

Brian W. Harvey
Deborah L. Parry

The Law of
CONSUMER PROTECTION
and
FAIR TRADING

Third edition

Butterworths

The Law of Consumer Protection and Fair Trading

3rd Edition

by

Brian W. Harvey MA, LL.M (CANTAB)

Solicitor, Professor of Law at
the University of Birmingham

and

Deborah L. Parry BA (LAW) (Sheffield)

Lecturer in Law at
the University of Hull

London
BUTTERWORTHS
1987

United Kingdom	Butterworth & Co (Publishers) Ltd, 88 Kingsway, LONDON WC2B and 61A North Castle Street, EDINBURGH EH2 3LJ
Australia	Butterworths Pty Ltd, SYDNEY, MELBOURNE, BRISBANE, ADELAIDE, PERTH, CANBERRA and HOBART
Canada	Butterworths. A division of Reed Inc., TORONTO and VANCOUVER
New Zealand	Butterworths of New Zealand Ltd, WELLINGTON and AUCKLAND
Singapore	Butterworth & Co (Asia) Pte Ltd, SINGAPORE
South Africa	Butterworth Publishers (Pty) Ltd, DURBAN and PRETORIA
USA	Butterworths Legal Publishers, ST PAUL, Minnesota, SEATTLE, Washington, BOSTON, Massachusetts, AUSTIN, Texas and D & S Publishers, CLEARWATER, Florida

© Butterworth & Co (Publishers) Ltd 1987

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, including photocopying and recording, without the written permission of the copyright holder, application for which should be addressed to the publisher. Such written permission must also be obtained before any part of this publication is stored in a retrieval system of any nature.

This book is sold subject to the Standard Conditions of Sale of Net Books and may not be re-sold in the UK below the net price fixed by Butterworths for the book in our current catalogue.

ISBN Hardcover 0 406 22262 2
Softcover 0 406 22263 0

Typeset by Cotswold Typesetting Ltd, Gloucester, and
Printed by Mackays of Chatham Ltd

Preface

Recent years have seen a rapid increase in the volume of legislation to protect the consumer against not only fraud and dishonesty in commercial dealings but also against oppressive bargains and dangerous products. There is widespread public interest in 'consumerism' and an increasingly large number of professional and lay people are expected to be able to give advice on consumer problems and help to formulate consumer policy. Commercial litigation, at least as described in the leading textbooks on mercantile law, tends to be concerned primarily with disputes between business concerns, shipping companies and the like. There is a growing school of thought which holds that consumer protection law is at best only distantly related to commercial law, and it is legitimate as a separate exercise to focus on transactions between suppliers and the ultimate consumer. From that perspective it is fruitful to analyse the civil rights and duties and the criminal liabilities to which these transactions give rise.

What precisely should be covered by a comprehensive account of 'consumer protection law' is, as is the case with administrative law, for instance, the subject of legitimate debate. For present purposes we have looked at the body of law which exists to protect the private consumer from (a) unsafe products, (b) qualitatively deficient goods and services, (c) fraudulent, misleading or undesirable trading practices, (d) insufficient information, and (e) economic exploitation through lack of competition or excessive prices. To understand the working of the law it is also important to examine the voluntary or statutory provisions for giving the consumer redress when he has a legitimate complaint, whether it be against a nationalised industry or a producer of goods or services in the private sector. From this vast field we have necessarily had to be selective, particularly as to services. It could be argued, for instance, that the machinery regulating state welfare benefits is partly there to protect the consumer of these benefits, and certainly that public licensing systems relating to everything from taxi cabs to betting shops is an aspect of consumer protection. But the line has to be drawn somewhere, and the above topics are better dealt with in the specialist works that already exist. For this reason we have also ignored the protection

given to purchasers of land under section 76 of the Law of Property Act 1925 (implied covenants for title) since this is a specialist topic appropriately left to textbooks on Conveyancing, and the same considerations apply to the complex body of law protecting various types of tenant from eviction or payment of excessive rent. In many of these more technical areas the 'consumer in the street' will often rely on professional advice, and if matters go wrong his first line of attack will be against his professional adviser – an aspect of consumer protection fully dealt with in this book.

