



Product Security and Telecommunications Infrastructure Act 2022

2022 CHAPTER 46

PART 1

PRODUCT SECURITY

CHAPTER 4

SUPPLEMENTARY PROVISION

Guidance

53 Guidance

- (1) The Secretary of State may issue guidance about the effect of any provision made by or under this Part.
- (2) The enforcement authority may issue guidance about the exercise of any of its enforcement functions.
- (3) A person who issues guidance under this section may from time to time revise the guidance.
- (4) A person who issues guidance under this section must publish—
 - (a) the guidance, and
 - (b) any revisions of the guidance.

Interpretation

54 Meaning of “UK consumer connectable product”

- (1) In this Part “UK consumer connectable product” means a relevant connectable product that meets condition A or B.
- (2) Condition A is that the product—
 - (a) is or has been made available to consumers in the United Kingdom, and
 - (b) has not been supplied by a relevant person to any customer (whether or not in the United Kingdom) at any time before being so made available.
- (3) Condition B is that—
 - (a) the product is or has been made available to customers in the United Kingdom who are not consumers,
 - (b) the product has not been supplied by a relevant person to any customer (whether or not in the United Kingdom) at any time before being so made available, and
 - (c) products identical to the product meet condition A.
- (4) Subsections (5) to (9) apply for the purposes of subsections (2)(b) and (3)(b).
- (5) Where—
 - (a) a product that has been supplied to a customer (“the original customer”) is returned to a relevant person in the exercise of any right (whether statutory or otherwise) to return unwanted products, and
 - (b) the product is subsequently made available to customers in the United Kingdom,the product is not to be treated as having been supplied to the original customer.
- (6) Where—
 - (a) a product that has been supplied to a customer (“the original customer”) is returned to a relevant person—
 - (i) in accordance with arrangements made for the purposes of, or in connection with, this Part, or
 - (ii) as a result of any other action taken under, or for the purposes of, this Part, and
 - (b) the product is subsequently made available to customers in the United Kingdom,the product is not to be treated as having been supplied to the original customer.
- (7) Where a product that has been supplied to a customer is reconditioned by or on behalf of a manufacturer of the product before being made available to customers in the United Kingdom, the product is not to be treated as having been supplied to that customer.
- (8) The reference in subsection (7) to reconditioning a product is a reference to doing anything to the product, or its packaging, in order to prepare the product to be made available to customers.
- (9) Where a product has been supplied to a customer (“C”) who would, in the absence of section 7(6), be a distributor of the product—
 - (a) the product is not to be treated as having been supplied to C, and

- (b) where any of subsections (5) to (7) applies, the product is not to be treated as having been supplied to C or to any customer of C.
- (10) The Secretary of State may by regulations—
- (a) repeal subsection (2)(b) or (3)(b);
 - (b) make any amendments of this Part that the Secretary of State considers necessary or appropriate in consequence of such repeal.
- (11) Regulations made under subsection (10) are subject to the affirmative resolution procedure.

55 Meaning of “supply”

- (1) This section has effect for the purposes of this Part.
- (2) Any reference to supplying a product is a reference to supplying the product in the course of business, and includes a reference to doing any of the following—
- (a) providing the product in exchange for any non-monetary consideration;
 - (b) providing the product in, or in connection with, the performance of a statutory function;
 - (c) giving the product as a prize or otherwise making a gift of the product.
- (3) Any reference to supplying a product does not include a reference to hiring out or lending the product, except where—
- (a) the hiring out or lending is by a manufacturer of the product, or
 - (b) the product is supplied under a hire-purchase agreement.
- (4) Where a product has at any time been supplied by being hired out or lent to a person, neither of the following is to be treated as a further supply of the product to that person—
- (a) a continuation or renewal of the hire or loan (whether on the same or different terms);
 - (b) any transaction for the transfer after that time of any interest in the product to the person.
- (5) The performance of a contract for the carrying out of works that consist of or include the installation of a product into a building or structure is to be treated as a supply of the product in so far as, but only in so far as, it involves the provision of the product to a person by means of its installation into the building or structure.
- (6) The performance of a contract by the construction of a building or structure on land is to be treated as a supply of a product in so far as, but only in so far as, it involves the provision of the product to a person by means of its incorporation into the building or structure.
- (7) Any reference to supplying a product does not include a reference to any supply of a product that is effected by the creation or disposal of an interest in land, or by the performance of an agreement for the creation or disposal of such an interest, except where—
- (a) the product is incorporated into or contained in a building (or part of a building) constructed on the land,
 - (b) the building (or part) is to be used for a particular purpose, and

