



## **Consumer Conflict**

**Business – Leaving Cert**

**Quick Notes**

# Consumer Conflict

## Non-Legislative Methods of Solving Consumer Conflicts

### **1. Negotiation**

- This involves bargaining to reach a mutually acceptable position.
- The consumer and shop must continue talking until they compromise.

### **2. Consumer's Association of Ireland**

- An interest group for consumers to make sure they get good quality products and know their rights.
- Anybody can contact the CAI in relation to problems.
- They publish Consumer Choice which helps consumers.
- The CAI lobbies the government about things such as consumer laws.

## Legislative Methods of Solving Consumer Conflicts

### **1. Sale of Goods and Supply of Services Act, 1980**

- a) Goods must be:**      **Of merchantable quality.**  
   **Fit for their purpose.**

**As described.**

**Conform to sample.**

- b) Services-**      **Supplier must be qualified.**  
                                 **Service must be provided with care and diligence.**

**Any materials used as part of service must be of merchantable quality.**

- If they don't satisfy this the consumer is entitled to a full refund, replacement or repair providing they act promptly.

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- c) The retailer is always legally responsible for the consumer's complaints.**

- d) The retailer can't put up signs which give the impression that consumers have no legal rights such as 'No Refunds'.**

- e) Guarantees can't take away from consumer's rights but can only add to them.**

## Evaluation

- a) The law ensures that consumers get their money back if the product doesn't meet the standards and ensure they don't lose out as a result.
- b) Consumers can't be fooled into thinking they must accept a credit note.

## 2. Consumer Information Act, 1978

- a) It's against the law to lie about a product or service such as the weight of it.
- b) It's against the law to mislead people about the price of a product e.g the price must be the total price with no hidden extras.
- c) It's illegal to publish false or misleading advertisements e.g adverts for price of goods in a chain must apply to all the stores.

## Evaluation

- a) Consumers get fair and honest information about what they are buying.
- b) If they are lied to or misled the act ensures the shop is punished.

## 3. National Consumer Agency (formerly Director of Consumer Affairs)

- Was set up under the Consumer Protection Act 2007 to:
  - a) **Inform consumers of their rights.** It does this by publishing a shopper's rights card, runs a phone service and has a website.  
Evaluation-This is good as it lets consumers make better decisions.
  - b) **Investigate breaches of consumer laws.** It has the power to enter a premises, take evidence, bring the police and apply for search warrant.  
Evaluation-This is good as it has real power to investigate businesses that break the law.
  - c) **Make sure businesses obey consumer legislation.** It can issue on-the-spot fines, name and shame businesses in the Consumer Protection List and refer cases to DPP.  
Evaluation-This is good as it ensures that if consumers are lied to, that it won't happen again and that the shop is punished.

- d) **Conduct research into consumer issues.** It finds out what the most important issues are and what areas of law need improving.

**Evaluation**-This makes sure that the government and consumers are aware of the latest scams.

- e) **Be an advocate for consumers.** It informs the government or problems and consults with other agencies to assess their impact on consumers.

**Evaluation**-This is good as consumers have a powerful organisation to stand up for them.

#### **4. Small Claims Court**

- ***The aim is to handle consumer claims easily, quickly and cheaply without involving a solicitor.***
- The consumer can't sue for more than €2,000 and must pay €15.
- They can take their case online-smallclaims.ie
- The Small Claims Registrar brings both sides together to try solve the dispute.
- If they can't it is referred to the local District Court, evidence is under oath, witnesses can be called and cross-examined.
- If the judge finds in favour of the consumer the business has 4 weeks to pay.

#### **Evaluation**

- a) **It ensures consumers get justice easily, quickly and cheaply without involving a solicitor.**
- b) **Every consumer can get justice in their local district court.**
- c) **Small claims online allows anyone to take a case in their own time.**

#### **5. The Ombudsman**

- If a consumer is in conflict with: Governmental departments, local agencies, the HSE or An Post they can get in touch with the Ombudsman.
- They can complain in writing, phone or email and there is no fee.
- The Ombudsman will investigate the complaint, can look at any documents and interview any member of staff.
- He will make a recommendation on the issue which isn't legally binding but if they don't conform he will shame them in the report to Dail Eireann

#### **Evaluation**

- a) **The service is provided free of charge which saves consumers money as they don't have to bring the public body to court.**
- b) **It would be intimidating to take on a public body but Ombudsman has legal power to take on public bodies and get to truth.**

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