

Product Regulation and Metrology Bill: Call for Views

Background

Consumer Scotland is the statutory body for consumers in Scotland.¹ Established by the Consumer Scotland Act 2020 we are accountable to the Scottish Parliament.² The Act provides a definition of consumers which includes individual consumers and small businesses that purchase, use or receive products or services.

Our purpose is to improve outcomes for current and future consumers and our strategic objectives are:

- to enhance understanding and awareness of consumer issues by strengthening the evidence base
- to serve the needs and aspirations of current and future consumers by inspiring and influencing the public, private and third sectors
- to enable the active participation of consumers in a fairer economy by improving access to information and support.

Consumer Scotland uses data, research and analysis to inform our work on the key issues facing consumers in Scotland. In conjunction with that evidence base we seek a consumer perspective through the application of the consumer principles of access, choice, safety, information, fairness, representation, and redress. We welcome the opportunity to respond to this Call for Views and have done so from this perspective.³

We work across the private, public and third sectors and currently have a particular focus on three consumer challenges: affordability, climate change mitigation and adaptation, and consumers in vulnerable circumstances.

We note that following the UK's departure from the European Union, there is a greater risk of consumers being exposed to unsafe products due to outdated or piecemeal regulation, especially in relation to online marketplaces with complex supply chains and remote third party sellers. The UK Government is therefore in the process of reviewing and reforming retained EU and domestic legislation, including through the Smarter Regulation programme. It is important that the interplay with other policy

¹ [Consumer Scotland](#)

² [Consumer Scotland Act 2020](#)

³ [Product Regulation and Metrology Bill: call for evidence - UK Parliament](#)

areas, such as import of goods, are taken into account in the design of this new framework. We have previously responded to the Smarter Regulation: UK Product Safety Review, which helped to inform the proposals for this Bill.⁴ We note that the Public Bill Committee will meet for the first time on Tuesday 13 May 2025 to consider the Bill and is expected to report on Tuesday 20 May.

Economic growth is a priority for the UK, particularly in light of structural cost of living issues that can make it difficult for many consumers to afford products of a quality that meet their needs. To build consumer confidence and support growth, all consumers, including those in vulnerable circumstances, must be able to access goods that are affordable, safe, and of appropriate quality. Regulators must be able to swiftly take action to prevent sale of products which are not of the appropriate standard and to enforce breaches of relevant rules. The legislative framework as a whole should reflect this, in order to support a framework that enables consumers to spend money on products with confidence, knowing they are protected for the risk of harm to their health or their property.

We are mindful that the Bill seeks to provide the ability to make future secondary legislation, and therefore in some areas, it is not yet possible for us to provide comment on detailed plans to protect consumers. We look forward to continued engagement with the process as such legislation is developed.

Our response

- **Consumers' rights to be protected from unsafe goods should continue to be central to any product regulation regime, and we consider that this should be clearly included and highlighted as a specific objective of the Bill.** We are, in principle, supportive of the Bill, which seeks to strengthen consumer protection through coherent product safety and metrology regulations. We consider providing for detailed measures to be enacted under future secondary legislation is appropriate, to ensure such Regulations can evolve with changing shopping habits and technological developments.
- **In line with the consumer principles, consumers should be able to access and choose products that are safe and meet their needs, whether they shop in-store or online.** We welcome the Bill's coverage of online sales and of online marketplaces (or platforms). We are also supportive of the UK Government's ongoing efforts to strengthen frameworks and enforcement for the benefit of consumers online.
- **Specific reference to relisting unsafe items that were previously removed or recalled on online markets should be considered as a deterrent.** The Bill already caters for the removal of unsafe items listed on online markets by requiring the recall of a product or its withdrawal.
- **The success of the Bill depends upon effective consultation, delivery, implementation, and monitoring of the impact of secondary legislation.** This requires clear definition of key concepts. We would welcome the opportunity to comment on proposals for secondary legislation, to ensure improved outcomes for consumers in Scotland.
- **Effective implementation requires that any new or extended enforcement powers for local authorities and other service providers must be paired with sufficient resourcing** that allows them to meet additional responsibilities.

