

Product Regulation and Metrology Bill [HL]

RUNNING LIST OF ALL AMENDMENTS IN GRAND COMMITTEE

*Tabled up to and including
15 October 2024*

[Amendments marked ★ are new or have been altered]

Clause 1

LORD FOX

Clause 1, page 1, line 6, leave out “or effectively” and insert “, effectively and safely”

Member's explanatory statement

The Amendment ensures that regulations relating to the marketing of use of products in the UK may have the purpose of ensuring that products are safe.

LORD FROST

★ Clause 1, page 1, line 9, leave out subsection (2)

Member's explanatory statement

This amendment removes from the Bill a broadly-drawn power to align with EU environmental regulation.

LORD FROST

★ Clause 1, page 2, leave out lines 7 to 13 and insert –

““relevant foreign law” means law of one or more of the United States of America, Canada, Japan, the European Union, Switzerland, Australia, or New Zealand relating to standards, the marketing, or use of products in those markets, which are in force on a specific date and only that date, as specified in regulations;”

Member's explanatory statement

This and other amendments in the name of Lord Frost open up the possibility of defining product regulations by relation to the laws of countries other than the European Union, require the

justification of decisions to limit any such reference to the laws of one territory only, and prevent regulations providing for dynamic alignment to relevant foreign laws.

After Clause 1

LORD RUSSELL OF LIVERPOOL

Revised version of the amendment printed on 10 October 2024

After Clause 1, insert the following new Clause –

“Replication of EU law

- (1) Where equivalent or similar EU law exists in relation to relevant product regulations the Secretary of State must, when making provision under section 1, make provisions to equivalent effect as such EU Law.
- (2) If the Secretary of State does not believe replication of relevant EU law to be in the interests of the United Kingdom, they must make an assessment of the appropriate differences and provide for those differences by regulations.
- (3) The Secretary of State must arrange for a statement to be made in Parliament on any decision not to replicate EU law under subsection (2) at least fourteen days before regulations are laid before Parliament.”

Clause 2

LORD LUCAS

Clause 2, page 2, line 30, after “products” insert “with information including their origin, the identity of the local representative, their value and beneficial ownership”

Member's explanatory statement

This amendment will enable discussion of what information might usefully be marked on the product, such that the liability for regulations and charges can be clearly established.

LORD LUCAS

Clause 2, page 2, line 43, after “representatives” insert, “including requirements related to the acceptance of liability by such representatives and the financial strength necessary to do so”

LORD LUCAS

Clause 2, page 2, line 43, at end insert –

- “(1) the collection of tax and charges related to products.”

LORD LUCAS

Clause 2, page 2, line 43, at end insert –

“(1) charging fees designed to recoup government costs in administering and enforcing product regulation under this Act.”

LORD FROST

★ Clause 2, page 3, line 34, leave out “EU” and insert “foreign”

Member's explanatory statement

This and other amendments in the name of Lord Frost open up the possibility of defining product regulations by relation to the laws of countries other than the European Union, require the justification of decisions to limit any such reference to the laws of one territory only, and prevent regulations providing for dynamic alignment to relevant foreign laws.

LORD FROST

★ Clause 2, page 3, line 37, at end insert –

“(7A) Any regulations under subsection (7) which specify a relevant foreign law must specify that the foreign law referred to is that which is in application on a particular date, which must be specified.”

Member's explanatory statement

This and other amendments in the name of Lord Frost open up the possibility of defining product regulations by relation to the laws of countries other than the European Union, require the justification of decisions to limit any such reference to the laws of one territory only, and prevent regulations providing for dynamic alignment to relevant foreign laws.

LORD FROST

★ Clause 2, page 3, line 40, at end insert –

“(9) Before making provision described in subsection (7), the Secretary of State must make an explanatory statement if the provision relates to relevant foreign law of only one of the markets listed in the definition of “relevant foreign law” in section 1(5).”

Member's explanatory statement

This and other amendments in the name of Lord Frost open up the possibility of defining product regulations by relation to the laws of countries other than the European Union, require the justification of decisions to limit any such reference to the laws of one territory only, and prevent regulations providing for dynamic alignment to relevant foreign laws.

Clause 3

LORD FOSTER OF BATH

Clause 3, page 4, line 20, at end insert –

“(4A) The Secretary of State must ensure that all authorities with enforcement powers under this Act have the capacity to enforce product and metrology regulations, including provisions described in subsection (3).”

Member's explanatory statement

The amendment places a duty on the Secretary of State to ensure that there is adequate capacity for relevant authorities to ensure the enforcement of product and metrology regulations.

Clause 5

LORD FOX

Clause 5, page 6, line 8, at end insert –

“(3A) Regulations under this section must have regard for the impact of metrology regulations on small and medium sized enterprises.”

Member's explanatory statement

The amendment ensures that new metrology regulations under the act have regard for impacts on small and medium sized enterprises.

After Clause 6

LORD FOX

After Clause 6, insert the following new Clause –

“Regulations: devolved administrations

The Secretary of State must consult with the devolved administrations on the impacts of regulations made under this Act.”

Member's explanatory statement

This amendment ensures that devolved administrations are consulted with regards to the impacts of regulations under the Act.

LORD FOX

After Clause 6, insert the following new Clause –

“Regulations: international law

The Secretary of State, in making regulations under this Act, must have regard for current and future international law relating to product regulation and metrology, including, but not limited to, EU law.”

Member's explanatory statement

This amendment requires that new regulations made under the Act must have regard for current and future international product and metrology regulation.

LORD FOX

After Clause 6, insert the following new Clause –

“Regulations: consumer safety and sustainability

Regulations made under this Act must have regard for consumer safety and wellbeing, and environmental sustainability, with particular reference to the disposal of chemical and lithium-ion products.”

Member's explanatory statement

This amendment ensures that regulations under the Act have regard for consumer safety and wellbeing, and environmental sustainability.

Clause 10

LORD FOX

Clause 10, page 9, line 38, at end insert –

““circular economy” means that products are manufactured to minimise waste and maximise the use, reuse, and recyclability of products;”

Member's explanatory statement

This amendment clarifies the meaning of “circular economy” as it relates to another amendment in the name of Lord Fox.

LORD FOX

Clause 10, page 10, line 32, at end insert –

““right to repair” means the provision for manufacturers to conveniently sell replacement components for products they sell;”

Member's explanatory statement

This amendment clarifies the meaning of “right to repair” as it relates to another amendment in the name of Lord Fox.

Clause 11

LORD RUSSELL OF LIVERPOOL

Clause 11, page 11, line 10, at end insert –

“(za) provision described in section (*Replication of EU law*)(2);”

LORD FROST

- ★ Clause 11, page 11, line 10, at end insert –
“(za) provision described in section 2(7);”

Member's explanatory statement

This amendment would ensure that the affirmative parliamentary procedure will apply to regulations under Clause 2(7), that is, any regulations which include references to relevant foreign law.

LORD FOX

Clause 11, page 11, line 18, at end insert –

- “(5A) Every six months after the date on which this Act is passed, the Secretary of State must publish an assessment of the impact of all of the regulations made by virtue of subsection (3) which have been laid since the previous report.”

Member's explanatory statement

This amendment requires the Secretary of State to publish a report every 6 months detailing draft regulations under the Act, to inform Parliamentary and industry scrutiny of the regulations.

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