

Brian W Harvey

The Law of

Consumer Protection and Fair Trading

Second Edition

Butterworths

- | | |
|-----------------------------|---|
| England | Butterworth & Co (Publishers) Ltd
88 Kingsway, London WC2B 6AB |
| Australia | Butterworths Pty Ltd
271-273 Lane Cove Road, North Ryde, NSW 2113
Also at Melbourne, Brisbane, Adelaide and Perth |
| Canada | Butterworth & Co (Canada) Ltd
2265 Midland Avenue, Scarborough, Ont M1P 4S1
Butterworth & Co (Western Canada) Ltd
409 Granville Street, Ste 856, Vancouver, BC V6C 1T2 |
| New Zealand | Butterworths of New Zealand Ltd
33-35 Cumberland Place, Wellington |
| South Africa | Butterworth & Co (South Africa) (Pty) Ltd
152-154 Gale Street, Durban 4001 |
| United States
of America | Mason Publishing Company
Finch Bldg, 366 Wacouta Street, St Paul, Minn 55101
Butterworth (Legal Publishers) Inc
160 Roy Street, Ste 300, Seattle, Wash 98109
Butterworth (Legal Publishers) Inc
381 Elliot Street, Newton, Upper Falls, Mass 02164 |

© Butterworth & Co (Publishers) Ltd 1982

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 22260 6
Softcover 0 406 22261 4

Typeset by CCC, printed and bound in Great Britain by
William Clowes (Beccles) Limited, Beccles and London

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 I 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 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 I 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 I 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 I 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. I originally justified the treatment of the social, political and (particularly) economic context of the laws and institutions concerning consumer protection in an introductory way by stating 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 I have

done, but I 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.'

Consumer protection is a vast field, much wider perhaps than is generally realised. If one adopts the definition of the consumer adapted from the Molony Report and discussed in Chapter 1, it includes not only an examination of the consumer's civil rights in respect of the quality of goods and services but also a large number of statutes imposing criminal liability on producers and retailers for conduct detrimental to consumers. The field would also be incompletely covered without some material on competition policy, so closely linked with the Office of Fair Trading, and there is a survey of this in Chapter 11. But the picture presented here cannot within the permitted space available be exhaustive, and others might have varied the emphasis within the topics chosen or varied the topics themselves. In this new edition I have taken the opportunity of expanding some of the economic and contextual background, of looking at the position in other jurisdictions (including developing Commonwealth jurisdictions where the problems and priorities in the field are difficult), greatly expanding the treatment of product liability and, of course, bringing the text up to date in numerous respects. I have also corrected a number of errors and omissions in the original text. The basic structure of the work otherwise remains unaltered. The aim is to produce a balanced treatment of this large field which I hope will continue to be of use to practising lawyers, law students and those working as trading standards officers on whom the effective enforcement of much of the law discussed depends.

There are many others now working in the consumer advice field and in bearing their needs in mind I am assuming, as experience suggests, that they can usefully employ a more detailed text even if the analysis may appear to be 'legalistically' written. The questions asked by consumers in practice tend to involve the application of precise detail, and a too over-simplified text can do more harm than good in this situation.

In order to assist law and professional students wishing to study a particular subject in greater depth I have appended bibliographies and numerous footnote references to sources, particularly periodical sources, of further information.

I have received invaluable help and encouragement from many quarters – so much so that it is invidious to select names. However, I would like particularly to acknowledge the generosity of Professor C. John Miller, co-author of *Miller and Lovell on Product Liability*, for

permission to make a number of references to this invaluable book, and Professor R. J. Layton of the University of New South Wales for permission to reproduce certain material in Chapter 1. I am also most grateful to Lord Coleraine for permission to reproduce the passages quoted in Chapter 1 taken from *For Conservatives Only* (London, 1970) and reproduced in *How Conservatives Think* (ed. Buck, 1975) in the former of which Lord Coleraine explains that the ideas which he propounds here were the result of discussions with Mrs. Diana Spearman. All writers and practitioners in this field must also acknowledge their debt to the late Mr. John A. O'Keefe, OBE, whose encyclopaedias on Trade Descriptions, Weights and Measures (with which I am now privileged to be associated as co-ordinating editor) in particular have been invaluable to me in writing the appropriate parts of this book. I have also received great assistance and co-operation with bibliographies from Gordon Borrie, Director General of Fair Trading and his Office, Richard Thomas of the National Consumer Council and a number of practising trading standards officers and academic colleagues who are really too numerous to name. To them, to my secretary Miss G. Jones and to the production staff of Messrs. Butterworths I remain most grateful and it is necessary only to add that the responsibility for mistakes, inadequacies and the views expressed remains mine alone.

