

**TABLE 12.1** Summary of the Consumer Protection Act 1987, Part 1

Issue	Relevant sections	Explanation
Who can sue?	Sections 2(1) and 5(1)	A person who 'suffers damage as a result of a defective product' (see definitions of 'damage' and 'defect')
Who can be sued?	Sections 1(2) and 5(2)	Manufacturers, producers, 'own-branders' and importers into the EU.* Some suppliers can also be sued
What damage can be claimed for?	Section 5(1) See also ss 5(2) and 5(4)	Death, personal injury and property damage Pure economic loss excluded and property damage must exceed £275
What is a 'product'?	Section 1(2) See also s 45	Goods and electricity, component parts and raw materials  'Goods' includes substances, growing crops, things on land and any ship, aircraft or vehicle
What is a 'defect'?	Section 3(1) See also s 3(2)(a)–(c)	A defect exists when 'the safety of a product is not such that persons generally are entitled to expect'—this is the most analysed aspect of the legislation in case law  Packaging, normal use, instructions and warnings may be taken into account
Are any defences appropriate?	Section 4(1)(a)–(f)	There are six defences available under the Act  Contributory negligence is also applicable

\* As discussed in **n 22** earlier, post-Brexit this is to be amended to say 'importers into the United Kingdom'.