Product Safety

Product safety is central to consumer protection, as it remains a common issue consumers experience and one that can severely impact upon them. The Consumer Detriment Survey 2024 estimated that between April/May

⁴ [OPSS's consultation on Smarter regulation: UK product safety review | Consumer Scotland](#)

2023 and April /May 2024, 49% of consumers in the UK who had purchased an item over the last 12 months had experienced an issue or problem with it.⁵ In 3 in 10 (31%) of these cases, the item was described as “faulty, unsafe or broken”; this was the second highest description of the nature of the problem after poor quality. While this category does not isolate unsafe goods, it provides some indication of the potential scale of product safety issues. The report found there was no significant difference in experience of detriment between Scotland and the UK nations overall. However, further analysis of the research found that consumers in vulnerable circumstances are more likely to experience detriment than those who are not.⁶ This highlights the importance of adequate product safety and metrology legislation to protect consumers.

The Office for Product Safety and Standards (OPSS) regularly publishes a Safety and Consumers Tracker. The latest iteration (Wave 6) was carried out in July and August 2023 and showed that 77% of respondents who had experienced a safety issue with a product purchased either online or in-store had taken action. However, 1 in 5 had not.⁷ Of those who had not, 19% considered the issue ‘not important enough’ but 17% cited not knowing what to do - an increase on the previous wave (6%). This Bill has the potential to help minimise the risk of consumers being exposed to dangerous goods, as well as experiencing associated inconvenience and costs.

Online Markets

The Bill was introduced against a backdrop of changed consumer behaviours and increasingly complex supply chains due to a rise in online shopping, which was heavily influenced by the COVID-19 pandemic. While in March 2015 online retail sales accounted for 11.7% of all UK retail sales, in March 2025 this was 26.3%, with around a quarter of all retail sales in the UK being made online each month.⁸ Together with technological developments over the last decade, the increase in online transactions has significantly changed the consumer landscape.

It is essential that product safety risks for online purchases are proactively and effectively identified, mitigated or removed where possible. The Consumer Detriment Survey 2024 found that generally, consumers were likely to take action when faced with detriment; however, they were less likely to have done so when it concerned a product bought online through a social media platform.⁹ It is essential that this Bill adequately protects consumers shopping online.

When consumers buy products online, they can buy directly from the seller’s website (which could also be an online marketplace), or from a third party via an online marketplace. 66% of respondents to Wave 6 (June/July 2023) of the OPSS Safety and Consumers Tracker had purchased an item from a third party on an online marketplace in the preceding 6 months. This indicates a growing trend since it had last been measured at 60% in Wave 4, one year prior.¹⁰ It found that 10% of those respondents who bought a product online in the last 6 months had experienced a safety issue of some kind with their online purchase.

With consumers often not being able to physically inspect goods before purchase, and online marketplaces hosting goods from a wide range of third party sellers, consumers can be more exposed to harm. OPSS published research in 2024 which found that of the 2,260 products purchased from major online marketplaces via third party sellers 1,832 (81%) were non-compliant with product safety regulations.¹¹

The UK Government’s response to consultation under the Product Safety Review noted that respondents clearly supported proposals that online marketplaces should proactively take due care (87%), take greater responsibility for products sold on their platforms (46%), and increase consumer-facing information on online listings (78%).¹²

⁵ [Consumer detriment survey 2024](#)

⁶ [consumer-detriment-survey-2024-consumer-scotland-insight-paper.pdf](#)

⁷ [OPSS Product Safety and Consumers Wave 6: Main Report](#)

⁸ [Internet sales as a percentage of total retail sales \(ratio\) \(%\) - Office for National Statistics](#)

⁹ [Consumer detriment survey 2024](#)

¹⁰ [OPSS Product Safety and Consumers Wave 6: Main Report](#) and [OPSS Product Safety and Consumers Wave 4: Main Report](#)

¹¹ [OPSS Delivery Report 2022-2023 - GOV.UK](#)

¹² [Government response to the Product Safety Review and next steps - GOV.UK](#)

The Bill will enable implementation of regulations that will impose a responsibility on online marketplaces to monitor and take proportionate due care when products are sold by third party sellers. We note that direct online sales, such as ordering a sofa from a furniture store's website, are already regulated, and the Bill seeks to extend this to include online marketplaces, and to impose bespoke duties to proportionately monitor third party sellers outside the UK's jurisdiction.