I have endeavoured to state the law as at 1 November 1981, but some later developments have been incorporated in the text or in the Postscript.

BRIAN W. HARVEY

1 November 1981

Table of Statutes and Other Legislation

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

	PAGE		PAGE
Administration of Justice Act 1973	183	Bills of Sale Act (1878) Amend-	
Administration of Justice Act 1977		ment Act 1882 (3 <i>Statutes</i> 261)	230
(47 <i>Statutes</i> 113, 122, 1167,		Bread Act 1836	6
1180)	179, 183	Building Societies Act 1962 (3	
s 1	168	<i>Statutes</i> 312)	
24	3	s 25	171
Sch 1	168		
Sch 4	4	Cancer Act 1939 (21 <i>Statutes</i> 584)	222
Adulteration of Food or Drink Act		Carriage by Air Act 1961 (2	
1860	348	<i>Statutes</i> 604)	148
Agriculture Act 1970 (40 <i>Statutes</i>		Cheques Act 1957 (3 <i>Statutes</i> 238)	163
30)	317	Civil Evidence Act 1968 (12 <i>Stat-</i>	
s 25	208, 350, 351	utes 910)	214
Air Travel Reserve Fund Act 1975		s 11	198
(45 <i>Statutes</i> 39)	224	Civil Liability (Contribution) Act	
Alcoholic Liquor Duties Act 1979		1978 (48 <i>Statutes</i> 357)	149
(49 <i>Statutes</i> 675)	358	s 2 (1)	138
Arbitration Act 1950 (2 <i>Statutes</i>		Coal Industry Nationalisation Act	
433)	182	1946 (22 <i>Statutes</i> 143)	
Arbitration Act 1979 (49 <i>Statutes</i>		s 1 (1)	64
58)	182	4	67
Assize of Bread and Ale (1266) .	348	Coinage Act 1971 (41 <i>Statutes</i> 225)	367
Auctions (Bidding Agreements)		Combines Investigation Act 1960	
Act 1927 (2 <i>Statutes</i> 501)	203, 205	(Canada)	29, 30, 329
Auctions (Bidding Agreements)		s 33C	329
Act 1969 (40 <i>Statutes</i> 192)	203, 205	Competition Act 1980 (50 (2)	
Bills of Exchange Act 1882 (3		<i>Statutes</i> 2555)	20, 27, 288, 302
<i>Statutes</i> 188)	163	s 2	303
Bills of Sale Act 1878 (3 <i>Statutes</i>		3 (1), (10)	302
245)	230	4	303

XIV TABLE OF STATUTES

	PAGE
Competition Act 1980— <i>contd.</i>	
s 5	303, 305
6-8	303
11	290
Congenital Disabilities (Civil Liability) Act 1976 (46 <i>Statutes</i> 1837)	35, 124
Consumer Council Ordinance 1977 (Hong Kong)	37
Consumer Credit Act 1974 (44 <i>Statutes</i> 746)	167, 172, 228, 268
s 6	241
8	233
(1)	231
(2)	231, 235
9 (1)	231
(3)	235
10	233
(1), (2)	235
11	233, 236
(1)	235
12, 13	233
14	233
(1) (2)	237
15	232
16	232, 233
(2), (5)	234
17	233, 238
18	233
19	233, 239
20	240
(1)	170
21	229, 240
22, 23	241
25	242
35	242
(3)	242
39	242
(1), (2)	242
40, 41	242
43	231, 243
(3)	243
44	243
45-47	243
48	244, 245
49	236, 244, 245
(3)	243
50	244, 245
51	237, 244, 245
55	246
56	246, 249
(2)-(4)	246

