

# **Written Evidence submitted by Electrical Safety First (PRMB09)**

**Product Regulation and Metrology Bill**

**House of Commons Public Bill Committee**



## 1. Executive Summary

### 1.1. About Electrical Safety First

Electrical Safety First (ESF) is a UK safety charity dedicated to reducing the number of deaths, injuries and accidents caused by electricity. As a leading campaigning charity and technical authority, we promote safety regulation, raise awareness of electrical risks, and collaborate with Government, industry, and NGOs.

### 1.2. Overview

We welcome the opportunity to provide written evidence to the House of Commons Public Bill Committee on the Product Regulation and Metrology (PRAM) Bill.

We broadly support the Bill's objectives of modernising and streamlining the regulatory framework for product safety and metrology. However, we believe further safeguards and commitments are required to ensure public safety remains paramount, especially with the rise of online marketplaces and the risks posed by dangerous products sold on these platforms.

Our submission focuses on two critical and urgent areas of concern:

- I) The **sale of unsafe electrical products via online marketplaces**, and
- II) **Improved identification and regulatory oversight of high-risk consumer products**, particularly those involving lithium-ion batteries.

We believe it is crucial that the Bill is strengthened by including explicit guarantees of clear and enforceable duties on online marketplaces to provide confidence for consumers, businesses, and the online marketplaces themselves. This would also include extending the liability for defective products to online marketplaces, particularly those sold by third party sellers.

ESF is also leading a nationwide campaign to address the fire risks associated with poor-quality e-bike and e-scooter batteries and ancillary devices (such as chargers and conversion kits). This campaign is supported by over 90 national stakeholders, including London Fire Brigade, Which? CTSI, the National Fire Chiefs Council, and Brompton Bike Hire. The campaign calls for stricter product safety standards - including mandatory third-party conformity assessment - for these high-risk product types. While this aligns with the broader aims of the PRAM Bill, it also highlights the opportunity the Bill presents to establish a clear and robust framework for enhanced safety measures, ensuring the protection of consumers from today's known high-risk products and those that may emerge in the future.

## 2. Online Marketplaces

### 2.1. Introduction

ESF welcomes the Government's amendments raised during Grand Committee in the House of Lords, particularly those clarifying the definition of an online marketplace and strengthening consultation requirements (Clause 11, (1), line 17 and Clause 12, (6) respectively).

These provisions must be retained and strengthened as the Bill progresses through the House of Commons. Future-proofing the definition of online marketplaces will ensure that all platforms, regardless of evolving business models, are brought within the regulatory framework, providing consistent consumer protection both online and on the high street.

### 2.2. Legislative Context

The current consumer safety regime, primarily governed by the Consumer Protection Act 1987 and implemented through General Product Safety Regulations (GPSR) 2005 and sector-specific rules, fails to reflect modern supply chains.

High street retailers, acting as distributors within the supply chain, must act with due care to ensure that only safe products are supplied, pass on all warnings and instructions to the consumers that accompany the product, and maintain traceability.<sup>1</sup> In contrast, online marketplaces often regard themselves as mere intermediaries, avoiding equivalent responsibilities despite facilitating the sale of potentially dangerous products.

One illustrative example is when a product is sold by an overseas third-party seller, the UK consumer is legally deemed the importer, leaving no responsible party within UK jurisdiction for enforcement or redress. This legal gap highlights the urgent need for updated legislation that assigns clear duties to online platforms.

### 2.3. Our Research

Our research highlights the urgent need for tighter regulation.<sup>2</sup> In a survey commissioned by ESF, we found that 30% of consumers were not confident that they could tell the difference between an online retailer (i.e. reputable high street stores with an online presence) and an online marketplace, and that 70% of consumers trust an online marketplace to protect them from the sale of unsafe

---

<sup>1</sup> 'General Product Safety: Distributors' (*Business Companion*, November 2024)

<[https://www.businesscompanion.info/en/quick-guides/product-safety/general-product-safety-distributors?utm\\_source=](https://www.businesscompanion.info/en/quick-guides/product-safety/general-product-safety-distributors?utm_source=)>.

<sup>2</sup> Electrical Safety First, 'Consumer Safety on Online Marketplaces: The Need for Change' <[online-marketplaces-the-need-for-change.pdf](#)>.

products.<sup>3</sup> This misplaced trust underscores the risks of regulatory ambiguity and warrants greater consumer protection.

### **2.3.1. Social Commerce**

As consumers increasingly shop through social media apps, integrated marketplaces, like Facebook Marketplace and TikTok Shop, are rapidly expanding. While they support user-to-user sales and promote the resale of second-hand goods, they also pose safety risks – particularly when consumers unknowingly import unsafe or non-compliant products from overseas.

