



# Trading Stamps Act 1964

## 1964 CHAPTER 71

An Act to make provision with respect to trading stamps, including provision for regulating the issue, use and redemption of trading stamps; to provide for regulating the business of issuing and redeeming trading stamps; and for purposes connected with the matters aforesaid. [31st July 1964]

### Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

### 1 Restrictions on persons who may carry on business as promoters of trading stamp schemes.

(1) No person other than a company or an industrial and provident society shall carry on business as the promoter of a trading stamp scheme.

(2) .....<sup>F1</sup>

(3) If a person carries on business in contravention of subsection (1) of this section he shall be liable—

- (a) on conviction on indictment to a fine of any amount, and
- (b) on summary conviction to a fine not exceeding one hundred pounds.

(4) In this and the next following section—

“company” means a company formed and registered under the <sup>M1</sup>[<sup>F2</sup>Companies Act 1985] or an existing company within the meaning of that Act, and “private company” has the same meaning as in that Act;

“industrial and provident society” means a society registered under the <sup>M2</sup>Industrial and Provident Societies Act 1893.

### Textual Amendments

F1 S. 1(2) repealed by [Companies Act 1967 \(c. 81\), Sch. 8 Pt. VIII](#)

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*Changes to legislation: There are currently no known outstanding effects for the Trading Stamps Act 1964 (repealed). (See end of Document for details)*

**F2** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)

#### Marginal Citations

**M1** 1985 c. 6.

**M2** 1893 c. 39.

## 2 Statements required on face of trading stamps.

- [<sup>F3</sup>(1) No person shall after the coming into force of this section issue any trading stamp, or, cause any trading stamp to be issued, or deliver any trading stamp to any person in connection with the sale of any goods, the bailment or (in Scotland) the hiring of any goods under a hire-purchase agreement or the performance of any services, unless such trading stamp bears on its face in clear and legible characters a value expressed in or by reference to current coin of the realm.]
- (2) As from the coming into force of this section it shall be the duty of a company or industrial and provident society carrying on business as the promoter of a trading stamp scheme to secure that all trading stamps issued under the scheme bear on their face in clear and legible characters—
- (a) in the case of a company, either the name of the company or a business name registered in respect of the company under the <sup>M3</sup>Registration of Business Names Act 1916;
  - (b) in the case of an industrial and provident society, the name of the society.
- (3) A person guilty of a contravention of subsection (1) of this section or of a failure to comply with subsection (2) of this section shall on summary conviction be liable to a fine not exceeding—
- (a) in the case of an offence by a promoter of a trading stamp scheme, [<sup>F4</sup>level 3 on the standard scale]one hundred pounds, and
  - (b) in the case of an offence by some other person, [<sup>F4</sup>level 1 on the standard scale].

#### Textual Amendments

**F3** S. 2(1) substituted by [Consumer Credit Act 1974 \(c. 39, SIF 60\)](#), s. 192(3), [Sch. 4 Pt. I para. 24](#)

**F4** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

#### Marginal Citations

**M3** 1916 c. 58.

## 3 Redemption of trading stamps for cash.

- (1) If the holder of any number of redeemable trading stamps which have an aggregate cash value of not less than five shillings so requests, the promoter of the trading stamp scheme shall redeem them by paying over their aggregate cash value.
- (2) The holder may exercise his right under the foregoing subsection—
- (a) by presenting the stamps at any reasonable time at the promoter's registered office, or

