

Private sales

Private sales include buying at a garage sale, from a neighbour, from an advertisement in the paper and also private sellers in internet sales or auctions.

Private sales are not covered by the Consumer Guarantees Act or the Fair Trading Act. This means you have less consumer law protection and it is important to check out what you are buying.

See if mechanical or electrical items work, and get them checked out by an expert if you can. For a car, get an independent pre-purchase check by a mechanic, and check for money owing on the car at www.ppsr.govt.nz.

If the item has a manufacturer's warranty on it, it may still apply after the sale so make sure you get that off the seller.

Get a receipt from the seller saying when you bought it and the name and address of the seller. Also keep records of anything that the seller has told you about the item. If anything turns out not to be true you may be able to use the Contractual Remedies Act to get money back.

For more information

For more information about your consumer rights visit www.consumeraffairs.govt.nz or your local Citizens Advice Bureau.

Contact details of your local Citizen's Advice Bureau are in the White Pages or online at www.cab.org.nz. You can call 0800 FOR CAB (0800 367 222).

You can get free legal advice from a community law centre. Contact details of your local community law centre are in the White Pages or online at www.communitylaw.org.nz.

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MINISTRY OF CONSUMER AFFAIRS
MANATŪ KAIHOKOHOKO

SECOND-HAND GOODS

CONSUMER FACTS



MINISTRY OF CONSUMER AFFAIRS
MANATŪ KAIHOKOHOKO

New Zealand Government

Different laws apply depending on where you buy your second-hand goods from. Find out your rights when buying goods:

- › *from a shop*
- › *at auction*
- › *at an internet auction*
- › *privately (for example, at a garage sale or from a friend).*

Shops

If you are buying from a shop, or anyone who is 'in trade', then the Consumer Guarantees Act applies. So you can expect the goods to be fit for purpose, safe, free from defects, look acceptable, and last for a reasonable amount of time.

If the product breaks then you can take it back to either get a refund, repair or replacement if the problem is minor, or a full refund if the problem is major or causes a safety risk.

Since you know the product is second-hand then factors like price, information about the product and general wear and tear, will affect how long you can expect it to last, or what is acceptable in appearance.

At auction

If you are buying goods at auction remember that the Consumer Guarantees Act doesn't apply.

You will probably have to sign an agreement to the terms of the auction. Read these carefully to see what the auction rules are. The terms of the auction should be made available to you before the auction; they might be on signs or posters in the auction room.

The terms will often include extra money to be paid to the auction house, when the goods have to be collected by, and how you can pay.

The Fair Trading Act does apply, so that means that goods have to be the same as they were described to you.

The Sale of Goods Act requires that the goods be of 'merchantable quality' and that the seller has the right to sell the goods. But auctioneers are allowed to contract out of this Act, so you will need to check the terms of the auction.

Internet auctions

The same laws that apply to auctions also apply to online auctions when the seller is a trader (in this case 'trader' means someone who sells a lot of items). When you buy from a trader at a 'buy now' price then the same laws apply as when buying from a shop. But if the seller isn't a professional trader, then it is classed as a private sale.

Cars

Second-hand cars are one of the biggest problem areas for consumers. You need more information than we can fit on this factsheet.

If you are thinking of buying a second-hand car see our "Fit for the Road" booklet. If you have bought a second-hand car and are having troubles see our "Back on the Right Road" booklet.

For more information about these laws see our "Your Consumer Rights (Goods)" booklet or "Fair Trading Act" factsheet, or visit www.consumeraffairs.govt.nz.