In the preface to the first edition of this book it was mentioned that when this book was originally written there was very little published work intended for practising lawyers, law students and trainee or qualified trading standards officers, treating the whole field in some depth. Since then a number of books have been produced and we seem to have moved from famine to abundance in a very short time. In addition the comparative absence of published material on the relationship between law and economics in this field no longer applies, and the burgeoning interest in this interdisciplinary field in the UK is encouraging. The original justification of the treatment of the social, political and (particularly) economic context of the laws and institutions concerning consumer protection in an introductory way was stated as being that 'many law students will not have studied economics before, and, with a few distinguished exceptions, authors of academic law books in England have given their readers little encouragement to think about the relationship between law and economics. Whilst extreme statements which would deny the study of law any normative role or intrinsic intellectual interest at all are to be deplored, a moment's thought will show that both parliamentary and judicial law-making rests on certain usually unexpressed economic or socio-political premises. Evaluation of a particular law's merits or demerits should not rest entirely on whether it appears to work well. It is also necessary to estimate the effect that any consumer protection law will have on, for instance, the economics of the production of the particular goods or services in question, and on consumer behaviour generally. It would be possible, given sufficient space, to deal with this wider dimension in far greater detail than we have done, but we have both kept it in mind and tried to deal with it in a way comprehensible to the person without any previous training in economics.'

In this edition the original sole author of the first and second editions, Brian Harvey, is delighted to have been joined by Deborah L. Parry, Lecturer in Law at the University of Hull. The results of this collaboration have been not only to make the huge task of integrating the many changes in case law and statute law into the original text much more bearable but also the correction of a large number of small slips. Whilst we have tried to preserve the integrity of

the original text as far as possible, in this edition it has for reasons of space been necessary to eliminate detailed treatment of a few topics comprised in the second edition. On the other hand the co-operation of our publishers enabled us to deal with the new and important provisions of the Consumer Protection Act 1987 affecting the former text and to provide what we hope will be a useful commentary on its main provisions. Accordingly, we have endeavoured to state the law as at 1 June 1987.

BRIAN W. HARVEY
DEBORAH L. PARRY
1 June 1987

Note

Commencement of the Consumer Protection Act 1987

The Secretary of State has announced that Part I of the Act (product liability) comes into force on 1 March 1988 and Part II (general safety requirement) comes into force on 1 October 1987.

Table of statutes and other legislation

References in this Table to '*Statutes*' are to Halsbury's Statutes of England (Fourth Edition) showing the volume and page at which the annotated text of the Act may be found.

Page references printed in **bold type** indicate where the Act is set out in part or in full.

	PAGE		PAGE
Administration of Justice Act 1973:	190	Bills of Sale Act 1878 (5 <i>Statutes</i> 406):	250
Administration of Justice Act 1977		Bills of Sale Act (1878) Amendment	
(11 <i>Statutes</i> 690)	190	Act 1882 (5 <i>Statutes</i> 421)	250
s 24	3	Bread Act 1836	6
Sch 4	3	British Telecommunications Act	
Administration of Justice Act 1982:	398	1981	68
s 37	282	s 23	63
Sch 3	282	66 (1)	62
Administration of Justice Act 1985		Broadcasting Act 1981	31
s 1, 40, 41	174	Building Societies Act 1986	
42	174	s 13	178
(2)	174	Cable and Broadcasting Act 1984:	31,
43	174		414
(5)	174	Cancer Act 1939 (28 <i>Statutes</i> 35)	242
44	174	Caravan Sites and Control of De-	
Adulteration of Food or Drink Act		velopment Act 1960 (32 <i>Stat-</i>	
1860	359	utes 467)	341, 413
Agriculture Act 1970	363, 409	Celluloid and Cinematograph Film	
Air Travel Reserve Fund Act 1975		Act 1922	22
(4 <i>Statutes</i> 59)	244	Cheques Act 1957 (5 <i>Statutes</i> 399):	168
Alcoholic Liquor Duties Act 1979		Civil Aviation Act 1982	
(24 <i>Statutes</i> 508)	367	s 92	204
Arbitration Act 1950 (2 <i>Statutes</i>		Civil Evidence Act 1968 (17 <i>Stat-</i>	
535)	189	utes 155)	224
Arbitration Act 1979 (2 <i>Statutes</i>		s 11	207
608)	189	Civil Liability (Contribution) Act	
Assize of Bread and Ale (1266):	5, 359	1978 (13 <i>Statutes</i> 533)	147
Auctions (Bidding Agreements)		s 1 (1)	135
Act 1927 (4 <i>Statutes</i> 5)	215	Coal Industry Nationalisation Act	
Auctions (Bidding Agreements)		1946 (29 <i>Statutes</i> 99)	64
Act 1969 (4 <i>Statutes</i> 10)	215	s 1 (1)	61
Banking and Financial Dealings		Coinage Act 1971 (10 <i>Statutes</i> 181):	375
Act 1971	421	Combines Investigation Act 1960	
Bills of Exchange Act 1882 (5		(Canada)	31, 335
<i>Statutes</i> 346)	168	s 33c	335

