



Office for Product  
Safety & Standards

# Product Safety and Noncompliance Notification Guidance

**Guidance on product safety and noncompliance notifications for  
businesses.**

April 2022

Version 2



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# 1. Introduction

- 1.1 The Office for Product Safety and Standards (OPSS) is part of the Department for Business, Energy and Industrial Strategy (BEIS) and exercises the powers of the Secretary of State in relation to a range of regulations:
  - We are the national regulator for product safety, providing scientific and technical capability, enforcing in relation to cases that are nationally significant, novel or contentious, and working with local authorities and border control authorities to keep consumers safe and ensure business compliance.
  - We are the national regulator for legal metrology, ensuring weighing and measuring instruments are accurate and reliable, and guiding the work of local authorities to give confidence to consumers and businesses in goods traded by quantity.
  - We enforce in relation to a range of goods-based and standards-based regulations. These include energy efficiency and environmental pollution requirements in product design and performance, standards and measurement in the energy supply infrastructure and due diligence in the trade of designated raw materials – protecting consumers and the environment and helping to meet international commitments.
- 1.2 This guidance is for businesses supplying consumer and non-consumer products on the UK market and summarises the requirements to notify relevant authorities if products pose a risk to the health and safety of consumers or products are found to be noncompliant with the relevant legislation. This guidance includes requirements for businesses to notify relevant authorities, including OPSS, as part of product safety legislation, in addition to other regulations enforced by the OPSS.
- 1.3 This document sits alongside PAS 7100:2022 on Supporting better product recalls and provides guidance on meeting notification requirements and using Government channels to publicise recalls.
- 1.4 This guidance applies to businesses supplying goods on the Great Britain (GB) and Northern Ireland (NI) markets.
- 1.5 Notification requirements stem from legal obligations in the General Product Safety Regulations 2005 as they apply in GB and NI and product-specific legislation. Notifications should be made in a timely manner to the lead authority, which can be identified in Annex A.

## 2. Notification Requirements – Businesses

- 2.1 The product safety legal framework requires businesses supplying goods on the UK market to notify the relevant authority where they become aware that a product they have placed on the market, supplied or distributed is unsafe and poses a risk to the user, or is noncompliant with the relevant legislation.
- 2.2 Product safety notifications support:
- The safety of people and the environment, by ensuring that corrective actions and steps are taken to reduce the risks to consumers and users;
  - Business, by allowing regulators to provide advice and support to address issues, minimising the likelihood of future noncompliance; and
  - Regulators, by recording and sharing information to permit authorities to focus activities on issues and products identified as presenting the greatest safety risks.

### General Product Safety Regulations 2005

- 2.3 The General Product Safety Regulations 2005 (GPSR) require all products to be safe in their normal and reasonably foreseeable usage and enforcement authorities have powers to take appropriate action when this obligation isn't met.
- 2.4 Regulation 9 GPSR requires producers or distributors, where they know that a product they have placed on the market or supplied to a consumer does not meet the general safety requirement, to notify an enforcement authority of that information and the action they have taken to prevent risk to the consumer.<sup>1</sup>
- 2.5 A suggested notification template for notifications to relevant authorities can be found in Annex B.

### Sector-Specific Safety Legislation

- 2.6 Sector-specific safety legislation, such as the Toys (Safety) Regulations 2011, also contain specific requirements for business to notify the relevant authority where they have reason to believe they have placed a product which does not meet the safety requirement on the market or distributed a product that does not meet the safety requirement.
- 2.7 A list of sector-specific safety legislation and references to the legal provisions for notification can be found in Annex A, including the relevant authority for each regulation and circumstance.

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<sup>1</sup> This requirement does not apply:

- (a) In the case of a second-hand product supplied as an antique or as a product to be repaired or reconditioned prior to being used, provided the supplier clearly informed the person to whom he supplied the product to that effect,
- (b) In conditions concerning isolated circumstances or products.

