

Product safety advice for businesses supplying goods in Northern Ireland

Introduction

Guidance on ensuring products are safe and compliant with product safety laws that apply to the products supplied by your business

If you make, import, distribute or sell consumer products in the UK, you are responsible for making sure they are safe for consumers to use and following the legal requirements in relation to labelling.

Many people are injured each year due to faulty consumer goods. You could face legal action if a product is found to be unsafe or causes harm to consumers.

Product safety involves ensuring all goods on sale to the public are safe for their intended use. The responsibility to supply safe consumer goods applies all the way down from the manufacturer to the retailer. This means, that products being sold should comply with any relevant legislation.

Product safety in the UK is governed by a wide regulatory framework of both national and European-derived legislation. Legal requirements are the same whether you supply goods from retail premises, home, a market stall or online.

This guide helps you [understand the law on product safety](#). It outlines sources of [product safety advice](#) and explains how to [prevent product safety problems](#).

Also on this site

[Product compliance when placing certain goods on the Northern Ireland market](#)

[Product liability insurance](#)

Understanding the law on product safety in Northern Ireland

If you make, import, distribute or sell products in Northern Ireland or the UK, you need to understand the basics of product safety law.

You must only sell products that comply with product safety regulations. You must comply with the regulations for specific product types or if none apply, you must comply with the General Product Safety Regulations 2005.

The [General Product Safety Regulations 2005 \(GPSR\)](#) require all consumer products to be safe in their normal or reasonably foreseeable usage. Enforcement authorities such as local Councils in Northern Ireland have powers to take appropriate action when this obligation isn't met.

There are also specific regulations for some products, setting out essential safety requirements. Where there's crossover with the GPSR, the product-specific legislation usually takes precedence.

Product safety law in Northern Ireland

While the various regulations still cover the UK following EU Exit, their provisions are now applied differently in Great Britain and Northern Ireland. This means there is separate guidance for businesses selling products in these areas. This will continue to be the case while the Northern Ireland Protocol is in force. <https://www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-northern-ireland>

You must make sure that your goods meet UK rules, including any specific rules that apply in Northern Ireland. You can place your goods on the market in Northern Ireland if:

- your goods are not subject to specific UK rules that prevent you from placing it on the Northern Ireland market
- your product has been legally marketed in the EU (including EEA member states)

Goods covered by EU rules

EU rules will continue to apply in Northern Ireland for the certain goods that are subject to specific rules. These are:

- [construction products](#)
- [products requiring ecodesign and energy labelling](#)
- [cosmetics](#)
- [tobacco products](#)
- [fertilisers](#)

Placing manufactured goods on the market in Northern Ireland

While the Northern Ireland protocol applies, Northern Ireland will align with relevant EU rules relating to the placing on the market of manufactured goods. Find out what you need to do to comply with rules for [placing manufactured goods on the market in Northern Ireland](#).

In Northern Ireland, EU conformity markings continue to be used to show that goods meet EU rules. For most manufactured goods, this is the CE marking, but there are some other markings for specific products (such as the wheel marking or Pi mark).

The UKCA marking cannot be used for goods placed on the Northern Ireland market. For more information, check the guidance for:

- [using the CE marking](#)
- [using the UKNI marking](#)
- [using the UKCA marking](#)

Check your legal responsibilities

Appoint an authorised person

From 16 July 2021, some businesses may need to appoint an authorised representative in the EU or Northern Ireland to carry out compliance functions if there is no-one in the supply chain in those areas who can carry out the functions.

Manufacturers

You are responsible for ensuring your product complies with the relevant EU rules and for drawing up documentation such as the declaration of conformity. You can delegate some of the duties to an authorised representative – you will need to check the specific regulations that apply to confirm what can and cannot be delegated.

Northern Ireland-based importers, distributors and suppliers

You'll become an 'importer' if you're the one bringing goods for the first time into Northern Ireland from either Great Britain or another non-EU country and placing them on the Northern Ireland market. You need to agree whether you or your supplier will take on the role of 'importer' (for the purposes of relevant EU rules).

