



Fair Trading Act 1973

1973 CHAPTER 41

PART XII

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

138 Supplementary interpretation provisions

- (1) This section applies to the following provisions of this Act, that is to say, section 2(4), Parts II and III, section 137(6), and the definition of "consumer" contained in section 137(2),
- (2) For the purposes of any provisions to which this section applies it is immaterial whether any person supplying goods or services has a place of business in the United Kingdom or not.
- (3) For the purposes of any provisions to which this section applies any goods or services supplied wholly or partly outside, the United Kingdom, if they are supplied in accordance with arrangements made in the United Kingdom, whether made orally or by one or more documents delivered in the United Kingdom or by correspondence posted from and to addresses in the United Kingdom, shall be treated as goods supplied to, or services supplied for, persons in the United Kingdom.
- (4) In relation to the supply of goods under a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, the person conducting any antecedent negotiations, as well as the owner or seller, shall for the purposes of any provisions to which this section applies be treated as a person supplying or seeking to supply the goods.
- (5) Subsection (4) of this section shall be construed—
 - (a) in relation to England and Wales, in accordance with subsections (1), (3), (4) and (5) of section 58 of the Hire-Purchase Act 1965 ;
 - (b) in relation to Scotland, in accordance with subsections (1), (3), (4) and (5) of section 54 of the Hire-Purchase (Scotland) Act 1965 ; and
 - (c) in relation to Northern Ireland, in accordance with subsections (1), (3), (4) and (5) of section 65 of the Hire-Purchase Act (Northern Ireland) 1966.

Status: This is the original version (as it was originally enacted).

- (6) In any provisions to which this section applies—
- (a) any reference to a person to or for whom goods or services are supplied shall be construed as including a reference to any guarantor of such a person, and
 - (b) any reference to the terms or conditions on or subject to which goods or services are supplied shall be construed as including a reference to the terms or conditions on or subject to which any person undertakes to act as such a guarantor ;
- and in this subsection " guarantor ", in relation to a person to or for whom goods or services are supplied, includes a person who undertakes to indemnify the supplier of the goods or services against any loss which he may incur in respect of the supply of the goods or services to or for that person.
- (7) For the purposes of any provisions to which this section applies goods or services supplied by a person carrying on a business shall be taken to be supplied in the course of that business if payment for the supply of the goods or services is made or (whether under a contract or by virtue of an enactment or otherwise) is required to be made.