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- (b) by sending the stamps by post to that office with sufficient instructions as to the manner in which the cash value is to be paid over,  
or in any other manner afforded by the promoter.
- (3) The obligation under this section in the case of an aggregate cash value which includes a fraction of a [<sup>F5</sup>new penny] shall be arrived at by taking the sum to the nearest [<sup>F5</sup>new penny] below the aggregate cash value.
- [<sup>F6</sup>(4) In this section “redeemable trading stamps” means trading stamps delivered after the coming into force of this section in accordance with a trading stamp scheme on or in connection with either—
- (a) the purchase of any goods,
  - (b) the bailment or (in Scotland) the hiring of any goods under a hire-purchase agreement, or
  - (c) the obtaining of any services for money,
- and “the holder”, in relation to such a trading stamp, means the person to whom it was so delivered or any person who holds it without notice of any defect in title.]
- (5) Subject to the following subsection this section shall also apply to trading stamps so delivered before the date of the coming into force of this section if a cash value is stated on their face.
- (6) This section shall not apply—
- (a) to trading stamps which have been so delivered before the date of the coming into force of this section and which show on their face that they were so delivered before that date, or
  - (b) to trading stamps which have been so delivered not later than six months after the passing of this Act and which show on their face, instead of any reference to any kind of value to the holder, a value indicating the sum paid on the purchase or other transaction in connection with which they were delivered or some other value which, having regard to the terms of the trading stamp scheme, it would be unreasonable to take as their value for the purposes of redemption under this section.
- (7) Any agreement under which the rights conferred by this section on holders of redeemable trading stamps are surrendered or modified shall be void.

#### Textual Amendments

**F5** Words substituted by [Decimal Currency Act 1969 \(c. 19\), Sch. 2 para. 22](#)

**F6** [S. 3\(4\)](#) substituted by [Consumer Credit Act 1974 \(c. 39, SIF 60\), s. 192\(3\), Sch. 4 Pt. I para. 25](#)

#### Modifications etc. (not altering text)

**C2** In [S. 3\(1\)](#) “Five shillings” reads “25p” by virtue of [Decimal Currency Act 1969 \(c. 19, SIF 10\), s. 10\(1\)](#)

#### [<sup>F7</sup>4 **Warranties to be implied on redemption of trading stamps for goods.**

- (1) In every redemption of trading stamps for goods, notwithstanding any terms to the contrary on which the redemption is made, there is—
- (a) an implied [<sup>F8</sup>term] on the part of the promoter of the trading stamp scheme that he has a right to give the goods in exchange;

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- (b) an implied [<sup>F8</sup>term] that the goods are free from any charge or encumbrance not disclosed or known to the person obtaining the goods before, or at the time of, redemption and that that person will enjoy quiet possession of the goods except so far as it may be disturbed by the owner or other person entitled to the benefit of any charge or encumbrance so disclosed or known;
- <sup>F9</sup>(c) [ an implied term that the goods are of satisfactory quality.]
- <sup>F10</sup>(2) [ For the purposes of paragraph (c) of subsection (1) of this section, goods are of satisfactory quality if they meet the standard that a reasonable person would regard as satisfactory, taking account of any description of the goods and all the other relevant circumstances.
- (2A) For the purposes of that paragraph, the quality of goods includes their state and condition and the following (among others) are in appropriate cases aspects of the quality of goods—
- (a) fitness for all the purposes for which goods of the kind in question are commonly supplied,
  - (b) appearance and finish,
  - (c) freedom from minor defects,
  - (d) safety, and
  - (e) durability.
- (2B) The term implied by that paragraph does not extend to any matter making the quality of goods unsatisfactory—
- (a) which is specifically drawn to the attention of the person obtaining the goods before or at the time of redemption, or
  - (b) where that person examines the goods before or at the time of redemption, which that examination ought to reveal.
- (3) As regards England and Wales, the terms implied by subsection (1) of this section are warranties.]]

#### Textual Amendments

- F7** S. 4 substituted by [Supply of Goods \(Implied Terms\) Act 1973 \(c. 13\), s. 16\(1\)](#)
- F8** Words in s. 4(1)(a)(b) substituted (3.1.1995) by 1994 c. 35, ss. 7(1), 8(2), [Sch. 2 para. 1\(2\)](#) (with s. 8(3)).
- F9** S. 4(1)(c) substituted (3.1.1995) by 1994 c. 35, ss. 7(1), 8(2), [Sch. 2 para. 1\(2\)](#) (with s. 8(3)).
- F10** S. 4(2)(2A)(2B)(3) substituted for s. 4(2)(3) (3.1.1995) by 1994 c. 35, ss. 7(1), 8(2), [Sch. 2 para. 1\(3\)](#) (with s. 8(3)).

