



Department
for Business
Innovation & Skills

RED TAPE CHALLENGE UPDATE

Implementation Plan for the
Manufacturing Theme

JANUARY 2013

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Introduction

The Prime Minister announced in April 2011 that he wanted his Government to be the first in modern history to leave office having reduced the overall burden of regulation. To help deliver this he launched the Red Tape Challenge, a systematic review of some 6,500 substantive regulations that the Government inherited, with the aim of scrapping or significantly reducing as many of them as possible. The Red Tape Challenge gives businesses and civil society the opportunity to have their say on the regulations, grouped by theme, that affect their everyday lives.

The Manufacturing theme includes over 120 regulations and was open for public comment between 21 July and 1 September 2011. We received comments across four sub-categories:

1. Product Safety and Equipment,
2. Weights and Measures,
3. Intellectual Property, and
4. Export Control.

The plans for the Manufacturing package were announced on 29 November 2011.

A total of 128 regulations were considered as part of the theme. 66 of these regulations were EU or internationally derived and 62 were domestic. From the full list of regulations we proposed to:

- Scrap 47 (37%)
- Improve 18 (14%)
- Keep unchanged 61 (48%)
- Unresolved 1 (1%)
- Transfer 1 (1%)

A further regulation has since been added to the package, meaning that there will be 19 legislative improvements.

The current package, which consists of 129 regulations, can be summarized as follows:

- **Scrap 47**

We have identified 47 measures that can be removed from the statute books because the legislation is either:

- (a) Redundant (mainly regulations relating to previously nationalized industries, which are now defunct); or
- (b) Duplicated in newer regulations (in the case of both domestic and EU regulations).

- **Improve 19**

There are 19 regulations which can be improved to increase clarity for business. We will achieve this by consolidating and updating regulations, thereby simplifying and reducing the amount of legislation in certain areas.

- **Keep 61**

The measures that have been identified as necessary mainly include:

- (a) Regulations necessary to safeguard consumers and responsible businesses;
- (b) EU measures checked for gold-plating (with a conclusion drawn that the regulations do not go beyond EU minimum requirements); and
- (c) Orders imposing trade sanctions/arms embargoes (which we are legally-bound by the UN/EU to keep).

Therefore, these measures are being retained either because it is in the interests of business to retain them or because the decision is beyond the control of the UK.

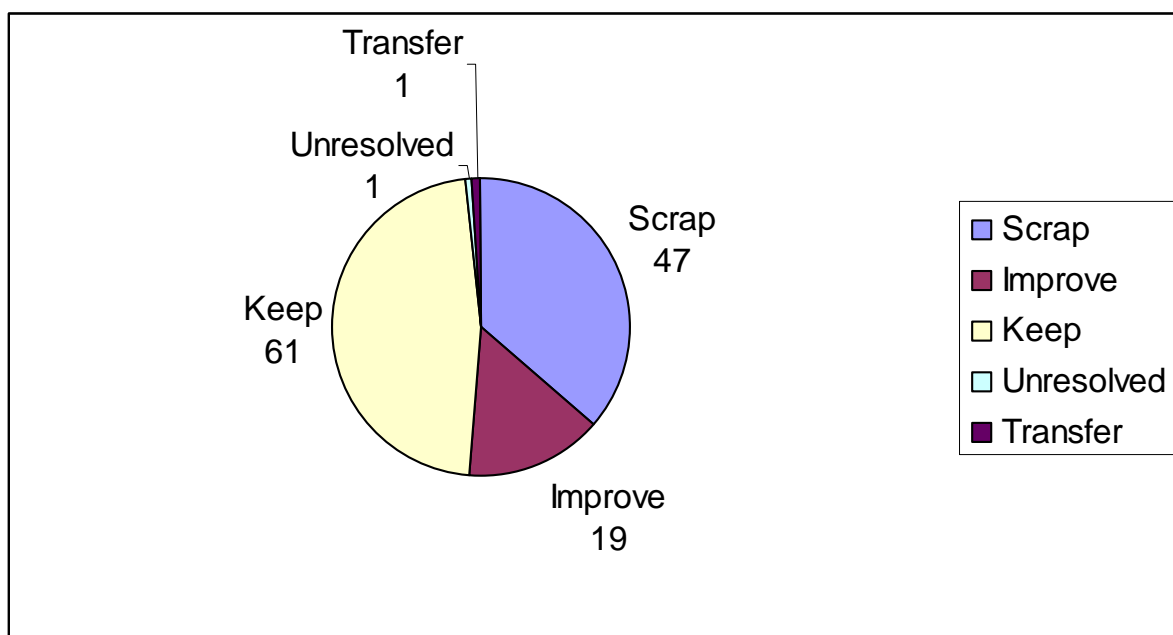
- **Unresolved 1**

The Star Chamber did not reach a decision on one of the regulations considered, so we cannot commence implementation on this until the regulation has been classified as a scrap or otherwise.

