

Product Regulation and Metrology Bill [HL]

RUNNING LIST OF ALL AMENDMENTS IN GRAND COMMITTEE

*Tabled up to and including
4 November 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
LORD JACKSON OF PETERBOROUGH

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.

BARONESS BENNETT OF MANOR CASTLE

Clause 1, page 1, line 9, leave out subsection (2) and insert –

- “(2) The Secretary of State may also by regulations make provision, in relation to the marketing or use of products in the United Kingdom, for the purpose of –
- (a) reducing or mitigating the environmental impact of products;
 - (b) promoting sustainable production and consumption;
 - (c) advancing circular economy principles;

- (d) meeting or exceeding environmental standards set by relevant EU law or other international best practices.”

Member's explanatory statement

This amendment expressly allows the government to exceed EU environmental standards, and adds circular economy principles to the face of the Bill.

LORD FOX

Revised version of the amendment printed on 16 October 2024

Clause 1, page 2, line 3, after “production” insert “or intangible item that results from a method of production including operating systems and internet-connected products”

Member's explanatory statement

This amendment is intended to probe whether operating systems and internet-connected products would be covered by the provisions of the Act.

BARONESS CRAWLEY
THE EARL OF LINDSAY
LORD FOSTER OF BATH

Clause 1, page 2, line 3, leave out “item that results from a method of production” and insert “or intangible item, whether or not interconnected to other items, that results from a method of production, is supplied including in the context of providing a service, or made available on the market, whether in return for payment or free of charge”

Member's explanatory statement

This amendment would broaden the definition of items subject to the new regulatory framework of product regulation to ensure that all digital as well as non-digital products are within scope.

LORD HOLMES OF RICHMOND

Clause 1, page 2, line 6 after “item” insert “, and includes production reliant on software or artificial intelligence”

LORD FROST
LORD JACKSON OF PETERBOROUGH

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.

LORD FOX

Clause 1, page 2, line 13, at end insert –

“(c) EU REACH regulation restrictions that are applied to the manufacture, placing on the market, and use of certain chemicals to mitigate unacceptable risks to human health or the environment;”

Member's explanatory statement

The amendment ensures that EU REACH regulations covering certain chemicals are included in the Bill.

LORD FOSTER OF BATH

Clause 1, page 2, line 15, after “labelling” insert “, installation”

After Clause 1

LORD RUSSELL OF LIVERPOOL
LORD KIRKHOPE OF HARROGATE
LORD BROWNE OF LADYTON
LORD FOX

Revised version of the amendment printed on 16 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, except where subsection (2) applies.
- (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.”

Member's explanatory statement

This amendment provides regulatory certainty for UK businesses by requiring a default of alignment with EU regulations and a process for parliamentary scrutiny if and where Ministers determined that divergence from such regulations would be in the best interests of the UK.

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.

BARONESS FINLAY OF LLANDAFF

Clause 2, page 2, line 42, at end insert “and emergency services”

Member's explanatory statement

This amendment is intended to ensure regulated marketplaces co-operate with emergency services (where appropriate) to protect consumers from unsafe products.

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

BARONESS BENNETT OF MANOR CASTLE

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 FOSTER OF BATH

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

“(1) the technical systems in which products regulated under the Act are installed including, but not limited to, extending third party safety certification requirements to the system as a whole.”

Member's explanatory statement

This amendment ensures that regulations include the technical system in which a product regulated under the Act is installed.

BARONESS BENNETT OF MANOR CASTLE

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

“(1) the environmental impact of products, including but not limited to carbon footprint, recyclability, ease of repair, and expected lifespan.”

Member's explanatory statement

This amendment would expressly allow the government to specify environmental criteria for product requirements.

LORD FOX

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

“(2A) Product regulations must include requirements in relation to an environmental impact assessment, and provisions related to the right to repair and the circular economy.”

Member's explanatory statement

This amendment guarantees that future regulations under the Act will include provisions which relate to the circular economy and granting consumers the right to repair products.

BARONESS CRAWLEY

Clause 2, page 3, line 14, at end insert –

“(ea) a person who controls fulfilment houses in the United Kingdom;”

BARONESS FINLAY OF LLANDAFF

Clause 2, page 3, line 14, at end insert –

“(ea) a private individual who markets a product on an online marketplace, including where that product is given away for free;”

Member's explanatory statement

This amendment seeks to prevent potentially dangerous products from being distributed by individuals on second-hand marketplaces.

LORD JACKSON OF PETERBOROUGH

Clause 2, page 3, line 19, leave out paragraph (h)

Member's explanatory statement

This amendment deletes a paragraph to remove both broad Ministerial powers to compel any person to follow regulations in respect of any products, and the ambiguous term “activities”.

LORD FOX

Clause 2, page 3, line 26, at end insert –

- “(d) the licensing of voluntarily committed standard essential patents which protect technology essential for implementing technical standards;
- (e) limiting the remedies available when a patent mentioned in paragraph (d) is enforced.”

