
STATUTORY INSTRUMENTS

1987 No. 1680 (C.51)

CONSUMER PROTECTION

**The Consumer Protection Act 1987
(Commencement No. 1) Order 1987**

Made - - - - 23rd September
1987

The Secretary of State, in exercise of the powers conferred upon him by section 50(2), (4) and (5) of the Consumer Protection Act 1987(1), hereby makes the following Order:

1. This Order may be cited as the Consumer Protection Act 1987 (Commencement No. 1) Order 1987.
2. In this Order—
 - “the 1961 Act” means the Consumer Protection Act 1961(2);
 - “the 1965 Act” means the Consumer Protection Act (Northern Ireland) 1965(3);
 - “the 1987 Act” means the Consumer Protection Act 1987;
 - “the existing Regulations” means Regulations made under the 1961 Act or the 1965 Act which are in force on 1st October 1987, including, for the avoidance of doubt, the Regulations referred to in section 6(2) of the 1961 Act.
3. The following provisions of the 1987 Act shall come into force on 1st October 1987—
 - (a) Part II (consumer safety);
 - (b) Part IV (enforcement) in so far as it has effect for the purposes of or in relation to Part II;
 - (c) Part V (miscellaneous and supplemental) sections 37 to 47 in so far as they have effect for the purposes of or in relation to Part II;
 - (d) section 48(1) (minor and consequential amendments) in so far as it relates to the paragraphs of Schedule 4 mentioned in paragraph (j) below;
 - (e) section 48(2)(b) (repeal of Fabrics (Misdescription) Act 1913);
 - (f) section 48(3) (repeals) in so far as it gives effect to the repeals in Schedule 5 mentioned in paragraph (k) below;
 - (g) section 49 (Northern Ireland);

(1) 1987 c. 43.
(2) 1961 c. 40.
(3) 1965 c. 14 (N.I.).

- (h) section 50 (short title, commencement and transitional provision);
 - (i) Schedule 2 (prohibition notices and notices to warn);
 - (j) Schedule 4 (minor and consequential amendments) paragraphs 1, 2, 4, 6, 7, 9, 10, 11 and 13;
 - (k) Schedule 5 (repeals) the repeals set out in Part I of the Schedule to this Order.
4. The following provisions of the 1987 Act shall come into force on 1st March 1988–
- (a) Part I (product liability);
 - (b) section 36 (amendments of Part I of the Health and Safety at Work etc. Act 1974(4));
 - (c) sections 41(2) and (6) (civil proceedings), 45 (interpretation) and 46 (meaning of “supply”) in so far as they have effect for the purposes of or in relation to Part I;
 - (d) section 48(1) (minor and consequential amendments) in so far as it relates to the paragraphs of Schedule 4 mentioned in paragraph (h) below.;
 - (e) section 48(3) (repeals) in so far as it gives effect to the repeals in Schedule 5 mentioned in paragraph (i) below;
 - (f) Schedule 1 (limitation of actions under Part I);
 - (g) Schedule 3 (amendments of Part I of the Health and Safety at Work etc. Act 1974);
 - (h) Schedule 4 (minor and consequential amendments) paragraphs 5, 8 and 12;
 - (i) Schedule 5 (repeals) the repeals set out in Part II of the Schedule to this Order.
5. The following provisions of this Order shall come into force on 1st October 1987.
6. The existing Regulations shall have effect as if they had been made under section 11 of the 1987 Act, subject to the following provisions of this Order, and references in those Regulations to either the 1961 Act or the 1965 Act or to any provision of those Acts shall be construed as references to the 1987 Act or to the corresponding provision of that Act.
7. Any provisions of the existing Regulations concerning the application of section 2 of the 1961 Act or section 2 of the 1965 Act shall cease to have effect.
8. The existing Regulations shall be treated for all purposes as including a provision prohibiting any person from supplying, or from offering to supply, agreeing to supply, exposing for supply or possessing for supply goods in respect of which any of the requirements of the Regulations are not satisfied, except where that person reasonably believes that the goods will not be used in the United Kingdom.
9. For the avoidance of doubt, the provision referred to in article 8 above shall have effect irrespective of the date of manufacture of the goods to which that provision applies.

