



Improving Regulation

An independent report on the
analysis supporting regulatory
proposals, January-December 2011

March 2012



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Foreword

By Michael Gibbons OBE



This is the Regulatory Policy Committee's (RPC) Annual Report for 2011 which presents the results of our work during the year, as well as some general observations and recommendations. There can rarely have been an economic climate in which it was more important to ensure that regulation was only introduced when necessary and justified by robust evidence.

During the course of 2010, the RPC's remit was expanded in stages but was essentially stable through 2011. Throughout the year Ministers tasked us to review the evidence and analysis supporting new regulatory proposals and issue clear Opinions (flagged Red, Amber or Green) on their quality and robustness, as well as validating the costs and benefits to business in line with the Government's One-in, One-out policy for all new proposals affecting business and the third sector. We are also beginning to see the first results of the Red Tape Challenge.

Consistent Ministerial commitment to strong independent challenge in the UK system has played a crucial role in our ability to deliver. Ministers have further demonstrated their commitment by giving the RPC formal Advisory Non-Departmental Public Body status from April 2012.


Delivering independent scrutiny in a clear, consistent and timely manner, as proposals are being developed, is an extremely challenging task, and is one that is bound to result in occasional tension between us and Departments. Whilst this is inevitable, I believe our relationships with Departments have developed well over the year, and that our work has clearly demonstrated the benefits of having independent challenge in the UK system.

2011 was an extremely busy, challenging and productive year for the RPC. We issued just under 600 Opinions on Impact Assessments sent to us for scrutiny and we report that we have seen positive signs that our work is making a difference in terms of improved quality of evidence and analysis provided to support the proposals made.

In 2010 only 56% of the Impact Assessments we reviewed were judged 'fit for purpose'. During the first six months of 2011 this rose to 69%, and that improvement continued during the last half of the year. Overall for 2011 72% received a 'fit for purpose' rating.

While an improvement in the quality of Impact Assessments is important it is not an end in itself. Ultimately our role in the regulatory process is to help drive a culture change towards regulating only when it is shown to be necessary by robust evidence and where the objectives cannot be met by non-regulatory alternatives.

One of the important challenges in achieving better regulation outcomes is to make the connection between the key high level principles for new regulation, on which there can be widespread agreement, and incorporating them into each individual piece of legislation



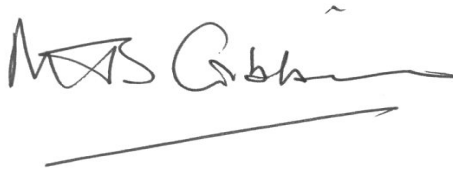
which is a much more detailed, resource consuming and challenging activity, I believe that the RPC successfully ensures that the agreed criteria for good regulation are tested, in specific terms, against each individual new proposal.

The improvement in the quality of IAs is a very significant step forward and many Departments have worked hard to improve the quality of their evidence and analysis. However, even with this improvement one in four Impact Assessments are currently rated 'not fit for purpose'. This remains worryingly high and we challenge Departments to raise their standards further in 2012.

In addition, we would like to see more Green-rated Impact Assessments because this would allow Ministers and UK citizens to have a better understanding of the real costs and benefits of regulation. In 2011, less than a third of IAs had Green ratings. We would also hope to see a step change in this area across all Departments in 2012.

Finally I would like to thank my fellow Committee members for their continuous hard work and high standards, and the RPC Secretariat who with limited resources and often under great pressure, have worked tirelessly and demonstrated outstanding commitment as well as quality in their work.

I hope you will find this report of interest and would welcome any views that you may have.



MICHAEL J S GIBBONS OBE
Chairman of the Regulatory Policy Committee

Chapter 1: The Regulatory Policy Committee

Introduction

1.1. This is our fourth report and builds on the findings and results from our previous reports. In it we review our work over the last six months of 2011, as well as the year as a whole.

1.2. In this Chapter we briefly explain our role within the UK's regulatory framework and how we fulfil that remit. We present and discuss our latest findings in Chapter 2, and set out our experiences, observations and recommendations on the UK system and wider regulation agenda in Chapter 3.

The Committee

1.3. The Regulatory Policy Committee (RPC) was established in 2009 to provide external and independent challenge on the evidence and analysis presented in Impact Assessments (IAs) supporting the development of new regulatory measures proposed by the Government. By the end of 2011, the RPC had examined in detail and issued Opinions on 767 IAs.

1.4. The Committee consists of six experts on regulation from different backgrounds in business, consumer groups, trade unions and academia. Full details of the Committee are set out in Annex A. The Committee is supported by a civil service secretariat.


1.5. Our knowledge and experience allow us to fulfil our advisory role in scrutinising the analysis and evidence supporting regulatory proposals by Government Departments.

1.6. In delivering our remit and the full benefits of external challenge, we are mindful of the need to be objective, consistent and independent of departmental decision making. We have put in place a system designed to ensure consistency, proportionality and as far as possible transparency in how we scrutinise each IA that is submitted to us. Details of this system were comprehensively covered in our July 2011 report¹.

1.7. To assist Departments we have previously made seven recommendations, which we continue to believe are important:

- Don't presume regulation is the answer;
- Take time and effort to consider all the options;
- Make sure you have substantive evidence;

¹ <http://regulatorypolicycommittee.independent.gov.uk/wp-content/uploads/2011/09/Rating-Regulation-July-2011-FINAL-A.pdf>

- 
- Produce reliable estimates of costs and benefits;
 - Assess non-monetary impacts thoroughly;
 - Explain and present results clearly;
 - Understand the real cost to business and civil society of regulation.

Fuller details on these can be found in Chapter 2.

Delivering Independent scrutiny – our role

1.8. Whilst our role has expanded considerably since we were established in late 2009, and was further strengthened in 2010, external, independent challenge on the evidence and analysis supporting the development of new regulatory proposals remains the key focus of our remit and work. We therefore mainly work on the evidence and analysis presented in the IAs accompanying new regulatory proposals.

1.9. An IA is a tool to assess all of the costs, benefits and risks of regulatory changes on the UK as a whole. In assessing IAs we use the same documentation that Departments use themselves in producing IAs. Principally, this is HM Treasury’s Green Book², the Better Regulation Executive’s (BRE’s) IA guidance and toolkit³, and more recently the BRE’s methodology for ‘One-in, One-out’ (OIOO)⁴.

1.10. Our primary role is to consider for each individual IA whether the costs and benefits have been correctly identified and accurately assessed. We also ensure that the regulation has been correctly identified as an ‘In’, ‘Out’, or is out of scope under the prevailing One-in, One-out methodology.

1.11. From the beginning of 2011, each of our Opinions has been prefaced with a Red (‘not fit for purpose’), or Amber or Green (‘fit for purpose’) rating in order to ensure that our views are made clear⁵.

1.12. Our work goes beyond issuing Opinions on IAs. We also validate the numerical basis of OIOO and review all deregulatory measures emanating from the various Red Tape Challenge reviews.

1.13. For both ‘Ins’ and ‘Outs’ Ministers also rely on the RPC independently to validate the estimated equivalent annual net cost to business, so that the overall Departmental and Government performance in terms of OIOO is accurate. Our assessments are used in the regular Statements of New Regulation.

1.14. The principal features of our work are:

² http://www.hm-treasury.gov.uk/d/green_book_complete.pdf

³ <http://www.bis.gov.uk/assets/biscore/better-regulation/docs/i/11-518-impact-assessment-toolkit.pdf>

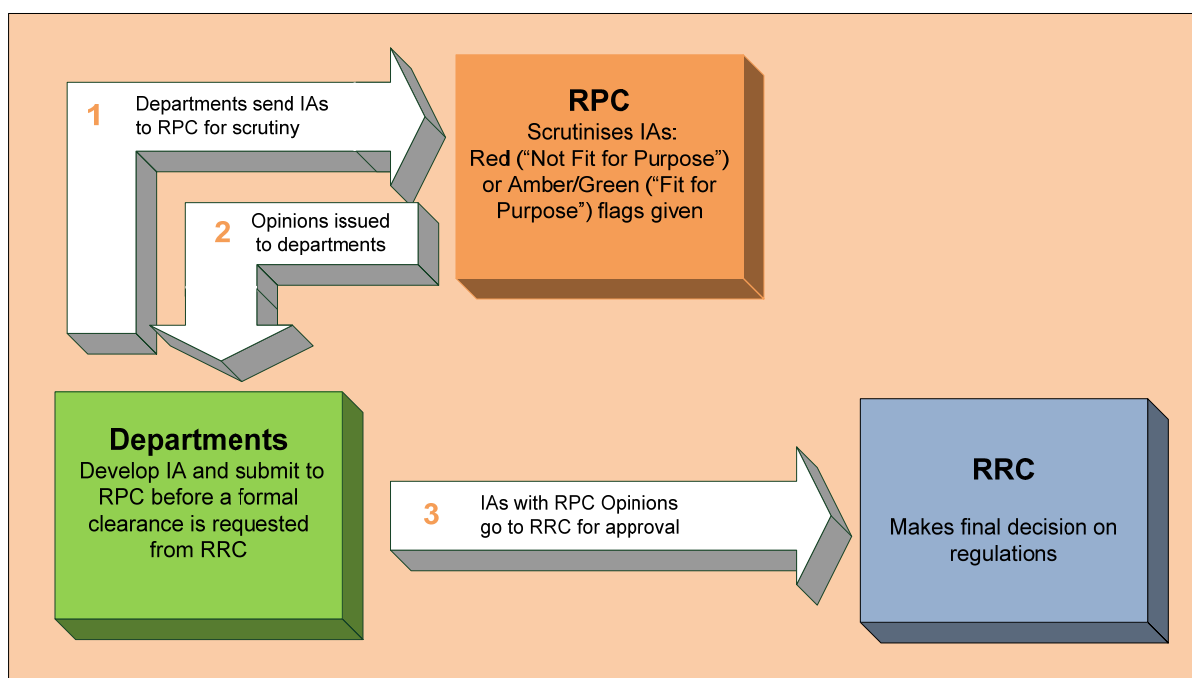
⁴ <http://www.bis.gov.uk/policies/bre/better-regulation-framework/one-in-one-out>

⁵ See box 2.1 in chapter 2 for more information on Red, Amber and Green ratings

- The breadth of our remit – we review all IAs accompanying regulatory proposals submitted to the Reducing Regulation Committee (RRC)⁶. We give our views to RRC Ministers *prior* to them making their decisions on new regulatory proposals, both at consultation and final stage.
- RRC Ministers have indicated that they do not expect to receive new regulatory proposals from Departments where we have considered the IA as ‘not fit for purpose’; typically such proposals are re-submitted to us.
- Only cost and benefit estimates validated by us are accepted by Ministers in relation to the policy of OIOO.

1.15. Our role within the UK regulatory system is summarised in Figure 1.1.

Figure 1.1: Summary of our role in the clearance of regulatory proposals



⁶ The RRC is a Cabinet sub-committee established to take strategic oversight of the delivery of the Government's regulatory framework. More information on the RRC is available at: <http://www.bis.gov.uk/policies/bre/better-regulation-framework/regulatory-decision-making/reducing-regulation-committee>



Delivering Independent scrutiny – our scope

1.16. In delivering our external and independent scrutiny of the analysis and evidence supporting regulatory proposals, it is important to note that our work does not cover all regulation.

1.17. Our remit is to scrutinise IAs supporting regulations that fall within the remit of the RRC and within the scope of OIOO. We do not comment on IAs supporting:

- Regulatory proposals that are produced by Departments that are not subject to RRC clearance;
- Negotiation positions on European legislation;
- Regulatory proposals of Independent regulators, such as Ofcom, Ofgem, the Legal Services Board and the Financial Services Authority.

1.18. In fulfilling our remit we also do not comment on underlying policy objectives – decisions on policy are a matter for Ministers. Rather, we aim to facilitate improvement in the policy making process by ensuring that Ministers are able to make decisions based on robust evidence and analysis.

1.19. The RPC plays a pivotal role in relation to the Government’s ‘One-in, One-out’ policy, which is aimed at controlling the flow of new regulation by Departments and reducing the net burden imposed on business and civil society organisations.

1.20. The OIOO policy aims to ensure that any new regulation imposing a cost to business or civil society organisations is balanced by removing regulations which impose an equivalent cost.

1.21. The Government has asked us to validate the estimated equivalent annual costs and benefits to business and civil society organisations of regulatory and deregulatory proposals. The need for external quality assurance is required for OIOO to operate credibly and we have been asked to take on this role.

