



## Have You Got A Complaint About A Hot Tub Trader? (C37)

*BISHTA members pride themselves on looking after their customers, providing the equipment that has been purchased by you, in a timely fashion, so that you can enjoy years of fun and enjoyment. In the unlikely event that you should have a problem, and then please contact them and they should be willing to resolve the matter promptly. If, for any reason, you do not get a satisfactory response, then please contact BISHTA and the Trade Association will be very willing to contact its member to discuss a suitable way forward for the relevant parties.*

However, if you have chosen to purchase a hot tub from a non-BISHTA member, then should anything go wrong, you will need to contact the company to seek a solution to the issues that you are experiencing. If you suspect that you may have made a purchase from a dubious seller (especially on the internet) check online to see if there are any other complaints about them (although you have hopefully already made some enquiries about them before purchasing your spa).

You may also want to contact BISHTA, as the trade association for spas and hot tubs in the British Isles can quickly confirm if the company is a member (in which case it will assist you to liaise with the member company to seek dialogue and to resolve the matter). If the company is not a BISHTA member, then BISHTA will still want to offer you some advice to help you get a satisfactory resolution with the company. You should be aware of your consumer rights and further information is available at:

<https://www.gov.uk/consumer-protection-rights>

Sometimes, it may be necessary to escalate the matter to Trading Standards (and unfortunately in some rarer instances, to the Police). The information below is designed to help you get the feedback that you need to pursue the matter to seek a satisfactory resolution.

### **Contacting your bank / building society**

Depending on what payment type you made, it may be possible to seek to recover the funds, so contact your bank, etc. to see what can be done.

**If you paid by debit card** - Contact your bank and say you want to use the 'chargeback scheme'. If the bank agrees, they can ask the seller's bank to reverse the transaction and refund the money back into your account. Many bank staff don't know about the scheme, so you might need to speak to a supervisor or manager. They might ask you to put your request in writing. You should do this within 120 days of when you paid.

**If you paid by credit card** - If the item cost less than £100, you should contact your credit card company and say you want to use the 'chargeback scheme'. They could also ask you to put your request in writing. There's no time limit for when you need to do this. If the item cost more than £100 but less than £30,000, contact your credit card company and say that you want to make a 'section 75' claim to get your money back.





## Alternative Dispute Resolution (ADR)

All traders selling to consumers, whether or not they intend to use ADR, will need to give the consumer details of a certified ADR provider and inform the consumer about whether they intend to use that provider. Not all business are required to have access to ADR but it can be a way to resolve complaints.

## Consumer Rights

Please also be aware that as consumers, you have rights to reject faulty goods (within the timescales stated under the Consumer Rights Act 2015) as well as the right to reject goods purchased online / off trade premises under the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.

## Going to court

If all else fails, then please be aware that you may have to pursue the company through the courts. This option should not be taken lightly, but where the sum of money is £10,000 or less, then there is a special procedure for handling small claims in the County Court may be the most cost effective way of seeking your money back. The government offers advice via its website <https://www.gov.uk/make-court-claim-for-money>

For sums of money greater than £10,000, then the special procedure is unlikely to be applicable and so the case will be dealt with under the normal procedures in a County Court. For more information, see <https://www.moneyclaim.gov.uk/web/mcol/welcome>

Please enlist the advice of a solicitor before pursuing such a claim.



## Citizens Advice

If you are need of more help with a consumer problem you can contact the Citizens Advice consumer helpline.

Call 0808 223 1133

<https://www.citizensadvice.org.uk>

## Action Fraud

Where you suspect that you may be a victim of a crime, then it is worth contacting Action Fraud to provide them with the details. It may be that a pattern develops around the country of fraudulent behaviour and this is potentially easier for law enforcement agencies to spot than a few isolated incidents in a number of areas around the country.

<https://www.actionfraud.police.uk/>

Call 0300 123 2040

## Where can I found out more about BISHTA?

Please visit the BISHTA website at [www.bishta.co.uk](http://www.bishta.co.uk) for other information regarding hot tubs and exercise spas (swim spas), including local members in your area.

Alternatively, please contact:

BISHTA, 4 Eastgate House, East Street, Andover, Hants, SP10 1EP.

Tel: 01264 356211

E-mail: [admin@bishta.co.uk](mailto:admin@bishta.co.uk)

Facebook: Bishta.Hot.Tub.Association

Twitter: @Pools\_Hottubs