



Department for
Business & Trade



Office for Product
Safety & Standards

The UK's new core product regulation market surveillance and enforcement framework

Response form

Introduction

This consultation survey is to be read alongside the consultation document (link to [gov.uk](#) page) and seeks your feedback on proposed reforms to modernise and strengthen the UK's market surveillance and enforcement framework under the Product Regulation and Metrology Act 2025.

The proposals cover:

- Consolidating and modernising enforcement powers into a single toolkit.
- Improving market surveillance across all routes to market, including online marketplaces.
- Introducing proportionate civil sanctions and enforcement undertakings.
- Strengthening information sharing powers between relevant authorities.
- Exploring whether cost recovery should be included and for what activities.

Your views will inform the final design of a coherent, fair and effective enforcement and market surveillance system that supports consumer protection, compliant businesses, and efficient regulation.

Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please tell us, but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable data protection laws. See our [privacy policy](#). In addition, please be aware that OPSS uses Qualtrics survey software to process online responses, this involves personal data being sent outside the European Economic Area (EEA). Any processing outside of the EEA will be subject to the safeguards specified within the UK General Data Protection Regulation (UK GDPR), and the Data Protection Act 2018.

We will summarise all responses and publish this summary on [gov.uk](#). The summary will include a list of names or organisations that responded, but not people's personal names, addresses or other contact details.

Your Details	
1. Your name	Siobhan Toland
2. Your email address	tolands@belfastcity.gov.uk
3. Are you responding:	
As an individual? Please go to 'Consultation Questions'	
On behalf of an organisation? Please continue	X
4. Name of organisation	
5. Number of employees	
1 to 9	
10 to 49	
50 to 249	
250 or more	X
6. Type of organisation	
Business	
Trade Association	
Test House or Laboratory	
Consumer Body	
Local Authority	X
Fire and Rescue Service	
Government Body	
Other (Please specify)	

Consultation Questions

Proposal B1 Consolidating and Modernising Powers

B1a. Do you agree that the UK product regulation market surveillance and enforcement legislation should be reformed to establish a single, coherent set of enforcement powers available regardless of where it might be utilised within the product journey (e.g. at the border)?

Strongly agree

X

Somewhat agree

Neither agree nor disagree

Somewhat disagree

Strongly disagree

B1b. Please explain your answer

The current enforcement framework is disjointed, inconsistent, often confusing and difficult to navigate with multiple pieces of legislation providing varying powers dependant on the product type and point in the supply chain. One single set of powers would provide greater consistency and transparency for both enforcing authorities and businesses.

Merging the current framework to a simplified enforcement toolkit would also improve officer confidence when taking enforcement action, meaning it is more likely that officers will utilise their suite of resources. At present the need to correctly identify applicable product specific legislation, and match this to appropriate relevant enforcing legislation can act as a barrier to enforcement, and in some cases officers are discouraged from taking formal action due to the complication of interpreting available powers

Belfast City Council welcomes the proposal of one single set of enforcement regulations that apply across GB and Northern Ireland equally. A single framework would support more effective and proportionate enforcement.

B2a. Do you agree this new enforcement ‘toolkit’ should apply to product regulation more widely, beyond product safety? For example, should apply to measuring instruments and non-automatic weighing instruments (but not to other metrology legislation e.g. specified quantities)	
Strongly agree	X
Somewhat agree	
Neither agree nor disagree	
Somewhat disagree	
Strongly disagree	
B2b. Please explain your answer	
<p>Although district councils in Northern Ireland do not enforce weights and measures legislation, extending the toolkit beyond product safety would promote consistency with other areas such as construction products. It would also help address enforcement gaps that have been identified in practice, for example during the introduction of the Single Use Vape legislation.</p>	
B3. What challenges might there be in having fewer, more flexible, consolidated, enforcement powers for product regulations?	
<p>A proposed single enforcement framework must be capable of being used equally by Northern Ireland district councils, including for the enforcement of EU Directives and Regulations that continue to apply in Northern Ireland. Without this, enforcement officers would face significant practical challenges in carrying out their regulatory functions.</p> <p>The framework should also address existing variations in enforcement powers between the Consumer Rights Act 2015 and the Market Surveillance (Northern Ireland) Regulations, where the latter currently provide broader and more effective powers.</p>	
B4. What additional reforms to existing powers would improve enforcement of metrology legislation?	
District councils in Northern Ireland do not enforce metrology legislation.	

