
STATUTORY INSTRUMENTS

2005 No. 1803

The General Product Safety Regulations 2005

PART 2

OBLIGATIONS OF PRODUCERS AND DISTRIBUTORS

Presumption of conformity

6.—(1) Where, in the absence of specific provisions in rules of Community law governing the safety of a product, the product conforms to the specific rules of the law of part of the United Kingdom laying down the health and safety requirements which the product must satisfy in order to be marketed in the United Kingdom, the product shall be deemed safe so far as concerns the aspects covered by such rules.

(2) Where a product conforms to a voluntary national standard of the United Kingdom giving effect to a European standard the reference of which has been published in the Official Journal of the European Union in accordance with Article 4 of the GPS Directive, the product shall be presumed to be a safe product so far as concerns the risks and categories of risk covered by that national standard. The Secretary of State shall publish the reference number of such national standards in such manner as he considers appropriate.

(3) In circumstances other than those referred to in paragraphs (1) and (2), the conformity of a product to the general safety requirement shall be assessed taking into account—

- (a) any voluntary national standard of the United Kingdom giving effect to a European standard, other than one referred to in paragraph (2),
- (b) other national standards drawn up in the United Kingdom,
- (c) recommendations of the European Commission setting guidelines on product safety assessment,
- (d) product safety codes of good practice in the sector concerned,
- (e) the state of the art and technology, and
- (f) reasonable consumer expectations concerning safety.

(4) Conformity of a product with the criteria designed to ensure the general safety requirement is complied with, in particular the provisions mentioned in paragraphs (1) to (3), shall not bar an enforcement authority from exercising its powers under these Regulations in relation to that product where there is evidence that, despite such conformity, it is dangerous.