## 5 Catalogues and stamp books to include name and address of promoter.

- (1) Every catalogue published by or on behalf of the promoter of a trading stamp scheme which indicates (whether by reference to a stated number of filled stamp books or otherwise) the number of trading stamps required to obtain anything described in the catalogue, and every stamp book published by or on behalf of the promoter of such a scheme, shall contain a prominent statement of the name of the promoter and the address of the promoter's registered office.

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- (2) If the promoter of a trading stamp scheme publishes, issues or distributes a catalogue or stamp book which fails to comply with any of the requirements of this section, he shall be liable on summary conviction to a fine not exceeding [<sup>F11</sup>level 3 on the standard scale].

#### Textual Amendments

- F11** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

## 6 Advertisements referring to value of trading stamps.

- (1) It shall be unlawful for the promoter of a trading stamp scheme, or for any person carrying on a trade or business in which a trading stamp scheme is operated, after the coming into force of this section to issue or publish, or cause to be issued or published, an advertisement in any medium which conveys, or purports to convey, the cash value of any trading stamps—
- (a) by means of a statement which associates the worth of any trading stamps with what the holder pays or may pay to obtain them, or
  - (b) in terms which are misleading or deceptive.
- (2) A person contravening this section shall be liable on summary conviction to a fine not exceeding [<sup>F12</sup>level 3 on the standard scale].
- (3) For the purposes of this section an advertisement issued by way of display or exhibition in a public place shall be treated as issued on every day on which it is so displayed or exhibited, but in proceedings brought by virtue of this subsection in a case where the display or exhibition began before the date of the coming into force of this section, it shall be a defence to show that the defendant had taken all reasonable steps to secure that the display or exhibition was terminated before the date.

#### Textual Amendments

- F12** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [ss. 38, 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [ss. 289F, 289G](#)

## 7 Display of information in shops.

- (1) In the case of every shop in which a trading stamp scheme is operated—
- (a) there shall be kept posted a notice stating the cash value of the trading stamps issued under the scheme and giving such particulars as will enable customers readily to ascertain the number of trading stamps, if any, to which they are entitled on any purchase or other transaction, and
  - (b) if any current catalogue has been published for the trading stamp scheme by or on behalf of the promoter, a copy of that catalogue shall be kept where it can be conveniently consulted by customers.
- (2) A notice under this section shall be posted in such characters and in such a position as to be conveniently read by customers.

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- (3) If without reasonable excuse any of the foregoing provisions of this section are not complied with in the case of any shop, the occupier or other person having control of the shop shall be liable on summary conviction to a fine not exceeding [<sup>F13</sup>level 1 on the standard scale].
- (4) If any person pulls down, . . . <sup>F14</sup> any notice posted in pursuance of this section, he shall be liable on summary conviction to a fine not exceeding [<sup>F13</sup>level 1 on the standard scale].
- (5) In this section “current catalogue” means any such catalogue as is described in section 5(1) of this Act, being a catalogue which has not been superseded or withdrawn.

#### Textual Amendments

- F13** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**
- F14** Words repealed by [Criminal Damage Act 1971 \(c. 48\)](#), **ss. 11(8), 12(6)**, **Sch. Pt. II**

## 8 Offences committed by corporations.

Where any offence under this Act committed by a corporation is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the corporation, he, as well as the corporation, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## 9 Venue in summary proceedings.

Summary proceedings against a person for an offence under this Act may be taken before the court having jurisdiction in the place where that person is for the time being or, in the case of a body corporate, for the time being has a place of business.

