



# Consumer Protection Act 1987

## 1987 CHAPTER 43

### PART V

#### MISCELLANEOUS AND SUPPLEMENTAL

#### 41 Civil proceedings.

- (1) An obligation imposed by safety regulations shall be a duty owed to any person who may be affected by a contravention of the obligation and, subject to any provision to the contrary in the regulations and to the defences and other incidents applying to actions for breach of statutory duty, a contravention of any such obligation shall be actionable accordingly.
- (2) This Act shall not be construed as conferring any other right of action in civil proceedings, apart from the right conferred by virtue of Part I of this Act, in respect of any loss or damage suffered in consequence of a contravention of a safety provision<sup>F1</sup> . . . .
- (3) Subject to any provision to the contrary in the agreement itself, an agreement shall not be void or unenforceable by reason only of a contravention of a safety provision<sup>F2</sup> . . . .
- (4) Liability by virtue of subsection (1) above shall not be limited or excluded by any contract term, by any notice or (subject to the power contained in subsection (1) above to limit or exclude it in safety regulations) by any other provision.
- (5) Nothing in subsection (1) above shall prejudice the operation of section 12 of the<sup>M1</sup> Nuclear Installations Act 1965 (rights to compensation for certain breaches of duties confined to rights under that Act).
- (6) In this section “damage” includes personal injury and death.

#### Textual Amendments

- F1** Words in s. 41(2) repealed (26.5.2008) by The Consumer Protection from [Unfair Trading Regulations 2008](#) (S.I. 2008/1277), reg. 30(3), [Sch. 4 Pt. 1](#) (with reg. 28(2)(3), Sch. 3 para. 6)

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*Status: Point in time view as at 26/05/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Consumer Protection Act 1987, Section 41. (See end of Document for details)*

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**F2** Words in s. 41(3) repealed (26.5.2008) by The Consumer Protection from Unfair Trading Regulations 2008 (S.I. 2008/1277), reg. 30(3), **Sch. 4 Pt. 1** (with reg. 28(2)(3), Sch. 3 para. 6)

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**Modifications etc. (not altering text)**

**C1** S. 41 applied (E.W.S) (28.11.2003 for certain purposes, 15.7.2004 for certain further purposes and otherwise prosp.) by Fireworks Act 2003 (c. 22), **ss. 12(2)(h)**, 18 (with s. 2(8)); S.I. 2003/3084, **art. 2**, Sch.; S.I. 2004/1831, **art. 2**, Sch.

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**Marginal Citations**

**M1** 1965 c.57.

**Status:**

Point in time view as at 26/05/2008.

**Changes to legislation:**

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