## Northern Ireland

- 2.8 If a product sold on the Northern Ireland market is found to be unsafe, this must be reported to the relevant authority who will share this information with OPSS via the Product Safety Database.
- 2.9 Individual EU Member States may have specific arrangements in place for notifications where a product that does not meet the safety requirement has been supplied on their markets. You should seek confirmation within each Member State you supply products to regarding product safety notifications and may wish to make use of the EU Product Safety Business Alert Gateway system (<https://webgate.ec.europa.eu/gpsd/>).

### 3. Notifications – the role of Market Surveillance Authorities and Enforcement Authorities

- 3.1 Market surveillance authorities and enforcement authorities will review information received as part of product safety notifications to ensure that people and the environment are being protected; ensure adequate steps are taken to address the noncompliance and its effects; and minimise the likelihood of future noncompliance.
- 3.2 Authorities operate under the Regulators' Code, which provides a clear, flexible and principles-based framework for how regulators should engage with those that they regulate. For further information on the Regulators' Code, please access the following link: <https://www.gov.uk/government/publications/regulators-code>.
- 3.3 The authority receiving the notification may also be required under law to take a number of actions, including reporting notifications received on the UK Product Safety Database.<sup>2</sup>
- 3.4 If a notification concerns a recall or serious safety issue, the authority receiving the notification will also be able to provide advice on raising awareness of the recall or safety issue through centralised channels, including the [Product Safety Alerts, Reports and Recalls site](#) and the [OECD Global Recall Portal](#).
- 3.5 The authority will also be able to advise on the undertaking of a recall, as set out in PAS 7100:2022 'Supporting better recalls': <https://shop.bsigroup.com/products/product-recall-and-other-corrective-actions-code-of-practice/standard>
- 3.6 For further information on the role of authorities in product safety notifications, please access the following guidance: <https://www.gov.uk/guidance/notification-of-unsafe-and-noncompliant-products>

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<sup>2</sup> The Product Safety Database is a database used by regulators to submit notifications relating to unsafe and/or noncompliant products and the outcomes of market surveillance activities. It is owned by OPSS and used by over 200 local authorities and 9 other national regulators.

## 4. Other Statutory Product Notifications to OPSS

4.1 OPSS is responsible for:

- policy, market surveillance, and coordination of local authorities in relation to legal metrology;
- cosmetics policy and the administration of notifications of Serious Undesirable Effects related to cosmetic products; and
- the enforcement of the Restriction of the Use of Certain Hazardous Substances (RoHS) in Electrical and Electronic Equipment Regulations on behalf of Defra.

4.2 The following section details requirements to notify OPSS of safety or compliance issues required by law in the above areas.

### Legal Metrology

4.3 Market surveillance and enforcement responsibilities under the Measuring Instrument Regulations 2016 are undertaken by

- For Great Britain
  - In relation to regulated measuring instruments other than gas meters, active electrical energy meters, taximeters and exhaust gas analysers, the local weights and measures authorities (Trading Standards) and
  - In relation to all measuring instruments in scope of the Regulations, OPSS
- For Northern Ireland
  - In relation to cold water meters, automatic weighing instruments, material measures and non-water liquid measuring systems, the Department for the Economy
  - In relation to gas meters and active electrical energy meters, OPSS and
  - In relation to taximeters and exhaust gas analysers, the Department for Infrastructure.

4.4 The Measuring Instruments Regulations 2016 require businesses manufacturing (Regulation 13), importing (Regulations 18 and 23) and/or distributing (Regulation 31) measuring instruments in scope of the Regulations, to notify the relevant authority where the instrument they have made available has been identified as not in conformity with the essential requirements and is presenting a risk.

4.5 Market surveillance and enforcement responsibilities under the Non-Automatic Weighing Instruments Regulations 2016 are undertaken by

- Local weights and measures authorities (Trading Standards) and OPSS for Great Britain and
- The Department for the Economy for Northern Ireland.

