

These notes refer to the Product Liability (Amendment) Act (Northern Ireland) 2001 (c.13) which received Royal Assent on 20 July 2001

Product Liability (Amendment) Act (Northern Ireland) 2001

EXPLANATORY NOTES

BACKGROUND AND POLICY OBJECTIVES

The Amending Directive

5. The amending Directive (1999/34) means that strict liability will apply to “primary agricultural products” and game as it already does to other products (including processed agricultural products). The 1985 Directive defines “primary agricultural products” as meaning products of the soil, of stock-farming and of fisheries which have not undergone “initial processing”. The amendment removes this doubt by applying the system of strict liability to all agricultural products.
6. Producers in this context include farmers, fruit and vegetable growers and fisheries. Importers of such products from non-EU countries are also liable as producers. Others such as wholesalers and retailers would only be liable if they fail to identify the producer to an injured person.
7. The amendment does not change other provisions of the 1985 Directive. A producer of unprocessed agricultural products will therefore have the same access to the defences provided by the Directive. These are set out in the attached summary of the 1985 Directive.