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## TRADING STANDARDS SERVICE

### NOTES FOR GUIDANCE

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www.shetland.gov.uk/tradingstandards

### Mileages of Used Vehicles

The Consumer Protection from Unfair Trading Regulations 2008 is a wide-ranging piece of legislation which makes it a criminal offence for a trader to engage in unfair commercial practices in relation to the provision of goods or services, including any practice likely to mislead consumers. The misleading element could be in the form of an actual action or description, or in the omission of facts about the goods or services.

This leaflet specifically deals with how these regulations apply to odometer readings and the motor trade.

#### What is the importance of a odometer reading?

The mileage indicated by the odometer of a car is a description. Customers will regard it as an accurate indication of the distance travelled by that vehicle, unless positive and effective steps are taken to ensure that they are informed that it is meaningless and not to be relied upon.

You must make it clear if an odometer reading is incorrect. Letting a customer see the incorrect mileage can be a misleading action, as can any verbal or written statement. Not telling a customer that the mileage is incorrect can be a misleading omission.

#### What are the offences relating to mileage descriptions?

Making a misleading statement by any means: this could include altering an odometer reading (for example from a higher to a lower figure, or to zero), or making other false claims (written or spoken) about a vehicle's mileage.

Supplying or offering to supply a vehicle that has been subject to a misleading action or omission: this could include simply having the vehicle on the forecourt, or selling it with an incorrect odometer reading.

It is also an offence to include a false mileage in an advertisement, or on or near the vehicle (for example by means of a sticker bearing a statement such as 'low mileage').

## **What are the consequences of non-compliance?**

Failure to comply with the Consumer Protection from Unfair Trading Regulations 2008 is a criminal offence. The maximum penalty on conviction is an unlimited fine and / or two years imprisonment. In addition, a trader may risk losing his consumer credit licence. It is also possible for a trading standards authority to take civil enforcement action against the seller.

A trader can commit an offence even without knowing that the indicated mileage was incorrect. However, the law also provides a defence. The law requires traders to take responsibility for descriptions applied to vehicles, by having in place checks regarding their accuracy.

## **Can a mileage reading be lawfully altered?**

Any trader who alters any mileage reading (whether from a higher to a lower figure, or to zero) commits an offence. On the rare occasion when, before a car is offered for sale, its speedometer / odometer unit is found to be faulty and needs to be replaced (either with a new or second hand unit) a trader must disclose the true mileage and the reason for the difference to any prospective customer. A clear notice containing the true details should be placed beside the new reading.

## **What about cars brought in for sale stock?**

A trader who purchases a car already having a false mileage reading and places it on his forecourt for sale without taking all reasonable precautions commits an offence. Positive action is required to avoid committing such an offence.

## **What action can be taken to avoid committing offences?**

When buying a vehicle ask about the mileage, write it onto a purchase document, and obtain the signature of the seller declaring whether or not it is correct, incorrect or unknown. Do not rely on spoken statements.

Don't rely solely on a statement as to the mileage from the seller, unless he or she has owned the car from new.

If buying from an auction, note whether the mileage is warranted or not warranted. In either case, check the mileage history with the previous registered keepers.

Check that the general condition of the car is both mechanically and bodily consistent with a vehicle of that mileage and age. Look at the service history, and if the car is accompanied by all previous MOT certificates consider whether they show a likely progressive mileage history.

If you include a statement of an odometer reading on your sales invoice or other documents, indicate clearly whether the mileage is correct, incorrect or unverified.

You should only describe a vehicle for sale as having a genuine mileage if you are certain that the mileage history is correct.

If after making such checks as are possible or practical (for example with the previous registered keepers) you have any doubts as to the accuracy of an odometer reading, you should expressly disclaim it by using a disclaimer notice.

You should maintain a record of any checks you have made.

Ensure that all staff who may come into contact with customers are properly trained and instructed in these matters and have access to all relevant details (for example purchase invoices and results of any checks made).

### **What is a disclaimer notice?**

If the accuracy of the odometer reading is in doubt, you must make this clear to prospective customers. This is usually done by the use of disclaimers, although they are not a specific legal requirement. Disclaimers are an attempt to prevent an offence being committed by removing or negating the description of the mileage given by the odometer.

A disclaimer notice is one which expressly disclaims or contradicts the odometer reading. The wording, colouring and size of the lettering are important, and they must be as clear, precise and compelling as the mileage indication.

The disclaimer should be placed on the speedometer so that it is at least as bold, precise and compelling as the odometer reading itself. It must effectively bring home to any prospective customer the fact that the odometer reading may not be true and should not be relied upon as an indication of the true distance travelled by the vehicle. The disclaimer notice should be placed on the speedometer, either over or adjacent to the odometer reading, before the vehicle is offered for sale.