- 4.6 The Non-Automatic Weighing Instruments Regulations 2016 require businesses manufacturing (Regulation 12), importing (Regulation 17 and 22) and/or distributing (Regulation 30) non-automatic measuring instruments in scope of the Regulations, to notify the relevant authority where the instrument they have made available has been identified as not in conformity with the essential requirements and is presenting a risk.
- 4.7 To fulfil these notification requirements, the notification form in Annex B should be completed and returned to [opss.enquiries@beis.gov.uk](mailto:opss.enquiries@beis.gov.uk) for notifications to OPSS in respect of products made available on the GB market or [metrology@economy-ni.gov.uk](mailto:metrology@economy-ni.gov.uk) for notifications to the Department for the Economy Northern Ireland or [info@infrastructure-ni.gov.uk](mailto:info@infrastructure-ni.gov.uk) for notifications to the Department for Infrastructure Northern Ireland in respect of products made available on the NI market. Further details are available in Annex A.

### Restriction of Hazardous Substances (RoHS)

- 4.8 The Restriction on the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 (the RoHS Regulations) are enforced by OPSS.
- 4.9 The Regulations require businesses manufacturing (Regulation 20), importing (Regulation 26) and/or distributing (Regulation 30) products in scope of the Regulations to notify OPSS of any noncompliance with the RoHS Regulations that has been identified and of the corrective measures taken.
- 4.10 Notifications should be made by sending a completed notification form to [rohs@beis.gov.uk](mailto:rohs@beis.gov.uk). Further information on the RoHS Regulations can be found on Gov.uk at the following link: <https://www.gov.uk/guidance/rohs-compliance-and-guidance>

### Serious Undesirable Effects (Cosmetics)

- 4.11 Regulation (EC) No 1223/2009 on Cosmetic Products, as amended by the Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, requires that Responsible Persons and distributors notify Serious Undesirable Effects to OPSS (Article 23) where the serious undesirable effect took place in GB.
- 4.12 A 'Serious Undesirable Effect' (SUE) is an undesirable effect (an adverse effect to human health that occurs following the normal or reasonably foreseeable use of a cosmetic product) which results in temporary or permanent functional incapacity, disability, hospitalisation, congenital anomalies or an immediate vital risk or death. Notification should take place without delay.
- 4.13 To notify OPSS, you should complete the SUE form for Responsible Persons and distributors and submit this to [seriousundesirableeffects@beis.gov.uk](mailto:seriousundesirableeffects@beis.gov.uk). The SUE forms are available at the following link: <https://www.gov.uk/government/publications/cosmetic-products-reporting-sues>.



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- 4.14 The requirement to notify the European Commission in respect of SUEs relating to the NI market remains unchanged. The notification form for SUEs in NI should be sent to OPSS at [seriousundesirableeffects@beis.gov.uk](mailto:seriousundesirableeffects@beis.gov.uk), who will inform the European Commission and (where the notification has been submitted by a distributor) the Responsible Person. The European Commission guidance on SUEs can be found at the following link for reference: [https://ec.europa.eu/growth/sectors/cosmetics/market-surveillance\\_en](https://ec.europa.eu/growth/sectors/cosmetics/market-surveillance_en).
- 4.15 Broader guidance on making cosmetic products available on the GB market can be found at the following link: <https://www.gov.uk/guidance/making-cosmetic-products-available-to-consumers-in-great-britain>

## 5. Non-UK-based Businesses

- 5.1 In some instances, not all businesses will have a UK-based legal entity and therefore they may not possess a natural link with a local authority.
- 5.2 If a business supplies goods on the UK market and must submit a product safety notification to a UK authority, where a local authority cannot be identified and the issue does not fall within the regulatory remit of other national regulators as identified in Annex A, businesses should make this notification to OPSS.
- 5.3 OPSS will then identify the appropriate lead authority and will contact you to progress the notification, as outlined in Section 3.
- 5.4 Notifications should be sent to [ukproductsafetycp@beis.gov.uk](mailto:ukproductsafetycp@beis.gov.uk).

