your complaint and how your consumer right were broken.
3. Explain which remedy you would like.

Template

[Your Name]

[Your Address]

[Your City/Town]

[Your County]

[Your Eircode]

[Date]

[Store Name]

[Address]

[City/Town] [County]

[Eircode]

RE [What is the problem]

Dear Sir/Madam,

I am writing to express my disappointment with the runners that I recently purchased from your online store. The runners arrived damaged with a scuff mark on the left shoe and a tear on the right shoe, which appears to have occurred during transit.

As a loyal customer, I am disappointed that the product I received did not meet my expectations. As stated under the sale of Sales and supply of service act 1980 goods must be of merchantable quality and be fit for purpose. I am unable to wear the runners due to the damage.

I request a replacement pair. I would appreciate it if you could also cover the cost of returning the damaged runners. Please let me know how you intend to proceed with this issue. I look forward to hearing from you soon and having this matter resolved satisfactorily.

Yours faithfully,

[Your Name]

WHO CAN HELP YOU IF YOU HAVE A CONSUMER COMPLAINT?

If you make a complaint and you are finding it difficult to be resolved. The following agencies are there to help you.

1. Competition and Consumer Protection Commission (CCPC)

The Competition and Consumer Protection Commission (CCPC) is an independent statutory body in Ireland that was established to protect consumers and promote competition in the marketplace. Some of the main functions of the CCPC include:

1. Investigating anti-competitive practices: The CCPC investigates complaints from consumers, businesses, and other stakeholders regarding anti-competitive practices in the marketplace. These can include issues such as price-fixing, abuse of dominant market position, and collusion among competitors.
2. Promoting competition: The CCPC works to promote competition in the marketplace, which can help to drive innovation, lower prices, and improve product quality for consumers. This can involve reviewing mergers and acquisitions to ensure that they do not harm competition, as well as educating businesses and consumers about the benefits of competition.
3. Protecting consumers: The CCPC has a range of powers to protect consumers, including enforcing consumer protection legislation and taking legal action against businesses that engage in unfair or deceptive practices. The CCPC also provides information and advice to consumers about their rights and how to make informed purchasing decisions.
4. Advocating for consumers: The CCPC advocates for the interests of consumers in various forums, including engaging with policymakers and other stakeholders to promote policies that protect consumers and support competition.

See their website www.ccpc.ie

2. Commission for Energy Regulation (CER)

The Commission for Energy Regulation (CER) is an independent statutory body in Ireland that was established to regulate the energy sector. The CER has a range of functions, including:

1. Regulating energy prices: The CER regulates the prices that energy companies can charge consumers for electricity and gas. This involves setting price caps and determining the rates that companies can charge for the use of the energy networks.
2. Ensuring security of energy supply: The CER is responsible for ensuring that there is a secure and reliable supply of energy in Ireland. This includes monitoring energy demand,

managing the transmission and distribution networks, and promoting investment in new energy infrastructure.

3. Promoting competition: The CER promotes competition in the energy sector by ensuring that there are fair and transparent market rules in place. This includes setting standards for the conduct of energy companies, as well as monitoring compliance with these standards.
4. Protecting consumers: The CER has a range of powers to protect consumers, including enforcing consumer protection legislation and taking legal action against energy companies that engage in unfair or deceptive practices. The CER also provides information and advice to consumers about their rights and how to make informed choices about their energy use.
5. Promoting sustainable energy: The CER promotes the use of sustainable energy sources, such as wind and solar power, to reduce Ireland's reliance on fossil fuels and combat climate change. This involves setting targets for the use of renewable energy and promoting investment in new energy technologies.

