



# Rag Flock and Other Filling Materials Act 1951

## 1951 CHAPTER 63

### *Selling of articles containing unclean materials*

#### **10 Selling of articles containing unclean materials**

- (1) Subject to the provisions of this and the next following section, if any person has in his possession for the purpose of sale, or offers or exposes for sale, or sells, any article which—
  - (a) is upholstered or otherwise lined or stuffed with filling materials to which this Act applies which are not clean, and
  - (b) is of a kind which ought to be upholstered or stuffed or lined on premises registered under this Act,he shall be guilty of an offence.
- (2) Nothing in subsection (1) of this section shall make it an offence for a person to have in his possession for the purpose of sale, or offer or expose for sale, or sell, any second-hand article.
- (3) Nothing in subsection (1) of this section shall render liable any auctioneer acting in the course of his business on behalf of another or any person acting as the servant of an auctioneer in the course of his business but this subsection shall be without prejudice to the liability of any person on whose behalf the auctioneer was acting.
- (4) In any proceedings under this section it shall be a defence for the defendant to prove—
  - (a) that he purchased the article to which the proceedings relate as one which contained no filling materials to which this Act applies which were not clean within the meaning of this Act and with a written warranty to that effect; and
  - (b) that he had no reason to believe at the time of the alleged offence that any filling materials to which this Act applies in the article were not clean ; and
  - (c) that the article at the time of the alleged offence was in the same state as when he purchased it.

- (5) In any proceedings under this section it shall be a defence for the defendant to prove—
- (a) that the filling materials alleged not to be clean were put into the article on premises occupied by him and registered under this Act and were purchased by him as being clean within the meaning of this Act or, in the case of rag flock, as coming from premises licensed under this Act and, in either case, with a written warranty to that effect; and
  - (b) that he had no reason to believe at the time of the alleged offence that the materials were not clean, or, as the case may be, that the rag flock came from some other place; and
  - (c) that, in any case, those materials were when put in the article in the same state as when he purchased them.
- (6) Where the defendant is a servant or agent of the person who purchased the article or materials under a warranty, he shall be entitled to rely on the provisions of either of the two last foregoing subsections in the same way as his employer or principal would have been entitled to do if he had been the defendant.
- (7) References in this section to a sale or to selling shall include references to hiring under a contract of hire purchase within the meaning of the Hire-Purchase Act, 1938.

In the application of this subsection to Scotland, for the reference to a contract of hire purchase within the meaning of the Hire-Purchase Act, 1938, there shall be substituted a reference to a contract to which the Hire Purchase and Small Debt (Scotland) Act, 1932, applies, or would apply if the limitation as to value contained in section one of that Act were omitted.

## **11 Saving for existing stocks**

- (1) In any proceedings under the last foregoing section where the filling materials to which the proceedings relate are not rag flock, it shall be a defence for the defendant to prove that those filling materials were not put into the article after the commencement of this Act.
- (2) Regulations prescribing additional kinds of articles for the purposes of section one of this Act may apply the foregoing subsection with any necessary modifications to articles of those kinds.