
STATUTORY INSTRUMENTS

1987 No. 2049

The Consumer Protection (Northern Ireland) Order 1987

PART II

PRODUCT LIABILITY

Application of certain enactments etc.

9.—(1) Any damage for which a person is liable under Article 5 shall be deemed to have been caused for the purposes of the Fatal Accidents (Northern Ireland) Order 1977(1), by that person's wrongful act, neglect or default.

(2) Where—

- (a) a person's death is caused wholly or partly by a defect in a product, or a person dies after suffering damage which has been so caused;
- (b) a request such as mentioned in sub-paragraph (a) of paragraph (3) of Article 5 is made to a supplier of the product by that person's personal representatives or, in the case of a person whose death is caused wholly or partly by the defect, by any dependant or relative of that person; and
- (c) the conditions specified in sub-paragraphs (b) and (c) of that paragraph are satisfied in relation to that request,

this Part shall have effect for the purposes of Part III of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937(2) and the Fatal Accidents (Northern Ireland) Order 1977(3) as if liability of the supplier to that person under that paragraph did not depend on that person having requested the supplier to identify certain persons or on the said conditions having been satisfied in relation to a request made by that person.

(3) Section 1 of the Congenital Disabilities (Civil Liability) Act 1976(4) shall have effect for the purposes of this Part as if—

- (a) a person were answerable to a child in respect of an occurrence caused wholly or partly by a defect in a product if he is or has been liable under Article 5 in respect of any effect of the occurrence on a parent of the child, or would be so liable if the occurrence caused a parent of the child to suffer damage;
- (b) the provisions of this Part relating to liability under Article 5 applied in relation to liability by virtue of sub-paragraph (a) under the said section 1; and
- (c) subsection (6) of the said section 1 (exclusion of liability) were omitted.

(4) Where any damage is caused partly by a defect in a product and partly by the fault of the person suffering the damage, the Law Reform (Miscellaneous Provisions) Act (Northern Ireland)

(1) 1977 NI 18
(2) 1937 c. 9 (N.I.)
(3) 1977 NI 18
(4) 1976 c. 28

1948⁽⁵⁾ and Article 7 of the Fatal Accidents (Northern Ireland) Order 1977 (contributory negligence) shall have effect as if the defect were the fault of every person liable by virtue of this Part for the damage caused by the defect.

(5) In paragraph (4) “fault” has the same meaning as in the said Act of 1948.

(6) Schedule 1 shall have effect for the purpose of amending the Statute of Limitations (Northern Ireland) 1958⁽⁶⁾ in its application in relation to the bringing of actions by virtue of this Part.

(7) It is hereby declared that liability by virtue of this Part is to be treated as liability in tort for the purposes of any enactment conferring jurisdiction on any court with respect to any matter.

(8) Nothing in this Part shall prejudice the operation of section 12 of the Nuclear Installations Act 1965⁽⁷⁾ (rights to compensation for certain breaches of duties confined to rights under that Act).

⁽⁵⁾ 1948 c. 23 (N.I.)

⁽⁶⁾ 1958 c. 10 (N.I.)

⁽⁷⁾ 1965 c. 57