

Parliamentary Bureau – Supplementary Legislative Consent Memorandum

Product Regulation and Metrology Bill (UK legislation)

Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.

Product Regulation and Metrology Bill

2. This Bill was introduced in the House of Lords on 4 September 2024.
3. An LCM was lodged by Kate Forbes MSP, Deputy First Minister and Cabinet Secretary for Economy and Gaelic on 24 September 2024. Following amendments made to the Bill to introduce a new clause after clause 8, a supplementary LCM was lodged by Kate Forbes MSP, Deputy First Minister and Cabinet Secretary for Economy and Gaelic on 3 March 2025. Both LCMs are supported by Richard Lochhead MSP, Minister for Business.
4. The Bill is primarily an enabling Bill which gives wide-ranging powers to the Secretary of State to make provisions in relation to the UK's product safety and metrology regulatory framework. While technical standards, safety and labelling of products, and product liability remain reserved, this reservation is subject to a number of exceptions. As these matters are excluded from the reservation, it is within the legislative competence of the Scottish Parliament to legislate in respect of technical standards, safety and labelling of products, and product liability in relation to them. The new clause after clause 8 entitled "Application to existing product and metrology provision", enables the Secretary of State to amend or supplement provision in existing secondary legislation (which may include secondary legislation with the status of assimilated law) or assimilated direct legislation regarding products regulations and requirements. As devolved provision can be made under clause 1, it is the Scottish Government's view that this amendment expands the scope of the Secretary of State's proposed powers within devolved areas.
5. The supplementary LCM indicates that the Scottish Government intends to lodge a motion refusing the Scottish Parliament's consent to the relevant provisions in this Bill, including the new clause. The Scottish Government considers that the Bill in its current form does not incorporate mechanisms to recognise properly devolved responsibility for the above matters.

Designation of lead committee

6. The relevant provision in the Bill falls within the remit of the Economy and Fair Work Committee. The Committee's remit includes to consider and report on matters within the responsibility of the Deputy First Minister and Cabinet Secretary for Economy and Gaelic, with the exception of Gaelic. The supplementary LCM has been lodged by the Deputy First Minister and Cabinet

Secretary for Economy and Gaelic and therefore the remit of the Economy and Fair Work Committee is engaged. The Committee was referred the original LCM in relation to this Bill.

7. No other committee remit appears to be engaged.
8. The supplementary LCM will also be considered by the Delegated Powers and Law Reform Committee in relation to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

9. The Bureau is invited to refer, under Rule 9B.3.5, the supplementary LCM to the Economy and Fair Work Committee as lead committee.

Parliamentary Business Team

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