



Department  
for Work &  
Pensions

## Reviewing Regulation: Detailing DWP (including HSE) Commitments

## DWP Regulatory Review

In line with Better Regulation principles, the Department for Work and Pensions (including HSE) has set out information on its plans to review legislation which has an impact on business.

There are two types of reviews:

- statutory reviews – which are those that a department commits to undertaking, in primary or secondary legislation (including reviews linked to sunset clauses). As at August 2013, DWP was estimated to have 10 such reviews; and
- non-statutory reviews – which are not committed to in law, but which a department has indicated it will undertake, in an Impact Assessment.

Sunset clauses provide for automatic expiry of a measure on a specified date. The precursor for any such automatic expiry is a review, to ascertain whether measure should be renewed, amended or allowed to expire; therefore this plan also provides information on sunset clauses, and reviews linked to them

Post Implementation Reviews (PIRs) are generally undertaken for non-statutory commitments, but should form the basis for statutory reviews

The Department will undertake the reviews in line with guidance in the Better Regulation Framework Manual which can be found at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/211981/bis-13-1038-better-regulation-framework-manual-guidance-for-officials.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211981/bis-13-1038-better-regulation-framework-manual-guidance-for-officials.pdf)

### Details of PIRs and Statutory Reviews for DWP Measures Impacting Business

Measure	Impact Assessment (IA) number	Origin of Measure	EANCB (£m)	Link to final IA	Review Type	PIR Due Date/ Details ( <i>Please provide details of how you intend to undertake your PIR here, including when, if different from date originally committed to – a brief narrative or an embedded word document will suffice</i> )
The Pensions Act 2007 (Abolition of Contracting-out for Defined Contribution Pension Schemes) (Consequential Amendments) (No. 2) Regulations 2011	DWP0015	Domestic	-£4.780	<a href="http://www.legislation.gov.uk/ukSI/2011/1724/impacts">http://www.legislation.gov.uk/ukSI/2011/1724/impacts</a>	Post Implementation Review	Defined contribution contracting out was abolished in April 2012. The Department outlined its intention to evaluate the transitional arrangements for abolition October 2013. Feedback from HMRC operations is that the interim arrangements are working well, with no complaints from the pension providers. In view of this positive feedback, the Department has decided to postpone the evaluation until 2015 when the transitional arrangements come to an end.
The Child Support Maintenance Calculation Regulations 2012	DWP0013	Domestic	£0.100	<a href="http://www.legislation.gov.uk/ukSI/2012/2677/impacts">http://www.legislation.gov.uk/ukSI/2012/2677/impacts</a>	Post Implementation Review	<p>The Child Maintenance Evaluation Strategy provides a framework for evaluating the effects of the Child Maintenance Reforms. It meets our publicised commitment to evaluate and review the implementation of the reform programme and the commitment given in the Welfare Reform Act to publish a 30-month review of the impact of charging following its introduction. The strategy represents a coordinated approach to monitoring the impacts of the reforms on client outcomes and service over the next 3-5 years, by which point all cases on the 1993 and 2003 schemes should have closed as a result of the case closure process.</p> <p>The Evaluation Strategy is structured around a number of evaluation questions which seek to understand the context and constraints under which success is delivered. These questions will look at various aspects of the 2012 child maintenance service including the statutory scheme, the Gateway and Help and Support for Separated Families. Our approach to the evaluation is to use existing survey and administrative data sources where possible, combining these with internally and externally commissioned quantitative and qualitative research where necessary.</p>

