



# Hire-Purchase Act 1964

## 1964 CHAPTER 53

### PART I

#### AMENDMENT OF LAW RELATING TO HIRE-PURCHASE AND CREDIT-SALE IN ENGLAND AND WALES

#### **19 Money claim after order for specific delivery**

- (1) Where, in a case to which section 11 of the principal Act applies, the owner has brought an action to enforce a right to recover possession of the goods from the hirer, and the court has made an order under paragraph (a) or paragraph (b) of section 12(4) of that Act (in this section referred to as "the previous order"), then if—
  - (a) the owner (whether the operation of the previous order was postponed or not) has recovered possession of all the goods, or
  - (b) where the operation of the previous order was postponed, the court revokes the postponement,the owner may make, or (if the claim in question has already been made in that action) may proceed with, any claim to which this section applies.
- (2) This section applies to any claim—
  - (a) for the payment of one or more instalments which had accrued due under the hire-purchase agreement before the action was brought, or
  - (b) for the payment of any sum for which the hire-purchase agreement makes provision as mentioned in section 14(1) of the principal Act (which relates to provision in a hire-purchase agreement for bringing the payments up to a fixed amount on the termination of the agreement or of the bailment) and which had become payable before the action was brought.
- (3) Where in pursuance of subsection (1) of this section the owner proposes to make or proceed with a claim as therein mentioned, that claim shall (whether the operation of the previous order was postponed or not) be made or proceeded with in the action in which the previous order was made, and, if the owner has recovered possession of all the goods, may, notwithstanding anything in section 14(1) of the principal Act, be so made or proceeded with at any time after he has recovered possession of them.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (4) In determining a claim to which this section applies the court may treat any sum paid in pursuance of an order made under section 12(4)(b) of the principal Act as a payment made (wholly or partly) in respect of any instalment or sum to which the claim relates.