

I recently purchased an item which was heavily discounted during a sale. The item turned out to be non-functional.

I returned and asked for a refund. The shop assistant informed me that there were no refunds, exchanges or credit notes given on sale items and that this policy had been widely displayed on signs during the sale. Do I have any recourse?

Response

The Sale of Goods and Supply of Services Act 1980 stipulates that there is a condition that goods supplied under the contract are of merchantable quality.

Goods are of merchantable quality if they are fit for the purpose for which goods of that kind are commonly bought and as durable as it is reasonable to expect having regard to any description applied to them.

There is no such implied condition as regards defects drawn to the buyer's attention before the contract is made or if the buyer examines the goods before the contract is made as regards defects that examination ought to have revealed.

If the goods fall foul of any of the aforementioned criteria, legislation grants the consumer the right to a repair, replacement or refund. Should the consumer hold a warranty/ guarantee, the consumer has extra protection.

The consumer protections remain intact when the faulty good in question is a sale item.

It is an offence under the Sale of Goods Act for the seller to restrict/exclude your entitlements under the Sale of Goods Act by the use of signage. So in this instance, you are entitled to a repair, replacement or refund.

You may have recourse to the Small Claims Court which can settle claims up to €2,000 for an application fee of €15.

The National Consumer Agency is responsible for the enforcement of consumer legislation and a complaint can be made at <http://www.nca.ie>.

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