

Safety

What the law says

There are several laws that give you protection against the effects of buying unsafe or dangerous goods and you can make a claim against the trader and/or the manufacturer depending on which law you use.

Sale of Goods Act 1979 (as amended). If the **goods** you bought are **unsafe**, they are not of satisfactory quality. You may have the right to return them and to have your money refunded, the item replaced or repaired, or to be paid compensation.

Consumer Protection Act 1987. Under this Act, the **manufacturer** or the **importer** may be held liable for any **damage** caused by defective (dangerous or unsafe) goods. Damage includes death or personal injury and damage to private property (in the case of private property, the claim must exceed £275), but not damage to the goods themselves. For example, if a pushchair collapses, injuring both the mother and the child, the mother can claim damages under this Act for personal injury to herself and the child, but not compensation for the faulty pushchair. If you wish to make a claim under this Act:-

- the goods must be those intended for private use or consumption (for example, not a network computer), or intended for professional use but in practice used by consumers (for example, some D.I.Y. products)
- you must make the **claim** within **3 years** of the date the damage was caused, or **3 years** from the date the damage could reasonably have been discovered. The manufacturer's or importer's liability ends **10 years** after the goods first appeared on the market.

Negligence

You may be able to claim **compensation** for negligence from the **trader** or the **manufacturer**. You do not have to have purchased the goods yourself from the trader and no criminal offence needs to have been committed. However, you will have to show that the trader or the manufacturer had not taken reasonable care and as a result you have suffered loss, damage or injury because of the goods. You can also make a claim for negligence where someone providing a service such as a solicitor or a builder has not performed the service with reasonable care, skill and competence. You have **6 years** to bring a case of negligence, unless you are claiming for personal injury, when the time limit is **3 years**.

If you are considering a claim for negligence and/or personal injury, you should always take legal advice regarding the merits of your case and the amount of compensation you should claim/accept.

British standards

Some products are covered by a **British standard** drawn up by the British Standards Institute (BSI). British standards describe how goods should be made and some cover safety standards. Goods made to a British standard will be marked with a BS number. If goods have been tested by the BSI, they will display the **kitemark** symbol.

If you have a complaint about goods carrying a kitemark that you believe are not up to standard, and you have been unable to resolve your complaint with the trader or the manufacturer, you can ask **BSI's Quality Assurance Department** to investigate on your behalf. BSI will test the goods and, if your complaint is upheld, BSI will take the matter up with the manufacturer. You will have to pay for the test. You can telephone BSI for more information on 020 8996 9000.

Criminal offences

The following Acts deal with situations where the trader or the manufacturer may have committed a criminal offence:

- **Trades Descriptions Act 1968** makes it a criminal offence to sell or offer for sale goods that have a **false description**. This includes goods being described as meeting safety standards which they do not meet, for example, furniture described as being fire resistant which subsequently proves highly inflammable. If you feel you may have been misled about a product, you should contact the Citizens Advice consumer helpline on 0845 404 0506
- **General Product Safety Regulations 2005** give you protection against the sale or manufacture of goods that are **unsafe**. You do not have to have been injured by the goods for an offence to be committed. Most new, secondhand and reconditioned goods are covered by these regulations **unless** there is a specific European safety law that applies. For example, the Toy Safety Regulations 1995, which is based on a European Directive, already governs the safety of toys and will give specific information on what constitutes a safe toy. If you feel any product is unsafe, you should report the matter to the Citizens Advice consumer helpline on 0845 404 0506, whether or not anyone has been injured.
- **Specific Safety Regulations**. These Regulations set out what is required of a particular type of product, for example that the sale of certain classes of firework be restricted. It is a criminal offence to

breach these regulations. There are hundreds of safety regulations, which give particular rules for different types of product. Any item that is not covered by its own specific Regulation will be caught by the General Product Safety Regulations (see above), so that no product is placed on the market unless it is a safe product.

The Citizens Advice consumer helpline can give you further information regarding individual regulations. If you have a safety complaint where you believe an offence has been committed, contact the Citizens Advice consumer helpline on 0845 404 0506. If the trader or the manufacturer is prosecuted and found guilty, the court may order them to pay you compensation.

Other fact sheets that might be helpful

- Starting court action
- Goods
- Services

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This fact sheet was last updated on 13 November 2012, and is reviewed regularly. If it is some time since you obtained this fact sheet, please contact your local Citizens Advice Bureau to check if it is still correct. Or visit our website - www.adviceguide.org.uk - where you can download an up-to-date copy.