						Outcomes will be monitored at different stages during the 30 month review, checking the impact of the reforms are as expected and to provide an indication of whether there are any unintended consequences for clients or the taxpayer. An Evaluation Strategy is due to be published later this year.
The Social Security (Overpayments and Recovery) Regulations 2013	DWP0021	Domestic	£0.000	<a href="http://www.legislation.gov.uk/ukSI/2013/384/impacts">http://www.legislation.gov.uk/ukSI/2013/384/impacts</a>	<b>Post Implementation Review</b>	The Welfare Reform Act 2012 supported by the Social Security (Overpayments and Recovery) Regulations 2013 introduced Direct Earnings Attachments (DEA) from April 2013. A pilot was carried out in Debt Management for a six month period from April 2013 to see how effective the use of DEAs would be on the recovery of overpayments when compared to a control group of cases. It was also used to ensure that any burdens placed on employers could be kept to a minimum and any issues ironed out. An evaluation of the pilot has been undertaken and report produced. Following completion of the pilot, DM Operations continue the process with an increased number of cases. An Operational Readiness Review is scheduled for June 2014 with implementation beginning to roll out between July and September. A Post Implementation Review will follow full roll out.
The Occupational and Stakeholder Pension Schemes (Miscellaneous Amendments) Regulations 2013	DWP0033	Domestic	£0.000	<a href="http://www.legislation.gov.uk/ukSI/2013/459/impacts">http://www.legislation.gov.uk/ukSI/2013/459/impacts</a>	<b>Post Implementation Review</b>	We anticipate drawing up details of how best to evaluate the effect of the amended regulations during 2015/16 as the post implementation review is due in October 2017

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<b>Automatic Enrolment Programme (Workplace Pension Reforms)</b>						
Workplace Pension Reforms (Auto Enrolment Main Regs)	DWP001a/b	Domestic	£2699.000	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/220202/ia-workplace-pension-reform-july-2012.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/220202/ia-workplace-pension-reform-july-2012.pdf</a>	Post Implementation Review	The Evaluation Strategy of the Workplace Pension Reform was published in 2011 - <a href="https://www.gov.uk/government/publications/workplace-pension-reforms-evaluation-strategy-rr764">https://www.gov.uk/government/publications/workplace-pension-reforms-evaluation-strategy-rr764</a> . It says: "The Evaluation Strategy provides a framework for evaluating the effects of the Workplace Pension Reforms. It builds on the Department's commitment to evaluate, as summarised in the Post Implementation Review (PIR) Plan set out in the Impact Assessments accompanying the legislation. The evaluation of the reforms will feed into the 2017 review of NEST (National Employment Savings Trust) as outlined in the Pensions Act 2008, and into any subsequent changes in regulations. The Evaluation Strategy is structured around eight key Evaluation Questions which seek to understand the context and constraints under which success is delivered. To ensure the evaluation represents value for money to the taxpayer, the evaluation will draw on existing information sources as far as possible. Where appropriate, discrete research will be commissioned.
Workplace Pension Reform Secondary Legislation 2012	DWP0005	Domestic	£19.000	<a href="http://www.legislation.gov.uk/ukia/2011/487/pdfs/ukia_20110487_en.pdf">http://www.legislation.gov.uk/ukia/2011/487/pdfs/ukia_20110487_en.pdf</a>	Post Implementation Review	Outcomes will be measured at different stages to check that the regulations are operating as expected and to provide an indication of whether there are any unintended consequences for individuals, employers or industry. We have committed to publishing an update report annually and have published two so far: 2012: <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/193454/rrep803.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/193454/rrep803.pdf</a> 2013: <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/261672/rrep854.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/261672/rrep854.pdf</a> Legislation covered by the evaluation is as follows: Workplace Pension Reforms (Auto Enrolment Main Regs)
Workplace Pension Reforms: Cross-Border Workers	DWP0026	Domestic	-£8.180	<a href="http://www.legislation.gov.uk/ukia/2012/82/pdfs/ukia_20120082_en.pdf">http://www.legislation.gov.uk/ukia/2012/82/pdfs/ukia_20120082_en.pdf</a>	Post Implementation Review	
The Employers' Duties (Implementation) (Amendment) Regulations 2012	DWP0027	Domestic	-£137.000	<a href="http://www.legislation.gov.uk/uksi/2012/1813/impacts">http://www.legislation.gov.uk/uksi/2012/1813/impacts</a>	Post Implementation Review	
National Employment Savings Trust (Amendment) Order 2013	DWP0037	Domestic	£0.000	<a href="http://www.legislation.gov.uk/ukia/2013/1143/pdfs/ukia_20131143_en.pdf">http://www.legislation.gov.uk/ukia/2013/1143/pdfs/ukia_20131143_en.pdf</a>	Post Implementation Reviews	