- **Transfer 1**

We deemed that one regulation could be more appropriately addressed in a theme led by the Department for Transport.

Breakdown of Manufacturing Package



In summary, we have committed to scrap or improve 66 (51%) of the regulations under consideration. The figures are even better if we exclude EU and internationally-derived regulations; we have committed to scrap or improve 73% of the domestic legislation under consideration.

Of the 66 regulations that we have committed to scrap or improve, 25 regulations have already been scrapped and six have already been improved (meaning that almost half of the planned scraps/improvements have been carried out).

2. Implementation Timescales

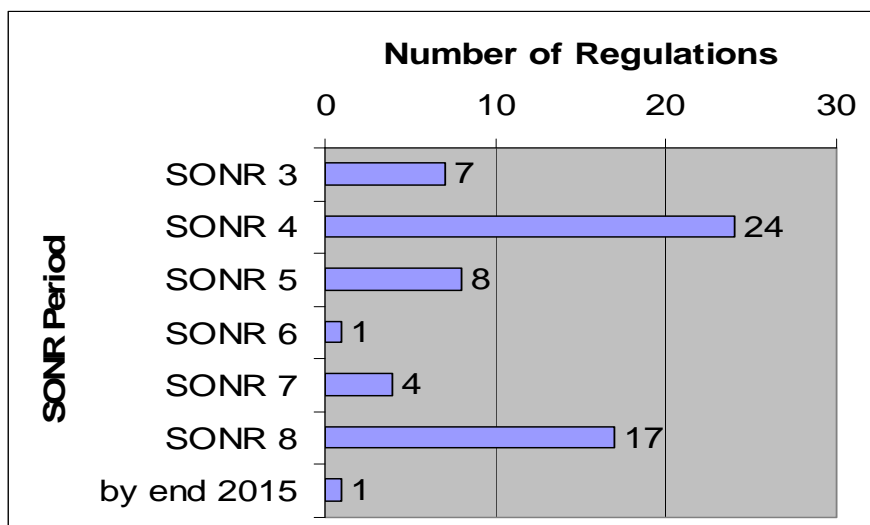
There are only five measures for which we have not yet established firm implementation plans, plus one measure which remains undecided by the Star Chamber.

The timing for implementation of the remaining 60 measures (91%) is set out below according to the Statement of New Regulation period. We have plans to action 59 of these measures before the end of this Parliament.

Implementation according to the Statement of New Regulation Period (SONR)

Vehicle	Number of Regulations being Implemented	Regulations according to Sub-Category
SONR 3 (Jan – June 2012)	7	1 Export Control, 6 Product Safety and Equipment
SONR 4 (July – Dec 2012)	24	3 Export Control, 21 Product Safety and Equipment
SONR 5 (Jan – June 2013)	8	8 Product Safety and Equipment
SONR 6 (July – Dec 2013)	1	1 Weights and Measures
SONR 7 (Jan – June 2014)	4	4 Product Safety and Equipment
SONR 8 (July – Dec 2014)	17	5 Weights and Measures, 12 Product Safety and Equipment
By end 2015	1	1 Weights and Measures
Total	55	

Implementation of Regulations according to each SONR Period



Many of the measures that are being implemented beyond 2013 cannot be carried out at an earlier stage because either: a) we are awaiting the related EU legislation to come into force before we can proceed with implementation; or b) we require the use of primary legislation and the bill process can be complex and lengthy.

It should also be noted that the implementation plans for these later measures may be subject to some change. This is because the measures are, in many cases, dependant on processes that are outside of our control (whether at a domestic or EU level).

Please refer to Annex A for further information on the progress and implementation of individual regulations.

a) Progress to date

Out of the 66 measures to be implemented under this theme, we have completed 33:

- Six regulations on the composition of textile products have been improved, following the introduction of new EU legislation. (The EU Regulation has simplified certain provisions and is estimated to save approximately £1.5million across business and Government).
- Six product safety regulations, the provisions of which are more comprehensively covered in more up-to-date legislation, have been scrapped. This increases certainty for manufacturers by reducing the amount of legislation on a particular issue.
- 15 statutory instruments relating to the formerly nationalised iron and steel industry have been revoked because they were redundant. This has the effect of tidying-up the statute books.

