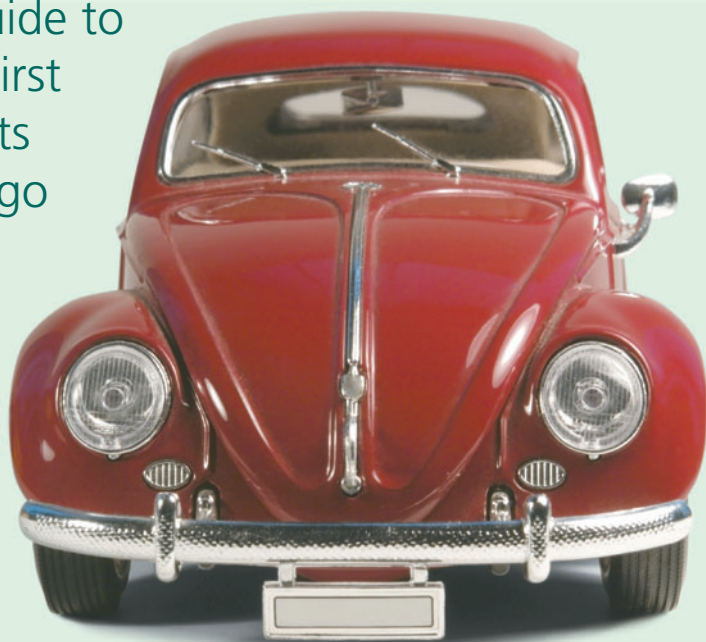


# MotorWise

Devon Trading  
Standard's guide to  
buying your first  
car, your rights  
when things go  
wrong and  
safety on  
the road.



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# Funding Your New Vehicle

Getting yourself on the road can be expensive, you may wish to first explore other ways to travel. For information on alternatives to car travel visit [www.devon.gov.uk/transportroads/green\\_travel](http://www.devon.gov.uk/transportroads/green_travel). If you do decide to buy a car it is important to calculate the costs each month, as it can rise unexpectedly. Costs of insurance, Tax, MOT, servicing, fuel and breakdown costs soon add up. Be aware that cheaper vehicles may appear inviting, but can often incur repair costs much greater than their value.

**Having given some thought to the monthly running costs, it's worth considering the following ways of funding the purchase:-**

## Cash up front

- You won't be getting into debt.
- You won't have to pay any interest – saving you money.
- Remember to get a receipt for your purchase.

## Credit card payment

- If your purchase is £100 or over, your credit card company is as equally liable as the trader if things go wrong, under Section 75 of the Consumer Credit Act. You may need to persist though, as credit card companies can be reluctant to accept liability.
- Interest rates are often high.
- Be sure that you can afford to pay off the card balance.

## Personal loan (arranged by you)

- You can shop around to find the cheapest loan repayment.
- You may be tied into the loan for a considerable period of time so make sure you will be able to keep up the commitment to the loan in the future.
- Be sure that you can afford the monthly repayments.
- Consider using a credit union loan as a friendly ethical local alternative to banks and building societies.



## Loan arranged by vehicle trader

- You will receive the same equal liability protection under Section 75 of the Consumer Credit Act should anything go wrong with the car.
- Check the APR rate and compare the “total amount payable” with that of a loan you can arrange yourself.

## Hire purchase agreement

- The finance company own the car and you merely hire it until you have paid all the payments. This means you cannot sell the car without the permission of the finance company, or until the agreement has been paid off!
- If anything goes wrong with the car you must go back to the finance company in the first instance, because they own the car (not the vehicle trader).
- Should you fail to keep up the repayments you are likely to lose the car and any money you have paid towards the monthly hire-purchase agreement, unless you have made more than a third of the payments. Then, the finance company must get a “Return Order” from the court before they are allowed to take the vehicle back.
- More information and financial advice can be found at [www.devon.gov.uk/moneymatters](http://www.devon.gov.uk/moneymatters)

