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United Kingdom: Product Liability

Contributor



🔍 Jones Day

Nathalie Smyth

Partner, Global Disputes | nsmyth@jonesday.com

Samantha Silver

Partner, Global Disputes | samanthasilver@jonesday.com

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United Kingdom Product Liability

1 What is the current legal landscape for your practice area in your jurisdiction?

The current legal landscape for product liability in the UK is centred on the Consumer Protection Act 1987 (CPA), evolving case law, and ongoing legislative and policy developments aimed at modernising the regime.

Core Statutory Framework: The CPA remains the primary source of product liability law and implements the EU Product Liability Directive (85/374/EEC). It establishes a system of strict liability for defective products. A product is considered defective if its safety "is not such as persons generally are entitled to expect."

Case law: UK courts have clarified the CPA's application through established case law. In *Wilkes v DePuy International Ltd* (2016) and *Gee v DePuy International Ltd* (2018), the courts adopted a flexible approach to determining defect, allowing consideration of factors such as a product's benefits and risks, regulatory compliance, and the role of learned intermediaries. More recently, the Supreme Court case of *Hastings v Finsbury Orthopaedics Ltd and Stryker UK* (2022) reaffirmed the law on defect.

UK General Product Safety Regulations 2005

The principal horizontal framework for non food consumer products remains the UK General Product Safety Regulations 2005 (UK GPSR) post Brexit, which apply in Great Britain (with Northern Ireland subject to the EU General Product Safety Regulation (EU) 2023/988). The UK GPSR place obligations on manufacturers, importers and distributors to ensure that only safe products are placed on the market, to provide appropriate warnings and instructions, to notify the relevant regulator when a product presents a risk, and to take suitable corrective action when safety concerns arise.

The Product Regulation and Metrology Act 2025 (PRAM) received Royal Assent in July 2025. While it does not immediately reform product liability rules, it grants the Secretary of State broad powers to introduce new product regulations, which may impose obligations on online marketplaces and product safety certification and assessment bodies, in addition to the existing obligations placed on traditional supply chain actors such as manufacturers, importers and distributors. It also recognises software as a component of products for the purposes of safety requirements.

Law Commission Review: In September 2025, the Law Commission launched the first comprehensive review of UK product liability law since the CPA's introduction. The review examines whether the regime remains fit for purpose in light of digital technologies and online marketplaces, as well as other key issues including whether the concepts of defect and damage should be expanded, and whether evidentiary rules and the ten-year long-stop limitation period require reform. A formal consultation is expected in the second half of 2026.

EU Developments and UK Divergence: Although the UK is no longer bound by EU law, developments in the EU remain relevant. The EU Product Liability Directive (EU) 2024/2853, which entered into force in

December 2024, expands liability to cover software (including AI systems) and a wider range of economic operators, introduces presumptions of defect and causation in certain circumstances, and allows Member States to extend the long-stop limitation period to 25 years for latent personal injuries.

Overall Position: UK product liability law currently remains largely based on the CPA's established strict liability framework, but it is in a transitional phase. The Law Commission review and the regulatory powers created by the PRAM indicate a direction toward modernising the regime, meaning reform is possible in the coming years.

2. What three essential pieces of advice would you give to clients involved in your practice area matters?

Having represented manufacturers and other economic operators in a range of product liability and product safety matters, we would share the following three essential recommendations:

- 1. Maintain comprehensive documentation:** Keep detailed records of product design, specifications, manufacturing processes, quality checks, and regulatory compliance. Strong document retention policies are critical because product liability claims can arise many years after a product is sold, and well-kept records can be key to defending claims.
- 2. Implement strong quality assurance and supply chain controls:** It is of course key that safety is built into product design insofar as possible, supported by robust scientific and technical documentation as required and by comprehensive quality assurance and quality control programs. Clear procedures, regulatory compliance, regular internal audits and strong supply contracts help to prevent product issues and to allocate responsibility if they do arise.
- 3. Plan ahead for potential incidents:** Put in place systems to respond quickly if problems occur, including product recall plans, effective monitoring of customer feedback, appropriate contractual protections with suppliers, and ensure that there is adequate insurance coverage in place. Preparation helps protect consumers, limit financial exposure, and reduce reputational damage.

3. What are the greatest threats and opportunities in your practice area law in the next 12 months?

The Law Commission's review of the Consumer Protection Act 1987, with the potential for the introduction of significant changes to product liability law in England and Wales for the first time in nearly 40 years, creates both substantial concerns and opportunities for stakeholders, particularly in light of the amendments to the EU Product Liability Directive.

The potential introduction of expanded liability (including for digital technologies), new categories of recoverable damage, and the potential for presumptions of defect and causation in certain circumstances could sharply increase business and insurance risk.

It also presents stakeholders with the opportunity to help to shape reform, gain legal clarity on a range of issues, and to use early adaptation to secure competitive and reputational advantages.

In any event, active engagement during the 2026 consultation is essential, as those who remain passive risk reforms being driven by competing interests.

4. How do you ensure high client satisfaction levels are maintained by your practice?

Our team combines deep product liability and product safety expertise – spanning life sciences, consumer goods, automotive, and beyond – with scientific and industry knowledge to craft tailored strategies and minimise risk before it materialises. We are direct, responsive, and accessible: clients know where they stand at every stage.

Our defining competitive advantage, however, is the globally integrated nature of our practice. We monitor trends and tactics evolving in other jurisdictions – particularly the United States, the epicentre of product liability litigation globally – and anticipate what is coming to the UK and EU before it arrives. Our clients rely on us to have in place a coordinated, consistent global defence strategy that protects their position in every market simultaneously.

5 What technological advancements are reshaping your practice area law and how can clients benefit from them?

Technological advancements, particularly AI, are reshaping product liability law by streamlining legal research and automating document reviews. Clients benefit from faster, more accurate case assessment, reduced costs, and more informed decisions on litigation or settlement.

AI also supports robust risk management for manufacturers through improved product traceability, compliance, and cross-border document handling. Firms that integrate AI with human expertise can achieve more efficient processes, stronger outcomes, and a competitive advantage in this evolving legal landscape.

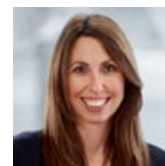
Furthermore, the use of smart sensors and connected environments capable of detecting product damage, deterioration or performance issues in real time, are increasingly shaping regulatory expectations around product liability and safety monitoring.

The views and opinions set forth herein are the personal views or opinions of the authors; they do not necessarily reflect views or opinions of the law firm with which they are associated.

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