

Safety defect

Last Updated Tuesday, 04 November 2008

The Consumer Protection Act 1987 defines the legal test (for civil liability purposes) of the existence of a defect in a product as "...the safety of the product is not such as persons generally are entitled to expect...". In determining this expectation "...all the circumstances shall be taken into account, including –

- (a) the manner in which, and the purposes for which the product has been marketed, its get-up, the use of any mark in relation to the product and any instructions for, or warnings with respect to, doing or refraining from doing anything with or in relation to the product;
- (b) what might reasonably be expected to be done with or in relation to the product."

No mention is made of technical or safety standards either here or in the European Directive on product liability, which Part 1 of the CPA transcribed into UK law.