Member's explanatory statement

This amendment seeks to ensure that essential software for regulated products which relies on standard-essential patents (SEPs) is shielded from unfair legal abuse.

LORD LANSLEY

Clause 2, page 3, line 26, at end insert –

- “(d) the availability of standard essential patents that protect technology essential for implementing a technical standard.”

LORD FROST

LORD JACKSON OF PETERBOROUGH

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

LORD JACKSON OF PETERBOROUGH

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 LANSLEY

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

“(7A) Provision made in reliance on subsection (1) may (among other things) identify product requirements by reference to international agreements or standards relating to the marketing or use of products, including agreements or standards as they have effect from time to time.”

Member's explanatory statement

This amendment would enable product requirements to be met by reference to international standards.

LORD FROST

LORD JACKSON OF PETERBOROUGH

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.

After Clause 2

LORD LANSLEY

After Clause 2, insert the following new Clause –

“International standards for products

- (1) The Secretary of State must commission a strategy from the Office for Product Safety and Standards for the delivery of international standards appropriate to the product requirements for the marketing or use of products.
- (2) The Secretary of State must publish the strategy prepared in accordance with subsection (1).
- (3) The Secretary of State and the Office for Product Safety and Standards may consult whoever they consider appropriate in preparing, publishing, and implementing the strategy under subsection (1).”

BARONESS BRINTON
BARONESS BENNETT OF MANOR CASTLE

After Clause 2, insert the following new Clause—

“Regulations relating to lithium-ion batteries

- (1) The Secretary of State must lay before Parliament a statutory instrument containing regulations relating to lithium-ion batteries within six months of the passing of this Act.
- (2) Before laying the statutory instrument referred to in subsection (1), the Secretary of State must consult with the relevant statutory consultees including the fire services, and with relevant consumer, industry, manufacturing and trade bodies.”

Member's explanatory statement

The amendment seeks to clarify the issues relating to the regulation of lithium-ion batteries, including the increasing numbers of fires, deaths and injuries as a result of lithium-ion batteries.

BARONESS BRINTON
Revised version of the amendment to Clause 2, page 3, line 19 printed on 21 October 2024

After Clause 2, insert the following new Clause—

“Obligations of private sellers under sections 1 and 2

The providers of online marketplaces used by private individuals are required to notify private sellers of their obligations under sections 1 and 2.”

Member's explanatory statement

This is a probing amendment, following the letter of Lord Leong dated 17 October 2024 (page 4), to understand whether true non-trading private sellers using online marketplaces such as eBay or Vinted will be covered by the provisions of Clause 2(3)(h) in particular.

THE EARL OF LYTTON

After Clause 2, insert the following new Clause—

“Construction product safety: regulations and requirements

- (1) Within twelve months of the passing of this Act, the Secretary of State must, by regulations under section 1, make provision to reduce risks as defined in section 1(4) presented by construction products.
- (2) For the purposes of this section, construction products include, but are not limited to, any components used in the construction of buildings, such as external cladding.
- (3) Within twelve months of the passing of this Act, the Secretary of State must also make provision about construction product requirements by regulations under section 2.

- (4) Regulations under subsection (3) must set out requirements for the production, use, marking, marketing, testing, approval and provision of information (including information about risk) of construction products.”

Member's explanatory statement

This amendment intends to probe whether the Secretary of State will use powers under sections 1 and 2 to regulate products used in construction.

LORD HOPE OF CRAIGHEAD
LORD FOX

After Clause 2, insert the following new Clause –

“Product regulations: devolved administrations

- (1) Product regulations may not be made until the Secretary of State has consulted the devolved administrations as to their impact and effect on the marketing and use of products in the areas within the United Kingdom over which they have legislative competence.
- (2) The Secretary of State may by Regulations exclude the application of this Act to products to be marketed or used in areas within the United Kingdom over which the devolved administrations have legislative competence to enable effect to be given to an agreement that forms part of a common framework agreement.
- (3) A “common framework agreement” is a consensus between a Minister of the Crown and one or more devolved administrations as to how devolved or transferred matters previously governed by EU law are to be regulated.”

Member's explanatory statement

This amendment ensures that devolved administrations are consulted before regulations are made under this Part of the Bill, and that common framework agreements receive the same protection to enable them to receive effect as they have under section 10 of the UK Internal Market Act 2020.

LORD FOSTER OF BATH

After Clause 2, insert the following new Clause –

“Duty on online marketplaces

Product regulations must be made that require the persons described in section 2(3)(d) to ensure that products sold on their platform to customers in the United Kingdom meet United Kingdom product safety standards.”

Member's explanatory statement

The amendment ensures that online marketplaces have a duty to ensure that products sold by third parties on their platform are safe for consumers.