	PAGE
Consumer Credit Act 1974— <i>contd.</i>	
s 58	247, 248
60	246
61	247, 248, 260
(2)	247
62	247, 260
63	247, 260
(2)	248
64	247, 260
(1)	248
65	246, 247, 260
(1)	255
66	260
67	245, 247, 248, 260
69	248, 260
71, 72	248, 260
73	260
74	238, 246
75	249, 260
76	250, 253, 255, 260
77, 78	238, 250, 260
79	238, 260
80	250, 260
81	250, 260
82	251
84	237, 260
85	238, 260
86	200
87-89	253, 260
90	253, 260
(2)	253
(5)	254
91	253, 260
92	253, 260
(2)	252
(3)	254
94, 95, 97	251, 260
98	252, 255, 260
99	252, 260
(3)-(5)	252
100	252, 260
101	251, 260
(2)	251
102-105	260
107-109	260
110	238, 260
111	260
127	255
129	255
(2)	255
130 (1), (2)	255
131, 132	255

	PAGE		PAGE
Consumer Credit Act 1974— <i>contd.</i>		Consumer Safety Act 1978 (48	
s 133	256	<i>Statutes</i> 1260)	123, 212
(2), (3)	256	s 1 (1), (2)	219
135	256	2, 3	220
136	257	9	219
137	14, 231, 233, 257	Continental Shelf Act 1964 (22	
138	14, 234, 257	<i>Statutes</i> 587)	194
(2)–(4)	257	County Courts Act 1846	179
139	14, 257	County Courts Act 1959 (7 <i>Statutes</i>	
140	14	302)	177, 183
145	241	s 21 (1)	179
(8)	258	92	183
147	241	(3)	184
148, 149	242	Courts Act 1971 (41 <i>Statutes</i> 285)	
151–154	243	s 16 (1)	179
157	258	Credit Unions Act 1979 (49 <i>Stat-</i>	
158, 159	259	<i>utes</i> 640)	47
167, 168	244	Criminal Appeal Act 1968 (8	
171	228	<i>Statutes</i> 687)	
(7)	257	s 33	197
173 (3)	254	Criminal Damage Act 1971 (41	
181 (1)–(3)	251	<i>Statutes</i> 409)	209
184	239	Criminal Justice Act 1967 (8 <i>Stat-</i>	
188	228	<i>utes</i> 583)	
189	228, 231, 232, 233,	s 9	195
	239, 254	Criminal Justice (Scotland) Act	
(1)	238, 254	1980 (50 (2) <i>Statutes</i> 1770)	199
(2)	238	Criminal Law Act 1977 (47 <i>Statutes</i>	
192	229, 230	142, 692)	191, 198
Sch 1	228, 242, 244, 259	s 16 (4)	192
Sch 2	228, 237	Sch 1, 3	191
Sch 3	229		
Sch 4	84, 230, 231, 262		
Consumer Information Act 1978		Dangerous Goods Ordinance	
(Eire)		(Hong Kong)	39
s 8	29	s 5 (1)	39
9	32	Defamation Act 1952 (19 <i>Statutes</i>	
Consumer Protection Act 1961 (30		34)	344
<i>Statutes</i> 47)	123, 212, 219, 275	s 3	51
s 1	212	Defective Premises Act 1972 (42	
(5)	156	<i>Statutes</i> 1395)	
2	212, 219, 319	s 1	156
(5)	212	(1)	99
2A	340	(5)	156
3	107	3	156
(1)	213, 220	6 (3)	156
(2A) (2B)	213	Dentists Act 1957 (21 <i>Statutes</i> 712)	
Schedule	213	s 34	297
Consumer Protection Act 1971 (41		Diseases of Animals Act 1950 (2	
<i>Statutes</i> 1275)	212	<i>Statutes</i> 307)	202
		Disposal of Uncollected Goods Act	
		1952 (2 <i>Statutes</i> 715)	164

