

**BIS** | Department for Business  
Innovation & Skills

**RED TAPE CHALLENGE**

Retail and Manufacturing  
Consultation

MARCH 2012

# Contents

<b>Contents</b> .....	<b>2</b>
1. Purpose of the consultation .....	3
2. Executive Summary .....	4
3. How to respond.....	6
4. Additional copies.....	6
5. Confidentiality & Data Protection .....	7
6. Help with queries .....	7
7. The proposals .....	8
8. Consultation questions.....	22
9. What happens next? .....	27
Annex A: The Consultation Code of Practice Criteria .....	28
Comments or complaints .....	28
Annex B: List of Individuals/Organisations consulted .....	29
Annex C: Impact Assessment .....	31
Annex D: Survey Response Form .....	32

## Purpose of the consultation

1. Reducing the burden of regulation on business is essential to economic growth. Good regulation plays a vital role, protecting business, consumers, employees and the environment. But unnecessary, overcomplicated regulation strangles business, and it has to go.
2. The Government wants to be the first in modern history to leave office having reduced the overall burden of regulation, not increased it.
3. This consultation seeks views on the removal of regulations that have been identified under the retail and manufacturing themes through the Red Tape Challenge process as no longer required. These are minor changes which have minimal customer impact but which will simplify the regulatory landscape.
4. The purpose of this consultation is to ensure that the views of consumer and business representatives have been taken into account when considering the need for the specific regulations listed below. We are particularly interested in opinions on the impact that the amendment or removal of these regulations would have on consumer protections and any cost benefit that may arise from this.

Issued: 23 March 2012

Respond by: 23 May 2012

5. This consultation is relevant to: Consumers, retailers and manufacturers.
6. A consultation period of eight weeks has been agreed for this consultation. This shorter period reflects the consultation that has already taken place through the Red Tape Challenge website and the deregulatory nature of these regulations. Direct contact will be made with consumer rights groups and business representative groups to ensure proper opportunity is provided to consider the implications of the removal of these regulations.

## 2. Executive Summary

7. Reducing the burden of regulation on business is essential to economic growth. Good regulation plays a vital role, protecting business, consumers, employees and the environment. But unnecessary, overcomplicated regulation strangles business, and it has to go.
8. The Government wants to be the first in modern history to leave office having reduced the overall burden of regulation, not increased it.
9. This consultation seeks views on the removal of regulations that have been identified through the Red Tape Challenge process as no longer required.
10. Many of the regulations covered by this consultation were introduced to tackle a specific problem which had been identified with a particular product; such as safety issues arising from poorly constructed bunk beds; or customers being misled through disingenuous pricing. Whilst these regulations may be very effective at stamping out the problem they were designed to tackle, they are not flexible enough to deal with new products or practices.
11. A new approach has been taken since these regulations were made, one which seeks to tackle the bigger problems facing consumers. The issue of price fixing for example is dealt with in all its forms and for all sectors of the economy by the Competition Act 1998 whilst the General Product Safety Regulations 2005 protect consumers from products which are unsuitable for use whatever their purpose and whatever danger they pose, provided the supporting European standards offer an acceptable level of safety protection.
12. Through these overarching pieces of legislation, consumers can be safe in the knowledge that the products they buy are safe to use and fairly priced. However, some of these specific pieces of legislation remain, with out of date specifications which constrain business' ability to innovate, to provide products fit for the 21<sup>st</sup> century and which can restrict trade in the free market. The removal of these regulations will not reduce consumer's protections but will increase clarity and widen opportunities for business.
13. A full list of the regulations to be amended and revoked are as follows:
  - Pyrotechnic Articles (Safety) Regulations 2010 (SI 2010/1554)
  - Bunk Beds (Entrapment Hazards) (Safety) Regulations 1987 (SI 1987/1337)
  - Children's Clothing (Hood Cords) Regulations 1976 (SI 1976/2)
  - Imitation Dummies (Safety) Regulations 1993 (SI 1993/2923)
  - Pencils and Graphic Instruments (Safety) Regulations 1998 (SI 1998/2406)
  - Wheeled Child Conveyances (Safety) Regulations 1997 (SI 1997/2866)
  - Gas cooking Appliances (Safety) Regulations 1989 (SI 1989/149)
  - Heating Appliances (Fireguards) Regulations 1991 (SI 1991/2693)
  - Gas Catalytic Heaters (safety) Regulations 1984 (SI 1984/1802)
  - All-Terrain Motor Vehicle (safety) Regulations 1989 (SI 1989/2288)
  - Cooking Utensils (Safety) Regulations 1972 (SI 1972/1957)
  - Indication of Prices (Beds) Order 1978 (SI 1978/1716)
  - Child Resistant Packaging and Tactile Danger Warning (Safety) (Revocation) Regulations 1992 Already revoked (SI 1992/2620)

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- Stands for Carry-cots (Safety) (Revocation) Regulations 1996- Already revoked (SI 1996/2756)
  - Magnetic Toys (Safety) (Revocation) Regulations 2009 Already revoked (SI 2009/1347)
14. There is a statutory requirement to consult before these regulations can be revoked or amended. Therefore this consultation invites views from businesses, the public and voluntary and community organisations to see if these changes will impact them and if so how.
15. The Government is also dedicated to consumer freedom and responsibility and therefore wishes to remove heavy handed intervention such as restricting the sale of harmless Christmas Crackers to anyone under the age of 16. Retail managers commented on this on the Red Tape Challenge website and the Government seeks to implement these recommendations, lowering the age at which Christmas Crackers can be bought to 12. This is the lowest age that European Union legislation allows. Views of businesses, the public and voluntary and community organisations are also being sought on this regulatory change.

