



Consumer Protection Act 1987

1987 CHAPTER 43

PART I

PRODUCT LIABILITY

2 Liability for defective products

- (1) Subject to the following provisions of this Part, where any damage is caused wholly or partly by a defect in a product, every person to whom subsection (2) below applies shall be liable for the damage.
- (2) This subsection applies to—
 - (a) the producer of the product;
 - (b) any person who, by putting his name on the product or using a trade mark or other distinguishing mark in relation to the product, has held himself out to be the producer of the product;
 - (c) any person who has imported the product into a member State from a place outside the member States in order, in the course of any business of his, to supply it to another.
- (3) Subject as aforesaid, where any damage is caused wholly or partly by a defect in a product, any person who supplied the product (whether to the person who suffered the damage, to the producer of any product in which the product in question is comprised or to any other person) shall be liable for the damage if—
 - (a) the person who suffered the damage requests the supplier to identify one or more of the persons (whether still in existence or not) to whom subsection (2) above applies in relation to the product;
 - (b) that request is made within a reasonable period after the damage occurs and at a time when it is not reasonably practicable for the person making the request to identify all those persons; and
 - (c) the supplier fails, within a reasonable period after receiving the request, either to comply with the request or to identify the person who supplied the product to him.

Status: This is the original version (as it was originally enacted).

- (4) Neither subsection (2) nor subsection (3) above shall apply to a person in respect of any defect in any game or agricultural produce if the only supply of the game or produce by that person to another was at a time when it had not undergone an industrial process.
- (5) Where two or more persons are liable by virtue of this Part for the same damage, their liability shall be joint and several.
- (6) This section shall be without prejudice to any liability arising otherwise than by virtue of this Part.