

## 1993 No. 27

## HEALTH AND SAFETY

**Health and Safety (Leasing Arrangements) Regulations  
(Northern Ireland) 1993**

*Made* . . . . . 25th January 1993

*Coming into operation* . . . . . 1st March 1993

The Department of Agriculture, the Department of Economic Development and the Department of the Environment acting jointly as the Department concerned(a), in exercise of the powers conferred by Article 17(1) and (3) of the Health and Safety at Work (Northern Ireland) Order 1978(b) and of every other power enabling them in that behalf, after consultation in accordance with Article 46(1) of that Order with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

*Citation and commencement*

1. These Regulations may be cited as the Health and Safety (Leasing Arrangements) Regulations (Northern Ireland) 1993 and shall come into operation on 1st March 1993.

*Interpretation*

2. In these Regulations—

“the 1978 Order” means the Health and Safety at Work (Northern Ireland) Order 1978;

“lease” means any kind of agreement or arrangement under which payments are, or are to be, made for the supply of an article for use at work or an article of fairground equipment except a conditional sale agreement, a credit-sale agreement, a hire-purchase agreement or a contract of sale.

*Modification of Article 7 of the 1978 Order in the case of a first lease*

3. Where a person (“the ostensible supplier”) supplies an article for use at work or an article of fairground equipment to another (“the customer”) under a lease, and the ostensible supplier—

(a) has not previously granted any lease to the customer in respect of that article; and

(b) carries on the business of financing by means of leases the use of goods by others; and

(a) See Article 2(2) of S.I. 1978/1039 (N.I. 9)

(b) S.I. 1978/1039 (N.I. 9); Article 7 was amended by the Consumer Protection (Northern Ireland) Order 1987 S.I. 1987/2049 (N.I. 20), Schedule 2 paragraph 2

- (c) in the course of that business acquired his interest in the article for the purpose of financing its provision to the customer by a third person (“the effective supplier”); and
- (d) he or his agent either—
  - (i) has not had physical possession of the article, or
  - (ii) has had physical possession of the article only for the purpose of passing it to the customer; and
- (e) he or his agent has not modified, overhauled, repaired or restored the article,

then Article 7 of the 1978 Order shall be modified in relation to that class of case so that the effective supplier and not the ostensible supplier shall be treated for the purposes of that Article as supplying the article to the customer; and accordingly the duty imposed by paragraphs (1) and (1A) of that Article in respect of the supply of the article shall fall on the effective supplier and not on the ostensible supplier.

*Modifications of Article 7 of the 1978 Order where a further lease is granted in continuation of a lease to which regulation 3 applies*

4. Where—

- (a) regulation 3 has applied in respect of a lease; and
- (b) the ostensible supplier grants a further lease of the article to the same customer; and
- (c) the article has remained in the physical possession of the customer since he took possession of it under the first lease; and
- (d) the article has not at any time been modified, overhauled, repaired or restored by or on behalf of the ostensible supplier,

then Article 7(1) and (1A) of the 1978 Order shall be modified in relation to that class of case so that no duty is imposed on the ostensible supplier in relation to the supply by way of that further lease.

Sealed with the Official Seal of the Department of Agriculture on 25th January 1993.

(L.S.)

*I. C. Henderson*

Assistant Secretary

Sealed with the Official Seal of the Department of Economic Development on 25th January 1993.

(L.S.)

*Philip B. Strong*

Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 25th January 1993.

(L.S.)

*Trevor Pearson*

Assistant Secretary

*(This note is not part of the Regulations.)*

These Regulations modify Article 7 of the Health and Safety at Work (Northern Ireland) Order 1978 ("the 1978 Order") where any article for use at work or any article of fairground equipment is supplied under a lease. Article 7 of the 1978 Order was amended by paragraph 2 of Schedule 2 to the Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987/2049 (N.I. 20)).

Regulation 3 applies to the first lease of any article for use at work or of any article of fairground equipment. In certain circumstances, the duties imposed on the supplier of such an article under Article 7(1) and (1A) of the 1978 Order will be imposed on the person who actually supplies it and not on the person who supplies it under the first lease.

Regulation 3 makes provision corresponding to Article 7(9) of the 1978 Order which applies where the finance is provided under a hire purchase agreement, conditional sale agreement or credit-sale agreement.

Regulation 4 provides that where a further lease is granted to the same customer in continuance of a lease to which Regulation 3 applies, then provided certain conditions are satisfied, no duties under Article 7(1) and (1A) of the 1978 Order are imposed on the person who supplies the article under the further lease.