### 3. How to respond

16. When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation response form and, where applicable, how the views of members were assembled.
17. This consultation will launch on the 23 March 2012 and close for comments on the 23 May 2012
18. For your ease, you can reply to this Consultation online at Survey Monkey [Click Here](#)
19. A copy of the Consultation Response form is enclosed, or available electronically at <http://www.bis.gov.uk/assets/biscore/better-regulation/docs/r/12-636rf-red-tape-challenge-retail-manufacturing-consultation-form> (until the consultation closes).
20. If you decide to respond this way, the form can be submitted by letter, fax or email to:  
  
Name: Vina Modasia  
Team: Red Tape Challenge Implementation Team  
Department of Business, Innovation and Skills  
Postal address: 1 Victoria Street, 3<sup>rd</sup> Floor Spur, London, SW1H 0ET  
Tel: 0207 215 6361  
Email: [retailandmanufacturing@bis.gsi.gov.uk](mailto:retailandmanufacturing@bis.gsi.gov.uk)
21. A list of those organisations and individuals consulted is in Annex B. We would welcome suggestions of others who may wish to be involved in this consultation process.

### 4. Additional copies

22. You may make copies of this document without seeking permission. Further printed copies of the consultation document can be obtained from:  
  
BIS Publications Order line  
ADMAIL 528  
London SW1W 8YT  
Tel: 0845-015 0010  
Fax: 0845-015 0020  
Minicom: 0845-015 0030  
[www.bis.gov.uk/publications](http://www.bis.gov.uk/publications)
23. An electronic version can be found at <http://www.bis.gov.uk/assets/biscore/better-regulation/docs/r/12-636-red-tape-challenge-retail-manufacturing-consultation>
24. Other versions of the document in Braille, other languages or audio-cassette are available on request.

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## 5. Confidentiality & Data Protection

25. Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
26. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

## 6. Help with queries

27. Questions about the policy issues raised in the document can be addressed to:

Name: Christine Knox  
Team: Product Regulation Branch, Advanced Manufacturing and Services  
Department of Business, Innovation and Skills  
Postal address: 1 Victoria Street, 4<sup>th</sup> Floor, Orchard 1, London, SW1H 0ET  
Tel: 0207 215 3465  
Email: [retailandmanufacturing@bis.gsi.gov.uk](mailto:retailandmanufacturing@bis.gsi.gov.uk)

A copy of the Code of Practice on Consultation is in Annex A.

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## 7. The proposals

28. The Red Tape Challenge has been an effective way to open up the decision making process with the public, businesses and voluntary and community organisations about which regulations are necessary and which ones can be simplified or scrapped. This consultation aims to seek views on the removal of regulations that have been identified through the Red Tape Challenge process as no longer required.
29. The Retail and Manufacturing themes highlighted various product safety regulations which are redundant. This is because the practices the regulations were designed to outlaw no longer take place or because updated laws cover the same areas in a more proportionate way. This can be demonstrated by the General Product Safety Regulations 2005 which cover the safety of all consumer products put on the market and ensure the protection of consumers.
30. Therefore the Government wishes to scrap the majority of regulations detailed in this consultation document as whilst they may have been effective at prohibiting the problems they were designed to tackle; they are not flexible enough to deal with new products or practices. The scrapping of these product safety regulations will not reduce consumer safety as updated laws provide a comparable degree of safety for the protection of all consumers.
31. In addition to the regulations for revocation, this consultation also seeks agreement to reduce the age at which Christmas Crackers can be legally purchased from 16 to 12 years old. This proposal was developed through the Red Tape Challenge and is included in the consultation as the first regulation entitled Pyrotechnics Articles (Safety) Regulations 2010.



## Regulation 1: Pyrotechnic Articles (Safety) Regulations 2010 (SI 2010/1554)

### **Why was this regulation made?**

32. The Pyrotechnic Articles (Safety) Regulations 2010 were introduced to implement the requirements of Directive 2007/23/EC on the placing of pyrotechnic articles on the market. The regulations aim to set safety standards for fireworks, ban sales to the public of certain types of firework and to age restrict certain sales. They include a ban on the sale of Christmas Crackers to children under the age of 16.

### **Why is the Government recommending the amendment of this regulation?**

33. We propose to lower the age at which Christmas crackers can be bought from 16 to 12. The Government seeks to promote greater personal freedom and responsibility by getting rid of heavy handed intervention such as restricting the sale of harmless Christmas crackers to anyone under the age of 16.

34. There were comments from retail managers on the Red Tape Challenge spotlight into this area which agree with the Government's proposal.

