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Grey areas emerge in new consumer act

■ SoFAA and BADA working on new terms and conditions

Noelle McElhatton reports

A NEW law giving online auction buyers additional consumer protection rights has been criticised for throwing dealers and auction houses into a legal grey area.

The Consumer Rights Act (CRA), which becomes law on October 1, consolidates existing legislation but gives consumers new statutory remedies. They include the right to reject sold items within 30 days if they do not match the seller's description.

While public auctions remain largely outside the scope of the CRA, lawyers believe the act's provisions could apply to timed online-only auctions where bidders do not have the opportunity of attending the sale in person.

One lawyer described this provision as "bizarre," adding that "the test for exemption from this act ought to be whether bidders can inspect lots in person prior to the auction".

To help clarify the CRA's implications, auctioneer trade body SoFAA and dealer association BADA are working on revised recommended terms and conditions for issuing to members in the coming days.

Regarding timed online-only auctions, Richard Lewis, chief operating officer of ATG Media, parent company of ATG, said: "Our view, after taking legal advice,

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Right: a Grand Tour cork model of the Temple of Zeus at Paestum – £44,000 at Hampstead Auctions on September 22.

Grand Tour model brings corking result

A GRAND Tour cork model of the Temple of Zeus at Paestum sold for £44,000 at Hampstead Auctions in north London on September 22.

The buyer (paying £51,700 with the addition of the buyer's premium) was the West Midlands period furniture dealer Thomas Coulborn & Sons, who faced fierce competition from six phone bidders in the UK, Italy and US and numerous internet bidders.

The production of models using cork from oaks in southern Europe was a flourishing craft that developed in Rome and Naples in response to demand from 18th century travellers. The 2ft 2in x 12in x 10in (66 x 30 x 25cm) model in a glass case is of a type often attributed to the workshop of the Naples model maker Dominic Padiglione.

He created the 'Gallery of Models of ancient monuments' at the Real Museo (among them the Temple of Zeus c.1805) and led the Cork Model Workshop at the Museo Borbonico in Naples for more than 20 years. Precision cork models were also hugely popular with the public in London and the Model Room of the Sir John Soane's Museum includes a collection of similar examples.

The Hampstead model, estimated at £5000-£8000, came with a good family provenance – a vendor whose great-great grandfather had been a tailor to the royal family in Naples.

A very similar model was sold by Sworders of Stansted Mountfitchet in March last year for £25,000. It was purchased by the same buyers who sold it at the Masterpiece fair in 2014.

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LAPADA rewards excellence at Berkeley Square showpiece

ANTIQUITIES dealers ArtAncient were the winners of the best stand award at the 2015 LAPADA Art & Antiques Fair.

A panel of judges, including museum directors, interior designers, journalists and collectors, was invited to select their favourite stand from over 108 dealers at Berkeley Square that opened with a preview event on September 22.

The committee chose the Huntingdon dealers "for a museological display that is befitting of an international blue-chip art fair – creating an elegant presentation while also providing comprehensive information for each work offered for sale".

The fair's best objects were also selected from five categories (see right) with ArtAncient again among the winners alongside The Old Corkscrew, MacKinnon Fine Furniture, Philip Mould Portrait Miniatures, Michael Lipitch and Clive Loveless Primal Art.

LAPADA chief executive Rebecca Davies said: "We are incredibly proud of the quality of pieces that LAPADA members offer for sale. The awards programme is a great way to celebrate the excellence of these works and highlight some of the most fascinating pieces that dealers source for the fair."



Left: ArtAncient were the winners of the best stand award at the 2015 LAPADA Art & Antiques Fair.

2015 LAPADA FAIR AWARDS:

- **BEST STAND:** ArtAncient (Huntingdon)
- **BEST SILVER OBJECT:** The Old Corkscrew (Franschhoe, South Africa)

An Art Deco silver three-piece tea service by Joseph Rodgers & Sons, Sheffield 1935. Currently it is the only silver version recorded.