1.22. While IAs are also required to state whether or not a policy is in line with the Government’s moratorium on introducing new regulatory burdens on micro businesses, the RPC does not have a role in monitoring or granting exemptions to that policy.

Our unique perspective

1.23. Our place in, and experience of, the UK regulatory system has given the RPC a unique position from which to comment on the effectiveness of the system and the challenges Ministers and Departments face in addressing the full spectrum of the Better Regulation agenda.

1.24. In addition to presenting the findings of our work over 2011, in the next Chapter, Chapter 3 seeks to draw out the lessons we have learnt and includes observations on the current system, and our recommendations for how it could be developed further to ensure the UK's regulatory system is truly world-class.

Chapter 2: Our latest results

Introduction

2.1. During the last year we have covered issues as wide ranging as nuclear energy, immigration reform, employment law and the importing of potato seeds.

2.2. The output of our work takes the form of Opinions. In these we say whether we think an IA is ‘fit for purpose’ or not. If we ‘Red’ flag an IA as ‘not fit for purpose’ we say why and suggest ways in which we believe it needs to be improved. If we think an IA is ‘fit for purpose’ it will fall into one of two categories – ‘Amber’ or ‘Green’. Box 2.1 below explains the meaning of the ‘Red’, ‘Amber’ and ‘Green’ flags.

Headline results

2.3. We issued 582 Opinions in 2011, of which 303 were issued in the second half of the year. Of these 465 were first time submissions from Departments. Where Departments receive unfavourable Opinions from the Committee on their IAs they are expected to revise and resubmit them to us having addressed our concerns. The analysis in this report is based on first time submissions because:

- They reflect what Departments produced using their own internal systems and procedures.
- They reflect what Departments would have submitted to Ministers in our absence.

Box 2.1: What it means to get a Red, Amber or Green flag from the RPC

RED – If an IA receives a Red flag, this means we have significant concerns with the analysis and evidence presented. The issues we raise ***must/need to*** be addressed before a ‘Fit for Purpose’ rating can be obtained on resubmission. In terms of our six recommendations it is the failure to fully adhere to one or more of these that will lead to a Red flag being issued. We judge the IA to be ‘Not Fit for Purpose’.

AMBER – If an IA receives an Amber flag, this means we have areas of concern with the quality of analysis and evidence presented. These issues ***should*** be addressed prior to the IA being finalised so as to improve its contribution to the final decision made. On this understanding, we judge the IA to be ‘Fit for Purpose’.

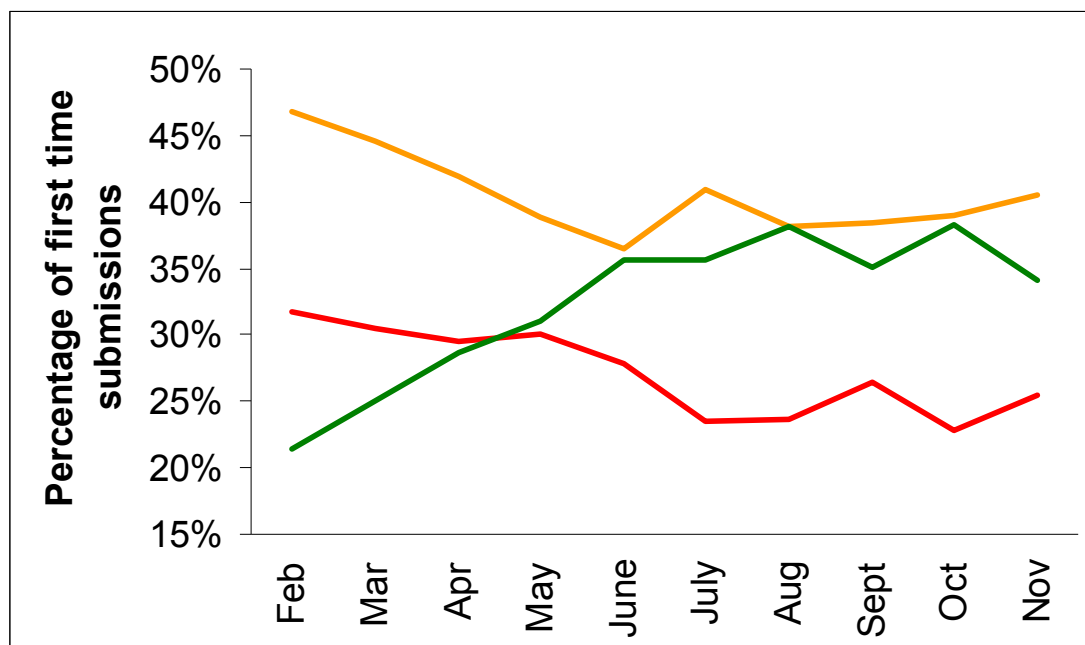
GREEN – If an IA receives a Green flag, this means we have no significant concerns with the quality of analysis and evidence presented. We make suggestions where we think the IA ***could*** be improved to deliver greater clarity or to aid understanding. We judge the IA to be ‘Fit for Purpose’.

Performance over time

2.4. In 2011 the proportion of IAs judged ‘not fit for purpose’ fell from 31 per cent in the first six months to 25 per cent in the second six months. This was a significant improvement on the figure of 44 per cent reported in our February 2011 report, covering September to December 2010. Figure 2.1 provides a more detailed breakdown of how the proportion of IAs judged ‘Red’, ‘Amber’ and ‘Green’ has changed over 2011.

2.5. The chart plots a three month rolling average⁷ of the percentage of first time submissions that were judged ‘Red’, ‘Amber’ and ‘Green’.

Figure 2.1: RAG Breakdown over 2011



2.6. The chart shows that in the first six months the proportion of IAs judged ‘not fit for purpose’ fell and there was a large increase in the proportion judged to be of a sufficiently high standard to receive a Green rating, the level we would ultimately like to see all IAs reach.

2.7. This was a positive development and it supports our general observation that Departments were not simply doing the minimum necessary to avoid a ‘not fit for purpose’ rating but were genuinely attempting to improve the quality of their IAs.

2.8. However, the last six months of 2011 showed little change in the split between ‘Red’, ‘Amber’ and ‘Green’. This supports our own qualitative experience that while the first six months saw rapid improvement there remain fundamental flaws in analysis that are proving more difficult for Departments to deal with. We discuss some of the flaws in each Department’s IAs later in this chapter.

⁷ The data point for each month is the average for the three month period centred on that month, weighted by the number of IAs. So for example the data point for February is based on all opinions published in January, February and March.

2.9. While we are pleased that the proportion of IAs given a Green Opinion has increased, it is disappointing that the level remains so low. The majority of Departments still receive Green ratings for less than a third of their IAs submitted to us for the first time.

Departmental figures

2.10. Table 2.1 presents Departmental performance against our current RAG system with Departments shown in order of the proportion of IAs that received a ‘not for purpose’ rating.

Table 2.1: Red-Amber-Green performance 2011

Departments and Agencies	Opinions Issued	Red	Amber	Green	Fit For Purpose
Health and Safety Executive ^s	11	9%	55%	36%	91%
HM Treasury	20	11%	53%	37%	89%
Department for Education	7	14%	86%	0%	86%
Department of Energy and Climate Change	28	18%	50%	32%	82%
Cabinet Office	5	20%	80%	0%	80%
Department for Business Innovation and Skills	75	23%	37%	40%	77%
Department for Transport	91	23%	42%	35%	77%
Department for Culture, Media and Sport	34	24%	29%	47%	76%
Department for Environment Food and Rural Affairs	69	30%	32%	38%	70%
Department for Communities and Local Government	32	31%	44%	25%	69%
Ministry of Justice	32	31%	66%	3%	69%
Food Standards Agency	4	50%	25%	25%	50%
Home Office	24	50%	33%	17%	50%
Department of Health	19	53%	32%	16%	47%
Department for Work and Pensions	12	58%	33%	8%	42%
Ministry of Defence	1	100%	0%	0%	0%
<i>Total</i>	<i>465</i>	<i>28%</i>	<i>41%</i>	<i>31%</i>	<i>72%</i>

^s The Health and Safety Executive is classified as an Executive Non-departmental Public Body with Crown Status, sponsored by the Department for Work and Pensions. It has requested that its results be classified separately. The Home Office statistics include results for the Government Equalities Office and the UK Border Agency. Numbers may not sum to 100% due to rounding.

2.11. While we treat both ‘Amber’ and ‘Green’ ratings as ‘fit for purpose’ it is important to note the difference between the two. IAs which receive an ‘Amber’ rating still include flaws which we recommend the Department should address before proceeding.

2.12. Table 2.2 is constructed using the same data as table 2.1 but looks only at the percentage of IAs judged to be of a sufficiently high standard to receive a ‘Green’ rating. While Ministers have indicated that the objective for Departments should be to produce IAs that we consider to be ‘fit for purpose’, a long-term objective should be for Departments to aim to produce high-quality IAs where we consider Green ratings to be most appropriate. This would indicate that the quality of analysis and evidence presented is of a high-level and therefore would contribute to better policy making.

Table 2.2: Green Performance 2011

Departments and Agencies	Opinions Issued	Green
Department for Culture, Media and Sport	34	47%
Department for Business, Innovation and Skills	75	40%
Department for Environment, Food and Rural Affairs	69	38%
HM Treasury	20	37%
Health and Safety Executive	11	36%
Department for Transport	91	35%
Department of Energy and Climate Change	28	32%
Department for Communities and Local Government	32	25%
Food Standards Agency	4	25%
Home Office	24	17%
Department of Health	19	16%
Department for Work and Pension	12	8%
Ministry of Justice	32	3%
Department for Education	7	0%
Cabinet Office	5	0%
Ministry of Defence	1	0%
<i>Total</i>	<i>465</i>	<i>31%</i>

2.13. The above tables provide a useful reflection of Departments’ performance. However, we must be careful when carrying out a comparison of Departments. The nature of policies on which Departments produce impact assessments varies. It might be more difficult to produce a good quality analysis of the impacts of a complex policy change than of amending fees

legislation, although Departments should reflect this with the resources they commit to the analysis of the proposal.

2.14. Some Departments may also have benefited from the type of IAs they produced, the stage they were at and the scale of the policies. IAs supporting proposals of European origin receive fewer ‘not fit for purpose’ ratings as they are out of scope of ‘One-in, One-out’ and may not require as detailed analysis of the alternatives to the preferred regulatory option.

2.15. Consultation IAs are required only to identify impacts rather than provide robust quantification. IAs supporting policies with low cost and benefit figures are still required to meet many of the same criteria as those supporting higher impact proposals but, in line with a proportionate approach to the preparation of IAs, are not expected to provide the same level of analysis. A more detailed discussion of these issues was contained in our July 2011 report, which can be found on our website⁹.

2.16. There are also a number of Departments that have submitted only a small number of IAs to the RPC, particularly the Ministry of Defence (1), the Food Standards Agency (4) and the Cabinet Office (5). These Departments have submitted too few IAs for us to draw any conclusions.

2.17. In the following Departmental summaries we seek to highlight not only the Department’s overall performance, but also provide insights into the reasons behind our ‘not fit for purpose’ Opinions, to help the Departments understand where there is scope for improvement in the quality of IAs.

2.18. The tables presented in this section show the number of Red, Amber and Green IAs broken down by Department. The numbers in brackets in the first column are the results for the first six months of 2011 and when compared to the accompanying figure for the entire year, provide an indication of the Department’s progress.

2.19. We have not provided discussion for those Departments that submitted fewer than 10 IAs as the number is insufficient to draw any firm conclusions. The Departments are presented in the same order as table 2.1.

Health and Safety Executive

Health and Safety Executive			
	All	Consultation	Final
Total	11 (6)	6	5
Red	1 (1)	0	1
Amber	6 (3)	4	2
Green	4 (2)	2	2

⁹ <http://regulatorypolicycommittee.independent.gov.uk/reports>

2.20. HSE received only a single ‘not fit for purpose’ Opinion and received an above average proportion of Green Opinions. The Executive’s numbers in the second six months of 2011 were broadly consistent with the first six months.

2.21. While there are still issues with some of the IAs produced by HSE as reflected in their Amber ratings, generally the analysis presented was of a high standard, and the Department has consistently produced IAs in line with our seven recommendations¹⁰.

