

CONSENT AGREEMENT

THIS AGREEMENT is made on the 20th day of September One Thousand Nine Hundred and Ninety-Nine **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 **STEWART'S AUTO SALES LIMITED** a Limited Liability Company with registered office situate at 6-8 Orchard Road, Kingston 5 in the parish of Saint Andrew (hereinafter referred to as "Stewart's) of the **SECOND PART**.

WHEREAS:

1. Ronham & Associates Limited (hereinafter referred to as the "Complainant") lodged a complaint with the Commission alleging that in February 1996 they purchased a white Skoda Pick Up LX from Stewart's which was represented by Stewart's to be a 1996 model. The Complainant had an accident in March 1998 and was advised by their Assessors, Mendez Livingstone Incorporated Limited, that the motor vehicle was in fact a 1995 model.
2. Interamericana Trading Corporation, the suppliers of the vehicle to Stewart's, later confirmed by letter dated May 19, 1999 that the vehicle was in fact a 1995 model but had been shipped to Stewart's as a 1996 model.
3. By representing that the vehicle was a 1996 model based on the documentation from their suppliers when in fact it was a 1995 model, Stewart's breached Section 37 of the Fair Competition Act which prohibits businesses from making false or misleading representation to the public.

IT IS HEREBY AGREED BETWEEN THE PARTIES:

- i. That Stewart's will refund to the Complainant the sum of \$14,245.17 being the difference between the price of a 1995 model and a 1996 model Skoda Pick-up.
- ii. That Stewart's and/or Interamericana Trading Corporation will issue a written apology to the Complainant.
- iii. That Stewart's will support any application to the Customs Department by either the Complainant or the Commission for a refund of the difference in duties paid on the higher value and on the lower value of the said motor vehicle. Any refund received would be payable directly to the Complainant.
- iv. That Stewart's understands and accepts that formal proceedings may be instituted by the Commission if it fails to abide by this Agreement.

v. That the parties hereto agree to waive any and all procedural steps and all rights to seek judicial review or otherwise to challenge or contest the validity of this Agreement.

EXECUTED UNDER THE COMMON SEAL OF
STEWART'S AUTO SALES LIMITED
BY



[Handwritten signature]

DIRECTOR

IN THE PRESENCE OF:

[Faint handwritten text]

[Handwritten signature]

WITNESS

[Handwritten signature]

DIRECTOR/SECRETARY

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