

Product Regulation and Metrology Bill [HL]

RUNNING LIST OF ALL AMENDMENTS ON REPORT

*Tabled up to and including
19 February 2025*

[Amendments marked ★ are new or have been altered]

Clause 1

LORD SHARPE OF EPSOM

Clause 1, page 1, line 3, leave out subsection (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
LORD SHARPE OF EPSOM

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
BARONESS LAWLOR
LORD SHARPE OF EPSOM

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 SHARPE OF EPSOM

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

LORD FROST
BARONESS LAWLOR
LORD SHARPE OF EPSOM

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

LORD FOSTER OF BATH
LORD FOX

Clause 1, page 1, line 12, at end insert –

- “(2A) The Secretary of State may also by regulation make provision in relation to the marketing or use of certain products, or categories or groups of product, that present a high risk (known or emerging) to consumer health and safety, for the purpose of reducing or mitigating the risk presented by products.
- (2B) A product regulated under subsection (2A) is a “high risk product” for the purposes of the Act and may be referred to as such in regulations.
- (2C) Regulations made under subsection (2A) apply to products where –
- (a) there is a presumption of serious risk under the Product Safety Risk Assessment Methodology, or
 - (b) it can be reasonably foreseen that a product would be categorised as either high or serious risk if assessed under the Product Safety Risk Assessment Methodology.
- (2D) Regulations made under subsection (2A) must have regard to –
- (a) risk analysis conducted according to the Product Safety Risk Assessment Methodology,
 - (b) information from the UK Product Safety Database,
 - (c) relevant indicators or evidence from accident or incident data,
 - (d) consultation with expert product safety groups, or
 - (e) other criteria determined as necessary by the Secretary of State.
- (2E) A product regulated under subsection (2A) which is intended for the UK market must be assessed by a UK Market Conformity Assessment Body and be CE or UKCA marked.”

Member's explanatory statement

This amendment aims to enhance consumer protection and safety by simplifying the identification of high risk products and enable the Secretary of State to, by regulation, establish additional safety requirements for products that are deemed to be high risk.

LORD SHARPE OF EPSOM

Clause 1, page 1, line 12, at end insert –

- “(2A) The Secretary of State may not make regulations under subsection (2) that will disadvantage the United Kingdom or its trade under –
- (a) the Comprehensive and Progressive Agreement for Trans-Pacific Partnership,
 - (b) the Japan Economic Comprehensive Partnership Agreement,
 - (c) the UK-Canada Trade Continuity Agreement,
 - (d) the UK-Australia Free Trade Agreement,
 - (e) the UK-New Zealand Free Trade Agreement, or
 - (f) any other trade treaties to which the United Kingdom is a signatory, including any free trade agreement with the United States of America.”

LORD FROST
BARONESS LAWLOR
LORD SHARPE OF EPSOM

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 SHARPE OF EPSOM

Clause 2, page 2, line 43, leave out paragraph (k)

LORD SHARPE OF EPSOM

Clause 2, page 3, line 1, leave out subsection (3)

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

Revised version of the amendment printed on 7 January 2025

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

“(d) the identification of and availability, including licensing, of patents voluntarily declared as essential to a technical standard.”

LORD FROST
BARONESS LAWLOR
BARONESS HOEY

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
BARONESS LAWLOR
LORD SHARPE OF EPSOM
BARONESS HOEY

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.”

BARONESS LAWLOR
LORD JACKSON OF PETERBOROUGH
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 prevents the Bill enabling ambulatory references or dynamic alignment to relevant foreign laws, but only to laws as they stand on a particular and defined date.

LORD SHARPE OF EPSOM

Clause 2, page 3, line 38, leave out subsection (8)

LORD LEONG
LORD FOX

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
BARONESS LAWLOR
LORD SHARPE OF EPSOM

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
BARONESS LAWLOR
LORD SHARPE OF EPSOM

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 2

BARONESS BENNETT OF MANOR CASTLE

After Clause 2, insert the following new Clause –

“Period product safety: regulations and requirements

- (1) Within one year of the day on which this Act is passed, the Secretary of State must, by regulations under section 1, make provision to reduce risks as defined in section 1(4) presented by period products, including those for single use and for re-use.
- (2) For the purposes of this section, period products consist of items intended to collect menstrual blood.
- (3) Within one year of the day on which this Act is passed, the Secretary of State must also make provision about period products requirements by regulations under section 2.
- (4) Regulations in accordance with subsection (3) must set out product requirements for the production, use, marking, marketing, testing, approval and provision of information (including information about risk) of period products.”

Member's explanatory statement

This amendment intends to bring in regulation of period products, given the human and environmental health risks they represent.

Clause 4

LORD SHARPE OF EPSOM

Clause 4, page 5, line 30, at end insert –

- “(3) The Secretary of State must lay before both Houses of Parliament a comprehensive framework outlining the conditions and procedures for the use of emergency powers under this section.
- (4) Product regulations providing for emergency disapplication or modification may not be made until this framework has been laid before Parliament and approved by a resolution of both Houses.”

Member's explanatory statement

This amendment requires the Secretary of State to present a framework to Parliament defining the use of emergency powers.

LORD SHARPE OF EPSOM

Clause 4, page 5, line 30, at end insert –

- “(3) Any disapplication or modification under subsection (1) is only valid for an initial period of three months.
- (4) The Secretary of State may extend the disapplication or modification beyond three months only after conducting a comprehensive review detailing –
 - (a) the justification for the continued need,
 - (b) an assessment of the impact, and
 - (c) consultation undertaken with relevant stakeholders
- (5) The comprehensive review conducted under subsection (4) must be published and laid before both Houses of Parliament within 14 days of the decision to extend the disapplication or modification.”