- Four redundant orders relating to export control have been scrapped.
- Two regulations implementing restrictions on the use of hazardous substances in electrical equipment have been scrapped (by being revoked and replaced with a new regulation that implements the recently introduced EU Directive).

b) Measures with planned actions

We have proposed implementation plans for the following measures, which will be carried out before the end of Parliament where possible:

- Seven measures concerning the nationalised Aircraft and Shipbuilding Industries will be scrapped.
- One regulation on the weights and measures of cosmetic products will be scrapped (after the EU Cosmetics Regulation comes into effect in July 2013).
- Four packaging regulations will be improved by consolidating the legislation into one regulation and aligning it with newly introduced consumer enforcement powers.
- Five regulations concerning the regulation of the weights and measures of various food products will be scrapped (after the related EU legislation is repealed).
- Three regulations on the noise emissions of outdoor equipment will be improved by consolidating the legislation into one regulation (which will also implement the revised EU legislation).
- One regulation concerning electrical equipment for explosive atmospheres will be scrapped (using the UK regulation that will implement the amended EU Directive).
- One revocation order relating to the Wool Levy will be scrapped.
- Six measures relating to the formerly nationalised iron and steel industry will be scrapped.
- One regulation concerning plugs and sockets to be improved because the legislation is out-of-date.
- One measure relating to alcoholmeters will also be scrapped by the end of 2015.

c) Actions with implementation plans pending

We have three measures for which we do not have firm implementation plans:

- Three Gun Barrel Proof Acts to be improved by consolidating and updating the legislation.

We are seeking to determine a suitable legislative vehicle for improving this legislation but it should be noted that the legal processes involved are complex and lengthy. We are endeavouring to resolve the issues that have arisen.

d) Unresolved Actions

We have only one regulation, relating to trade descriptions of cutlery, which remains unresolved. We are conducting further investigation into the measure in order to establish the extent of its impact on the cutlery industry. We will then make a decision on whether the regulation should be scrapped or kept.

3. Comments from Business

The comments below illustrate the support we have received from business in relation to the proposed legislative changes. The observations highlight the greater level of clarity and certainty to be achieved by removing/simplifying these regulations.

A Trading Standards organization on revoking the Gas Cooking Appliances (Safety) Regulations 1989-‘The revocation of the Regulations will remove the requirement for second hand gas cooking appliances to comply with out of date standards that have been superseded, thus bringing more certainty and clarity for businesses and enforcers without compromising consumers’ safety’.

A Trading Standards organization on revoking the All-Terrain Motor Vehicle (Safety) Regulations 1989- ‘This will provide clarity by removing regulations that are obsolete and have been superseded by European legislation providing a more comprehensive level of protection’.

The Royal Society for the Prevention of Accidents (RoSPA) on revoking the Gas Cooking Appliances (Safety) Regulations 1989- ‘The principal benefit will be a flexible, current framework for protecting children from these hazards that will be open to new standards and changes in technology which can be used as part of the safety assessment for these products. The issue of second hand products is also very important and GPSR covers this’.

UK Fashion & Textile Association (UKTF) on Textile Labelling- ‘UKTF welcome the simplification of the Regulations on textile fibre names and are broadly in support of the changes proposed’.

4. Next Steps

a) Consultations Pending

The following consultations will be taking place in 2013:

- The **Plugs and Sockets (Safety) Regulations 1994** are to be updated to reflect the latest good practice in engineering. A consultation on changes to the regulations will be carried out in 2013.
- A consultation on the UK implementation of the EU ATEX Directive is to take place in 2013 once the Commission publishes the final version of the Directive. (The implementing legislation will be used to scrap the **Electrical Equipment for Explosive Atmospheres Regulations**.)
- A consultation on the UK implementation of the EU Outdoor Noise Directive is to take place in 2013 once the Commission publishes the amendments. (The implementing legislation will be used to consolidate the **Noise Emissions Regulations**.)
- A consultation is to take place in April-June 2013 on the UK **Weights and Measures Regulations** that will be affected by the introduction of the EU Food Information Regulations. The UK Regulations will largely be scrapped, excepting rules that favour business and subject to UK decision on the regulation of loose foods.
- A consultation will potentially take place at the end of 2013 on the consolidation of the **UK Packaging Regulations**, which will need to be adjusted to align with the new consumer enforcement powers (currently being addressed in the Consumer Rights Bill).