XVI TABLE OF STATUTES

	PAGE		PAGE
Electricity Act 1947 (11 <i>Statutes</i> 931)		Fair Trading Act 1973— <i>contd.</i>	
s 1 (2)	64	s 22	48, 114, 270
7	69	(4)	270
Electricity Act 1957 (11 <i>Statutes</i> 1015)		23	114, 270
s 5	69	25	270
7 (9)	70	(1)	244
Sch 1	19	26	270
Estate Agents Act 1979 (49 <i>Statutes</i> 2)		28-30	271
s 3	172	34	268, 273
11	173	(2), (3)	273
12-21	172	35	275, 276
22 (1)	172	36-40	276
25	268	41	275, 276
Sch 1	173	42, 43	276
European Communities Act 1972 (42 <i>Statutes</i> 24, 78)		44-46, 48, 49	291
s 2	60	50	290
Sch 4	317	51	291
Explosives Act 1875 (13 <i>Statutes</i> 155)		54, 55	292
s 30-32, 80	221	63	294
Explosives Act 1923 (13 <i>Statutes</i> 231)	221	64	294
Explosives (Age of Purchase &c.) Act 1976 (46 <i>Statutes</i> 594)	221	(5)	294
		65-71	294
		73	293
		76	294
		81-83	270
		84	292, 303
		85	303
		88, 91, 93	293
		120 (2)	265
		124	275
		(3)	276
		130	271
		133	268, 275
		134	293
		137 (2)	270
		Sch 4	297
		Sch 8, Pt I, II	292
Fabrics (Misdescription) Act 1913 (30 <i>Statutes</i> 44)	207	Farm and Garden Chemicals Act 1967 (1 <i>Statutes</i> 577)	222
s 1	207	Fatal Accidents Act 1846 (23 <i>Statutes</i> 780)	133
3, 5	208	Fatal Accidents Act 1959 (23 <i>Statutes</i> 801)	133
Factors Act 1889 (1 <i>Statutes</i> 94)		Federal Trade Commission Act (USA)	
s 8	85	s 5	29
9	85, 260	Finance Act 1972 (42 <i>Statutes</i> 159)	
Fair Trading Act 1973 (43 <i>Statutes</i> 1618)	20, 27, 31, 32, 34, 70, 264, 298	s 2	314
s 2	266, 267	10 (2)	328
3	47	45 (1)	314
4	287, 289	Fireworks Act 1951 (13 <i>Statutes</i> 232)	221
5	290		
6, 7	286, 290		
8, 11	290		
13	266, 269		
14	48, 269		
15, 16	269		
17	48, 269, 270		
21	48		

TABLE OF STATUTES xvii

	PAGE		PAGE
Food and Drugs Act 1955 (14 <i>Statutes</i> 15)	39, 43, 44, 346	Hallmarking Act 1973 (43 <i>Statutes</i> 1768)	210
s 1	352	s 1	212
(5)	353	2 (1)	211
2	44, 315, 346, 353, 354, 355, 356, 357, 358, 361, 363	5, 6, 9	212
(1)	358, 360	Sch 1, Pt II	211, 212
3 (1)	355, 358	Sch 2	211
(3)	358, 360	Health and Safety at Work etc. Act 1974 (44 <i>Statutes</i> 1083)	
(4)	358	s 6, 47	123
4	349, 360	Hire-Purchase Act 1938	254
6	346, 360	Hire-Purchase Act 1964 (30 <i>Statutes</i> 55)	230, 262
7	360	s 27 (2), (3)	85
8	214, 356, 361, 362	29	263
(1)	362, 363	37	230
9, 11	349	Hire-Purchase Act 1965 (30 <i>Statutes</i> 61)	230, 247, 260
13, 14	351	s 25	252
16	352	27	251
31	348	Hotel Proprietors Act 1956 (17 <i>Statutes</i> 816)	163
32	346, 348	s 1 (3)	163
82	349	Income and Corporation Taxes Act 1970 (33 <i>Statutes</i> 17)	
85-87	347	s 108, 109	314
91, 92	349	Innkeepers Act 1878 (17 <i>Statutes</i> 815)	163
106	353	Insurance Brokers (Registration) Act 1977 (47 <i>Statutes</i> 351)	
109 (3)	347	s 22	297
110	349	Insurance Companies Act 1974 (44 <i>Statutes</i> 32)	224
111	353, 362	s 63, 81	224
113	336, 356	Interpretation Act 1978 (48 <i>Statutes</i> 1296)	393
(1), (2)	364	s 5	354
(3)	340, 364	Sch 1	313, 354
115	364	Judicature (Northern Ireland) Act 1978 (48 <i>Statutes</i> 1015)	
(1), (3)-(5)	365	s 62	128
116	365	Law of Property Act 1969 (27 <i>Statutes</i> 727)	
123	361	s 24	115
135	353		
Food and Drugs (Amendment) Act 1981	352		
Food and Drugs (Control of Food Premises) Act 1976 (46 <i>Statutes</i> 616)	202		
s 1	351		
Forfeiture Act 1870 (8 <i>Statutes</i> 179)			
s 4	197		
Freedom of Information Act 1966 (USA)	51		
Gas Act 1948 (14 <i>Statutes</i> 820)	68		
s 1 (1)	65		
Gas Act 1972 (42 <i>Statutes</i> 466)	68		
s 9	68		
10 (1)	69		
11	69		