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						<p>(DWP0001a/b)</p> <ul style="list-style-type: none"> <li>• Pensions Act 2008</li> <li>• The Occupational and Personal Pensions Schemes (Automatic Enrolment) Regulations 2010</li> <li>• The Employers' Duties (Implementation) Regulations 2010</li> <li>• The Employers' Duties (Registration and Compliance) Regulations 2010</li> <li>• The National Employment Savings Trust Order 2010</li> <li>• Pensions Act 2011</li> </ul> <p>Workplace Pension Reform Secondary Legislation 2012 (DWP005)</p> <ul style="list-style-type: none"> <li>• The Occupational and Personal Pensions Schemes (Automatic Enrolment) (Amendment) Regulations 2012</li> <li>• The Automatic Enrolment (Miscellaneous Amendment) Regulations 2012</li> <li>• The Automatic Enrolment (Offshore Employment) Order 2012</li> </ul> <p>Workplace Pension Reforms: Cross-Border Workers (DWP0026)</p> <ul style="list-style-type: none"> <li>• The Occupational and Personal Pensions Schemes (Automatic Enrolment) (Amendment)(No.2) Regulations 2012</li> </ul> <p>The Employers' Duties (Implementation) (Amendment) Regulations 2012 (DWP0027)</p> <ul style="list-style-type: none"> <li>• The Employers' Duties (Implementation) (Amendment) Regulations 2012</li> </ul> <p>National Employment Savings Trust (Amendment) Order 2013 (DWP0037)</p> <ul style="list-style-type: none"> <li>• National Employment Savings Trust (Amendment) Order</li> </ul>

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						<p>2013 (DWP0037)</p> <p>No separate Impact Assessment</p> <ul style="list-style-type: none"> <li>• The Occupational and Personal Pensions Schemes (Automatic Enrolment) (Amendment)(No.3) Regulations 2012</li> <li>• The Occupational and Personal Pensions Schemes (Automatic Enrolment) (Amendment) Regulations 2013</li> <li>• The Automatic Enrolment (Miscellaneous Amendments) Regulations 2013</li> </ul> <p>There are two instruments which include statutory review and sunset provisions:</p> <ul style="list-style-type: none"> <li>• The Occupational and Personal Pensions Schemes (Automatic Enrolment) (Amendment) Regulations 2012 inserts regulation 52 into the Occupational and Personal Pensions Schemes (Automatic Enrolment) Regulations 2010. This brings seafarers within the scope of automatic enrolment.</li> <li>• The Automatic Enrolment (Offshore Employment) Order 2012. This brings off-shore workers within the scope of automatic enrolment.</li> </ul> <p>These provisions must be reviewed and a report published by 30 June 2018, as the provisions will currently cease to have effect on 1 July 2020.</p> <p>The statutory reviews only refer to the inclusion of the seafarers and offshore workers policy. Many of the employers of these types of workers are unlikely to need to comply until later in the rollout (due to be completed in February 2018) and as the review is still five years away, there is currently no specific plan for this.</p> <p>Other Reviews</p>

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						The Occupational and Personal Pensions Schemes (Automatic Enrolment) (Amendment) Regulations 2012 also inserts PART 7A into the Occupational and Personal Pensions Schemes (Automatic Enrolment) Regulations 2010. These regulations are made under s.28 of the Pensions Act 2008. Section 28(2C)(b) requires the SoS to carry out a review in 2017 and then every 3 years to check whether the regulations still meet the test set out in s.28(2A). There are no publication requirements.

