

These notes refer to the Product Liability (Amendment) Act (Northern Ireland) 2001 (c.13) which received Royal Assent on 20 July 2001

Product Liability (Amendment) Act (Northern Ireland) 2001

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

Background to the proposals

3. Directive 1999/34 of the European Parliament and of the Council of 10th May 1999 (OJ no. L141, 4.6.99, p. 20) amends Council Directive [85/374/EEC](#) of 25 July 1985 (OJ No. L210, 7.8.85, p. 29) on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (the 1985 Directive). The 1985 Directive was implemented in Northern Ireland by the Consumer Protection (Northern Ireland) Order 1987. Directive 1999/34 extends product liability to primary agricultural products and game.
4. The 1985 Directive introduced a system of strict liability for products that do not provide the safety which people are generally entitled to expect (defined as “defective product”). It was implemented by the then Department of Economic Development in the 1987 Order. The Directive places strict liability on producers for death, injury, loss or damage to private property caused by defective products. This means that a person injured by a defective product can sue for damages without having to prove a producer negligent. However, he must prove that the product was defective and that the defect in the product caused the injury.

The Amending Directive

5. The amending Directive (1999/34) means that strict liability will apply to “primary agricultural products” and game as it already does to other products (including processed agricultural products). The 1985 Directive defines “primary agricultural products” as meaning products of the soil, of stock-farming and of fisheries which have not undergone “initial processing”. The amendment removes this doubt by applying the system of strict liability to all agricultural products.
6. Producers in this context include farmers, fruit and vegetable growers and fisheries. Importers of such products from non-EU countries are also liable as

These notes refer to the Product Liability (Amendment) Act (Northern Ireland) 2001 (c.13) which received Royal Assent on 20 July 2001

producers. Others such as wholesalers and retailers would only be liable if they fail to identify the producer to an injured person.

7. The amendment does not change other provisions of the 1985 Directive. A producer of unprocessed agricultural products will therefore have the same access to the defences provided by the Directive. These are set out in the attached summary of the 1985 Directive.