



Product Security and Telecommunications Infrastructure Act 2022

2022 CHAPTER 46

PART 1

PRODUCT SECURITY

CHAPTER 2

DUTIES OF RELEVANT PERSONS, ETC

Duties of manufacturers

8 Duty to comply with security requirements

- (1) A manufacturer 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 manufacturer—
 - (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 manufacturer, condition A was met in relation to the product.
- (4) For the meaning of “UK consumer connectable product”, see section 54.

9 Statements of compliance

- (1) Subsection (2) applies if a manufacturer 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 manufacturer 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 that is in such form, and contains such information, as is specified in regulations made by the Secretary of State.
- (3) A “statement of compliance”, in relation to a product, is a document that—
 - (a) is prepared by or on behalf of the manufacturer of the product,
 - (b) is in such form, and contains such information, as is specified in regulations made by the Secretary of State, and
 - (c) states that, in the opinion of the manufacturer, the manufacturer has complied with the applicable security requirements.
- (4) For the purposes of this section “the applicable security requirements”, in relation to a manufacturer of a product, means any relevant security requirements relating to the product, other than—
 - (a) a security requirement that applies only after the product has been made available in the United Kingdom, or
 - (b) a security requirement that applies only when the manufacturer is making the product available to customers in the United Kingdom.
- (5) In a case where there is more than one manufacturer in relation to a product—
 - (a) it is sufficient for the purposes of subsection (3)(a) if the document is prepared by or on behalf of all of the manufacturers acting jointly, and
 - (b) in such a case, any reference to the manufacturer in subsection (3)(c) is to be read as a reference to each of those manufacturers.
- (6) The Secretary of State may by regulations make further provision about statements of compliance, including (among other things)—
 - (a) provision requiring a manufacturer of a product to take specified steps to determine for the purposes of preparing a statement of compliance whether the manufacturer has complied with the applicable security requirements;
 - (b) provision requiring a manufacturer of a product to retain a copy of the statement of compliance relating to the product for a specified period;
 - (c) provision about publishing statements of compliance;
 - (d) provision about making available copies of statements of compliance.
- (7) The Secretary of State may by regulations provide that a manufacturer is to be treated as complying with subsection (2) if specified conditions are met.
- (8) In subsections (6) and (7) “specified” means specified in the regulations.
- (9) Regulations under subsection (7) are subject to the affirmative resolution procedure.
- (10) Other regulations under this section are subject to the negative resolution procedure.

10 Duty to investigate potential compliance failures

- (1) This section applies if, at any time after a relevant connectable product has been made available in the United Kingdom—
 - (a) a manufacturer of the product is informed that there is, or may be, a compliance failure in relation to the product, and
 - (b) the manufacturer is aware, or ought to be aware, that the product is or will be a UK consumer connectable product.
- (2) The manufacturer must take all reasonable steps to investigate whether there is a compliance failure in relation to the product.
- (3) 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.

11 Duties to take action in relation to compliance failure

- (1) This section applies if, at any time after a relevant connectable product has been made available in the United Kingdom—
 - (a) a manufacturer of the product becomes aware, or ought to be aware, of a compliance failure in relation to the product, and
 - (b) the manufacturer is aware, or ought to be aware, that the product is or will be a UK consumer connectable product.
- (2) The manufacturer must, as soon as is practicable, take all reasonable steps to—
 - (a) prevent the product from being made available to customers in the United Kingdom (where it has not already been so made available);
 - (b) remedy the compliance failure.
- (3) The manufacturer must notify the persons listed in subsection (4) of the compliance failure as soon as possible.

This is subject to subsection (8).

- (4) The persons referred to in subsection (3) are—
 - (a) the enforcement authority;
 - (b) any other manufacturer of the product of which the manufacturer is aware;
 - (c) any importer or distributor to whom the manufacturer supplied the product;
 - (d) in a case where specified conditions are met, any customer in the United Kingdom to whom the manufacturer supplied the product.
- (5) In subsection (4)(d) “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 manufacturer is aware that are posed by the compliance failure;
 - (c) any steps taken by the manufacturer to remedy the compliance failure and whether or not those steps have been successful.

- (7) When the manufacturer notifies a person within subsection (4)(b) or (c) of the compliance failure, the manufacturer must also inform the person whether or not the manufacturer has notified the enforcement authority of the compliance failure.
- (8) Where the manufacturer became aware of the compliance failure as a result of being contacted about it by a relevant person in accordance with this Chapter, the manufacturer does not need to notify the relevant person of the compliance failure.
- (9) 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.

12 Duty to maintain records

- (1) A manufacturer of a relevant connectable product must maintain a record of—
 - (a) any investigations carried out by the manufacturer in relation to a compliance failure or suspected compliance failure (whether or not as a result of information received as mentioned in section 10(1)(a));
 - (b) any compliance failures relating to the product.
- (2) A record of an investigation must contain the following information—
 - (a) the outcome of the investigation;
 - (b) where the manufacturer determined that there was a compliance failure, details of that compliance failure;
 - (c) any steps taken by the manufacturer to remedy the compliance failure and whether or not those steps were successful.
- (3) A record of a compliance failure must contain the following information—
 - (a) details of the compliance failure;
 - (b) any steps taken by the manufacturer to remedy the compliance failure and whether or not those steps were successful.
- (4) A record of an investigation or a compliance failure must be retained for a period of 10 years beginning with the day on which the record is made.
- (5) In a case where there is more than one manufacturer in relation to a product, the duty of each of those manufacturers to maintain a record under this section may be met by those manufacturers jointly maintaining a single record.
- (6) 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.