

Response ID

Submitted to Consultation on the General Safety Requirement (GSR) for Construction Products
Submitted on 2026-05-19 07:41:27

About You

What is your name?

Name:

What is your email address?

Email:

Where are you based?

Regional Location Dropdown:

What role do you have in your company/organisation (if applicable)?

Please explain your answer.:

Co-Head of Building Conservation and Designed Landscape

What is the name of your organisation (if applicable)?

Complete the textbox with your organisation's name:

Historic England

What is the size of your organisation/business (if applicable)?

Size of Org - Dropdown:

Large (250+ employees)

Are you responding as an individual, on behalf of a company/organisation, or on behalf of a trade body/association?

behalf of dropdown list:

Company/organisation

If Other::

What do you consider is the primary role of you or your company/organisation?

Role of Organisation:

Central Government

If Other::

Chapter 4: Scope of the General Safety Requirement

1) Do you agree that previously used products should be regulated in the same way as new products, unless the exemption applies as set out in paragraphs 4.9-4.10?

Disagree

Please explain your answer and include any changes you would make to the proposals.:

Previously used products should be addressed through a proportionate, risk-based approach, rather than being regulated as “new-equivalent” by default. In the heritage sector, reuse and reclamation are fundamental to like-for-like repair, authenticity, and circular economy practice in historic buildings (e.g. reclaimed bricks, roof slates, timber, ironmongery).

We recommend distinguishing between:

1) Previously used products intended to perform a safety-critical function.

These are products (whether new or used) whose intended use is to contribute to life safety or occupant health, including (for example) fire performance, structural safety, and moisture/damp/overheating risks with foreseeable health consequences. Where a previously used product is being placed on the market for a safety critical use, it should be regulated in the same way as a new product, unless a clearly defined exemption applies.

However, regulation must be proportionate and sensible in how conformity is evidenced for reused components. In heritage contexts, elements such as structural beams or floorboards have often been reused successfully based on competent inspection, grading, and evidence of prior performance, rather than modern strength testing for every component. A compliant route should therefore allow competent person assessment and proportionate evidence, rather than mandating blanket modern test regimes that would make reuse impracticable.

2) Previously used products with no material relevance to safety.

This includes many reclaimed heritage components where the intended use is not safety critical (e.g. reclaimed doors not intended to perform as fire doors; fireplace surrounds where a new enclosed appliance is separately specified; windows and other traditional architectural elements). Treating such items as “new equivalent” risks deterring reuse, reducing availability, increasing costs, and driving unnecessary replacement of historic fabric. These products should be exempt from full new product style compliance obligations, supported instead by proportionate condition assessment and clear product information, such as:

- confirmation of condition (where appropriate),
- clear statements of intended use, and
- explicit limitations (including what the product is not being supplied to do).

3) Remanufactured or reprocessed materials.

A third category should be recognised where a “used” material is reprocessed in a way that may change performance characteristics (for example, historic lead melted and re formed into new sheets). Where processing goes beyond checking, cleaning, or minor repair and may materially change performance, it should be treated as a new product for regulatory purposes.

This approach aligns with the consultation’s definition of a “used product” (installed at least once and not processed beyond checking, cleaning or repair) and supports distinguishing straightforward reuse from remanufacturing/reprocessing.

Product information and traceability

Product information should go beyond the minimum list in section 2.7 by clearly stating:

- (a) limitations and any non declared characteristics; and
- (b) suitability for different construction typologies (including traditional as well as modern), with supporting evidence for the contexts claimed.

Information should avoid ambiguous terminology and should clearly differentiate vapour permeability from liquid water behaviour where this affects safe use and compatibility.

Record keeping should also support building owners/managers holding appropriate product records (including maintenance schedules), aligning with the intent of the Building Safety Act and supporting traceability through the life of the building.

We also request clarity on how the proposed approach will operate alongside the Approved Documents and Technical Handbooks (paragraph 3.30), particularly given that current guidance is largely written around modern construction and does not adequately reflect traditional or non standard construction.

Paragraph 4.10 (exemption for products requiring repair/reconditioning)

We agree in principle that products clearly marketed as used and requiring repair or reconditioning before use should be treated differently from “as new” products. However, the proposed exemption risks creating a loophole if a product can be sold for “repair or reconditioning” and then incorporated into works following buyer led repair, without any effective regulatory trigger until resale.