Algorithms on these platforms further amplify the problem by promoting low-cost, high-risk products based on user behaviour. ESF has raised repeated concerns, including during the cost-of-living crisis when so-called “energy-saving plugs” surged in popularity. In an investigation into these products, ESF sampled a range of products from a variety of platforms and had them independently tested. Every one of these products failed safety standards, illustrating how irresponsible sellers exploit regulatory gaps to market unsafe products.

### **2.3.2. Recalled Products**

ESF’s investigations also reveal repeated failures to prevent the resale of recalled products. In 2021, recalled Hotpoint washing machines with fire risks were found on eBay and Facebook Marketplace. Despite reports, eBay only removed some listings and Facebook took no action, leaving dangerous products online for weeks. Unlike eBay, Facebook also lacks a system for reporting recalled items.<sup>4</sup> These findings highlight the inconsistency in consumer protections across platforms, the risks this creates, and the need for a unified, standardised approach.

More recently, ESF identified 29 active listings for the UPP triangular battery, linked to serious incidents, despite an OPSS withdrawal notice. At least 13 listings matched affected models but remained available across online platforms. This highlights the enforcement challenges of removing unsafe products from the market, especially from non-UK sellers. Current withdrawal powers do not guarantee consumers a refund, replacement, or repair, underscoring the need for stronger compliance mechanisms and clearer legal duties for online platforms.

### **2.3.3. Counterfeit products**

Consumer research conducted for ESF found that nearly a quarter of all consumers had bought a counterfeit electrical product when shopping online. A separate survey commissioned in October

---

<sup>3</sup> Censuswide Survey Commissioned by Electrical Safety First of 10,412 Nationally Representative Respondents, May 2023.

<sup>4</sup> Electrical Safety First, ‘Consumer Safety on Online Marketplaces: The Evidence and Impact’ <<https://www.electricalsafetyfirst.org.uk/media/rh5klrcl/online-marketplaces-the-evidence-and-impact.pdf>>.

2020 revealed that 92% of consumers believed the electrical products they bought online were safe. This illustrates a worrying disconnect – consumers assume that product safety is guaranteed by either the producer or the online marketplace, when in reality, that is often not the case.

## 2.4. Recommendations

**Put Clear Duties on Online Marketplaces:** There needs to be explicit duties placed on online marketplaces to ensure that they take the necessary steps to ensure the safety of products listed on their platforms. These duties should be included on the face of the Bill and should be proportionate to the nature and extent of the services the marketplace provides. Duties should include:

1. **Internal Safety Processes:** Online marketplaces must establish robust internal processes for identification and ongoing monitoring to prevent dangerous products from being listed from any supplier, including third-party sellers, and ensure that they are swiftly removed if they are. This should include measures to keep unsafe products off sale and taking down all identical listings.
2. **Cooperation and Information sharing:** Online marketplaces should be obligated to cooperate with enforcement authorities, consumer protection organisations, and other relevant actors to eliminate – or where not possible, mitigate – the risks posed by unsafe products. This should include a duty to share relevant data and support swift action across borders where required.
3. **Seller and Product checks:** Online marketplaces must obtain and verify key information about those listing products, especially overseas or anonymous third parties. The UK could adopt a model like the EU's Digital Services Act, with "Know Your Business Customer" (KYBC) obligations.
4. **Consumer Information:** Online marketplaces should provide clear and accessible information to consumers and notify consumers who have been sold unsafe or illegal products in line with PAS 7100 processes and principles.

*Suggested text:*

*After Clause 2 insert the following new Clause—*

*(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)(e), 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 or becomes aware of it in any other way.*

*(2) Within 3 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)(e)."*

#### *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.*

**Hold Online Marketplaces Liable for Unsafe Products:** The Bill must ensure that online marketplaces are held liable for unsafe products sold through their platforms so that there is always a responsible person liable in the supply chain. This will ensure that consumers can always seek redress if they suffer harm from dangerous products, including through pursuing civil claims.

#### *Suggested text:*

*After Clause 3 insert the following new Clause—*

*(1) 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.*

**Fulfilment Houses:**

*Suggested text:*

*In Clause 2:*

*(3) The persons on whom product regulations may impose product requirements include—*

*(fa) a person involved on behalf of a person mentioned in paragraphs (a) to (f), in product marketing or the use of products, including storage, transportation, packaging, labelling or disposal;*

*Member's explanatory statement*

*This amendment closes a potential loophole in the Secretary of State's powers to ensure that, whatever their legal status or location, all relevant organisations in the supply chain, including fulfilment houses, can be held accountable by regulations to protect consumers from non-compliant goods.*



### 3. High Risk Products

#### 3.1. Introduction

ESF welcomes the Government's acceptance of an amendment to introduce a process for identifying high risk products in Grand Committee in the House of Lords (Clause 1, (5)).

The amendment is indispensable for pre-emptively mitigating the risks associated with products before they result in consumer harm.