BARONESS CRAWLEY
LORD FOSTER OF BATH
THE EARL OF LINDSAY

After Clause 2, insert the following new Clause –

“Duties of online marketplaces

- (1) Without prejudice to the generality of any other powers or duties conferred by this Act, the Secretary of State must by regulations make provision about requirements that must be met by a person mentioned in section 2(3)(d), including regarding duties –
 - (a) to operate an online marketplace using effective systems and processes designed to monitor for, and identify, products presenting risks to consumers or other individuals and prevent such products being made available on or through the online marketplace;
 - (b) to cooperate with relevant authorities, with other persons mentioned in subsection 2(3) or any other relevant persons, to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was made available on or through their online marketplace;
 - (c) to ensure that information regarding the identity and activities of persons marketing products on or through online marketplaces to consumers or other individuals is obtained and verified;
 - (d) to remove products presenting risks to consumers or other individuals from availability on or through an online marketplace as quickly as possible if alerted to their presence.
- (2) Within three months from the day on which this Act is passed, the Secretary of State must publish and lay before Parliament a statement that sets out how the Secretary of State is exercising, or expects to exercise, the powers under subsection (1) regarding the proposed duties that must be met by a person mentioned in section 2(3)(d).”

Member's explanatory statement

This new Clause provides a non-exclusive list of duties that must be imposed upon online marketplaces by regulations made by the Secretary of State, and for a statement by the Secretary of State to be made to Parliament within 3 months of Royal Assent regarding the exercise of the duties conferred by this section.

LORD FOSTER OF BATH

After Clause 2, insert the following new Clause –

“Duty on online marketplaces to comply with lithium-ion safety

- (1) Product regulations must be made that require the persons described in section 2(3)(d) to take reasonable steps to ensure that products containing lithium-ion sold on their platform to customers in the United Kingdom comply with United Kingdom safety standards.

- (2) Regulations made to enforce the duty under subsection (1) must include, but are not limited to, requiring sellers to acquire third party safety certification for products containing lithium-ion.”

BARONESS BENNETT OF MANOR CASTLE

After Clause 2, insert the following new Clause –

“Circular economy principles

- (1) Product regulations under section 1 must include provision to promote circular economy principles for products, including but not limited to –
 - (a) design for durability, reusability, and recyclability;
 - (b) use of recycled and sustainably sourced materials;
 - (c) ease of repair and availability of spare parts;
 - (d) modularity and upgradability of products;
 - (e) take-back schemes and end-of-life management;
 - (f) measuring and comparing lifetime environmental impact.
- (2) The Secretary of State must issue guidance on implementing circular economy principles in product design and manufacturing within 12 months of the day on which this Act comes into force.
- (3) The Secretary of State must review and update the guidance under subsection (2) at least once every 3 years.”

Member's explanatory statement

This amendment would require the government to promote circular economy principles within product regulations.

BARONESS BENNETT OF MANOR CASTLE

After Clause 2, insert the following new Clause –

“Chemical regulation

- (1) The Secretary of State must, by regulations under section 1, make provision that corresponds to any provision of EU law concerning chemicals which would reduce or mitigate the environmental impact of products.
- (2) Regulations under subsection (1) relating to any relevant provisions made by the EU between 31 December 2020 and the day on which this Act is passed must be made within twelve months of the day on which this Act is passed.
- (3) Regulations under subsection (1) relating to relevant EU provisions made after the day on which this Act is passed must be made within twelve months of the day on which the EU made provision in that area.
- (4) In this Act –

“EU law concerning chemicals” means EU provisions made through the EU Registration, Evaluation, Authorization and Restriction of Chemicals process, known as REACH.”

Member's explanatory statement

This amendment would require the Secretary of State to use powers given through the Bill to align UK chemical regulation with the EU, raising environmental standards and removing a barrier to trade.

LORD HOLMES OF RICHMOND

After Clause 2, insert the following new Clause –

“Review of product regulations and supply chains

- (1) On the day on which this Act is passed, the Secretary of State must initiate a review of all product regulations and standards as they pertain to supply chains.
- (2) The review must assess how product regulations align with the principles of traceability, transparency and trust.
- (3) The review must recommend a new supply chain standard to take into account factors including the supply chain of a product’s –
 - (a) environmental impact;
 - (b) transparency and traceability, in real time, of products, financial, trade and legal documents.”

LORD HOLMES OF RICHMOND

After Clause 2, insert the following new Clause –

“Review of large language models

- (1) On the day on which this Act is passed, the Secretary of State must commence a review to consider the introduction of standards for large language models which operate and generate revenue in the United Kingdom as a condition of market access.
- (2) The review must consider the applicability of similar standards, such as those that already exist in industries such as pharmaceuticals, food and drinks.
- (3) The review must also consider the Copyright, Designs and Patents Act 1988, and whether there is a need for legislative clarity under section 27 of that Act about whether large language models constitute an “article”.”

LORD HOLMES OF RICHMOND

After Clause 2, insert the following new Clause –

“AI-product regulations

On the day on which this Act is passed, the Secretary of State must commence a review of all product regulations to assess their ability to address opportunities and challenges presented by all forms of artificial intelligence.”

