CHAPTER 41

An Act to make provision as to the information to be included in advertisements displayed or issued in connection with hire-purchase or credit sale; and for purposes connected with the matter aforesaid.

[17th July, 1957]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Advertisements to which Act applies.

1.—(1) This Act applies to any advertisement of any goods as being goods available for disposal by way of hire-purchase or credit sale, if the advertisement includes any one or more of the elements mentioned in the next following subsection and is not an advertisement falling within subsection (3) of this section.

(2) The said elements are—

(*a*) an indication that a deposit is payable, consisting of or including either an indication of the amount of the deposit or an indication that it is a fraction specified in the advertisement, whether the amount of which it is a fraction is specified in the advertisement or not;

(*b*) words indicating that no deposit is payable;

(*c*) an indication of the amount of any one or more of the instalments payable.

(3) An advertisement of goods as being goods available for disposal by way of credit sale is not an advertisement to which

this Act applies, notwithstanding that it includes one or more of the elements mentioned in the last preceding subsection, if—

(*a*) it does not advertise any goods as being available for disposal by way of hire-purchase, and

(*b*) the terms of credit sale set out in the advertisement are such that no single article could be disposed of in accordance with those terms at a total price exceeding five pounds.

Information to be included in advertisements to which Act applies.

2.—(1) An advertisement to which this Act applies shall not be displayed or issued unless it includes all the information required by this Act, and each part of that information is displayed clearly in the advertisement, in such a way as not to give undue prominence to any part of it in comparison with any other part.

(2) Where an advertisement contains details of payments in respect of any goods, then, in so far as it relates to those goods, the information required by this Act is the following, that is to say,—

(*a*) either—

(i) the amount of the deposit directly expressed, or

(ii) a statement that the amount of the deposit is a fraction specified in the advertisement of a sum the amount of which is directly expressed therein, or

(iii) a statement that no deposit is payable;

(*b*) the amount of each instalment directly expressed;

(*c*) the total number of instalments payable;

(*d*) the length of the period in respect of which each instalment is payable;

(*e*) if any instalments are payable before delivery of the goods, the number of instalments so payable; and

(*f*) a sum stated as the cash price of the goods.

(3) In so far as an advertisement to which this Act applies relates to goods in respect of which the advertisement does not contain details of payments, the information required by this Act is that specified in the last preceding subsection, subject to the following modifications, that is to say,—

(*a*) with regard to the deposit, the information required by this Act (instead of that specified in paragraph (*a*) of the last preceding subsection) is either—

(i) a statement that the amount of the deposit is a fraction specified in the advertisement of a price or sum the nature of which is clearly indicated in the advertisement, or

(ii) a statement that no deposit is payable, and

(*b*) paragraphs (*b*) and (*f*) of the last preceding subsection shall not apply.

(4) For the purposes of this section an advertisement shall be taken to contain details of payments in respect of any goods if it specifies the amount of the deposit payable in respect of those goods, or of any one or more of the instalments so payable, and that amount is directly expressed in the advertisement.

(5) Without prejudice to the generality of subsection (1) of this section, in the case of an advertisement of goods—

(*a*) as being goods available for disposal alternatively by way of hire-purchase or by way of credit sale, or

(*b*) as being goods available for disposal in accordance with two or more alternative schemes of hire-purchase, or two or more alternative schemes of credit sale,

the information required by this Act shall not be taken to be displayed clearly in the advertisement if it is not displayed so as to distinguish clearly between the information applicable to hire-purchase and the information applicable to credit sale, or, as the case may be, so as to distinguish clearly between the information applicable to each of the schemes of hire-purchase or credit sale respectively.

Penalties.

3.—(1) Subject to the provisions of this section, any person who displays or issues an advertisement in contravention of the provisions of the last preceding section, or causes an advertisement to be displayed or issued in contravention of those provisions, shall be guilty of an offence and liable on summary conviction,—

(*a*) if it is his first conviction of an offence under this Act, to a fine not exceeding fifty pounds;

(*b*) in any other case, to a fine not exceeding one hundred pounds.