We recommend the regulations make clear that such products cannot be incorporated into construction works until repair/reconditioning has been completed and the product is brought into scope, with the relevant duties applying to the party that repairs/reconditions and makes the product available for use.

General exemption for heritage specific products

Finally, we recommend introducing a general exemption for products not covered under a designated standard or UK technical assessment, including products made exclusively for heritage conservation, locally sourced materials, and specialised non-series production. This could draw on the approach in Article 14 of Regulation (EU) 2024/3110 (including exemptions for custom-made products and heritage-conservation manufacture), adapted appropriately for the UK framework:

[...] Article 14

Exemptions from drawing up a declaration of performance and conformity

By way of derogation from Article 13(1), a manufacturer may decide not to undergo the applicable assessment and verification of the product’s compliance with applicable product requirements and not to draw up a declaration of performance and conformity when any of the following applies:

(a) the product is individually manufactured or custom-made and fulfils all of the following conditions:

- (i) it is manufactured using a non-series process;
- (ii) it is produced in response to a specific order;
- (iii) it is installed in a single identified construction work by a manufacturer who is also responsible for the safe incorporation of the product into the construction work; and
- (iv) it is in compliance with the applicable national rules, and under the supervision of those responsible for the safe execution of the construction works designated under the applicable national rules;

(b) the product is manufactured in a manner exclusively appropriate to heritage conservation and in a non-series process for adequately renovating construction works officially protected as part of a designated environment or because of their special architectural or historic merit, in compliance with the applicable national rules. [...]

Historic England would welcome continued engagement with MHCLG and the relevant regulators to support implementation of these proposals, including contributing technical expertise to guidance development, proportionate evidence expectations and transitional planning, so that reforms improve safety and confidence without causing preventable safety and performance risks within the heritage sector.

Chapter 6: Overarching Safety Duty

2) Do you agree with the proposal of an overarching safety requirement on economic operators as set out at paragraphs 6.5-6.9?

Agree

Please explain your answer and include any changes you would make to the proposals.:

Historic England agrees with the overarching safety requirement on economic operators as set out in Section 6 (paragraphs 6.5–6.9). We support the principle that construction products placed on the market must be safe under their intended use and under normal or reasonably foreseeable conditions of use, with clear obligations on economic operators across the supply chain.

We also agree it must be made explicit that “safety” includes clear warnings and restrictions where a product’s safe use depends on context. In particular, product information should include a prominent general warning where relevant that a product may require additional fire protection / fire proofing measures depending on where and how it is used within a building (for example, in higher risk locations or where it forms part of a fire critical system), so that specifiers and installers are not left to infer this from partial data.

However, we recommend strengthening the factors to be taken into account when determining whether a product is “safe”. In particular, bullet point four (“the effect of the product on other products, where it is reasonably foreseeable that it will be used with those products”) should be expanded, or supplemented by an additional bullet, to require consideration of:

- the effect of the product in different construction typologies, including both moisture-closed construction and moisture-open construction (open to moisture movement in both vapour and liquid form); and
- clear evidence of whether the product has been tested or assessed in both construction types, or only one, with explicit limitations and “do not use” scenarios where evidence does not support safe use in the other.

This would ensure that “reasonably foreseeable use” is interpreted in a way that reflects how products are actually applied in the built environment, including in older and traditionally constructed buildings. It would also reduce foreseeable secondary harms that can arise where product performance depends on system interaction and substrate behaviour, rather than on a single intended property. For example, a product that meets its primary performance claim (such as fire performance) may still create serious risks if it causes moisture trapping or other unintended interactions when used in a different construction typology, leading to damp, fabric decay, mould growth and associated risks to occupant health. Such outcomes have been evidenced in retrofit programmes, where inappropriate specification, poor detailing and workmanship, and inadequate consideration of moisture behaviour have led to damp and mould, fabric deterioration and adverse impacts on occupants’ health. Examples include the Fishwick scheme in Preston (Disastrous Preston retrofit scheme remains unresolved -

<https://passivehouseplus.co.uk/news/health/disastrous-preston-retrofit-scheme-remains-unresolved>) and retrofit programmes in Wales, where moisture-related defects were reported following external wall insulation installations (Historic England, 2024 When Retrofit Goes Wrong <https://historicengland.org.uk/research/heritage-counts/heritage-and-environment/introduction-to-retrofitting/when-retrofit-goes-wrong/>).

