

# Product Regulation and Metrology Bill [HL]

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## RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including  
12 February 2025*

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*[Amendments marked ★ are new or have been altered]*

### Clause 1

LORD LANSLEY

Clause 1, page 1, line 4, at end insert –

“(za) securing that products to which this section applies are safe;”

LORD LANSLEY

Clause 1, page 1, line 8, at end insert –

“(1A) In considering whether regulations should be made under subsection (1), the Secretary of State must have regard to the likelihood of the United Kingdom being seen as a favourable place in which to develop, manufacture or supply products.”

LORD FROST

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

***Member's explanatory statement***

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

LORD FROST

★ Clause 1, page 1, line 11, leave out “EU” and insert “foreign”

## 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;”

## LORD LANSLEY

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

““safe”, in relation to any products, means such that there is no risk, or no risk apart from one reduced to a minimum, that any of the following will (whether immediately or after a definite or indefinite period) cause the death of, or any personal injury to, any person whatsoever, that is to say –

- (a) the products,
- (b) the keeping, use or consumption of the products,
- (c) the assembly of any of the products which are, or are to be, supplied unassembled,
- (d) any emission or leakage from the products or, as a result of the keeping, use or consumption of the products, from anything else, or
- (e) reliance on the accuracy of any measurement, calculation or other reading made by or by means of the products;”

**After Clause 1**

LORD RUSSELL OF LIVERPOOL  
LORD KIRKHOPE OF HARROGATE  
LORD FOX

After Clause 1, insert the following new Clause –

**“Alignment with 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, update Parliament on whether the Government proposes to vary the regulations from alignment with EU law.
- (2) If the Secretary of State believes divergence from relevant EU law to be in the interests of the United Kingdom, they must arrange for a statement to be made in Parliament on the benefits to United Kingdom business to be achieved by this divergence, at least fourteen days before the relevant regulations are laid before Parliament.
- (3) If the Secretary of State believes alignment with the relevant EU law to be in the interests of the United Kingdom, they must arrange for a statement to be made in Parliament on the benefits to United Kingdom business to be achieved by this

alignment, at least fourteen days before the relevant regulations are laid before Parliament.

- (4) The statement under subsection (2) or (3) must include the date by which any such regulations will be reviewed, which can be no later than 36 months after implementation.”

***Member's explanatory statement***

*This amendment provides greater regulatory certainty for UK businesses by requiring scrutiny of all decisions to diverge or align with EU regulations and a process for Parliamentary scrutiny and review, whether Ministers determine that divergence or alignment from such regulations would be in the best interests of the UK.*

**Clause 2**

LORD LEONG

- ★ Clause 2, page 2, line 28, at end insert –

“(aa) the installation of products;”

***Member's explanatory statement***

*This amendment clarifies that product regulations may include requirements relating to the installation of products.*

LORD LEONG

- ★ Clause 2, page 3, line 7, at end insert –

“(ca) a person who installs a product in the United Kingdom;”

***Member's explanatory statement***

*This amendment clarifies that product requirements may be imposed on installers of products.*

LORD LANSLEY

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

“(d) the identification of and availability, including licensing, of standard essential patents that relate to technology essential for implementing a technical standard.”

LORD FROST

- ★ Clause 2, page 3, line 32, leave out subsections (7) and (8)

***Member's explanatory statement***

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

## LORD FROST

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

## 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.”

## LORD LEONG

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

“(9) In this section, a reference to “intangible” components includes software.”

***Member's explanatory statement***

*This amendment clarifies that intangible components of products include software.*

## 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 a statement in Parliament 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***

*These amendments open up the possibility of defining product regulations by relation to the laws of countries other than the European Union, and require the justification of decisions to limit any such reference to the laws of one territory only.*

## LORD FROST

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

“(9) The final meaning or interpretation of any provision of relevant foreign law under this Act shall be made exclusively by the Secretary of State or by a court or tribunal of the United Kingdom, as appropriate, and must not be delegated or conceded to any other authority within or outside the United Kingdom.

(10) The enforcement of any provision of relevant foreign law under this Act must be undertaken exclusively by the authorities of the United Kingdom Government and must not be delegated or conceded to any other authority within or outside the United Kingdom.”