- **BEST FURNITURE:** MacKinnon Fine Furniture (London)

A mid 19th century blue john and Ashford marble centre table.

- **BEST JEWELLERY:** ArtAncient (Huntingdon)

The Ryedale Jewel, an Anglo-Saxon gold and cloisonné garnet mount c.620-680AD.

- **BEST OBJET D'ART:** jointly awarded to Clive Loveless Primal Art (London) and Michael Lipitch (London)

A Paracas (South Coast Peru) textile, shellfish dye on cotton, carbon dated to approximately 2000 years old (Loveless).

A mahogany letterbox with ormlu mounts denoting its owner Paulina Borghese, sister of Napoleon Bonaparte (Lipitch).

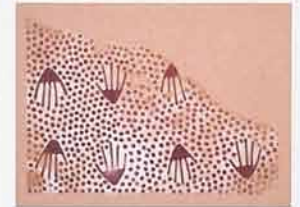
- **BEST FINE ART:** Philip Mould, London

A pair of oil-on-copper miniatures of Charles I (1600-49) and Henrietta Maria (1609-69) together with 38 original costume overlays or 'talcs'. With an asking price of £25,000, they sold to a private collector.



Above: mahogany and ormlu letterbox belonging to Paulina Borghese, £175,000 from Michael Lipitch.

Below: Paracas textile, Peru, £14,000 from Clive Loveless Primal Art.



Above: Art Deco silver tea service, £29,500 from The Old Corkscrew.

consumer rights act

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is that timed online-only auctions of fine art and antiques will fall outside the CRA rules relating to the sale of goods, provided that the auctioneer clearly positions themselves as the seller's agent and that the seller is a private individual and not a trader."

He added that ATG Media "would encourage auctioneers to seek legal advice to draft their terms to manage any potential risk from the CRA and other related consumer rights legislation".

Milton Silverman, solicitor and ATG legal columnist, said it would be "interesting to speculate whether, if an online-only auctioneer invites bidders to come to a sale if they want

to, would this be enough to circumvent the provisions of the act? If such invitations start to appear, you will know why".

One auctioneer, Colin Young of Golding Young & Mawer, described the new act as "yet more ridiculous interference" by law makers. He added that he would not be revising his auction house's terms and conditions or conducting timed auctions as he "did not want to be a test case" under the new legislation.

The Consumer Rights Act 2015 consolidates existing laws including the Sale of Goods Act, Unfair Terms in Consumer Contracts Regulations and the Supply of Goods and Services Act. It has been hailed as the biggest shake-up in consumer rights law in a generation.

Six-year sentence for Honiton robbery

THE perpetrator of a chilling raid on an antiques shop in Honiton more than a year ago has been jailed. Edward O'Hare, 46, who had admitted the robbery in an earlier hearing, was sentenced to six years at Exeter Crown Court on September 10.

The court heard that O'Hare had travelled to Honiton from London armed with cable ties and masking tape. On the morning of Saturday, March 2, 2014, he waited outside Banwell Antiques in Honiton until shop worker Sarah Richards arrived to open up.

O'Hare then bundled her inside, held his hand over her face before tying her up. He used the safe keys to escape with a hoard of 300 items of silver and jewellery with a retail value of £400,000. Richards, 58, has been unable to work since the incident and none of the jewellery has been recovered.

O'Hare, who had fled abroad, was caught when graphic CCTV footage of the incident was shown in a television appeal.

Sentencing O'Hare, Judge Francis Gilbert told him: "You subjected the victim to a lengthy ordeal. She was left shaken and shocked and was completely terrified and in utter fear she would be injured."

Precious metals

On Friday, September 25, Michael Bloomstein of Brighton were paying the following for bulk scrap against a gold fix of \$1145.00 (€1027.63, £752.18)

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- 18 carat – £544.39 (£17.50)
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