

Insights

CONSTRUCTION PRODUCTS REFORM

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SUMMARY

In this BCLP Insight, first published in PLC Construction, Katharine Tulloch and Anna Blest consider the government's proposed reforms of the construction products regime.

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At the end of February 2026, the government published a number of building safety documents relating to construction product reform which included the [Construction Products Reform Green Paper: summary of responses](#) (green paper), the [Construction Products Reform White Paper](#) (white paper), a consultation on the General Safety Requirement for Construction Products (GSR consultation), a [research report](#) providing details of third-party certification schemes for construction products in the UK and, a [report](#) considering the findings of a rapid review of the role a publicly accessible construction product library could play in the construction sector.

This article takes a closer look at the key takeaways from these documents.

For more information, see:

- [Legal updates, Construction Products Reform White Paper and consultation on General Safety Requirement for Construction Products published and Government responds to Grenfell report and publishes construction products green paper.](#)
- [Practice note, Construction products: Construction products reform white paper.](#)

WHY REFORM IS NECESSARY

The existing poorly regulated construction products regime was identified as a key area which led to the Grenfell tragedy and so the government has committed to significantly reform this regime. The Green Paper (which was published last year in the form of a consultation closing in May 2025) set out the government's initial proposals for reform.

Now the government has published its response to the green paper together with a series of documents (referenced above) that need to be read together to gain a sense of what this new regime may look like in practice, noting of course that things may change based on the responses received.

The scale of reform proposed is vast, but what is apparent from all the documents is how vital these reforms are. The core issue is that the UK's construction products regulations were originally designed to facilitate trade rather than to ensure safety. Therefore, the designated standards underpinning the regime do not adequately address safety, and existing product marks are often wrongly assumed to signify safety when they do not.

As the GSR consultation notes:

"The current regime only applies to products covered by designated standards or voluntary technical assessments. Recent research...suggests around 29% to 61% of products have a designated standard, with a mid-point of around 37% of the UK market being regulated under the Construction Product Regulations. This creates a regulatory gap that contributed to the systemic safety failures identified by the Grenfell Tower Inquiry...

Products are only regulated under construction products regulations currently if covered by a 'designated standard' or, subject to a UK 'technical assessment'. As a result, there are no minimum requirements that cover the remaining products, with a significant proportion of products remaining out of scope of the regulatory regime.

As a result, safety is not embedded at the outset of a product's lifecycle. The system cannot adapt when new risks emerge. Enforcement authorities cannot take action on these products, even where there are known safety issues.

For construction products that are not covered by the construction product regulatory regime, there is some consumer safety protection under consumer protection and general product safety regulations. However, this does not extend to business-to-business sales, which represent the vast majority of transactions for construction products..."

Current regulations also fail to adequately address the responsibilities of those involved in designing and specifying buildings, as well as those installing or using construction products. The regulatory landscape is fragmented, with limited coordination between product regulations and Building Regulations 2010.

A further problem lies in the products testing regime. The Grenfell Tower Inquiry raised serious concerns about the oversight exercised by the UK Accreditation Service (UKAS) and substantial issues persist around conformity assessment bodies (CABs), including potential conflicts of interest, limited transparency, and inconsistent testing practices. These challenges are compounded by insufficient testing capacity and slow progress in developing new standards.

There are also major shortcomings in product information. Misleading marketing and product data remain widespread, exacerbated by uneven levels of digital capability across the sector. Limited traceability from manufacture through to installation further restricts the ability to establish accountability throughout the supply chain.

Finally, the white paper highlights a lack of competence across the supply chain. It also notes longstanding weaknesses in enforcement, which was largely ineffective prior to the establishment of the national regulator for construction products.

THE PROPOSED REFORMS

In a nutshell, to quote the white paper, the aim of the reforms is:

"... safe products, used safely, generating significant positive impacts on long term growth and enabling residents and building users to have trust in products in their homes, workplaces, and hospitals. We will close longstanding gaps in regulatory coverage and establish a robust regime that gives confidence in this large and complex sector. Reform policies span the regulatory and institutional system: from bringing all construction products into the regime through the general safety requirement, to guaranteeing that bodies testing and certifying products act in the public interest, with penalties for those who do not."

Key reforms proposed include:

MANDATORY REQUIREMENTS WHEN PLACING A CONSTRUCTION PRODUCT ON THE MARKET

All construction products will fall under regulatory control, either through designated standards or, through alignment with the revised EU regime where this supports the government's policy aims.

Products already covered by designated standards must continue to meet those mandatory requirements. For all other products, a new General Safety Requirement (GSR) will apply, ensuring safety obligations extend to any product not captured by designated standards. Additional, more stringent measures will also apply to products considered critical to safe construction.

INTRODUCTION OF A GSR

The idea of the GSR is that it will plug the gap in the regulation of construction products in the UK. The plan is for the GSR to address this gap by operating alongside existing UK construction products regulations, bringing all products into the regulatory regime.

Under the GSR, manufacturers will be required to assess safety risks connected to the intended use and the normal or reasonably foreseeable conditions of use of the product and take

proportionate action to eliminate or control such risks. Importers and distributors will also be subject to obligations to support product safety.

Sanctions for failure to comply include civil monetary penalties, cost recovery provisions, and criminal offences for serious breaches of the overarching safety duty.

ENHANCED PRODUCT INFORMATION AND TRANSPARENCY

All construction products must feature clear and accurate labelling and product information stating critical safety information.

DIGITAL CONSTRUCTION PRODUCT SYSTEM

Construction product information must be available digitally which will be fed into a new digital information system. Users can then access this system to find out information about products they are intending to use.

The government will support the development of a construction library in conjunction with industry with the ambition of supporting development of digital services that enable clear, accurate and honest product information accessible to all.