***Member's explanatory statement***

*This provision would prevent the interpretation or enforcement of any regulations referring to foreign law, notably that of the EU, from being undertaken by any authorities other than those based in the UK (for example the European Commission or the CJEU).*

**After Clause 4**

LORD HOPE OF CRAIGHEAD  
LORD THOMAS OF CWMGIEDD

After Clause 4, insert the following new Clause –

**“Product regulations: devolved administrations**

- (1) Product regulations under section 1 may not be made unless and 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 Act, and that common framework agreements receive the same protection to enable them to receive effect as they have under section 10 of the United Kingdom Internal Market Act 2020.*

LORD FROST

★ After Clause 4, insert the following new Clause –

**“Review Panel**

- (1) The Secretary of State must establish an independent review panel (“the Panel”) no later than 2 years after the day on which this Act comes into force.
- (2) The Panel must –
  - (a) carry out a review of all regulations under this Act corresponding to, similar to, or making references to, the requirements of relevant foreign laws under section 2(7), with a view to establishing –
    - (i) their effect on economic growth;
    - (ii) their effect on trade in the product concerned on a global basis;

- (iii) their effect on the relevant industry or industries within the United Kingdom;
  - (b) prepare a report of the review, and
  - (c) lay a copy of the report before Parliament, no later than 12 months from the date of the Panel's creation.
- (3) The Panel must consist of—
- (a) at least one person with expertise in economics;
  - (b) at least one person with expertise in trade policy;
  - (c) at least one person with expertise in domestic regulation of business.”

***Member's explanatory statement***

*This amendment would ensure a review and report to Parliament of any regulations aligning UK regulations with those of other countries or territories.*

**Clause 6**

LORD JACKSON OF PETERBOROUGH

★ Clause 6, page 7, line 30, at end insert—

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

***Member's explanatory statement***

*This amendment would require regulations made in respect of criminal offences arising from non-compliance to be subject to some Parliamentary oversight.*

**After Clause 8**

LORD LEONG

★ After Clause 8, insert the following new Clause—

**“Application to existing product and metrology provision**

- (1) The power to make product regulations includes power to make—
- (a) in connection with existing product requirements, any provision described in section 2(4), (6) or (7) that could be made if the existing product requirements were product requirements in product regulations;
  - (b) in connection with existing product provision, any provision described in sections 3, 4, 7 and 8 that could be made if the existing product provision were provision in product regulations.
- (2) The power to make metrology regulations includes power to make, in connection with existing metrology provision, any provision described in sections 6 to 8 that could be made if the existing metrology provision were provision in metrology regulations.

(3) In this section—

“existing metrology provision” means provision in—

- (a) subordinate legislation made before the passing of this Act, or
- (b) assimilated direct legislation,

as amended from time to time, that could be made under section 5;

“existing product provision” means provision in—

- (a) subordinate legislation made before the passing of this Act, or
- (b) assimilated direct legislation,

as amended from time to time, that could be made under section 1;

“existing product requirements” means requirements contained in existing product provision that could be product requirements in product regulations;

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 (see section 21 of that Act).”

***Member's explanatory statement***

*This amendment enables the Secretary of State to use the powers in clauses 1 and 5 to amend or supplement provision in existing legislation about products and metrology, where that provision could have been made under the powers in the Bill.*

**Clause 9**

LORD LEONG

★ Clause 9, page 9, line 19, leave out subsection (1) and insert—

“(1) In the Consumer Protection Act 1987 omit Parts 2 and 4.”

***Member's explanatory statement***

*This amendment repeals Parts 2 and 4 of the Consumer Protection Act 1987.*

LORD LEONG

★ Clause 9, page 9, line 25, leave out paragraph (b)

***Member's explanatory statement***

*This amendment omits the provision that allows consequential amendments of section 77 of and Schedule 5 to the Consumer Rights Act 2015.*

LORD LANSLEY

Clause 9, page 9, line 26, at end insert—

“(c) sections 48, 48B, 49, 50, 52, 53 and 54 of the Patents Act 1977 (licences of right and compulsory licences).”