For further information on consultations (including those taking place beyond 2013), please refer to Annex A.

b) Future Updates

The Statement of New Regulation, which we publish twice a year, will provide a regular update on the regulatory changes that we are making. The latest publication can be found at <https://www.gov.uk/government/publications/bis-fifth-statement-of-new-regulation-regulations-covering-january-to-june-2013>

To provide a further update to stakeholders on the Manufacturing theme we will publish the next Manufacturing Report at the beginning of 2014.

Annex A: Implementation by Regulation Groupings

Target Date of Implementation	Proposal	Title of Relevant SI or Act	Origin	Consultation Dates
Implemented (SONR 3)	Remove six measures on the composition of textile products following the introduction of new EU legislation.	Textile Products (Determination of Composition) Regulations 2008; Textile Products (Indications of Fibre Content) (Amendment) (No 2) Regulations 2009; Textile Products (Indications of Fibre Content) (Amendment) Regulations 1988; Textile Products (Indications of Fibre Content) (Amendment) Regulations 1994; Textile Products (Indications of Fibre Content) (Amendment) Regulations 2008; Textile Products (Indications of Fibre Content) Regulations 1986.	EU	N/A
Implemented (SONR 3)	Remove one country-specific export control order, which is redundant.	Export Control (Uzbekistan) (Amendment) Order 2009.	Domestic	N/A
Implemented (SONR 4)	Remove three country-specific export control orders, which are redundant.	Export of Goods (Control) (Bosnia-Herzegovina) (ECSC) (Revocation) Order 1993; Export of Goods (Control) (Haiti) (Revocation) Order 1993; Export of Goods (Federal Republic of Yugoslavia) (Control) (Revocation) Order 2002.	Domestic	N/A

Target Date of Implementation	Proposal	Title of Relevant SI or Act	Origin	Consultation Dates
Implemented (SONR 4)	Remove six measures relating to product safety which are duplicated in more up-to-date EU legislation.	Magnetic Toys (Safety) (Revocation) Regulations 2009; Stands for Carry-cots (Safety) (Revocation) Regulations 1996; Gas Cooking Appliances (Safety) Regulations 1989; Heating Appliances (Fireguards) Regulations 1991; Gas Catalytic Heaters (Safety) Regulations 1984; All-Terrain Vehicles (Safety) Regulations 1989.	Domestic	Consultation completed 23 May 2012.
Implemented (SONR 4)	Remove twelve redundant measures relating to the previously nationalised iron and steel industry.	Iron and Steel (Pension Schemes) (Amendment) Regulations 1972; Iron and Steel (Pension Schemes) (Transfer) (No 2) Regulations 1972; Iron and Steel (Pension Schemes) (Transfer) (No 3) Regulations 1972; Iron and Steel (Pension Schemes) (Transfer) Regulations 1970; Iron and Steel (Pension Schemes) (Transfer) Regulations 1971; Iron and Steel (Pension Schemes) (Transfer) Regulations 1972; Iron and Steel (Pension Schemes) (Transfer) Regulations 1973; Iron and Steel (Pension Schemes) Regulations 1967; Iron and Steel (Pension Schemes) Regulations 1970; Iron and Steel (Pension Schemes) Regulations 1971; Transfer of Functions (Iron and Steel) Order 1955; British Steel Act 1988 (Appointed Day) Order 1988.	Domestic	Consultation completed July 2011.
Implemented (SONR 4)	Remove three redundant measures relating to the previously nationalised iron and steel industry.	European Communities (Iron and Steel Employees Re-adaptation Benefits Scheme) (No 2) (Amendment) Regulations 1996; European Communities (Iron and Steel Employees Re-adaptation Benefits Scheme) (No 2) (Scheme Termination) Regulations 1994; European Communities (Iron and Steel Employees Re-adaptation Benefits Scheme) (No 2) Regulations 1988.	EU	

Target Date of Implementation	Proposal	Title of Relevant SI or Act	Origin	Consultation Dates
Implemented (SONR 5).	Remove two regulations on hazardous substances in electrical equipment using the UK regulation that will implement the recast EU Directive.	Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2009; Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2008.	EU	Consultation completed July 2012.
22 March 2013 (SONR 5).	Remove six redundant measures relating to the previously nationalised aircraft and shipbuilding industry.	Aircraft and Shipbuilding Industries (Aircraft Industry Vesting Date) Order 1977; Aircraft and Shipbuilding Industries (Issue of Compensation Stock) Regulations 1977; Aircraft and Shipbuilding Industries (Shipbuilding Industry Vesting Date) Order 1977; Aircraft and Shipbuilding Industries Arbitration Tribunal Rules 1977; British Shipbuilders Borrowing Powers (Increase of Limit) Order 1988; Shipbuilding Industry (Pension Schemes) Regulations 1978.	Domestic	Consultation completed March/April 2012.
July 2013 (SONR 6).	Remove one weights and measures order when the EU Cosmetics Regulation comes into effect in July 2013.	Weights and Measures (Cosmetic Products) Order 1994	Domestic	Possible consultation to take place April-June 2013.

