



# Consumer Protection Act 1987

## 1987 CHAPTER 43

### PART II

#### CONSUMER SAFETY

#### **10 The general safety requirement.**

- (1) A person shall be guilty of an offence if he—
  - (a) supplies any consumer goods which fail to comply with the general safety requirement;
  - (b) offers or agrees to supply any such goods; or
  - (c) exposes or possesses any such goods for supply.
- (2) For the purposes of this section consumer goods fail to comply with the general safety requirement if they are not reasonably safe having regard to all the circumstances, including—
  - (a) the manner in which, and purposes for which, the goods are being or would be marketed, the get-up of the goods, the use of any mark in relation to the goods and any instructions or warnings which are given or would be given with respect to the keeping, use or consumption of the goods;
  - (b) any standards of safety published by any person either for goods of a description which applies to the goods in question or for matters relating to goods of that description; and
  - (c) the existence of any means by which it would have been reasonable (taking into account the cost, likelihood and extent of any improvement) for the goods to have been made safer.
- (3) For the purposes of this section consumer goods shall not be regarded as failing to comply with the general safety requirement in respect of—
  - (a) anything which is shown to be attributable to compliance with any requirement imposed by or under any enactment or with any Community obligation;
  - (b) any failure to do more in relation to any matter than is required by—

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*Status: Point in time view as at 10/06/1996. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Consumer Protection Act 1987, Section 10. (See end of Document for details)*

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- (i) any safety regulations imposing requirements with respect to that matter;
  - <sup>F1</sup>(ii) .....
  - (iii) any provision of any enactment or subordinate legislation imposing such requirements with respect to that matter as are designated for the purposes of this subsection by any such regulations.
- (4) In any proceedings against any person for an offence under this section in respect of any goods it shall be a defence for that person to show—
- (a) that he reasonably believed that the goods would not be used or consumed in the United Kingdom; or
  - (b) that the following conditions are satisfied, that is to say—
    - (i) that he supplied the goods, offered or agreed to supply them or, as the case may be, exposed or possessed them for supply in the course of carrying on a retail business; and
    - (ii) that, at the time he supplied the goods or offered or agreed to supply them or exposed or possessed them for supply, he neither knew nor had reasonable grounds for believing that the goods failed to comply with the general safety requirement; or
  - (c) that the terms on which he supplied the goods or agreed or offered to supply them or, in the case of goods which he exposed or possessed for supply, the terms on which he intended to supply them—
    - (i) indicated that the goods were not supplied or to be supplied as new goods; and
    - (ii) provided for, or contemplated, the acquisition of an interest in the goods by the persons supplied or to be supplied.
- (5) For the purposes of subsection (4)(b) above goods are supplied in the course of carrying on a retail business if—
- (a) whether or not they are themselves acquired for a person’s private use or consumption, they are supplied in the course of carrying on a business of making a supply of consumer goods available to persons who generally acquire them for private use or consumption; and
  - (b) the descriptions of goods the supply of which is made available in the course of that business do not, to a significant extent, include manufactured or imported goods which have not previously been supplied in the United Kingdom.
- (6) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.
- (7) In this section “consumer goods” means any goods which are ordinarily intended for private use or consumption, not being—
- (a) growing crops or things comprised in land by virtue of being attached to it;
  - (b) water, food, feeding stuff or fertiliser;
  - (c) gas which is, is to be or has been supplied by a person authorised to supply it by or under [<sup>F2</sup>section 7A of the <sup>M1</sup>Gas Act 1986 (licensing of gas suppliers and gas shippers) or paragraph 5 of Schedule 2A to that Act (supply to very large customers an exception to prohibition on unlicensed activities)]. [<sup>F3</sup>or under Article 8(1)(c) of the Gas (Northern Ireland) Order 1996];
  - (d) aircraft (other than hang-gliders) or motor vehicles;

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- (e) controlled drugs or licensed medicinal products;
- (f) tobacco.

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**Textual Amendments**

- F1** S. 10(3)(b)(ii) repealed (3.10.1994) by S.I. 1994/2328, **reg. 6(1)**
- F2** Words in s. 10(7)(c) substituted (E.W.S.)(1.3.1996) by 1995 c. 45, s. 16(1), **Sch. 4 para. 15(1)**; S.I. 1996/218, **art. 2**
- F3** Words in s. 10(7)(c) inserted (N.I.)(10.6.1996) by S.I. 1996/275 (N.I. 2), art. 71(1), **Sch. 6** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2**

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**Marginal Citations**

- M1** 1986 c.44.

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