# The MOT

The MOT certificate does not certify that everything is satisfactory, but does include checks on:-

- Vehicle structure and bodywork for sharp areas or corrosion.
- Fuel system and seals for leaks.
- Exhaust system including emissions.
- Seats and seat belts to make sure they are secure.
- Doors to make sure they close properly.
- Mirrors to make sure they are clear.
- Brakes to make sure they are efficient.
- Tyres, including tread depth and condition.
- Registration plates to make sure they are legal.
- Lights to make sure they work and are aimed correctly.
- Bonnet to make sure it closes properly.
- Windscreen, wipers and washers to make sure they are not damaged and the view of the road is clear.
- Horn to make sure it works.
- Vehicle Identification Number is compared against DVLA database.

**If there is cause for concern, but within the requirements of the MOT, you may get an advisory note informing you of any remedial work that may need to be done before the next MOT.**

Be aware that if a car does not pass the MOT, extra charges may be incurred for remedial work – make sure you get agreed quotes prior to work being done if necessary.

**It is always better to purchase a car with a full 12 months MOT**

The MOT scheme is supervised by the Vehicle and Operator Services Agency (VOSA) and if you have any questions about your car's MOT or think that a car should or shouldn't have passed, you will need to contact them as soon as possible on

**0870 60 60 440**

If a car has a new style MOT, you can now check to see it is genuine. Go online to

[www.motinfo.gov.uk](http://www.motinfo.gov.uk)

or call

**0870 60 60 440**

There are approximately 19,000 garages authorised as MOT test stations across the UK. The blue three triangles logo is displayed to identify authorised test stations.



For more information on MOT's visit [www.direct.gov.uk](http://www.direct.gov.uk)

# Before Viewing a Vehicle



**1** Check the price advertised is reasonable for a car of that model/age/mileage by searching for car prices on the internet.

**2** Find out the registration number so that you can obtain an insurance quote – some cars can be very expensive to insure and it's a good idea to find out before committing to buy.

**3** Obtain a vehicle history (HPI) check, which provides information about whether the car has been stolen, mileage, outstanding finance, whether it has been in an accident and the general history of the car. These searches can be carried out online.

**4** If the car is advertised as a private sale, when you phone the seller ask about "the car" – if they ask which car, they could be a trader pretending to be a private seller, which is illegal – you can report them to: **Consumer Direct (Tel: 08454 04 05 06)**.



**5** Ask the seller to tell you about the history of the car and where they got it from (if a private seller why they are selling it?). They must tell you the truth about the car if they know it – for example if it has been involved in an accident and then repaired. Check the service history and ensure it relates to the car being sold.

**6** Is the mileage of the car low or high? Average mileage is between 10,000-12,000 miles per year.

**7** Does the car come with tax? This can add a considerable proportion of cost to a cheap car if not.

**8** Try to look at the car before you speak to the seller – so that you can examine the vehicle without being under pressure.

**9** Always view at a business or home address. Never arrange to view a car in a car park or similar location, in the dark or in the rain. It may hide problems which you see later.

**10** Consider taking a mechanic with you to check the car over. If that is not possible take someone along with you to listen to what is said, in case problems arise.

# Possible Pitfalls Before You Buy



1

Make sure the seller has at least a MOT certificate (if the car is more than 3 yrs old) and the V5 registration document (other service history is also helpful). Check the mileage on the dashboard display matches, or is higher than on the MOT certificate. Otherwise the mileage on the car's display may be incorrect.

2

If you don't have insurance to test drive the vehicle yourself ask someone you trust, who does have insurance, to test drive the car for you.

3

Do not have the radio on during a test drive – as this can hide noises which may indicate problems with the car.

4

Make sure that the seatbelts work correctly and all the switches on the dashboard and windows are in good working order.

5

Body work panels should be flush without any warping or gaps. If a panel doesn't fit properly it could indicate that the car has been in an accident or badly repaired.