xviii TABLE OF STATUTES

	PAGE		PAGE
Law on Orientation of Trade and Crafts 1973 (France)	29	Magistrates' Courts Act 1980— <i>contd.</i>	
Law on Trade Practices 1971 (Belgium)	30	s 31 (1)	193
Law Reform (Married Women and Tortfeasors) Act 1935	134	32	193, 196
Law Reform (Miscellaneous Provisions) Act 1934	133	(9)	193
Legal Aid Act 1974 (44 <i>Statutes</i> 1035)	187, 188	38	192, 196
s 7 (5)	188	40	198, 344
Limitation Act 1980 (50 (1) <i>Statutes</i> 1253)		76	198
s 4	225	127	195, 213, 311
5	122	(1)	316
11	122	133	193
Litigants in Person (Costs and Expenses) (45 <i>Statutes</i> 1639) Act 1975	52, 185	143	193, 199
Local Government Act 1972 (42 <i>Statutes</i> 841)		Sch 1	191
s 137, 142	45	Magna Carta (1215)	6, 190
198	44, 347	Marketing Act 1975 (Sweden)	28, 30
199	44, 347	Medical Act 1956 (21 <i>Statutes</i> 624)	
(8)	44, 346	s 31	297
201	367	Medicines Act 1968 (21 <i>Statutes</i> 981)	222, 361
(2)	312	s 58, 63	222
(8)	45	64	222, 353
222	312	85	363
223	191, 312	121, 122	364
Local Government (Scotland) Act 1973 (43 <i>Statutes</i> 677)	45	132, 136	346
s 149	367	Merchandise Marks Act 1887	309
Magistrates' Courts Act 1980 (50 (2) <i>Statutes</i> 1433)		s 3	309, 316
s 1	196	5	315
(2)	194	Merchandise Marks Act 1953	309
2 (1), (2)	194	Merchant Shipping Act 1894 (31 <i>Statutes</i> 57)	
(3), (4)	195	s 686	194
(6)	194	Misrepresentation Act 1967 (22 <i>Statutes</i> 675)	79, 117
17	192	s 2 (1)–(3)	104
18	192, 343	3	114, 115
19	192	Misrepresentation Act (Northern Ireland) 1967	
20	192	s 8	115
(3)	193	Misrepresentation Ordinance (Hong Kong)	39
21, 22	192	Mock Auctions Act 1961 (2 <i>Statutes</i> 503)	203
23	192, 193	s 1	204
24	192	3	204
25	192, 193	(1)	204, 205
26–28	192	Mock Auctions Ordinance (Hong Kong)	39
		Moneylender's Ordinance (Hong Kong)	39
		Monopolies and Mergers Act 1965 (37 <i>Statutes</i> 177)	288
		Monopolies and Restrictive Practices (Inquiry and Control) Act 1948 (37 <i>Statutes</i> 60)	287

