BIS | Department for Business Innovation & Skills

Red Tape Challenge: Retail and Manufacturing Consultation. Response Form

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): Trading Standards, Community Safety Service, London Borough of Redbridge

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

	Business representative organisation/trade body
	Central government
	Charity or social enterprise
	Individual
	Large business (over 250 staff)
	Legal representative
√	Local Government
	Medium business (50 to 250 staff)

	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
	Trade union or staff association
	Other (please describe)

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

Yes: We do not have strong views on the issue of the minimum age for sales of Christmas Crackers. We understand these to be low risk items and do not object to the age being lowered from 16 to 12.

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

Comments:

There will be significant issues around updating guidance on this legislation, even though it is a simple change. As well as website guidance, there are many hard copy trader guidance booklets and leaflets in existence (down loaded and printed by local authorities) which will need replacing.

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

Comments: We have concerns that by maintaining an age limit which has little credibility in the trade (as suggested in the consultation document), it may detract from the very real issues around age restricted products such as alcohol, tobacco and knives. Lowering the age limit for Christmas crackers may help reinforce the more important age restrictions.

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?

Comments:

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

Yes

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

Comments:

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

Comments: This would give greater clarity and it is understood that the newer standard, BS EN 747 Parts 1 and 2, will give the same or higher degree of safety than the superseded standard encapsulated in the "Bunk Beds" Regulations.

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?

Comments:

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

Yes

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

Comments:

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

Comments: This will consolidate safety provisions, by addressing the risk of strangulation from children's garments in the same safety provision (BS EN 14682), rather than considering separately children's hooded outer garments up to a specified size, with a draw through cord

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?

Comments:

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

Yes

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

Comments:

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

Comments: We understand that wider protection can now be provided by BS EN 1400:2002 rather than the now out of date standard named in the Imitation Dummies Regulations (BS 5239:1988)

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?

Comments:

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

Other: We support recognition, for pencils etc, of the safety limits for heavy metals as permitted in the toys safety standard (EN71-3). However, we have some concerns over different levels for products intended to be used only by adults as we could foresee that these could be readily accessible to young people once purchased. It would also create potential for confusion.

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

Comments:

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

Comments: This would bring some consistency between levels of heavy metals permitted in toys and pencils etc.

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?

Comments:

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

Yes

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

Comments:

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

Comments: We understand this will bring some clarity by removing the reference to an out of date and superseded standard.

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?

Comments:

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

Yes

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

Comments:

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

Comments: 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.

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?

Comments:

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

Yes

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

Comments:

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

Comments: By recognising the role of more up to date standards, this will make the regulation of second hand products more relevant and can reflect best practice. It will allow more flexible solutions rather than providing for a prescriptive design

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?

Comments:

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

Yes

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

Comments:

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

Comments: This will clarify the situation by removing regulations that have been superseded by European legislation, thereby avoiding unnecessary duplication. We understand the 1992 Regulations offer enhanced protection

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?

Comments:

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

Yes

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

Comments:

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

Comments: This will provide clarity by removing regulations that are obsolete and have been superseded by European legislation providing a more comprehensive level of protection.

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?

Comments:

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

Yes

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

Comments:

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

Comments: We understand that the requirements of the 1972 Regulations are replaced or enhanced by more recent European legislation; therefore revocation would add some clarity for businesses and enforcers without detracting from consumer safety

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?

Comments:

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

Yes

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

Comments:

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

Comments: This will bring clarity (for businesses and enforcers) by removing legislation that is redundant. The specific circumstances in relation to sales of beds are adequately covered by the Consumer Protection from Unfair Trading Regulations. Price fixing is covered by competition law.

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?

Comments:

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?

Yes: We understand this will clean up the regulatory structure and will not re-enact the original legislation

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

Yes: We understand this will clean up the regulatory structure and will not re-enact the original legislation

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

Yes: We understand this will clean up the regulatory structure and will not re-enact the original legislation

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: In general, we welcome these proposed changes which should simplify the consumer protection legal landscape, thereby providing more clarity for businesses and enforcers.

In general, these laws under discussion have tended to be very prescriptive, which has meant that they have not kept up with changing product designs/practices and changing consumer expectations, and have thereby become redundant. However, this prescriptive approach did give certainty of interpretation for businesses and enforcers. New European laws, which do allow for flexibility and keeping up to date, have more room for interpretation thus giving less certainty for businesses and enforcers. We note that the increasing emphasis on Primary Authority roles may assist in this respect.

With the increased reliance on Standards, through the General Product Safety Regulations, we have a particular concern over access to the Standards. It is harder to access them in that they are not available online in the way that legislation is. They may be viewed at certain libraries or through paid- for subscriptions or by buying the actual Standards which can be prohibitively expensive.

What happens next?

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.

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

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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