

Second-hand Vehicle Dealers Act 1995 - Section 18D(2)(a)

Rescission of contract by dealer

Where a trade-in vehicle is to be traded by the purchaser in connection with the purchase of another vehicle which is subject to a cooling-off period, the purchaser retains possession of the trade-in vehicle during the cooling-off period. Legal title of the trade-in vehicle does not pass to the dealer until expiration of the cooling-off period.

Pursuant to section 18D(2)(a) of the *Second-hand Vehicle Dealers Act 1995*, the dealer may rescind a sales contract to which section 18B applies and any contract made in connection with the sales contract if the trade-in vehicle or any part of the trade-in vehicle is altered in any way or damaged.

To rescind the sales contract and any contract made in connection with the contract, the dealer must complete the form below and give it to the purchaser personally.

The dealer should also keep a copy of the form.

Details of dealer

Dealer's name:

Dealer's business address:

Dealer's licence number: Dealer's contact phone number:

Details of purchaser

Purchaser's name:

Purchaser's address:

Purchaser's contact phone number:

Details of motor vehicle to be purchased

Make and model of Vehicle: Vehicle Identification No:

Registration No: Year of manufacture: Engine No:

Cooling-off details

Contract for the sale signed (insert date): (and time):

Cooling-off expired (insert date): (and time):

Details of trade-in vehicle

Make and model of Vehicle: Vehicle Identification No:

Registration no: Year of manufacture: Engine No:

Details of alteration or damage to trade-in vehicle

Dealer to provide details of alteration or damage to the vehicle occurring during the cooling-off period. Dealer must also attach a copy of the form recording the condition of the vehicle required pursuant to section 18D(1)(b) *Second-hand Vehicle Dealers Act 1995*.

Dealer's rescission of contract

I (dealer): rescind the contract for the sale of the above-described vehicle and (insert type of contracts made in connection with the sales contract to be rescinded): due to the above-described alteration/damage to the trade-in vehicle occurring during the cooling-off period, pursuant to section 18D(2)(a) of the *Second-hand Vehicle Dealers Act 1995*.

Dealer declaration

I (dealer):
declare that this form was given to (purchaser's name):
at: on:
Signature of dealer: Date:

For further information contact Consumer and Business Services on 131 882 or visit cbs.sa.gov.au