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By email

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**Product Regulation and Metrology Bill – HO/MOJ Engagement and Emergencies
Definition**

Thank you for your continued engagement with the Product Regulation and Metrology Bill.

HO/MOJ Engagement

I would like to start by reiterating the Government's appreciation of the importance of engagement with the Home Office and Ministry of Justice when changing or creating criminal offences.

I can assure you that draft regulations will only be laid after thorough engagement with the Ministry of Justice, the Home Office, and, through them, with their arm's-length bodies. Part of the process of creating new criminal offences is the completion of a detailed Justice Impact Test. Justice Impact Tests (JITs) are documents that require a comprehensive breakdown of the reasoning behind the introduction of new offences and penalties. JITs also require, as part of the process of completing them, engagement with the "relevant enforcement and prosecuting agencies". For our purposes the relevant enforcement and prosecuting agencies will include the Ministry of Justice and the Home Office. Consequently, we are required to engage and reach agreement with departments, and any other departments containing relevant enforcement or prosecuting agencies, before offences may be created.

Statutory instruments containing new criminal offences will only be laid after the content of those Justice Impact Tests have been interrogated and agreed. We will also engage the justice departments of the Devolved Governments, as required. Impact assessments considering potential consequences of new offences will also be laid with relevant statutory instruments.

I do hope that clarifies our full intention and commitment to actively engage with key departments, and in doing so, resolves your concerns.

Emergencies Definition

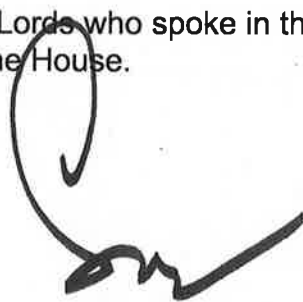
I also hope I can provide clarity on your query regarding the definition of an “emergency” under Clause 4 of the Bill and explains why the definition of an emergency from the Civil Contingencies Act 2004 has not been adopted.

We have given careful consideration to the use of definitions for an “emergency,” including that found in the Civil Contingencies Act 2004. However, we believe that emergencies – and the role that product regulations may play in our response - are unique and can evolve over time, making it challenging to rely on a fixed definition. Product regulations will of course only be part of a national response to an emergency: the central focus of the Product Regulation and Metrology Bill is not on emergency situations, but on regular and routine updates to our existing body of product law. As I expressed during the debate, Clause 4 is intended to apply only to exceptional and urgent situations, ensuring that the term “emergency” is not used out of context. Additionally, the clause is subject to the draft affirmative legislative procedure, providing a robust safeguard as any regulatory changes made under this clause will be thoroughly scrutinised by both Houses.

This is why we have decided not to include a specific definition under this clause and allow “emergency” to take its natural meaning. This is an approach to ‘emergencies’ routinely taken in legislation in order to ensure the necessary flexibility to address future emergencies. Recent examples of this include section 159 of the Levelling-up and Regeneration Act 2023 and section 44 of the Subsidy Control Act 2022.

I hope this explanation addresses your concerns and provides the clarity you were seeking. Thank you once again for your engagement and insights on this important legislation.

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.

A handwritten signature in black ink, appearing to be 'Lord Leong', with a large loop at the top and a horizontal stroke at the bottom.

Lord Leong CBE
Lord in Waiting (Government Whip)