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## STATUTORY INSTRUMENTS

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# 1987 No. 2049

## The Consumer Protection (Northern Ireland) Order 1987

### PART II

#### PRODUCT LIABILITY

##### Defences

7.—(1) In any civil proceedings by virtue of this Part against any person (“the person proceeded against”) in respect of a defect in a product it shall be a defence for him to show—

- (a) that the defect is attributable to compliance with any requirement imposed by or under any enactment or with any <sup>[F1retained]</sup> Community obligation; or
- (b) that the person proceeded against did not at any time supply the product to another; or
- (c) that the following conditions are satisfied, that is to say—
  - (i) that the only supply of the product to another by the person proceeded against was otherwise than in the course of a business of that person's; and
  - (ii) that Article 5(2) does not apply to that person or applies to him by virtue only of things done otherwise than with a view to profit; or
- (d) that the defect did not exist in the product at the relevant time; or
- (e) that the state of scientific and technical knowledge at the relevant time was not such that a producer of products of the same description as the product in question might be expected to have discovered the defect if it had existed in his products while they were under his control; or
- (f) that the defect—
  - (i) constituted a defect in a product (“the subsequent product”) in which the product in question had been comprised; and
  - (ii) was wholly attributable to the design of the subsequent product or to compliance by the producer of the product in question with instructions given by the producer of the subsequent product.

(2) In this Article “the relevant time”, in relation to electricity, means the time at which it was generated, being a time before it was transmitted or distributed, and in relation to any other product, means—

- (a) if the person proceeded against is a person to whom paragraph (2) of Article 5 applies in relation to the product, the time when he supplied the product to another;
- (b) if that paragraph does not apply to that person in relation to the product, the time when the product was last supplied by a person to whom that paragraph does apply in relation to the product.

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Consumer Protection (Northern Ireland) Order 1987. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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**F1** Word in art. 7(1)(a) inserted (31.12.2020) by The Metrology, Health and Safety and Product Safety (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/202), reg. 1(2), **Sch. 1 para. 1(4)**; 2020 c. 1, Sch. 5 para. 1(1)

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**Changes and effects yet to be applied to :**

- Instrument amended by [1994 c. 26 s. 106\(1\)Sch.4 para 1\(2\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 29(6)(b) words substituted by [S.I. 2000/2031 art. 22\(2\)](#)