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10 December 2024

Product Regulation and Metrology Bill – Building Safety Act 2022

Thank you for your important contributions at Committee stage of the Product Regulation and Metrology Bill on 27 November. During the debate on Amendments 46, you asked for confirmation that paragraph 10, schedule 11 of the Building Safety Act 2022 is the “relevant regulation-making measure” that would be used to implement regulatory requirements under this Bill for construction products. You also asked for clarification on the relationship between this Bill and the Building Safety Act.

The Building Safety Act and the provisions under Schedule 11 was introduced in response to the tragic Grenfell Fire. As you will be fully aware the Act’s objective was to ensure the fire and structural safety of buildings, and the health and safety of residents is protected and to create an effective regulatory and accountability framework to provide greater oversight of the building industry.

In answer to your first question, the paragraph you identified is one of the provisions which could be utilised to regulate the safety of construction products. This provision as you quite rightly pointed out focuses on life safety risks to persons, specifically death or serious injury. Paragraph 2 could also be utilised to introduce a general safety requirement which defines a safe product as a product that “does not present any risk to the health and safety of persons, or if it does, the risk is as low as it can be compatibly with using the product.”.

However, paragraph 1 of schedule 11 is the overarching regulation making power and is widely drafted. Paragraph 20(1)(a) enables the Secretary of State to introduce construction products regulations for “different provisions for different purposes” and paragraph 20(2) provides that the regulation making powers in paragraph 1 are not limited by other provisions made by paragraphs 2 to 19 of the schedule. Therefore, we think that if the Secretary of State was so minded to introduce construction product regulations to deal with policy objectives beyond those set out in paragraph 10 they should have sufficient powers to do so. However, this needs to be considered in the light of policy reforms and would not rule out utilising powers under the Product Regulation and Metrology Bill.

The Government is committed to system wide reform of the construction products regime. This will include consideration of the EU Construction Product Regulations and other product regulatory regimes.

I hope my letter has provided additional clarity and reassurance regarding the important issues that were raised in the debate.

I am copying this letter to all Noble Lords who spoke in the debate. I am also depositing a copy of this letter in the Library of the House.

Yours Sincerely,

A handwritten signature in black ink, consisting of a large loop at the top left, followed by a series of connected strokes that end in a small dot at the bottom right.

**Lord Leong CBE
Lord in Waiting (Government Whip)**