2.22. The most common reason for Amber ratings rather than Green was a failure to provide sufficient discussion of assumptions, particularly at consultation stage. It is important that assumptions are discussed to give consultees the chance to comment on them and therefore be better positioned to provide responses on the likely impacts of the proposal.

HM Treasury

HM Treasury			
	All	Consultation	Final
Total	19 (8)	8	11
Red	2 (2)	0	2
Amber	10 (4)	6	4
Green	7 (2)	2	5

2.23. Only two of the first time submissions from HM Treasury received ‘not fit for purpose’ Opinions. In addition, the Department received a relatively high portion of Green Opinions. The Department’s performance in the second six months of 2011 was a marked improvement on the first half with no ‘not fit for purpose’ IAs and almost half of all IAs considered to be of a Green standard.

2.24. HM Treasury had one of the best proportions of Green IAs at final stage. The final stage IAs showed that the Department had effectively engaged with stakeholders, testing the assumptions that had been previously made while further strengthening the evidence base. This meant that the estimated costs and benefits of the regulatory proposals could be considered as having been appropriately assessed.

¹⁰ See box 2.2 for detail of the recommendations

Department of Energy and Climate Change

Department of Energy and Climate Change			
	All	Consultation	Final
Total	28 (17)	8	20
Red	5 (3)	2	3
Amber	14 (8)	5	9
Green	9 (6)	1	8

2.25. Overall DECC received few Red Opinions and an above average proportion of Green ones. There was little change between the first and second six months of the year.

2.26. DECC's policies often had complex impacts that were difficult to quantify. However, the Department often did well at quantifying impacts where possible and providing a clear explanation of why this could not be done in other cases, providing instead a qualitative discussion of the expected impacts.

2.27. For those IAs that did receive 'not fit for purpose' ratings, the main reason was the lack of sufficient evidence presented to support the estimates of the costs and benefits of the policies. This was particularly pertinent because of the nature of DECC's policies. There is often a degree of uncertainty around the costs and benefits, which are often large, and therefore we require sufficient evidence to convince us that the impacts have been adequately assessed.

Department for Business, Innovation and Skills

Department for Business Innovation and Skills			
	All	Consultation	Final
Total	75 (31)	39	36
Red	17 (7)	7	10
Amber	28 (13)	16	12
Green	30 (11)	16	14

2.28. BIS received an above average proportion of 'fit for purpose' ratings and the second highest proportion of Green ones. The proportion of BIS IAs rated 'fit for purpose' was constant across 2011. However, there was a large increase in the proportion of Greens in the second half of the year. The IAs that received Green ratings tended to support the analysis with a particularly strong evidence base.

2.29. Many of the IAs submitted from BIS were produced by external agencies. We have noticed that these accounted for a higher proportion of 'not fit for purpose' rating than those produced by the Department itself.

2.30. The most common weakness of IAs submitted by the agencies was a failure to explore all of the options at consultation stage and the incorrect treatment of transfers. When the effect of a policy is simply to make one party better off and another worse off by an equal amount, this should be treated as having no net effect on the net present value of the policy, but is often misidentified as a cost or benefit.

2.31. We understand that not all BIS agencies go through the full BIS internal IA processes. The Department would benefit from allowing the agencies access to the processes that exist within BIS so that the quality of their IAs can be brought into line with those of the main Department. We have discussed this with the BIS Departmental Better Regulation Unit and we understand that steps have been taken to tighten up procedures and give more support to agencies in the future.

2.32. Of those IAs submitted by BIS the most common reason for a ‘not fit for purpose’ rating was a failure fully to justify the benefits to business. If doing something is beneficial to business we always ask why they aren’t doing it voluntarily. The IAs often failed to answer this question.

Department for Transport

Department for Transport			
	All	Consultation	Final
Total	91 (47)	40	51
Red	21 (14)	7	14
Amber	38 (23)	20	18
Green	32 (10)	13	19

2.33. DfT produced the most impact assessments of any Department in 2011, covering a wide range of issues. The split of Red, Amber and Green Opinions was slightly better than the average for all Departments.

2.34. We did see a marked improvement between IAs submitted in the first and second halves of 2011. A half of all DfT first time submissions in the second half of 2011 received Green ratings and only 16% were considered ‘not fit for purpose’. This is a very positive trend.

2.35. More so than other Departments, DfT submits many IAs covering similar policies. It is therefore important that officials producing new IAs are aware of the issues we have previously raised. DfT has done well at this; it has been rare that an issue raised in one IA has reoccurred.

2.36. However, some of the IAs submitted by DfT failed to set out clearly the problem and how this policy would solve it; this was particularly the case for consultation stage IAs where we would consider such context essential in order to facilitate an effective and meaningful consultation. In the absence of such information, it is difficult for us to say that the case for new regulation is robust.

2.37. While DfT has a strong framework for analysing transport impacts, some of its IAs failed to present this analysis sufficiently clearly. IAs should always be prepared as stand alone documents for a non-expert audience. There have been instances where DfT's IAs have failed to do this, which has made it difficult to determine whether the impacts of the proposal had been adequately assessed.

Department for Culture, Media and Sport

Department for Culture, Media and Sport			
	All	Consultation	Final
Total	34 (16)	13	21
Red	8 (2)	4	4
Amber	10 (3)	7	3
Green	16 (11)	2	14

2.38. DCMS was slightly above average in terms of 'fit for purpose' ratings and also produced a much higher proportion of IAs that received Green Opinions than any other main Whitehall Department, most of them at the final stage. Unfortunately, the proportion of IAs receiving Green ratings declined considerably in the second half of 2011 while the proportion 'not fit for purpose' rose. This may be because the figure for the first half of 2011 was driven by a single batch of IAs.

2.39. The majority of the IAs given Green ratings at final stage came from a package of 10 IAs on the EU electronic communications regulations, all of which received a Green rating. While many of the benefits of these regulations were not quantified we were satisfied that the Department had made all reasonable efforts to do so and had provided sufficient qualitative discussion to assess the impacts of the policy. Importantly, it was possible for us to determine from the IAs what impacts on the UK were likely to result from the implementation of a European proposal.

2.40. There was no clear single common factor among the IAs from DCMS considered to be 'not fit for purpose'. The issues were often those such as a failure to identify wider impacts, which are seen across all Departments.

Department for the Environment, Food and Rural Affairs

Department for Environment, Food and Rural Affairs			
	All	Consultation	Final
Total	69 (35)	28	41
Red	21 (12)	6	15
Amber	22 (12)	11	11
Green	26 (11)	11	15

2.41. DEFRA received a slightly below average proportion of ‘fit for purpose’ Opinions but was among the top Departments for the proportion of Greens. In the second half of 2011 DEFRA improved both the proportion of IAs that received ‘fit for purpose’ ratings and the proportion that received a Green rating.

2.42. In assessing the impact of a policy it is important that the IA clearly identifies what the current situation is and exactly what changes will result from the policy. Failure to do this was the main reason for DEFRA IAs receiving a ‘not fit for purpose’ rating. In many of these IAs the counterfactual was either not made clear or was incorrectly identified, meaning that we could not assess the impacts of the policy.

2.43. Those DEFRA IAs that did clearly set out the current situation tended to be good at explaining the impacts of the policy, providing quantitative evidence where possible or alternatively a qualitative discussion.

Department for Communities and Local Government

Department for Communities and Local Government			
	All	Consultation	Final
Total	32 (14)	19	13
Red	10 (7)	2	8
Amber	14 (6)	12	2
Green	8 (1)	5	3

2.44. DCLG had few Red ratings at consultation stage, but over 60% of its final stage IAs were considered ‘not fit for purpose’. The high proportion of Red ratings was mostly driven by a poor performance in the first six months of 2011. The proportion of IAs found ‘not fit for purpose’ fell from 50% in the first six months to 17% in the second while the proportion of Greens rose from only 7% to 44%.

2.45. The most common reason for DCLG IAs receiving ‘not fit for purpose’ ratings at final stage was a failure to provide sufficient evidence to support the costs and benefits or fully to explain how benefits will be delivered. In both cases this seems to point to a failure to make use of consultation to gather the evidence necessary to support the recommendations made at the final stage. This is consistent with our Opinions at consultation stage, where the main reason for IAs receiving Amber ratings was that the assumptions which had been made would require testing and further development as part of the consultation process.

2.46. Another theme present in ‘not fit for purpose’ Opinions given to DCLG was incorrect identification of the OIOO implications of the policies. This was mainly due to misunderstanding of the OIOO methodology rather than a failure to understand the impact on business. The same mistakes were made in multiple IAs, even after we had issued Opinions repeatedly pointing out the mistake. The improvement in the second half of the year suggests that these points were being learned and disseminated.

Ministry of Justice

Ministry of Justice			
	All	Consultation	Final
Total	32 (17)	17	15
Red	10 (3)	3	7
Amber	21 (14)	14	7
Green	1 (0)	0	1

2.47. MoJ received a slightly below average proportion of ‘fit for purpose’ Opinions. These were mostly Amber, and only one Opinion was given a Green rating. While these IAs were considered ‘fit for purpose’, in many cases we still felt that qualitative discussion of the impacts should have been strengthened.

2.48. The number of ‘not fit for purpose’ IAs produced by the Department has increased considerably since the first half of 2011. In the second half of 2011 47% of MoJ IAs were ‘not fit for purpose’, compared to only 18% in the first half. This trend may have been skewed by a number of difficult and complex policies but it is still cause for concern, especially given the improvement seen in most other Departments.

2.49. The nature of proposals originating from MoJ means that it is often difficult for their impacts to be monetised. This is both because of the nature of the impacts, which often relate to concepts such as justice and fairness, and because of a lack of availability of data. While we accept these reasons for not providing monetised impacts, the IA must provide qualitative analysis of the likely impacts of a proposal, demonstrating which groups will be affected and how. Those MoJ IAs that received Red ratings normally did not do this. This was particularly true of the assessment of impacts on business; we received IAs from MoJ that referred to the impacts on business as ‘broadly neutral’ without providing sufficient evidence to support the claim.

2.50. Another area where MoJ IAs tended to be weak was in providing a justification for why regulation was needed. An IA should be clear about what is the problem the policy aims to address, and this was not always the case with MoJ IAs – particularly as regulation should be considered only as a last resort. This criticism also relates to those proposals that are being taken forward based on recommendations of independent reviews or studies conducted by other organisations in the justice system, such as the Law Commission. As a stand alone document the IA needs to provide a full explanation of the rationale behind regulatory proposals that originate from other studies regardless of how reliable the original studies are deemed to be.

Home Office

Home Office			
	All	Consultation	Final
Total	24 (15)	10	14
Red	12 (7)	4	8
Amber	8 (6)	4	4
Green	4 (2)	2	2

2.51. Half of all first time submissions from the Home Office were considered ‘not fit for purpose’ while only 17% were of the standard required for a Green rating. While the proportion of IAs that received a Green rating increased in the second half of 2011 the proportion found to be ‘fit for purpose’ actually fell.

2.52. Most of the ‘not fit for purpose’ Opinions were for proposals on the immigration system. One of the underlying issues found in those IAs was the lack of sufficient consultation and dialogue with other Government Departments and stakeholders during the process of preparing the IA.

2.53. For example, the proposals on changes in the fees for immigration services that UK Borders Agency submitted had wider implications including on tourism and services sectors, which were not sufficiently discussed. Similarly, the proposals on student visas have direct impacts on universities and other higher education establishments.

2.54. Another reason the Home Office received a relatively high number of Red Opinions may be the fact that the proposals the Department is dealing with (e.g. immigration, alcohol) have wider potential impacts on different aspects of our economy and society. For example, to analyse the impacts of immigration policies, such as introduction of restrictions on economic migrants and students, there needs to be a sufficient methodological base, such as the potential effects on the labour market. Also, many standard assumptions that the Home Office has used in the past during less-challenging economic times (e.g. the assumption regarding the impact of migration on the domestic labour market) needed to be revisited. The RPC has challenged some aspects of the analyses presented including the impact of reduced migration on the labour market. The Home Office asked the Migration Advisory Committee (MAC) to carry out a comprehensive review of migration impacts in current economic times to inform its future policies. The MAC report was published in January 2012 and we hope it will improve the methodological base and for the Home Office to strengthen its IAs in the future.