B5a. Which provisions in product regulation legislation create unnecessary administrative process? Please describe and explain any administrative burdens you are aware of.

The exercise of powers of entry, including determining when such powers are appropriate, together with the additional requirement to provide a notice of powers and rights under PACE, introduces additional complexity during enforcement visits.

A simplified approach, while still ensuring compliance with PACE requirements, would reduce the risk of enforcement action or prosecution being undermined due to delay or the incorrect application of these provisions.

B5b. Please provide what you think could be an alternative.

The use of notices similar to those available within health and safety and food functions, such as improvement notices, prohibition notices, or remedial action notices would provide an efficient and proportionate mechanism for taking immediate enforcement action.

Similarly, the availability of compliance notices under the Market Surveillance Regulation allows formal enforcement action to be taken without the need to progress directly to prosecution, mirroring the principles underpinning enforcement undertakings discussed later in the consultation. This approach supports timely compliance while reserving prosecution for the most serious or persistent breaches.

When creating a single enforcement framework, consideration must also be given to the powers available in respect of goods not yet in circulation, such as those at ports and borders, or in transit, to ensure that appropriate and equivalent enforcement options are available across all stages of the supply chain.

B6. How could we simplify enforcement provisions (including for market surveillance) across the UK to establish a coherent and consistent UK-wide framework that supports effective enforcement in both Great Britain and Northern Ireland, in line with the government's Windsor Framework obligations?

Enforcement regulations and officer powers need to be consistent across legislative regimes. At present, discrepancies exist for enforcement authorities in Northern Ireland depending on whether they are enforcing the Consumer Rights Act or the Market Surveillance (NI) Regulations.

For example, the Market Surveillance (NI) Regulations provide stronger powers to obtain products, including test purchases, for the purposes of determining non-compliance. Importantly, these powers may be exercised by officers acting under a cover identity, whereas comparable powers are not available under the current Consumer Rights Act 2015.

To assist Northern Ireland district councils, the powers contained within the Market Surveillance (Northern Ireland) Regulations should be replicated or consolidated into a single set of regulations that can be uniformly enforced in Northern Ireland. Where this is not possible, clear, accurate and transparent guidance on which products fall within the scope of each regulatory regime is essential to support consistent and effective enforcement.

Proposal B2 Addressing the enforcement challenges of global and online supply chains

B7. What bespoke powers are required to enforce against online and overseas supply chain actors, in addition to the broad powers outlined under Proposal B1?

A requirement for businesses to have a verifiable presence in the UK or Northern Ireland, including a confirmed name, physical address and (where applicable) a Companies House registration, with an identifiable person responsible for product safety, is essential to enable effective enforcement.

District councils have repeatedly received referrals where the provided business address, when investigated, is found to be vacant, non-existent, or a shared mailing address with no identifiable responsible person. Such arrangements significantly hinder enforcement action and regulatory engagement.

District councils in Northern Ireland have observed an increase in these occurrences, particularly since EU Exit, highlighting the need for strengthened requirements to ensure accountability within online and overseas supply chains.

O	
B8a. To what extent do you agree with this approach of categorising offences?	
Strongly agree	
Somewhat agree	X
Neither agree nor disagree	
Somewhat disagree	
Strongly disagree	
B8b. Please explain your answer.	
<p>The distinction between pre-market and on-market responsibilities is generally clear for businesses to understand. However, some of the pre-market requirements listed relate primarily to technical or labelling irregularities rather than product safety concerns. As a result, it is difficult to justify this division solely on the basis of risk.</p> <p>Overall, the approach provides a strong and appropriate framework for proportionate enforcement, aligned with the regulators code, but its effectiveness will rely on consistent implementation, clear guidance and sufficient resources. Clear guidance will be required to assist enforcement authorities with this proposed approach.</p>	
B9a. Do you agree that this approach enables the application of proportionate penalties?	
Strongly agree	
Somewhat agree	
Neither agree nor disagree	X
Somewhat disagree	
Strongly disagree	