**Please note: the EANCB may be different from what can be found in the Impact Assessments because the RPC recently re-calculated some EANCBs to ensure consistency across all IAs they opined on.**



## Details of PIRs and Statutory Reviews for HSE measures

Measure	Impact Assessment (IA) number	Origin of Measure	EANCB (£m)	Link to final IA	Review Type	PIR Due Date/ Details ( <i>Please provide details of how you intend to undertake your PIR here, including when, if different from date originally committed to – a brief narrative or an embedded word document will suffice</i> )
Heavy Fuel Oil (Amendment) Regulations 2014	HSE 0078	EU	-£0.140	<a href="http://www.legislation.gov.uk/ukia/2014/23/pdfs/ukia_20140023_en.pdf">http://www.legislation.gov.uk/ukia/2014/23/pdfs/ukia_20140023_en.pdf</a>	Post Implementation Review & Statutory Review	PIR within 5 years of 15th Feb 2014 i.e. February 2019. Statutory Review date - 19/02/2019. The Regulations include a duty on the Minister to review the legislation (in relation to COMAH only) within five years of commencement, publish his findings and to repeat a review every five years (EM).
Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013	HSE 0070	EU	£0.000	<a href="http://www.legislation.gov.uk/ukia/2013/45/pdfs/ukia_20130045_en.pdf">http://www.legislation.gov.uk/ukia/2013/45/pdfs/ukia_20130045_en.pdf</a>	Post Implementation Review & Statutory Review	PIR – by September 2018. Statutory Review date - 30/08/2018. The Secretary of State will review the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 after five years to determine whether they achieve their intended objective and, if those objectives remain appropriate, whether they could be achieved with less regulation.
Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013	HSE 0068	Hybrid	£0.002	<a href="http://www.legislation.gov.uk/ukia/2013/1104/pdfs/ukia_20131104_en.pdf">http://www.legislation.gov.uk/ukia/2013/1104/pdfs/ukia_20131104_en.pdf</a>	Post Implementation Review	PIR - April 2018, The Order is a unique piece of domestic legislation and there are currently no powers under the Health and Safety at Work etc. Act 1974 or European legislation that enables HSE to require it to be reviewed in line with the Government's objectives to regularly review new regulation. However, HSE will undertake a review of the new Order in 2018 and this commitment has been included in the Explanatory Notes of the statutory instrument.
Identification and Traceability of Explosives Regulations 2013		EU	-£0.023	<a href="http://www.legislation.gov.uk/ukia/2013/1129/pdfs/ukia_20131129_en.pdf">http://www.legislation.gov.uk/ukia/2013/1129/pdfs/ukia_20131129_en.pdf</a>	Post Implementation Review & Statutory Review	PIR - April 2017 Statutory Review - 4/04/2017. The 2012 Regulations implemented a five-year review clause in line with Government policy. This will remain in place in the 2013 Regulations, with the first report of this review to be published before 5th April 2017, which is the fifth year of the period established under the 2012 Regulations.
Health and Safety (Sharp Instruments in Healthcare) Regulations 2013	HSE 0075	EU	£0.500	<a href="http://www.legislation.gov.uk/ukia/2013/1157/pdfs/ukia_20131157_en.pdf">http://www.legislation.gov.uk/ukia/2013/1157/pdfs/ukia_20131157_en.pdf</a>	Post Implementation Review & Statutory Review	PIR - April 2018 Statutory Review - 10/05/2018, In line with the Government's Guiding Principles for EU legislation, the Regulations include a statutory requirement on the Secretary of State to review the Regulations every 5 years, in light of how they have been implemented in other member states and against the intended objective to reduce sharps injuries.

