



# Medicines and Medical Devices Act 2021

## 2021 CHAPTER 3

### PART 4

#### MEDICAL DEVICES

### CHAPTER 3

#### ENFORCEMENT

#### *Civil proceedings*

#### **38 Civil proceedings**

- (1) An obligation imposed by a medical devices provision is to be treated as a duty owed to any person who may be affected by a breach of the obligation.
- (2) Accordingly, a breach of such an obligation gives rise to a right of action for breach of statutory duty.
- (3) Subsections (1) and (2) are subject to—
  - (a) a provision to the contrary in a medical devices provision, and
  - (b) the defences and other incidents applying to actions for breach of statutory duty.

---

#### **Commencement Information**

**II** S. 38 in force at 26.5.2021 by [S.I. 2021/610](#), [reg. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Medicines and Medical Devices Act 2021, Section 38.