Fulfilment service providers

If your business model fits this description, you are a fulfilment service provider: "Any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products. (This excludes postal, parcel and freight services)." If there is no manufacturer, importer or authorised representative established in NI (or the EU) who is responsible for the compliance tasks listed in Article 4, you (as fulfilment service provider) are responsible by default

Prevent product safety problems

How to put processes in place at every stage to prioritise product safety

Producers, manufacturers, importers and suppliers all have a responsibility to ensure that products are safe. You should:

- consider safety at every stage, from initial design through to selling
- check whether there are any specific regulations or safety standards applying to your product and that you meet them

Safety concerns in the early stages of design

Taking into account the safety aspects of your products from the outset of design can help limit your liabilities as you may find it easier to comply with current and future legislation if your products are easier to produce, use, maintain and dispose of.

Focusing on the research and design of your products during the early stages of development may also boost your competitiveness through a number of ways such as:

- efficient use of raw materials and resources
- improved product quality
- reducing or removing hazardous materials from your processes
- better preparation for the end of your product's lifecycle
- increased market share and better customer relationships

While you are creating your product, check that no harm will be caused to makers and consumers by any of the materials or finishing techniques used.

Once a sample of your product is ready for use, check that:

- it is strong enough to support any loads involved
- it can't produce any toxic, harmful, or adverse effects on the user or consumer
- the materials used are suitable for the purpose and safe for users
- all hazards have been sufficiently controlled, eg electrical insulation, moving parts, folding components, noise and poor ergonomic design

When you dispose of a product, check that the parts and materials can be dismantled without causing harm or releasing toxic or harmful substances. Ensure that the recycling of any parts or materials will not release toxic or harmful substances.

Prevent safety problems for suppliers

To prevent safety issues, suppliers must:

- give customers any safety information provided by the producer
- investigate safety complaints, and tell the manufacturer
- co-operate with Environmental Health Officers

Think about ways to protect yourself if you are sued such as by purchasing product liability insurance to cover damages and legal costs. See [Product liability insurance](#)

Demonstrating product safety compliance

Rules for demonstrating compliance with product safety law, including record keeping and reporting

Manufacturers and importers placing products on the UK market need to demonstrate that they comply with relevant safety requirements. This involves:

- minimising the risks associated with the product at design stage
- generating and keeping records of associated technical documentation
- ensuring factory production controls are implemented
- placing appropriate labelling on the product
- providing instructions on how to use it safely

The use of agreed standards covering aspects of the product or its production process – where these exist – is one way to demonstrate compliance.

If your business sells consumer products in the UK, you must not sell products that you know – or should have known – are unsafe.

You need to keep records identifying the suppliers of the products you sell to allow their origins to be traced.

If you're made aware of any safety risks or consumer incidents related to a product you've sold, you have a legal duty to report these to the manufacturer, supplier or your local Environmental Health Department. If you don't do this, you could become liable in the event of harm to a person or damage to property.

[Product compliance when placing certain goods on the Northern Ireland market](#)

Product safety corrective action, recalls and incidents

Your legal duty for ensuring products are safe and actions you must take when there are problems

Businesses that make, import, distribute or sell consumer products in the UK are all responsible for their safety.

For example, if a manufacturer discovers that a product it has sold represents a safety risk, it must take action to remedy the issue. This could include issuing new instructions, modifying the product, or requiring consumers to stop using the product and return it for a refund. The manufacturer must contact all the consumers it knows are affected to alert them to the issue and tell them what they should do.

Businesses have a duty to only place safe products on the market and to warn consumers of any risks. Normally effective processes and good product design will prevent any problems, but on rare occasions things can go wrong.

If you discover that a product you have sold represents a safety risk, you must take action to remedy the issue. This could include:

- issuing new instructions
- modifying the product
- requiring consumers to stop using the product and return it for a refund - known as a product recall

The manufacturer must contact all the consumers it knows are affected to alert them to the issue and tell them what they should do.