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

- (c) at the time of the supply, the building (or part) has not previously been used for that purpose.
- (8) Any reference to supplying a product does not include a reference to supplying the product by a sale of the product as scrap (that is to say, for the value of materials included in the product rather than for the value of the product itself).
- (9) Any reference to supplying a product does not include a reference to merely providing transport services for the purposes of enabling the product to be supplied to any person.
- (10) Where a product that has been supplied to a customer is temporarily returned for any reason to a relevant person by a person (“P”) who is—
- (a) the customer to whom the product was supplied, or
 - (b) the customer’s successor in title,
- the return of the product to P is not to be treated as a supply of the product to P.
- (11) Where a person (“the ostensible supplier”) supplies a product to another person (“the customer”) under a relevant agreement and the ostensible supplier—
- (a) carries on the business of financing the provision of products for others by means of relevant agreements, and
 - (b) in the course of that business, acquired an interest in the product supplied to the customer as a means of financing the provision of the product for the customer by a further person (“the effective supplier”),
- the effective supplier and not the ostensible supplier is to be regarded as supplying the product to the customer.
- (12) In this section—
- “non-monetary consideration” means consideration other than money;
- “relevant agreement” means—
- (a) a conditional sale agreement (within the meaning of the Consumer Credit Act 1974);
 - (b) a credit-sale agreement (within the meaning of that Act);
 - (c) a hire-purchase agreement (within the meaning of that Act);
 - (d) an agreement for the hiring of a product (other than a hire-purchase agreement).

56 Meaning of other expressions used in Part 1

- (1) In this Part—
- “authorised representative” has the meaning given by section 51(2);
- “business” includes—
- (a) any trade or profession;
 - (b) the activities of a local or public authority;
 - (c) the activities of a government department;
 - (d) the activities of a charity;
- “compliance notice” has the meaning given by section 28(2);
- “consumer” means an individual acting for purposes that are wholly or mainly outside the individual’s business;
- “customer”, in relation to a product, means any person to whom the product is supplied, other than—

- (a) a relevant person acting in that capacity in relation to the product, or
- (b) an authorised representative of a manufacturer of the product in its capacity of acting on behalf of the manufacturer in relation to the product;

“distributor” has the meaning given by section 7(5);

“the enforcement authority” means—

- (a) the Secretary of State, or
- (b) any person authorised to exercise a function of the Secretary of State by regulations under section 27;

“enforcement function” has the meaning given by section 27(5);

“enforcement notice” means—

- (a) a compliance notice,
- (b) a stop notice, or
- (c) a recall notice;

“excepted product” has the meaning given by section 6(1);

“importer” has the meaning given by section 7(4);

“internet-connectable product” has the meaning given by section 5(1);

“manufacturer” has the meaning given by section 7(3);

“network-connectable product” has the meaning given by section 5(3);

“penalty notice” has the meaning given by section 36(2);

“recall notice” has the meaning given by section 30(3);

“relevant connectable product” has the meaning given by section 4;

“relevant person” has the meaning given by section 7(2);

“relevant security requirement”, in relation to a relevant person, means a security requirement applying to the relevant person;

“security requirement” is to be read in accordance with section 1(1) and (2);

“statement of compliance” has the meaning given by section 9(3);

“stop notice” has the meaning given by section 29(2);

“supply” is to be read in accordance with section 55;

“UK consumer connectable product” has the meaning given by section 54.

- (2) In this Part any reference to making a product available in the United Kingdom is a reference to supplying, or offering to supply, the product to a person in the United Kingdom.