While the OPSS consultation on Product Safety contained proposals specifically aimed at tackling listing as well as re-listing of unsafe products, the latter is not reflected in the Bill. Consumer organisation Which? published a report in January 2025, demonstrating how easy it is to list and relist unsafe items on online marketplaces.¹³ Its investigation found that it took as long as six weeks for a relisted unsafe heater to be removed from a major online marketplace, even though it had been relisted using the same image and from the same seller account as the removed item. Such practices can result in a risk that consumers who shop on online platforms are exposed to products that have previously been recalled due to being unsafe. A requirement to take due care would also require online marketplaces to monitor their sites proactively for listed and relisted unsafe goods, and to remove them as soon as possible. Artificial Intelligence software could play a role in detecting the marketing of such unsafe goods.

The Bill does enable secondary legislation to make provision for sanctions for listing unsafe items by requiring the recall of a product or its withdrawal from online markets. However, we consider that inclusion of relisting as a separate practice should be considered to act as a stronger deterrent.

Metrology

Metrology legislation consists of a web of technical and complex legislation, which must be capable of being adapted in order to respond to future technological developments and risks. Trading standards organisations have specific responsibilities in these areas and will be well placed to comment in detail on metrological proposals. However, as a consumer organisation we highlight the importance of accurate information that is easy to understand for consumers, and we welcome the UK Government seeking to provide for future review of the metrology framework.

A key objective of this Bill is to ensure that consumers can trust that the goods they purchase are safe. While it is important to protect consumers by minimising their exposure to unsafe products, it is also essential that consumers can trust that the information they receive about the characteristics and volume of the product are accurate and not in any way misleading.

We note that affordability issues may drive consumers, including those in vulnerable circumstances, to buying low quality products online. Robust and enforceable metrology standards reduce the risk of consumers receiving less product by volume than they have paid for, and being shortchanged. This reduces the risk of compounding disadvantages to those who require to buy lower priced products for affordability reasons.

Enforcement

Enforcement is key to the effective implementation of any product safety regime. If a relevant authority and inspectors are to be appointed, this will need to be done following consultation with trading standards representatives and advice and consumer bodies in Scotland, along with any other bodies whose operations and resources may be impacted by these provisions. Given the pressures on enforcement bodies in Scotland, consideration will need to be given to how the enforcement system will be financed, with careful impact assessment being applied to capture the effects of various options, such as effects on consumers or on the ability of small businesses to prevent unsafe products from entering the market.

¹³ [How we were easily able to list illegal products for sale on online marketplaces - Which?](#)

It is essential that the processes for grounds, timeframes, manner of issuing notices, and other such practical matters should be clear and easily understood. Equally, it is important that small businesses are able to easily access information and standards, to help them understand what they need to do to comply with the law and how to ensure their products are safe.

Effective monitoring and enforcement requires a coordinated approach. We welcome that the Bill expressly includes provisions designed to codify information sharing provisions between relevant statutory authorities, emergency services, or any relevant persons. However, we would welcome more clarity regarding who might be captured by the type of persons referred to in clause 7(2)(c) of the Bill.

We note that the Bill refers to a number of aspects where devolved administrations must be consulted. We highlight the importance of engagement with Scotland and other devolved nations with regard to the development and implementation of the Bill and secondary legislation, to ensure that these measures are compatible with the Scotland's distinctive legal system and to ensure equal protection for consumers in Scotland and across the UK.