ESF hopes that this amendment can be protected as the Bill progresses through the House of Commons, and that consideration is undertaken by members on how the commitment of the Bill to reduce the number of fires caused by substandard e-bike and e-scooter batteries can be fulfilled. Our recommendations would operationalise that commitment and address serious enforcement gaps.

#### 3.2. Regulatory Framework

The UK's regulatory framework for e-micromobility (i.e. e-bikes and e-scooters) is fragmented and does not reflect the unique safety risks posed by lithium-ion batteries which power them. While e-bikes are regulated under the Supply of Machinery (Safety) Regulations 2008 and other general frameworks, there are no product-specific safety regulations in the UK for their design or use.

The CE or UKCA mark, which allows manufacturers to self-certify compliance, is insufficient for high-risk products like lithium-ion batteries, which can cause catastrophic fires if poorly manufactured or handled, often resulting in thermal runaway, a chain reaction that can cause intense, uncontrollable, and hard-to-distinguish fires.

ESF believes these safety risks require a more robust regulatory response. Classifying e-bike and e-scooter batteries as high-risk would require enhanced third-party certification to the relevant safety standards and ensure they are treated as high-risk at every stage of the supply chain - from design and manufacture to sale, including resale and modification. Without this, gaps in enforcement, particularly through online marketplaces and the second-hand market, will continue to expose consumers.

#### 3.3. Our Research

##### 3.3.1. Our Campaign

ESF's Lithium-Ion Battery Safety Campaign addresses the fire risks associated with substandard e-bike and e-scooter batteries and ancillary devices (such as chargers and conversion kits). Since



2020, over 180 UK parliamentary constituencies have experienced fires involving these products, resulting in 15 deaths, numerous severe injuries, and significant property damage.

Our [Battery Breakdown Report](#) outlines the findings of our research into the safety of e-bikes and e-scooters and sets out recommendations for improving safety.

While we welcome the recognition of battery safety at the Second Reading and cross-party support for our campaign, we urge Parliament to act on this momentum. Fires caused by thermal runaway are particularly hazardous, and the OPSS's 2025 research underscores the regulatory inconsistencies in this area.<sup>5</sup> We believe this Bill presents a timely and necessary opportunity to close those gaps and improve safety outcomes for consumers.

### 3.3.2. Gaps in Regulatory Oversight

Assessment of product risk is undermined by data collection failures. While the London Fire Brigade reports a 60% increase in e-bike and e-scooter fires from 2022 to 2023, the national Incident Recording System does not have fields for lithium-ion batteries, e-bikes, or e-scooters. Firefighters must input this data in open text fields, meaning the incidents are not reflected in public Home Office statistics.

There is currently no national database for recording incidents involving lithium-ion batteries, nor any legal obligation for those with access to relevant data - such as manufacturers, importers, and enforcement bodies - to record and share this information. In many cases, evidence is destroyed in the resulting fire, and the origin of the product remains unknown. This lack of traceability severely limits the ability of authorities to identify risks and take timely action.

### 3.3.3. Self-regulation

Complex laws around the sale and use of e-micromobility devices are being actively exploited by some third-party sellers. ESF has identified misleading sales practices that result in purchases of e-bikes that do not meet Electrically Assisted Pedal Cycle (EAPC) rules for road use, as well as illegal use of private e-scooters on public roads. In addition, ESF investigations revealed a surge in unbranded "universal" chargers for lithium-ion batteries being sold online. These chargers pose serious risks, including fire and explosion, as demonstrated by independent testing carried out by ESF at BRE's laboratories.

---

<sup>5</sup> Office for Product Safety & Standards, 'Personal Light Electric Vehicle (PLEV) Battery Safety Research' (January 2025) <<https://assets.publishing.service.gov.uk/media/67a1e68dad556423b636c9c0/plev-battery-safety-report-amended.pdf>>.

### 3.3. Recommendations:

**Third Party Certification:** Require all high-risk products intended for the UK market, particularly those involving lithium-ion batteries for e-micromobility, to undergo independent conformity assessment. This could be achieved through existing regulatory mechanisms such as the ‘EC-type examination’ or full quality assurance procedures under the *Supply of Machinery (Safety) Regulations 2008*, which would involve UK Approved Bodies verifying compliance with Essential Health and Safety Requirements (EHSRs).

**Mandatory Registration for High-Risk Products:** Require the registration of high-risk products by the purchaser at point of sale. Such a measure would improve traceability, allowing authorities to identify sources of risk and act swiftly in cases of product recall, fire, injury, or non-compliance.

*Suggested text:*

*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 products, 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.*

*(2F) The Secretary of State may by regulation require that a product regulated under subsection (2A), intended for the UK market, must be registered by the purchaser with the designated authority or retailer at the point of sale.*

*Member's explanatory statement*

*This amendment enables the Secretary of State to make regulations for high-risk products, defined by serious or foreseeable risks to consumer safety. It allows such products to be subject to additional requirements, including more stringent conformity assessment procedures and registration at point of sale for enhanced traceability.*