	PAGE		PAGE
Competition Act 1980	19, 26	Consumer Credit Act 1974	
Congenital Disabilities (Civil Liability) Act 1976	35, 121	— <i>contd</i>	
s 1	398	s 51 (3)	267
(6)	398	55	267
Consumer Credit Act 1974 (11 Statutes 15):	22, 42, 53, 180, 213, 246, 248, 269, 291, 292, 297, 341, 413	56	267, 268, 272
s 6	262	(2)	267, 272
8	253	(3), (4)	267
(1)	251	57	269
(2)	251, 255	(3)	269
9 (1)	251	58	269, 270
(3)	254, 255	60	268
10	253	61	268, 270
(1)–(3)	225	(2)	269
11	253, 256	62	269, 279
(1)	255, 256	63	269, 279
(2), (3)	256	(2)	270
12	253, 256, 267, 272	(3)	269
13	253, 256	64	269
14	253, 267	(1)	269, 270, 279
(1), (2)	257	65	267, 269, 279
15	252	(1)	279
16	252, 253	67	266, 270
(2), (5)	252	69	270
(6)	254	(7)	270
17	253, 258	71	271
18, 19	253, 259	72	271
20	260	(9)	271
(1)	255	74	258, 268, 269, 270
21	249, 260, 261	75	249, 258, 268, 271, 272, 272
(1)	286	(3)	273, 276, 279
22	261	76	258, 273
23, 25	262	77, 78	258
27 (2)	286	79	273
35	262	80, 81	274
(3)	262	82	257
39	262, 263	84	258
(1), (2)	262	85	278
40	263	86	276
(2)	263	87–89	277
41	262, 263	90	277
43	251, 264	(2), (5)	277
(1), (3)	264	91	278
44	265	92	278
45–47	264	(3)	278
48	245, 266	93	278
49	257, 266	94, 95, 97	273, 275
(3)	266	98	275, 279
50	245, 266	99	275
s 51	257, 266	(2)–(5)	275
(1)	257	100	275
		s 101	274
		(2)	274
		105	279
		107–109	258

	PAGE
Consumer Credit Act 1974	
— <i>contd</i>	
s 110	258
111, 123, 124	279
127	279
(2), (3)	279
(4)	269, 279
129 (2)	279
130 (1), (2)	279
131	279
132	280
133	280
(2), (3)	280
135	280, 281
136	281
137	13, 251, 253, 281
138	13, 254, 281, 282
(1)	283
(2)–(4)	281
139	13, 185, 281
(5)	282
140	13
145	261
(2)	263
(8)	283
147	261, 263
148, 149	263
151–154	263
157, 158	283
159, 160	284
167	262, 265
168	265
171	248
(7)	281
173 (3)	277, 278
181 (1)–(3)	274
184	259
188	248
189	248, 251, 253, 259, 261, 278
(1)	255, 258, 277
(2)	258
192	249, 250
Sch 1	248, 262, 265, 284
Sch 2	248, 257
Sch 3	248, 249
Sch 4	76, 217, 250, 286
Consumer Information Act 1978	
(Eire)	
s 8	28
s 9	32
Consumer Protection Act 1961	120, 213, 221, 299
s 1	228

	PAGE
Consumer Protection Act 1961	
— <i>contd</i>	
s 2	228, 234
(3)	228
3	104
(1)	229, 235
Schedule	229
Consumer Protection Act 1971: 221, 228	
Consumer Protection Act 1987: 71, 92,	
119, 120, 135, 136,	
138, 141, 154 155,	
213, 222, 227, 241,	
329, 337	
s 1–35	394–423
1 (1)	141
(2)	144
2	147, 397, 398
(1)	144
(2)	144, 145, 146, 150, 151, 396, 397
(3)	145, 146, 398
(4)	146
(5)	135, 147
(6)	135, 144
3	227
(1)	147
(2)	147, 148
4	150, 153
(1)	150, 151, 152, 153
(2)	151, 152
5	148
(1)	148
(2)–(4)	149
(5)–(7)	150
6	154
(4)	153
(6)	119, 153
7	154
8	155
10	225, 227
(1), (2)	227
(3)	227, 401
(4)–(6)	228
(7)	227
11	150, 404
(1)–(7)	223
12	402
(1)–(4)	223
13	224, 235
(4)	225
14	225
(1)	225
(3), (6) (8)	226
s 15	226