Historic England supports the overarching duty because it can be applied proportionately and is flexible enough to accommodate traditional materials and established conservation practice—provided that the supporting guidance and enforcement approach explicitly recognise context, long-standing safe performance in use, and the need to avoid typology-blind assumptions or one-size-fits-all testing burdens. We support a risk-based general safety requirement while cautioning that compliance routes must be proportionate and workable for traditional materials and small-scale supply chains, and that product information must clearly state the contexts in which performance has (and has not) been demonstrated.

Chapter 7: Obligations on Economic Operators and Online Marketplaces

3) Do you agree that the measures described as part of the process for assessing risk are reasonable and proportionate as set out in paragraphs 7.5-7.11?

Disagree

Please explain your answer and include any changes you would make to the proposals.:

Disagree (as drafted). While the proposed risk assessment steps are sensible in principle (identify intended use and reasonably foreseeable conditions of use; identify risks; set mitigations including warnings and “do not use” scenarios; maintain quality assurance; and review/update as evidence changes), they are not yet shown to be proportionate in practice for micro businesses, sole traders and craft producers who supply small batches of traditional materials.

Historic England could support the approach if the regime (and regulator guidance) explicitly provides scalable, low burden compliance routes for micro producers, for example:

- Simple templates for common traditional products and repeatable processes, including prompts for intended use, key hazards, mitigations, and explicit “do not use” statements. These “do not use” scenarios should cover: (i) common contexts/build ups where the product has not been tested or assessed; and (ii) contexts where it has been tested and did not perform safely, so restrictions are not left ambiguous or open to interpretation.
- Proportionate evidence pathways that allow reliance on established safe performance in use, competent person assessment and relevant sector evidence, rather than implying extensive bespoke testing is the default expectation for every small batch product.
- A clear distinction between higher risk applications (where more robust evidence is warranted) and low risk heritage uses (where a lighter touch

approach should be acceptable).

- In addition, for products commonly and predictably used in traditionally constructed buildings, “reasonably foreseeable use” should explicitly include:
 - o Construction typology and substrate compatibility (including mixed material junctions and common interfaces), and clear statements on whether compatibility is proven, unknown/untested, or known to be unsuitable; and
 - o Moisture behaviour in both vapour and liquid form, with terminology that clearly distinguishes vapour permeability from liquid water behaviour where this affects safe use and compatibility.

Risk assessment and product information should also cover foreseeable construction sequencing and temporary exposure (for example, whether components such as timber, insulation, membranes, seals or finishes require interim protection from weather before the building is closed up), so that risks are managed during installation as well as in service.

Finally, where widespread issues arise with a safety concern that could put life at risk, manufacturers should be required to make this publicly known promptly and transparently; it should not be sufficient to quietly amend production processes or update documentation without alerting those specifying, supplying, installing and using the product and setting out any remedial actions needed.

4) Do you think the list of criteria for product information is proportionate, as well as sufficient to support decisions to select the right product as set out in paragraphs 7.12-7.16? If not, what further information do you think would be helpful .

No

Please explain your answer and include any changes you would make to the proposals.:

No (not sufficient for traditional buildings unless expanded and clarified). Historic England supports the proposed requirements for product information (paras 7.12–7.16), including intended use, technical information, foreseeable conditions outside intended use, standards/certification, instructions for safe use/installation/maintenance, system compatibility, storage/transport, and guidance on where a product should not be used. However, as currently framed, the list is not sufficient to support safe and appropriate product selection for older and traditionally constructed buildings unless it is strengthened to prevent “universal suitability” claims and to make limitations unambiguous.

In particular, the requirements should explicitly include:

1. Tested context and construction typologies

Product information should state clearly which construction typologies, assemblies and substrates the product has (and has not) been tested or assessed for. This should include, where relevant, solid wall versus cavity wall construction; lime-based and other traditional assemblies; timber frames; and mixed-material junctions. Where testing/assessment has been carried out only in modern construction build-ups, this limitation should be explicit.