Department of Health

Department of Health			
	All	Consultation	Final
Total	19 (13)	7	12
Red	10 (6)	4	6
Amber	6 (5)	1	5
Green	3 (2)	2	1

2.55. Over 50% of first time submissions from DH were considered ‘not fit for purpose’. Of even greater concern is the fact that the proportion of ‘fit for purpose’ IAs fell over the year with two thirds of DH first time submissions in the second half of 2011 receiving ‘not fit for purpose’ ratings.

2.56. We have seen a wide range of proposals from DH a high proportion of which received a Red rating. Many of these proposals were highly sensitive and complex measures for which we would therefore expect a high level of evidence and analysis in order to accept with the impacts presented. The most common flaw in these IAs was that the analysis of wider economic impacts was incomplete. For example, tobacco IAs tended to provide a full analysis of benefits, but failed to estimate the full economic costs to producers and retailers.


2.57. DH is stronger when it comes to assessing the direct health benefits of its proposals. Difficult to assess benefits, such as health improvements from reduced smoking, were fully monetised and supported by a strong evidence base.

Department for Work and Pensions

Department for Work and Pensions			
	All	Consultation	Final
Total	12 (5)	6	6
Red	7 (3)	3	4
Amber	4 (2)	3	1
Green	1 (0)	0	1

2.58. 58% of DWP first time submissions were ‘not fit for purpose’; including 67% of final stage IAs. The proportion did improve slightly in the second half of the year. However, the numbers are too small to draw any conclusions.

2.59. One of the main reasons for the DWP IAs receiving ‘not fit for purpose’ Opinions was incorrect or partial assessment of the net direct impact on business for OIOO purposes. While we accept that it is not always easy to correctly identify the direct impact on business the scale of many of DWP’s proposals means that we require a high level of detail so that we can be confident in determining whether costs and benefits have been adequately assessed.



2.60. DWP IAs tend to be relatively shorter than other IAs. While we do not encourage the IAs to be unnecessarily long, they should still provide sufficient information and details about the specific elements of the proposal to allow a full understanding by both experts and non-experts of the field.

2.61. There are some areas where DWP IAs are strong; DWP IAs are normally supported by a significant amount of analytical work and modelling, which is particularly important given the complexity of its IAs. It has had a particularly high level of engagement with the RPC secretariat following Red opinions and has taken into account our comments. We hope to see this reflected in a significant improvement in ‘fit for purpose’ ratings in 2012.

Overall

2.62. During 2011 Departments have raised their game. However, with one in four IAs still receiving a ‘not fit for purpose’ rating, it is clear that there is still significant room for improvement, especially in relation to the percentage of IAs that are rated as Green.

2.63. Our seven key recommendations to Departments still stand (see box 2.2) and we would encourage all Departments to ensure those developing regulatory proposals are aware of them and take them into consideration when undertaking their work.

Box 2.2: Our Seven Recommendations

In our first report ‘Reviewing Regulation’ we set out six recommendations, which were a consequence of our initial findings. These recommendations represented what we saw, and continue to see, as integral steps or ‘pinch points’ in the process of producing a high quality IA. These recommendations, which are fully compliant with ‘The Green Book’ and the ‘Impact Assessment Guidance’, can be seen as a distillation of the regulatory appraisal process.

Recommendation 1: Don’t presume regulation is the answer

- Has a market failure been clearly identified and is it demonstrated that government intervention is warranted?
- Have non-regulatory alternatives been fully considered and, if not, has sufficient justification been provided to explain why not?

Recommendation 2: Take time and effort to consider all the options

- Have a sufficiently wide range of options been taken forward for detailed appraisal?
- Has any viable option been ruled out of detailed appraisal without good reason?

Recommendation 3: Make sure you have substantive evidence

- Is there evidence explaining how the market currently works and how any market failure identified is causing the observed behaviour in the market?
- Have the outcomes and responses of public consultation (where appropriate) been used as evidence to inform the estimates of costs and benefits presented?
- Is there evidence that other relevant Departments or other public bodies (where appropriate) have been involved in forming the estimates of impacts presented?

Recommendation 4: Produce reliable estimates of costs and benefits

- Have all the potential impacts of the regulatory proposal been identified, including any unintended consequences?
- Have all costs been valued at their opportunity costs?
- Is the time period for calculation long enough to encompass all important costs and benefits, and has the appropriate discount rate been used?
- Is it easy to see what are the most important risks and uncertainties?

Recommendation 5: Assess non-monetary impacts thoroughly

- Has the quantification and/or valuation of non-monetised impacts been undertaken in accordance with established techniques?
- Are the non-monetised impacts presented in a way that enables them to be compared across the different options in a systematic manner?

Recommendation 6: Explain and present results clearly

- Is it clear who will benefit and who will bear the cost under each option, when these costs will be incurred, and by how much?
- Does the IA reference the source of data, research and evidence used and is the robustness of each of these clearly demonstrated?

Recommendation 7: Understand the real cost to business of regulation

- Is the policy in scope of the ‘One in, one out’ policy?
- Has the Equivalent Annual Net Cost to Business been calculated and is it robust?



Chapter 3: The Regulatory Policy Committee – A wider perspective

Introduction

3.1. In Chapter 2 we set out and discussed the results of our work during 2011 and our findings at an overall and departmental level.

3.2. In delivering independent challenge on the evidence and analysis supporting regulatory proposals from Government Departments we reviewed almost 600 IAs in 2011. This has provided us with a unique insight into the UK regulatory system operated by Departments and the challenges Ministers and Departments face in addressing the Better Regulation agenda.

3.3. This Chapter seeks to draw out wider lessons and includes observations on the current system, as well as recommendations for how it could be developed further.

One-in, One-out (OIOO)

3.4. The One-in, One-out (OIOO) policy is a key element of the Government's regulatory agenda. Put simply, the aim of OIOO is that any costs associated with new domestic regulation by Government Departments should be at least offset by the removal of other regulation.

3.5. Each policy within the scope of OIOO is therefore categorised as an 'In' or an 'Out' with each requiring an estimated equivalent annual net cost to business (EANCB).


3.6. It is our role to confirm, using the existing OIOO methodology, whether a measure is an 'In' or an 'Out', and the level of the EANCB. It is the RPC validated EANCB level that is used in the Government's regular Statements of New Regulation.

3.7. OIOO is therefore a tool which is intended to help deliver the Prime Minister's stated ambition for this Government to be the first at the end of a Parliament to achieve a position where the regulatory burden on business has not been increased.

3.8. OIOO is a powerful and innovative policy. However, its value in terms of improving regulation should not be overemphasised as a wide range of measures which place new costs on business are not included in its remit (e.g. European and international legislation, fees and charges, and measures introduced by independent regulators).

The level of Deregulatory 'Outs'

3.9. The OIOO policy has now been in operation for well over a year and it is therefore possible to reach some conclusions on how it is operating.



3.10. The policy is without doubt providing a strong challenge to Departments with pressure on Ministers and policy officials to reduce the amounts of ‘Ins’ and increase the levels of ‘Outs’.

3.11. All Governments have introduced deregulatory measures, but the increasing level of ‘Outs’ being brought forward by Departments is, in our view, a direct result of the OIOO policy.

3.12. We reviewed 48 ‘Outs’ during 2011, with a total saving (once they have been formally introduced) of £3.7bn. However, we should note that a single measure – the change from RPI to CPI for the default uprating of pensions accounted for £3.3bn of this.

3.13. We also expect to see more ‘Outs’ as the Government identifies further deregulatory measures as a result of the various Red Tape Challenges¹¹ that are reviewing existing regulation to seek to identify provisions that can be simplified or removed altogether.

Pressure in the OIOO system

3.14. The OIOO system requires Departments to consider more carefully whether new regulations should be introduced, as these must now be balanced by the removal of matching existing burdens.

3.15. The system brings tensions when Ministers face pressures to regulate. However, if the OIOO policy is to deliver its overall aims, both in terms of reducing burdens on business and a culture change within Government Departments, it requires commitment for an extended period.

3.16. With this pressure now on Departments there is a risk that the OIOO system could be “gamed”, e.g. with levels of ‘Ins’ under-estimated and the levels of ‘Outs’ over-estimated, as well as ‘In’ measures also being incorrectly classified as ‘Outs’. The RPC has found evidence of all of these.

3.17. For example, of all the proposals that were retained in the first Statement of New Regulation, approximately 20 per cent were validated by the RPC on the basis of a different OIOO estimate from the original put forward by the Department. This also occurred in SoNR2 and SoNR3¹².

3.18. As the recently published SoNR3 shows, there are differences between Departments in respect of their net ‘In’ or ‘Out’ positions. By its nature, policymaking is not steady state and in a period of six months Departments will have significant ‘In’ or ‘Out’ balances. It is to be expected that such positions are reversed in other periods. For example, in SoNR1 DWP had a large ‘Out’ in respect of the RPI/CPI change, but has a significant ‘In’ due in the future (the automatic enrolment in pension schemes).

¹¹ See later in this chapter for more on the Red Tape Challenge

¹² <http://www.bis.gov.uk/policies/bre/better-regulation-framework/one-in-one-out/statement>

Scope of OIOO - Domestic

3.19. OIOO and independent scrutiny covers domestic regulation primarily originating from Government Departments.

3.20. However, a significant proportion of the regulation affecting business is not imposed by Government Departments, but by independent regulators, such as the Financial Services Authority, OFGEM, OFCOM and the Legal Services Board.

3.21. In some cases whether a regulator is or is not a Government Department is a purely administrative distinction. For example, the Ministry of Justice is the direct regulator of claims management companies and therefore this regulation comes fully within the OIOO regulatory policy regime. By contrast, the Legal Services Board is an independent regulator, not subject to the Government's policy on regulation. Those aspects of claims management business that affect legal firms are therefore not covered by OIOO and do not require RPC review or RRC clearance.

3.22. This means that while the Government's regulatory policy is bearing down heavily on Government Departments, it may be having no or little effect on other regulators.

3.23. There is therefore a risk that whilst the Government may conclude that its regulatory policy has been effective in relation to OIOO, businesses and their representative organisations will take a different view. They are understandably not concerned as to the source of a regulation, only its impact.

3.24. The RPC recommends that the Government gives serious consideration to the application of its approach to better regulation, including OIOO, to independent regulators and sets out its intentions in this respect. Meanwhile we recommend that such bodies should be encouraged to monitor and publicly report on the impact of new regulation, both at individual measure and cumulative level.

Scope of OIOO - International and European legislation

3.25. International and European legislation is currently outside the scope of OIOO, unless it 'gold plates' (i.e. goes beyond minimum requirements), in which case only those elements beyond the EU minimum are in scope.

3.26. The RPC recognises this as an understandable starting position. The UK as only one of 27 EU Member States does not have sole control of the EU regulatory agenda. The same is true for other international commitments.

3.27. However, in view of the burdens placed on UK business from regulation arising outside the country, over time the RPC believes that the Government should consider whether some or all EU measures might be brought into scope of OIOO.

3.28. In the meantime, to ensure that a full picture of the impacts of such legislation on business is understood and calculated, the RPC believes that the IAs on these measures produced by Departments should, as some Departments already do, include an EANCB calculation. A cumulative total of the EANCB of EU and international legislation should be included in future SoNRs published by Government.



Scope of OIOO - Fees & Charges

3.29. During the course of 2011, the RPC has reviewed a number of IAs proposing increasing levels of existing fees and charges or the introduction of such measures for the first time.

3.30. Such cost recovery mechanisms ensure that the user pays rather than the tax payer and are aimed at ensuring that Government Departments or their agencies are in a position to cover the full cost of providing a service (e.g. inspections or licensing).

3.31. The current economic climate and the pressure on departmental budgets no doubt explain the stronger move towards legitimate cost recovery. However, we have seen a surprising number of IAs proposing an increase to fees and charges given that cost recovery is a long established Treasury requirement.

3.32. Most fees and charges for the purpose of cost recovery are outside the scope of OIOO (unless there is an associated increase in regulatory burden). However, as with European and International measures, to ensure a full picture of the impacts of such legislation on business, the RPC believes that all IAs on these measures should (as only some do) include an EANCB calculation and that a cumulative total should be included in future SoNRs published by Government.

Box 3.1: The Scope of 'One-in, One-out'

Observation – One-in, One-out is a powerful and innovative policy, but many regulatory areas are out of scope.

Recommendation – We would recommend that consideration is given to bring European and international regulation within its scope, and that independent regulators are encouraged to put in place a similar system.

In the meantime we would recommend that the Government considers capturing and reporting the cost to business of out of scope regulations in the SoNR.

Increasing transparency

3.33. The nature of our work has developed over time and we are now tasked with reviewing IAs prior to Ministers making final decisions.