Clause 3

LORD FOSTER OF BATH

Clause 3, page 4, line 18, at end insert –

“(iia) power to require a person to attend an interview to answer questions;”

Member's explanatory statement

This amendment would expand enforcement powers for a relevant authority appointed under the Act to allow interview notices to be given.

LORD FOSTER OF BATH
BARONESS BRINTON
BARONESS BENNETT OF MANOR CASTLE

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.

BARONESS BRINTON
BARONESS BENNETT OF MANOR CASTLE

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

“(4A) Within six months of the day on which this Act is passed, the Secretary of State must designate Trading Standards Offices as relevant authorities under subsection (1).

(4B) The Secretary of State must ensure that Trading Standards Offices operating under local authorities have the resources to enforce regulations under the Act, including, but not limited to, financial resources.”

Member's explanatory statement

The amendment ensures that Trading Standards Offices are designed as relevant authorities under the Act after a period of six months and have the resources, including financial, to enforce regulations under the Act.

LORD FOSTER OF BATH

Clause 3, page 4, line 32, at end insert –

- “(e) secure redress for consumers for losses suffered in connection with non-compliance with product regulations.”

Member's explanatory statement

This amendment would enable a relevant authority appointed to also have the function of securing civil redress for consumers.

BARONESS BRINTON

Clause 3, page 5, line 6, leave out subsections (9) to (11)

Member's explanatory statement

This probing amendment seeks to ensure that new criminal offences, which would have consequences for the Ministry of Justice and the criminal justice system, are not created through new product regulations under the Act.

LORD FOSTER OF BATH

Clause 3, page 5, line 26, at end insert –

- “(12) An action for damages may be brought against the provider of an online marketplace by a consumer who suffers loss as a result of the provider's non-compliance with product regulations made under this Act.
- (13) Subject to (12), if a consumer has, in relation to the purchase of a product completed through an online marketplace, any claim against –
- (a) a manufacturer,
 - (b) importer,
 - (c) distributor, or
 - (d) an authorised representative of a person in (a) to (c)
- they shall have a like claim against the provider of the online marketplace who, with the manufacturer, importer, distributor or authorised representative, shall be jointly and severally liable.
- (14) Subsection (12) applies to claims in respect of non-compliance with a product requirement made in product regulations under this Act.
- (15) Subject to any agreement between them, the provider of an online marketplace shall be entitled to be indemnified by the manufacturer, importer, distributor or
- ”

authorised representative for the loss suffered by the provider of the online marketplace in satisfying its liability under subsection (12), including costs it reasonably incurs in defending proceedings instituted by the consumer.

- (16) In an action brought against the provider of an online marketplace under subsection (12), the provider shall be entitled, in accordance with rules of court, to have the manufacturer, importer, distributor or authorised representative made a party to the proceedings.”

Member's explanatory statement

The amendment allows a consumer to bring a claim against an online marketplace for the non-compliance by other economic operators with their own regulatory obligations, for products purchased from the online marketplace platform which have caused harm.

LORD FOSTER OF BATH

Clause 3, page 5, line 26, at end insert –

- “(12) The relevant authority designated under subsection (6)(e) may by notice require that the provider of the online marketplace concerned –
- (a) determine what redress should be paid to affected consumers, and
 - (b) pay the redress to affected consumers.
- (13) Subsection (12) applies if –
- (a) it appears to the relevant authority that there may have been a widespread failure by a manufacturer, importer or distributor, or the authorised representative of such a person, to comply with product regulations, in connection with one or more products purchased by consumers through an online marketplace,
 - (b) it appears to the relevant authority that, as a result of any failure in paragraph (a), consumers may have suffered (or may suffer) loss or damage in respect of which, if they brought legal proceedings under section (12), a remedy or relief would be available in the proceedings, and
 - (c) the relevant authority considers that it is desirable to issue a notice under section 3(6)(e) for the purpose of securing that redress is made to the consumers in respect of that failure (having regard to the other ways in which consumers may obtain redress).
- (14) Before requiring redress to be paid under subsection (13), the relevant authority must –
- (a) investigate the suspected non-compliance with product regulations, and
 - (b) have regard to the nature and extent of the losses or damage in question.”

Member's explanatory statement

This amendment would enable a relevant authority appointed under the Act to require online marketplaces to pay redress to affected consumers, without any party needing to bring legal proceedings. This amendment is also consequential on another amendment by Lord Foster.

After Clause 3

BARONESS CRAWLEY
LORD FOSTER OF BATH
THE EARL OF LINDSAY

After Clause 3, insert the following new Clause –

“Liability and redress for unsafe or defective products

The Secretary of State may by regulations make provision for –

- (a) the extension of liability for unsafe or defective products to online marketplaces and any other persons within the scope of section 2(3);
- (b) the disclosure of evidence in relation to claims for compensation or other rights of action in law for harm caused by unsafe or defective products and presumptions of liability that may arise accordingly;
- (c) proceedings, including collective proceedings, to ensure redress for consumers or other individuals suffering harm as a result of unsafe or defective products made available in breach of requirements imposed under powers given by this Act.”