*"We cannot sell Christmas crackers to under-16s because they fall within the scope of the legislation. Such common and low-risk goods, which we do not believe were the intended focus of the legislation, should be exempted".<sup>1</sup>*

35. The Department recommends that the 2010 Regulations are amended to allow the sale of Christmas Crackers to children aged 12 or over. This deregulatory measure could potentially increase sales of Christmas Crackers through the opening of the market of 12 – 15 year olds. There are potentially some additional costs to business in making these changes. An Impact Assessment will be published ahead of regulatory change.

### **Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

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<sup>1</sup> Comment posted on Red Tape Challenge Website by a retailer

## Regulation 2: Bunk Beds (Entrapment Hazards) (Safety) Regulations 1987 (SI1987/1337)

### **Why was this regulation made?**

36. The Bunk Beds (Entrapment Hazards) (Safety) Regulations 1987 were passed to ensure that bunk beds do not pose a safety risk to children from entrapment. These regulations were passed under the Consumer Safety Act 1987 due to a number of accidents where young people slipped through spaces in the restraining rails of bunk beds. The regulations specify that no gaps in the base of the bed are bigger than 75mm and that there are no openings elsewhere of more than 75mm or less than 60mm. This ensures that the gaps are large enough to prevent a child's arm or leg being trapped but small enough to prevent a child's body passing through causing a fatality

### **Why is the Government recommending the removal of this regulation?**

37. The Government proposes to scrap the regulation to remove confusion between the standard referred to in the regulation and the newer standard developed by the European Committee for Standardization (CEN). The General Product Safety Regulations 2005 ensures product safety in this area through enforcement of Standard BS EN 747 Parts 1 and 2 which are considered to give the same or a higher degree of safety than the Regulations. These standards were recently updated and provide a relevant level of safety for modern manufacturing.

38. The 1987 regulations refer to standards that have been superseded, therefore they should be revoked. We foresee no quantifiable savings for business arising from the removal of this regulation but a benefit from clarifying the position on which standards to use. Consumers will be unaffected and will continue to see a similar level of product safety for bunks beds.

39. The General Product Safety Regulations 2005 can be used to ensure product safety in this area. Standard BS EN 747 Parts 1 and 2 is believed to be sufficient to give the same or a higher degree of safety than the Regulations

### **Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

## Regulation 3: Children's Clothing (Hood Cords) Regulations 1976 (SI 1976/2)

### **Why was this regulation made?**

40. The Children's Clothing (Hood Cords) Regulations 1976 were introduced to remove from sale in the UK market outer clothing (e.g. raincoat, overcoat, anorak etc) where the hood is secured by means of a cord drawn through the material and which poses a strangulation risk to small children. Accident data has shown that fatal accidents involving strangulation by hood cords have fallen in numbers since this regulation was enacted.

### **Why is the Government recommending the removal of this regulation?**

41. A newer European standard BS EN 14682 is in place which covers cord and drawstring safety in all children's garments, not just hoods and outerwear as specified in the regulation. This provides a wider level of protection than the 1976 regulations.

42. If this regulation is revoked then the General Product Safety Regulations 2005 will be used to ensure product safety in this area. The 2005 regulations contain a general safety requirement that "Only safe products should be placed on the market"<sup>2</sup> and therefore garments containing cords or drawstrings can demonstrate compliance by meeting the requirements of BS EN 14682.

43. The 1976 regulations refer to standards that have been superseded, therefore they should be revoked. We foresee no quantifiable savings for business arising from the removal of this regulation but a benefit from clarification the position on which standards to use. Consumers will be unaffected and will continue to see a similar level of product safety for children's clothing in respect of cords and drawstrings.

### **Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

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<sup>2</sup> 2005 No 1803, Consumer Protection, The General Product Safety Regulations 2005, ([www.legislation.gov.uk](http://www.legislation.gov.uk))

## Regulation 4: Imitation Dummies (Safety) Regulations 1993 (SI 1993/2923)

### **Why was this regulation made?**

44. The Imitation Dummies (Safety) Regulations 1993 were introduced to prevent the supply of imitation dummies that could pose a safety risk for babies and young children if swallowed. These products were intended as fashion accessories for adults to wear but often closely resembled real dummies and did not include various structural safety features required of real dummies. The imitation dummies came apart very easily and some contained a circuit board and batteries which allowed the dummy to flash. This was sharp and small and could easily be swallowed by children. Some imitation dummies also had long cords to put around adult's necks which also posed a danger to children. Therefore, these regulations were made to prohibit the supply of goods which could be mistaken as dummies and potentially cause injury or death to children.

### **Why is the Government recommending the removal of this regulation?**

45. The demand for these potentially dangerous products was created in the 1990s, and although it is still possible to import and buy internet products that resemble dummies, the demand has significantly reduced and so the threat is no longer considered substantial.

46. In addition to this, the General Product Safety Regulations 2005 (the GPSR), which did not exist when the Regulations were introduced, now provide an alternative legal basis upon which Trading Standards can deal effectively with any unsafe products. The standards to which the 1993 Regulations refer BS 5239:1988 are now out of date and have been superseded by European standard BS EN 1400:2002. These provide a wider level of protection than the 1993 regulations deeming them obsolete.

47. We foresee no quantifiable savings for business arising from the removal of this regulation. Consumers will be unaffected and will continue to see a similar level of product safety.

