**Particulars of claim by consumer in respect of non-conforming service claiming price reduction and damages**

Claim No. [*number*]

IN THE COUNTY COURT AT [*location*]

1. [*name*]        Claimant
2. and
3. [*name*]        Defendant

**PARTICULARS OF CLAIM**

1. The Defendant was and is a supplier of Polymerase Chain Reaction (PCR) testing services.
2. The Claimant was at all material times dealing as a consumer.
3. On 29 November 2021 the Claimant entered into a contract with the Defendant via the Defendant’s website, for the supply of a PCR test result (the Service) for £80.
4. It was an express term of that contract that:
	1. The Defendant would supply a “fit to fly” PCR test result by 2 December 2021.
5. Further the Defendant stated to the Claimant on its website
	1. that it provided “fit to fly” PCR test results within 48 hours of a consumer returning the test kit to the Defendant;
	2. that its exceptionally fast turn around facility meant it was guaranteed that consumers would have a result in time for their flight and
	3. that it provides an exceptional customer service allowing you to track the progress of your “fit to fly” PCR test result for complete peace of mind.
6. Each of these were statements which the Claimant took into account when deciding whether to enter into the contract for the Service.
7. Accordingly, it was an obligation on the Defendant which was treated as a term of the contract that the Defendant was required to provide the Service by 2 December 2021.
8. Further or alternatively, it was an obligation on the Defendant which was treated as a term of the contract that the Defendant had to carry out the Service with reasonable care and skill in order to achieve this outcome.
9. In breach of the term or terms, the Service was not carried out in conformity with the contract or with reasonable care and skill:

PARTICULARS OF BREACH

* 1. Even though the Claimant returned the completed test kit to the Defendant on 30 November 2021, the Service was not supplied to the Claimant on or before 2 December 2021.
	2. The Claimant was not able to contact the Defendant at all or track the progress of his “fit to fly” PCR test result.
1. By reason of such breaches, the Service did not conform to the contract, within the meaning of Section 54(2) of the Consumer Rights Act 20154 (the Act).
2. By reason of the non-conformity, the Claimant requires the Defendant to provide a price reduction of 100% of the price of the Service. It was impossible for the Defendant to repeat the performance of the Service, because the purpose of the contract was to enable the Claimant to take a flight on 2 December 2021.
3. Further or alternatively by reason of the Defendant’s breach the Claimant suffered loss and damage

PARTICULARS OF LOSS AND DAMAGE

* 1. Because the Claimant did not have a valid PCR test result, he was unable to board his flight, and so wasted the price of that flight, which was £500.
	2. The Claimant’s flight was due to leave from Heathrow Airport at 22.15 on 2 December 2021, by which time it was too late for the Claimant to return home to Newcastle. Therefore the Claimant had to check into a hotel for the night, which cost £125.
1. The Claimant seeks interest pursuant to section 69 of the County Courts Act 1984 on the sum of £705 from [date] until judgment or sooner payment at the rate of [percentage] per annum amounting to £[number] at the date of issue of the Claim Form on [date] and continuing at the rate of £[number] per day.

AND the Claimant claims

1. Damages
2. Interest under paragraph 13 above.

*Signature of legal representative*

*Date*

STATEMENT OF TRUTH

**[**I believe OR The Claimant believes**]** that the facts stated in these Particulars of Claim are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

**[**I am duly authorised by the Claimant to sign this Statement.**]**

Full name [*name*]

**[**Name of Claimant’s legal representative’s firm [*name*]**]**

[*signature*]

**[**Claimant OR Claimant’s Legal Representative OR Claimant’s Litigation Friend**]**

**[**Position or office held [*give details if signing on behalf of firm or company*]**]**

Address for receiving documents

[*name and address of claimant or claimant’s legal representatives*]