See their website - [Regulating energy and water for a changing climate | CRU.ie](https://www.cru.ie)

3. Commission for Communication Regulation (ComReg)

The Commission for Communications Regulation (ComReg) is an independent statutory body in Ireland that was established to regulate the telecommunications and postal sectors. The ComReg has a range of functions, including:

1. Licensing and regulating communications providers: The ComReg is responsible for licensing and regulating telecommunications providers in Ireland. This includes setting standards for network quality and reliability, as well as overseeing the use of radio frequencies and other resources.
2. Promoting competition: The ComReg promotes competition in the telecommunications sector by ensuring that there are fair and transparent market rules in place. This includes setting standards for the conduct of telecommunications companies, as well as monitoring compliance with these standards.
3. Protecting consumers: The ComReg has a range of powers to protect consumers, including enforcing consumer protection legislation and taking legal action against telecommunications companies that engage in unfair or deceptive practices. The ComReg

also provides information and advice to consumers about their rights and how to make informed choices about their telecommunications services.

4. **Managing the numbering system:** The ComReg is responsible for managing the numbering system for telecommunications services in Ireland. This includes allocating telephone numbers and ensuring that they are used efficiently.
5. **Promoting innovation and investment:** The ComReg promotes innovation and investment in the telecommunications sector by fostering competition, promoting the use of new technologies, and encouraging investment in new telecommunications infrastructure

See their website [Commission for Communications Regulation \(comreg.ie\)](https://www.comreg.ie)

4. Financial Service Ombudsman (FSO)

The Financial Services Ombudsman (FSO) is an independent statutory body in Ireland that was established to resolve disputes between consumers and financial service providers. The FSO has a range of functions, including:

- a) **Providing dispute resolution services:** The FSO provides a free and independent service to help consumers resolve disputes with financial service providers. This can include issues such as complaints about financial advice, insurance claims, and banking services.
- b) **Investigating complaints:** The FSO investigates complaints made by consumers about financial service providers to determine whether they have breached their legal or regulatory obligations. The FSO has the power to require financial service providers to pay compensation or take other remedial action if they find in favour of the consumer.
- c) **Promoting consumer rights:** The FSO promotes consumer rights by providing information and advice to consumers about their rights when dealing with financial service providers. This includes educating consumers about the services that the FSO provides and how to make a complaint.
- d) **Monitoring financial service providers:** The FSO monitors financial service providers to ensure that they are complying with their legal and regulatory obligations. This includes conducting regular reviews of financial service providers' practices and procedures, and taking action where necessary to ensure that consumers are protected.
- e) **Advocating for consumers:** The FSO advocates for the interests of consumers in various forums, including engaging with policymakers and other stakeholders to promote policies that protect consumers and improve the financial services sector.

See their website www.financialombudsman.ie

5. The Office of the Ombudsman

The Office of the Ombudsman is an independent statutory body in Ireland that investigates complaints made by individuals against public service providers. The Ombudsman has a range of functions, including:

1. Investigating complaints: The Ombudsman investigates complaints made by individuals who feel that they have been unfairly treated by public service providers. This includes government departments, local authorities, health and education bodies, and other public bodies.
2. Providing redress: Where the Ombudsman finds that a public service provider has acted unfairly or unreasonably, they have the power to recommend that the provider takes steps to put things right. This can include paying compensation, changing policies or procedures, or providing a service that was previously denied.
3. Promoting good administrative practice: The Ombudsman promotes good administrative practice by providing guidance and advice to public service providers on how to deal with complaints and how to improve their service delivery. This helps to ensure that public services are provided efficiently and effectively, and that individuals are treated fairly and with respect.
4. Investigating systemic issues: The Ombudsman has the power to investigate systemic issues that affect a large number of individuals or that have wider implications for public service delivery. This helps to identify problems in the system and to recommend changes to policies or procedures that can improve the delivery of public services.
5. Advocating for individuals: The Ombudsman advocates for the interests of individuals who may be vulnerable or disadvantaged when dealing with public service providers. This includes advocating for the rights of children, older people, people with disabilities, and other groups who may face particular challenges when accessing public services.