## Annex A Summary of Notification Requirements and Relevant Authorities

- 6.1 This section outlines some of the key product legislation which includes notification requirements and the lead authority to receive product safety and product noncompliance notifications, including their contact details.
- 6.2 Product safety and noncompliance notifications support:
- The safety of people and the environment, by ensuring that corrective actions and steps are taken to reduce the risks to consumers;
  - Business, by enabling the provision of advice and support to address issues, minimising the likelihood of future noncompliance; and
  - Regulators, by recording and sharing information to permit authorities to focus activities on issues and products identified as presenting the greatest safety risks.
- 6.3 If the lead authority is stated to be a local weights and measures authority, this usually refers to the local authority service known as 'Trading Standards', or District Councils in Northern Ireland. If you have a Primary Authority Partnership in place, you may notify your Primary Authority to meet this requirement<sup>3</sup>.
- 6.4 Contact points within other national regulators are as follows:

### **United Kingdom:**

Driver and Vehicle Standards Agency (DVSA) –

<https://www.gov.uk/government/publications/code-of-practice-on-vehicle-safety-defects-and-recalls>

Ofcom – <https://www.ofcom.org.uk/about-ofcom/contact-us>

Office for Nuclear Regulation – <https://www.onr.org.uk/notify-onr.htm>

### **Great Britain only:**

Health and Safety Executive – <https://www.hse.gov.uk/contact/concerns.htm>

### **Northern Ireland only:**

Health and Safety Executive Northern Ireland – <https://www.hseni.gov.uk/contact>

Department for the Economy – [metrology@economy-ni.gov.uk](mailto:metrology@economy-ni.gov.uk)

Department for Infrastructure – [info@infrastructure-ni.gov.uk](mailto:info@infrastructure-ni.gov.uk)

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<sup>3</sup> For further information on Primary Authority, please access the following website:  
<https://www.gov.uk/government/publications/primary-authority-overview>

## Product-Specific Legislation Notification Requirements

Regulations	Requirements	Lead Authority
<b>Cosmetic Products Enforcement Regulations 2013<sup>4</sup></b>	Responsible Person (manufacturer, importer, distributor, or other person designated as Responsible Person by written mandate) – Article 5 Distributors – Article 6	In Great Britain, the weights and measures authority or the Office for Product Safety and Standards In Northern Ireland, the district council or Office for Product Safety and Standards
<b>Regulation 305/2011 on Construction Products</b>	Manufacturers – Articles 11(7) and 59B(2)(b) Importers – Articles 13(2) and 13(7) Distributors – Articles 14(2) and 14(4)	In Great Britain, a weights and measures authority In Northern Ireland, a district council
<b>Electrical Equipment (Safety) Regulations 2016</b>	Manufacturers – Regulation 12 Importers – Regulations 17 and 29 Distributors – Regulations 27 and 29	Where electrical equipment is designed for use or operation in the workplace, in GB, the Health and Safety Executive (HSE), or in NI, the Health and Safety Executive Northern Ireland (HSENI)
		Where electrical equipment is designed for private use or consumption, in GB, a weights and measures authority, or in NI, a district council
		Where electrical equipment is intended exclusively or primarily for use on relevant nuclear sites, the Office for Nuclear Regulation
<b>Electromagnetic Compatibility Regulations 2016</b>	Manufacturers – Regulation 15 Importers – Regulations 19 and 23 Distributors – Regulations 28 and 30	In Great Britain, a weights and measures authority In Northern Ireland, a district council
<b>Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres Regulations 2016</b>	Manufacturers – Regulation 15 Importers – Regulations 20 and 25 Distributors – Regulations 31 and	In Great Britain, the Health and Safety Executive (HSE)
		Where intended exclusively or primarily for use on relevant nuclear sites, the Office for Nuclear Regulation
<b>Regulation 2016/426 on</b>	Manufacturers – Article 7.8	Appliances or fittings for private use or consumption:

<sup>4</sup> The process for notifying Serious Undesirable Effects, as required. by Article 23, is described at 4.11.

