STATUTORY INSTRUMENTS

1967 No. 1292

HIRE PURCHASE

The Control of Hiring (Amendment No. 6) Order 1967

Made - - - -	25*th August* 1967
Laid before Parliament	30*th August* 1967
Coming into Operation	31*st August* 1967

The Board of Trade in pursuance of the powers conferred upon them by sections 1 and 22(3) of the Emergency Laws (Re-enactments and Repeals) Act 1964(a) hereby order as follows:—

1. The Control of Hiring Order 1964(b), as amended(c), shall have effect in relation to an agreement to let goods on hire entered into on or after 31st August 1967 subject to the following amendments:—

(*a*) in Article 8, for the references to items 1–4 there shall be substituted references to items 1–5 and for the references therein to goods of the description specified in item 5 there shall be substituted references to goods of any of the descriptions specified in items 6 and 7; and

(*b*) for Schedule 1 and Part I of Schedule 2 to the said Order there shall be substituted, respectively, Schedule 1 and Schedule 2 to this Order.

2.—(1) The Control of Hiring (Amendment No. 3) Order 1966(d), the Control of Hiring (Amendment No. 4) Order 1967(e), and the Control of Hiring (Amendment No. 5) Order 1967(f), are hereby revoked.

(2) This Order may be cited as the Control of Hiring (Amendment No. 6) Order 1967 and shall come into operation on 31st August 1967.

Richard Powell,
Secretary of the Board of Trade.

25th August 1967.

(a) 1964 c. 60.
(b) S.I. 1964/943 (1964 II, p. 2117).
(c) S.I. 1966/886; 1967/575, 865 (1966 II, p. 2089; 1967 I, p. 1782, II, p. 2596).
(d) S.I. 1966/886 (1966 II, p. 2089).
(e) S.I. 1967/575 (1967 I, p. 1782).
(f) S.I. 1967/865 (1967 II, p. 2596).

SCHEDULE 1

(*Schedule* 1 *to S.I.* 1964/943)

GOODS TO WHICH THIS ORDER APPLIES

Column 1 Description of goods	Column 2 Minimum hire period weeks
1. Radio receiving sets and television receiving sets (including portable sets and sets designed for use in road vehicles) whether or not assembled and whether or not complete; television aerials, cathode ray tubes, loud speakers and television conversion units	30
2. Gramophones, radio-gramophones, record players and juke boxes, tape recorders	30
3. Space heating installations and appliances of a kind designed exclusively or mainly for domestic use ...	30
4. Appliances and apparatus, whether mechanically operated or not, being appliances or apparatus of a kind designed exclusively or mainly for domestic use, the following:—	
Dish washers	30
Drying cabinets and drying machines	30
Washing machines and washers excluding washing machines and washers which are designed for heating water by electricity or gas but which are not otherwise designed for operation by electricity or gas ...	30
Ironing machines and irons	30
Wringers and mangles	30
Pressure cookers	30
Floor polishers	30
Vacuum cleaners	30
Water softeners	30
Refrigerators having a storage capacity not exceeding 12 cubic feet	30
Machines for mixing, extracting and preparation of food and drink	30
Electric kettles and other cooking utensils incorporating heating elements, including electric hot-plates	30
Dry shavers, electrically operated	30
Sewing machines	30
Knitting machines	30
Hair drying machines	30
5. Photographic cameras and photographic enlargers and lenses therefor, projectors and other photographic equipment not designed specifically for industrial, scientific or commercial use	42
6. Mechanically propelled road vehicles having not less than four wheels constructed or adapted for the carriage of passengers or goods; excluding:—	
(i) ambulances,	
(ii) invalid carriages,	
(iii) vehicles specially constructed or adapted for disabled people,	
(iv) vehicles built to a specification designed to comply with the conditions of fitness laid down by the Commissioner of Police of the Metropolis for the purposes of the London Cab Order 1934(a),	
(v) vehicles constructed to carry not less than twelve passengers,	
(vi) vehicles rated by the manufacturers to have a payload capacity of not less than 30 cwt. of goods,	
(vii) dumpers	26

(a) S.R. & O. 1934/1346 (Rev. XIV, p. 795: 1934 I, p. 1221).

Column 1 Description of goods	Column 2 Minimum hire period weeks
7. Mechanically propelled road vehicles having less than four wheels constructed or adapted for the carriage of passengers or goods, mechanically propelled bicycles and tricycles, and sidecars, excluding goods of any of the descriptions mentioned in the exclusions in item 6	26

SCHEDULE 2

(*Part I of Schedule* 2 *to S.I.* 1964/943)

PART I

1. The agreement is in writing and is for a definite period of not less than the minimum hire period or for an indefinite period.

