

SCHEDULE 2

Regulation 3(5)

MODIFICATION OF DUTIES IN CASES WHERE PRESSURE SYSTEMS ARE SUPPLIED BY WAY OF LEASE, HIRE, OR OTHER ARRANGEMENTS

- (a) (a) This paragraph applies where a person supplies an installed system by way of lease or hire, and agrees in writing to be responsible for discharging the duties of the user under all the provisions of regulations 8(1) and (2), 9(1), 11(1), 12 and 14.
 - (b) During such time as the agreement is in force the supplier shall discharge the duties of the user under the said provisions.
 - (c) It shall be a defence in any proceedings against the user of an installed system—
 - (i) for an offence for a contravention of any of the said provisions; or
 - (ii) in any civil proceedings for breach of duty (mentioned in section 47(2) of the 1974 Act) imposed by any such provisions,for that person to prove that the supplier had agreed in writing to be responsible for discharging the user's duty at the relevant time.
 - (d) During such time as the agreement is in force the following provisions of this paragraph shall have effect.
 - (e) Where the competent person who is to carry out the examination under the scheme of examination is a person other than the supplier, the supplier shall notify the competent person that any reports required to be sent or given to the user under regulation 9(3) or 10(1) shall be sent or given to the supplier as well.
 - (f) On being so notified under sub-paragraph (e) above, the competent person shall comply with regulations 9(3) and 10(1) as if the reference therein to sending or giving a report to the user also included a reference to sending or giving a report to the supplier.
 - (g) On receipt of a report from a competent person under regulation 9(3) or 10(1) (or in the case where the supplier is also the competent person, on the making by him of that report) the supplier shall take all practicable steps to ensure that the pressure system will not be operated in contravention of regulation 9(6) or 10(2), as the case may be.
 - (h) The references in regulation 9(7) (in both places where it appears) and 9(8) to the user shall be read as references to the supplier.
 - (i) The reference in regulation 14(2)(a) to the premises where the system is installed shall be read as a reference to the premises in Great Britain where the leasing or hiring out of the system is controlled; except that this modification shall not apply to the application of that sub-paragraph to regulation 14(6)(a) where the competent person is using the procedure referred to in regulation 14(4) in relation to the sending of the report to the user.
2. Where a person supplies a pressure system to another ("the customer") under a hire-purchase agreement, conditional sale agreement, or lease, and—
- (a) he carries on the business of financing the acquisition of goods by others by means of such agreements, or, if financing by means of leases, the use of goods by others;
 - (b) in the course of that business he acquired his interest in the pressure system supplied to the customer as a means of financing its acquisition by that customer (or, in the case of a lease, its provision to that customer); and
 - (c) in the case of a lease he or his agent either has not had physical possession of that pressure system, or has had physical possession of it only for the purpose of passing it on to the customer,

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the customer and not the person who provided the finance shall be treated for the purpose of these Regulations as being the owner of the pressure system, and duties placed on owners in these Regulations shall accordingly fall on the customer and not on the person providing the finance.

3. Section 6(9) of the 1974 Act⁽¹⁾ and the Health and Safety (Leasing Arrangements) Regulations 1992⁽²⁾ shall apply to these Regulations as they apply to the remainder of section 6 of that Act.

(1) Section 6(9) was amended by the Consumer Protection Act 1987 (c. 43) Schedule 3, paragraph 1(9).
(2) S.I. 1992/1524.