2. Clear “do not use” scenarios based on evidence (not interpretation)

The information must make explicitly clear where the product should not be used. This should not be left ambiguous or open to interpretation. “Do not use” should be determined by (a) contexts in which the product has not been tested/assessed (including use in conjunction with particular substrates/materials), and (b) contexts in which it was tested/assessed and did not perform safely or as required. These limitations should be presented in plain language and be easy to identify.

3. Moisture behaviour clarity (vapour and liquid) and adequately explained warnings

For products used in building envelopes, retrofit and repair (or marketed for these uses), information should clearly distinguish vapour permeability from liquid water behaviour, and explain what that means for safe use in different construction types. Warnings should be adequately explained with practical examples and common misuse scenarios. For instance, applying relatively low vapour permeable plasters and finishes to older solid walls can exacerbate existing damp problems by reducing drying potential; similarly, high internal moisture loads (from cooking, bathing and occupancy) combined with inadequate ventilation can further increase moisture accumulation. The result can be mould growth, fabric deterioration and an unsafe living environment for occupants.

4. Temporary exposure and protection during installation (particularly relevant to roofs)

Product information should include guidance on protection requirements where a product may be installed but not yet protected from the elements (for example, where roof structure and insulation are in place but the roof covering is not yet complete). Where relevant, it should specify whether materials must be protected from rain, condensation, frost-thaw, UV exposure, or other site conditions during construction sequencing.

5. Compatibility with adjacent materials and interfaces

Where products are intended to operate at interfaces (for example smoke seals, membranes, tapes, insulation systems, coatings, fixings), information should state compatibility limitations with adjacent materials and common substrate types, including whether compatibility differs between timber and metal components, or between different door/lining constructions. If compatibility is unknown or untested for a common interface, this should be stated explicitly.

6. Widespread issues and safety-critical notifications

Where widespread issues arise and there is a safety concern that could put life at risk, manufacturers should be required to make this publicly known in a timely and transparent way. It should not be sufficient to quietly amend production processes or update documentation without ensuring that those specifying, supplying, installing, and using the product are alerted to the risk and any remedial actions needed.

7. Reporting of failed systems and adverse outcomes to the independent regulator

Manufacturers should be required to report significant failed systems, repeated installation failures, and other safety-relevant adverse outcomes to the independent regulator so that lessons are captured, patterns are identified early, and guidance and evidence expectations can be improved. This should include cases where products perform acceptably in isolation but contribute to unsafe outcomes in real-world assemblies or common use scenarios.

Finally, while these additions are feasible for large manufacturers, implementation should be proportionate for micro businesses and craft producers (for example via standard templates, tiered expectations by risk, and clear guidance), so that improved product information strengthens safety without undermining traditional materials supply and conservation practice.

Historic England would be happy to provide technical input to MHCLG and the relevant regulators, including on guidance development, evidence expectations and transitional planning, to help ensure the proposals are effective and workable in practice.

5) Do you agree with the proposals on product labelling as set out in paragraph 7.17-7.18?

Neither agree nor disagree

Please explain your answer and include any changes you would make to the proposals.:

Partly. Agree for mainstream manufactured products, but disagree as drafted for small producers and used/reclaimed products unless explicit alternative routes are provided.

Historic England supports the proposals on product labelling (paras 7.17–7.18) and agrees that improved traceability is important for effective corrective action where products are found to be non compliant. We support the proposed core requirements for products placed on the market by mainstream manufacturers, including the manufacturer's registered name/trade name/trademark, a full postal address, a unique product identifier, and a data carrier linking the product to digital product information (for example, a QR code). We also support flexibility where information cannot feasibly be affixed to the product itself (for example liquids or aggregates), allowing labelling via packaging or, where neither product nor packaging is feasible, within the accompanying product information.

However, we do not consider the proposals proportionate as drafted for:

- small batch and craft producers (including micro businesses supplying traditional materials);
- bulk materials and aggregates supplied loose or in forms where individual item labelling is impractical; and
- used and reclaimed heritage products and components, where manufacturer labelling may be impossible and traceability must operate through different mechanisms.

To avoid excluding traditional supply chains and deterring reuse/reclamation, the regime should explicitly recognise and permit documentation based and batch level traceability routes, such as packaging labels where available, delivery documentation, batch/lot identifiers, point of sale records, and clear identification of the economic operator placing the item on the market. These flexible routes should be treated as compliant alternatives, provided they enable proportionate traceability and effective corrective action where needed.