Member's explanatory statement

This amendment allows the Secretary of State to make regulations providing for liability of online marketplaces for defective and unsafe products, and to ensure that those suffering harm from unsafe or defective products can obtain redress.

After Clause 4

BARONESS RITCHIE OF DOWNPATRICK

After Clause 4, insert the following new Clause –

“Products: artificial intelligence risk assessment

- (1) Where a product or digital product contains or relies on an AI system the provider of the product or digital product must carry out a specific risk assessment relating to the impact of the AI system on the product or digital product’s functioning and use in particular in relation to the following –
 - (a) the risks identified in section 1(4),
 - (b) the risks to equality of treatment of individuals, and
 - (c) the risks to the privacy of individuals and security of personal information.
- (2) Without prejudice to any obligations in any other enactment, the provider of a product or a digital product must take reasonable steps to reduce, mitigate or manage the relevant risks resulting from the inclusion of the AI system in the product or digital product.”

LORD HOLMES OF RICHMOND

After Clause 4, insert the following new Clause –

“Product labelling and AI

- (1) The Secretary of State must lay before Parliament a statutory instrument containing regulations requiring the labelling of products manufactured by, or containing, artificial intelligence (AI) within six months of the day on which this Act is passed.
- (2) The labelling must include –
 - (a) health warnings;
 - (b) opportunities to give or withhold informed consent;
 - (c) a quick-response (QR) code, which links to a website listing –
 - (i) the data used in the training of the AI, and
 - (ii) the power and water consumption used in the development of the AI as it relates to the product.
- (3) Regulations made under subsection (1) must ensure that all such products are labelled within 12 months of the day on which this Act is passed.”

LORD HOLMES OF RICHMOND

After Clause 4, insert the following new Clause –

“Labelling of AI-generated music

From the day on which this Act is passed, all music generated by artificial intelligence (AI) applications must be identified as such to alert consumers to the nature of the music.”

LORD HOLMES OF RICHMOND

After Clause 4, insert the following new Clause –

“Labelling of AI generated content

After section 36(1) of the Consumer Rights Act 2015, insert –

- “(1A) Subsection (1) specifically includes the labelling of digital content generated by artificial intelligence.””

LORD HOLMES OF RICHMOND

After Clause 4, insert the following new Clause –

“Products based on personal data

- (1) The Secretary of State must, within six months of the day on which this Act is passed, make regulations to ensure no product or content that constitutes a product under this Act which uses an individual’s image, likeness or personality rights

without that individual's express consent can be developed, deployed, marketed or sold.

- (2) The right in subsection (1) includes but is not limited to an individual's name, face, voice or any physical characteristic."

LORD HOLMES OF RICHMOND

After Clause 4, insert the following new Clause –

“Inclusive by design principle for products

- (1) On the day on which this Act is passed the Secretary of State must commence a consultation to develop an Inclusive by Design (IBD) standard for all products developed or marketed in the UK, to be implemented within 12 months of the day on which this Act is passed.
- (2) The standard must include a mark on all products, physically or electronically, to demonstrate compliance with the IBD standard.
- (3) Any product development or update to a product must comply with the IBD standard.
- (4) The Secretary of State must ensure by regulations that any update which renders an existing accessible product inaccessible as a result of that update will immediately trigger an investigation and potential sanctions as determined by 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.

Clause 6

BARONESS CRAWLEY

Clause 6, page 6, line 30, at end insert –

- “(e) conducting inspections on a regular basis of goods available for sale or supply within the United Kingdom,
- (f) inspecting and testing weighing and measuring instruments,

- (g) investigating complaints relating to suspected breaches of metrology regulations, and
- (h) taking necessary enforcement action, including the issuing of notices and penalties where breaches are identified.”

Member's explanatory statement

This amendment enables relevant authorities in Great Britain and Northern Ireland to enforce metrology regulations. By empowering these authorities to inspect, test, investigate, and act, it ensures accurate measurement standards for consumer protection and boosts confidence in commercial transactions.

LORD FOSTER OF BATH

Clause 6, page 6, line 40, at end insert –

“(iia) power to require a person to attend an interview to answer questions;”

Member's explanatory statement

This amendment would expand enforcement powers for a relevant authority appointed under the Act to allow interview notices to be given.

BARONESS BRINTON

Clause 6, page 7, line 24, leave out subsections (9) to (11)

Member's explanatory statement

This probing amendment seeks to ensure that new criminal offences, which would have consequences for the Ministry of Justice and the criminal justice system, are not created through new metrology regulations under the Act.

LORD JACKSON OF PETERBOROUGH

Clause 6, page 7, line 30, at end insert –

“(9A) At least 30 days before making provisions as described in subsection (9), the Secretary of State must place in the library of both Houses an Explanatory Memorandum, outlining why such changes are necessary to meet the requirements in section 1(1) of the Act.”

