
STATUTORY INSTRUMENTS

1992 No. 1524

The Health and Safety (Leasing Arrangements) Regulations 1992

Modification of section 6 of the 1974 Act in the case of a first lease

3. Where a person (“the ostensible supplier”) supplies an article for use at work or an article of fairground equipment to another (“the customer”) under a lease, and the ostensible supplier—

- (a) has not previously granted any lease to the customer in respect of that article, and
- (b) carries on the business of financing by means of leases the use of goods by others, and
- (c) in the course of that business acquired his interest in the article for the purpose of financing its provision to the customer by a third person (“the effective supplier”), and
- (d) he or his agent either—
 - (i) has not had physical possession of the article, or
 - (ii) has had physical possession of the article only for the purpose of passing it to the customer, and
- (e) he or his agent has not modified, overhauled, repaired or restored the article,

then section 6 of the 1974 Act shall be modified in relation to that class of case so that the effective supplier and not the ostensible supplier shall be treated for the purposes of that section as supplying the article to the customer; and accordingly the duties imposed by subsections (1) and (1A) of that section in respect of the supply of the article shall fall on the effective supplier and not on the ostensible supplier.