6) Do you agree that the manufacturer should maintain records of such actions for a period of 10 years beyond the last supply of the product as set out in paragraphs 7.19-7.20?

Neither agree nor disagree

Please explain your answer and include any changes you would make to the proposals.:

Historic England agrees that manufacturers should retain and be able to provide robust records (risk assessments, product documentation and subsequent amendments, safety incident reports, and follow-up actions). However, a fixed period of 10 years beyond the last supply of the product is not, in our view, sufficient for all construction products.

Construction products have widely varying service lives, and many remain in buildings for decades. It is also possible that products may later be found to pose risks to human health or require specific management during future works. Long-term access to reliable product records is therefore important to enable future professionals to diagnose, specify, and manage works safely and appropriately.

We recommend that record-keeping requirements are aligned to the predicted service life of the product and the duration for which it is reasonably foreseeable that the product could remain in use in buildings, rather than a uniform 10-year period. A risk-based approach could apply longer retention for higher-risk products and products with long life expectancy.

In addition, records should be held in a durable, accessible format and deposited in a system that remains available over the long term to support safe management, investigation, and enforcement (for example, a regulator-managed archive or equivalent trusted repository), rather than relying solely on individual manufacturers' internal retention systems.

Finally, to ensure proportionality and deliverability (particularly for SMEs and small-batch producers), Historic England recommends simple templates and low-burden tools to support compliance, alongside clear guidance on what must be retained, in what format, and how it should be made available when requested.

7) Do you agree with the proposals for the responsibilities of importers as set out in paragraphs 7.21-7.22?

Neither agree nor disagree

Please explain your answer and include any changes you would make to the proposals.:

Yes (with concern about practical competence and supply impacts). Historic England agrees with the proposed responsibilities for importers, including checking that the manufacturer has completed an assessment of risk, that product information has been produced and is publicly available, that required labelling is present, and that product information can be provided in a digital format when supplying the product and on request.

However, Historic England is concerned about how these duties will operate in practice for specialist and conservation-critical products (including traditional materials and niche heritage components). Importers will not always have the technical competence to evaluate complex suitability issues (for example, compatibility with different construction typologies, substrates and moisture behaviour), and may respond to uncertainty and liability by restricting supply. This could unintentionally reduce the availability of materials essential for traditional repair and conservation practice.

To ensure the regime remains proportionate and does not distort supply, we recommend:

- clear regulator guidance setting out what “checking” looks like for importers, tailored to product type and risk, and focused on verifying credible documentation rather than requiring importers to re-assess technical performance;
- a “safe harbour” approach where importers can demonstrate compliance by relying on credible, evidence-based manufacturer documentation and recognised third-party or accredited routes where appropriate, provided there is no reason to believe the information is incomplete or misleading; and
- for traditional materials with well-established use (for example lime products, thatching materials, hand-made bricks/tiles, and historic roofing slates and stones), an additional route for importers to demonstrate compliance by referencing evidence of long-standing performance in use in comparable contexts (alongside clear statements of intended use and limitations), recognising that historical performance can be relevant evidence within a risk-based framework.

Historic England also recommends simple templates and low-burden tools (particularly for SMEs) to support consistent checks, record-keeping and provision of information.

8) Do you agree with the proposals to make importers label products as set out in paragraph 7.23?

Neither agree nor disagree

Please explain your answer and include any changes you would make to the proposals.:

Yes (with proportionality for small components and reclaimed goods). Historic England agrees with the proposal to require importers to label products with their registered trade name/trademark and full postal address, to support traceability and effective corrective action where needed.

However, as with other traceability measures in this consultation, the requirements must be workable and proportionate across different product types and supply chains, including specialist heritage materials. In practice, it will not always be feasible or appropriate to affix importer information directly to the product itself (for example for very small components, items supplied loose, or where marking could damage the product or be impractical). In these cases, the regulations and guidance should be explicit that importer details can be provided via packaging, batch/lot identifiers, and/or accompanying documentation (including digital documentation), without ambiguity or additional interpretation.

Historic England also notes that reclaimed or previously used heritage components often cannot sensibly carry “manufacturer/importer” markings. For these goods, traceability should operate through documentation-based routes and clear identification of the economic operator placing the item on the market, rather than imposing impractical marking requirements that could deter reuse or restrict conservation supply.

