
 STATUTORY INSTRUMENTS

1980 No. 907

HEALTH AND SAFETY

The Health and Safety (Leasing Arrangements) Regulations 1980

<i>Made</i>	- - -	1st July 1980
<i>Laid before Parliament</i>		10th July 1980
<i>Coming into Operation</i>		8th August 1980

The Secretary of State, in exercise of the powers conferred on him by section 15(1) and (3)(b) of the Health and Safety at Work etc. Act 1974(a) ("the 1974 Act") and of all other powers enabling him in that behalf and for the purpose of giving effect without modifications to proposals submitted to him by the Health and Safety Commission under section 11(2)(d) of the 1974 Act after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Leasing Arrangements) Regulations 1980 and shall come into operation on 8th August 1980.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"the 1974 Act" means the Health and Safety at Work etc. Act 1974;

"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 except a conditional sale agreement, a credit-sale agreement, a hire-purchase agreement or a contract of sale.

Modification of section 6 of the 1974 Act in the case of a first lease

3. Where a person ("the ostensible supplier") supplies an article for use at work 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) 1974 c. 37; section 15 was amended by the Employment Protection Act 1975 (c. 71), section 116 and Schedule 15, paragraph 6.

- (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 section 6 of the 1974 Act 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 section as supplying the article to the customer; and accordingly the duty imposed by subsection (1) of that section in respect of the supply of the article shall fall on the effective supplier and not on the ostensible supplier.

Modification of section 6 of the 1974 Act where a further lease is granted in continuation of a lease to which Regulation 3 applies

4. Where—

- (a) Regulation 3 of these Regulations 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 section 6(1) of the 1974 Act shall be modified in relation to that class of case so that it imposes no duty on the ostensible supplier in relation to the supply by way of that further lease.

Signed by order of the Secretary of State.
1st July 1980.

Patrick Mayhew,
Joint Parliamentary Under Secretary of State,
Department of Employment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations modify section 6 of the Health and Safety at Work etc. Act 1974 where an article is supplied under a lease for use at work.

Regulation 3 applies to the first lease of an article and makes provision corresponding to that which already applies under section 6(9) where the finance is provided under a hire-purchase agreement. The duties on the supplier of the article are imposed on the person providing the article to the customer and not on the person providing the finance; the Regulation sets out the circumstances in which the modification applies.

Regulation 4 applies to further leases to the same customer where the article remains in the possession of the customer and other conditions set out in the Regulation are satisfied. The duty under section 6 will have arisen on the first transaction and the Regulation provides that no duty will arise on the further transaction.

