



# Consumer Protection Act 1987

## 1987 CHAPTER 43

### PART IV

#### ENFORCEMENT OF PARTS II AND III

#### 34 Compensation for seizure and detention.

- (1) Where an officer of an enforcement authority exercises any power under section [F129(4)] above to seize and detain goods, the enforcement authority shall be liable to pay compensation to any person having an interest in the goods in respect of any loss or damage caused by reason of the exercise of the power if—
- (a) there has been no contravention in relation to the goods of any safety provision F2 . . . ; and
  - (b) the exercise of the power is not attributable to any neglect or default by that person.
- (2) Any disputed question as to the right to or the amount of any compensation payable under this section shall be determined by arbitration or, in Scotland, by a single arbiter appointed, failing agreement between the parties, by the sheriff.

#### Textual Amendments

- F1** Word in s. 34(1) substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\), s. 100\(5\), Sch. 6 para. 45](#); [S.I. 2015/1630, art. 3\(i\)](#) (with art. 8)
- F2** Words in s. 34(1)(a) repealed (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\), reg. 30\(3\), Sch. 4 Pt. 1](#) (with reg. 28(2)(3), Sch. 3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)

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

- C1** S. 34 applied (with modifications) (1.1.1993) by [S.I. 1992/3073, reg. 28, Sch. 6 para. 3\(c\)](#). S. 34 applied (with modifications) (1.7.1997) by [S.I. 1997/831, reg. 19\(1\)-\(4\), Sch. 15 para. 2\(b\)](#) (with [Sch. 15 para. 7](#)) Ss. 28-35 applied (with modifications) (31.5.1998) by [S.I. 1998/1165, reg. 13\(2\)\(a\)](#) (which said S.I. was revoked (25.8.2003) by [S.I. 2003/1941, reg. 1\(2\)](#)) Ss. 28-35 applied (with modifications) (26.4.1999) by [S.I. 1999/1053, reg. 16\(3\)\(a\)](#) Ss. 28-35 applied (with modifications) (29.11.1999) by [S.I. 1999/2001, reg. 24, Sch. 8 para. 2\(c\)](#)

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*Status: Point in time view as at 21/04/2018. This version of this provision has been superseded.*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 34. (See end of Document for details)*

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- Ss. 28-35 applied (with modifications) (8.4.2000) by S.I. 2000/730, reg. 18(1), **Sch. 9 para. 1(2)**
- Ss. 28-35 applied (with modifications) (15.5.2002) by S.I. 2002/1144, regs. 2(2), 16(1)-(3), Sch. 10 paras. 1, 3
- Ss. 28-35 applied (with modifications) (25.8.2003) by S.I. 2003/1941, reg 8, **Sch. 4 para. 2(a)**
- C2** S. 34 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)(e), 18 (with s. 2(8))**; S.I. 2003/3084, **art. 2, Sch.**; S.I. 2004/1831, **art. 2, Sch.**
- C3** S. 34 applied (1.4.2003) by 2001 c. 16, ss. 70, 138(2), Sch. 2 Pt. 1 para. 8; S.I. 2003/708, **art. 2(k)**
- C4** S. 34 applied (with modifications) (17.8.2015) by **The Pyrotechnic Articles (Safety) Regulations 2015 (S.I. 2015/1553)**, reg. 1, Sch. 7 paras. 1(k), 2
- C5** S. 34 applied (with modifications) (8.12.2016) by **The Electromagnetic Compatibility Regulations 2016 (S.I. 2016/1091)**, reg. 1, Sch. 7 paras. 1, 2 (with regs. 74, 75(5))
- C6** S. 34 applied (with modifications) (8.12.2016) by **The Simple Pressure Vessels (Safety) Regulations 2016 (S.I. 2016/1092)**, reg. 1, Sch. 5 paras. 1(k), 2 (with reg. 3)
- C7** S. 34 applied (with modifications) (8.12.2016) by **The Pressure Equipment (Safety) Regulations 2016 (S.I. 2016/1105)**, reg. 1, Sch. 7 paras. 1(k), 2 (with reg. 88)
- C8** S. 34 applied (with modifications) (8.12.2016) by **The Lifts Regulations 2016 (S.I. 2016/1093)**, reg. 1, Sch. 7 paras. 1(j), 2 (with regs. 3-5)
- C9** S. 34 applied (with modifications) (8.12.2016) by **The Electrical Equipment (Safety) Regulations 2016 (S.I. 2016/1101)**, reg. 1, Sch. 3 paras. 1, 2 (with reg. 3)
- C10** S. 34 applied (with modifications) (3.8.2017) by **The Recreational Craft Regulations 2017 (S.I. 2017/737)**, reg. 1, Sch. 13 paras. 1(k), 2 (with reg. 89)
- C11** S. 34 applied (with modifications) (26.12.2017) by **The Radio Equipment Regulations 2017 (S.I. 2017/1206)**, reg. 1, Sch. 10 paras. 1, 2 (with regs. 3-5, 77)
- C12** S. 34 applied (with modifications) (21.4.2018) by **The Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389)**, reg. 1(1), **Sch. 1 (with reg. 2)**
- C13** S. 34 applied (with modifications) (21.4.2018) by **The Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390)**, reg. 1(1), **Sch. 1 (with reg. 2(1)-(3))**

**Status:**

Point in time view as at 21/04/2018. 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 34.