



# Product Security and Telecommunications Infrastructure Act 2022

## 2022 CHAPTER 46

### PART 1

#### PRODUCT SECURITY

#### CHAPTER 2

##### DUTIES OF RELEVANT PERSONS, ETC

##### *Duties of importers*

#### **19 Duties to take action in relation to manufacturer's compliance failure**

- (1) This section applies if, at any time after an importer of a relevant connectable product makes it available in the United Kingdom—
  - (a) the importer becomes aware, or ought to be aware, of a compliance failure in relation to the product, and
  - (b) the importer 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 importer must contact the manufacturer about the compliance failure as soon as possible.

This is subject to subsection (10)(b).
- (4) If it appears to the importer that it is unlikely that the compliance failure will be remedied in accordance with section 11(2)(b), the importer must, as soon as is

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*Status: This is the original version (as it was originally enacted).*

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practicable, 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).

- (5) The importer must notify the persons listed in subsection (6) of the compliance failure as soon as possible after the importer has contacted (or attempted to contact) the manufacturer in accordance with subsection (3) (or, if subsection (10)(b) applies, as soon as possible).

This is subject to subsection (10)(a) and (c).

- (6) The persons referred to in subsection (5) are—
- (a) the enforcement authority,
  - (b) any distributor to whom the importer supplied the product, and
  - (c) in a case where specified conditions are met, any customer in the United Kingdom to whom the importer supplied the product.
- (7) In subsection (6)(c) “specified” means specified in regulations made by the Secretary of State.

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

- (8) The notification under subsection (5) must include the following information—
- (a) details of the compliance failure;
  - (b) any risks of which the importer is aware that are posed by the compliance failure;
  - (c) any steps of which the importer is aware that have been taken by the manufacturer to remedy the compliance failure and whether or not those steps have been successful.
- (9) When the importer notifies a person within subsection (6)(b) of the compliance failure, the importer 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.
- (10) Where the importer 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 importer 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 importer that the manufacturer is aware of the compliance failure,
 the importer does not need to contact the manufacturer about the compliance failure, and
  - (c) if the relevant person informs the importer that the enforcement authority has been notified of the compliance failure, the importer does not need to notify the enforcement authority of the compliance failure.