3.34. This was a very important change and has clearly put independent challenge at the centre of the Government's regulatory process. One of the consequences is that there will be occasions when we review IAs and issue Opinions on them, and Ministers subsequently decide not to pursue a regulatory approach or to amend the policy response. In these circumstances we do not propose that our Opinions are published.

3.35. At present, our Opinions are made public only when Ministers decide to proceed with a regulatory proposal with an accompanying IA that we have judged 'not fit for purpose'. On

these occasions Ministers have agreed that the RPC is able to publish these Opinions. During 2011 this happened on five occasions and the Opinions are available on our website.

3.36. We would like to undertake our work in the most transparent manner possible. Whilst it would not be appropriate for our Opinions to be issued publicly prior to Ministers reaching final decisions on regulatory proposals and the accompanying IA is in the public domain, we strongly recommend that our Opinions should be made available when the IAs are published.

3.37. Publication would also increase the engagement of stakeholders. The Committee is therefore keen that all RPC Opinions, following final decisions by Ministers, are made public, whether at consultation stage or final stage.

3.38. We have therefore written to Ministers suggesting that such an approach should be adopted as soon as possible.

Box 3.2: Increasing Transparency

Observation – Scrutinising IAs before they go to Ministers has put independent challenge at the heart of regulatory policy making.

Recommendation – We would recommend that all our Opinions supporting published IAs are made public. We have written to Ministers suggesting this approach be adopted as soon as possible.

Departmental responses to our Opinions


3.39. When issuing our Opinions to the relevant Departmental Minister, we have been asked to make explicitly clear our view on the IA. It is for this reason that we introduced a Red-Amber-Green rating system and explicitly state whether or not the IA is ‘fit for purpose’.

3.40. As mentioned in Chapter 2, it is encouraging that the number of Red Opinions has fallen significantly during the course of 2011. However, even with this improvement, over the last six months of 2011, one in four of the IAs reviewed by the RPC still received a ‘not fit for purpose’ Red rating.

3.41. Red Opinions make clear that we have strong concerns over the quality and robustness of the evidence and analysis presented in the IA. Ministers on the Reducing Regulation Committee have indicated that they do not expect to receive and approve regulatory proposals with such a rating.

3.42. We therefore normally would expect to receive revised IAs addressing our concerns and be in a position to assess whether Departments have taken our comments into account.

3.43. However, this is not the case for Green or more importantly Amber rated Opinions which we have assessed as ‘fit for purpose’. The RPC simply does not have sufficient resources to assess the outcome, and indeed the onus should be on Departments voluntarily



to address the issues we have raised, rather than the RPC having to check that this has been done.

3.44. We view this approach as a proportionate way of expressing our concerns and we operate on the assumption that the Department will address them. During 2011 41% of the Opinions issued by the RPC were Amber rated.

3.45. The RPC expects Ministers and Departments to take the Committee's Amber Opinions seriously, and to amend the IAs accordingly, for the benefit of all external stakeholders and so that the regulatory proposal is as clear, transparent and evidence based as possible.

3.46. Unfortunately it is clear that Departments are not always addressing our concerns. This was highlighted recently by the British Chambers of Commerce¹³, which following a number of Freedom of Information requests, reviewed IAs against the RPC Opinions. They found a number of examples where the RPC's Amber Opinion concerns had not been addressed and thus the IA had remained unaltered from the one we had reviewed.

3.47. Increased transparency through the publication of our Opinions should help to avoid this outcome. However, without publication, and without increasing the resource in the RPC Secretariat to monitor and review the published IAs against the RPC Opinions, this risk remains a concern to the Committee.

3.48. The Committee is therefore considering a number of options, including random spot checks on published IAs and the more radical approach of issuing only Red or Green Opinions on Final stage IAs.

3.49. The RPC will be considering this issue further and will be discussing our concerns with Ministers.

Box 3.3: Departmental Response to Opinions

Observation – Amber rated IAs contain flaws that should be resolved before going to Ministers. It appears that this is not always being done.

Recommendation – We are considering a number of options for dealing with this, including random spot checks or giving only Red or Green ratings on final stage IAs.

The Red Tape Challenge

3.50. Another Government policy aimed at reducing regulation, alongside OIOO, is the Red Tape Challenge (RTC). While OIOO seeks to tackle the flow of new regulations, the RTC seeks to tackle the existing stock by giving stakeholders the chance to identify those regulations

¹³ "Red Tape Challenged" December 2011 - http://www.britishchambers.org.uk/zones/policy/press-releases_1/bcc-study-shows-government-s-regulatory-architecture-is-inconsistent-and-opaque.html

they think should be removed and require officials to justify retaining them. Those for which insufficient justification is provided are removed.

3.51. As deregulatory proposals emanating from the RTC will be supported by IAs the RPC will have a unique insight into how the policy is evolving. So far the RTC is at an early stage and we have not seen sufficient cases to make any observations. However we expect that in our next report we will be able to comment on the RTC outputs.

Members of the Regulatory Policy Committee



Michael J. S. Gibbons OBE (Chair)



- Formerly Director of Powergen (MD of Powergen's gas business).
- In 2007 he completed a Review (the Gibbons Review) of Employment Dispute Resolution for the DTI.
- Appointed by European Commission to the High Level Advisory Group on Administrative burdens in February 2008 (Stoiber Group).
- Chairman of UK National Committee of World Energy Council.
- Director of 2Co Power (Yorkshire) Ltd and the Carbon Capture and Storage Association.
- Director of the British Management Data Foundation Ltd
- Sits on the Advisory Board of Ocean Power Technologies Inc.
- Awarded an OBE for services to regulatory reform in the New Year Honours List 2008.



Sarah Veale CBE



- Head of the Equality and Employment Rights Department at the TUC, where she has worked since 1985.
- Formerly Senior Employment Rights Officer, in which role she was responsible for the development of TUC policy on employment law.
- Former member of the ACAS Council, the BIS Employee Engagement Task Group and the Executive of the Involvement and Participation Association.
- Member of the Review Team for the Lofstedt Review of Health and Safety regulation.
- Previously a member of the Risk and Regulation Advisory Council and the Better Regulation Commission.
- Awarded the CBE for services to diversity in the Queen's Birthday Honours List in June 2006.

Mark Boleat



- Chairman of the Jersey Competition Regulatory Authority.
- Chairman of the States of Jersey Development Company
- Deputy Chairman of the Policy and Resources Committee of the City of London.
- Chairman of Quant Capital Partners, UK Social Data Services Ltd and Kingston Smith Association Management.
- Owner of Boleat Consulting, a consultancy business specialising in trade association strategy and management, regulation, consumer policy and housing finance.
- Former Director General of the Association of British Insurers, Building Societies Association and Council of Mortgage Lenders.

Philip Cullum



- Partner, Consumer Policy and Demand-side Insight, Ofgem.
- Previously Deputy Chief Executive of Consumer Focus, the independent statutory champion for consumers and Deputy Chief Executive of the National Consumer Council.
- Worked for Accenture, Opinion Leader Research and Which?
- Formerly Chair of the Food Standards Agency's advisory committee for consumer engagement and a member of the Risk and Regulation Advisory Council

David Parker



- Emeritus Economics Professor of Cranfield School of Management having been Dean of the Faculty of Management from November 2007 to September 2009.
- Associate of Public Administration International and consultant on competition and regulation internationally
- Member of the UK Competition Commission between 1999 and 2007.
- Areas of expertise: privatisation, regulation and competition issues.

Ian Peters



- Chief Executive of the Chartered Institute of Internal Auditors since June 2009.
- Previously Director of External Affairs at the Engineering Employers Federation (EEF) from 2001.
- Prior to that he was Deputy Director General of the British Chambers of Commerce with specific responsibility for policy, lobbying and communications.
- Formerly worked for the CBI and in public relations for the international PR agency Burson-Marsteller.



Secretariat

The Regulatory Policy Committee is supported by a small civil service secretariat of economists and policy officials. During the period covered by this report, the following civil servants were members of the RPC secretariat;

Tony Pedrotti
Irene Ball
Daniel Cartridge
Benjamin Copley
Swarajit Das
Sumit Dey-Chowdhury
Tom Fish
Giles Hall
Alistair Love
Trevor Reid
Matthew Short
Wayne Simmonds
Bagrat Tunyan
Lenroy Wallace



Annex B

Opinions issued by the Regulatory Policy Committee, January – December 2011

Detailed below is a list of all IAs on which RPC Opinions were issued during the period January-December 2011 with the accompanying RAG rating. Some regulatory measures appear twice in this list, which indicates that we issued an Opinion at both the consultation and final stage.

Of the unique IAs that we have scrutinised during 2011, we have not published details on a small number of IAs as these have not yet been publicly announced and have therefore been treated as confidential as requested by Departments.

There are a number of measures where it does not appear to have received a ‘fit for purpose’ rating from the RPC. There are a number of possible reasons for this:

- A department has proceeded without an ‘fit for purpose’ rating – in such instances, these Opinions can be found on our website;
- A department has decided to withdraw a regulatory proposal so no clearance from the RRC is required;
- A resubmission of that IA has not yet been received;
- A resubmission of that IA has been received but we had not issued an Opinion by 31 December 2011.

* indicates that earlier submissions of these IAs also received an Opinion before January 1 2011, details of which are not included here.

Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
BIS	Consultation on setting a limit on the value of claims to be heard in the Patents County Court	F	A		
BIS	Amendment of National Minimum Wage regulations to cover changes in accommodation offset rules	F	A		
BIS	Extending the right to request time to train	F	R		
BIS	Extending the right to request flexible working to all	F	R		
BIS	Proposals to Revise the Toys (Safety) Regulations 1995	F	G		
BIS	Patents Act to provide for online patent document inspection	F	R	G	
BIS	Resolving Workplace Dispute	F	R	A	
BIS	Consultation on reforms to the regulation of insolvency practitioners	C	A		
BIS	Improving confidence in pre-packaged administrations	F	R	A	
BIS	Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order	F	G		
BIS	A Competition Regime for Growth	C	A		
BIS	A Competition Regime for Growth	F	A		
BIS	Amending the criteria for debtors' property in relation to an application for a Debt Relief Order	F	A		
BIS	Part-Time Working - Annual Leave Arrangements	F	R	R	
BIS	Consumer Landscape Review	C	R	G	
BIS	Annual Returns to Companies House	C	A		
BIS	Annual Returns to Companies House	F	G		
BIS	Changes to petition deposits in bankruptcy and compulsory liquidation	F	A		
BIS	Withdrawal of Insolvency Services Account for voluntary liquidations	F	G		
BIS	The Companies (Reporting Requirements in Mergers and Divisions) Regulations 2011	F	R	G	
BIS	Groceries Code Adjudicator Bill	F	G		



Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
BIS	Extending the Primary Authority Scheme	C	G		
BIS	Extending the Primary Authority Scheme	F	G		
BIS	Sunset reviews of regulatory bodies	C	A		
BIS	Reducing state inspection burdens	C	G		
BIS	Delivery of options for functions of Local Better Regulation Office	C	A		
BIS	Final Impact Assessment for Recast of the Restriction of Hazardous Substances (RoHS) Directive	F	G		
BIS	Amendment to the National Minimum Wage regulations 2011- increase in NMW rates	F	R		
BIS	Hallmarking (International Convention) Amendment) Order 2010	F	G		
BIS	Revision of the Scheme for Construction Contracts (England and Wales) Regulations 1998 Construction Contracts (England) Exclusion Order 2011	F	A		
BIS	Repeal: Requirement for Overseas Companies to register charges over UK property	F	A		
BIS	Reform of the Process to Petition for Bankruptcy and Compulsory Winding Up	C	G		
BIS	Narrative Reporting	C	G		
BIS	Higher Education White Paper	C	A		
BIS	Pesticides Amendment to the Machinery Directive	F	A		
BIS	Charging for Export Licences	C	A		
BIS	The Competition Act 1998 (Public Policy Exclusion) Order 2007 No. 1896 'Complex Weapons'	F	G		
BIS	Further Education - Level 3+ Fee Loans	C	R		
BIS	Audit Exemptions	C	A		
BIS	Companies (Disclosure of Auditor Remuneration and Liability Limitation Agreements) (Amendment) Regulations 2011	F	G		
BIS	British Hallmarking Council Offshore hallmarking by UK Assay Offices	C	A		
BIS	Amendment of restrictions for companies moving between IFRS and UK GAAP	C	A		
BIS	The official receiver to become trustee on the making of	F	G		

Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
	a bankruptcy order and removing the requirement to file 'no meeting' notices in bankruptcy and company winding up				
BIS	Review of the "Outer Space Act (1986)"	C	G		
BIS	Exclusion of Social Fund debt from Bankruptcy and Debt Relief Orders (DROs)	F	A		
BIS	Bank Accounts for Bankrupts	C	G		
BIS	Amending the UK Regulations to allow the exercising of a right passed to heirs who are citizens of a non qualifying country with regard to Artist's Resale Right.	C	A		
BIS	Amending the UK Regulations to allow the exercising of a right passed to heirs who are citizens of a non qualifying country with regard to Artist's Resale Right.	F	G		
BIS	The removal of an indicative list of third countries who qualify for reciprocal treatment with regard to Artist's Resale Right	C	G		
BIS	The removal of an indicative list of third countries who qualify for reciprocal treatment with regard to Artist's Resale Right	F	G		
BIS	Extended Collective Licensing	C	R	G	
BIS	Copyright exception for private copying	C	A		
BIS	Copyright Notices	C	R	R	A
BIS	Exception to copyright for parody	C	R	G	
BIS	Copyright Permitted Acts	C	R		
BIS	Insolvency Practitioner Authorisation	F	R		
BIS	Orphan Works	C	R	G	
BIS	Proposals to Reform the Financial Reporting Council	C	G		
BIS	Public Bodies (Abolition of NESTA) Order 2012	C	A		
BIS	Public Bodies (Abolition of NESTA) Order 2012	F	A		
BIS	Merger Fees	F	A		
BIS	Amendment to the EU Cosmetics Directive	F	A		
BIS	Codes of Conduct	C	A		
BIS	Copyright exception for archiving and preservation	C	G		



Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
BIS	Use of works for public administration and reporting	C	G		
BIS	Copyright exceptions for disabled people	C	A		
BIS	Exception for copying of works for use by text and data analytics	C	G		
BIS	Exception of use of quotations or extracts of copyright works	C	G		
BIS	Extend exception for copying for research and private study	C	G		
BIS	The Treatment of Insolvency Expenses in the Insolvency Rules 1986 and Insolvency (Scotland) Rules 1986	C	G		
BIS	Introducing/widening certain copyright exceptions	C	G		
BIS	Protecting copyright exceptions from override by contract	C	A		
BIS	Extending Copyright Exceptions for Educational Use	C	G		
BIS	Apprenticeship Agreements	F	G		
BIS	Repeal of the 'early discharge from bankruptcy' provision	F	R		
CLG	Proposal to consolidate and amend the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended)	F	R	A	
CLG	Community Right to Bid - Localism Bill	F	G		
CLG	Energy Performance of Buildings Directive - Air Conditioning	F	R	A	
CLG	Changing or revoking a Development Consent Order for nationally significant infrastructure (Planning Act 2008)	F	R	A	
CLG	Leasehold Amendments following Increases in Assured Tenancy Limits	C	A		
CLG	Relaxation of planning rules for change of use from business to residential	C	A		
CLG	Permitted developments rights and advertisement regulations proposal relating to electric vehicle charging infrastructure	F	A		
CLG	Permitted development rights for installations of wind turbines and air source heat pumps on domestic premises	F	A		
CLG	The Building (Amendment) Regulations 2011: Competent Person Schemes	F	R	R	

Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
CLG	Zero Carbon Homes	C	A		
CLG	Decentralisation of Planning Application Fees	F	R	G	
CLG	Energy Performance of Buildings Directive - Compliance and Enforcement	F	R	G	
CLG	Removing inconsistency in local fire protection standards	F	G		
CLG	Amendment of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009	F	G		
CLG	Legislative Reform (Business Tenancies) (England and Wales) Order	C	A		
CLG	Recast of the Energy Performance of Buildings Directive	C	A		
CLG	Deregulation of the consent regime for flying flags	C	G		
CLG	Eurocodes Impact Assessment	C	A		
CLG	Revision of building regulation policy on radon	C	G		
CLG	Consolidation and simplification of parts M, K and N of the Building Regulations	C	G		
CLG	Evaluating Access Statement Requirements in Part M of the Building Regulations	C	G		
CLG	Social Housing Tenancy Fraud	C	A		
CLG	Simplifying the provisions of Part B2 of the Building Regulations	C	A		
CLG	Building Regulations Part P, Electrical safety in dwellings	C	G		
CLG	Proposed changes to Part L of the Building Regulations 2013	C	A		
CLG	Changes to the building control system	C	R	G	
CLG	Simplifying the Houses in Multiple Occupation Re-licensing process	C	A		
CLG	Changes to the time limits for renegotiation of Section 106 (S106) planning obligations	C	A		
CO	Impact Assessment of The Civil Contingencies Act 2004 (Contingency Planning) (Amendment) Regulations 2012	C	A		
CO	Exempt Charities - Academies	F	A		



Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
CO	Exempt Charities - Sixth Form Colleges	F	A		
CO	Exempt Charities - Foundation and Voluntary Schools	F	A		
CO	Proposals to introduce a Statutory Register of Lobbyists	C	R		
DCMS	Gambling Act 2005: Category B3 Gaming Machines	F	A		
DCMS	Digital Legal Deposit	C	R	G	
DCMS	Amendments to the London Olympic Games and Paralympic Games Act 2006 Advertising and Street Trading Powers*	F	G		
DCMS	Regulations about advertising activity and trading in open public places during the Olympic and Paralympic Games 2012	C	A		
DCMS	Regulations about advertising activity and trading in open public places during the Olympic and Paralympic Games 2012	F	A		
DCMS	The proposal to exempt live music from the provisions of the Licensing Act 2003	F	R	A	
DCMS	Implementing the Revised EU Electronic Communications Framework	F	G		
DCMS	Implementing the Revised EU Electronic Communications Framework - Framework Directive	F	G		
DCMS	EU Framework Directive Annex 1: Spectrum	F	G		
DCMS	EU Framework Directive Annex 2: Infrastructure Sharing	F	G		
DCMS	EU Framework Directive Annex 3: Security and Resilience	F	G		
DCMS	Implementing the Revised EU Electronic Communications Framework - E-Privacy Directive	F	G		
DCMS	EU E-Privacy Directive Annex 1: Internet Cookies	F	G		
DCMS	Implementing the Revised EU Electronic Communications Framework - Authorisation Directive	F	G		
DCMS	Implementing the Revised EU Electronic Communications Framework - Access Directive	F	G		
DCMS	Implementing the Revised EU Electronic Communications Framework - Universal Services Directive	F	G		
DCMS	Implementing the Revised EU Electronic Communications Framework - Appeals	F	R		

Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DCMS	2012 Diamond Jubilee Extra Bank Holiday	F	G		
DCMS	Reforming the Appeals Regime for the Electronic Communications Sector	C	G		
DCMS	Remote Gambling Regulation	F	A		
DCMS	Local TV : Implementing a new framework	F	G		
DCMS	Impact Assessment of the draft SI The Online infringement of copyright (Initial Obligations)(Sharing of Costs)Order 2011	F	G		
DCMS	Impact Assessment for the proposals to exempt regulated entertainment from the provisions of the Licensing Act 2003	C	R		
DCMS	Adjustments to Gambling Operating Licence Fees	C	A		
DCMS	Relaxing the restrictions on the deployment of overhead telecoms lines	C	R	G	
DCMS	The online infringement of copyright (Initial Obligations)(Code of Practice) Order 2012	F	R		
DCMS	New Funding Arrangement for S4C	F	G		
DCMS	Regulation for the legal deposit of UK on line publications	C	A		
DCMS	OFCOM Duties Order	C	A		
DCMS	Impact Assessment accompanying draft Statutory Instrument "Video Recordings (Labelling) Regulations 2011"	F	R	G	
DCMS	A consultation on changes to provisions governing the availability of entitlements to gaming machines at premises selling alcohol at airports	C	A		
DCMS	A consultation on changes to the law relating to the employment of children and young persons at a track with a betting premises licence	C	G		
DECC	Proposals for implementation of licence modification appeals under the EU Third Package*	F	A		
DECC	Green Deal	C	R	A	
DECC	Proposed legislation to implement the amended Paris and Brussels Conventions on nuclear 3rd party liability	F	R	R	
DECC	Consultation on raising the threshold for energy supplier participation in social and environmental programmes	F	G		
DECC	Gas licence exemptions	F	A		



Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DECC	Review of the Exemption Orders under the Radioactive Substances Act 1993	F	R	G	
DECC	Smart meter rollout for the small and medium non-domestic sector (GB)	C	A		
DECC	Smart meter rollout for the domestic sector (GB)	C	A		
DECC	Enabling a discretionary power to remove obligations to decommission offshore oil and gas facilities when re-used for carbon dioxide storage	F	A		
DECC	Compulsory purchase powers for the change of use of existing gas pipelines	F	A		
DECC	Exclusion of consumer electronics and appliances from the Carbon Emissions Reduction Target (CERT)	F	R	G	
DECC	Setting the limit on the use of international carbon units for the second carbon budget period (2013-2017)	F	G		
DECC	Regulating security in the construction phase of new build nuclear power stations	F	A		
DECC	Impact Assessment of Fourth Carbon Budget Level	F	A		
DECC	The Implementation of the Nuclear Safety Directive	F	G		
DECC	Government Strategy and Policy Statement for the gas and electricity markets	F	G		
DECC	The Storage of Carbon Dioxide (Termination of Licences) Regulations 2011	F	G		
DECC	Section A.1 allocation of liability for default on Green Deal change (Addendum to Energy Bill Impact Assessment)	F	A		
DECC	The Storage of Carbon Dioxide (Inspections) Regulations 2011	F	G		
DECC	Emissions Performance Standard	F	R		
DECC	Protocol between DECC and the UK Downstream Oil Industry for the supply of fuel in an emergency	F	G		
DECC	Proposals on the future of Climate Change Agreements	C	A		
DECC	Proposals on the future of Climate Change Agreements	F	A		
DECC	Amendment of the Pipe-Line Works (Environmental Impact Assessment) Regulations 2000	F	A		
DECC	EU ETS Small Emitter and Hospital Phase III Opt-Out	C	G		
DECC	Transmission Constraint Licence Condition (TCLC)	C	A		

Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DECC	Government Strategy and Policy Statement for the gas and electricity markets	F	G		
DECC	Creation of the Statutory Office for Nuclear	F	A		
DECC	Amendment to Second Stage Transposition of EU Legislation to include Aviation in the European Union Emissions Trading System (EU ETS)	F	A		
DEFRA	Review of Schedule 2 of the Controlled Waste Regulations 1992	F	R	A	
DEFRA	FWMA 2010 Sustainable Development Duty and Guidance	F	G		
DEFRA	Simplification of contaminated land statutory guidance	F	R	G	
DEFRA	Plant Protection Products: Enforcement Regulations and Fees Regulations	F	R	G	
DEFRA	Conservation and Amateur Vegetable Varieties Directive 2009/145/EC	F	A		
DEFRA	Overview and Scrutiny of Flood Risk Management Authorities	F	A		
DEFRA	Marine Policy Statement	F	G		
DEFRA	Amendments to the Environmental Permitting (England and Wales) Regulations 2010	F	A		
DEFRA	Government Guidance to the date of marking of food	F	A		
DEFRA	Localism Bill: Removal of council charge-and reward powers for waste reduction under Climate Change Act	F	A		
DEFRA	Impact Assessment of England only domestic legislation implementing directly applicable EU Legislation: The Animal By-Products Regulation (EC) No. 1069/2009	F	R	A	
DEFRA	Options for Company GHG reporting	C	R	A	
DEFRA	Options for Company GHG reporting	F	R	R	
DEFRA	The Transfer of private Sewers and lateral drains to statutory water and sewerage companies	F	R	A	
DEFRA	Orders under sections 38(8) and 39(12) of the Flood and Water Management Act (incidental flooding and erosion)	F	G		
DEFRA	Assessment of the impacts of commencing sections 14, 19 and 21 of the Flood and Water Management Act 2010	F	A		
DEFRA	Cost Recovery for Marine and Coastal Access Act 2009 Environmental Licensing	F	G		
DEFRA	A Low Emissions Zone framework for inclusion in the Time Extension Notification for compliance with the EU limit value for NO2	C	R	A	



Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DEFRA	Implementation of E-Reporting for Pigs	C	G		
DEFRA	Implementation of E-Reporting for Pigs	F	G		
DEFRA	Reform of Fisheries Management Arrangements - England	C	A		
DEFRA	The Diseases of Animals Approval for Disinfectants	F	R	G	
DEFRA	Guidance under s7(6) of the Flood and Water Management Act 2010 - Co-operation and sharing of information	F	G		
DEFRA	Dogger Bank Special Area of Conservation	F	G		
DEFRA	Change to BSE Testing of cattle slaughtered for human consumption	C	G		
DEFRA	The Fruit Juices and Fruit Nectars (England)(Amendment) Regulations 2011	F	A		
DEFRA	Offsetting the Impact of Development on Biodiversity	C	R	G	
DEFRA	The mandatory adoption and minimum standards for gravity foul sewers and lateral drains	C	R		
DEFRA	GB Regulations enforcing EC Regulation 1005/2009 on substances that deplete the ozone layer	F	G		
DEFRA	Review of Waste Policies	C	G		
DEFRA	Making an Order under Section 14 of the Planning Act 2008	C	A		
DEFRA	Commencement of the Flood and Water Management Act 2010, Schedule 3 for Sustainable Drainage	C	R	A	
DEFRA	Reducing the Threshold for Water Competition in England from 50 megalitres (MI) and 5 MI	F	R	G	
DEFRA	Hazardous Waste National Policy Statement	C	A		
DEFRA	EU Directive to limit Petrol Vapour Emissions from Fuelling of Service Stations	F	R	G	
DEFRA	Interim Amendments to WASK	F	G		
DEFRA	Interim Amendments to WASK	C	A		
DEFRA	Non-owner occupier liability for water bill payment	C	A		
DEFRA	Flood and Water Management Act 2010: Commencing Schedule 4 on reservoir safety	F	G		

Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DEFRA	FLEGT (Forest Law Enforcement Governance and Trade) licensing scheme, implementing FLEGT Regulation 2005	F	A		
DEFRA	Commencement of Section 30 and Schedule 1 of the Flood and Water Management Act 2010 (Designation of third party flood management assets)	F	G		
DEFRA	Revision of Fees: Amendment of the Plant Health (Import Inspection Fees) (England) Regulations 2010 and the Plant Health (Import Inspection Fees) (Wales) Regulations 2010	C	G		
DEFRA	Revision of Fees: Amendment of the Plant Health (Import Inspection Fees) (England) Regulations 2007 and the Plant Health (Import Inspection Fees) (Wales) Regulations 2007	C	G		
DEFRA	Revision of Fees: Amendment of the Plant Health (Licence Fees) (England and Wales) Regulations 1996	C	G		
DEFRA	Revision of Fees: Amendment to the Seed Potatoes (Fees) (England) Regulations 2006 and Seed Potatoes (Fees) (Wales)(No.2) Regulations 2006	C	G		
DEFRA	Revision of Fees: Amendment of the Potatoes Origination in Egypt (England) Regulations 2004 and Potatoes Originating in Egypt (Wales) Regulations 2004	C	G		
DEFRA	Future Water Resource Management	F	A		
DEFRA	Amendment to the Animal By-Products (Enforcement)(England) Regulations SI No.881	F	G		
DEFRA	European Communities Act 1972 - Regulations to transpose the EU Wild Birds Directive	F	R	G	
DEFRA	Preservation Fodder Seed Mixtures - Implementation of Commission Directive 2010/60/EU	F	R	G	
DEFRA	Vegetable Seed Varietal Mixtures - Implementation of Commission Decision 2011/180/EU	F	A		
DEFRA	Changes to the UK Pet Travel Scheme and subsequent amendments to the Non-Commercial Movement of Pets Regulation	F	G		
DEFRA	Zootechnical Standards (England) Regulations 2011	F	A		
DEFRA	Marine Strategy Framework Directive – targets and indicators for Good Environmental Status	C	G		
DEFRA	Implementation of the Nitrates Directive in England 2013-2016	C	A		
DEFRA	Impact Assessment for the Legislative Reform Order to amend the constitution of the Royal College of Veterinary Surgeons' Preliminary Investigation Committee and Disciplinary Committee	C	A		
DEFRA	Simplifying and streamlining rights of way procedures	C	A		
DEFRA	Implementing an alternative solution to the 'Right to Apply' for extinguishments and diversion of rights of way	C	R	G	
DEFRA	Reforms to public rights of way in response to Penfold Review	C	A		



Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DEFRA	Upstream Competition	F	G		
DEFRA	Introducing Retail Competition in the Water Sector	F	R	A	
DEFRA	Flood Defence Consents	F	G		
DEFRA	The Specified Diseases regulations through the Implementation of Directive 92/119 EEC	F	R		
DEFRA	The African Horse Sickness Regulations through the implementation of Directive 92/35/EEC	F	R		
DEFRA	Industrial Emissions Directive	C	G		
DEFRA	Introduction of electronic notices of variations to licences for all fishing vessels in England	C	G		
DEFRA	Revision of the Bathing Waters Regulations - Signage	C	A		
DEFRA	Welfare of wild animals in travelling circuses	C	A		
DEFRA	A new English Scallop Order	F	R	G	
DfE	Early Years Foundation Stage Review	C	R	G	
DfE	Consultation on a revised Code of Practice for Local Authorities on Delivery of Free Early Education Provision for 3 & 4 year olds	C	A		
DfE	Disadvantaged Two Year Olds' Entitlement to Early Education: Options for Extended Eligibility	C	A		
DfE	Ofqual Enforcement Powers	F	A		
DfE	School Premises Regulation Simplification	C	A		
DfE	Raising the Participation Age - regulation relating to Section 22 of ESA 2008	C	A		
DfE	Raising the Participation Age - regulation relating to Section 31 of ESA 2008	C	A		
DfT	Street Works Lane Rental*	F	G		
DfT	Fuel Quality Directive	F	R	A	

Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DfT	Amendments to the Renewable Transport Fuels Obligation for compliance with the Renewable Energy Directive - (1) Minimum Sustainability Criteria	F	A		
DfT	Amendments to the Renewable Transport Fuels Obligation for compliance with the Renewable Energy Directive - (2) Reporting and Verification	F	G		
DfT	Amendments to the Renewable Transport Fuels Obligation for compliance with the Renewable Energy Directive - (5) Double Certification of Waste-Derived Biofuels	F	G		
DfT	Amendments to the Renewable Transport Fuels Obligation for compliance with the Renewable Energy Directive - (7) Partially Renewable Fuels	F	A		
DfT	The Community Drivers' Hours and Passenger and Goods Vehicles (Community Recording Equipment) Regulations 2011*	F	R	G	
DfT	Introduce a requirement for 'acquired rights' drivers to exchange their old style (paper) licence for a photocard licence before completing their periodic training	F	A		
DfT	Revised administrative validity of driving licences (drivers and small vehicles)	F	A		
DfT	Implementation of the third EU Directive on driving licences (Driver testing and driving examiners)	F	R	G	
DfT	5 year administrative renewal & medical compliance for drivers of medium and large vehicles at licence renewal	F	R	A	
DfT	Impact Assessment of Longer Semi-Trailers	C	A		
DfT	Local Transport Act: Increasing the efficiency and effectiveness of the TC system	F	R	R	G
DfT	M62 Junctions 25 to 30 Managed Motorway Scheme	C	A		
DfT	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009: Proposed amendment	C	G		
DfT	The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009: Proposed amendment	F	G		
DfT	Concessionary Travel Reimbursement Regulations	F	A		
DfT	Lorry, bus and coach examination fees - location differentiation	F	A		
DfT	Lorry, bus and coach examination fees - location differentiation	C	G		
DfT	Restructuring of fees for applications for bus and coach operator licences	C	A		
DfT	Restructuring of fees for applications for bus and coach operator licences	F	A		
DfT	Funding National Register of licensed operators of goods vehicles, buses and coaches	C	G		
DfT	Funding National Register of licensed operators of goods vehicles, buses and coaches	F	G		



Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DfT	Real Total Mass Implementation	C	R		
DfT	Impact Assessment of M4 motorway junctions 19 to 20 & M5 motorway junctions 15 to 17 (Almondsbury interchange)	C	A		
DfT	Proposal to introduce keeper liability for parking charges on private land	F	A		
DfT	M1 Junctions 10 to 13 Managed Motoway	F	G		
DfT	M1 Junctions 10 to 13 Managed Motoway	C	A		
DfT	The Air Navigation (Amendment) Order 2011	C	A		
DfT	The Air Navigation (Amendment) Order 2011	F	G		
DfT	Security Clearance Modernisation	C	R		
DfT	The Traffic Signs (Amendment) Regulations and General Directions 2011	F	A		
DfT	The Cleaner Road Transport Vehicles Regulations 2011	F	R		
DfT	Making 'historic' drivers' hours offences subject to fixed penalty notices and financial penalty deposit requirements.	C	G		
DfT	Airport Charges Directive	C	G		
DfT	The Equality Act 2010 (Application of Part 5 to Seafarers) Regulations 2011	F	A		
DfT	Merchant Shipping (Port State Control) Regulations	C	A		
DfT	Merchant Shipping (Port State Control) Regulations	F	A		
DfT	The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2011	C	A		
DfT	The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2011	F	G		
DfT	Dartford-Thurrock River Crossing Revised Charging Regime	C	R	R	
DfT	Carriage of Dangerous Goods: Approved Derogations and Transitional Provisions	C	G		
DfT	Merchant Shipping (Maritime Labour Convention)(Shipowner Liability) Regulations	C	A		
DfT	The Merchant Shipping (Maritime Labour Convention)(Food and catering) Regulations	C	A		

Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DfT	Merchant Shipping(Maritime Labour Convention)(Crew Accommodation) Regulations	C	A		
DfT	Merchant Shipping (Maritime Labour Convention)(Medical Care) Regulations	C	A		
DfT	Merchant Shipping (Maritime Labour Convention)(Repatriation) Regulations	C	A		
DfT	Administrative Reform of the National Bus Concession in England	F	R		
DfT	Proposed Amendment to the Fees Charged by Approved Tachograph Centres	F	R	A	
DfT	Reforming the Air Travel Organisers' Licensing (ATOL) Scheme	C	A		
DfT	Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2011	F	A		
DfT	The Port Security (Port of Dover) Designation Order 2011	F	R	G	
DfT	Equality Act 2010: Statutory Guidance - Lists of Designated Vehicles	F	R		
DfT	Equality Act 2010 - Taxi Exemption Notice Regulations	F	G		
DfT	Equality Act 2010: Commencement of sections 165 & 167 - drivers' duties	F	A		
DfT	Olympic Route Network Designation Amendment Order 2011	F	G		
DfT	Merchant Shipping (International Safety Management (ISM) Code) Regulations 20XX	C	A		
DfT	The Merchant Shipping (Prevention of Pollution from Noxious Liquid Substances In Bulk) Regulations 2011 ("the proposed Regulations")	C	G		
DfT	Future of the Vehicle Identity Check Scheme	C	A		
DfT	The Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) (Amendment) Regulations 2011	F	A		
DfT	How best to implement European Directives on the maintenance of railway vehicles and the improvement of data quality of accidents which amend the Railway Safety Directive	F	G		
DfT	The Bus Service Operators Grant (England) (Amendment) Regulations 2011	F	R	A	
DfT	M25 J16-23 Variable Speed Limits and Enforcement	C	R		
DfT	M25 J27-30 Variable Speed Limits and Enforcement	C	R		
DfT	Revision of Safety at Street Works and Road Works Code of Practice	F	A		



Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DfT	The Merchant Shipping (Safety of Navigation) Regulations 2011 ("the UK Regulations")	C	G		
DfT	The Merchant Shipping (Safety of Navigation) Regulations 2011 ("the UK Regulations")	F	G		
DfT	The Merchant Shipping (Ship-to-Ship Transfers) Regulations 2012	F	R	A	
DfT	Blue Badge Regulations	F	G		
DfT	Biofuel (Labelling) (Amendment) Regulations	C	A		
DfT	Olympics and operator licensing	F	G		
DfT	European Proposals to amend Driving Licence Standards for Diabetes - Annex III of Directive 91/439/EEC	F	A		
DfT	Historic Vehicle MoT Exemption Review	C	A		
DfT	The Road Transport (Working Time)(Amendment) Regulations 2011	F	R	G	
DfT	Impact Assessment of the EC's Three Regulations on International Road Transport	F	G		
DfT	Traffic Orders - Deregulating Publicity Requirements	C	G		
DfT	Amendments to the Renewable Transport Fuel Obligation for compliance with the Renewable Energy Directive - Overarching Impact Assessment	F	G		
DfT	The Rail Vehicle Accessibility (Middleton Railway Drewry Car) and (Cairngorm Funicular Railway) Exemptions (Amendments) Order 2011	F	G		
DfT	The Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Chemical Agents) (Amendment) Regulations 2011 (the "Amendment Regulations")	C	G		
DfT	How best to implement the European Directive on the Interoperability of the Rail System	C	G		
DfT	How best to implement the European Directive on the Interoperability of the Rail System	F	A		
DfT	The Road Vehicles (Construction and Use)(Amendment No. x) Regulation 2011	F	G		
DfT	Amendment of the ANO 2009 and British Civil Airworthiness Requirements	F	A		
DfT	Proposals for getting advice on delivering a suitable transport system for people with disabilities	C	A		
DfT	Revising the levels of penalty charges in The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 No. 3487	C	R		
DfT	The Merchant Shipping (Accident Investigation and Reporting) Regulations 2011	C	A		

Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DfT	European Commission's Regulation on bus and coach passenger rights	C	R	G	
DfT	Amendment of the Air Navigation Order 2009 to address the effects of European legislation on pilot licensing	F	G		
DfT	UK implementation of EU Directive 2009/20/EC on the insurance of shipowners for maritime claims	C	G		
DfT	Repeal of Street Works Qualifications Requirements	C	G		
DfT	Olympic and Paralympic transport - Olympics Bill provisions on civil enforcement and traffic regulation*	F	G		
DH	The Department of Health's Public Bodies IA	F	R	R	A
DH	Increasing Local Democratic Legitimacy in Health	F	A		
DH	Healthwatch	F	A		
DH	Provision-provider liberalisation, economic regulation and joint licensing	F	R	A	
DH	Public Health elements of the Health Bill	F	A		
DH	GP Commissioning & NHS Commissioning Board	F	R	R	G
DH	Statutory Regulation of Herbal Medicine and Traditional Chinese Medicine.	C	R		
DH	Medical X-ray CT Scanning of Asymptomatic individuals	F	A		
DH	Recognition of pharmacist qualifications awarded in the European Economic Area and Switzerland: removing the "three-year rule" from new pharmacies	F	G		
DH	Impact Assessment on the Proposed Amended Regulations to Accompany the Prohibition of Display of Tobacco Products at the Point of Sale	F	R	A	G
DH	Consolidation of UK medicines legislation	C	G		
DH	Pharmacy proposals - Repeal of Section 10(7) of the Medicines Act	F	R	G	
DH	Consultation on proposed changes to regulations for Care Quality Commission registration	C	A		
DH	Control of Entry and Exit in the NHS pharmaceutical market	C	R	A	
DH	Proposal for a Directive of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation	C	R	R	G
DH	Transposition of Pharmacovigilance Directive 2010/84/EU	C	G		



Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
DH	Impact Assessment for the prohibition on the sale of tobacco from vending machines	F	R	R	
DH	MHRA - Fees legislation 2012	C	R	G	
DH	Permit a 0.2% increase in the list price of branded medicines supplied by manufacturers and suppliers under the statutory scheme from January 2012	F	A		
DWP	Impact of the move to CPI for Occupational Pensions	F	A		
DWP	Abolition of Contracting-out for defined contribution pension schemes	F	R	A	
DWP	The Occupational Pensions Schemes (Employer Debt) Regulations 2011	C	R	G	
DWP	The Occupational Pensions Schemes (Employer Debt) Regulations 2011	F	G		
DWP	Workplace Pension Reform Secondary Legislation 2012	C	A		
DWP	Workplace Pension Reform Secondary Legislation 2012	F	R	A	
DWP	Workplace Pension Reform: Waiting Period Notice	C	A		
DWP	Direct Earnings Attachment to Recover Overpaid Social Security Benefits	F	R	G	
DWP	The Child Support Maintenance Calculation Regulations 2012	C	R	A	
DWP	Short Service Refunds	F	A		
FoodSA	Bisphenol A: The Plastic Materials and Articles in Contact with Food (England) (Amendment) Regulations 2011	F	R		
FoodSA	The Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011	F	A		
FoodSA	Proposals to amend the frequency of certain official control inspections for on-farm dairy hygiene in England and Wales	F	G		
FoodSA	A new approach to charges for official controls on meat : delivering efficiency and reform	F	R	A	
HMT	E-Money Regulations*	F	A		

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			1 st	2 nd	3 rd
HMT	Consultation on the Transposition of the Recast Undertakings for Collective Investments in Transferable Securities (UCITS IV) Directive 2009	F	G		
HMT	Electronic Communications in the Mutual Sector	F	A		
HMT	Impact Assessment of consultation proposals for Credit Unions in Northern Ireland	C	R		
HMT	Impact Assessment of consultation proposals for Credit Unions in Northern Ireland	F	R	G	
HMT	Consumer Insurance (Disclosure and representation)	F	A		
HMT	UK implementation regulations making amendments to the EU Prospectus Directive	C	A		
HMT	UK implementation regulations making amendments to the EU Prospectus Directive	F	G		
HMT	Revising the Money Laundering Regulations 2007	C	A		
HMT	The Investment Bank Special Administration (England and Wales) Rules 2011 The Investment Bank Special Administration (Scotland) Rules 2011	F	G		
HMT	Legislative Reform (Industrial and Provident Societies and Credit Unions) Order 2011	F	R	G	
HMT	European Court of Justice ruling on the use of gender in insurance policies	C	A		
HMT	Counterfeit Euros - UK Enforcement Measures	C	G		
HMT	Remuneration Disclosure	C	A		
HMT	HM Treasury and FSA Proposals for a Protected Cell Regime for Open-Ended Investment Companies	F	G		
HMT	Regulating auctions of emissions allowances	F	G		
HMT	Regulated Covered Bonds Review	F	A		
HMT	Transposition of the Solvency II Directive (2009/138/EC)	C	A		
HMT	UK Implementation of the amended EU Prospectus Directive	C	A		
HMT	FSMA market abuse regime evaluating the sunset clauses (2011)	F	A		
HMT	Contractual Scheme Regulations	C	G		
HO	Amendments to Schedule 5 of Anti-Terrorism, Crime and Security Act 2001	F	G		



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			1 st	2 nd	3 rd
HO	Consultation on the Reform of the Student Immigration System	F	R	A	
HO	Reviewing offenders subject to indefinite notification requirements (Part 2 of Sexual Offences Act 2003)	F	A		
HO	The Police Act 1996 (Equipment) Regulations 2010 and the Police Act 1996 (Services) Regulations 2010	F	A		
HO	The Immigration & Nationality (Cost Recovery Fees) Regulations 2011	F	R	A	
HO	The Immigration & Nationality (Fees) Regulations 2011	F	R	A	
HO	Reform of Vehicle Immobilisation	F	R	A	
HO	UK Impact Assessment on European Regulation for the Marketing and Use of Explosives Precursors	C	G		
HO	Regulating use of the Mosquito' Device	F	R		
HO	UK Implementation of European Directive 2010/63/EU on the protection of animals used for scientific purposes	C	A		
HO	Implementation of Authority-to-carry Scheme under Section 124 of Nationality, Immigration and Asylum Act 2002	C	A		
HO	Consultation on changes to Tier 5 of the Points Based System, Other non-PBS routes, Dependents of Tier 1 and 2 migrants and Settlement rules for Tier 1 and 2 migrants	C	R		
HO	Reform of Family Migration Routes	C	A		
HO	Impact Assessment on Proposed Changes to the Vetting and Barring Scheme and Criminal Records Regime	F	G		
HO	Dealing with the problems of late night drinking - secondary legislation consultation	C	R	A	
HO	Ban on sales of alcohol below the cost of duty plus VAT	F	R	A	
HO	The Police Act 1996 (Equipment)(Amendment) Regulations 2012 and the Police Act 1996 (Services) Regulations 2012	C	G		
HO (GEO)	Legislative measures to promote equal pay	F	R		
HO (GEO)	Legislative measures to promote equal pay*	C	G		
HO (GEO)	Ending age discrimination in the provision of goods, facilities, services and public functions	F	R	R	
HO (GEO)	Reform of Equality & Human Rights Commission	C	R	A	
HO (GEO)	Civil Partnerships on religious premises	C	A		

Dept.	Title of Impact Assessment	Stage	Red-Amber-Green		
			1 st	2 nd	3 rd
HO (GEO)	Civil Partnerships on religious premises	F	A		
HO (GEO)	Review of Third Party Harassment Provisions	C	R	A	
HO (GEO)	Amendment of Section 147 of the Equality Act 2010	F	A		
HSE	Implementing the Common Sense, Common Safety Recommendations Lord Young's Recommendation to Amend RIDDOR Regulation 3(2)	C	A		
HSE	Implementing the Common Sense, Common Safety Recommendations Lord Young's Recommendation to Amend RIDDOR Regulation 3(2)	F	A		
HSE	Impact Assessment of the removal of a form certifying the safety of a vessel to transport a person by water (Docks Regulation)	F	R		
HSE	Legislative Reform Order to extend the legal powers conferred by Section 1(1) of the Health and Safety at Work etc Act 1974	F	G		
HSE	3rd Indicative Occupational Exposure Limit Values Directive	C	G		
HSE	3rd Indicative Occupational Exposure Limit Values Directive	F	G		
HSE	The Removal of the Adventure Activity Licensing Regime	C	A		
HSE	Proposed Replacement of the Health and Safety (Fees) Regulations 2010	C	A		
HSE	Control of Asbestos Regulations	C	G		
HSE	Control of Asbestos Regulations	F	A		
HSE	Amendment of the Identification and Traceability of Explosives Regulations 2010 and the Identification and Traceability of Explosives Regulations (Northern Ireland) 2010	C	A		
MOD	Impact Assessment of the transposition of the EU Defence and Security Directive into UK Regulations	F	R	G	
MOJ	Trusts (Capital and Income) Bill	F	A		
MOJ	Office of the Public Guardian (OPG) fee Changes	F	A		



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			1 st	2 nd	3 rd
MOJ	Office of the Public Guardian (OPG) fee Changes	C	A		
MOJ	Increases to Civil, Family and Non-Contentious Probate Court Fees	F	A		
MOJ	Draft Defamation Bill	C	A		
MOJ	Extension of the system for dealing with low value Road Traffic Accident (RTA) Personal Injury (PI) Claims	C	A		
MOJ	A Single County Court for England and Wales and the deployment of High Court Judiciary to the County Courts	C	A		
MOJ	A Single County Court for England and Wales and the deployment of High Court Judiciary to the County Courts	F	R	A	
MOJ	Pre-action Dispute Management	C	A		
MOJ	Reforming civil jurisdiction limits	C	A		
MOJ	Reforming civil jurisdiction limits	F	R	G	
MOJ	Alternative Dispute Resolution proposals for civil cases	C	A		
MOJ	Alternative Dispute Resolution proposals for civil cases	F	R	G	
MOJ	Proposed reforms to charging orders	C	A		
MOJ	Proposed reforms to charging orders	F	A		
MOJ	Impact Assessment for the consultation on whether to introduce information requests and orders	C	A		
MOJ	Whether a minimum limit should be imposed on Order for Sale applications in relation to Consumer Credit Act debts only	C	A		
MOJ	Whether a minimum limit should be imposed on Order for Sale applications in relation to Consumer Credit Act debts only	F	A		
MOJ	Proposed reforms to third party debt orders	C	A		
MOJ	Proposed reforms to third party debt orders	F	A		
MOJ	Proposed reforms to attachment of earnings	C	A		
MOJ	Cumulative Jackson Proposals	F	R	A	
MOJ	Extending the Freedom of Information Act to the ACPO, FOS and UCAS	F	R	A	

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			1 st	2 nd	3 rd
MOJ	Implementation of European Regulation (EC) 4/2009 - jurisdiction, applicable law, recognition and enforcement of decisions relating to maintenance obligations	F	A		
MOJ	Transforming Bailiff Action Regulatory Regime and Training	C	R		
MOJ	Transforming Bailiff Action: Clarifying the Law	C	R		
MOJ	Cost of Enforcement Related Services	C	A		
MOJ	Claims Management Rules Review - Phase One	F	R		



Annex C

Contacting the Regulatory Policy Committee

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