### **Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

## Regulation 5: Pencils and Graphic Instruments (Safety) Regulations 1998 (SI 1998/2406)

### **Why was this regulation made?**

48. The Pencils and Graphic Instruments (Safety) Regulations 1998 protect adults and children from exposure to dangerous heavy metals in pencil coatings. The regulations limit the amount of heavy metals (arsenic, cadmium, hexavalent chromium, mercury, antimony, lead and barium) that are allowed in pencils and graphic instruments.

### **Why is the Government recommending the removal of this regulation?**

49. The Department recommends that these regulations are revoked as the more recent Toys Safety Regulations 2011 provide a high level of safety for all toys and products for use in play by children up to the age of fourteen years. As it covers all products that may be reasonably expected to be used by this age group we anticipate that many pencils would be covered. Those intended to be used only by adults would be covered under the General Product Safety Regulations 2005.

50. The Standard BS EN 71-3 passed in 1995 concerns the safety of toys and reflects the level of heavy metals now accepted as safe. On revocation of the 1998 Regulations it will remain the safety standard for pencils and graphic instruments for use by children, enforceable through the Toy Safety regulations 2011 and the General Product Safety regulations 2005.

51. We foresee no quantifiable savings for business arising from the removal of this regulation. Consumers will notice no effect and will continue to see a similar level of product safety.

52. If this regulation is revoked then the General Product Safety Regulations 2005 can be used to ensure product safety in this area and provide an adequate legal basis upon which Trading Standards can deal effectively with any unsafe products. Standard BS EN 71-3 concerns the safety of toys and outlines more appropriate requirements which reflect the level of heavy metals now accepted as safe.

### **Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

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Regulation 6: Wheeled Child Conveyances (Safety) Regulations 1997 (SI 1997/2866)

**Why was this regulation made?**

53. The Wheeled Child Conveyances (Safety) Regulations 1997 require prams and pushchairs to meet specific safety standards. This is done through compliance with a standard in terms of strength, stability, locking mechanisms, harnesses, linings, entrapments, sharp point markings and instructions. There are also various tests that the products must pass including rolling roads tests, handle strength and impact tests. This regulation was passed to minimise accidents and ensure the safety of prams and pushchairs.

**Why is the Government recommending the removal of this regulation?**

54. The Government proposes the removal of the 1997 regulations as they are based on standard BS 7409:1996 which have now been superseded by Standard EN 1888 updated in 2003. Standard EN 1888 provides a comparable degree of safety to the 1997 Regulations. This is enforceable through the General Product Safety Regulations 2005.

55. The regulation no longer has any effect as it refers to an out of date standard that has been superseded. We foresee no quantifiable savings for business arising from the removal of this regulation. Consumers will be unaffected and will continue to see a similar level of product safety.

56. If this regulation is revoked then the General Product Safety Regulations 2005 can be used to ensure product safety in this area. Standard EN 1888 is believed to be sufficient to give the same or a higher degree of safety than the Regulations.

**Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

## Regulation 7: Gas Cooking Appliances (Safety) Regulations 1989 (SI 1989/149)

### **Why was this regulation made?**

57. The Gas Cooking Appliances (Safety) Regulations 1989 ensure that all gas cooking appliances were safe and complied with safety standards. The Regulations relate to the supply of all equipment for cooking by means of burning gas. The regulations imposed the obligation on the supplier of gas cooking appliances to ensure their safety and minimise any risk of injury, death or damage to property

### **Why is the Government recommending the removal of this regulation?**

58. The Government proposes the removal of the 1989 regulations as they enforced standards which have all now been withdrawn. The 1989 regulations were superseded in 1992 with regard to new products but left in place to regulate second-hand products; however they no longer represent state of the art or good practice even for second-hand products.

59. The European Directive regulating gas appliance safety introduced in 1990 covers gas cooking appliances. This Directive was implemented in the UK by the Gas Appliances (Safety) Regulations 1992 (SI 1992/711). In addition to this the General Product Safety Regulations 2005 (GPSR) are also applicable to second-hand gas cooking appliances and require them to be safe. The GPSR allow for a more flexible approach taking into consideration all aspects such as, amongst others, the original build standard, current minimal acceptable safety requirements and the reasonable expectations of consumers. Therefore the European Directive in conjunction with the GPSR provides a high level of safety for consumers.

60. The 1989 regulations refer to out of date standards that have been superseded, therefore they should be revoked. There is no quantifiable impact on business arising from the removal of this regulation. We foresee no quantifiable savings for business. Consumers will be unaffected and will continue to see a similar level of product safety.

### **Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

## Regulation 8: Heating Appliances (Fireguards) (Safety) Regulations 1991 (SI 1991/2693)

### **Why was this regulation made?**

61. The Heating Appliances (Fireguards) (Safety) Regulations 1991 relate to gas and oil fires that are fitted in consumers' homes requiring them to be fitted with an appropriate fireguard to ensure a minimal level of safety. The risk of injury is greatly increased where a fireguard is not present and the regulations were made to minimise accidents

### **Why is the Government recommending the removal of this regulation?**

62. The Government recommends the removal of this regulation as it has now been superseded by European Union legislation. The European Gas Appliances Directive was introduced in 1990. This Directive was implemented in the UK by the Gas Appliances (Safety) Regulations 1992 (SI 1992/711). The Directive requires current best practice and permits innovative designs to be used, provided the safety objective is achieved.