	PAGE		PAGE
Consumer Protection Act 1987		Consumer Safety Act 1978	120,
— <i>contd</i>			222, 233, 236, 394
s 16	226, 405, 417, 419, 420, 422, 423	s 1	235
(5)–(7)	226	(1)	223, 233
17	405, 406, 417, 419, 420, 422, 423	(2)	223, 234
19 (1), (2)	223	2	234
20	338, 339, 340, 343, 344, 412, 415	3	224, 225, 235
(1)	341, 342, 343, 344, 414, 415	5	229, 235
(2)	341, 343, 344, 414, 415	6	225
(4), (5)	344	9	234
(6)	338	Sch 1	234, 235
21	338, 339	Pt I	234
(1)	340	Pt II, III	235
22	340	Sch 2	229, 235, 240, 404
23	341	Consumer Safety (Amendment)	
24	341	Act 1986	222, 394
(1)	341	s 1, 2	240
(4)	342	3	225, 240
25	343	(1), (5), (6)	240
26	341, 344, 414	4	240
Pt IV (ss 27–35)	226	6	226, 240
s 27	402	(5), (6)	240
28	344	9, 11	240
29	226, 344, 420, 422	12	224, 234, 235, 240
31	226	(2)	229
32	344	(5)	234
33	226, 406	(6)	229
34	226	14	235
35	407	16	222
37, 38	226	Sch 1	222, 235, 240
39	226, 228, 229, 342, 414	Continental Shelf Act 1964 (29	
(1), (2)	224, 342	<i>Statutes</i> 435)	204
(3)	342	County Courts Act 1846	187
(4)	224, 342	County Courts Act 1959 (11 <i>Stat-</i>	
40	224, 352	<i>utes</i> 399)	190
41 (1)	224	County Courts Act 1984 (11 <i>Stat-</i>	
(2)	225, 228	<i>utes</i> 411)	185, 196
(4)	224	s 9	187
45 (1)	144, 149, 225	64	190
46	145, 150, 223	(4)	192
(5)	223, 227	Courts Act 1971 (11 <i>Statutes</i> 623):	187
(7)	407, 408	s 16	187
50 (2)	344	Credit Unions Act 1979 (21 <i>Stat-</i>	
(4), (5)	222	<i>utes</i> 850)	45
(7)	141	Criminal Appeal Act 1968 (12 <i>Stat-</i>	
Sch 1	119, 153, 154, 398	<i>utes</i> 419)	
Sch 2		s 33	207
Pt I, II	225	Criminal Damage Act 1971 (12	
		<i>Statutes</i> 557)	218
		Criminal Justice Act 1967 (12 <i>Stat-</i>	
		<i>utes</i> 389)	
		s 9	205

