



It's a case of buyer beware when striking a deal

LEGAL SOLD AS SEEN

Q I work full time in a non-horse related job but buy the odd horse to bring on and sell to help pay the bills. I'm always completely honest about the horse but I can't account for people over-rating their abilities and buying a horse they can't cope with. Is there anything I can put in a receipt that equates to the old 'sold as seen'?



Hanna Burton

is a lawyer with Horse Solicitor - visit www.horsesolicitor.com First of all, you should check the terms of your employment contract, as some contracts restrict employees from undertaking other forms of paid employment.

REASONABLE ENOUGH...

The basic principle is caveat emptor, or buyer beware, so it really is for the purchaser to ensure that they thoroughly investigate the horse before buying him. And as long as you have not misrepresented the horse then you would be free to defend any claims against you.

If a dealer sells goods that are not as described, are not fit for purpose or are of unsatisfactory quality, then a purchaser is legally entitled to ask the dealer to rectify the problem. The Sale of Goods Act states that if a customer wants to reject goods that do not fit

the description - and goods is a general term that includes livestock such as horses - they have to do so within a 'reasonable time'. What is a 'reasonable' time is not in black and white and it varies from case to case, from just a few weeks from the date of purchase. If a customer falls within the 'reasonable' period he is entitled to ask for his money back.

UNRESERVED ACCEPTANCE

For misrepresentation to succeed the purchaser would have to prove that you made a false statement that induced them to enter into the contract.

It may be an idea for you to get the purchasers to sign something to say that they have checked the goods on receipt and they unreservedly accept the purchase. This would not assist you in defending a misrepresentation claim; however, the law of misrepresentation is too detailed to explain in full here.