



Consumer Protection Act 1987

1987 CHAPTER 43

PART I

PRODUCT LIABILITY

6 Application of certain enactments etc.

- (1) Any damage for which a person is liable under section 2 above shall be deemed to have been caused—
- for the purposes of the ^{M1}Fatal Accidents Act 1976, by that person's wrongful act, neglect or default;
 - for the purposes of section 3 of the ^{M2}Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 (contribution among joint wrongdoers), by that person's wrongful act or negligent act or omission;
 - for the purposes of [^{F1}sections 3 to 6 of the Damages (Scotland) Act 2011](rights of relatives of a deceased), by that person's act or omission; and
 - for the purposes of Part II of the ^{M3}Administration of Justice Act 1982 (damages for personal injuries, etc.—Scotland), by an act or omission giving rise to liability in that person to pay damages.
- (2) Where—
- a person's death is caused wholly or partly by a defect in a product, or a person dies after suffering damage which has been so caused;
 - a request such as mentioned in paragraph (a) of subsection (3) of section 2 above is made to a supplier of the product by that person's personal representatives or, in the case of a person whose death is caused wholly or partly by the defect, by any dependant or relative of that person; and
 - the conditions specified in paragraphs (b) and (c) of that subsection are satisfied in relation to that request,

this Part shall have effect for the purposes of the ^{M4}Law Reform (Miscellaneous Provisions) Act 1934, the Fatal Accidents Act 1976 and the [^{F2}Damages (Scotland) Act 2011] as if liability of the supplier to that person under that subsection did not

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depend on that person having requested the supplier to identify certain persons or on the said conditions having been satisfied in relation to a request made by that person.

- (3) Section 1 of the ^{M5}Congenital Disabilities (Civil Liability) Act 1976 shall have effect for the purposes of this Part as if—
- (a) a person were answerable to a child in respect of an occurrence caused wholly or partly by a defect in a product if he is or has been liable under section 2 above in respect of any effect of the occurrence on a parent of the child, or would be so liable if the occurrence caused a parent of the child to suffer damage;
 - (b) the provisions of this Part relating to liability under section 2 above applied in relation to liability by virtue of paragraph (a) above under the said section 1; and
 - (c) subsection (6) of the said section 1 (exclusion of liability) were omitted.
- (4) Where any damage is caused partly by a defect in a product and partly by the fault of the person suffering the damage, the ^{M6}Law Reform (Contributory Negligence) Act ^{M7}1945 and section 5 of the Fatal Accidents Act 1976 (contributory negligence) shall have effect as if the defect were the fault of every person liable by virtue of this Part for the damage caused by the defect.
- (5) In subsection (4) above “fault” has the same meaning as in the said Act of 1945.
- (6) Schedule 1 to this Act shall have effect for the purpose of amending the ^{M8}Limitation Act 1980 and the ^{M9}Prescription and Limitation (Scotland) Act 1973 in their application in relation to the bringing of actions by virtue of this Part.
- (7) It is hereby declared that liability by virtue of this Part is to be treated as liability in tort for the purposes of any enactment conferring jurisdiction on any court with respect to any matter.
- (8) Nothing in this Part shall prejudice the operation of section 12 of the ^{M10}Nuclear Installations Act 1965 (rights to compensation for certain breaches of duties confined to rights under that Act).

Textual Amendments

- F1** Words in s. 6(1)(c) substituted (S.) (7.7.2011) by [Damages \(Scotland\) Act 2011 \(asp 7\), ss. 15, 19\(3\), Sch. 1 para. 4\(2\)\(a\)](#) (with ss. 17, 19(2)); S.S.I. 2011/268, [art. 3](#), (with art. 4)
- F2** Words in s. 6(2) substituted (S.) (7.7.2011) by [Damages \(Scotland\) Act 2011 \(asp 7\), ss. 15, 19\(3\), Sch. 1 para. 4\(2\)\(b\)](#) (with ss. 17, 19(2)); S.S.I. 2011/268, [art. 3](#), (with art. 4)

Marginal Citations

- M1** 1976 c. 30.
M2 1940 c. 42.
M3 1982 c. 53.
M4 1934 c. 41.
M5 1976 c. 28.
M6 1945 c. 28.
M7 1976 c.30.
M8 1980 c. 58.
M9 1973 c. 52.
M10 1965 c. 57.

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