	PAGE		PAGE
Criminal Justice Act 1982 (27 <i>Statutes</i> 321)		European Communities Act 1972	
s 38	284, 319	(17 <i>Statutes</i> 28; 10 <i>Statutes</i>	
Criminal Law Act 1977	201, 208, 319	617)	30
s 16 (4)	202	s 2	57
Sch 1	201	(2)	233
Sch 3	202	Explosives Act 1875	
Criminal Procedure (Scotland) Act		s 30	241
1975	407, 408	31	241, 394
s 310	407	32	241
452 (4)	408	80	241, 394
Crown Proceedings Act 1947 (13		Explosives (Age of Purchase etc.)	
<i>Statutes</i> 16)	399	Act 1976 (17 <i>Statutes</i> 472)	241
Customs and Excise Management		Fabrics (Misdescription) Act 1913:	394
Act 1979 (13 <i>Statutes</i> 273):	419, 421	Factors Act 1889 (1 <i>Statutes</i> 53)	
Damages (Scotland) Act 1976:	394, 398	s 8	78
s 1	398	9	78, 284, 286
Data Protection Act 1984 (6 <i>Statutes</i>		Fair Trading Act 1973:	19, 26, 32, 33, 40,
831)	22	53, 65, 113, 211,	
Defamation Act 1952 (24 <i>Statutes</i>		213, 288, 316, 331	
117)	356	s 1	291
s 3	48	2	290, 291
Defective Premises Act 1972		3	45
s 1	161	13	290, 293, 297
(1)	122	14	46, 293, 297
(5)	161	15, 16	293
3	161	17	46, 293, 294, 297
6 (3)	161	(5)	294
Development of Tourism Act 1969		21	46
s 18	216	22	46, 112, 294
Disposal of Uncollected Goods Act		(4)	294
1952	170	23	113, 295
Electricity Act 1947		25	295
s 1 (2)	62	(1)	265
7	65	26	295
(9)	65	28-30	295
Electricity Act 1957 (15 <i>Statutes</i>		34	292, 298
918)		(2), (3)	298
s 5	65	35	300, 301
Sch 1	65	36, 37	300
Employment Protection (Consoli-		38	300, 301
dation) Act 1978 (16 <i>Statutes</i>		39-42	300
381)	341, 413	81-83	294
Energy Act 1983		120 (2)	289
s 21, 22	66	124	300
Sch 2	66	(3)	301
Estate Agents Act 1979 (1 <i>Statutes</i>		130	295
69)	180	133	300
s 3	180	137 (2)	294
11	181	Sch 4	293
12-21	180	Farm and Garden Chemicals Act	
22 (1)	180	1967 (1 <i>Statutes</i> 506)	242
25	292	Fatal Accidents Act 1846	131
Sch 1	181	Fatal Accidents Act 1959 (31 <i>Statutes</i>	
		194)	131

	PAGE		PAGE
Fatal Accidents Act 1976 (31 <i>Statutes</i> 202)	394, 398	Food and Drugs Act 1955— <i>contd</i>	
s 5	153, 398	s 8	224
Federal Trade Commission Act (USA)		113	372
s 5	28	115 (1)	374
Finance Act 1908 (25 <i>Statutes</i> 55):	22	Food and Drugs Act (Northern Ireland) 1958	409
Finance Act 1972		Forfeiture Act 1870	
s 2	321	s 4	207
45 (1)	321	Freedom of Information Act 1966 (USA)	48
Financial Services Act 1986 (30 <i>Statutes</i> 254)	30, 243, 341, 413	Game Act 1831 (2 <i>Statutes</i> 155)	22
s 133	244	Gas Act 1948	67
201 (2)	244	s 1 (1)	62
Fireworks Act 1951 (17 <i>Statutes</i> 460)	241	Gas Act 1972 (19 <i>Statutes</i> 233):	66, 67
Food Act 1984 (18 <i>Statutes</i> 448; 27 <i>Statutes</i> 401)	41, 42, 211, 213, 357, 409	s 9	67
s 1	357, 361	10 (1)	67
(4)	362	11	67
2	323, 357, 363, 364, 365, 370, 371, 372	Gas Act 1986	70
3 (1)	364, 367	s 1	67
(2)	367, 369	2	68
4	361, 369	6	401, 403
6	357, 369	7, 8	67, 401, 403
7	369	9	62
8	365, 370	49, 59	67
(1)	371, 372	Sch 2	68
9, 11	360	Sch 5	67
35	359	Hallmarking Act 1973	213
36	357, 359	s 1	221
60	359	2 (1)	220
78, 79	360	5, 6, 9	221
92	362	Sch 1	221
96	357	Pt II	220
(2)	357	Sch 2	220
97	360	Health and Safety at Work etc. Act 1974 (19 <i>Statutes</i> 613)	394
98	362, 371	s 6, 47	120
100	365	Health and Social Security Act 1984 (30 <i>Statutes</i> 972)	
(1)	372	s 5	171
(2)	373	Hire-Purchase Act 1938	277
(3)	352, 373	Hire-Purchase Act 1964 (11 <i>Statutes</i> 3)	250, 286
102	373	s 27, 28 (2), (3)	78
(2)–(4)	374	29	286
(5)	373	37	250
103	374	Hire-Purchase Act 1965	250, 269
118	369, 372	s 27, 28	275
131, 132	362	Hotel Proprietors Act 1956 (24 <i>Statutes</i> 306)	169
Food and Drugs Act 1955	359	s 1 (3)	169
s 2 (1)	368, 369	House of Commons Disqualification Act 1975	
3 (3)	369	s 1 (1)	291
7	369		