B9b. Please explain your answer.	
<p>As stated above, while the intention behind this division is understood, some pre-market requirements relate primarily to technical or labelling irregularities rather than product safety concerns. As a result, it is difficult to justify this distinction solely on the basis of risk. Clear and well-defined categories will therefore be required to support consistent and effective enforcement.</p> <p>Consideration must also be given to the fact that each council operates under its own enforcement policy, and any proposed approach must be sufficiently flexible to operate effectively within these existing frameworks.</p>	
B10a. Should enforcement undertakings be available across all product regulations	
Yes	X
No	
Don't know	
B10b. if no, what products, regulatory obligations or types of non-compliance should be excluded and why.	
B11a. Should we consider whether to accept undertakings that seek to benefit those affected by the non-compliance?	
Yes	
No	X
Don't know	
B11b. Please explain your answer.	
<p>It is unclear from the consultation document what is meant by the term "benefit those affected by the non-compliance".</p>	

Compensation is outside the scope of product safety legislation, and its inclusion may encourage the use of enforcement undertakings in circumstances where they are not the most appropriate or proportionate enforcement response.

The provision of compensatory or other benefits could place officers in a position where they feel obliged, due to moral considerations or consumer pressure, to accept an enforcement undertaking, even where further formal enforcement action or prosecution would be more appropriate.

Councils recognise that undertakings can be a proportionate and efficient alternative to formal enforcement, and this approach is consistent with Belfast City Council's enforcement policy. Councils also consider it important to support businesses and contribute to economic growth.

However, authorities must retain the ability to escalate enforcement where undertakings are breached or where a serious risk exists.

Proposal B4 Civil monetary penalties

B12. Which instances of product regulation non-compliance would you consider fixed monetary penalties a useful, proportionate and effective response?

Whilst Councils in Northern Ireland have experience of use of Fixed Penalty notices for a range of relatively low level offences across the environmental health regulatory field, civil monetary penalties are not currently used, so we do not have direct experience with this enforcement mechanism. However, we would welcome their introduction if they prove to be an effective tool for securing compliance. If such a system were to be introduced in Northern Ireland, careful consideration would be needed on how the framework would be implemented, as these powers do not presently exist in NI.

This would be most appropriate for simple, clear-cut offences where non-compliance is easily evidenced and the burden of proof is straightforward, allowing proportionate

B13. For which instances of product regulation non-compliance would you consider variable monetary penalties a useful, proportionate and effective response?

Penalties and fees should be set consistently within the legislative framework to ensure transparency and fairness.

However, there may be scope to consider whether fees could appropriately reflect the size and turnover of a business, in order to maintain proportionality.

B14. In which circumstances would you consider an escalating monetary penalty system a useful, proportionate and effective response?	
Penalties and fees should be set consistently within the legislative framework to ensure transparency and fairness.	
B15. To what extent do you agree / disagree that monetary penalties should be escalated by a pre-set amount, or by a percentage of the original penalty?	
Strongly agree	
Somewhat agree	
Neither agree nor disagree	X
Somewhat disagree	
Strongly disagree	
B15b. Please explain and give examples to illustrate your answer.	
<p>Civil monetary penalties are not currently used by Northern Ireland councils, so we do not have direct experience with this enforcement mechanism. If such a system were to be introduced in Northern Ireland, careful consideration would be needed on how the framework would be implemented, as these powers do not presently exist in NI.</p> <p>Detailed guidance would be required to ensure this is implemented fairly and proportionately.</p>	
B16. Please list any other form of civil sanction that may be appropriate for either product safety, or broader product regulations.	
<p>Fixed penalty notices may be beneficial for clear cut or absolute offences. Fixed Penalty Notices could be an effective civil sanction for low-level, clear-cut breaches of product safety or wider product regulations where there is minimal risk and no evidence of deliberate or persistent non-compliance. FPNs provide a swift, proportionate and resource-efficient enforcement option, encouraging early compliance without the need for more formal or punitive action.</p>	

