

STATUTORY INSTRUMENTS

2005 No. 1803

The General Product Safety Regulations 2005

PART 2

OBLIGATIONS OF PRODUCERS AND DISTRIBUTORS

Obligations of producers and distributors **E+W+S**

9.—(1) Subject to paragraph (2), where a producer or a distributor knows that a product he has placed on the market or supplied poses risks to the consumer that are incompatible with the general safety requirement, he shall forthwith notify an enforcement authority in writing of that information and—

(a) the action taken to prevent risk to the consumer; ^{F1}...

^{F2}(b)

(2) Paragraph (1) shall not apply—

(a) in the case of a second-hand product supplied as an antique or as a product to be repaired or reconditioned prior to being used, provided the supplier clearly informed the person to whom he supplied the product to that effect,

(b) in conditions concerning isolated circumstances or products.

(3) In the event of a serious risk the notification under paragraph (1) shall include the following—

(a) information enabling a precise identification of the product or batch of products in question,

(b) a full description of the risks that the product presents,

(c) all available information relevant for tracing the product, and

(d) a description of the action undertaken to prevent risks to the consumer.

(4) Within the limits of his activities, a person who is a producer or a distributor shall co-operate with an enforcement authority (at the enforcement authority's request) in action taken to avoid the risks posed by a product which he supplies or has supplied. Every enforcement authority shall maintain procedures for such co-operation, including procedures for dialogue with the producers and distributors concerned on issues related to product safety.

Extent Information

E1 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

F1 Word in [reg. 9\(1\)\(a\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), [reg. 1](#), [Sch. 9 para. 5\(a\)](#) (as amended by [S.I. 2020/676](#), [regs. 1\(1\), 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#))

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent
Changes to legislation: There are currently no known outstanding effects for the The General Product Safety Regulations 2005, Section 9. (See end of Document for details)

F2 Reg. 9(1)(b) omitted (E.W.S.) (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, [Sch. 9 para. 5\(b\)](#) (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Obligations of producers and distributors **N.I.**

9.—(1) Subject to paragraph (2), where a producer or a distributor knows that a product he has placed on the market or supplied poses risks to the consumer that are incompatible with the general safety requirement, he shall forthwith notify an enforcement authority in writing of that information and—

- (a) the action taken to prevent risk to the consumer; and
 - (b) where the product is being or has been marketed or otherwise supplied to consumers outside [^{F3}Northern Ireland], of the identity of each [^{F4}relevant state] in which, to the best of his knowledge, it is being or has been so marketed or supplied.
- (2) Paragraph (1) shall not apply—
- (a) in the case of a second-hand product supplied as an antique or as a product to be repaired or reconditioned prior to being used, provided the supplier clearly informed the person to whom he supplied the product to that effect,
 - (b) in conditions concerning isolated circumstances or products.
- (3) In the event of a serious risk the notification under paragraph (1) shall include the following—
- (a) information enabling a precise identification of the product or batch of products in question,
 - (b) a full description of the risks that the product presents,
 - (c) all available information relevant for tracing the product, and
 - (d) a description of the action undertaken to prevent risks to the consumer.

(4) Within the limits of his activities, a person who is a producer or a distributor shall co-operate with an enforcement authority (at the enforcement authority's request) in action taken to avoid the risks posed by a product which he supplies or has supplied. Every enforcement authority shall maintain procedures for such co-operation, including procedures for dialogue with the producers and distributors concerned on issues related to product safety.

Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F3** Words in [reg. 9\(1\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 3 para. 1\(5\)\(a\)](#)
- F4** Words in [reg. 9\(1\)\(b\)](#) substituted (N.I.) (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1112\)](#), reg. 1(b), [Sch. 3 para. 1\(5\)\(b\)](#)

Status:

There are multiple versions of this provision on screen. These apply to different geographical extents.

Skip to:

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

Changes to legislation:

There are currently no known outstanding effects for the The General Product Safety Regulations 2005, Section 9.