TABLE OF STATUTES xiX

	PAGE		PAGE
National Health Service Act 1946 (23 <i>Statutes</i> 9)		Price Commission Act 1977 (47 <i>Statutes</i> 1472)	143, 145, 232
s 42	166	Prices Act 1974 (44 <i>Statutes</i> 270, 1756)	205, 272
National Health Service Reorgan- isation Act 1973 (43 <i>Statutes</i> 764)		s 2	205, 207
s 5 (5)	166	4	206, 207
Nuclear Installations Act 1965 (37 <i>Statutes</i> 430)	148	5	207
Nuclear Installations Act 1969 (37 <i>Statutes</i> 466)	148	Schedule	207
Occupiers' Liability Act 1957 (23 <i>Statutes</i> 792)	162	Prices Act 1975 (45 <i>Statutes</i> 2217)	205
Offences against the Person Act 1861 (8 <i>Statutes</i> 147)		s 2	206
s 9	194	Public Health and Urban Services Ordinance (Hong Kong)	39
Patents Act 1977 (47 <i>Statutes</i> 1005)		Pyramid Selling Ordinance 1980 (Hong Kong)	39
s 25	287		
Petroleum (Consolidation) Act 1928 (26 <i>Statutes</i> 162)	221	Race Relations Act 1976 (46 <i>Stat- utes</i> 389)	173
Pharmacy Act 1868	348	Railway and Canal Traffic Act 1854	
Pharmacy and Poisons Act 1933 (21 <i>Statutes</i> 860)	222	s 7	116
Pharmacy and Poisons Ordinance (Hong Kong)	39	Rehabilitation of Offenders Act 1974 (44 <i>Statutes</i> 148)	174
Poisons Act 1972 (42 <i>Statutes</i> 1315)	222	Resale Prices Act 1964 (37 <i>Statutes</i> 158)	289
Policyholders Protection Act 1975 (45 <i>Statutes</i> 784)	223	Resale Prices Act 1976 (46 <i>Statutes</i> 2033)	20, 27, 289, 305
Port of London Act 1908	63	s 9	305
Post Office Act 1953 (25 <i>Statutes</i> 413)		(2)	307
s 3 (1)	64	11, 13	306
Post Office Act 1969 (25 <i>Statutes</i> 470)		14	306, 307
s 14	72	15	307
(6)	72	25, 26	306
(8)	72, 73	Restriction of Offensive Weapons Act 1959 (8 <i>Statutes</i> 472)	
(14)	73	s 1 (1)	319
15	73	Restrictive Practices Court Act 1976 (46 <i>Statutes</i> 1946)	289
(3)	73	Restrictive Trade Practices Act 1956 (37 <i>Statutes</i> 77)	289
29	66	s 1, 2, 6	288
Powers of Criminal Courts Act 1973 (43 <i>Statutes</i> 288)		24, 25	288
s 35	197, 198, 343	Restrictive Trade Practices Act 1968 (37 <i>Statutes</i> 316)	289
(5)	261	Restrictive Trade Practices Act 1976 (46 <i>Statutes</i> 1955)	20, 27, 265, 295, 304
36, 37, 38	197	s 1	296
Price and Assise of Bread (1709)	2	(3)	296
		2	299
		(1)	296
		3, 4	296

XX TABLE OF STATUTES

	PAGE		PAGE
Restrictive Trade Practices Act 1976— <i>contd.</i>		Sale of Goods Act 1979— <i>contd.</i>	
s 6	288, 296	s 13 (1), (2)	87
7	296	(3)	88
8	307	14 89, 92, 97, 101, 108, 119, 119, 132, 133, 135	89
9	296	(1)	89
10	299	(2) 89, 94, 96	94, 96
11	296, 297	(3)	94, 96
(2)	297	(4), (5)	92
12	297	(6)	90
18	296	15 89, 93, 108, 114, 119	260
19	300	18 r 1	262
21	299	21 (1)	262
24	301	24	262
35, 36	302	25 (1) 260, 262	262
40	299	(2)	262
Sch 1	297	34	100
Sch 2	301	35 86, 100	100
Restrictive Trade Practices Act 1977 (47 <i>Statutes</i> 1467)	289, 296	53	107
Schedule	296	(1)	135
Road Traffic Act 1972 (42 <i>Statutes</i> 1633)		(2)	101
s 33, 60	223	(3)	100
63	223	54	107
Sch 1	223	55 (1)	83, 89
		61 (1)	39
Sale of Food and Drugs Act 1875	348	Sale of Goods Ordinance (Hong Kong)	173
s 2, 6	355	Sex Discrimination Act 1975 (18 <i>Statutes</i> 68)	26
Sale of Goods Act 1893 (30 <i>Statutes</i> 6)	84	Sherman Act 1890 (U.S.A)	349
s 12	105, 318	Slaughter of Poultry Act 1967 (14 <i>Statutes</i> 181)	349
13	105, 114	Slaughterhouses Act 1974 (44 <i>Stat-</i> <i>utes</i> 230)	349
14	105, 114	s 3, 12, 34, 36, 39	349
(1)	94, 95	Solicitors Act 1974 (44 <i>Statutes</i> 1478)	298
(2)	87, 94	s 20-23	167
15	105, 114	31, 37	168
29	108	47, 49	24
53 (2)	102	Statute of Monopolies (1623) (24 <i>Statutes</i> 543)	287
55	107	s 1, 2	67
Sale of Goods Act 1979 (49 <i>Statutes</i> 1102)	48, 84, 120	Statutory Corporations (Financial Provisions) Act 1975 (45 <i>Statutes</i> 1041)	84, 94, 107, 230
s 2	117, 162	Supply of Goods (Implied Terms) Act 1973 (43 <i>Statutes</i> 1337)	88
3	162	s 3	108
11	162	8	108
(3)	99	9-11	85
(4)	86	16	
12	85, 108, 119		
(1)-(3)	86		
13 88, 101, 108, 112, 114, 119			

