

Product Liability

Law

Liability for defective products, in negligence and under statute.

Negligence route

- Must prove a breach of duty
- Fault has to be established
- Available against any careless party
- No cap on the type of loss

Strict liability regime

- Defect is enough, fault not required
- Producer, importer or own-brander liable
- Consumer expectation of safety is the test
- Development risk defence in some systems

THE DIFFERENCE THAT MATTERS

Strict regimes exist because proving a manufacturer's carelessness inside a factory is often impossible for a consumer.

Educational reference. Scope, defences and recoverable loss vary by jurisdiction. Not legal advice.