



Department
for Business
Innovation & Skills

REVIEWING REGULATION

Summary of BIS Regulatory
Review Commitments

MARCH 2015

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Foreword

We are pleased to publish this first summary of regulatory review commitments made by the Department for Business, Innovation and Skills (BIS).

The department is strongly committed to using robust evidence to support the development, implementation, monitoring and evaluation of our regulations. Future regulatory reviews outlined in this document will provide an evidence-based evaluation of the effectiveness of a regulation after it has been implemented and operational for an appropriate period. These regulatory reviews will then inform the decision-making process about whether the regulation should be amended, renewed, replaced or removed.

As part of a transparent policy-making process, it is important that those that are affected by regulations know what is due to be reviewed and by when. This document will be updated on an annual basis with information about new review commitments and the delivery of existing commitments.

We are very grateful to the many staff from across BIS who have contributed to the development of this publication and those that will be responsible for carrying out these reviews as an integral part of policy-making in BIS.



Jenny Bates (Chief Analyst) & Claire Hobson (Head of BIS Better Regulation Unit)

Introduction

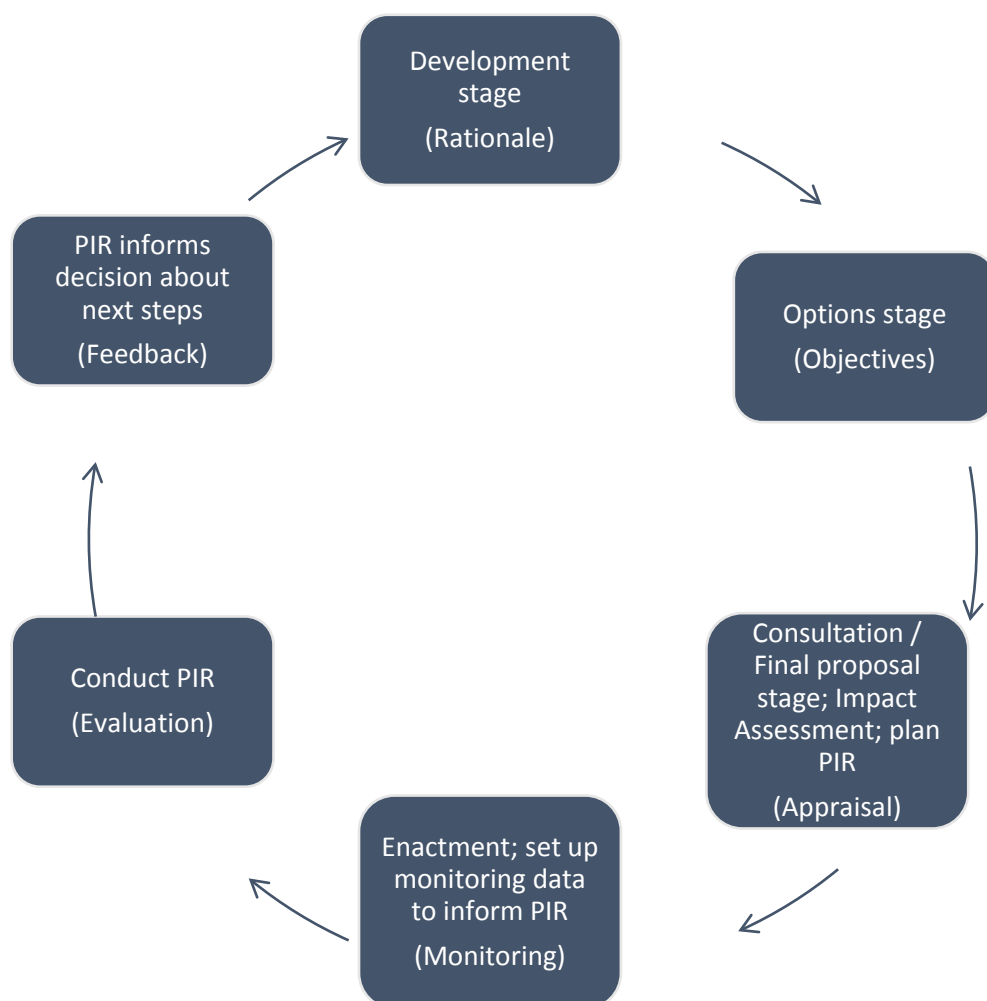
1. The Government wants to ensure all regulation is fair and effective. The Government's Principles of Regulation state that it will regulate to achieve its policy objectives only where:
 - (i) it is demonstrated that satisfactory outcomes cannot be achieved by alternative, self-regulatory, or non-regulatory approaches;
 - (ii) analysis of the costs and benefits demonstrates that the regulatory approach is superior by a clear margin to alternative, self-regulatory or non-regulatory approaches; and
 - (iii) the regulation and the enforcement framework can be implemented in a fashion which is demonstrably proportionate, accountable, consistent, transparent, and targeted.
2. Departments and partner bodies are required to produce impact assessments (IAs) assessing the costs and benefits of regulatory changes prior to consultation, enactment and implementation. The evidence and analysis used within IAs are scrutinised by the Regulatory Policy Committee and the flow of new regulation is monitored through the One-In, Two-Out rule¹.
3. Post Implementation Reviews (PIRs) are a key element of better regulation and will provide an evidence based evaluation of the effectiveness of a measure after it has been implemented and operational (after an appropriate period of time). A PIR will review: the original policy objectives, the extent to which the measure is achieving its intended effects / meeting its objectives; whether there have been any unintended consequences; how well it is working; and the reasons why. It will also assess whether the objectives could be achieved with a system that imposes less regulation².
4. The PIR evidence will support decisions about the next steps for a measure, which are:
 - a. **Renewal** - measure continues without change;
 - b. **Amendment** - measure remains but changes are made to improve it;
 - c. **Removal** - measure is removed without replacement; or
 - d. **Replacement** - measure is replaced or redesigned substantially.

