

2000 No. 2771

CONSUMER PROTECTION, ENGLAND AND WALES

**The Consumer Protection Act 1987 (Product Liability)
(Modification) Order 2000**

Made - - - - 11th October 2000

Coming into force 4th December 2000

At the Court at Buckingham Palace, the 11th day of October 2000

Present

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and approved by resolution of each House:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 8 of the Consumer Protection Act 1987(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

Title, commencement and extent

1.—(1) This Order may be cited as the Consumer Protection Act 1987 (Product Liability) (Modification) Order 2000 and shall come into force on 4th December 2000.

(2) This Order extends to England and Wales only(b).

Modification of Part I of the Consumer Protection Act 1987

2.—(1) The following modifications shall be made of Part I of the Consumer Protection Act 1987.

(2) In section 1(2), the definition of “agricultural produce” shall be omitted.

(3) Section 2(4) shall be omitted.

A.K. Galloway,
Clerk of the Privy Council

(a) 1987 c. 43.

(b) In the case of Scotland power has been devolved by section 53 of the Scotland Act 1998. In the case of Wales consumer protection is not a function of a Minister of the Crown which has been transferred to the Assembly under an enactment specified in Schedule 1 to S.I. 1999/672. Section 49 of the Consumer Protection Act 1987 provides that Part I of the said Act does not extend to Northern Ireland.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order in Council modifies Part I of the Consumer Protection Act 1987 (“the 1987 Act”). It implements Directive 1999/34/EC of the European Parliament and of the Council of 10th May 1999 (OJ No. L141, 4.6.99, p. 20). That Directive amends Council Directive 85/374/EEC (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.

Directive 85/374 requires Member States to impose liability on producers for damage caused by defects in their products, and is implemented in England, Wales and Scotland by Part I of the 1987 Act. Directive 1999/34 amends Directive 85/374 by removing the exception for primary agricultural products and game. This Order extends the scope of the provisions of Part I of the Consumer Protection Act to primary agricultural products and game.

A Regulatory Impact Assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies are also available from the Consumer Affairs Directorate of the Department of Trade and Industry, Room 433, 1 Victoria Street, London SW1H 0ET.

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