63. The 1991 Regulations were left in place to regulate second-hand gas fires and oil fired appliances. However, the 1991 regulations require products to meet the standards as they were in 1971 and this is no longer considered to follow best practice. In addition, the 1971 standard provides for a specific design solution and blocks innovation, potentially putting British manufacturers at a disadvantage.

64. The General Product Safety Regulations 2005 are applicable to second-hand gas and all oil fired heating appliances and require them to be safe –thus providing an enhanced level of protection compared with the 1991 regulations.

65. The Department recommends that these regulations be revoked as the 1971 standards reflect a specific solution and do not allow for either innovation or alternative approaches to providing at least equivalent and possibly improved safety for consumers. We foresee no quantifiable savings for business and there will be no reduction in consumer safety as a result of revocation.

### **Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?



## Regulation 9: Gas Catalytic Heaters (Safety) Regulations 1984 (SI 1984/1802)

### **Why was this regulation made?**

66. The Gas Catalytic Heaters (Safety) Regulations 1984 were introduced to prohibit the supply of catalytic heaters containing unbound asbestos. Exposure to asbestos can be detrimental to your health and increases your risk of developing lung disease. These regulations were made to forbid the supply of those heaters that contained asbestos and reduce a significant public health risk.

### **Why is the Government recommending the removal of this regulation?**

67. The Government recommends the removal of this regulation as it has now been superseded by European Union Legislation. The Gas Appliances Directive was introduced in 1990 and requires that all new gas appliances for sale in the EU meet the safety requirements set out in the Directive and are safe. This Directive was implemented in the UK by the Gas Appliances (Safety) Regulations 1992 (SI 1992/711). Therefore the protections offered by the 1984 regulations are duplicated and enhanced by the 1990 legislation.

68. The General Product Safety Regulations 2005 covers second hand products and therefore provide a legal basis for ensuring the required safety levels for all gas catalytic heaters for sale. Gas Catalytic heaters containing unbound asbestos would not meet current standards.

69. The regulations no longer have any effect as they have been superseded by European Union Legislation, therefore they should be revoked. We foresee no quantifiable savings for business arising from the removal of this regulation. Consumer safety will not be reduced as a result of revocation

### **Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

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Regulation 10: All Terrain Motor Vehicle (Safety) Regulations 1989 (SI 1989/2288)

**Why was this regulation made?**

70. The All Terrain Motor Vehicle (Safety) Regulations 1989 prohibit the sale of three wheeled vehicles designed for off-road leisure use. The regulations also require additional safety features for four wheeled vehicles (quad bikes) where these are sold for use by persons under the age of sixteen. The regulations were made to ensure all terrain motor vehicles addressed certain constructional requirements with regard to safety.

**Why is the Government recommending the removal of this regulation?**

71. The Machinery Directive 2006/42/EC provides the harmonisation of the essential health and safety requirements for machinery, through a combination of mandatory health and safety requirements and voluntary harmonised standards. The Directive applies to off-road vehicles, including dirt bikes, quad bikes and snowmobiles. These make the 1989 regulations obsolete and in doing so provide a more comprehensive level of protection.

72. The 1989 regulations no longer have any effect as they have been superseded by the 2006 Machinery Directive. We foresee no quantifiable savings for business. As a result of revocation consumer safety will not be reduced and the 2006 Directive will provide effective consumer safety.

**Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

## Regulation 11: Cooking Utensils (Safety) Regulations 1972 (SI 1972/1957)

### **Why was this regulation made?**

73. The Cooking Utensils (Safety) Regulations 1972 which were made under the Consumer Protection Act 1961 restrict cooking utensils from being coated in dangerous metals which can endanger health.

### **Why is the Government recommending the removal of this regulation?**

74. The 1972 regulations prohibit utensils from being coated with a tin or other metallic coating which contain lead or any compound of lead. Kitchen utensils are no longer manufactured with lead components and therefore this Regulation has become obsolete.

75. Newer European Union Regulations 1935/2004 are now in place and provide a general framework for materials and articles that are intended to come into contact with food. This aims to guarantee a high level of protection for human health and the interests of consumers and therefore provides a more comprehensive level of protection than the 1972 regulations. The 2004 regulations state that all materials and articles expected to be in contact with food must not transfer their constituents to food in quantities which could endanger human health, bring about an unacceptable change in the composition of food or bring about deterioration in the organoleptic characteristics (i.e. texture, taste, and aroma). In addition to this European Directive 84/500/EC sets limits for lead in food contact materials ensuring increased consumer protection.

76. In addition to this European Directive 84/500/EC sets limits for lead (and cadmium) in Food Contact Materials made of ceramics. This provides increased protection for the consumer.

77. The Department recommends that this regulation be revoked as it is now covered by new and existing regulation. We foresee no quantifiable savings for business or reduction in consumer safety as a result of revocation.