23rd September 1987

John Butcher
Parliamentary Under-Secretary of State,
Department of Trade and Industry

SCHEDULE

articles 3(k) and 4(i)

PART I

REPEALS COMING INTO FORCE ON 1st OCTOBER 1987

Short title	Extent of repeal
The Fabrics (Misdescription) Act 1913 (5) .	The whole Act.
The Criminal Justice Act 1967 (6) .	In Part I of Schedule 3, the entry relating to the Fabrics (Misdescription) Act 1913.
The Fines Act (Northern Ireland) 1967 (7) .	In Part I of the Schedule, the entry relating to the Fabrics (Misdescription) Act 1913.
The Local Government Act 1972 (8) .	In Part II of Schedule 29, paragraph 18(1).
The Local Government (Scotland) Act 1973 (9) .	In Part II of Schedule 27, paragraph 50.
The Explosives (Age of Purchase etc.) Act 1976 (10) .	In section 1, in subsection (1), the words from “and for the word” onwards and subsection 2.
The Consumer Safety Act 1978 (11) .	The whole Act.
The Magistrates' Courts Act 1980 (12) .	In Schedule 7, paragraphs 172 and 173.
The Telecommunications Act 1984 (13) .	In section 101(3)(f), the word “and”.
The Food Act 1984 (14) .	In Schedule 10, paragraph 32.
The Consumer Safety (Amendment) Act 1986 (15) .	The whole Act.
The Airports Act 1986 (16) .	In section 74(3)(g), the word “and”.
The Gas Act 1986 (17) .	In section 42(3), paragraphs (a) and (g) and, in paragraph (h), the word “and”.

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- (5)** 1913 c. 17.
(6) 1967 c. 80.
(7) 1967 c. 29 (N.I.).
(8) 1972 c. 70.
(9) 1973 c. 65.
(10) 1976 c. 26.
(11) 1978 c. 38.
(12) 1980 c. 43.
(13) 1984 c. 12.
(14) 1984 c. 30.
(15) 1986 c. 29.
(16) 1986 c. 31.
(17) 1986 c. 44.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART II

REPEALS COMING INTO FORCE ON 1st MARCH 1988

Short title	Extent of repeal
The Prescription and Limitation (Scotland) Act 1973(18).	Section 23.
The Health and Safety at Work etc. Act 1974(19).	In section 53(1), the definition of “substance for use at work”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force most of the provisions of the Consumer Protection Act 1987 on 1st October 1987 and 1st March 1988. The main provisions not brought into force by the Order are those of Part III (misleading price indications) and that repealing the Trade Descriptions Act 1972 (c. 34), which relates to origin marking.

The provisions brought into force on 1st October 1987 are—

Part II (consumer safety);

Part IV (enforcement) for the purposes of Part II;

Part V (miscellaneous and supplemental) sections 37 to 47 for the purposes of Part II; section 48(1) and (3) in relation to the minor and consequential amendments (Schedule 4) and repeals (Schedule 5) mentioned below; section 48(2)(b) (repeal of the Fabrics (Misdescription) Act 1913); section 49 (Northern Ireland); and section 50 (short title, commencement and repeals);

Schedule 2 (prohibition notices and notices to warn);

Schedule 4 (minor and consequential amendments) paragraph 1 (amendment of the Explosives Act 1875 (c. 17)), paragraphs 2, 4, 6, 7, 9, 10 and 11 (relating to Part II) and paragraph 13 (amendment of the Motor Cycle Noise Act 1987 (c. 34));

Schedule 5 (repeals) the repeals set out in Part I of the Schedule to the Order (article 3).

The provisions brought into force on 1st March 1988 are—

Part I (product liability);

Part V (miscellaneous and supplemental) section 36 (amendment of Part I of the Health and Safety at Work etc. Act 1974); and sections 41(2) and (6) (civil proceedings), 45 (interpretation) and 46 (meaning of “supply”) for the purposes of Part I;

Schedule 1 (limitation of actions under Part I);

Schedule 3 (amendment of Part I of the Health and Safety at Work etc. Act 1974);

Schedule 4 (minor and consequential amendments) for the purposes of Part I (product liability);

(18) 1973 c. 52.

(19) 1974 c. 37.

Schedule 5 (repeals) the repeals set out in Part II of the Schedule to the Order (article 4).

The Order also makes provision, coming into force on 1st October 1987, for regulations made under the Consumer Protection Act 1961 and the Consumer Protection Act (Northern Ireland) 1965 to be treated as though they had been made under section 11 of the Consumer Protection Act 1987 (article 6).

The regulations are to be treated as including a provision prohibiting any person from supplying the goods in question, offering or agreeing to supply them, or exposing or possessing them for supply, except where that person reasonably believes that the goods will not be used in the United Kingdom. The prohibition will apply no matter when the goods were manufactured (articles 8 and 9).

“Supply” is defined by section 46 of the Consumer Protection Act 1987 and includes supply as an agent.