LORD LEONG

- ★ Clause 9, page 9, line 27, leave out subsection (3) and insert –  
“(3) In the Weights and Measures Act 1985 omit sections 1, 8(1)(a) and 25 and Schedule 1.”

***Member's explanatory statement***

*This amendment repeals specified provisions of the Weights and Measures Act 1985.*

LORD LEONG

- ★ Clause 9, page 9, line 30, after the first “made” insert “by or”

***Member's explanatory statement***

*This amendment is consequential on the amendments to repeal certain provisions on the face of the Bill.*

**Clause 10**

LORD LEONG

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

***Member's explanatory statement***

*This amendment includes a feature of a service in the definition of “online marketplace”.*

LORD LEONG

- ★ Clause 10, page 10, line 20, at end insert “or part of a website”

***Member's explanatory statement***

*This amendment includes a service on part of a website in the definition of “online marketplace”.*

LORD LEONG

- ★ Clause 10, page 10, line 28, at end insert –

““product requirements” has the meaning given in section 2(1);”

***Member's explanatory statement***

*This amendment applies the definition of “product requirements” to the whole Bill and is consequential on the new clause amendment in my name after Clause 8.*



**Clause 11**

LORD LEONG

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

- “(za) the first provision described in section 2(2)(d) contained in product regulations;
- (zb) the first provision described in section 2(3)(d) contained in product regulations;
- (zc) provision described in section 2(3)(h) that imposes the first product requirements on the category of person specified in that provision;”

***Member's explanatory statement***

*This amendment applies the affirmative resolution procedure to additional provisions.*

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 referenced to relevant foreign law.*

LORD LEONG

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

- “(6) Before making regulations under this Act, the Secretary of State must consult such persons as the Secretary of State considers appropriate.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to consult such persons as they consider appropriate before making regulations under this Act.*

LORD LEONG

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

- “(6) Subsections (2) to (6) do not apply to regulations under section 13.”

***Member's explanatory statement***

*This amendment is consequential on the amendment to allow new subsections of clause 9 to be brought into force by regulations.*

**Clause 13**

LORD LEONG

- ★ Clause 13, page 11, line 21, at end insert –

“(A1) Section 9(1) and (3) comes into force on such day as the Secretary of State may by regulations appoint, and the Secretary of State may appoint different days for different purposes.”

***Member's explanatory statement***

*This amendment amends the commencement clause to provide for new subsections (1) and (3) of section 9 to be brought into force by regulations made by the Secretary of State.*

LORD LEONG

- ★ Clause 13, page 11, line 22, at beginning insert, “The rest of”

***Member's explanatory statement***

*This amendment amends the commencement clause to provide for new subsections (1) and (3) of section 9 to be brought into force by regulations made by the Secretary of State.*

**The Schedule**

LORD LEONG

- ★ The Schedule, page 12, line 17, leave out paragraph 7 and insert –

“7 Aircraft and components of aircraft.

This paragraph does not include –

- (a) unmanned aircraft designed or intended (whether or not exclusively) for use in play by children under 14 years old, and
- (b) radio equipment which is a component of unmanned aircraft.

In this paragraph –

- (a) “aircraft” and “unmanned aircraft” have the meanings given by Article 3 of Regulation (EU) No 2018/1139 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency;
- (b) “radio equipment” has the meaning given by regulation 2 of the Radio Equipment Regulations 2017 (S.I. 2017/1206).

7A Products used or specifically designed for the purpose of operating or controlling aircraft, training persons in the operation or control of aircraft or ensuring the safe operation or control of aircraft.

This paragraph does not include radio equipment used or specifically designed for the purpose of operating or controlling unmanned aircraft, training persons in the operation or control of unmanned aircraft or ensuring the safe operation or control of unmanned aircraft.

In this paragraph “aircraft”, “unmanned aircraft” and “radio equipment” have the same meanings as in paragraph 7.”

***Member's explanatory statement***

*This amendment would add certain products used or specifically designed for the purpose of operating or controlling aircraft, training persons in the operation or control of aircraft or ensuring the safe operation or control of aircraft into the Schedule of excluded products.*

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