
STATUTORY INSTRUMENTS

2002 No. 3045

The Sale and Supply of Goods to Consumers Regulations 2002

AMENDMENTS TO THE SUPPLY OF GOODS AND SERVICES ACT 1982

Additional implied terms where goods are hired to consumers—Scotland

11.—(1) Section 11J of the Supply of Goods and Services Act 1982(1) is amended as follows.

(2) After subsection (3) insert—

“(3A) If the contract for the hire of goods is a consumer contract, the relevant circumstances mentioned in subsection (3) above include any public statements on the specific characteristics of the goods made about them by the hirer, the producer or his representative, particularly in advertising or on labelling.

(3B) A public statement is not by virtue of subsection (3A) above a relevant circumstance for the purposes of subsection (3) above in the case of a contract for the hire of goods, if the hirer shows that—

- (a) at the time the contract was made, he was not, and could not reasonably have been, aware of the statement,
- (b) by the time the contract was made, the statement had been withdrawn in public or, to the extent that it contained anything which was incorrect or misleading, it had been corrected in public, or
- (c) the decision to acquire the goods could not have been influenced by the statement.

(3C) Subsections (3A) and (3B) above do not prevent any public statement from being a relevant circumstance for the purposes of subsection (3) above (whether or not the contract for the hire of goods is a consumer contract) if the statement would have been such a circumstance apart from those subsections.”.

(3) At the end of the section add—

“(10) For the purposes of this section, “consumer contract” has the same meaning as in section 11F(3) above.”.

(1) Section 11J was inserted by the Sale and Supply of Goods Act 1994 (c. 35).