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25 July 2015

**Feature Article**

**Bullying Tactics**

Apart from checking and inspecting a vehicle physically, do you check for any encumbrance or third party interest over the vehicle prior to its purchase?

While consumers are urged to be responsible, it is time to put a stop to such devious practices used by some second hand car dealers where responsible consumers are being bullied.

Mr and Mrs Goundar purchased a vehicle in a private sale from Ms. Seema Deo who had initially purchased the vehicle from a well-known second hand vehicle dealer in Suva.

As responsible consumers, the couple conducted checks with the Office of the Registrar of Titles and the Land Transport Authority for any possible registered Bill of Sale or any third party interest over the vehicle. This was a precautionary exercise, carried out by the Goundarsto ensure that there was no financial interest on the vehicle by any third party before making the purchase.

Luckily, their search revealed that the vehicle was free from any encumbrances.

Without any hesitation, Mr and Mrs.Goundar purchased the vehicle and was happily using it until one day, they were served with a recovery of outstanding loan and repossession notice (of \$2,075) by the second hand vehicle dealer from whom, Ms. Seema Deo had purchased the vehicle.

An air of despair hit Mr and Mrs. Goundar. The couple tried convincing the director of the second hand car dealer in person that there was no financial interest registered by any third party when they conducted their due diligence.

Mr. Goundar also wrote to the second hand dealer with evidence from LTA and the Office of the Registrar of Titles, raising concern, that there was no outstanding debt on the vehicle and questioned the dealer why they should clear Ms SeemaDeo's debt and why they were being harassed and threatened with the repossession of the vehicle by their bailiff.

In his letter, Mr. Goundar had also stated that he took all the reasonable steps to ensure that the vehicle was free of any past financial burdens.

The second hand car dealer did not respond to Mr. Goundar's letter. Frustrated and concerned with the threat of repossession, the couple lodged their complaint with the Council.

A search carried out by the Council with the Office of the Registrar of Titles and LTA confirms that the vehicle remains free from any encumbrances from the second hand vehicle dealer or any other institution or person.

In this case, it was the dealer that failed to comply with the laws. Regulation 7 of the Land Transport (Vehicles Registrations and Construction) Regulation 2000, states:

*“An application for the registration or renewal of the registration of a motor vehicle or trailer or the transfer of a motor vehicle from one license class to another or a permit to use an unregistered vehicle must (a) **include the name of a party that has a financial interest in the vehicle**”.*

A breach of the above section is established in Section 113 (7) of the Land Transport Authority Act 1998 which stipulates: *“A penalty prescribed for a breach of a regulation made under this section shall not (a) in the case of a fine, exceed \$2000, (b) in the case of imprisonment, exceed 2 years, (c) in the case of demerit points, exceed 3, (d) in the case of disqualification from obtaining or holding a driving license exceed 6 months”.*

The conduct by the car dealer clearly shows that they fail to comply with the laws.

Given the above, the Council stands firm that the bailiff should stop harassing the complainant under any circumstances.

Second hand vehicles remain a pressing issue with the consumers because of the mafia style operation and disregard to law or reputation by some second hand car dealers. In the last six months, the Council has received 24 complaints against some second-hand vehicle dealers operating around the country.

As for Mr and Mrs Goundar’s case, the Council will leave no stone unturned to assist them to protect their asset.