

J: Using an Expert

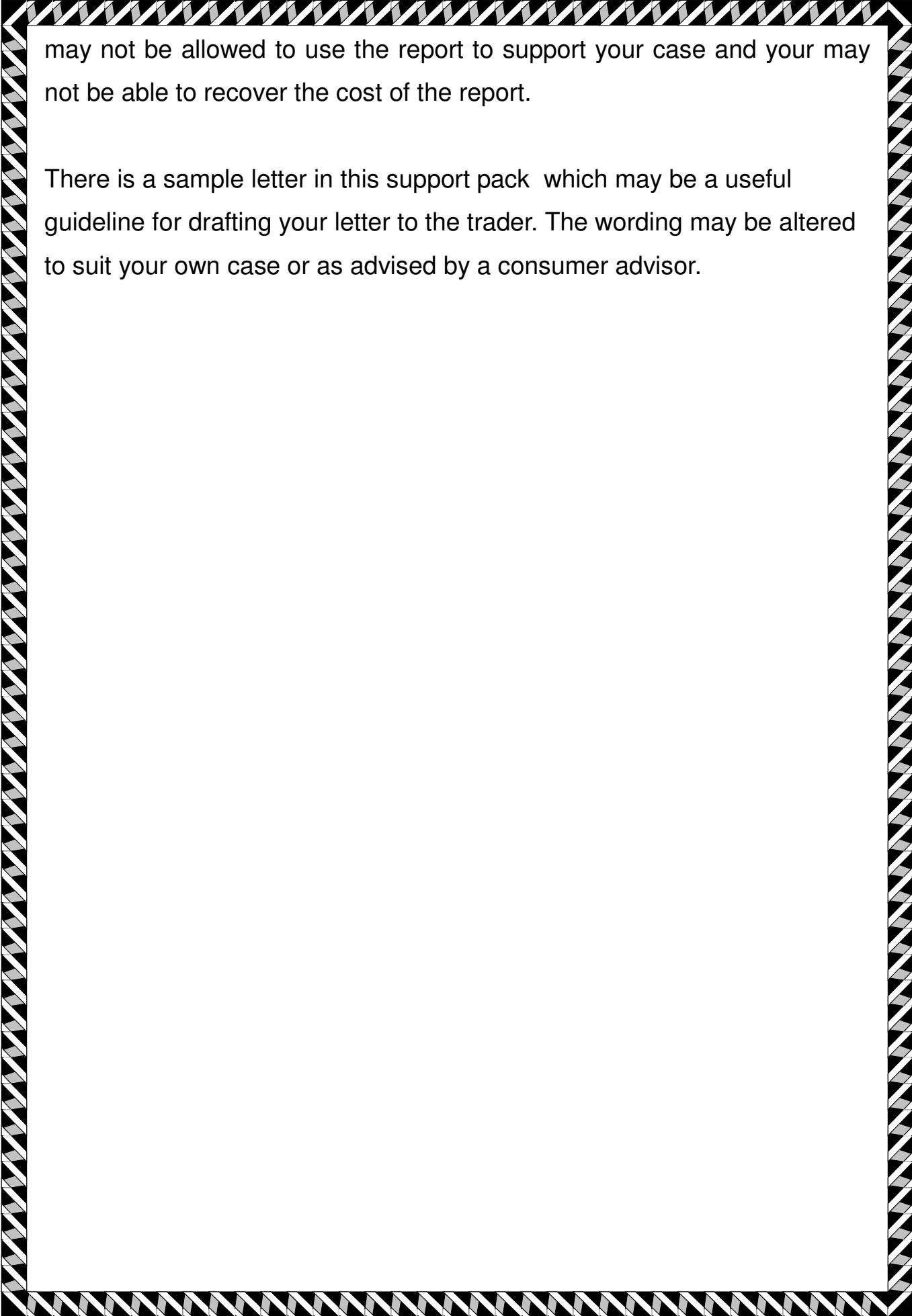
Advice Sheet – Expert Reports

In the event of a dispute arising between yourself and a trader as to the cause of a failure in goods or services supplied, it may be necessary to instruct an independent expert to prepare a report. This should only be done after you have written to the trader concerned giving full details of your claim and the trader has responded, disputing the cause of failure or its consequences.

Remember –

- *Even if your claim goes to court and you win your case, the court will not allow more than £200 for expert costs, including fees for attending court as an expert witness. It is important that you consider this before agreeing an expert with the other party in the dispute.*
- *If it is within six months from the date of purchase and you are asking for the goods to be repaired or replaced, then it is up to the trader to supply evidence that the goods were not faulty at the time of supply. In some cases therefore, dependent upon what evidence the trader has, it may not be necessary for you to obtain an expert report. A consumer adviser can advise you as to whether or not an opinion should be obtained based upon the facts of your particular case.*

If it is more than six months, and you intend to obtain report, you must give the trader full details of the expert you propose to use, the opportunity to agree or object to that expert (giving reasons) and an invitation to submit any written instructions he/she wishes to be given to the expert. In the event of your claim proceeding to County Court, you will need to show that you and the trader have agreed on an expert or that the trader has been given the opportunity to object to the expert used, otherwise you



may not be allowed to use the report to support your case and you may not be able to recover the cost of the report.

There is a sample letter in this support pack which may be a useful guideline for drafting your letter to the trader. The wording may be altered to suit your own case or as advised by a consumer advisor.