	PAGE		PAGE
Territorial Waters Jurisdiction Act		Trade Descriptions Act 1968— <i>contd.</i>	
1878 (8 <i>Statutes</i> 214)	194	s 21	194
Theft Act 1968 (8 <i>Statutes</i> 782)	224	23	311, 324, 326, 336, 337, 341, 342
s 4	161	24	311, 322, 336, 341, 384
15	224, 313, 342	(1)	244, 337, 338, 340, 341
22	224	(2)	337
28 (1), (3)	86	(3)	337, 340
31	225	25	311, 336
Theft Act 1978 (48 <i>Statutes</i> 311)	225	27, 28	312
Tokyo Convention Act 1967 (2 <i>Statutes</i> 702)		29	311, 312
s 1	194	39 (1)	319, 320
Torts (Interference with Goods)		(2)	320
Act 1977 (47 <i>Statutes</i> 67)	86, 164	40	310
s 12	165	Trade Descriptions Act 1972 (42 <i>Statutes</i> 2249)	310
Sch I, Pt I	165	s 1 (5)	345
Pt II	165	4 (2)	310
Trade Descriptions Act 1968 (37 <i>Statutes</i> 948)	172, 192, 193, 194, 196, 197, 223, 242, 320	Trade Descriptions Ordinance 1980 (Hong Kong)	311
s 1	311, 322, 336, 341, 342, 381	Trade Marks Act 1905	382
(1)	313, 314, 316, 320, 324, 326, 336, 337, 340, 341, 343, 383	Trade Practices Act 1974 (Australia)	32
(2)	313	s 52	29
2	313, 316, 317, 324	60	31
(1)	317, 321, 322, 324	69, 72	119
(2)	315, 319	Trade Practices Act 1974 (British Columbia)	29
(3)	317	Trading Representations (Dis- abled Persons) Act 1958 (37 <i>Statutes</i> 116)	207
(4), (5)	319	s 1	207
3	313	Trading Representatives (Disabled Persons) Amendment Act 1972 (42 <i>Statutes</i> 2203)	
(3)	316, 324	s 1	207
4	192, 313, 314, 315	Trading Stamps Act 1964 (37 <i>Statutes</i> 170)	48, 85
(2)	315	s 1	208
(3)	316, 326	2	208
5	313	(1)	208
(2), (3)	320	3, 4	209
6	213, 313, 319, 325, 328	5	208
9	342, 344	7	209
11	310, 314, 327, 329, 332, 333, 336	Transport Act 1962 (26 <i>Statutes</i> 925)	
(2)	329, 339	s 56	71
(3)	327, 328, 330	Transport Act 1980 (50(2) <i>Statutes</i> 1930)	
12, 13	319, 342	s 8	71
14	28, 285, 310, 311, 333, 334, 335, 336, 342, 343	Unfair Contract Terms Act 1977 (47 <i>Statutes</i> 84)	31, 36, 98, 106, 117, 230, 284
(1)	341		
(2), (4)	334		
18	311, 343		
19	195, 312		
(4)	316		
20	313, 339		

xxii TABLE OF STATUTES

	PAGE
Unfair Contract Terms Act 1977— <i>contd.</i>	
s 1 (3)	108, 161
2	119, 127, 129, 160,
161, 175	
(2)	171, 175
3	110, 112, 162, 175
4	175
5	128, 129
6	108, 112, 232
7	105, 109, 119
8	114
11	113, 115, 116
(1)	115
12	109, 110
13	149
(1)	127
Sch 1	175
Sch 2	109
Uniform Commercial Code (USA)	
art 2-302	31
2-608 (1)	101
313 (1) (b)	87
Unsolicited Goods and Services	
Act 1971 (41 Statutes 407, 1277,	
2055)	30, 209
s 1	209
2	209
3-5	210
Unsolicited Goods and Services	
(Amendment) (45 Statutes 2214)	
Act 1975	209
Vaccine Damage Payments Act	
1979 (49 Statutes 1081)	151
Weights and Measures Act 1963	
(39 Statutes 720)	317
s 2	5, 366
4, 5	368
9	369
(1)	369
9A	6, 369, 370
9B	370, 389
11	370, 371
15	371
(1)	371
16	371, 381
(3)	372
17	372
21	378, 379