(2) Where a person is charged with an offence under this Act, it shall be a defence to prove—

(*a*) that the matters contained in the advertisement did not relate to anything to be done in the course of a business carried on by him; and

(*b*) that the matters so contained were not (wholly or in part) devised or selected by him or by any other person under his direction or control.

(3) Proceedings for any offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against a person at any place at which he is for the time being.

(4) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly:

Provided that, for the purposes of the application of subsection (2) of this section to any proceedings, in so far as they are brought against a person by virtue of this subsection in respect of an offence committed by a body corporate, references in paragraphs (*a*) and (*b*) of that subsection to the person charged shall be construed as references to the body corporate.

(5) In this section " director ", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Interpretation.

4.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" advertisement " includes every visual form of advertising (whether or not accompanied by spoken words or other sounds), whether in a publication, or by the display of notices, or by means of catalogues, price lists, labels, cards or other documents, or by the exhibition of cinematograph films or photographs, or by way of television, or in any other way, but does not include any form of advertising consisting only of spoken words, with or without other sounds;

" credit sale " means the sale of goods in pursuance of an agreement under which the whole or part of the purchase price is payable by instalments;

" deposit " includes any initial payment to be made before or at the time of entering into an agreement;

" directly expressed " means expressed (whether in words or figures or both) otherwise than as a fraction of, or by reference to, some other amount;

" disposal ", in relation to goods, includes—

(*a*) the disposal of the ownership of the goods, or of any proprietary interest in them, or of the right to possession of the goods, and

(*b*) the disposal of the possession of the goods, whether or not accompanied by any disposal of the ownership of the goods, or of any proprietary interest in them, or of the right to possession of them;

" fraction " includes a proportion expressed as a percentage or in any other way;

" goods " includes vehicles, vessels, aircraft and animals, and generally includes articles of any description;

" hire-purchase ", in relation to England and Wales, means the bailment of goods in pursuance of an agreement under which the bailee may buy the goods or under which the property in the goods will or may pass to the bailee, whether on the performance of any act by the parties to the agreement or any of them or in any other circumstances, and, in relation to Scotland, means the letting of goods under a contract to which paragraph (*a*) of section one of the Hire Purchase and Small Debt (Scotland) Act, 1932, applies, or would apply if the limitation as to value contained in that paragraph were omitted. 22 & 23 Geo. 5. c. 38.

(2) In the case of any advertisement contained in a cinematograph film or in a television programme,—

(*a*) for the purposes of section one of this Act, and for the purpose of determining under section two of this Act whether the advertisement contains details of payments in respect of any goods, anything included in any spoken words or other sounds by which the advertisement is accompanied shall be taken to form part of the advertisement;

(*b*) for the purposes of section two of this Act, other than the purpose mentioned in the preceding paragraph, information shall be taken not to be included in the advertisement unless it is contained in it in a visual form;

(*c*) in determining, for the purposes of subsection (1) of section two of this Act, whether each part of the information required by this Act is displayed clearly in the advertisement, in such a way as not to give undue prominence to any part of it in comparison with any other part, regard shall be had to the length of time for which the advertisement is displayed (or, if different parts of the advertisement are displayed successively, to the length of time taken by each of them and to the aggregate length of time taken by them all) as well as to the contents of the advertisement.

(3) For the purposes of this Act it is immaterial whether any information included in an advertisement does or does not correspond with the terms on which goods to which the advertisement relates are in fact disposed of; and accordingly—

(*a*) for the purposes of subsection (2) of section one of this Act, and of subsection (4) of section two of this Act, an advertisement shall be taken to specify the amount of a deposit or instalment if it specifies an amount as being the amount of the deposit or instalment in question, and

(*b*) in so far as any provision of this Act requires information as to an amount or number, or the length of a period, to be included in an advertisement, that provision (subject to compliance with any requirement of this Act as to the manner in which any such information is to be expressed or displayed) shall be taken to be complied with if the advertisement specifies an amount or number, or length of period, as being the amount or number in question, or the length of the period in question, as the case may be.

Short title, commencement and extent.

5.—(1) This Act may be cited as the Advertisements (Hire-Purchase) Act, 1957.

(2) This Act shall come into operation on the first day of January, nineteen hundred and fifty-eight.

(3) This Act does not extend to Northern Ireland.

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