



# Consumer Protection Act 1987

## 1987 CHAPTER 43

### PART II

#### CONSUMER SAFETY

#### **15 Appeals against suspension notices.**

- (1) Any person having an interest in any goods in respect of which a suspension notice is for the time being in force may apply for an order setting aside the notice.
- (2) An application under this section may be made—
  - (a) to any magistrates' court in which proceedings have been brought in England and Wales or Northern Ireland—
    - (i) for an offence in respect of a contravention in relation to the goods of any safety provision; or
    - (ii) for the forfeiture of the goods under section 16 below;
  - (b) where no such proceedings have been so brought, by way of complaint to a magistrates' court; or
  - (c) in Scotland, by summary application to the sheriff.
- (3) On an application under this section to a magistrates' court in England and Wales or Northern Ireland the court shall make an order setting aside the suspension notice only if the court is satisfied that there has been no contravention in relation to the goods of any safety provision.
- (4) On an application under this section to the sheriff he shall make an order setting aside the suspension notice only if he is satisfied that at the date of making the order—
  - (a) proceedings for an offence in respect of a contravention in relation to the goods of any safety provision; or
  - (b) proceedings for the forfeiture of the goods under section 17 below, have not been brought or, having been brought, have been concluded.

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*Changes to legislation: There are currently no known outstanding effects for the Consumer Protection Act 1987, Section 15. (See end of Document for details)*

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- (5) Any person aggrieved by an order made under this section by a magistrates' court in England and Wales or Northern Ireland, or by a decision of such a court not to make such an order, may appeal against that order or decision—
- (a) in England and Wales, to the Crown Court;
  - (b) in Northern Ireland, to the county court;
- and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal (including any application under section 111 of the <sup>M1</sup>Magistrates' Courts Act 1980 or Article 146 of the <sup>M2</sup>Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)).

#### **Modifications etc. (not altering text)**

- C1** Pt. II applied in part (with modifications) (20.5.2016) by [The Tobacco and Related Products Regulations 2016 \(S.I. 2016/507\)](#), regs. 1(2), **53(3)**
- C2** S. 15 applied (with modifications) (1.1.1993) by [S.I. 1992/3073](#), reg. 28, **Sch. 6 para. 3(c)**.  
 Ss. 14-18 amended (3.10.1994) by [S.I. 1994/2328](#), **reg. 11(b)**  
 S. 15 applied (with modifications) (1.7.1997) by [S.I. 1997/831](#), reg. 19(1)-(4), **Sch. 15 para. 2(b)** (with [Sch. 15 para. 7](#))  
 S. 15 applied (with modifications) (31.5.1998) by [S.I. 1998/1165](#), **reg. 13(2)(a)** (which said S.I. was revoked (25.8.2003) by [S.I. 2003/1941](#), **reg. 1(2)**)  
 S. 15 applied (with modifications) (26.4.1999) by [S.I. 1999/1053](#), **reg. 16(3)(a)**  
 S. 15 applied (with modifications) (29.11.1999) by [S.I. 1999/2001](#), reg. 24, **Sch. 8 para. 2(c)**  
 S. 15 applied (with modifications) (8.4.2000) by [S.I. 2000/730](#), reg. 18(1), **Sch. 9 para. 1(2)**  
 S. 15 modified (13.6.2002) by [S.I. 2002/618](#), **reg. 63**  
 S. 15 applied (with modifications) (15.5.2002) by [S.I. 2002/1144](#), regs. 2(2), 16(1)-(3), Sch. 10 paras. 1, 3  
 S. 15 applied (with modifications) (25.8.2003) by [S.I. 2003/1941](#), reg. 8, **Sch. IV para. 2(a)**
- C3** S. 15 applied (with modifications) (1.10.2015) by [The Packaging \(Essential Requirements\) Regulations 2015 \(S.I. 2015/1640\)](#), reg. 1, **Sch. 4 para. 1(1)(a)** (with reg. 3(5))

#### **Marginal Citations**

- M1** 1980 c.43.  
**M2** [S.I. 1981/1675 \(N.I. 26\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Consumer Protection Act 1987, Section 15.