



Consumer Safety Act 1978

1978 CHAPTER 38

9 Interpretation

- (1) Subject to the following subsection, for the purposes of this Act a person supplies goods only if, in the course of carrying on a business (whether or not a business of dealing in the goods in question) and either as principal or agent—
- (a) he sells (otherwise than under a hire-purchase agreement), hires out or lends the goods to another person ; or
 - (b) he enters into a hire-purchase agreement, or a contract for work and materials, to furnish the goods to another person; or
 - (c) he exchanges the goods for any consideration (which may consist of trading stamps) other than money ; or
 - (d) he gives the goods to another person either as a prize or otherwise;
- and " supply" and related expressions shall be construed accordingly.
- (2) In this Act any reference to supply does not include supply to a person with whom the goods in question were insured against damage and, except in relation to a notice to warn, does not include supply which is incidental to the letting or sale of land and, except in relation to a prohibition notice, does not include—
- (a) supply to a person who carries on a business of buying such goods as those in question and repairing or reconditioning them; and
 - (b) supply by a sale of articles as scrap (that is to say for the value of materials included in the articles and not of the articles themselves);
- and if a person supplies goods by hiring them out or lending them, then, for the purposes of this Act, he does not supply them by reason only of anything done in pursuance of the arrangements for the hiring out or loan.
- (3) Where a person supplies goods to another person 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 first-mentioned person—
- (a) carries on the business of financing the provision of goods for others by means of such agreements; and

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- (b) in the course of that business acquired his interest in the goods supplied to the other person as a means of financing the provision of them for the other person by a further person,

the further person and not the first-mentioned person shall be treated for the purposes of this Act as supplying the goods to the other person.

(4) In this Act—

" conditional sale agreement ", " credit-sale agreement " and " hire-purchase agreement " have the meanings assigned to them by section 189(1) of the Consumer Credit Act 1974, and for the purposes of this Act " goods " in the definitions of those expressions shall have the same meaning as in this Act;

" contravention " includes failure to comply, and related expressions shall be construed accordingly;

" goods " includes substances whether natural or manufactured and whether or not incorporated in or mixed with other goods and—

(a) in relation to a notice to warn, includes things comprised in land which by operation of law became land on becoming so comprised ; but

(b) does not include food as defined in section 135(1) of the Food and Drugs Act 1955, feeding stuff and fertiliser as defined in section 66(1) of the Agriculture Act 1970, medicinal products within the meaning of the Medicines Act 1968 in respect of which there is in force a product licence within the meaning of that Act (except cosmetic and toilet products as defined by regulations made by the Secretary of State) and controlled drugs within the meaning of the Misuse of Drugs Act 1971, except drugs which are excepted from section 4(1)(b) of that Act (which makes it unlawful to supply a controlled drug) by regulations under section 7(1) (a) of that Act;

" notice " means notice in writing ;

" personal injury " includes disease and any other impairment of a person's physical or mental condition ;

" prohibition order ", " prohibition notice " and " notice to warn " have the meanings assigned to them by section 3(1) of this Act;

" publicised information ", in relation to a disclosure, means information which, before the disclosure occurred, was published in proceedings mentioned in paragraph (a) or (b) or in a warning mentioned in paragraph (e) of section 4(3) of this Act;

" safe " means such as to prevent or adequately to reduce any risk of death and any risk of personal injury from the goods in question or from circumstances in which the goods might be used or kept, and for the purposes of section 1 of this Act the Secretary of State shall be entitled to consider that goods containing radioactive substances are safe or not safe by reference to the radiation from the goods and from other sources and to the consequences of the radiation for users of the goods and other persons ;

" safety regulations " has the meaning assigned to it by section 1(1) of this Act; and

" the statutory maximum " means the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 as respects England and Wales and section 289B of the Criminal Procedure (Scotland) Act 1975 as respects Scotland (which is £1,000 or another sum fixed by order to take account of changes in the value of money);

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and references in this Act to the Secretary of State include any other Minister of the Crown in charge of a government department.