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<b>appliances burning gaseous fuel</b>	Importers – Article 9.2 Distributors – Article 10.2	-In Great Britain, a weights and measures authority -In Northern Ireland, a district council
		Appliances or fittings for use in the workplace or where accessible to persons outside of private use: -In Great Britain, the Health and Safety Executive -In Northern Ireland, the Health and Safety Executive for Northern Ireland
		Appliances or fittings intended exclusively or primarily for use on relevant nuclear sites -The Office for Nuclear Regulation
<b>Lifts Regulations 2016</b>	Installers – Regulation 12 Manufacturers – Regulation 22 Importers – Regulations 27 and 32 Distributors – Regulations 38 and 40	In Great Britain: -In relation to lifts for use in the workplace or safety components for such lifts, the Health and Safety Executive -In relation to lifts for private use and consumption of safety components for such lifts, the Office for Product Safety and Standards
		In Northern Ireland: -The Department for the Economy
<b>Measuring Instruments Regulations 2016</b>	Manufacturers – Regulation 13 Importers – Regulations 18 <sup>5</sup> and 23 Distributors – Regulation 31	In Great Britain: -In relation to regulated measuring instruments other than gas meters, active electrical energy meters, taximeters and exhaust gas analysers, a local weights and measures authority -In relation to all measuring instruments in scope of the Regulations, the Office for Product Safety and Standards
		In Northern Ireland: -In relation to cold water meters, automatic weighing instruments, material measures and non-water liquid measuring systems, the Department for the Economy -In relation to gas meters and active electrical energy meters, the Office for Product Safety and Standards

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<sup>5</sup> To note, notifications by importers in respect of Regulation 18 of the Measuring Instruments Regulations 2016 must be made to the Office for Product Safety and Standards.

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		-In relation to taximeters and exhaust gas analysers, the Department for Infrastructure
<b>Non-Automatic Weighing Instruments Regulations 2016</b>	Manufacturers – Regulation 12	In Great Britain, a local weights and measures authority or the Office for Product Safety and Standards
	Importers – Regulations 17 <sup>6</sup> and 22) Distributors – Regulation 30	In Northern Ireland, the Department for the Economy
<b>Regulation 2016/425 on Personal Protective Equipment</b>	Manufacturers – Article 8.9 Importers – Article 10.2 Distributors – Article 11.2	In the case of PPE for private use or consumption: -In Great Britain, a weights and measures authority -In Northern Ireland, a district council
		In the case of PPE for use or operation by persons at work or in non-domestic premises available to persons: -In Great Britain, the Health and Safety Executive -In Northern Ireland, the Health and Safety Executive for Northern Ireland
		Insofar as the Regulations apply to PPE intended exclusively or primarily for use on relevant nuclear sites, the Office for Nuclear Regulation
<b>Pressure Equipment (Safety) Regulations 2016</b>	Manufacturers – Regulation 17 Importers – Regulations 22 and 27 Distributors – Regulations 33 and 34	In the case of pressure equipment and assemblies for use in the workplace: -In Great Britain, the Health and Safety Executive -In Northern Ireland, the Health and Safety Executive for Northern Ireland
		In the case of pressure equipment and assemblies for private use or consumption: -In Great Britain, a weights and measures authority -In Northern Ireland, a district council
		Insofar as the Regulations apply to pressure equipment or assemblies intended exclusively or primarily for use on relevant nuclear sites, the Office for Nuclear Regulation.
	Manufacturers – Regulation 22	In Great Britain:

<sup>6</sup> To note, notifications by importers in respect of Regulation 17 of the Non-Automatic Weighing Instruments Regulations 2016 must be made to the Office for Product Safety and Standards.