Member's explanatory statement

This amendment creates a presumption that any changes to regulations in respect of criminal offences arising from non compliance will be subject to appropriate Parliamentary scrutiny and oversight.

After Clause 6

LORD FOX
LORD HOPE OF CRAIGHEAD
BARONESS BENNETT OF MANOR CASTLE

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
BARONESS BRINTON

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.

LORD FOX

After Clause 6, insert the following new Clause—

“Regard for United Kingdom Internal Market Act 2020

In exercising their functions under this Act, the Secretary of State must have regard to the provisions of Part 1 of the United Kingdom Internal Market Act 2020 (UK market access: goods).”

BARONESS CRAWLEY
THE EARL OF LINDSAY

After Clause 6, insert the following new Clause—

“Regulations: precautionary principle

- (1) Any product regulations or regulations consequential to such regulations made under the provisions of this Act must take due account of the precautionary principle and must be interpreted as far as possible in a manner which is compatible with the need to take due account of that principle.
- (2) Any product regulations or regulations consequential to such regulations may not be made under the provisions of this Act unless the Secretary of State is satisfied that those regulations do not weaken or reduce existing levels of consumer protection and regulatory standards in relation to products, including with regard to enforcement.”

Member's explanatory statement

This amendment inserts safeguards to ensure non-regression from existing legal protections, as well as providing for the due consideration of the precautionary principle when scientific evidence about a possible risk may not yet be fully available but there is a need to be cautious given the potentially serious consequences for the safety of individuals.

BARONESS CRAWLEY

After Clause 6, insert the following new Clause—

“Fulfilment houses

- (1) Fulfilment houses in the United Kingdom must ensure that products within their purview and facilities comply with all of the necessary metrology and product safety regulations made under this Act.
- (2) Fulfilment houses in the United Kingdom must retain detailed records demonstrating their compliance with product regulations and must cooperate with market surveillance authorities when an inspection or investigation is commenced.
- (3) In this Act, “fulfilment houses” means businesses that store, pack, or distribute products on behalf of third-party sellers that may or may not be based in the United Kingdom.”

Member's explanatory statement

This amendment includes and defines fulfilment houses under product safety laws, making them responsible for regulatory compliance of stored products. By ensuring these intermediaries uphold safety standards, the amendment closes a critical gap in the supply chain and protects consumers from non-compliant goods from third-party sellers.

LORD HOLMES OF RICHMOND

After Clause 6, insert the following new Clause—

“Consultation on metrology regulations in relation to AI

- (1) On the day on which this Act is passed the Secretary of State must launch a consultation on a metrology standard for artificial intelligence (AI).
- (2) The consultation must consider developing units of measurement around units of—
 - (a) power, water and compute power per AI model developed and trained,
 - (b) power per AI query,
 - (c) water per AI query, and
 - (d) computer power per query.”

LORD HOLMES OF RICHMOND

After Clause 6, insert the following new Clause—

“Consultation on metrology regulations in relation to AI search functions

- (1) On the day on which this Act is passed, the Secretary of State must launch a consultation on a metrology standard for artificial intelligence search functions.
- (2) The consultation must consider developing units of measurement around units of—
 - (a) power per search query,
 - (b) water per search query, and
 - (c) computer power per search query.”

LORD HOLMES OF RICHMOND

After Clause 6, insert the following new Clause—

“Consultation on metrology regulations

- (1) On the day on which this Act is passed, the Secretary of State must launch a consultation on a new metrology standard for the power usage of data centres.
- (2) The consultation must seek views on the effectiveness of the current power usage efficiency measure.”

Clause 7

BARONESS FINLAY OF LLANDAFF

Clause 7, page 8, line 5, leave out “may” and insert “must”

Member's explanatory statement

This probing amendment seeks to ensure that regulations must make provision for sharing information about unsafe products with the emergency services, for the purposes of safety messaging or prevention campaigns.

LORD FOX

Clause 7, page 8, line 15, at end insert –

- “(d) coroners, medical examiners or procurators fiscal investigating the causes of deaths in England, Wales, Scotland or Northern Ireland,
- (e) the Office for National Statistics, National Records of Scotland or the Northern Ireland Statistics and Research Agency,
- (f) bodies designated to make super-complaints on behalf of consumers pursuant to section 11 of the Enterprise Act 2002 (super-complaints to OFT),
- (g) NHS England,
- (h) the Royal College of Emergency Medicine,
- (i) other bodies specified by the Secretary of State which play a role in representing the public interest in relation to reducing the risks presented by products,
- (j) persons conducting academic research into the extent, causes or reduction of harm arising from or potentially associated with the use of products, or
- (k) bodies or persons performing roles comparable to those in paragraphs (a) to (h) in this subsection in the European Union, OECD or individual member states of either of those organisations.”

Member's explanatory statement

The amendment ensures that the information sharing provisions of the Act apply to more bodies responsible for investigating harms and deaths caused by products.