See their website www.obudsman.ie

6. Small Claim Court

The Small Claims Court is a special court that provides a simple and inexpensive way for individuals and small businesses to resolve disputes with other parties. The Small Claims Court has a range of functions, including:

1. **Hearing small claims:** The Small Claims Court hears small claims disputes that involve amounts of money up to a certain limit. In Ireland, this limit is currently €2,000 for individuals at a fee of €25.
2. **Providing a simple and informal process:** The Small Claims Court provides a simple and informal process for resolving disputes. Parties to a dispute can represent themselves without the need for legal representation, and the process is designed to be quick and easy to understand.
3. **Providing a fair and impartial hearing:** The Small Claims Court provides a fair and impartial hearing to both parties to a dispute. The judge or adjudicator will listen to the evidence presented by both sides and will make a decision based on the facts of the case.
4. **Enforcing judgments:** If the Small Claims Court finds in favour of one party, it has the power to enforce its judgment. This can include ordering the payment of money, the return of property, or the completion of specific tasks.
5. **Promoting access to justice:** The Small Claims Court promotes access to justice by providing a low-cost and accessible forum for resolving disputes. This helps to ensure that individuals and small businesses have access to legal remedies, regardless of their financial means.

See their website [Small Claims | The Courts Service of Ireland](#)

1.8

Exploring Business

Protecting the Consumer-(Laws & Agencies)

Past Exam Questions and Answers

NOTE - Very Important

It is very important when answering exams question that you use the following steps -

1. That you know the information for the learning outcome
2. That you understand the information form the learning outcome
3. That you can apply the information form the learning outcome to the question
4. Be able to give at least two full sentences for your answer (Fill up the space)

Questions are changing from rote learning to applying the knowledge to the Question

QUESTIONS

2019 - Question 16 - Part b - (ii)

Your friend Deirdre (@deirdre22) has ordered a book from a business in the European Union. Forty days have passed, and the book has not arrived. Write a tweet to @deirdre22 to let her know what agency she should go to help for.

2019 - Sample Paper - Question 16 - Part a (i) & (ii)

You sent this text message to a friend asking for consumer advice.

'I bought a pair of runners online and they were damaged when they arrived. What will I do'
She advised you to e-mail the company with your complaint. Write an email to the company ensuring the following information is included.

1. Use the email address customerservice@runrun.ie for the company.
2. Insert a subject of the email.
3. Clearly outline the complaint
4. Explain your rights in this situation

From	kateogrady@mail.ie
To	
Subject	

(ii) Name one agency that could assist if you need further support.

State one function of this agency

Agency	
Function	

SUGGESTED SOLUTIONS

2019 - Question 16 - Part b - (ii)

Your friend Deirdre (@deirdre22) has ordered a book from a business in the European Union. Forty days have passed, and the book has not arrived. Write a tweet to @deirdre22 to let her know what agency she should go to help for.

Get in contact with the Competition and Consumer Protection Commission (CCPC)

@ccpc.ie , #buyingonline #consumerhelp #letthebuyer beware
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2019 - Sample Paper - Question 16 - Part a (i)

You sent this text message to a friend asking for consumer advice.

'I bought a pair of runners online and they were damaged when they arrived. What will I do'
She advised you to e-mail the company with your complaint. Write an email to the company ensuring the following information is included.

1. Use the email address customerservice@runrun.ie for the company.
2. Insert a subject of the email.
3. Clearly outline the complaint
4. Explain your rights in this situation

From	kateogrady@mail.ie
To	customerservice@runrun.ie
Subject	Complaint - Damaged runner bought online
	<p>Dear Sir/Madam</p> <p>On the 12.01.2023 I purchase a pair of runners form your company.</p> <p>When they arrived, they were damaged. As outline under the sale of goods and supply of service act 1980 as a consumer my rights are that 1. Goods must be of merchantable quality - of certain standard and 2. They must be fit for purpose.</p> <p>As these two rights have not been met, I am entitled to a Refund, Repair or Replacement. I would like a Replacement.</p> <p>I look forward to your reply.</p>

	<p>Kind Regards</p> <p>Mr. Ryan</p>
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(ii) Name one agency that could assist if you need further support.

State one function of this agency

Agency	CCPC (Competition and Consumer Protection Commission)
Function	Protecting consumers: The CCPC has a range of powers to protect consumers,
	by provides information and advice to consumers about their rights and how to
	make informed purchasing decisions. This is don thought their website and
	radio and TV advertisement