	PAGE		PAGE
House of Commons Disqualification Act 1975— <i>contd</i>		Limitation Amendment Act 1980	
Sch 1		s 2	245
Pt III	291	Litigants in Person (Costs and Expenses) Act 1975 (11 <i>Statutes</i> 688)	49, 193
Income and Corporation Taxes Act 1970		Local Government Act 1972 (25 <i>Statutes</i> 177)	41
s 108, 109	321	s 137, 142	43
Innkeepers Act 1878 (24 <i>Statutes</i> 300)	169	222	320
Insurance Companies Act 1982 (22 <i>Statutes</i> 153)	243	223	201, 320
Interpretation Act 1978		Local Government Act 1985 (25 <i>Statutes</i> 711)	42, 376
Sch 1	321, 363	Sch 8	42
Judicature (Northern Ireland) Act 1978		Local Government (Scotland) Act 1973 (25 <i>Statutes</i> 498)	43
s 62	125	Magistrates' Courts Act 1980	
Landlord and Tenant Act 1985 (23 <i>Statutes</i> 322)	416	s 1	205
Latent Damage Act 1986		(2)	204
s 1	119, 179	2 (1)–(4)	204
Law of Property Act 1969		(6)	204
s 24	114	17	202
Law on Trade Practices 1971 (Belgium)	31	18	202, 355
Law Reform (Contributory Negligence) Act 1945 (31 <i>Statutes</i> 185)	153, 398	19	202
Law Reform (Married Women and Tortfeasors) Act 1935 (27 <i>Statutes</i> 573)	132	(2), (3)	202
Law Reform (Miscellaneous Provisions) Act 1934	131, 398	20	202
Law Reform (Miscellaneous Provisions) (Scotland) Act 1940		(3)	203
s 3	398	21, 22	202
Legal Aid Act 1974 (24 <i>Statutes</i> 3)	196, 197	23	202, 203
s 7 (5)	197	24	202
Legal Aid Act 1979 (24 <i>Statutes</i> 61):	198	25	202, 203
Limitation Act 1980 (24 <i>Statutes</i> 629)	153, 154, 398	26–28	202
s 2	119	31 (1)	203
4	245	32	203, 206, 262
5	119	38	202, 203, 206
11	119	40	207, 208, 356
11A	119	76	208
(3)	153	111	406, 407, 422
(4)	153, 154	127	204, 319
14	154	(1)	323
(1A)	154	133	203
14A	119, 159, 179	143	203, 208
(4)–(10)	179	Sch 1	202, 203
14B	119, 179	Magna Carta (1215)	5
		Marketing Practices Act 1975 (Sweden)	28, 29
		Medicines Act 1968 (28 <i>Statutes</i> 344)	41, 241, 242, 357, 409
		s 58, 63	242
		64	242, 363
		85	371
		104, 105	409
		121, 122	373

	PAGE		PAGE
Merchandise Marks Act 1887	317	Powers of Criminal Courts	
s 3	317, 324	Act 1973— <i>contd</i>	
5	322	s 36, 37, 38	207
Merchandise Marks Act 1953	317	Prescription and Limitation (Scotland) Act 1973	398
Merchant Shipping Act 1894		Price and Assise of Bread (1709)	2
s 686	204	Prices Act 1974 (18 <i>Statutes</i> 408)	40
Ministers of the Crown Act 1975		s 2	215, 217
(10 <i>Statutes</i> 403)	40	4	216, 217
Misrepresentation Act 1967 (29		5	217
<i>Statutes</i> 724)	71, 95, 101	Schedule	217
s 2 (1)–(3)	101	Prices Act 1975	
3	113, 114, 115	s 2	216
Misrepresentation Act (Northern Ireland) 1967		Prosecution of Offences Act 1985	
s 8	114	(12 <i>Statutes</i> 1047)	205
Misuse of Drugs Act 1971 (28		Race Relations Act 1976 (6 <i>Statutes</i>	
<i>Statutes</i> 500)	409	765)	181
Mock Auctions Act 1961		Railway and Canal Traffic Act	
s 1	214	1854	
3	214	s 7	115
(1)	214, 215	Rehabilitation of Offenders Act	
Money-lenders Act 1900	258	1974 (12 <i>Statutes</i> 680)	182
National Health Service Act 1946		Rent (Scotland) Act 1984	416
(30 <i>Statutes</i> 702)	171	Resale Prices Act 1976	19, 25
National Health Service Act 1977		Restriction of Offensive Weapons	
s 10	171	Act 1959	
46	172	s 1 (1)	327
129	171	Restrictive Trade Practices Act	
Sch 14	171	1976	19, 25, 289
Nuclear Installations Act 1965		Road Traffic Act 1972	
s 12	399	s 33, 33AA	243
Occupiers' Liability Act 1957 (31		60	242, 243
<i>Statutes</i> 118)	166	63	243
Occupiers' Liability Act 1984		Sch 1	243
s 2	105	Sale of Food and Drugs Act 1875:	359
Offences against the Person Act		s 2, 6	364
1861		Sale of Goods Act 1893	76
s 9	204	s 12	326
Orientation of Trade and Crafts		14	89
1973 (France)	28	(1)	89
Petroleum (Consolidation) Act		(2)	80, 89
1928	241	29	105
Pharmacy Act 1868	359	55	105
Pharmacy and Poisons Act 1933	241	(4), (5)	109
Poisons Act 1972 (28 <i>Statutes</i> 548):	22,	Sale of Goods Act 1979:	46, 72,
241		76, 77, 86, 99, 117,	126, 145
Policyholders Protection Act 1975		s 2	167
(22 <i>Statutes</i> 80)	243	(1)	76
Port of London Act 1908	61	3	167
Post Office Act 1969		11	167
s 29	63	(3)	94, 95
Powers of Criminal Courts Act		(4)	79, 95
1973 (12 <i>Statutes</i> 597)	207	12	77, 105
s 35	207, 355		