### **Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

## Regulation 12: Indication of Prices (Beds) Order 1978 (SI 1978/1716)

### **Why was this regulation made?**

78. In a 1978 report the former Price Commission<sup>3</sup> found that features of the retail market for beds were a detrimental effect to consumers. The Commission was concerned about the use of a Recommended Retail Price (RRP) by bed manufacturers and the way retailers set and advertised their actual sale price. The Price Commission had found that actual sale prices differed more and more from the RRP and that the associated use of dual price marking emphasised savings to the consumer which were more apparent than real.

79. In response to this report, the Indication of Prices (Beds) order 1978 was made to prohibit certain forms of price indication in relation to beds. In its present form, the Order prohibits anyone who offers a bed for sale (or indicates it may be for sale) from indicating a price at which the bed may be sold by someone else.

### **Why is the Government recommending the removal of this regulation?**

80. The practices which the Order intended to prevent, along with other practices involving price indications for goods and services are now in relation to consumer transactions covered by the Consumer Protection from Unfair Trading Regulations 2008 (which implement a European Union Directive<sup>4</sup>). Those regulations prohibit any commercial practice directed at consumers which is misleading, including by omission and so cover misleading price indications. Price fixing between manufacturers and retailers or between retailers is covered by the Competition Act 1998, which also covers all sectors of the economy including beds.

81. The Department is therefore recommending that this Order be revoked as the commercial practices it was designed to prevent are covered by existing legislation applicable to all sectors of the UK economy rather than just beds. There is no quantifiable impact on business or consumers arising from the removal of this regulation.

82. The Consumer Protection from Unfair Trading Regulations 2008 protects consumers from commercial practices which are misleading. In addition to this the Competition Act 1998 covers all commercial practices relating to price fixing. Therefore the 1978 regulations can be revoked as they have been superseded by updated regulations.

### **Consultation Questions**

- Do you agree with the proposed amendment to this regulation?
- Are there any other consequences of the change to this regulation not outlined above?
- What benefits will the change have? Can you quantify these?
- Are there any costs for business that have not been anticipated? Can you quantify these?

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<sup>3</sup> Price Commission Report for the Period 1 August to 31 October 1978 pages 18 – 19 “The Pricing of Beds”

<sup>4</sup> Unfair Commercial Practices Directive 2005

## **Removal of Revocation Regulations**

Regulation 13: Child Resistant Packaging and Tactile Danger Warning (Safety) (Revocation) Regulations 1992 (SI 1992/2620)

Regulations 14: Stands for Carry-cots (Safety) (Revocation) Regulations 1996 (SI 1996/2756)

Regulation 15: Magnetic Toys (Safety) (Revocation) Regulations 2009 (SI 2009/1347)

### **Why is the Government recommending the removal of these regulations?**

83. These are revocation regulations which removed other regulations from the statute book. In all cases the original regulations were revoked as a result of improved safety standards which rendered the original regulations obsolete.
84. By revoking these three regulations we will reduce the amount of product legislation on the statute book and therefore clean up the existing regulatory structure.
85. Revoking these revocation regulations will not re-enact the original legislation.

### **Consultation Questions**

- Do you agree with the removal of the Child Resistant Packaging and Tactile Danger Warning (Safety) (Revocation) Regulations 1992 from the statute book?
- Do you agree with the removal of the Stands for Carry-cots (Safety) (Revocation) Regulations 1996 from the statute book?
- Do you agree with the removal of the Magnetic Toys (Safety) (Revocation) Regulations 2009 from the statute book?

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## **8. Consultation questions**

**Question 1 Do you agree with the amendment of the Pyrotechnic Articles (Safety) Regulations 2010?**

**Question 2. Are there any other consequences to the amendment of the Pyrotechnic Articles (Safety) Regulations 2010 not outlined in this document?**

**Question 3. What benefits will the amendment of the Pyrotechnic Articles (Safety) Regulations 2010 have? Can you quantify these?**

**Question 4. Are there any costs for business that have not been anticipated as a result of the amendment of the Pyrotechnic Articles (Safety) Regulations 2010? Can you quantify these?**

**Question 5. Do you agree with the revocation of the Bunk Beds (Entrapment Hazards) (Safety) Regulations 1987?**

**Question 6. Are there any other consequences to the revocation of the Bunk Beds (Entrapment Hazards) (Safety) Regulations 1987 not outlined in this document?**

**Question 7. What benefits will the revocation of the Bunk Beds (Entrapment Hazards) (Safety) Regulations 1987 have? Can you quantify these?**

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**Question 8. Are there any costs for business that have not been anticipated as a result of the revocations of the Bunk Beds (Entrapment Hazards) (Safety) Regulations 1987? Can you quantify these?**

**Question 9. Do you agree with the revocation of the Children's Clothing (Hood Cords) Regulations 1976?**

**Question 10. Are there any other consequences to the revocation of the Children's Clothing (Hood Cords) Regulations 1976 not outlined in this document?**

**Question 11. What benefits will the revocation of the Children's Clothing (Hood Cords) Regulations 1976 have? Can you quantify these?**

**Question 12. Are there any costs for business that have not been anticipated as a result of the revocation of the Children's Clothing (Hood Cords) Regulations 1976? Can you quantify these?**

