

# Construction products reform will increase the burden of proof behind specification

Why proposed reforms to product safety and traceability increase the importance of specification control, approval records and evidential discipline for UK contractors.

## THE COMMERCIAL POSITION

### Product decisions are becoming part of the evidential record.

Construction product compliance is moving closer to the centre of project risk. The Government's Construction Products Reform White Paper consultation and the parallel consultation on a new General Safety Requirement for currently unregulated construction products both close on 20 May 2026. Together, they indicate a future regulatory environment in which product information, specification control, safety obligations and enforcement powers are likely to receive closer scrutiny.

The proposed reforms remain subject to consultation and legislative development, but they already indicate the likely shape of a stricter product compliance environment. Product selection, substitution, approval and installation are likely to become more important not only as compliance matters, but as evidence issues. Where a dispute later arises over defects, compliance, specification, design responsibility, fire performance, suitability or replacement cost, the contractor's position may depend heavily on the quality of the product records built during delivery.

The practical point for contractors is straightforward. Product compliance should no longer be treated as background technical administration. It is becoming part of the contractual and evidential architecture of the project.

## 01 The proposed reform.

The White Paper forms part of the Government's wider programme to reform the construction products regime following the Grenfell Tower Inquiry. It seeks views on a package of proposals intended to address gaps in the existing regulatory framework, improve safety and strengthen confidence in construction products used across homes, buildings and infrastructure.

Alongside that, the proposed General Safety Requirement is intended to bring currently unregulated construction products within a clearer regulatory framework. The Government's consultation states that construction products placed on the market would be required to be safe, that specific obligations would apply to businesses, and that enforcement powers would be provided to the national regulator for construction products.

The wider reform programme also points towards stronger oversight of testing and certification, clearer product information requirements, greater digitalisation, improved traceability and stronger enforcement by the national construction products regulator. Those matters are regulatory in origin, but their practical effect is likely to extend into project administration, claims management and dispute evidence.

## 02 What the reforms mean for contractors.

For contractors, the issue is not simply whether the product manufacturer, importer or distributor has regulatory duties. On a live project, product responsibility is often commercially and contractually more complicated. A product may be specified by the employer or designer, proposed by a contractor, substituted during procurement, approved through a technical submittal process, installed by a subcontractor and later challenged by an employer, consultant, funder, insurer, building control body or adjudicator.

That sequence creates risk. If the records are incomplete, the contractor may struggle to prove why a product was selected, whether a substitution was permitted, what technical information was relied upon, who approved the change, what was delivered to site and whether the product was installed in accordance with the relevant requirements.

### CONTRACTUAL EXPOSURE

## Responsibility must be traceable.

Contractors may need to show how product information and approvals travelled through procurement and installation, even where they did not originate the underlying technical data.

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## Product compliance as dispute evidence.

This is where regulatory reform and dispute readiness intersect. The stronger the future regulatory and enforcement environment becomes, the more important it will be for contractors to demonstrate that product decisions were controlled properly during delivery. A contractor may not have created the product information, but it may still need to prove how that information was received, reviewed, issued, relied upon and translated into installation on site.

Product disputes rarely begin as abstract regulatory debates. They usually emerge through familiar project issues: alleged defects, unsuitable materials, disputed substitutions, incomplete approvals, unclear design responsibility, fire safety concerns, non-compliant installation, replacement costs, withheld payment, contra charges or final account deductions.

In those situations, the decisive issue may not be whether the contractor carried out work. It may be whether the contractor can prove the contractual and evidential route behind the product decision. What did the specification require? What product was proposed? Was there a permitted alternative? Was approval obtained? Was the correct technical information provided? Was the product delivered to site identifiable? Was it installed in the relevant location? Was the installation inspected, photographed and signed off?

04

## The traceable product record.

That is why product records should be treated as dispute records. Technical data sheets, declarations, certificates, warranties, fire performance information, product substitution requests, technical submittals, consultant approvals, delivery notes, photographs, inspection records, marked-up drawings and installation records should not sit in disconnected folders. They should form a traceable record showing what was specified, what was changed, what was approved and what was installed.

Future legislation and regulatory enforcement are likely to place greater emphasis on accountability, transparency and the reliability of product information. Contractors should respond by strengthening the discipline around specification control now, rather than waiting for disputes or regulatory changes to expose gaps in the record.

### EVIDENCE CONTROL

## A traceable product record.

Connecting specification, substitutions, approvals, deliveries and installation records strengthens the evidence needed when compliance or product decisions are later challenged.

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## Specification and substitution control.

That does not mean turning every product decision into an administrative burden. It means identifying the product decisions that carry real commercial, technical or compliance risk and ensuring those decisions are properly captured. Substitutions should be visible. Approvals should be traceable. Product information should be linked to the relevant package, location, specification clause, drawing and installation record. Site teams should understand that product paperwork may later become evidence in a defects dispute, final account negotiation, payment dispute or adjudication.

06

## Decisions under delivery pressure.

This is particularly important where commercial pressure leads to informal decisions. Lead-time problems, value engineering, availability issues, design development and sequencing pressure can all encourage quick product changes. Those changes may be reasonable, but they still need a controlled record. A practical decision made under delivery pressure can become a liability if the contractor cannot later prove the basis on which it was made.

### LIVE DELIVERY

## Record the reason for every change.

Product substitutions made under programme or procurement pressure require a documented technical basis, a clear approval route and reliable installation evidence.

## LEGALBUILD VIEW

## Product compliance is becoming a commercial evidence issue.

Construction products reform reinforces a wider Legalbuild principle: recovery strength is built during delivery. Contractors cannot always control how regulation develops, how employers frame allegations or how disputes emerge at final account stage. They can, however, control the quality of the record created while the facts are live.

Product compliance is becoming an evidential and contractual issue. Contractors should be able to show what was specified, what was proposed, what was approved, what was installed and what information supported each step. That discipline protects more than compliance. It protects entitlement, strengthens commercial control and improves the contractor's position if a dispute later needs to be negotiated, mediated, adjudicated or otherwise resolved.

For contractors operating on complex UK projects, the message is clear. Product information, substitution control and installation records are no longer peripheral technical paperwork. They are part of the evidential foundation on which payment, compliance, defect defence and recovery readiness may depend.

## POSITION PRINCIPLE

## A contractor should be able to trace every material product decision from specification through approval to installation.

**Sources:** The factual basis is the Government's Construction Products Reform White Paper and the parallel General Safety Requirement consultation. The GSR consultation states that it runs from 25 February 2026 to 20 May 2026, proposes to expand the construction products regulatory regime, and indicates an aim to introduce regulations by the end of 2026, subject to parliamentary time and process, with commencement in late 2027.