	PAGE
Sale of Goods Act 1979— <i>contd</i>	
s 12 (1)–(3)	78
13	80, 81, 97, 106, 107
(1)–(3)	80
14	82, 85, 92, 97, 106, 130, 131, 133, 146
(1)	81
(2)	82, 83, 90
(3)	89, 90, 91
(4), (5)	85
(6)	83, 85, 86
15	81, 87, 106
s 18 r 1	284
24	78
25 (1)	284, 286
(2)	286
30	81
34	95, 96
35	79, 95, 96
36	97
53	95
(2)	98, 133
(3)	97
54	95
55 (1)	104
61	75
(1)	82, 94, 144
Sex Discrimination Act 1975 (6 Statutes 696)	181
Sherman Act 1890 (U.S.A.)	25
Slaughter of Poultry Act 1967 (18 Statutes 366)	360
Slaughterhouses Act 1974 (18 Stat- utes 374)	360
s 3, 12, 34, 36, 39	360
Solicitors Act 1974	175
s 31	173
37	174
44A	174
(1)	174
47, 49	174
Supply of Goods and Services Act 1982	45, 61, 77, 94, 113, 156, 173
s 1 (1), (2)	77
2	105
(1), (2)	79
(3)–(5)	79
3	81, 106
4	106
(1)–(3)	82
(4)–(6)	89
(9)	83, 85, 86

	PAGE
Supply of Goods and Services Act 1982— <i>contd</i>	
s 5	81, 106
6	77
7	79, 106
8	81, 106
9	106
(1)–(3)	82
(4)–(6)	89
(9)	83, 85, 86
10	81, 106
11 (1)	104
12	157
(2)–(5)	157
s 13	157, 158, 160, 173
14	160
(1), (2)	160
15	160
(2)	160
16 (1)	158
(3), (4)	160
17 (2)	105
(3)	106
18 (1)	82, 157
20 (3)	156
Supply of Goods (Implied Terms) Act 1973 (11 Statutes 8):	76, 94, 105, 250
s 2	80
8	105
9–11	106
16	76
Telecommunications Act 1984	68
s 3	68
109	254
Sch 4	254
Territorial Waters Jurisdiction Act 1878 (12 Statutes 161)	204
Theatres Act 1968	22
Theft Act 1968 (12 Statutes 514)	244
s 4	245
15	245, 321, 354
22	245
28 (1), (3)	78
31	245
Theft Act 1978 (12 Statutes 780)	245
Tobacco Products Duty Act 1979 (13 Statutes 507)	410
Torts (Interference with Goods) Act 1977	78, 169, 170
s 12	171
Sch 1, Pt I	170
Pt II	171

