STATUTORY INSTRUMENTS

1961 No. 54

EMERGENCY

The Control of Hiring (Amendment) Order, 1961

Made - - - -	16*th January*, 1961
Laid before Parliament	19*th January*, 1961
Coming into Operation	20*th January*, 1961

The Board of Trade in pursuance of the powers conferred upon them by Regulation 55 of the Defence (General) Regulations, 1939, as having effect by virtue of the Emergency Laws (Repeal) Act, 1959(**a**), hereby order as follows :—

1. The Control of Hiring Order, 1960(**b**), (hereinafter called "the principal Order") shall have effect subject to the following amendments :—

(*a*) after Article 3 there shall be added the following Article :—

"3A.—(1) A person shall not knowingly cause or permit another person to be in possession of any goods to which this Order applies in anticipation of the making of a hiring agreement in respect of those goods or other goods to which this Order applies unless, within 14 days of those goods being disposed of to that other person that other person has made actual payment of an amount calculated in accordance with the provisions of paragraph (2) hereof to the person who has disposed of the goods to him.

(2) The amount to be paid by a person by virtue of paragraph (1) hereof in respect of any goods shall be the amount which that person would have been required to pay in accordance with the provisions of paragraph 3 of Part I of the Second Schedule hereto if he had entered into an agreement for the hire of those or similar goods with the person disposing of those goods in the ordinary course of business on the date when those goods were disposed of to him.

(3) The provisions of Part II of the Second Schedule hereto shall, with the requisite modifications, apply for the purpose of determining whether this Article has been complied with as they apply for the purpose of determining whether the requirement specified in paragraph 3 of Part I of that Schedule has been complied with.

(4) Any payment made by virtue of this Article shall not be repaid in whole or in part unless and until the goods in respect of which the payment was made have been returned to the person to whom it was made."; and

(*b*) there shall be added to paragraph 2 of Part I of the Second Schedule thereto the following sub-paragraph :—

"(*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".

(**a**) 7 & 8 Eliz. 2. c. 19. (**b**) S.I. 1960/763 (1960 I, p. 1315).

2.—(1) The provisions of Article 3A of the principal Order shall not apply in relation to the possession of any goods by a person if those goods have been disposed of to him before the 20th day of January, 1961, in anticipation of the making of a hiring agreement.

(2) The provisions of paragraph 2 (*f*) of Part I of the Second Schedule to the principal Order shall apply only in respect of agreements to let goods on hire entered into on or after the 20th day of January, 1961.

3. This Order may be cited as The Control of Hiring (Amendment) Order, 1961, and shall come into operation on the 20th day of January, 1961.

Dated this 16th day of January, 1961.

R. Maudling,
President of the Board of Trade.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Control of Hiring Order, 1960. The principal changes are as follows:—

(1) the minimum rental under a hiring agreement is not to be less than 25 per cent. of the highest rental under that agreement;

(2) a payment of an amount equivalent to the advance rentals is now required to be made by a person if he is to be in possession of goods to which the Order applies for fourteen days or more in anticipation of the making of a hiring agreement.