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## STATUTORY INSTRUMENTS

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# 2005 No. 1803

## The General Product Safety Regulations 2005

### PART 1

#### GENERAL

#### Interpretation **E+W+S**

##### 2. In these Regulations:-

“the 1987 Act” means the Consumer Protection Act 1987<sup>M1</sup>;

F1  
...

“contravention” includes a failure to comply and cognate expressions shall be construed accordingly;

“dangerous product” means a product other than a safe product;

“distributor” means a professional in the supply chain whose activity does not affect the safety properties of a product;

“enforcement authority” means the Secretary of State, any other Minister of the Crown in charge of a government department, any such department and any authority or council mentioned in regulation 10;

“general safety requirement” means the requirement that only safe products should be placed on the market;

F2  
...

“magistrates' court” in relation to Northern Ireland, means a court of summary jurisdiction;

[<sup>F3</sup>“the market” means the market of Great Britain;]

F4  
...

“notice” means a notice in writing;

“officer”, in relation to an enforcement authority, means a person authorised in writing to assist the authority in carrying out its functions under or for the purposes of the enforcement of these Regulations and safety notices, except in relation to an enforcement authority which is a government department where it means an officer of that department;

“producer” means—

- (a) the manufacturer of a product, when he is established in [<sup>F5</sup>the United Kingdom] and any other person presenting himself as the manufacturer by affixing to the product his name, trade mark or other distinctive mark, or the person who reconditions the product;
- (b) when the manufacturer is not established in [<sup>F5</sup>the United Kingdom]—
  - (i) if he has a representative established in [<sup>F5</sup>the United Kingdom], the representative,

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**Changes to legislation:** There are currently no known outstanding effects for the The General Product Safety Regulations 2005, Section 2. (See end of Document for details)

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- (ii) in any other case, the [<sup>F6</sup>person established in the United Kingdom that places a product from a country outside the United Kingdom on the market];
- (c) other professionals in the supply chain, insofar as their activities may affect the safety properties of a product;

“product” means a product which is intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them and which is supplied or made available, whether for consideration or not, in the course of a commercial activity and whether it is new, used or reconditioned and includes a product that is supplied or made available to consumers for their own use in the context of providing a service. “product” does not include equipment used by service providers themselves to supply a service to consumers, in particular equipment on which consumers ride or travel which is operated by a service provider;

“recall” means any measure aimed at achieving the return of a dangerous product that has already been supplied or made available to consumers;

“recall notice” means a notice under regulation 15;

“record” includes any book or document and any record in any form;

[<sup>F7</sup>“relevant enactment” means any retained EU law (as it applies in Great Britain) derived from an EU instrument harmonising the conditions for the marketing of products in the EU but does not include Regulation (EC) No 765/2008 of the European Parliament and the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93;]

“requirement to mark” means a notice under regulation 12;

“requirement to warn” means a notice under regulation 13;

“safe product” means a product which, under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements, does not present any risk or only the minimum risks compatible with the product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons. In determining the foregoing, the following shall be taken into account in particular—

- (a) the characteristics of the product, including its composition, packaging, instructions for assembly and, where applicable, instructions for installation and maintenance,
- (b) the effect of the product on other products, where it is reasonably foreseeable that it will be used with other products,
- (c) the presentation of the product, the labelling, any warnings and instructions for its use and disposal and any other indication or information regarding the product, and
- (d) the categories of consumers at risk when using the product, in particular children and the elderly.

The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product to be a dangerous product;

“safety notice” means a suspension notice, a requirement to mark, a requirement to warn, a withdrawal notice or a recall notice;

“serious risk” means a serious risk, including one the effects of which are not immediate, requiring rapid intervention;

“supply” in relation to a product includes making it available, in the context of providing a service, for use by consumers;

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“suspension notice” means a notice under regulation 11;

“withdrawal” means any measure aimed at preventing the distribution, display or offer of a dangerous product to a consumer;

“withdrawal notice” means a notice under regulation 14.

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only
- F1** Words in [reg. 2](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 9 para. 2\(a\)](#) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F2** Words in [reg. 2](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 9 para. 2\(b\)](#) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F3** Words in [reg. 2](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 9 para. 2\(c\)](#) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2, 4\(2\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F4** Words in [reg. 2](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 9 para. 2\(d\)](#) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F5** Words in [reg. 2](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 9 para. 2\(e\)\(i\)](#) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F6** Words in [reg. 2](#) substituted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 9 para. 2\(e\)\(ii\)](#) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))
- F7** Words in [reg. 2](#) inserted (E.W.S.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 9 para. 2\(f\)](#) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#) and [S.I. 2020/1460](#), [reg. 1\(4\)](#), [Sch. 3 para. 6](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

#### Marginal Citations

- M1** 1987 c. 43.