6

You should check for rust or welding marks around the wheel arches, under the bonnet, in the boot, on the under door sills, and under the carpets – a badly rusted car can be unsafe.

7

It is illegal to drive away a car you have bought without valid tax – so it may be necessary to return on another day to collect the car once it has been taxed.

8

If you buy – ensure you obtain a receipt for the price paid with the seller's name, address and landline telephone number.

9

An un-roadworthy car **can put your life and the lives of others in danger** – even careful drivers can be put at risk if they are driving a vehicle with serious faults, which may not be apparent from external viewing of the car. This is a criminal offence.

# Second hand cars: your rights

Whether you're going to be buying a car from a private seller or a car dealer - there are lots of potential problems to look out for. So it's important to be aware of your rights.

## Buying from a dealer

When you buy from a dealer you have a right, under the Sale of Goods Act 1979, to expect the car to:

- Be of satisfactory quality and fit for purpose (taking into account its age and mileage).
- Meet any description given to you when you were buying it.

**If the car does not meet one or more of these requirements you may have a right to claim against the dealer for a breach of contract.**

## Rejecting a second hand car

If a problem arises very soon after you've bought it e.g. a fault develops that you wouldn't expect for the car's age etc, you may have the right to 'reject' the car and ask for your money back.

However, you only have a 'reasonable' time to reject. There's no clear definition of what a reasonable time is – in reality it is as long as it takes to learn about the car.

**If you want to reject a car you must stop using it!**

# Claiming for Repairs

A fault may occur after the opportunity to reject a car has passed, but you can still ask the dealer for a repair or replacement. If this is impossible, you may be able to:-

- Ask the dealer to pay the cost of the repair.
- Return the second hand car and get the money you paid back, less a deduction for the use you've had.

## If you buy a second hand car privately

You have fewer rights if you buy a car from a private seller than if you buy from a dealer. Certain implied terms of the Sale of Goods Act don't apply – for example, there is no requirement in law that a car is fit for its purpose or of satisfactory quality. *However, anything the seller says about the car must be accurate.*

**If you buy a car from a private seller that is 'not as described' you have the same rights as if you bought from a dealer.**

- Cancel and get your money back.
- Ask for compensation for the difference in price between what you bought and what you expected to buy.
- Beware of "sold as seen" advertising.
- You also have the right when buying privately for the car to be roadworthy under The Road Traffic Act. If it is not, the seller may be committing an offence.

**It is worth trying to get a description of the car in writing before the sale is agreed, as this *may* enable you to seek redress if there is a problem. Also ask if the car is free of defects.**

# Dealing with problems

**1** Double check that there really is a fault with the car by seeking advice or checking the owner's manual.

**2** If it seems to be a safety issue, stop using the car at once and report it to Consumer Direct.



**3** Make sure you have all the paperwork that you were given when you bought the car.

**4** Contact the seller straight away to inform them of the problem.

**5** Do not get the car repaired elsewhere, because if you fail to give the trader a reasonable opportunity to repair the problem themselves, you are not likely to be able to claim back the full costs of the repair.

**6** Either visit or phone the vehicle trader. Briefly set out the problem, what you would like them to do and when you would like them to do it by.

**7** If speaking to the vehicle trader/finance doesn't work, try writing to them. Consumer Direct provide useful letter templates on their website. Always send correspondence by recorded delivery and keep a copy of the letter.

**8** If you don't get a reply to your letter, send them a reminder and give them a date by which you would like them to resolve the problem.

**9** If you paid for part or all of the car using a credit card (and it was more than £100) or via a loan arranged by the trader, you should write to the credit card or loan company as they are equally liable for the cost of the repair under Section 75 of the Consumer Credit Act. You can therefore claim against either company. Section 75 does not apply to Debit Card purchases.

**10** If the trader tries to fix the car but has been unsuccessful after several attempts, you may ask to choose a replacement car of the same specifications and value.