	PAGE		PAGE
Trade Descriptions Act 1968:	27, 42,	Trade Descriptions Act 1968	
	54, 180, 202, 203,	— <i>contd</i>	
	204, 205, 207, 211,	s 24 (3)	349, 352
	213, 215, 243, 262,	25	318, 348
	266, 295, 317, 318,	27–29	319
	320, 338	39 (1)	327, 328
s 1	318, 319, 348, 353,	(2)	328
	366, 382	40	318
(1)	320, 321, 322, 323,	Trade Descriptions Acts 1972:	54, 394
	325, 327, 328, 329,	Trade Descriptions Ordinance	
	330, 332, 333, 349,	1980 (Hong Kong)	318
	352, 353, 355, 382,	Trade Practices Act 1974 (Aus-	
	384	tralia)	32
s 1 (2)	320	s 52	28, 29
2	320, 324, 326, 332,	60	32
	334	Trade Practices Act 1974 (British	
(1)	324, 328, 330, 332	Columbia)	28
(2)	326	Trading Representations (Disabled	
(3)	325	Persons) Act 1958	
(4), (5)	326	s 1	217
3	320, 324	Trading Representatives (Disabled	
(3)	324, 332	Persons) Amendment Act	
4	320, 322	1972	
(2)	323	s 1	217
(3)	323, 324, 334	Trading Stamps Act 1964	46, 76
5	320	s 1	217
(2)	327	2	218
(3)	328	(1)	217
6	320, 327, 332	3, 4	218
9	353	5, 7	218
11	318, 321, 335, 336,	Transport Act 1962	
	337, 340, 348, 353	s 56	61
(2)	340, 351	Transport Act 1982	
(3)	335	s 57	243
12, 13	327, 353	Transport Act 1985	60, 70
14	27, 202, 314, 318, 338	Unfair Contract Terms Act 1977	
	340, 344, 345, 346,	(11 <i>Statutes</i> 214)	32, 38, 99,
	347, 348, 353, 355		103, 104, 105, 111,
(1)	345, 352		250, 313
(2)	345	s 1 (1)	166
(4)	346	(2)	183
18	319, 355	(3)	105, 106, 166
19	205, 319	2	124, 127, 158, 165,
(4)	323		166, 183
20	321, 351	(1)	165
21	204	(2)	165, 167, 178
23	319, 321, 328, 333,	(3)	165
	349, 352, 353, 354	3	110, 112, 168, 183
24	318, 330, 346, 348,	4	183
	349, 350, 352, 353,	5	126, 127, 149
	385	6	102, 105, 106, 107,
(1)	265, 349, 350, 352,		108, 109, 252
	353	(1)	105
(2)	349	(2)	106

	PAGE
Unfair Contract Terms Act 1977	
— <i>contd</i>	
s 6 (3)	106, 108
(4)	106
7	102, 105, 106, 108
(2)	106
(3)	106, 108
(3A)	105
(4)	106
8	113
11	108, 114
s 11 (1)	108, 110, 114, 165
(2)	108
(3)	168
(4)	109
(5)	108
12	108, 110, 149
(1), (2)	106
(3)	107
13 (1)	124
Sch 1	166, 183
Sch 2	108, 110
Uniform Commercial Code (USA)	
art 2-302	32
2-313 (1) (b)	80
2-608 (1)	97
Unsolicited Goods and Services	
Act 1971 (12 Statutes 555):	31, 213
s 1	219
2	219
3-5	219
Unsolicited Goods and Services	
(Amendment) Act 1975:	213, 218
Weights and Measures Act 1963	5
s 25 (1)	385
26	384
(2)	385
Weights and Measures Act 1979	5,
	384, 387
Weights and Measures Act 1985	42,
	211, 213, 325
s 1	5
2	5, 375
4, 5	376
7	378
(1)	378
(5)	380
8	378, 379
(1), (6)	378
9	379, 389, 390

	PAGE
Weights and Measures Act 1985	
— <i>contd</i>	
s 11, 16	379
17	379, 380, 382
(1)	379
(3)	380
s 28	206, 323, 380, 381,
	382, 383
(1), (2)	381, 382
29	381
(1)	381
30	381, 382
(1)	381
(2)-(4)	382
31 (1)	382
33 (4)	383
34	383, 384
(1)	389
(2)	384, 385, 389
35 (2), (3)	385
36, 37	385
43 (1)	382
47	388
50 (5)	388
51	389
54	388
55-62	387
63	388
69	320, 376
72, 73	376
75	377
79	377
(7)	377
80	377
83	205, 357
84	201, 206
Sch 1	5, 378
Pt I	5, 375
Sch 2	375
Sch 3	378
Pt I, IV, V	375
Sch 4	381
Sch 5	381
Sch 6	381
Sch 7	381
Weights and Measures etc. Act	
1976	5, 389
Weights and Measures (Metric	
System) Act 1897	5