Member's explanatory statement

This amendment limits the duration of emergency modifications to three months and requires a review to for any extension, ensuring transparency and stakeholder consultation.

After Clause 4

LORD HOPE OF CRAIGHEAD
LORD THOMAS OF CWMGIEDD
LORD FOX

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
LORD SHARPE OF EPSOM

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.

BARONESS BENNETT OF MANOR CASTLE

★ After Clause 4, insert the following new Clause—

“Review of the health impacts of products

- (1) The Secretary of State must commission a review of the combined impacts of products being sold in the UK on public and environmental health, with particular reference to—
 - (a) plastics (materials made from petrochemicals or other materials), including artificial fabrics, particularly the health and environmental impacts of microplastics, the impact of plastics on prevalence of endocrine-disrupting chemicals and antimicrobial resistance;
 - (b) novel chemicals (those not naturally occurring in nature or not generally encountered except through products), including but not limited to per- and poly-fluoroalkyl substances, heavy metals, pesticides, fabric treatments, and fragrances.
- (2) The Secretary of State must lay a copy of the report before Parliament within six months of the day on which this Act is passed.”

Member's explanatory statement

People and environments in the UK are being exposed to an increasing mix and volume of potentially harmful substances, each of which is generally considered by regulators in isolation. This review will equip the government to consider the environmental and public health impacts.

Clause 5

LORD SHARPE OF EPSOM

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

- “(3A) The Secretary of State may not use any powers under this Act to remove or disapply the use of the pint as a unit of measurement for alcoholic beverages sold or marketed in the United Kingdom.”

Member's explanatory statement

This amendment ensures that the pint remains an accepted unit of measurement for alcoholic beverages.

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.

LORD SHARPE OF EPSOM

After Clause 8, insert the following new Clause –

“Regulations relating to artificial intelligence

- (1) When making regulations under this Act which relate to artificial intelligence, the Secretary of State must do so in a way which –
 - (a) encourages innovation and competitiveness,
 - (b) prevents undue regulatory burdens on United Kingdom businesses, and
 - (c) does not result in undue reliance on foreign actors which pose an economic or security risks to the United Kingdom.
- (2) In determining how a regulation would affect the United Kingdom’s innovation and competitiveness, the Secretary of State must take evidence from the artificial intelligence sector, including, but not limited to, representatives from United Kingdom-based small and medium sized enterprises, to consider the regulation’s –
 - (a) potential for increased compliance costs for United Kingdom businesses,
 - (b) impact on innovation, investment, and research and development in the United Kingdom’s artificial intelligence sector,
 - (c) risk of putting United Kingdom businesses at a disadvantage compared to international competitors, and
 - (d) potential for strategic dependencies on artificial intelligence infrastructure, data sources, or supply chains controlled by adversarial foreign entities.”

Clause 9

LORD LEONG
LORD ANDERSON OF IPSWICH

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

Revised version of the amendment printed on 7 January 2025

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

“(c) the Patents Act 1977.”

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 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 SHARPE OF EPSOM

Clause 10, page 10, line 19, leave out from “a” to end of line 25 and insert “digital platform or website where third-party sellers offer goods or services, or both, directly to consumers, which facilitates transactions between buyers and sellers, but typically does not own the inventory sold;”

Member's explanatory statement

This amendment clarifies the definition of "online marketplace" by specifying that it refers to a digital platform or website where third-party sellers offer goods and/or services directly to consumers. It further clarifies that the marketplace facilitates transactions between buyers and sellers but typically does not own the inventory sold.

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
LORD FOX

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.

LORD SHARPE OF EPSOM

Clause 10, page 10, line 34, leave out subsection (2)

Clause 11

BARONESS LAWLOR

Clause 11, page 11, line 7, after “(4)” insert “and (4A)”

LORD LEONG
LORD ANDERSON OF IPSWICH
LORD FOX

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
LORD SHARPE OF EPSOM

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.

BARONESS LAWLOR
LORD FROST
LORD JACKSON OF PETERBOROUGH

Clause 11, page 11, line 15, at end insert –

“(4A) Any regulations made under section 1(1) or (2) which correspond to, are similar to, or make a reference to the requirement of relevant foreign laws under section 2(7), expire at the end of four years from the date on which they come into force.”

LORD SHARPE OF EPSOM

Clause 11, page 11, line 15, at end insert –

“(4A) Regulations made under sections (1), (2) or (5) must be subject to a consultation of not less than six weeks with relevant stakeholders, including but not limited to UK small and medium-sized enterprises, and may not be made unless a draft of the instrument containing them has been laid before, and approved by, a resolution of each House of Parliament.”

Member's explanatory statement

This amendment would require that regulations made under sections (1), (2), or (5) of the Act related to product and metrology must undergo a consultation process of at least six weeks.

LORD LEONG
LORD ANDERSON OF IPSWICH
LORD FOX

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 SHARPE OF EPSOM

Clause 13, page 11, leave out line 22 and insert –

- “(1) This section comes into force on the day on which this Act is passed.
- (2) All other sections of this Act come into force on the day on which the Secretary of State publishes a report assessing the impact of this Act on economic growth.
- (3) The report under subsection (2) must be laid before both Houses of Parliament.”

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.

Product Regulation and Metrology Bill [HL]

RUNNING LIST OF ALL AMENDMENTS ON REPORT

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