Target Date of Implementation	Proposal	Title of Relevant SI or Act	Origin	Consultation Dates
Early 2014 (SONR 7).	Consolidate four measures on packaging into one regulation (which will also align with new consumer powers).	Packaging (Essential Requirements) (Amendment) Regulations 2004; Packaging (Essential Requirements) (Amendment) Regulations 2006; Packaging (Essential Requirements) (Amendment) Regulations 2009; Packaging (Essential Requirements) Regulations 2003.	EU	Potential consultation needed when we align enforcement powers with Consumer Rights Bill (which we hope will receive Royal Assent in 2013).
2014	Consolidate three measures using the UK regulation that will be introduced to implement the EU recast Directive (once amended).	Noise Emission in the Environment by Equipment for Use Outdoors Regulations 2001; Noise Emission in the Environment by Equipment for Use Outdoors (Amendment) Regulations 2001; Noise Emission in the Environment by Equipment for Use Outdoors (Amendment) Regulations 2005.	EU	Consultation on implementation of EU recast Directive to take place in 2013 once Commission has published proposal to amend.
2014 (est.)	Remove one regulation on electrical equipment for explosive atmospheres using the UK regulation that will be introduced to implement the amended EU ATEX Directive.	Electrical Equipment for Explosive Atmospheres (Certification) (Amendment) Regulations 1999	EU	Consultation on UK implementing legislation for the revised ATEX Directive to take place in 2013.

Target Date of Implementation	Proposal	Title of Relevant SI or Act	Origin	Consultation Dates
December 2014 (SONR 8).	Remove five weights and measures orders when the EU food Information Regulation comes into effect in December 2014.	Weights and Measures (Miscellaneous Foods) (Amendment) Order 2005; Weights and Measures (Miscellaneous Foods) Order 1988; Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruit and Vegetables, Meat and Poultry) Order 1984; Weights and Measures Act 1963 (Various Foods) (Amendment No 2) Order 1985; Weights and Measures Act 1963 (Various Foods) (Amendment) Order 1985.	Domestic	Consultation to take place April-June 2013.
SONR 8	6 measures relating to the previously nationalised iron and steel industry.	Iron and Steel (Compensation to Employees) (Amendment) Regulations 1971; Iron and Steel (Compensation to Employees) Regulations 1968; Iron and Steel (Compensation to Officers and Servants) (Amendment) Regulations 1964; Iron and Steel (Compensation to Officers and Servants) (No 2) Regulations 1953; Iron and Steel (Pensions) (Dependants) Regulations 1969; British Steel Act 1988 (Government Shareholding) Order 1989.	Domestic	Consultation completed July 2011.
SONR 8	Remove one redundant measure relating to the previously nationalised aircraft and shipbuilding industry.	Shipbuilding Industry Board (Dissolution Provisions) Order 1971.	Domestic	N/A
SONR 8	Remove one redundant revocation order relating to the former wool levy (statutory payments for the promotion of exports).	Wool Textile Industry (Export Promotion Levy) (Revocation) Order 2008	Domestic	N/A

Target Date of Implementation	Proposal	Title of Relevant SI or Act	Origin	Consultation Dates
2015	Remove one alcoholmeter regulation when the new EU legislation comes into effect.	Alcoholmeters and Alcohol Hydrometers (EEC Requirements) Regulations 1977	EU	Consultation to take place 2013/14 once Commission has published proposal to amend the existing EU legislation.
2015	Improve one regulation on plugs and sockets by updating it to reflect the latest in good engineering practice for plugs and sockets.	The Plugs and Sockets etc. (Safety) Regulations 1994	Domestic	Consultation to take place 2013/14 once Commission has published proposal to amend the existing EU legislation.
Unknown	Consolidate and modernise three Acts relating to the proofing of gun barrels.	Gun Barrel Proof Act 1868; Gun Barrel Proof Act 1978; Gun Barrel Proof Act 1950.	Domestic	Consulting with Proof Houses.

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