



Returning Christmas Presents

publication date: Dec 13, 2014 | author/source: Dean Dunham
[Previous](#) | [Next](#)

On 2 January 2015 the new **Retail Ombudsman** launches. This has been set up to resolve disputes between consumers and retailers. I have been appointed as the **Chief Ombudsman**. The first flurry of complaints will undoubtedly surround the return of **Christmas presents**. Here's what you need to know if you find yourself wanting to return a present this year.

I have an unwanted gift

Unless the **present** is faulty or damaged the shop has no legal obligations to allow you to return the present, or even exchange it. However, the good news is that many shops do have a "good will" returns policy, especially during **Christmas**, offering an exchange, refund or credit note for most returns. However, check if there are any time limits as many retailers stipulate that you must return non-faulty goods within 28 days.

Tip: when you are purchasing presents ask what the returns policy is and make sure that the retailer will allow your recipient to return or exchange the present if they do not like it. Returns policies are usually displayed on receipts, on signs in-store and on the retailers website.



My gift was purchased online

A different set of laws and regulations apply to **online purchases**, this is known as the **Consumer Contracts Regulations**. Under this law you have the right to return goods within 14 days of delivery, no questions asked, regardless of the reason. So if you do not like a present you could ask the person who gave it to you if they purchased online and if they did ask when it arrived to see if you could ask them to return it for you under this rule.

My gift is faulty

This is far more straightforward as the **Sales of Goods Act (1979)** states that goods must be: i) of satisfactory quality ii) fit for purpose and iii) as described. If you receive a present that is faulty or damaged potentially all three of the above legal requirements are breached. In these circumstances the retailer has a legal obligation to accept the return.

Tip: return the present as soon as possible if it's faulty or damaged.

Some presents cannot be returned

Regardless of whether they were purchased in store or online, there are some presents that you will not be able to return unless they are faulty, damaged or the retailer allows you to as a matter of goodwill. These include:

- CDs and DVDs
- Software
- Personalised gifts
- Fresh food
- Flowers

The shop says it won't accept a return without the receipt

Every retailer has a policy of not accepting returns, regardless of whether the goods are faulty or not, without a receipt. However, this does not mean "no receipt no return". What it actually means is that you need "proof of purchase" which can be established in the form of a bank or credit card statement.

Tip: Most retailers supply **gift receipts** making it easier for recipients to make returns without the original buyer knowing. If you are buying a gift and cannot get a gift receipt then you can ask for a normal receipt. You may then write on it 'bought as a gift'. Ask the sales assistant to sign this so it becomes easier for the recipient to return if required.

What if the packaging is damaged?

Many retailers have it written in their returns policy that they will only accept the return of items that are in the original undamaged packaging. This is obviously a big problem at Christmas as recipients of gifts are obviously not concerned about damaging the packaging when ripping open presents on Christmas morning. Some retailers will be sympathetic to this but it is worth noting that many wont.

Tip: *if you think that the recipient of your gift may not like it or if they are a child, consider taking it out of its packaging so that this can be kept in tact.*

What the retailers might say:

- *“Sorry we cant accept the return as we think you caused the damage/fault”* –never accept this especially if you are returning a present within 6 months as an assumption us made during the first 6 months that the goods were faulty from the purchase date.
- *“As the goods were purchased at a discounted price we will not accept the return”* –If your present is damaged or faulty it does not matter if it was purchased in a sale, the retailer must accept the return.
- *“You will have to contact the manufacturer take the issue up with them as the goods are faulty”* –Wrong, the correct person to take this matter up with is the retailer, although you may have to get the person who purchased the goods to do this for you.

For more information visit www.consumeruk.co.uk or www.theretailombudsman.org.uk or join Dean on twitter @deandunham

[Back to top](#)

[Previous](#) | [Next](#)