**11** If the trader offers to help but it's not what you've asked for, you can either accept their offer or negotiate. Make sure you are reasonable in what you are asking for as sometimes it can be better to compromise unless you are sure that you have a strong case.

**12** If the trader refuses to help even after you have made every attempt to sort things out, you should send a final letter marked "Letter Before Action" giving them a final date to respond before you will take the matter to the Small Claims Court, which is the only way you can force a trader or finance company to pay for repairs. Remember there is always a risk that you could lose your case.

**13** If you do wish to pursue a claim through the court you should consider obtaining legal advice from a solicitor and an independent engineer's report as evidence, if appropriate.

**14** Keep calm but be firm, make it clear what you would like them to do. Don't demand something you're not entitled to, you can check your rights with **Consumer Direct** (Tel: 08454 04 05 06).



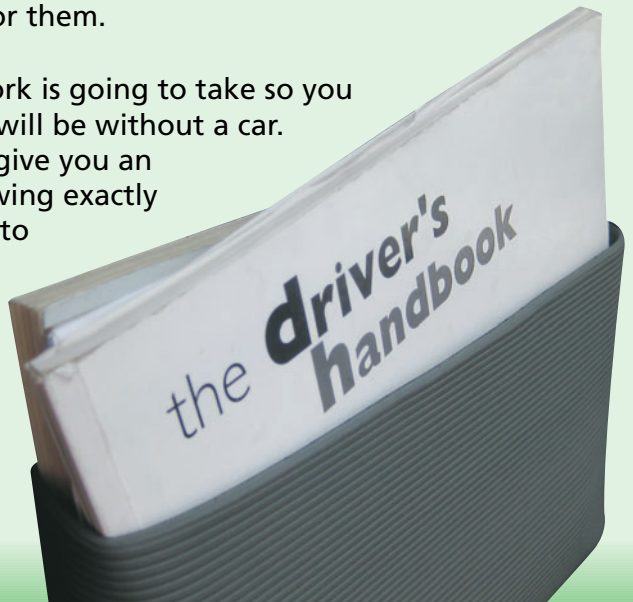
**Remember, Court is a last resort, ask yourself:**

- Do I have the trader's name and address?
- Do I have a good case – i.e. have I acted reasonably?
- Do I have enough evidence to prove my case?
- Does the trader have money to pay what the Court may award me?

# Maintaining Your Car

It's important to look after your vehicle, as this will keep it in good working order and is likely to reduce the risk of problems. A regular service will benefit the vehicle and could mean it lasts longer. Check your service book to see how often the manufacturer recommends you service the car.

- Look out for garages which are members of a trade association or work to a set code of practice such as Devon Trading Standard's **Buy With Confidence** scheme – [www.buywithconfidence.gov.uk](http://www.buywithconfidence.gov.uk)
- Ask friends and family for their recommendations.
- Make sure that the garage's information about pricing and the work they will be doing is clear. Get this in writing if possible.
- Make sure that the garage has your contact details and won't do any extra work without phoning you first with a price.
- The garage should give you any old parts that they have replaced if you ask for them.
- Ask how long the work is going to take so you know how long you will be without a car. Check that they will give you an itemised receipt showing exactly what has been done to your car.



# Things You Can Check Yourself

**Ensure the engine is cold and switched off.**

It's very important to keep an eye on the oil level. When the car is stationary on a flat surface, pull the dipstick out, wipe it off on a cloth, then replace it. Take it out again and check the level of oil to get an accurate reading. If the oil level is too low add some more of the correct type, but be careful not to overfill it. Also keep a check on any warning lights that may come on and check with your car manual what action to take.



Check coolant and brake fluid levels because if either are too low your car may be dangerous. Antifreeze in the coolant tank stops the water freezing and provides protection from corrosion.

Always keep an eye on the fuel gauge and make sure that you fill up with the right type of fuel. Putting petrol in a diesel car, and vice versa, can cause permanent damage.



Make sure the tyres are inflated to the manufacturer's recommendations and that the tyre tread depth is above the legal limit (1.6mm). You can get a fine and 3 points per tyre on your licence if they are below this limit!

