

Make Sure Part 2 Your Contract Protects You



Last month, Don Waterworth wrote 'I have worked on a number of disputes for small window companies and sole traders recently. The first question I normally ask is can I have a copy of your contract?' He now moves on to the most important element of the contract – your terms and conditions...no contract and no Ts&Cs and you are in mighty trouble if it comes to a dispute.

You will recall in Part 1 that I discussed the importance of a proper written contract, now usually on the back of the written contract are the terms and conditions (Ts&Cs), writes Don Waterworth, The Installers technical and legal expert.

The Ts&Cs are a vital part of any contract in the UK regardless of what is being purchased. The terms and conditions set out various elements stating basically the sum to be paid and the products to be provided. They describe the type of product or brand etc but very importantly, what happens in the event of a dispute.

Be professional

As I stated in Part 1, it is not smart to provide no paperwork i.e. contract. In the first instance this typically shows that you are unprofessional, as any professional trades person has a proper written contract and provides the customer with all the details of the product and the payment schedule.

The section of the Ts&Cs which covers 'what happens in the event of a dispute' is important because both parties have



agreed the Ts&Cs and therefore these must be adhered to.

This means that you can name a mediator for example, who must be instructed jointly by both parties if a dispute arises that cannot be resolved. There are various organisations which offer this mediation service, and indeed I provide such a service in the north-west of England...but

any qualified mediator would be worth instructing.

Therefore, ensure that you have a comprehensive set of Ts&Cs and that you have a paper contract. **i Don.**

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