

Trader's Warranty Regulations 1981

GN No. 238 of 1981

11th September

Regulations made by the Minister under section 8 of the Fair Trading Act 1979

1. These regulations may be cited as the Trader's Warranty Regulations 1981

2. In these regulations-

"goods" does not include-

- (a) second-hand goods,
- (b) goods sold by auction, tender or under a hire-purchase agreement

"hire purchase agreement" has the same meaning as in the Hire-Purchase (Credit Sales) Ordinance 1964;

"merchantable", in relation to goods, means fit for the purpose for which the goods are bought, having regard to their nature, durability trade description, advertisement and all other relevant factors.

3. (a) Subject to paragraph (b), every trader who sells to a consumer any goods shall be deemed to have given a warranty that the goods sold are merchantable.

(b) Paragraph (a) shall not apply in respect of any defect in the goods which-

- (i) a trader has specifically drawn to the attention of a consumer before the goods are sold;
- (ii) a consumer has seen or ought to have seen on a reasonable examination of the goods before he bought them;
- (iii) a consumer knew of before he bought the goods.

4. Every trader who acts in breach of the warranty given under regulation 3 shall commit an offence.

5. These regulations shall come into operation on 12 September 1981.

Made by the Minister on 1 September 1981.