



Consumer Protection Act 1987

1987 CHAPTER 43

PART V

MISCELLANEOUS AND SUPPLEMENTAL

46 Meaning of “supply”

- (1) Subject to the following provisions of this section, references in this Act to supplying goods shall be construed as references to doing any of the following, whether as principal or agent, that is to say—
- selling, hiring out or lending the goods;
 - entering into a hire-purchase agreement to furnish the goods;
 - the performance of any contract for work and materials to furnish the goods;
 - providing the goods in exchange for any consideration^{F1} . . . other than money;
 - providing the goods in or in connection with the performance of any statutory function; or
 - giving the goods as a prize or otherwise making a gift of the goods;
- and, in relation to gas or water, those references shall be construed as including references to providing the service by which the gas or water is made available for use.
- (2) For the purposes of any reference in this Act to supplying goods, where a person (“the ostensible supplier”) supplies goods to another person (“the customer”) under a hire-purchase agreement, conditional sale agreement or credit-sale agreement or under an agreement for the hiring of goods (other than a hire-purchase agreement) and the ostensible supplier—
- carries on the business of financing the provision of goods for others by means of such agreements; and
 - in the course of that business acquired his interest in the goods supplied to the customer as a means of financing the provision of them for the customer by a further person (“the effective supplier”),

the effective supplier and not the ostensible supplier shall be treated as supplying the goods to the customer.

Changes to legislation: There are currently no known outstanding effects for the Consumer Protection Act 1987, Section 46. (See end of Document for details)

- (3) Subject to subsection (4) below, the performance of any contract by the erection of any building or structure on any land or by the carrying out of any other building works shall be treated for the purposes of this Act as a supply of goods in so far as, but only in so far as, it involves the provision of any goods to any person by means of their incorporation into the building, structure or works.
- (4) Except for the purposes of, and in relation to, notices to warn ^{F2} . . . , references in this Act to supplying goods shall not include references to supplying goods comprised in land where the supply is effected by the creation or disposal of an interest in the land.
- (5) Except in Part I of this Act references in this Act to a person's supplying goods shall be confined to references to that person's supplying goods in the course of a business of his, but for the purposes of this subsection it shall be immaterial whether the business is a business of dealing in the goods.
- (6) For the purposes of subsection (5) above goods shall not be treated as supplied in the course of a business if they are supplied, in pursuance of an obligation arising under or in connection with the insurance of the goods, to the person with whom they were insured.
- (7) Except for the purposes of, and in relation to, prohibition notices or suspension notices, references in [^{F3}Part 2 or Part 4] of this Act to supplying goods shall not include—
- (a) references to supplying goods where the person supplied carries on a business of buying goods of the same description as those goods and repairing or reconditioning them;
 - (b) references to supplying goods by a sale of articles as scrap (that is to say, for the value of materials included in the articles rather than for the value of the articles themselves).
- (8) Where any goods have at any time been supplied by being hired out or lent to any person, neither a continuation or renewal of the hire or loan (whether on the same or different terms) nor any transaction for the transfer after that time of any interest in the goods to the person to whom they were hired or lent shall be treated for the purposes of this Act as a further supply of the goods to that person.
- (9) A ship, aircraft or motor vehicle shall not be treated for the purposes of this Act as supplied to any person by reason only that services consisting in the carriage of goods or passengers in that ship, aircraft or vehicle, or in its use for any other purpose, are provided to that person in pursuance of an agreement relating to the use of the ship, aircraft or vehicle for a particular period or for particular voyages, flights or journeys.

Textual Amendments

- F1** Words in s. 46(1)(d) repealed (E.W.S.) (6.4.2005) by [The Regulatory Reform \(Trading Stamps\) Order 2005 \(S.I. 2005/871\)](#), art. 6, **Sch.** and said words in s. 46(1)(d) repealed (N.I.) (15.11.2005) by [The Law Reform \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2005 \(S.I. 2005/1452\)](#) (N.I. 7), art. 24, **Sch. 2**; S.R. 2005/494, art. 2(d)
- F2** Words in s. 46(4) repealed (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 30(3), **Sch. 4 Pt. 1** (with reg. 28(2)(3), Sch. 3 para. 6)
- F3** Words in s. 46(7) substituted (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#), reg. 30(1), **Sch. 2 para. 36** (with reg. 28(2)(3))

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Modifications etc. (not altering text)

- C1** S. 46 applied by Wireless Telegraphy Act 1949 (c. 54, SIF 96), **s. 1C(5)** as inserted by Broadcasting Act 1990 (c. 42, SIF 96), **s. 170**
S. 46 applied (18.9.2003 for specified purposes and 29.12.2003 for further specified purposes) by Marine Broadcasting (Offences) Act 1967 (c. 41), ss. 4, 5 (as inserted (12.12.2003) by Communications Act 2003 (c.21), ss. 408(6)(b), 411, **Sch. 17**; S.I. 2003/1900, **art. 2(2)**, Sch. 2) (with arts. 3-6); (as amended by S.I. 2003/3142, arts. 2-4 (with arts. 5-11))
- C2** S. 46 extended by Broadcasting Act 1990 (c. 42, SIF 96), **s. 178(7)**
- C3** S. 46 applied (with modifications) (21.4.2018) by The Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390), reg. 1(1), **Sch. 1** (with reg. 2(1)-(3))
- C4** S. 46 applied in part (with modifications) (N.I.) (16.7.2021) by The Market Surveillance (Northern Ireland) Regulations 2021 (S.I. 2021/858), reg. 1(1), Sch. 2 paras. 1, 2 (with reg. 3)
- C5** S. 46(1) applied (with modifications) (17.8.2015) by The Pyrotechnic Articles (Safety) Regulations 2015 (S.I. 2015/1553), reg. 1, Sch. 7 paras. 1(o), 2
- C6** S. 46(1) applied (with modifications) (8.12.2016) by The Pressure Equipment (Safety) Regulations 2016 (S.I. 2016/1105), reg. 1, Sch. 7 paras. 1(o), 2 (with reg. 88)
- C7** S. 46(1) applied (with modifications) (8.12.2016) by The Lifts Regulations 2016 (S.I. 2016/1093), reg. 1, Sch. 7 paras. 1(n), 2 (with regs. 3-5)
- C8** S. 46(1) applied (with modifications) (8.12.2016) by The Electromagnetic Compatibility Regulations 2016 (S.I. 2016/1091), reg. 1, Sch. 7 paras. 1, 2 (with regs. 74, 75(5))
- C9** S. 46(1) applied (with modifications) (8.12.2016) by The Simple Pressure Vessels (Safety) Regulations 2016 (S.I. 2016/1092), reg. 1, Sch. 5 paras. 1(o), 2 (with reg. 3)
- C10** S. 46(1) applied (with modifications) (8.12.2016) by The Electrical Equipment (Safety) Regulations 2016 (S.I. 2016/1101), reg. 1, Sch. 3 paras. 1, 2 (with reg. 3)
- C11** S. 46(1) applied (with modifications) (3.8.2017) by The Recreational Craft Regulations 2017 (S.I. 2017/737), reg. 1, Sch. 13 paras. 1(p), 2 (with reg. 89)
- C12** S. 46(1) applied (with modifications) (26.12.2017) by The Radio Equipment Regulations 2017 (S.I. 2017/1206), reg. 1, Sch. 10 paras. 1, 2 (with regs. 3-5, 77)
- C13** S. 46(1) applied (with modifications) (21.4.2018) by The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389), reg. 1(1), **Sch. 1** (with reg. 2)

Changes to legislation:

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