2. The terms of the agreement are such that—

(*a*) the rentals for the hire of the goods comprised in the agreement are payable in respect of either weekly, monthly or quarterly periods;

(*b*) the periods in respect of which the rentals are payable are either all weekly, all monthly or all quarterly;

(*c*) the first such period commences on the date on which the agreement is entered into;

(*d*) no rental payable in respect of any period after the expiry of the minimum hire period from the date on which the agreement is entered into is greater than the smallest rental payable in respect of any period during the said minimum hire period;

(*e*) the total amount of the rentals payable under the agreement in respect of each period is ascertainable at the date on which the agreement is entered into; and

(*f*) no rental payable in respect of any period is less than 25 per cent of the highest rental payable in respect of any other period.

3.—(1) Before the agreement was entered into actual payment was made in respect of the goods comprised in the agreement of not less than the aggregate of—

(*a*) all the rentals payable for the hire of those goods in respect of the minimum hire period from the date on which the agreement was entered into; and

(*b*) all the charges payable for or in connection with any services (other than the supply of electricity or gas by a corporation established by the Electricity Act 1947(a) or the Gas Act 1948(b)) to be performed in relation to those goods during the minimum hire period from the date on which the agreement was entered into, being charges payable under that agreement or under any other agreement made or intended to be made between the parties in relation to those goods or under any other agreement made or to be made in relation to those goods as a condition for entering into the agreement for the hire of those goods:

Provided that this sub-paragraph shall not apply to any agreement which is a renewal or extension of an agreement which was entered into for a definite period of not less than the minimum hire period, and such renewal or extension takes effect immediately on the expiry of that period.

(2) In computing for the purposes of sub-paragraph (1) of this paragraph the amount of which actual payment is required before an agreement is entered into, account may be taken of any sum payable to the hirer by the person letting on hire the goods subject to the agreement on the sale to that person by the hirer of any other goods being respectively a sale made in consideration of the making of that hiring agreement and a sum which is reasonable in relation to the value of the goods sold:

(a) 10 & 11 Geo. 6. c. 54. (b) 11 & 12 Geo. 6. c. 67.

Provided that this sub-paragraph shall not apply in respect of any agreement entered into after the coming into operation of this Order to let goods on hire which comprises wholly or partly any of the goods described in item 1 of Schedule 1 hereto or a radio-gramophone.

4. The terms of any agreement under which any charges referred to in head (*b*) of paragraph 3 of this Part of this Schedule are payable are such that—

(*a*) the charges are payable in respect of either weekly, monthly or quarterly periods;

(*b*) the periods in respect of which the charges are payable are either all weekly, all monthly or all quarterly;

(*c*) the first such period commences on the date on which the agreement is entered into;

(*d*) no charge payable in respect of any period after the expiry of the minimum hire period from the date on which the agreement is entered into is greater than the smallest charge in respect of any period during the said minimum hire period;

(*e*) the total amount of the charges payable under the agreement in respect of each period is ascertainable at the date on which the agreement is entered into.

5. In this Part of this Schedule—

(*a*) except in head (*b*) of this paragraph, references to goods comprised in any agreement shall be construed as references to all the goods comprised in that agreement whether or not goods to which this Order applies;

(*b*) the "minimum hire period", in relation to any agreement, means—

(*a*) where the agreement comprises one description of goods to which this Order applies or comprises two or more such descriptions in relation to each of which the same period is specified in Schedule 1 to this Order, the period so specified in relation to that description or, as the case may be, those descriptions of goods;

(*b*) in any other case, the longer or longest of the periods specified in that Schedule being a period specified in relation to a description of goods comprised in the agreement.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order amends the Control of Hiring Order 1964, as amended.

The changes are—

(1) the rentals or charges which have to be paid before a hiring agreement is entered into are reduced in the case of most goods to which the Order already applies. The rentals or charges in the case of goods other than motor vehicles are those payable in respect of the first 30 weeks instead of the first 42 weeks, and in the case of motor vehicles with not less than four wheels those payable in respect of the first 26 weeks instead of the first 32 weeks. 26 weeks is already specified for other motor vehicles; and

(2) certain photographic equipment, for which a period of 42 weeks is specified, is brought within the scope of the Order.