
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations modify section 6 of the Health and Safety at Work etc. Act 1974 (the 1974 Act) where any article for use at work or any article of fairground equipment is supplied under a lease. Section 6 of the 1974 Act was amended by paragraph 1 of Schedule 3 to the Consumer Protection Act 1987 (c. 43).

2. Regulation 3 of these Regulations applies to the first lease of any article for use at work or any article of fairground equipment and makes provision corresponding to that in section 6(9) of the 1974 Act (as amended). Section 6(9) applies where the finance is provided under a hire-purchase agreement, conditional sale agreement or credit-sale agreement. By virtue of regulation 3 of these Regulations, the duties imposed on the supplier of the article by subsections (1) and (1A) of section 6 of the 1974 Act (as amended) will be imposed on the person who actually supplies the article and not on the person who supplies the article under the first lease. The circumstances in which the modified provision will apply are set out in that regulation.

3. Regulation 4 of these Regulations applies where a further lease is granted to the same customer in continuation of the first lease mentioned in paragraph 2 above. It applies where the article (the subject of the said first lease) remains in the possession of the customer and other conditions set out in the said regulation 4 are satisfied. The duties under section 6(1) and (1A) of the 1974 Act (as amended) will have arisen on the transaction under the first lease and regulation 4 of these Regulations provides therefore that no duty will arise on the transaction under the further lease.

4. Regulation 5 of these Regulations revokes the Health and Safety (Leasing Arrangements) Regulations 1980 (the 1980 Regulations) and they are replaced by these Regulations. The 1980 Regulations applied only where an article for use at work was supplied under a lease or a further lease and they did not apply where an article of fairground equipment was supplied under a lease or a further lease.