9) Do you agree with the proposed requirements on importers to retain records as set out in paragraph 7.24?

Agree

Please explain your answer and include any changes you would make to the proposals.:

Yes (proportionate implementation needed). Historic England agrees with the proposed requirement for importers to retain records to support traceability and enable effective action where safety issues arise. We support importers retaining: (i) all product documentation supplied by the manufacturer (including any amendments made during the life of the product), and (ii) a record of those to whom the importer has supplied construction products, as well as relevant correspondence, records or reports concerning safety incidents, for the proposed period. While the consultation proposes a 10 year retention period (from the date the product was last placed on the market), Historic England recommends risk based retention aligned to product risk and typical service life, including extension where safety relevant complaints/incidents arise late, to avoid loss of learning and traceability for long lived products

However, the practical implementation must be proportionate and workable across different product types and supply chains, including specialist and conservation critical products often supplied by SMEs. Guidance should make clear that importer duties are primarily about maintaining and providing traceability records and ensuring documentation remains available, rather than requiring importers to re assess technical performance.

To avoid unnecessary duplication and administrative burden, the regime should allow importers to rely on credible manufacturer documentation and established digital record systems, and to keep records at an appropriate level (for example batch/lot or consignment level where individual item tracking is not feasible). For reclaimed or previously used goods, traceability should be supported through documentation based routes and clear identification of the economic operator placing the item on the market.

Finally, long term accessibility of key product safety information is better secured through a durable, regulator managed repository (or equivalent trusted archive), while importers retain and provide the traceability records needed to link products in the market to the relevant documentation. Historic England also recommends simple templates and low burden tools to support consistent record keeping and timely provision of information when requested.

10) Do you agree with the proposed requirements on distributors as set out in paragraphs 7.25-7.26?

Agree

Please explain your answer and include any changes you would make to the proposals.:

Yes (but guidance must be realistic for merchants and specialist suppliers). Historic England agrees that distributors (including merchants) should have a role in supporting the safety of construction products by checking, before supply, that the manufacturer and/or importer has met the relevant general safety requirements. We support the proposed checks, including confirming that an assessment of risk has been completed, that the product documentation is suitable, comprehensive and compliant and is provided to the customer, that packaging and product labelling appear suitable where applicable, and that distributors create and retain purchase/supply records for an appropriate period to enable traceability.

However, as with importer responsibilities, the practical implementation must be proportionate and workable across different product types and supply chains, including specialist and conservation critical products often supplied by SMEs. Guidance should set out clearly what constitutes “reasonable” distributor checks in practice, focused on verifying the presence and availability of credible documentation (rather than requiring distributors to re-assess technical performance). Simple templates and low burden tools should be provided to support consistent record keeping and to avoid unnecessary duplication, including allowing batch/lot or consignment-level records where individual item tracking is not feasible.

In addition, it should be made explicitly clear that distributors should not supply, promote or advise products for uses that the manufacturer has not intended or evidenced. At present, some distributors market products as suitable for particular contexts (for example flood affected areas or traditional construction) without an adequate evidence base. Historic England has on several occasions checked such claims directly with manufacturers and been informed that the distributor was misrepresenting the product for a use it was not intended (or evidenced) to have. This misrepresentation can drive foreseeable misapplication, with consequent risks to building performance and occupant health. The regime and supporting guidance should therefore make clear that distributors must not make safety relevant suitability claims beyond the documented intended use, tested contexts and stated limitations, and that misleading marketing or claims of “universal suitability” should be treated as non compliance.

11) Do you think the requirement of creating records of purchase and supply and retain such records for 10 years to allow for traceability is proportionate as set out in paragraphs 7.25-7.26?

No

Please explain your answer and include any changes you would make to the proposals.:

No (a fixed 10-year requirement is not proportionate across all products and supply chains). Historic England supports the principle of purchase/supply records to enable traceability and to support investigations and corrective action where needed.

However, a single, uniform requirement to retain such records for 10 years is not proportionate because it may be both:

- too short for higher-risk or long-lived products that commonly remain in buildings for many decades (including in historic and traditionally constructed buildings); and
- unnecessarily burdensome for low-risk, high-volume or commodity products, particularly where distributors (including merchants and specialist suppliers) operate at scale or are SMEs with limited administrative capacity.