A general disclaimer on the forecourt, in the office or on paperwork is not sufficient - it must appear with the description on the odometer. If the mileage has been advertised, or verbally quoted by a sales person, a disclaimer placed over the odometer reading has no effect.

No disclaimer notice can protect a trader who alters an odometer reading or who knows that the car has travelled a higher mileage.

If disclaimers are used on vehicles, regular checks should be made to ensure that they remain in place.

A disclaimer must truthfully reflect the actions taken by the trader. You should not make statements such as "we have been unable to verify the recorded mileage" if you have not actually made any effort to carry out checks.

### **What if a mileage is found or known to be untrue?**

In this case you should place a notice (similarly effective to a disclaimer) alongside the odometer reading, clearly indicating that the mileage is incorrect. If you know the true mileage, you should state this on the notice.

## Rules To Remember

- Never alter an odometer reading.
- If it is necessary to change a speedometer / odometer unit, you must inform customers what you have done and of the true mileage.
- If you wish to make any use of the recorded / indicated mileage, you must check the history of the car before offering it for sale.
- Keep full and comprehensive records.
- If you are not sure that the mileage reading is correct, use a disclaimer notice and make sure it remains in position.

## Example Disclaimer Notices

*If a vehicle is displayed for sale whilst enquiries are being made*

**Warning**  
Checks are being carried out to verify  
the mileage recorded on this odometer  
and it must currently be considered incorrect.  
Disregard it.

*Where the odometer reading is known to be incorrect and the actual mileage is known*

**Warning**  
The mileage recorded on this odometer is incorrect.  
Disregard it.  
The actual distance travelled by this vehicle is xxxxxxxx miles.

*Where the odometer reading is known to be incorrect but the actual mileage is not known*

**Warning**  
The mileage recorded on this odometer is incorrect.  
Disregard it.  
The vehicle has travelled at least xxxxxxxx miles.

*Where checks have been carried out but have failed to establish the accuracy of the mileage recording*

**Warning**  
Checks have failed to verify the accuracy  
of the mileage on this odometer.  
Disregard it.

Remember to include on the sales invoice the exact wording of the disclaimer used.

*This is not an authoritative document on the law and is only intended for guidance.*

For a copy of this document on audio cassette, in large print or Braille, or if you require assistance in reading this, please contact the Council's Policy Unit.

Shetland Islands Council Policy Unit  
Town Hall, Hillhead, Lerwick, Shetland ZE1 0HB

Tel: 01595 744537

Email: policy@shetland.gov.uk

This document is also available at [www.shetland.gov.uk/tradingstandards](http://www.shetland.gov.uk/tradingstandards)

### Do you require the services of an interpreter?

If you do, please contact **01595 744537** for assistance.

We will provide an interpreter, or we can supply the document in your choice of language.

你是否需要傳譯服務?

如果需要，請致電 01595 744537 尋求幫助。

我們會適當地為你安排傳譯人員或者提供你需要文字的文件。

ਕੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਇੰਟਰਪਰੈਟਰ (ਤੁਭਾਸ਼ੀਆ) ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ?

ਜੇਕਰ ਤੁਹਾਨੂੰ ਲੋੜ ਹੈ ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਸਹਾਇਤਾ ਲਈ 01595 744537 ਤੇ ਸੰਪਰਕ ਕਰੋ।

ਜਿਥੇ ਸੰਭਵ ਹੋ ਸਕਿਆ ਇੰਟਰਪਰੈਟਰ ਉਪਲਬਧ ਕਰਵਾਇਆ ਜਾਏਗਾ ਜਾਂ ਤੁਹਾਡੀ ਪਸੰਦ ਵਾਲੀ ਭਾਸ਼ਾ ਵਿਚ ਦਸਤਾਵੇਜ਼ ਭੇਜਿਆ ਜਾਏਗਾ।

### আপনি কি একজন দোভাষীর সাহায্য চান ?

যদি আপনার প্রয়োজন থাকে তাহলে অনুগ্রহ করে যোগাযোগ করুন -01595 744537 যেখানে সম্ভব সেখানে একজন দোভাষীর ব্যবস্থা করা হবে অথবা আপনি যে ভাষাতে চা দলীলটি অনুবাদ করে আপনাকে প্রদান করা হবে।

کیا آپ کو انٹریپرٹری کی ضرورت ہے؟

اگر ایسا ہے تو پھر (انٹریپرٹری) مدد حاصل کرنے کیلئے فون نمبر 01595 744537 پر بات کریں۔

جہاں ممکن ہو وہاں انٹریپرٹری کی سہولت فراہم کی جائے گی یا پھر (مطلوبہ) دستہ ویز کارجمہ آپ کی

پسندیدہ زبان میں فراہم کیا جائے گا۔