IMPROVING TESTING AND CERTIFICATION

A core part of improving the construction products regime will be strengthening the testing and certification sector. A new licensing regime will be established that requires all CABs to be licensed by the national regulator for construction products and legislation will be passed to ensure all CABs act in the public interest. UKAS will also be overseen by the national regulator to ensure confidence in how it accredits CABs. In addition, a new public sector testing capacity will be developed.

For more information, see [*Practice note, Construction products: Independent review into testing construction products.*](#)

IMPROVED ENFORCEMENT MECHANISMS

Enforcement authorities will be granted strengthened powers to investigate and intervene in cases of non-compliance across the construction products regime. These powers will be supported by new criminal offences applicable to both organisations and individuals who fail to meet their obligations. Penalties for breaches may include unlimited fines or imprisonment. In addition, the government is considering further post-prosecution sanctions, such as director disqualification and the ability to recover proceeds of crime.

STRENGTHENING ROUTES FOR REDRESS

Government is committed to reviewing and improving legal routes for redress for those affected by faulty products. In the white paper, it mentions plans to streamline the process to hold manufacturers accountable where defective cladding products have made buildings unfit for habitation historically.

ACCOUNTABILITY AND COMPETENCE

All those involved in producing or using construction products will need to have the right level of competence to be able to meet the associated obligations with the intention for there to be an accountable party for all construction products at every stage of the product's lifecycle.

For example, employers using construction products will be responsible for:

"... putting in place suitable measures to allow other parties to fulfil their responsibilities and ensure the project complies with building regulations [and] appointing appropriately competent parties...".

Designers' duties will include choosing appropriate, safe products, meeting higher duties for safety-critical uses and ensuring selections comply with Building Regulations 2010. Contractors' duties will include ensuring work is done properly and being competent to install products, verification of subcontractor competence, and compliance with updated installation and construction requirements. Building owners and users must maintain products and replace those that are unsafe or at end of life.

The white paper mentions the recent publication of PAS 2000:2026 (Construction products: Bringing safe products to market: Code of practice) and explains that this provides recommendations that construction product manufacturers and other economic operators can adopt to demonstrate that they have taken all reasonable steps to ensure that the construction products they place on the market are safe for their intended use.

For more information, see [Legal update, BSI publishes construction products standard](#).

SINGLE CONSTRUCTION REGULATOR

In the white paper, government confirms that the national regulator for construction products will ultimately be absorbed into the construction regulator who will then be responsible, in relation to construction products, for operational strategy and policy, data and information, compliance and assurance, including of the testing and certification of construction products by other bodies, and enforcement.

For more information, see [Practice note, Construction products: National regulator for construction products](#) and [Single construction regulator](#).

REQUIREMENTS FOR ONLINE MARKETPLACES

The GSR consultation sets out brief details of government's plans to regulate the online sale of construction products and promises a consultation on this topic shortly.

IMPLEMENTING THE REFORMS

The reforms will be rolled out in stages. First, legislation will introduce market surveillance and enforcement powers in Northern Ireland under the Windsor Framework, followed by UK wide regulations for products subject to designated standards and technical assessments. These measures will be aligned with the EU Construction Products Regulation 2024, where this meets UK government objectives, and will ultimately replace the Construction Products Regulation 2011 (the UK implementation of the earlier 2011 EU construction products regime, which was itself replaced by the EU's 2024 rules) and the Construction Products Regulation 2013 (SI 2013/1387), and take effect alongside the GSR. The GSR will be introduced using Schedule 11 of the Building Safety Act 2022 by the end of 2026 and commence in late 2027. It is currently anticipated that both the GSR and new Construction Products Regulation will be in force in 2028.

Further changes such as changes to existing legislation, statutory roles, digital licensing, sanctions, certification and regulator functions, will be delivered through primary and secondary legislation, with transitional arrangements, subject to parliamentary time.

For further information, see [Practice note, Construction products: EU Construction Products Regulation 2024](#) and [New construction products regulations](#).

FINAL THOUGHTS

These reforms will be seismic, but the government appears to have learnt its lessons from the upheaval caused by the introduction of the higher-risk building regime and plans to introduce the new regime cautiously. There will be transition periods, a great deal of guidance and government intends to work hand in hand with industry to implement the changes. This is positive.

A big question for parties to construction contracts is whether their contracts need to be amended to reflect the reforms or whether standard form provisions give sufficient coverage.

While we won't know the answer to this question before we see the final legislation, if the reforms follow the intent of the white paper then it is likely that amendments will be needed to address the new regime's requirements for competence, record keeping and traceability with indemnity protection as appropriate. While there is an argument that standard 'comply with statutory requirements' provisions would address such matters, we suspect that prudent employers may wish to include express amendments to pick up these points to ensure compliance while market familiarises itself with the new requirements.

In addition, given the scale of intended reform, we suspect that the new rules may lead to a temporary lack of availability of certain products in turn causing delays and increased costs to

planned projects or projects underway. Early communication between the parties (including on upstream/downstream agreements) is key and (to the extent possible) the goal is to reach alignment between all interested parties to keep the project on track. Rather than relying on change of law provisions which, as COVID-19 showed, can be quite a blunt instrument, well advised parties may instead choose to agree risk allocation in advance and ensure their contract reflects what has been agreed.

Ultimately also, the ability for the new regime to function as an incentive to shift practices in the manufacturing sector will depend on the stance taken by the new enforcement body when faced with product safety issues. Key to the success of any new regulatory regime will be the amount of resource (financial and human) devoted to setting it up and running it in the longer term. Businesses will be able to judge whether this marks the start of meaningful change in construction product safety or is a mere box ticking exercise post-Grenfell when assessing the regulator's initial activity.

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