



Shop stock breakages

How much care do I have to take?

The law says you have to "exercise due care". This means you must take reasonable care not to damage whatever goods you are handling.

Supervising children

If you bring children into a shop, you are responsible for adequately supervising them. If you don't look after them and they break something, the store can ask you to pay for the goods that have been broken.

If the shop staff saw your child handling the goods and didn't take reasonable steps to stop damage from occurring you may not be liable for all the loss. But you are still responsible for supervising young children in your care.

Don't rely on the shop staff to watch your child.

Store at fault

Sometimes the store may have caused or contributed directly to the damage.

For example, a china store displays stock on an unstable shelf. The staff know that the shelf is loose but they haven't fixed it. There is no sign to warn customers that the shelf is unstable.

In a case like this, the store can't ask you to pay for the damaged goods as the store itself did not take adequate care.

Store signs

"If you break it, you buy it".

A sign like this may have no legal affect. Whether you have to pay the store for a breakage will depend on whether you failed to take care.

But a store can display a sign warning you to take care around goods that they know are fragile and need careful handling. For example:

"Please ask a sales assistant if you would like to look at these goods."

Paying for damage

This depends on the value of the product and perhaps any loss of profit from the store now being unable to sell those goods to another customer. You may also have to pay for any damage to shop fittings that you caused. In many cases the loss will equal the retail price of the goods.

The store can get a replacement at the wholesale price, so why do I have to pay the retail price?

The store can recover all its losses. This includes the lost opportunity to sell the goods you broke, and the profit they could have got from that sale. They may also have costs relating to having to order those goods again, such as staff time or communications costs.

Why can't the store make an insurance claim rather than claim from me?

The store is entitled to claim the compensation from the person who caused the damage or loss. Although the store could choose to claim on their insurance this will depend on whether it is worthwhile for them to do so. And remember, their insurer may pursue you to recover what they had to pay out to the store.

Accidental damage

You may not have to pay for the damaged goods when an event outside of your control leads or contributes to the damage. For example, you have to move quickly to the exit of the shop because of a fire alarm. On the way you are pushed by the crowd and upset a table with glasses on it.

In this case it is unlikely you would pay for the broken glasses as:

- it is reasonable to take care of yourself rather than property when your life may be at risk
- other factors contributed to the damage (the crowd pushing you).