## 10 Interpretation.

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“cash value” means, in relation to any trading stamp, the value stated on such stamp;

[<sup>F15</sup>“conditional sale agreement” means an agreement for the sale of goods under which the purchase price or part of it is payable by instalments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;]

“corporation” means any body corporate, whether incorporated in Great Britain or elsewhere;

“goods” includes vehicles, vessels, aircraft and animals, and generally includes articles and property of any description;

[<sup>F16</sup>“hire-purchase agreement” means an agreement, other than a conditional sale agreement, under which—

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- (a) goods are bailed or (in Scotland) hired in return for periodical payments by the person to whom they are bailed or hired, and
- (b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs—
  - (i) the exercise of an option to purchase by that person,
  - (ii) the doing of any other specified act by any party to the agreement,
  - (iii) the happening of any other specified event;]

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.....  
“to redeem” means, in relation to any trading stamps, to exchange such stamps (whether by delivering up the stamps or by suffering the same to be cancelled or otherwise howsoever) for money or for goods or for any other benefit, allowance, concession or advantage (but not including the service or repair by the seller or manufacturer of the goods upon or in connection with the purchase of which the stamps are delivered or the replacement of such goods if defective); and the expressions “redeemable” and “redemption” shall be construed accordingly;

“shop” includes any premises, and any vehicle, stall or place other than premises, on or in which any retail trade or business is carried on;

“stamp” means any stamp, coupon, voucher, token or similar device, whether adhesive or not, other than lawful money of the realm;

“stamp book” means a book or similar article in or to which it is intended that trading stamps shall be affixed;

[<sup>F18</sup>“trading stamp” means a stamp which is, or is intended to be, delivered to any person on or in connection with either—

- (i) the purchase of any goods, or
- (ii) the bailment or (in Scotland) the hiring of any goods under a hire-purchase agreement,

(other than the purchase of a newspaper or other periodical of which the stamp forms part or in which it is contained) and is, or is intended to be, redeemable (whether singly or together with other such stamps) by that or some other person:

Provided that a stamp shall not be deemed to be a trading stamp if—

- (a) it is delivered or is intended to be delivered to a person (in this definition called “the purchaser”) on or in connection with the purchase of any goods by the purchaser, or the bailment or (in Scotland) the hiring to him of any goods, and
- (b) it is intended to be, and is not, redeemable from any person other than—
  - (i) the person (in this definition called “the seller”) from whom the purchaser purchased those goods, or who bailed or hired those goods to him, or
  - (ii) any person from whom the seller (whether directly or indirectly) acquired those goods, and
- (c) in the case where a business is carried on by six or more retail establishments, the stamp is one of a kind obtainable at no more than six of those retail establishments, and not obtainable by the public elsewhere, and the arrangements under which it is redeemable are entirely separate from arrangements under which any other stamps, whether trading stamps or not, are redeemable,

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and references in this definition to the purchase of goods include references to the obtaining of services for money;]

“trading stamp scheme” means any arrangements for making trading stamps available for use in shops or elsewhere, together with arrangements for their redemption, and “promoter”, in relation to a trading stamp scheme, includes, in a case where a person carrying on a retail trade or business assumes responsibility for the redemption of trading stamps, that person.

- (2) For the purposes of this Act, a person shall be deemed to be a director of a corporation if he occupies in relation thereto the position of a director, by whatever name called, or is a person in accordance with whose directions or instructions the directors of the corporation or any of them act:

Provided that a person shall not, by reason only that the directors of a corporation act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.

#### **Textual Amendments**

- F15** Definition inserted by [Consumer Credit Act 1974 \(c. 39, SIF 60\)](#), s. 192(3), [Sch. 4 Pt. I para. 26\(1\)](#)
- F16** Definition inserted by [Consumer Credit Act 1974 \(c. 39, SIF 60\)](#), s. 192(3), [Sch. 4 Pt. I para. 26\(2\)](#)
- F17** Definition repealed by [Consumer Credit Act 1974 \(c. 39, SIF 60\)](#), s. 192(3), [Sch. 5 Pt. I](#)
- F18** Words substituted by [Consumer Credit Act 1974 \(c. 39, SIF 60\)](#), s. 192(3), [Sch. 4 Pt. I para. 26\(3\)](#)

## **11 Short title, extent and commencement.**

- (1) This Act may be cited as the Trading Stamps Act 1964.
- (2) This Act shall not extend to Northern Ireland.
- (3) Section 1 of this Act shall come into force at the expiration of a period of six months beginning with the date of the passing of this Act, and sections 2 to 7 of this Act shall come into force at the expiration of a period of twelve months beginning with that date.



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**Changes to legislation:**

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