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<b>Pyrotechnic Articles (Safety) Regulations 2015<sup>7</sup></b>	Importers – Regulations 16 and 22 Distributors – Regulations 26 and 27	the weights and measures authority for Category F1, F2 and F3 fireworks. the Health and Safety Executive for Category F4 fireworks, Categories T1 and T2 theatrical pyrotechnic articles and category P1 and P2 other pyrotechnic articles.
		In Northern Ireland: the district council for Category F1, F2 and F3 fireworks. The Secretary of State for Category F4 fireworks, categories T1 and T2 theatrical pyrotechnic articles and category P1 and P2 other pyrotechnic articles.
<b>Radio Equipment Regulations 2017</b>	Manufacturers – Regulation 15 Importers – Regulations 22 and 27 Distributors – Regulations 32 and 34	In Great Britain, a weights and measures authority In Northern Ireland, a district council
<b>Recreational Craft Regulations 2017</b>	Manufacturers – Regulation 16 Importers – Regulations 20 and 24 Distributors – Regulations 28 and 31	In Great Britain, a weights and measures authority In Northern Ireland, a district council
<b>The Restriction on the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 ('RoHS')</b>	Manufacturers – Regulation 20 Importers – Regulation 26 Distributors – Regulation 30	The Office for Product Safety and Standards ( <a href="mailto:rohs@beis.gov.uk">rohs@beis.gov.uk</a> )
<b>Simple Pressure Vessels (Safety) Regulations 2016</b>	Manufacturers – Regulation 13 Importers – Regulations 19 and 25 Distributors – Regulations 30 and 33	In Great Britain: -A weights and measures authority for vessels for private use or consumption -The Health and Safety Executive in relation to vessels for use in the workplace

<sup>7</sup> Regulation 20(2)(b) also requires manufacturers or importers placing pyrotechnic articles on the market after 16<sup>th</sup> October 2016 to transfer the traceability records referred to in Regulation 20(2)(a) to the Secretary of State should they cease to trade within the 10-year period in which traceability records must be maintained. Notifications in this respect should be made to [opss.enquiries@beis.gov.uk](mailto:opss.enquiries@beis.gov.uk), after which an officer will contact you to facilitate the transfer.

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		<p>In Northern Ireland:                      -A district council in relation to vessels for private use or consumption                      -The Health and Safety Executive for Northern Ireland in relation to vessels for use in the workplace</p>
		<p>Insofar as the Regulations apply to vessels intended exclusively or primarily for use on relevant nuclear sites, the Office for Nuclear Regulation</p>
<p><b>Toys (Safety) Regulations 2011</b></p>	<p>Manufacturers – Regulation 24                      Importers – Regulation 30                      Distributors – Regulation 35</p>	<p>In Great Britain, a weights and measures authority                      In Northern Ireland, a district council</p>



## Annex B – Suggested Notification Template

<b>Business Information</b>	
Business Name	
Business Address	
Business Contact (name, contact details and position)	
Company Registration Number	
Business type (manufacturer/ importer/ distributor/ retailer/other)	
<b>Product Identification Information</b>	
Product Category (e.g. Toys, Cosmetics)	
Product Type (e.g. wooden toy, lipstick)	
Brand	
Product Name	
Model/Type	
Barcode	
Batch Number(s)	
Number of Units Affected by Issue	
Product Description	
Country of Origin (where was the product manufactured?)	
Was the product placed on the GB market before 1 January 2021?	
Has the product been placed on the GB market, the NI market, or both?	
Customs Code for Notified Product ( <a href="https://www.gov.uk/trade-tariff">https://www.gov.uk/trade-tariff</a> )	

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Photograph(s) (product/packaging/ labelling)	
<b>Risk assessment of the notifier</b>	
Risk Description/Description of Noncompliance	
Details of any testing undertaken	
Legal provision/s and designated standard/s against which the product was tested and did not comply	
Were there any accidents or incidents related to the product's noncompliance or safety risk? Please provide details	
Duration of noncompliance	
How was the noncompliance identified?	
Have you risk assessed the product? If yes, what was the outcome?	
<b>Corrective actions already taken or planned to take</b>	
Action	
Scope of the actions	
Duration of the actions	
Results of the actions	
Company taking action	
Link to Recall/Measures website	
Are all the products traceable? Have you notified each end-user of the issue?	
<b>Economic operators in the supply chain with affected products</b>	
Names and addresses of relevant companies in the supply chain (manufacturer/ exporter/ importer/ distributor/other)	

**Notification Guidance for Business**

<b>Additional Information</b>	
Additional Information of Relevance to Notification	

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