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Health and Safety (Miscellaneous Revocations and Amendments) Regulations 2013	HSE 0074	Domestic	-£0.380	<a href="http://www.legislation.gov.uk/ukia/2013/40/pdfs/ukia_20130040_en.pdf">http://www.legislation.gov.uk/ukia/2013/40/pdfs/ukia_20130040_en.pdf</a>	Post Implementation Review	PIR - 2017 - First Aid provisions only. Dock provisions - no review or monitoring necessary. As the cycle of requalification for first aid at work training will be completed in three years, it will not be possible to undertake any review until all affected businesses have experienced any changes made. In support of its monitoring and review, HSE will be able to undertake a limited quantitative analysis based on the data submitted (in relation to Ofqual etc regulated qualifications, and also data received on a voluntary basis from larger organisations). This will allow for comparison and assessment of the continued uptake of (commercial) first aid at work training and the emerging shape of the training industry. HSE will also be able to undertake qualitative analysis of enforcement activity and wider 'fee for intervention' cases relating to first aid to inform the state of quality standards going forwards.
Biocidal Products (Fees and Charges) Regulations 2013	HSE 0070	EU	£0.000	<a href="http://www.legislation.gov.uk/ukia/2013/43/pdfs/ukia_20130043_en.pdf">http://www.legislation.gov.uk/ukia/2013/43/pdfs/ukia_20130043_en.pdf</a>	Post Implementation Review	PIR - September 2018 (IA) but the EM says there will be a review of the General Industry Charge by 1 April 2014. The Health and Safety Executive (HSE) will complete a review of its General Industry Charge, one aspect of its biocides fees structure, by 1 April 2014 to determine whether it continues to achieve its intended objective of full cost recovery and to ensure the fees structure remains in line with Government policy contained in Managing Public Money. Due to complexities and time constraints, it was not possible to complete this review and implement the necessary changes before 1 September 2013, which is the deadline for meeting the obligations under the Biocides Regulation. HSE will consult on proposals for any changes that are found to be necessary. Following this review, HSE plans to incorporate the Biocidal Products (Fees and Charges) Regulations into the Health and Safety (Fees) Regulations in 2015.
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013	HSE 0072	Hybrid	-£0.030	<a href="http://www.legislation.gov.uk/ukia/2013/33/pdfs/ukia_20130033_en.pdf">http://www.legislation.gov.uk/ukia/2013/33/pdfs/ukia_20130033_en.pdf</a>	Post Implementation Review & Statutory Review	PIR - May 2017 Statutory Review - 31/09/2018

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Health and Safety at Work etc. Act 1974 (Civil Liability) (Exceptions) Regulations 2013		Domestic	-	No IA	<b>Statutory Review</b>	Statutory Review - 30/09/2018. See <a href="http://www.legislation.gov.uk/ukxi/2013/1667/contents/made">http://www.legislation.gov.uk/ukxi/2013/1667/contents/made</a> . An impact assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies, and simply reinstates the current legal position.
Reporting of Injuries, Diseases and Dangerous Occurrences (Amendment) Regulations 2012	HSE 0072	Hybrid	-£0.240	<a href="http://www.legislation.gov.uk/ukia/2011/452/pdfs/ukia_20110452_en.pdf">http://www.legislation.gov.uk/ukia/2011/452/pdfs/ukia_20110452_en.pdf</a>	<b>Post Implementation Review &amp; Statutory Review</b>	PIR - April 2017 Statutory Review - 05/04/2017.
Control of Asbestos Regulations 2012		EU	£22.000	<a href="http://www.legislation.gov.uk/ukia/2011/471/pdfs/ukia_20110471_en.pdf">http://www.legislation.gov.uk/ukia/2011/471/pdfs/ukia_20110471_en.pdf</a>	<b>Post Implementation Review &amp; Statutory Review</b>	PIR - October 2017 Statutory Review - 05/04/2017 HSE proposes to monitor the changes related to the infraction to assess impact on businesses and to review the regulations in 2017 in accordance with the Government's review policy. (EM)
Health and Safety (Fees) Regulations 2012		Domestic	£39.000	<a href="http://www.legislation.gov.uk/ukia/2012/333/pdfs/ukia_20120333_en.pdf">http://www.legislation.gov.uk/ukia/2012/333/pdfs/ukia_20120333_en.pdf</a>	<b>Post Implementation Review &amp; Statutory Review &amp; Sunset Clause</b>	PIR - April 2015 Statutory Review - 05/04/2015. Sunset clause – the Regulations will cease to have effect on 30 September 2017. The Fees Regulations are reviewed annually and updated if necessary. One small part of the fee for intervention proposals (where a duty holder successfully challenges HSE using the query and dispute procedures) falls within the scope of the Government's One-in, One-out policy. Therefore, in addition to the commitment by the HSE Board and in the Impact Assessment to publish a report after 12-18 months, and a post-implementation review after three years, HSE has included a review provision within the Fees Regulations that requires a statutory review of the fee for intervention proposals within three years of commencement of the Fees Regulations. (EM)