	PAGE
Weights and Measures Act 1963— <i>contd.</i>	
s 22	378
24	315, 371, 381, 382
(1)	196, 380, 381
(2), (3)	380, 381
(4)–(8)	381
25	382
(1)	384
(4)	382
26	383, 388
(1)	336, 383, 388
(2)	384
(6), (7)	384
27	383, 388
32	380
33	378, 379
(1)	379
41, 42, 45	368
48	368, 369
49	369
51	195, 346
52	191
(2)	196
54 (5)	389
58	374
(1)	375
Sch 1, Pt IV	379
Sch 1A	369
Sch 2	366
Sch 3	367, 370
Sch 4	372, 378
Pt I–III	373
Pt VII–IX	375
Pt X	376
Sch 5	372, 376, 378
Sch 6	372, 377, 378
Pt I	377
Pt III	377
Sch 7	372, 378, 379
Sch 8	372, 378
Weights and Measures Act 1979	
(49 Statutes 1538)	383, 386
s 1	387
2 (5)	387
5	387
19	374, 381, 388
Weights and Measures &c. Act	
1976 (46 Statutes 2117)	369, 389
Sch 4	377
Weights and Measures (Metric	
System) Act 1897	5
Weights and Measures Ordinance	
1885 (Hong Kong)	38

	PAGE		PAGE
Air India v Wiggins (1980)	194	Beckett v Kingston Bros (Butchers) Ltd (1970)	338
Allard v Selfridge & Co Ltd (1925)	317	Bentick Ltd v Cromwell Engineering Co Ltd (1971)	254
Allen v Simmons (1978)	204	Bentley (Dick) Productions Ltd v Harold Smith Motors (1965)	82, 83
Anderson v Britcher (1914)	356	Bibby-Cheshire v Golden Wonder Ltd (1972)	340, 383, 384
Andrews v Hopkinson (1957)	84	Biggin & Co Ltd v Permanite Ltd (1951)	102
Andrews Bros (Bournemouth) Ltd v Singer & Co Ltd (1934)	105	Birkenhead and District Co-operative Society Ltd v Roberts (1970)	339
Anglo-Continental Holidays Ltd v Typaldos (London) Ltd (1967)	111	Bishopsgate Motor Finance Corp v Transport Brakes Ltd (1949)	85
Anness v Grivell (1915)	357	Board v Thomas Hedley & Co Ltd (1951)	126
Anns v Merton London Borough (1978)	124, 169, 170	Bolam v Friern Hospital Management Committee (1957)	155
Arcos Ltd v E. A. Ronaason & Son (1933)	88	Bollinger (J.) v Costa Brava Wine Co Ltd (1960)	318
Ashby v Tolhurst (1937)	160	Boots Cash Chemists (Southern) Ltd v Cowling (1903)	356
Ashington Piggeries v Christopher Hill Ltd (1972)	96, 97	Brander v Kinnear (1923)	355
Askew v Intasun North Ltd (1980)	111, 158	Breed v Cluett (1970)	335
Astley Industrial Trust Ltd v Grimley (1963)	118	British Airways Board v Taylor (1975)	335
B G Transport Services v Marston Motor Co (1970)	160	British Fermentation Products Ltd v British Trading Co Ltd (1942)	364
Bagot v Stevens Scanlan & Co Ltd (1966)	155	British Gas Corp v Lubbock (1974)	317
Baldry v Marshall (1925)	95	Brougham v Whittaker (1944)	355
Barker v Hargreaves (1981)	337	Brown (B S) & Son Ltd v Craiks Ltd (1970)	92
Bartlett v Sidney Marcus Ltd (1965)	91	Brunner v Williams (1975)	368
Bastin v Davies (1950)	355	Buchanan-Jardine v Hamlink and Anor (1981)	90
Batty v Metropolitan Property Realisations Ltd (1978)	155, 156		
Beale v Taylor (1967)	82, 83, 88		
Bebee v Sales (1916)	122		
Beckett v Cohen (1973)	335, 336		