

CHAPTER 342

HIRE PURCHASE

**HIRE PURCHASE (ADVERTISEMENT)
REGULATIONS**

S.I. 94/1974

(SECTION 48)

Commencement 19th December, 1974]

1. These Regulations may be cited as the Hire Purchase (Advertisement) Regulations. Citation.

2. In these Regulations, unless the context otherwise requires — Interpretation.

“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, cards, or other documents, or by the exhibition of cinematograph films or photographs, or in any other way, but does not include any form of advertising consisting only of spoken words, with or without other sounds;

“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.

(2) In the case of any advertisement contained in a cinematograph film —

(a) for the purposes of regulation 3, and for the purpose of determining under regulation 4 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 regulation 4, other than the purpose mentioned in subparagraph (a) of this paragraph, information shall be taken not to be included in the advertisement unless it is contained in a visual form;

(c) in determining, for the purposes of paragraph (1) of regulation 4 whether each part of the information required by that regulation 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 these Regulations 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 paragraph (2) of regulation 3, and of paragraph (4) of regulation 4, 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

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- (b) in so far as any provision of these Regulations 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 these Regulations 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 that period in question, as the case may be.

(4) In these Regulations, unless a contrary intention appears, references to a regulation are references to a regulation of these Regulations, and reference in a regulation to a paragraph are references to a paragraph of that regulation.

3. (1) These Regulations apply to any advertisement of any goods as being goods available for disposal by way of hire-purchase or credit sale or conditional sale, if the advertisement includes any one or more of the elements mentioned in paragraph (2) and is not an advertisement falling within paragraph (3).

Advertisements to which these Regulations apply.

(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 that 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 these Regulations apply, notwithstanding that it includes one or more of the elements mentioned in paragraph (2), if —

- (a) it does not advertise any goods as being available for disposal by way of hire-purchase or conditional sale; 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 \$20.00.

Information to be included in advertisement to which these Regulations apply.

4. (1) An advertisement to which these Regulations apply shall not be displayed or issued unless it includes all the information required by these Regulations, 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 regulation 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;
- (f) the rate of interest payable;
- (g) a sum stated as the cash price of the goods; and
- (h) a sum stated as the hire-purchase price or total purchase price, as the case may be.

(3) In so far as an advertisement to which these Regulations apply relates to goods in respect of which the advertisement does not contain details of payments, the information required by this regulation is that specified in paragraph (2), subject to the following modifications, that is to say —

- (a) with regard to the deposit, the information required by this regulation (instead of that specified in subparagraph (a) of paragraph (2) is either —

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- (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) subparagraphs (b), (f), (g) and (h) of paragraph (2) shall not apply.

(4) For the purposes of this regulation 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 paragraph (1), in the case of an advertisement of goods —

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

the information required by these Regulations 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 conditional sale 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 conditional sale or credit sale respectively.

5. (1) Subject to the provisions of this regulation, any person who displays or issues an advertisement in contravention of the provisions of these Regulations or causes an advertisement to be displayed or issued in contravention of these Regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding sixty dollars or to a term of imprisonment not exceeding three months or to both such fine and imprisonment.

Offences.

(2) Where a person is charged with an offence under this regulation 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.