

2001 No.265

CONSUMER PROTECTION

**The Consumer Protection Act 1987 (Product Liability)
(Modification) (Scotland) Order 2001**

Made 18th July 2001

Coming into force 19th July 2001

At the Court at Buckingham Palace, the 18th day of July 2001

Present

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before, and approved by resolution of, the Scottish Parliament:

Now therefore, Her Majesty, in exercise of the powers conferred on Her by section 8 of the Consumer Protection Act 1987(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Consumer Protection Act 1987 (Product Liability) (Modification) (Scotland) Order 2001 and shall come into force on 19th July 2001.

(2) This Order extends to Scotland only.

Modification of Part I of the Consumer Protection Act 1987

2.—(1) The following modifications shall be made of Part I of the Consumer Protection Act 1987.

(2) In section 1(2), the definition of “agricultural produce” shall be omitted.

(3) Section 2(4) shall be omitted.

A.K. Galloway
Clerk of the Privy Council

(a) 1987 c.43. The functions for approving a draft of an Order in Council under section 8 of that Act have transferred to the Scottish Parliament by virtue of section 118 of the Scotland Act 1998 (c.46) (“the 1998 Act”). Section 118(4) of the 1998 Act provides that any reference in a pre-commencement enactment to a requirement for a draft instrument to be approved by either or both Houses of Parliament (as specified in section 118(2)) is taken to be, in relation to the exercise of a devolved function by a person other than a Minister of the Crown, a Member of the Scottish Executive or a Scottish Public Authority with mixed functions or no reserved functions, a reference to the Scottish Parliament. Section 118(4) accordingly includes the powers exercisable by Her Majesty in Council.

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.

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