**Question 13. Do you agree with the revocation of the Imitation Dummies (Safety) Regulations 1993?**

**Question 14. Are there any other consequences to the revocation of the Imitation Dummies (Safety) Regulations 1993 not outlined in this document?**

**Question 15. What benefits will the revocation of Imitation Dummies (Safety) Regulations 1993 have? Can you quantify these?**

**Question 16. Are there any costs for business that have not been anticipated as a result of the revocation of the Imitation Dummies (Safety) Regulations 1993? Can you quantify these?**

**Question 17. Do you agree with the revocation of the Pencils and Graphic Instruments (Safety) Regulations 1998?**

**Question 18. Are there any other consequences to the revocation of the Pencils and Graphic Instruments (Safety) Regulations 1998 not outlined in this document?**

---

**Question 19. What benefits will the revocation of Pencils and Graphic Instruments (Safety) Regulations 1998 have? Can you quantify these?**

**Question 20. Are there any costs for business that have not been anticipated as a result of the revocation of the Pencils and Graphic Instruments (Safety) Regulations 1998? Can you quantify these?**

**Question 21. Do you agree with the revocation of the Wheeled Child Conveyances (Safety) Regulations 1997?**

**Question 22. Are there any other consequences to the revocation of the Wheeled Child Conveyances (Safety) Regulations 1997 not outlined in this document?**

**Question 23. What benefits will the revocation of Wheeled Child Conveyances (Safety) Regulations 1997 have? Can you quantify these?**

**Question 24. Are there any costs for business that have not been anticipated as a result of the revocation of the Wheeled Child Conveyances (Safety) Regulations 1997? Can you quantify these?**

**Question 25. Do you agree with the revocation of the Gas cooking Appliances (Safety) Regulations 1989?**

**Question 26. Are there any other consequences to the revocation of the Wheeled Gas cooking Appliances (Safety) Regulations 1989 not outlined in this document?**

**Question 27. What benefits will the revocation of Gas cooking Appliances (Safety) Regulations 1989 have? Can you quantify these?**

**Question 28. Are there any costs for business that have not been anticipated as a result of the revocation of the Gas cooking Appliances (Safety) Regulations 1989? Can you quantify these?**

**Question 29. Do you agree with the revocation of the Heating Appliances (Fireguards) Regulations 1991?**

**Question 30. Are there any other consequences to the revocation of the Heating Appliances (Fireguards) Regulations 1991 not outlined in this document?**



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**Question 31. What benefits will the revocation of the Heating Appliances (Fireguards) Regulations 1991 have? Can you quantify these?**

**Question 32. Are there any costs for business that have not been anticipated as a result of the revocation of the Heating Appliances (Fireguards) Regulations 1991? Can you quantify these?**

**Question 33. Do you agree with the revocation of the Gas Catalytic Heaters (Safety) Regulations 1984?**

**Question 34. Are there any other consequences to the revocation of the Gas Catalytic Heaters (Safety) Regulations 1984 not outlined in this document?**

**Question 35. What benefits will the revocation of Gas Catalytic Heaters (Safety) Regulations 1984 have? Can you quantify these?**

**Question 36. Are there any costs for business that have not been anticipated as a result of the revocation of the Gas Catalytic Heaters (Safety) Regulations 1984? Can you quantify these?**

**Question 37. Do you agree with the revocation of the All-Terrain Motor Vehicle (Safety) Regulations 1989?**

**Question 38. Are there any other consequences to the revocation of the All-Terrain Motor Vehicle (Safety) Regulations 1989 not outlined in this document?**

**Question 39. What benefits will the revocation of All-Terrain Motor Vehicle (Safety) Regulations 1989 have? Can you quantify these?**

**Question 40. Are there any costs for business that have not been anticipated as a result of the revocation of the All-Terrain Motor Vehicle (Safety) Regulations 1989? Can you quantify these?**

**Question 41. Do you agree with the revocation of the Cooking Utensils (Safety) Regulations 1972?**

**Question 42. Are there any other consequences to the revocation of the Cooking Utensils (Safety) Regulations 1972 not outlined in this document?**

---

**Question 43. What benefits will the revocation of Cooking Utensils (Safety) Regulations 1972 have? Can you quantify these?**

**Question 44. Are there any costs for business that have not been anticipated as a result of the revocation of the Cooking Utensils (Safety) Regulations 1972? Can you quantify these?**

**Question 45. Do you agree with the revocation of the Indication of Prices (Beds) Order 1978?**

**Question 46. Are there any other consequences to the revocation of the Indication of Prices (Beds) Order 1978 not outlined in this document?**

**Question 47. What benefits will the revocation of Indication of Prices (Beds) Order 1978 have? Can you quantify these?**

**Question 48. Are there any costs for business that have not been anticipated as a result of the revocation of the Indication of Prices (Beds) Order 1978? Can you quantify these?**

**Question 49. Do you agree with the removal of the Child Resistant Packaging and Tactile Danger Warning (Safety) (Revocation) Regulations 1992 from the statute book?**

**Question 50. Do you agree with the removal of the Stands for Carry-cots (Safety) (Revocation) Regulations 1996 from the statute book?**

**Question 51. Do you agree with the removal of the Magnetic Toys (Safety) (Revocation) Regulations 2009 from the statute book?**

**Question 52. Do you have any other comments that might aid the consultation process as a whole?**

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## 9. What happens next?

