

## Top 10 Reasons ... for having your Terms and Conditions reviewed

This handy, one page guide lists the 10 most common weaknesses found in terms and conditions of sale.

Many of the following problems arise because the law is constantly changing. If your terms were drafted more than 2 or 3 years ago, they will have been overtaken by developments in contract law.

- 1. Making contracts where the terms of your deal are not set out in writing**  
(having no Terms and Conditions at all, or terms which occupy a few lines)
- 2. Not being able to reclaim your goods if your customer does not pay**  
(an unenforceable retention of title clause)
- 3. Having unlimited liability for breaches of contract and negligence or being prosecuted**  
(void or illegal liability exclusion or limitation clauses)
- 4. Having terms and conditions which you can't rely on in court**  
(incorrect order handling and documentation means your terms may not even apply to sales)
- 5. Not being able to reclaim your goods if your customer does not pay for all outstanding debts**  
(a retention of title clause which is not an "all monies" clause)
- 6. Having terms which could be challenged by the Office of Fair Trading**  
(terms used for sales to consumers which are not written in plain English or are potentially unfair to consumers)
- 7. Missing out on higher interest on late payments, or not being able to claim any at all**  
(imposing an interest rate which is too high so as to be unreasonable & enforceable, or not as high as it could be under legislation)
- 8. Getting your customer to pay a contribution towards the legal costs you have incurred recovering a debt owed by the customer**  
(the absence of a clause under which you can recover the cost of collecting unpaid invoices)
- 9. Terms and Conditions which fall apart when something goes wrong**  
(missing "boilerplate" clauses which contain the legal mechanics all contracts should have)
- 10. Wasting precious credit control time arguing when payment was due**  
(unclear & undefined payment terms)

If you feel your business could benefit from a Terms & Conditions review, please do not hesitate to contact us at [tandc-review@smeprotect.com](mailto:tandc-review@smeprotect.com) or call us on 0161 367 1211