



Advice from Alan

Consumer Guarantees – services

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Under the Consumer Guarantees Act, a supplier of services is subject to four

guarantees. When supplying services to customers for personal or household use, the work must be carried out with reasonable skill and care, fit for a particular purpose that the supplier has been made aware of by the customer, completed in a reasonable timeframe or by the agreed completion date, and at a reasonable or agreed price.

The guarantees as to skill and care, timeframe and price are all measured by a standard of reasonableness related to the profession and the standards within it.

The guarantee that work must be fit for a particular purpose relates to one the customer has informed the supplier of. If a supplier is unsure whether they will be able to achieve the intended purpose or result requested, they must advise them of this in advance. It would be wise to do this in writing to avoid later disputes.

If a customer chooses a cheaper option, which compromises quality, the supplier

should get the customer's agreement in writing and set out the risks associated with their choice. The standard will be to the level advised to the client that could be achieved.

If the services are not up to a reasonable standard, the customer will have rights and remedies against the supplier. If the problem can be fixed, the customer must give the supplier an opportunity to do so within a reasonable timeframe. If the supplier does not fix the problem, the customer may employ someone else to rectify it and claim the cost incurred from the supplier, or alternatively, cancel the contract and refuse to pay for the work, or pay less than the agreed price.

Where there is a problem with the work that is serious or cannot be fixed, the customer can cancel the contract and refuse to pay, or pay less than the price that was agreed in advance. Where a problem with the work has caused the customer to suffer a loss or has damaged their property, the supplier will be liable to pay for that damage and any foreseeable loss incurred.