Historic England recommends a risk-based, proportionate approach instead, for example:

- retention periods aligned to product risk and typical service life (with longer retention for higher-risk or long-lived products);
- flexibility for record granularity, allowing batch/lot or consignment-level traceability where individual item tracking is not feasible;
- clear guidance on what constitutes “reasonable” distributor record-keeping for different product categories, focused on traceability rather than technical re-assessment; and
- simple templates and low-burden digital tools to support consistent practice, especially for SMEs and specialist suppliers.

This approach would also better support timely corrective action and targeted safety communications where issues emerge, without imposing blanket administrative burdens where risks are low.

Finally, long-term accessibility of key product safety information is better secured through a durable, regulator-managed repository (or equivalent trusted archive), while distributors retain the traceability records needed to link products in the supply chain to the relevant documentation.

12) Do you agree with the proposed requirements on fulfilment service providers as set out in paragraphs 7.27-7.29?

Agree

Please explain your answer and include any changes you would make to the proposals.:

Yes (with proportionality and clear guidance on “reasonable” checks). Historic England agrees with the proposed requirements on fulfilment service providers and supports bringing these providers clearly within scope, so that unsafe construction products cannot reach the UK market through online, distance-selling, or warehousing-and-dispatch routes.

We support the core obligations described, including that fulfilment service providers should:

- ensure required product documentation is suitable, comprehensive and accompanies the product to the customer;
- undertake a visual check of packaging and product labelling to confirm they appear suitable and intact;
- maintain purchase and supply records to support traceability; and
- cooperate with enforcement authorities, including promptly withdrawing products suspected to be unsafe from the supply chain.

However, the regime will only operate proportionately if government guidance is explicit about what constitutes “reasonable” checks for fulfilment service providers. These checks should focus on the presence, accessibility and integrity of documentation and labelling, not on fulfilment providers re-assessing technical performance or suitability. Requirements should also be deliverable for SMEs and specialist supply chains, with simple templates and low-burden digital tools to support consistent record-keeping and cooperation, including batch/lot or consignment-level records where individual item tracking is not feasible.

13) Do you agree that we should require economic operators to make sure that the way they store, or transport, products does not cause them to become unsafe as set out in paragraph 7.35?

Agree

Please explain your answer and include any changes you would make to the proposals.:

Yes. Historic England agrees that economic operators should be required to ensure that the way they store or transport construction products does not cause them to become unsafe.

This is particularly relevant for products and materials that are sensitive to moisture, contamination, curing conditions, temperature, or mechanical damage in transit. Poor storage or transport can change product properties, separate critical safety information (such as handling instructions and labels) from the product, or allow degradation that is not apparent at the point of sale, increasing the risk of unsafe use on site.

We support clear requirements that products are not stored or transported in ways that create a risk to people, that lead to degradation to a level where they are not safe to use, and that any products degraded by storage/transport are removed from the supply chain. We also support ensuring that safety handling instructions, labels and other critical information do not become separated from the product.

Implementation should be proportionate and supported by practical guidance that defines “reasonable steps” for different product types and supply chains (including merchants, specialist suppliers and SMEs), and encourages straightforward controls such as appropriate packaging, separation of incompatible materials, basic environmental protection where needed, and simple checks to identify damage or degradation before supply.

14) Do you agree or disagree with the proposals for economic operators to monitor construction products that have been placed on the market as set out in paragraphs 7.36-7.38?

Agree

Please explain your answer and include any changes you would make to the proposals.:

Yes (risk-based, with clearer reporting and a proportionate retention approach). Historic England agrees with the proposal that economic operators should take steps to ensure construction products remain safe after they have been placed on the market, including proactive monitoring to identify problems early and ensure lessons are learned to prevent future risks.

Monitoring should be explicitly risk-based and proportionate. Where appropriate (and based on the risks posed by a product), this may include sample testing; investigating complaints or safety incidents; recording complaints/incidents and the actions taken in response; and making those records available on request to enforcement authorities or other relevant economic operators in the supply chain.

We also support the proposal that distributors (including merchants) and fulfilment service providers assist manufacturers and importers as appropriate, particularly by passing on information about safety issues or complaints received from customers/end-users.