BARONESS BRINTON

Clause 7, page 8, line 20, leave out paragraph (d)

Member's explanatory statement

This probing amendment seeks to ensure that new criminal offences, which would have consequences for the Ministry of Justice and the criminal justice system, are not created through new information sharing regulations under the Act.

After Clause 7

LORD FOSTER OF BATH

★ After Clause 7, insert the following new Clause –

“Information requirements: restrictions

- (1) An information requirement does not require a person to give a relevant authority or an inspector information to the extent that requiring the person to do so would involve an infringement of the privileges of either House of Parliament.
- (2) An information requirement does not require a person to give a relevant authority or an inspector information in respect of a communication which is made –
 - (a) between a professional legal adviser and the adviser's client, and
 - (b) in connection with the giving of legal advice to the client with respect to obligations, liabilities or rights under product regulations or metrology regulations.
- (3) An information requirement does not require a person to give a relevant authority or an inspector information in respect of a communication which is made –
 - (a) between a professional legal adviser and the adviser's client or between such an adviser or client and another person,
 - (b) in connection with or in contemplation of proceedings under or arising out of product regulations or metrology regulations, and
 - (c) for the purposes of such proceedings.
- (4) In subsections (2) and (3), references to the client of a professional legal adviser include references to a person acting on behalf of the client.
- (5) An information requirement does not require a person to provide a relevant authority or an inspector with information if doing so would, by revealing evidence of the commission of an offence expose the person to proceedings for that offence.
- (6) The reference to an offence in subsection (5) does not include an offence under –
 - (a) product regulations or metrology regulations;
 - (b) section 5 of the Perjury Act 1911 (false statements made otherwise than on oath);
 - (c) section 44(2) of the Criminal Law (Consolidation) (Scotland) Act 1995 (false statements made otherwise than on oath);
 - (d) Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)) (false statutory declarations and other false unsworn statements).
- (7) An oral or written statement provided by a person in response to an information requirement may not be used in evidence against that person on a prosecution for an offence under product regulations or metrology regulations (other than an offence specified in subsection (8)) unless in the proceedings –
 - (a) in giving evidence the person provides information inconsistent with the statement, and
 - (b) evidence relating to the statement is adduced, or a question relating to it is asked, by that person or on that person's behalf.

- (8) The offences specified in this subsection are –
- (a) an offence created under product regulations by virtue of section 3(7)(d), and
 - (b) an offence created under metrology regulations by virtue of section 6(7)(d).
- (9) In this section an “information requirement” is any requirement of a person to comply with the exercise by a relevant authority or an inspector –
- (a) under product regulations of the power conferred by section 3(4)(b)(iii) or (iiia), or
 - (b) under metrology regulations of the power conferred by section 6(4)(b)(iii) or (iiia).”

Member's explanatory statement

This new Clause is a probing amendment for restrictions on information requirements.

Clause 8

BARONESS CRAWLEY

Clause 8, page 9, line 17, at end insert –

“(4) Fees collected under subsection (1) must be ringfenced and allocated to local trading standards authorities.”

Member's explanatory statement

This amendment reserves fees collected for the purposes of cost recovery for local trading standards authorities, ensuring funds are dedicated to effective enforcement. This financial support would boost trading standards authorities' ability to maintain regulatory compliance and enhance consumer safety across the UK.

Clause 9

LORD FOX

Clause 9, page 9, line 29, leave out subsection (4)

Member's explanatory statement

The amendment removes the power for consequential changes to be made by delegated legislation to Acts other than those specified, further to the concerns highlighted by the 2nd Report from the Delegated Powers and Regulatory Reform Committee (HL Paper 17), published on 15 October 2024.

Clause 10

BARONESS RITCHIE OF DOWNPATRICK

Clause 10, page 9, line 36, at end insert –

““AI system” means a machine-based system that can, for a given set of human-defined explicit or implicit objectives, infer, from the input it receives, how to generate outputs such as make predictions, content, recommendations, or decisions that can influence physical real or virtual environments, irrespective of its levels of autonomy and adaptiveness after deployment;”

Member's explanatory statement

This amendment defines a term used in a proposed new Clause inserted by another amendment in the name of Baroness Ritchie.

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.

BARONESS RITCHIE OF DOWNPATRICK

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

““digital product” means data which are supplied or available for use in digital form;”

Member's explanatory statement

This amendment defines a term used in a proposed new Clause inserted by another amendment in the name of Baroness Ritchie.

BARONESS CRAWLEY
THE EARL OF LINDSAY
LORD FOSTER OF BATH

Clause 10, page 10, line 19, after “service” insert “or feature of a service”

Member's explanatory statement

This amendment and others in the name of Baroness Crawley to Clause 10 would ensure that the definition of “online marketplace” for the purpose of imposing new product requirements is sufficiently wide to cover the many different types of platform and online services targeting users in the UK, and not be at risk of being subject to interpretation in a restrictive way.

