



Consumer Safety Act 1978

1978 CHAPTER 38

3 Orders and notices to prohibit supply of goods or give warning of danger from goods

- (1) The Secretary of State may—
- (a) make orders (hereafter in this Act referred to as " prohibition orders") prohibiting persons from supplying, or from offering to supply, agreeing to supply, exposing for supply or possessing for supply—
 - (i) any goods which the Secretary of State considers are not safe and which are described in the orders, and
 - (ii) any goods which are designed to be used as component parts of other goods and which would if so used cause the other goods to be goods described in the orders in pursuance of sub-paragraph (i) above;
 - (b) serve on any person a notice (hereafter in this Act referred to as a " prohibition notice ") prohibiting the person, except with the consent of the Secretary of State and in accordance with the conditions (if any) on which the consent is given, from supplying, or from offering to supply, agreeing to supply, exposing for supply or possessing for supply, any goods which the Secretary of State considers are not safe and which are described in the notice ;
 - (c) serve on any person a notice (hereafter in this Act referred to as a " notice to warn ") requiring the person to publish, in a form and manner and on occasions specified in the notice and at his own expense, a warning about any goods so specified which the Secretary of State considers are not safe and which the person supplies or has supplied.
- (2) Part I of Schedule 1 to this Act shall have effect with respect to prohibition orders, Part II of that Schedule shall have effect with respect to prohibition notices and Part III of that Schedule shall have effect with respect to notices to warn; and subsection (3) of section 1 of this Act shall apply to prohibition orders as it applies to safety regulations.
- (3) A person who contravenes a prohibition order, a prohibition notice or a notice to warn shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months and a fine of an amount not exceeding £1,000; but it shall be a defence to a charge of committing an offence under this subsection

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

to prove that the accused took all reasonable steps and exercised all due diligence to avoid committing the offence.

- (4) If in any case the defence provided by the preceding subsection involves an allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without the leave of the court, be entitled to rely on the defence unless, within a period ending seven clear days before the hearing, he has served on the prosecutor a notice giving such information identifying or assisting in the identification of the other person as was then in his possession.
- (5) Where the commission by any person of an offence of contravening a prohibition order is due to the act or default of some other person the other person shall be guilty of the offence and may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.