However, the proposal should be strengthened in two respects to ensure it delivers meaningful learning and remains proportionate in practice:

1. Proportionate retention period and addressing late-emerging complaints. The proposals refer to retaining records of complaints and safety incidents for 10 years from the date the product was last placed on the market. This creates a gap where a safety-relevant complaint arises after that period, and a fixed 10-year requirement is not proportionate across all products and supply chains: it may be too short for higher-risk or long-lived products that remain in buildings for decades, and unnecessarily burdensome for low-risk, high-volume products. A risk-based approach is preferable, with retention aligned to product risk and typical service life, and with an incident-triggered extension (for example, retention for 10 years from the last placement on the market or 10 years from the most recent safety-relevant complaint/incident, whichever is later).
2. Ensuring the regulator receives and shares learning from problems. It is essential that the national regulator receives safety-relevant information on problems, complaints, incidents and adverse outcomes, and that this intelligence is made available (for example in anonymised or aggregated form) to support wider learning and research benefits. Without this, information about failure modes and emerging risks can remain fragmented across the supply chain and difficult to access beyond informal reporting, limiting the ability to identify patterns, improve guidance and prevent recurrence.

Finally, implementation must be proportionate and deliverable for SMEs and specialist/traditional supply chains. Government guidance should define what “reasonable” monitoring looks like for different product categories and provide simple templates and low-burden reporting/recording tools (including digital options), so monitoring obligations can be met consistently and efficiently without excessive or duplicative burdens.

15) Do you agree that economic operators should have a duty to co-operate and carry out actions when they are asked to by an enforcement authority as set out in paragraphs 7.39-7.42?

Agree

Please explain your answer and include any changes you would make to the proposals.:

Yes. Historic England’s interest is to ensure that the enforcement framework (including duties to co operate, undertakings, penalties, cost recovery and appeals) operates in a risk based and proportionate way that remains workable for SMEs and specialist conservation supply chains (including traditional materials and reuse/reclamation), and that outcomes from enforcement action are captured in a way that supports sector learning (for example through regulator visibility and, where appropriate, anonymised/aggregated sharing), with clear guidance and practical timeframes so that compliant actors are not inadvertently penalised.

Historic England would welcome continued engagement with MHCLG and the relevant regulators and would be happy to collaborate and provide technical input to support implementation, including on guidance development and proportionate evidence expectations, so that reforms improve safety without causing foreseeable safety and performance risks for heritage conservation.

Chapter 8: Responsibilities and Powers of Enforcement Authorities

16) Do you agree that enforcement authorities should be able to accept an undertaking instead of taking formal enforcement action as set out in paragraphs 8.17-8.19?

Neither agree nor disagree

Please explain your answer and include any changes you would make to the proposals.:

Not responding (see cross-cutting heritage-impact paragraph under Q15).

Chapter 9: Offences, Sanctions and Appeals

17) Do you agree with the proposal to introduce civil monetary penalties for non-compliance with requirements under the GSR as set out in paragraphs 9.13-9.19?

Neither agree nor disagree

Please explain your answer and include any changes you would make to the proposals.:

Not responding (see cross-cutting heritage-impact paragraph under Q15).

18) Do you agree with the proposal to not extend powers to issue civil monetary penalties to LATS under the GSR, recognising their reduced role in enforcing construction product regulations as set out in paragraphs 9.1-9.19?

Neither agree nor disagree

Please explain your answer and include any changes you would make to the proposals.:

Not responding (see cross-cutting heritage-impact paragraph under Q15).

19) Do you agree with the proposal on cost recovery notices that the enforcement authority is able to issue as set out in paragraphs 9.20-9.26?

Neither agree nor disagree

Please explain your answer and include any changes you would make to the proposals.:

Not responding (see cross-cutting heritage-impact paragraph under Q15).

20) Do you have views on whether LATS should have powers to issue cost recovery notices, as well as the national regulator for construction products as set out in paragraphs 9.20-9.26?

Don't know

Please explain your answer and include any changes you would make to the proposals.:

Not responding (see cross-cutting heritage-impact paragraph under Q15).

21) Do you agree with the time periods that an economic operator has to lodge their appeal as set out in paragraphs 9.27-9.35?

Neither agree nor disagree

Please explain your answer and include any changes you would make to the proposals.:

Not responding (see cross-cutting heritage-impact paragraph under Q15).