



The Scottish Parliament
Pàrlamaid na h-Alba

Delegated Powers and Law Reform Committee

The Rt Hon Jonathan Reynolds MP
Secretary of State for Business and Trade

30 October 2024

Dear Secretary of State

Product Regulation and Metrology Bill

At its meeting on 29 October 2024, the Scottish Parliament's Delegated Powers and Law Reform Committee ("the Committee") considered the delegated powers exercisable within devolved competence in the Product Regulation and Metrology Bill ("the Bill"), as referred to in the Scottish Government's [Legislative Consent Memorandum](#) ("the LCM") lodged on 24 September.

To assist the Committee in its consideration of the LCM, it agreed to request further information from the Scottish and UK Governments in relation to **Clause 1 - Power to make product regulations**, which confers powers on UK Ministers (only) to make subordinate legislation in devolved areas. This clause appears to be a broad power to legislate in relation to the marketing or use of products in the United Kingdom.

The Scottish Government states in its LCM that it considers it is currently unclear as to why the Bill confers power to the Secretary of State in areas of devolved competence "except that the UK Government seeks wide-ranging powers on products to cover potential future technological, societal and legislative developments". Further, the Scottish Government states that the Bill does not currently contain any consent mechanism which would prevent the Secretary of State from using the powers in devolved areas without the consent of Scottish Ministers even though this could lead to divergence from EU law on devolved matters and/or repeal Scottish legislation.

The Committee therefore asks the UK Government:

- **why it considers it appropriate that the principal aspects of the policy of the Bill are to be established through subordinate legislation;**
- **how it envisages that this power may be used in relation to devolved matters;**

Contact: Delegated Powers and Law Reform Committee, The Scottish Parliament, Edinburgh, EH99 1SP.

Email: dplr.committee@parliament.scot.

We welcome calls through Relay UK and in BSL through Contact Scotland BSL.

- **why it considers it appropriate that the power has been conferred so that it is exercisable by the Secretary of State alone in relation to devolved matters;**
- **why it considers it appropriate that when the power is exercised by the Secretary of State in relation to devolved matters, there is no requirement to obtain the consent of the Scottish Ministers; and**
- **whether it intends to amend the Bill to either ensure the power is conferred solely on the Scottish Ministers in relation to devolved matters, or to require the Secretary of State when exercising the power in relation to devolved matters to obtain the consent of the Scottish Ministers?**

I would be grateful if you could please email your response to these questions to: dplr.committee@parliament.scot by **Monday, 11 November**.

Yours sincerely

A handwritten signature in black ink that reads "Stuart". The letters are cursive and fluid, with a long tail on the 't'.

Stuart McMillan MSP
Convener