
EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council, which extends to Scotland only, modifies Part I of the Consumer Protection Act 1987 (“the 1987 Act”). It implements Directive [1999/34/EC](#) of the European Parliament and of the Council of 10th May 1999. That Directive amends Council Directive [85/374/EEC](#) on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products.

Directive 85/374 requires Member States to impose liability on producers for damage caused by defects in their products, and is implemented in England, Wales and Scotland by Part I of the 1987 Act. Directive 1999/34 amends Directive 85/374 by removing the exception for primary agricultural products and game. This Order accordingly amends the scope of the provisions of Part I of the Consumer Protection Act to include primary agricultural products and game.

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect that this Order would have on business costs, has been prepared and has been placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.