

Consumer Protection from Unfair Trading Regulations 2008 - Professional diligence/due diligence checklist

Steps you should take to help ensure you comply with the Consumer Protection from Unfair Trading Regulations 2008 when considering a customer's request to correct a vehicle's mileage.

Summary of key steps

- You should not make alterations to a vehicle's mileage unless you are satisfied that you are being asked to alter the reading to the correct mileage. You should therefore take all reasonable precautions to verify both the validity of the customer's request and the accuracy of the altered mileage reading.
- You should endorse associated documentation you provide to the customer (such as the vehicle service book and invoice) with a note of what work you have done and the corrected mileage to inform future buyers of the vehicle's history.
- You should keep proper records including evidence of the steps taken to check the legitimacy of the customer's request and copies of the documents provided to customers.

1. Verifying reason for the requested mileage correction

You should make (and record) enquiries with the customer as to the reason for the mileage correction and should not proceed unless you are satisfied that the correction is legitimate.

For example, if the customer claims that the instrument cluster was faulty and that his replacement cluster requires adjustment to the correct mileage, you should: (a) verify the customer's claim that there has been a fault and (b) check if the VIN (Vehicle Identification Number) is electronically written into the replacement unit (it may be on some vehicle models). If the VIN matches that of the vehicle (indicating that it is not a replacement unit but the original unit), you should refuse to proceed.

2. Verifying the correct mileage

You should not make alterations to a vehicle's mileage unless you are satisfied that you are being asked to alter the reading to the correct mileage. You should be able to show that you have taken all reasonable steps to verify the correct mileage before proceeding:

- Many modern vehicles employ multiplex technology and the correct mileage reading may already be stored in the vehicle's control unit
- In other instances, particularly with older vehicles, the correct mileage may not be retrievable from the control unit or may have been corrupted or may not be transferable to any replacement instrument cluster.
- **Where vehicles are more than three years old**, you should check the MOT history of the vehicle. MOT histories can be viewed at: www.gov.uk/check-mot-history-vehicle.
- **Where vehicles are under three years old (pre-MOT)**, you should seek from the customer the service history of the vehicle, for example the log book or any service invoices or auction house receipts. If the customer is unable to provide an appropriate service history you should, in turn, request that the customer obtain and provide you with a vehicle mileage history report from an independent and reliable company.
- **In addition to other checks, you should also examine the vehicle to establish that the condition of the vehicle is comparable with the age and the requested change in mileage.** The condition and/or appearance of the vehicle may give cause to suspect the accuracy of the requested mileage correction.

3. Recording the action taken

If you do proceed with correcting a vehicle's mileage, the action you take should be clearly recorded in the relevant vehicle documentation. It is important that any potential future buyer of the vehicle is aware of the circumstances surrounding the mileage correction work that you have undertaken – they will then be able to make an informed decision about

whether to buy or not buy the vehicle and/or what price they are willing to pay for it.

You should therefore ensure that you provide the customer with a proper record of the work that you have undertaken that, in due course, they can pass on to any prospective purchaser of the vehicle. In particular:

- the customer's invoice, service history record and other relevant paperwork should be clearly marked with a record of the work that you have done including:
 - the vehicle registration number
 - date of mileage correction
 - mileage pre and post correction
 - reason for correction – for example, new instrument cluster fitted as old cluster was damaged.

4. Keeping customer records

You should ensure that proper customer records are kept, which should include the following details:

- the vehicle registration number
- the customer's full name, address and any other relevant contact details
- date of mileage correction
- if the replacement digital unit is a second-hand unit, the original registered VIN of the EEPROM unit, with the original/current mileage
- mileage pre and post correction
- reason for correction
- checks undertaken to verify the correct mileage (including copies of any supporting documentation)
- copies of the up to date vehicle service book containing the note of work you have carried out and any other relevant documentation such as the invoice provided to the customer.

You should ensure that you comply with any data protection responsibilities under the Data Protection Act 1998 in relation to the keeping of customer records.