

CONSENT AGREEMENT

THIS AGREEMENT is made on the 11TH day of APRIL Two Thousand **BETWEEN** the **FAIR TRADING COMMISSION**, a Body Corporate and having its Registered office at 52 Grenada Crescent, Kingston 5 in the parish of Saint Andrew (hereinafter referred to as the "Commission") of the **FIRST PART** and **CRICHTON AUTOMOTIVE LIMITED** a Limited Liability Company with registered office situate at 7 Saxthorpe Avenue, Kingston 8 in the parish of Saint Andrew (hereinafter referred to as the "Respondent") of the **SECOND PART**.

WHEREAS:

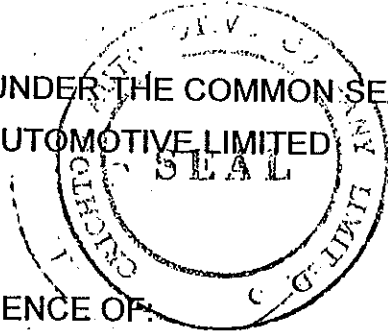
1. Mr. Leacroft Williams (hereinafter referred to as the "Complainant") lodged a Complaint with the Commission alleging that on September 23, 1999 he purchased a 1993 Toyota Hiace Super Custom Van (hereinafter referred to as "the vehicle") from the Respondent at a price of SIX HUNDRED AND FIFTY THOUSAND DOLLARS (\$650,000.00) and received a ninety (90) days warranty on the vehicle.
2. The Complainant alleges that the vehicle began overheating and losing power on October 4, 1999. In accordance with the terms of the warranty, the Complainant returned the vehicle to the Respondent who claimed to have repaired it. The vehicle continued malfunctioning on October 5, 1999 and thereafter, on sundry occasions, despite repeated attempts by the Respondent to rectify the problems.
3. The Complainant returned the vehicle to the Respondent sometime in February 2000.
4. Following investigations by the Commission into the complaint and a meeting between the parties on April 7, 2000, it is being alleged that the Respondent sold a vehicle which was unfit for the purpose for which it was sold and therefore, in breach of Section 37 of the Fair Competition Act, which prohibits businesses from making false or misleading representation to the public.

NOW THEREFORE, IT IS HEREBY AGREED BETWEEN THE PARTIES THAT:

5. The Respondent will replace the engine of the vehicle within seven (7) weeks of the date hereof.
6. The Respondent will provide the Complainant with a vehicle to be used until the Complainant's vehicle is repaired.

- 7. Should the Respondent fail to implement the terms herein agreed within seven (7) weeks of signing this Agreement, the Commission may thereafter withdraw its acceptance of this Agreement and take such action as it considers appropriate and so notify the Respondent.
- 8. The Respondent understands and accepts that formal proceedings may be initiated by the Commission, if it fails to abide by this Agreement.
- 9. The Commission reserves the right to use the facts of the complaint referred to herein, in its public education programme.

EXECUTED UNDER THE COMMON SEAL OF)
 CRICHTON AUTOMOTIVE LIMITED)
 BY)
 IN THE PRESENCE OF:)



[Handwritten Signature]

 DIRECTOR

x *[Handwritten Signature]*

 DIRECTOR/SECRETARY

[Handwritten Signature]

 WITNESS

EXECUTED FOR AND ON BEHALF OF)
 FAIR TRADING COMMISSION)
 BY A. B. STEWART STEPHENSON)
 IN THE PRESENCE OF:)

[Handwritten Signature]

 EXECUTIVE DIRECTOR

[Handwritten Signature]

 WITNESS