Plan for product recalls

Product safety problems can pose a risk to public health and damage your business' reputation. In order to minimise these risks, you should have a product recall plan in place. A plan outlines the process you will follow to carry out a product recall quickly and professionally.

Product recall advice

The **Code of Practice on Product Recalls PAS 7100** provides best practice guidance on how businesses should prepare for and respond to product safety incidents. The Code also sets out the responsibilities and support role of Market Surveillance Authorities such as The Environmental Health Department of your local Council. PAS7100 is free to download at <https://www.bsigroup.com/en-GB/pas7100-supporting-better-product-recalls/>

Product safety liability and insurance

The law relating to product safety liability and why taking out product liability insurance is a good idea

Manufacturers, and sometimes others involved in a product's supply chain, are liable for their products under the Consumer Protection Act 1987.

This means that if the product is unsafe and causes personal injury or death to any person, or damage to private property, you could be sued for compensation.

For this reason, many businesses take out appropriate product liability insurance. Note that this is not the same as general business or employer's liability insurance.

If a finished product contains a defect in a particular component, both the product manufacturer and component manufacturer may be liable.

Other suppliers, such as wholesalers and retailers, are not liable unless they fail to identify the producer when asked to do so by a person who has suffered harm. However, customers can sue retailers under laws on the sale of goods.

You should take positive action to monitor the safety of your products. You should also make sure you are covered by product liability insurance if you manufacture or repair products, and possibly if you sell them, too. PAS 7100 contains useful advice if you need to recall a product <https://www.bsigroup.com/en-GB/pas7100-supporting-better-product-recalls/>

Insurance will provide valuable protection for your business against any costs or compensation awarded. Although it's not a legal requirement to have this type of insurance, it could mean the survival of your business should a claim be made against you.

Product safety advice and enforcement

How product safety is enforced locally and role of your local council's Environmental Health Department.

Local councils in Northern Ireland have enforcement responsibilities for safety related issues with Consumer Goods. Local Councils will:

- Investigate complaints relating to unsafe goods.
- Carry out market surveillance of goods on sale in shops and online to ensure they are safe
- Provide advice to manufacturers, importers and suppliers about their legal responsibilities.
- Sample and test consumer goods to ensure they meet required standards of safety
- Carry out surveys of targeted consumer goods to ensure they meet safety requirements.
- Respond to hazard warnings in relation to identified unsafe goods.
- Launch campaigns and initiatives to raise awareness of consumer safety issues.

For further information, you can contact your local Environmental Health Office. See [find your local council](#).below

CONSUMER PROTECTION CONTACTS

Antrim & Newtownabbey Borough Council	envhealth@antrimandnewtownabbey.gov.uk
Ards & North Down Borough Council	EHP&Dadmin@ardsandnorthdown.gov.uk
Armagh City, Banbridge & Craigavon Borough Council	ehhealth@armaghbanbridgecraigavon.gov.uk
Belfast City Council	envhealth@belfastcity.gov.uk
Causeway Coast & Glens Borough Council	environmentalhealth@causewaycoastandglens.gov.uk
Derry City & Strabane District Council	consumerprotection@derrystrabane.com
Fermanagh & Omagh District Council	eh@fermanaghomagh.com
Lisburn & Castlereagh City Council	ehhealth@lisburncastlereagh.gov.uk
Mid & East Antrim Borough Council	mea.envhealth@midandeastantrim.gov.uk
Mid Ulster District Council	environmentalhealth@midulstercouncil.org
Newry, Mourne & Down District Council	ehhealth@nmandd.org

Also on this site

[Product compliance when placing certain goods on the Northern Ireland market](#)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/993066/guidance-msc-regulation-article-4-businesses.pdf

Also on this site

[Product liability insurance](#)

[Product safety law compliance for manufacturers and importers](#)

[Placing manufactured goods on the EU market from 1 January 2021](#)

[Placing manufactured goods on the market in Great Britain from 1 January 2021](#)

[What is CE marking?](#)

[Product compliance when placing certain goods on the Northern Ireland market](#)

[Customer protection](#)

[Liability insurance for your business](#)