

**WESTERN MORNING NEWS FEATURE**  
**YOU AND THE LAW for Thursday 16/07/09**

**Michael Shiers**

Dispute resolution solicitor  
Answers readers' questions



**Right to cancel**

Q. I asked a salesman to come to my home to tell me about his firm's product. The representative said I had seven days to change my mind so I wrote out a cheque for a deposit. Later I had second thoughts and stopped the cheque. The firm then rang me to say I could not pull out of the deal: the contract was legally binding since it was a solicited visit. Is this true?

A. A seven-day "cooling off" period applies whenever you buy something from a salesperson who has visited your home or place of work so long as the goods or services you have purchased cost more £35. Furthermore, the salesperson is required to provide you with a written copy of your cancellation rights and explain your rights to you. If the salesperson fails to do this, the agreement may be unenforceable. It doesn't matter whether the visit is one that you have requested yourself or whether it is unsolicited.

**Court location**

Q. I want to sue for a debt of about £500 in the small claims court. How do I set about this? Is there a local office, or if not, where do I get the necessary claim forms from?

A. The term "small claims court" is slightly misleading. Such claims are in fact dealt with by the County Court. Under this system claims for £5,000 or less are processed with a relatively small amount of fuss. The aim is that disputes concerning comparatively small sums of money may be settled without the parties incurring extensive legal costs. You should, however, be aware that in such cases the normal rule that the losing party pays the winning party's costs does not apply. If you ask a solicitor to assist, you will not be able to recover legal costs from your opponent even in the event of success, save for the Court issue fee and a small amount of "fixed costs". The County Court office provides leaflets. These days you can also commence a claim online.

**Going up**

Q. Some years ago I needed to take legal action, and since I didn't have any means of paying, the Legal Services Commission put a charge on my house. Will interest be added to this amount, and will it fluctuate like bank interest rates? Will the debt be written off after a certain period, or will it still have to be paid when the house is sold?

A. Interest will be added to the amount. The rate is set by Parliament every April, and is currently 8% per annum. If you have the means of doing so, it would be sensible to pay off the amount owing in order to avoid any further interest being charged. Once a charge is registered, you will not be able to sell your home or borrow more money against it without first paying off the charge. You can obtain more details from the Land Charges Section at the Legal Services Commission, 85 Gray's Inn Road, London WC1X 8TX or online.