## Interpretation **N.I.**

### 2. In these Regulations:-

“the 1987 Act” means the Consumer Protection Act 1987 <sup>F8</sup>;

[<sup>F9</sup>“NI Protocol obligation” means any obligation created or arising under the Protocol on Ireland/ Northern Ireland in the EU withdrawal agreement, whether or not an obligation to which section 7A(2) of the European Union (Withdrawal) Act 2018 applies (and does not include Regulation (EC) No 765/2008 of the European Parliament and the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (as it has effect in EU law)) ]

“contravention” includes a failure to comply and cognate expressions shall be construed accordingly;

“dangerous product” means a product other than a safe product;

“distributor” means a professional in the supply chain whose activity does not affect the safety properties of a product;

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“enforcement authority” means the Secretary of State, any other Minister of the Crown in charge of a government department, any such department and any authority or council mentioned in regulation 10;

“general safety requirement” means the requirement that only safe products should be placed on the market;

“the GPS Directive” means Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety<sup>F10</sup>;

“magistrates' court” in relation to Northern Ireland, means a court of summary jurisdiction;

<sup>F11</sup> ...

“notice” means a notice in writing;

“officer”, in relation to an enforcement authority, means a person authorised in writing to assist the authority in carrying out its functions under or for the purposes of the enforcement of these Regulations and safety notices, except in relation to an enforcement authority which is a government department where it means an officer of that department;

“producer” means—

- (a) the manufacturer of a product, when he is established in a [<sup>F12</sup>relevant state] and any other person presenting himself as the manufacturer by affixing to the product his name, trade mark or other distinctive mark, or the person who reconditions the product;
- (b) when the manufacturer is not established in a [<sup>F12</sup>relevant state]—
  - (i) if he has a representative established in a [<sup>F12</sup>relevant state], the representative,
  - (ii) in any other case, the importer of the product from a state that is not a [<sup>F12</sup>relevant state] into a [<sup>F12</sup>relevant state];
- (c) other professionals in the supply chain, insofar as their activities may affect the safety properties of a product;

“product” means a product which is intended for consumers or likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for them and which is supplied or made available, whether for consideration or not, in the course of a commercial activity and whether it is new, used or reconditioned and includes a product that is supplied or made available to consumers for their own use in the context of providing a service. “product” does not include equipment used by service providers themselves to supply a service to consumers, in particular equipment on which consumers ride or travel which is operated by a service provider;

“recall” means any measure aimed at achieving the return of a dangerous product that has already been supplied or made available to consumers;

“recall notice” means a notice under regulation 15;

“record” includes any book or document and any record in any form;

[<sup>F13</sup>“relevant state” means—

- (a) Northern Ireland; or
- (b) any EEA state;]

“requirement to mark” means a notice under regulation 12;

“requirement to warn” means a notice under regulation 13;

“safe product” means a product which, under normal or reasonably foreseeable conditions of use including duration and, where applicable, putting into service, installation and maintenance requirements, does not present any risk or only the minimum risks compatible with the

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product's use, considered to be acceptable and consistent with a high level of protection for the safety and health of persons. In determining the foregoing, the following shall be taken into account in particular—

- (a) the characteristics of the product, including its composition, packaging, instructions for assembly and, where applicable, instructions for installation and maintenance,
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“serious risk” means a serious risk, including one the effects of which are not immediate, requiring rapid intervention;

“supply” in relation to a product includes making it available, in the context of providing a service, for use by consumers;

“suspension notice” means a notice under regulation 11;

“withdrawal” means any measure aimed at preventing the distribution, display or offer of a dangerous product to a consumer;

“withdrawal notice” means a notice under regulation 14.

#### Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F8** 1987 c. 43.
- F9** Words in [reg. 2](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 3 para. 1\(2\)\(a\)](#)
- F10** OJ No L11, 15/1/2002, p.4.
- F11** Words in [reg. 2](#) omitted (N.I.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 3 para. 1\(2\)\(b\)](#)
- F12** Words in [reg. 2](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 3 para. 1\(2\)\(c\)](#)
- F13** Words in [reg. 2](#) inserted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), [reg. 1\(b\)](#), [Sch. 3 para. 1\(2\)\(d\)](#)

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