Proposal B5 Cost recovery framework	
B17a. To what extent would you agree / disagree that cost recovery would be an appropriate or beneficial feature within the UK product regulation enforcement regime?	
Strongly agree	
Somewhat agree	
Neither agree nor disagree	X
Somewhat disagree	
Strongly disagree	
B17b. Please explain and give examples to illustrate your answer.	
<p>Should cost recovery be introduced, its application would need to be carefully considered by individual district councils. However, we would welcome its introduction if it proves to be an effective tool for securing compliance. Where a statutory service is being provided, councils may be unable to recover costs unless this is expressly enabled within the legislative framework.</p> <p>While cost recovery may not be appropriate for the routine delivery of statutory functions, there may be merit in permitting cost recovery where non-compliance is identified, during the investigation of non-compliance, or for disposal of non-compliant goods. Models such as the Health and Safety Executive’s “fee for intervention” approach demonstrate how cost recovery can assist in recouping enforcement costs and incentivising compliance.</p>	
B18a. Please list principles you consider should guide the design of any potential cost recovery provisions for product regulation enforcement.	
<p>To implement cost recovery effectively, councils would require additional capacity and resources, including administrative and debt-recovery support. Clear provision within the legal framework would therefore be essential to ensure cost recovery powers are within the legislative framework, proportionate and practical to administer.</p>	
B18b. Please explain and give examples to illustrate your answer.	

Cost recovery is not currently used by Northern Ireland councils in regard to Consumer Protection, so we do not have direct experience with this enforcement mechanism, however we welcome its introduction if it proves to be an effective tool.

Proposal B6. Information Sharing

B19a. To what extent would you agree / disagree that, there is a need for greater powers are needed, beyond establishing a legal framework, to facilitate sharing information between relevant authorities, emergency services, and specified persons for product regulation, safety, and compliance?

Strongly agree	X
Somewhat agree	
Neither agree nor disagree	
Somewhat disagree	
Strongly disagree	

B19b. Please explain and give examples to illustrate your answer. (optional)

This is essential to ensure efficient enforcement, and we strongly agree that greater powers are needed beyond the establishment of a legal framework to facilitate effective information sharing between relevant authorities, emergency services and specified persons for product regulation, safety and compliance. Information sharing between port authorities, MS authorities and other authorities such as Fire and Rescue Services will greatly assist consistent enforcement, particularly in Northern Ireland due to the small geographical area and the routine nature of collaborative working.

Greater powers to facilitate information sharing with neighbouring member states in particular ROI would also greatly assist with cooperation when dealing with business that operate cross border and complaints regarding these businesses.

Experience demonstrates that practical and operational barriers, such as data protection concerns, interpretations of information-sharing powers, and a lack of statutory duties to share information, often inhibit timely and effective collaboration. These barriers can delay interventions where there is a serious or emerging risk to safety, particularly in fast-moving product safety incidents.

B20a. Please list the information you consider should be made available for the purposes of product enforcement.

For the purposes of effective product enforcement, relevant authorities should have access to comprehensive information including complaint history, number of complaints received, action taken to date, product identification and traceability details; manufacturer, importer and distributor data; compliance and conformity documentation; incident, injury and risk information; product risk assessment, enforcement and compliance history; recall and corrective action data; and intelligence relating to supply chains, online marketplaces and distribution networks.

B20b. Please list which bodies or persons such information should be shared between to ensure effective market surveillance and enforcement.

Information relevant to product regulation, safety and enforcement should be shared between local authority enforcement bodies (including Environmental Health, Trading Standards and port health authorities); central government departments and national regulators responsible for product safety and standards; emergency services, including fire and rescue services and ambulance services; border, customs and import control authorities; and other relevant sector regulators.

Information from emergency services, port authorities and other regulators should also be available to support early identification of risks, coordinated intervention and proportionate enforcement action, subject to appropriate safeguards and data protection requirements.

Information sharing should also extend, where appropriate, to online marketplaces, fulfilment service providers, manufacturers, importers, distributors, conformity assessment bodies, and consumer protection organisations, as well as between enforcement authorities across regional and national boundaries. This joined-up approach is essential to support timely intelligence-led interventions, coordinated action on emerging risks, and consistent, proportionate enforcement.

B21a. Please list any additional safeguards you would wish to see within information sharing arrangements to prevent the improper use of data.

Information-sharing arrangements should include clear statutory limits on the purpose and use of data, supported by data minimisation principles to ensure only necessary and proportionate information is shared.

Clear retention and disposal policies should also be in place to ensure information is held only for as long as required and is securely disposed of in accordance with data protection requirements.

B21b. Please explain and give examples to illustrate your answer.

Role-based access controls, secure IT systems, audit trails and clear retention and disposal policies should be in place to prevent misuse of information.

The use of government security classifications on all correspondence should also be required.

These safeguards should operate alongside defined governance arrangements, staff training and full compliance with UK GDPR and data protection legislation.

Please email response form to

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