



Product Security and Telecommunications Infrastructure Act 2022

2022 CHAPTER 46

PART 1

PRODUCT SECURITY

CHAPTER 2

DUTIES OF RELEVANT PERSONS, ETC

Duties of distributors

21 Duty to comply with security requirements

- (1) A distributor of a relevant connectable product must comply with any relevant security requirements relating to the product if condition A or B is met.
- (2) Condition A is that the distributor—
 - (a) intends the product to be a UK consumer connectable product, or
 - (b) is aware, or ought to be aware, that the product will be a UK consumer connectable product.
- (3) Condition B is that—
 - (a) the product is a UK consumer connectable product, and
 - (b) at the time it was made available by the distributor, condition A was met in relation to the product.
- (4) For the meaning of “UK consumer connectable product”, see section 54.

22 Statements of compliance

- (1) Subsection (2) applies if a distributor of a relevant connectable product—
 - (a) intends the product to be a UK consumer connectable product, or
 - (b) is aware, or ought to be aware, that the product will be a UK consumer connectable product.
- (2) The distributor may not make the product available in the United Kingdom unless it is accompanied by—
 - (a) a statement of compliance, or
 - (b) a summary of the statement of compliance prepared in accordance with section 9(2)(b).
- (3) In a case where regulations made under section 9(7) provide that a manufacturer of a relevant connectable product is to be treated as complying with section 9(2) if conditions specified in the regulations are met—
 - (a) a distributor of the product who meets the condition in subsection (1)(a) or the condition in subsection (1)(b) of this section may not make the product available in the United Kingdom unless the distributor is satisfied that the conditions specified in the regulations have been met, and
 - (b) subsection (2) does not apply.

23 Duty not to supply products where compliance failure by manufacturer

- (1) A distributor may not make a relevant connectable product available in the United Kingdom if—
 - (a) the distributor—
 - (i) intends the product to be a UK consumer connectable product, or
 - (ii) is aware, or ought to be aware, that the product will be a UK consumer connectable product, and
 - (b) the distributor knows or believes that there is a compliance failure in relation to the product.
- (2) In this section “compliance failure” means a failure by a manufacturer of a product to comply with a relevant security requirement relating to the product.

24 Duties to take action in relation to distributor’s compliance failures

- (1) This section applies if, at any time after a distributor of a relevant connectable product makes it available to a customer in the United Kingdom—
 - (a) the distributor becomes aware, or ought to be aware, of a compliance failure in relation to the product, and
 - (b) the distributor is aware, or ought to be aware, that the product is a UK consumer connectable product.
- (2) The distributor must, as soon as is practicable, take all reasonable steps to remedy the compliance failure.
- (3) The distributor must notify the persons listed in subsection (4) of the compliance failure as soon as possible.
- (4) The persons referred to in subsection (3) are—
 - (a) the enforcement authority, and

- (b) in a case where specified conditions are met, any customer in the United Kingdom to whom the distributor supplied the product.
- (5) In subsection (4)(b) “specified” means specified in regulations made by the Secretary of State.

Regulations under this subsection are subject to the negative resolution procedure.

- (6) The notification under subsection (3) must include the following information—
 - (a) details of the compliance failure;
 - (b) any risks of which the distributor is aware that are posed by the compliance failure;
 - (c) any steps taken by the distributor to remedy the compliance failure and whether or not those steps have been successful.
- (7) In this section “compliance failure” means a failure by the distributor to comply with a relevant security requirement relating to the product.

25 Duties to take action in relation to manufacturer’s compliance failure

- (1) This section applies if, at any time after a distributor of a relevant connectable product makes it available in the United Kingdom—
 - (a) the distributor becomes aware, or ought to be aware, of a compliance failure in relation to the product, and
 - (b) the distributor is aware, or ought to be aware, that the product is or will be a UK consumer connectable product.
- (2) In this section “compliance failure” means a failure by a manufacturer of the product to comply with a relevant security requirement relating to the product.
- (3) The distributor must contact the manufacturer about the compliance failure as soon as possible.

This is subject to subsection (11)(b).

- (4) If—
 - (a) it is not possible to contact the manufacturer as required by subsection (3), and
 - (b) a relevant person other than the manufacturer supplied the product to the distributor,
 the distributor must (unless subsection (11)(a) applies) contact that other relevant person about the compliance failure as soon as possible.
- (5) If it appears to the distributor that it is unlikely that the compliance failure will be remedied in accordance with section 11(2)(b), the distributor must take all reasonable steps to prevent the product from being made available to customers in the United Kingdom (where it has not already been so made available).
- (6) The distributor must notify the persons listed in subsection (7) of the compliance failure as soon as possible after the distributor has contacted (or attempted to contact) the manufacturer in accordance with subsection (3) (or, if subsection (11)(b) applies, as soon as possible).

This is subject to subsection (11)(a) and (c).

- (7) The persons referred to in subsection (6) are—

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

- (a) the enforcement authority,
 - (b) any importer or distributor to whom the distributor supplied the product,
 - (c) if not already notified as a result of subsection (3) or (4), the person from whom the distributor obtained the product, and
 - (d) in a case where specified conditions are met, any customer in the United Kingdom to whom the distributor supplied the product.
- (8) In subsection (7)(d) “specified” means specified in regulations made by the Secretary of State.

Regulations under this subsection are subject to the negative resolution procedure.

- (9) The notification under subsection (6) must include the following information—
- (a) details of the compliance failure;
 - (b) any risks of which the distributor is aware that are posed by the compliance failure;
 - (c) any steps of which the distributor is aware that have been taken by the manufacturer to remedy the compliance failure and whether or not those steps have been successful.
- (10) When the distributor notifies a person within subsection (7)(b) or (c) of the compliance failure, the distributor must also inform the person whether or not—
- (a) the manufacturer is aware of the compliance failure;
 - (b) the enforcement authority has been notified of the compliance failure.
- (11) Where the distributor became aware of the compliance failure as a result of being notified of it by a relevant person in accordance with this Chapter—
- (a) the distributor does not need to notify the relevant person of the compliance failure,
 - (b) if the relevant person—
 - (i) is the manufacturer, or
 - (ii) informs the distributor that the manufacturer is aware of the compliance failure,the distributor does not need to contact the manufacturer about the compliance failure, and
 - (c) if the relevant person informs the distributor that the enforcement authority has been notified of the compliance failure, the distributor does not need to notify the enforcement authority of the compliance failure.