

HOUSE OF LORDS

Delegated Powers and Regulatory Reform
Committee

4th Report of Session 2024–25

Product Regulation and Metrology Bill

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HL Paper 23

The Delegated Powers and Regulatory Reform Committee

The Committee is appointed by the House of Lords each session, most recently on 29 July 2024, and has the following terms of reference:

- (i) To report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny;
- (ii) To report on documents and draft orders laid before Parliament under or by virtue of:
 - (a) sections 14 and 18 of the Legislative and Regulatory Reform Act 2006,
 - (b) section 7(2) or section 19 of the Localism Act 2011, or
 - (c) section 5E(2) of the Fire and Rescue Services Act 2004;

and to perform, in respect of such draft orders, and in respect of subordinate provisions orders made or proposed to be made under the Regulatory Reform Act 2001, the functions performed in respect of other instruments and draft instruments by the Joint Committee on Statutory Instruments; and

- (iii) To report on documents and draft orders laid before Parliament under or by virtue of:
 - (a) section 85 of the Northern Ireland Act 1998,
 - (b) section 17 of the Local Government Act 1999,
 - (c) section 9 of the Local Government Act 2000,
 - (d) section 98 of the Local Government Act 2003, or
 - (e) section 102 of the Local Transport Act 2008.

Members

[Baroness Bakewell of Hardington Mandeville](#)

[Lord Carlile of Berriew](#)

[Baroness Chakrabarti](#)

[Lord Cunningham of Felling](#)

[Baroness Finlay of Llandaff](#)

[Lord Goodman of Wycombe](#)

[Baroness Humphreys](#)

[The Earl of Lindsay](#)

[Lord McLoughlin](#) (Chair)

[Lord Rooker](#)

Registered Interests

Committee Members' registered interests may be examined in the online Register of Lords' Interests at <https://www.parliament.uk/hlregister>. The Register may also be inspected in the Parliamentary Archives.

Publications

The Committee's reports are published by Order of the House in hard copy and on the internet at www.parliament.uk/hldprcpublications.

Committee Staff

The staff of the Committee are Jen Mills (Clerk) and Clayton Gurney (Committee Operations Officer).

General Information

General information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is on the internet at <http://www.parliament.uk/business/lords/>.

Contacts for the Delegated Powers and Regulatory Reform Committee

Any query about the Committee or its work should be directed to the Clerk to the Delegated Powers and Regulatory Reform Committee, Legislation Office, House of Lords, London, SW1A 0PW. The telephone number is 020 7219 3103. The Committee's email address is hldelegatedpowers@parliament.uk.

Fourth Report

PRODUCT REGULATION AND METROLOGY BILL

1. This Bill was introduced in the House of Lords on 4 September. Its Second Reading took place on 8 October. On 15 October we published a report setting out our concerns about the delegated powers in the Bill,¹ and on 16 October we held an evidence session at which we discussed those concerns with Lord Leong CBE (Government whip), Justin Madders MP (Minister for Employment Rights, Competition and Markets), Helen Le Mottee (Deputy Director (Legal) for Products, Business and Better Regulation) and Tony Thomas (Deputy Director for Product Safety Policy). A transcript of that evidence session is available online.²
2. In the evidence session, the Ministers and their officials provided helpful additional information about:
 - the existing legislation that could be amended by regulations made under the powers that the Bill confers; and
 - the need for the Bill to confer regulation-making powers that would allow detailed and technical provision to be tailored for different types of products and would give Ministers the flexibility to respond quickly and effectively to rapid technological changes and product safety concerns.
3. That additional information could helpfully have been included in the Delegated Powers Memorandum provided by the Department for Business and Trade.³
4. We recognise the need for this Bill to delegate some legislative powers. However, as we said in our Report of 15 October:
 - skeleton legislation should only be used in the most exceptional circumstances and where no other approach would be reasonable to adopt. This is because, as we said in our *Democracy Denied?* report,⁴ it “signifies an exceptional shift in power from Parliament to the executive and entails the Government, in effect, asking Parliament to pass primary legislation which is so insubstantial that it leaves the real operation of the legislation to be decided by Ministers”; and
 - the Government therefore needs to explain why the Bill provides for almost all of the substance of product regulation and metrology to be provided for by Ministers in regulations under the new powers, and little or nothing to be settled under the fuller Parliamentary scrutiny given to Bill provisions.

1 DPRRC, *2nd Report* (Session 2024–25, HL Paper 17).

2 Oral evidence taken before the Delegated Powers and Regulatory Reform Committee on 16 October 2024 (Session 2024–25), [Q 1-13](#)

3 Memorandum on the Product Regulation and Metrology Bill [HL] from the Department for Business and Trade to the Delegated Powers and Regulatory Reform Committee (30 August 2024): <https://bills.parliament.uk/publications/56126/documents/5044>

4 DPRRC, *Democracy Denied? The urgent need to rebalance power between Parliament and the Executive* (12th Report, Session 2021–22, HL Paper 106)

5. We remain deeply concerned that:
 - so little of the policy is included in this skeleton Bill and so much is instead left to delegated legislation which will be subject to a much lower level of Parliamentary scrutiny: Parliament will be unable to amend that delegated legislation and the only options available to both Houses will be to accept it or reject it - and with that choice firmly rooted in favour of acceptance;
 - the delegated powers in the Bill give Ministers maximum flexibility to choose the direction that the law in this area will take, including making potentially politically contentious choices about the degree to which our domestic laws on product regulation should be aligned with EU laws; and
 - the scope of those powers is not constrained by any requirements for consultation, for criteria to be met or for meaningful pre-conditions to be satisfied.
6. **In our view, the delegation to Ministers of law-making powers in this Bill involves legislative power shifting to an unacceptable extent from the democratically appointed legislature to the Executive.**
7. **We remain of the view expressed in our Report of 15 October that the Government have failed to provide a convincing justification for the inclusion of skeleton clauses in this Bill that give Ministers such wide powers to re-write in regulations the substance of the regulatory regimes for products and metrology.**

APPENDIX 1: MEMBER'S INTERESTS

Committee Members' registered interests may be examined in the online Register of Lords' Interests at <https://www.parliament.uk/hlregister>. The Register may also be inspected in the Parliamentary Archives.

For the business taken at the meeting on 16 October 2024, Members declared no interests.

Attendance

The meeting was attended by:

Baroness Bakewell of Hardington Mandeville, Baroness Chakrabarti, Baroness Finlay of Llandaff, Lord Goodman of Wycombe, Baroness Humphreys, Lord McLoughlin (Chair) and Lord Rooker.