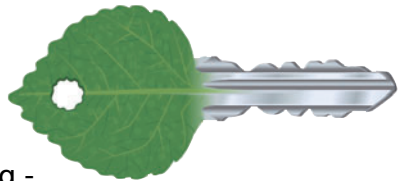
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by telephoning **(01392) 444773**

or email [drivers@devon.gov.uk](mailto:drivers@devon.gov.uk)



We want to make our service as easy to access as possible for you, so you can contact us in the following ways:

## By Online Contact form

[www.devon.gov.uk/tradingstandards](http://www.devon.gov.uk/tradingstandards)

## By Email

[tsadvice@devon.gov.uk](mailto:tsadvice@devon.gov.uk)

## By Telephone

- Advice for Consumers **08454 040506**  
Consumer Direct is a national helpline offering clear, practical consumer advice and information on **08454 04 05 06**, working in partnership with the Office of Fair Trading and Devon Trading Standards. Lines are open from 08:00-18:30 Monday-Friday and 09:00-13:00 on Saturdays, excluding bank holidays and public holidays. Alternatively people can visit the website at [www.consumerdirect.gov.uk](http://www.consumerdirect.gov.uk)
- Business Advice & all other Enquiries **01392 381381**
- Trading Standards Confidential **01392 381380**

## By Fax

01392 382732

## By Post

Devon County Council  
Trading Standards Service  
County Hall  
Topsham Road  
Exeter  
EX2 4QH

This leaflet is not an authoritative interpretation of the law and is intended only for guidance. For further information and business advice contact your local Trading Standards Service.

This advice booklet was put together with the kind assistance of Dorset County Council Trading Standards Service and members of the Buy with Confidence Scheme.

[www.buywithconfidence.gov.uk](http://www.buywithconfidence.gov.uk) for Trading Standards approved traders.  
[www.devon.gov.uk/tradingstandards](http://www.devon.gov.uk/tradingstandards) for further advice.



## VEHICLE CHECKLIST

<b>Before Arriving to View</b>	<b>Tick / Cross / Notes</b>
HPI vehicle history check carried out?	
Insurance quotation obtained?	
Price of vehicle compared & reasonable?	
<b>Under Bonnet</b>	
Are the oil and water levels / conditions ok?	
Can you see any oil / water leaks?	
Does the engine look in good condition – clean with no leaks?	
Are any accident repairs visible?	
<b>Outside Body Work / Underside</b>	
Are all the tyres the same size? Does the tread exceed the minimum legal limit? (1.6mm)	
Is there any evidence of accident repairs?	
Does the body work look rusty – particularly wheel arches & sills?	
<b>Interior</b>	
Do all the controls and switches work properly?	
Do the seatbelts in the back and front work correctly?	
Check electrics such as central locking /windows etc	
<b>Test Drive</b>	
Are there any unusual noises?	
Does it drive well – clutch, gears, handling etc?	
Is the gear stick difficult to move?	
Do the handbrake and foot brake work effectively?	
<b>Check with Seller</b>	
When was the CAM belt last changed? (Ask to see proof of this e.g. invoice)	
How long is left on the MOT certificate and tax disk? (Ask for an MOT certificate lasting for a full 12 months)	
Ask to see proof of when the last full service was carried out.	
Ask if the car has ever been involved in an accident.	
Is there anything else the seller can tell you about the car that may be of interest?	
Is there anything foreseeable that needs to be done in the near future which may cost money? (e.g. new tyres, service, CAM belt)	

If you are concerned about any of the issues highlighted above,  
either have an independent inspection carried out on the vehicle prior to purchase,  
or consider looking for an alternative car to buy.

**For a selection of traders approved by Devon Trading Standard's Service  
Buy with Confidence scheme please see details over the page.**

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Devon County Council Trading Standards Service is committed to promoting fair trading throughout Devon, by supporting businesses that get it right.