86. Responses to this consultation will be used to finalise decisions regarding the removal or retention of these regulations. A government response to this consultation, outlining which regulations are to be removed and which are to be retained as a result of evidence gathered through this consultation, will be published within three months of this consultation closing. This will be available from the BIS website. Paper copies will be available on request.

87. Where regulations are to be removed, this will have effect from 1 October 2012.

## Annex A: The Consultation Code of Practice Criteria

1. Formal consultation should take place at a stage when there is scope to influence policy outcome.
2. Consultation should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. Consultation exercise should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

### Comments or complaints

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Sameera De Silva,  
BIS Consultation Co-ordinator,  
1 Victoria Street,  
London  
SW1H 0ET

Telephone Sameera on 020 7215 2888  
or e-mail to: [Sameera.De.Silva@bis.gsi.gov.uk](mailto:Sameera.De.Silva@bis.gsi.gov.uk)

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## **Annex B: List of Individuals/Organisations consulted**

1. Royal Society for the Prevention of Accidents (ROSPA)
2. Confederation of British Industry (CBI)
3. British Retail Consortium (BRC)
4. Which?
5. EEF
6. Association of Play Industries
7. Local Government Association
8. Health & Safety Executive (HSE)
9. Trading Standards Institute
10. Office of Fair Trading (OFT)
11. Consumers International
12. Consumer Focus
13. Federation of Small Businesses (FSB)
14. Forum of Private Business (FPB)
15. Baby Products Association
16. British Standards Institute (BSI)
17. Child Accident Prevention Trust
18. Electrical Safety Council (ESC)
19. British Electrotechnical and Allied Manufacturers Association (BEAMA)
20. The Association of British Furniture Manufacturers
21. National Bed Federation
22. National Childrenswear Association
23. European ATV Safety Institute (EASI)
24. Food Standards Agency (FSA)

- 
25. Corgi Services Limited (CSL)
  26. National Grid
  27. Office of the Gas and Electricity Markets (OFGEM)
  28. Bolton Consultancy
  29. BOSS Federation
  30. British Furniture Confederation (BFC)
  31. British Toy and Hobby Association (BTHA)
  32. Catering Equipment Distributors Association (CEDA)
  33. Catering Equipment Suppliers Association (CESA)
  34. CBI Explosives Industry Group
  35. DG Consultants
  36. FIRA
  37. IKEA
  38. Intertek
  39. LGC Ltd
  40. Metal Packaging Manufacturers Association Ltd (MPMA)
  41. Product Safety Group Secretariat
  42. SATRA
  43. Talking Tables
  44. UKAS

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## **Annex C: Impact Assessment of Retail and Manufacturing Consultation**

Impact Assessments have not been made available in this consultation as these regulations are deregulatory and in all but one case superseded by existing legislation. However, Impact Assessments will be included in the Government response which will be published ahead of the regulations being laid in July 2012. This is in line with Better Regulation Executive's proposed fast track routes for deregulatory measures.

## Annex D: Retail and Manufacturing response form

Thank you for taking the time to read the Retail and Manufacturing Consultation. The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 23/05/2012

Name:

Organisation (if applicable):

Address:

Please return completed forms to:

Vina Modasia

Department for Business, Innovation & Skills

Business Environment

1 Victoria Street

3<sup>rd</sup> Floor, Spur 2

London

SW1A 0ET

Telephone: 0207 215 6361

Email: [retailandmanufacturing@bis.gsi.gov.uk](mailto:retailandmanufacturing@bis.gsi.gov.uk)

Please tick a box from the list of options below that best describes you as a respondent.

<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)



**Question 1. Do you agree with the amendment of the Pyrotechnic Articles (Safety) Regulations 2010?**

Yes:

No:

Other (please specify)

**Question 2. Are there any other consequences to the amendment of the Pyrotechnic Articles (Safety) Regulations 2010 not outlined in this document?**

Comments:

**Question 3. What benefits will the amendment of the Pyrotechnic Articles (Safety) Regulations 2010 have? Can you quantify these?**

Comments:

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Comments:

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Yes:

No:

Other (please specify)

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Comments:

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Yes:

No:

Other (please specify)

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Other (please specify)

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Yes:

No:

Other (please specify)

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No:

Other (please specify)

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Other (please specify)

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No:

Other (please specify)

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Yes:

No:

Other (please specify)

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Comments:



**Question 45. Do you agree with the revocation of the Indication of Prices (Beds) Order 1978?**

Yes:

No:

Other (please specify)

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Yes:

No:

Other (please specify)

**Question 50. Do you agree with the removal of the Stands for Carry-cots (Safety) (Revocation) Regulations 1996 from the statute book?**

Yes:

No:

Other (please specify)

**Question 51. Do you agree with the removal of the Magnetic Toys (Safety) (Revocation) Regulations 2009 from the statute book?**

Yes:

No:

Other (please specify)

**Question 52. Do you have any other comments that might aid the consultation process as a whole?**

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Comments:

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

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1 Victoria Street  
London SW1H 0ET  
Tel: 020 7215 5000

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