BARONESS CRAWLEY
THE EARL OF LINDSAY
LORD FOSTER OF BATH

Clause 10, page 10, line 20, after “website” insert “, in whole or in part”

Member's explanatory statement

This amendment and others in the name of Baroness Crawley to Clause 10 would ensure that the definition of “online marketplace” for the purpose of imposing new product requirements is sufficiently wide to cover the many different types of platform and online services targeting users in the UK, and not be at risk of being subject to interpretation in a restrictive way.

BARONESS CRAWLEY
THE EARL OF LINDSAY
LORD FOSTER OF BATH

Clause 10, page 10, line 22, after “platform” insert “, interface or software”

Member's explanatory statement

This amendment and others in the name of Baroness Crawley to Clause 10 would ensure that the definition of “online marketplace” for the purpose of imposing new product requirements is sufficiently wide to cover the many different types of platform and online services targeting users in the UK, and not be at risk of being subject to interpretation in a restrictive way.

BARONESS CRAWLEY
THE EARL OF LINDSAY
LORD FOSTER OF BATH

Clause 10, page 10, line 23, after “available” insert “digitally or”

Member's explanatory statement

This amendment and others in the name of Baroness Crawley to Clause 10 would ensure that the definition of “online marketplace” for the purpose of imposing new product requirements is sufficiently wide to cover the many different types of platform and online services targeting users in the UK, and not be at risk of being subject to interpretation in a restrictive way.

LORD FOSTER OF BATH

Clause 10, page 10, leave out lines 24 and 25 and insert “which facilitates the supplying or marketing of products for distribution in or use on the market in the United Kingdom;”

Member's explanatory statement

This amendment ensures that the supplying of products is included in the definition of an online marketplace.

BARONESS CRAWLEY
THE EARL OF LINDSAY
LORD FOSTER OF BATH

Clause 10, page 10, line 24, after “marketing” insert “or supply”

Member's explanatory statement

This amendment and others in the name of Baroness Crawley to Clause 10 would ensure that the definition of “online marketplace” for the purpose of imposing new product requirements is sufficiently wide to cover the many different types of platform and online services targeting users in the UK, and not be at risk of being subject to interpretation in a restrictive way.

BARONESS CRAWLEY
THE EARL OF LINDSAY
LORD FOSTER OF BATH

Clause 10, page 10, line 24, leave out “in the United Kingdom”

Member's explanatory statement

This amendment and others in the name of Baroness Crawley to Clause 10 would ensure that the definition of “online marketplace” for the purpose of imposing new product requirements is sufficiently wide to cover the many different types of platform and online services targeting users in the UK, and not be at risk of being subject to interpretation in a restrictive way.

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

BARONESS CRAWLEY
THE EARL OF LINDSAY
LORD FOSTER OF BATH

Clause 11, page 10, line 37, at end insert –

“(1A) Before making regulations under this Act, the Secretary of State must publish such regulations in draft form and consult such persons as the Secretary of State considers appropriate on the draft regulations, including organisations representing the interests of consumers and other relevant organisations.”

Member's explanatory statement

This amendment requires the Secretary of State to conduct appropriate consultation on draft regulations made under this Act.

LORD RUSSELL OF LIVERPOOL
LORD KIRKHOPE OF HARROGATE
LORD BROWNE OF LADYTON
LORD FOX

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

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

LORD FROST
LORD JACKSON OF PETERBOROUGH

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 –

“(6) 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.

LORD FOX
LORD ANDERSON OF IPSWICH

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

“(6) A Minister of the Crown may not make a statutory instrument containing regulations until –

- (a) a document containing a proposal for those regulations has been laid before Parliament,
- (b) the document has been referred to a Joint Committee of both Houses, and

- (c) a period of at least 40 days has elapsed after that referral, not including any period during which Parliament is dissolved or prorogued, or either House is adjourned for more than four days.
- (7) If the Joint Committee referred to in subsection (6), after considering any regulations laid under this subsection, finds that—
- (a) the regulations represent a substantive change to product or metrology law, or
 - (b) the Minister of the Crown has not carried out public consultation lasting at least six weeks before laying the document before Parliament,
- a Minister of the Crown must table a motion for resolution in each House of Parliament to approve the instrument before the period in subsection (6)(c) elapses.”

Member's explanatory statement

This amendment ensures that regulations under the Act be referred to a Joint Committee of both Houses for review. Should the Committee deem it necessary, such as when the regulations represent a significant departure from existing law, it would have the authority to refer the instruments to a process requiring Parliamentary approval.

The Schedule

LORD FOX

The Schedule, page 12, line 20, at end insert—

“8A Civilian products which the Secretary of State has deemed to pose a national security threat.”

Member's explanatory statement

This probing amendment disapplies civilian products deemed to pose a threat to national security from the provisions of the Act, with the intention of seeking to understand the Government's position on product regulation in this area.

Product Regulation and Metrology Bill [HL]

RUNNING LIST OF ALL AMENDMENTS IN GRAND COMMITTEE

Tabled up to and including

4 November 2024

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