

LEGISLATION

EU PROPOSES MORE RIGHTS FOR BUYERS

But longer periods to return faulty classics divides dealers and car clubs

Current consumer laws allowing a dealer-bought classic to be returned after six months could be extended by up to two years – and it would still be up to the selling dealer to prove the car wasn't at fault.

The EU's Internal Market and Consumer Protection Committee (IMCO) unanimously agreed on 22 February on proposals to extend the return period covered by the Europe-wide Sales of Goods Directive from the current six months to up to two years. The UK could be asked to implement the directive – updating the Consumer Rights Act 2015 – during the transitional period after leaving the EU, depending on deals struck by the UK government.

The IMCO proposes the return period in the Sales of Goods Directive be extended to a year, or

even two, under its new proposal. The legislation still has a fair way to go before it is enshrined and voted into EU law, but – as British MEPs are discovering with the Motor Insurance Directive (see page 4) – voicing objections after 29 March will be difficult.

Current UK legislation allows for classics bought at a dealer to be returned up to six months after delivery if it develops a fault that existed at the time of purchase. The aforementioned Consumer Rights Act 2015 assumes this; it's up to the dealer to prove that the fault wasn't there when the car was sold.

Depending on what's agreed, the buyer could be entitled to a partial refund and keep the car, or return it altogether in exchange for the full balance. That can only happen if previous attempts at repair or replacement by the dealer have failed. The dealer can also reduce the refund on the grounds of reasonable use after 30 days.

If brought in, the updated legislation would give buyers more protection, but the classic world has given the proposals a mixed reaction. Simon Percival, Percival Motor Company's managing director, said: '99.9 per cent of people understand

that buying a classic car aged 40, 50 or 60 years old isn't like buying a new or nearly new vehicle. Two years is completely farcical – the laws we have now are more than reasonable.'

The Classic and Sports Car Centre's James Szilker felt that the EU proposals were moving historic vehicle purchasing closer to that of buying a new car from a dealer.

He said: 'Ultimately, it's about having confidence in the product. Perhaps we'd have to create evidence of the good condition of the car prior to the sale to protect us, with both photographs and video. It's more work for us, but it's something we've already started doing for a few customers when working on their cars. Over half our

customers are returning customers we have good relationships with, so we'd hope they'd let us sort any issue on a car they bought rather than throwing it back at us, too.'

Clubs remained concerned for the state of the historic vehicle market through the Brexit transition period.

Adam Sloman, general manager of the MG Car Club, said: 'It's a difficult issue for sure. Dealers do have a responsibility to make sure their cars are of good condition and as described, but two years is a long time when it comes to classic cars. Anything that removes a barrier to classic car ownership, including removing concerns about buying cars, is a good thing, however.'

tinyurl.com/ybyscc8p

THE COVER STORY

'Two years is completely farcical. The laws we have now are more than reasonable'

SIMON PERCIVAL

'Smaller dealers might struggle'

Classic cars are strange beasts, many of them seasonal – and with complicated histories. I would wager smaller sellers might not be able to make much margin on cars with patchy service and restoration histories. It all falls down to buyer and seller being reasonable, and both doing their homework before and after purchase. The Consumer

Rights Act is a pretty robust piece of legislation as it stands – and any changes made to it during a Brexit transition period may well be annulled by sunset clauses and national derogation rights.

JON BURGESS
NEWS EDITOR