¹ A rule that any new regulatory measure that is expected to result in a direct net cost to business and civil society organisations must be offset by compensatory deregulatory measures providing savings to business of at least double that amount, One-In, Two Out applies to all measures coming into force after 1 January 2013

² Annex C provides further details on the questions that will be answered within PIRs.

5. Figure 1 shows how the PIR fits in with the lifecycle of a regulation. This diagram uses the Green Book's³ ROAMEF policy cycle as its framework (ROAMEF is an acronym for Rationale, Objectives, Appraisal, Monitoring, Evaluation and Feedback). Planning of a PIR should begin when the IA is being developed (the 'Appraisal' stage in ROAMEF) and inform next steps in the later stages of the cycle ('Evaluation' and 'Feedback' in ROAMEF).

Figure 1 – The role of PIRs in the policy cycle for a regulation (adapted from the ROAMEF cycle)



7. When undertaking regulatory reviews, BIS will liaise with stakeholders in a variety of ways, ranging from formal written consultations to more informal engagement, and ensuring that proportionality principles are taken into account.

Statutory Reviews

8. In 2011 it became mandatory to include a review clause in any legislation that regulates business and civil society organisations (henceforth referred to as 'business') except where the effect is deregulatory or the costs to business are less than or equal

³ HM Treasury guidance for public sector bodies on how to appraise proposals

to £1 million in any given year. This was part of this Government's commitment to reduce both the stock of existing regulation and the flow of new regulation.

9. A review clause imposes a statutory duty to carry out a review of the relevant legislation within a specified timescale but does not necessarily include a sunset clause⁴. In most cases, the date of publication of the statutory review is no later than five years from the date the legislation came into force, and subsequent reviews should take place at five year intervals, at least.
10. Review clauses should be used in all secondary legislation or EU regulations / directives which regulate business and the costs to business exceed £1 million in any given year. They may also be used in other cases where appropriate, for example if the legislation is particularly novel or controversial.

Non-Statutory Reviews

11. Non-statutory reviews are public commitments made to review the legislation usually within 3, 5 or 7 years. The review commitments are not in legislation but in other published documents, for instance as part of the original IA. This is normally accompanied by a section in the IA's evidence base providing more detail about the structure and content of the review. In most instances, non-statutory reviews will cover the same material as statutory reviews.

EU Legislation with statutory or non-statutory reviews commitments

12. Mirroring reviews of domestic legislation, reviews of EU derived legislation should take place usually within 5 years after implementation or should be timed to coincide with a review by the European Commission, and cover the same questions as domestic reviews. It should also consider:
 - (i) The impacts on UK based businesses relative to other European competitors; and
 - (ii) Improving transposition of EU directives and regulation in the UK.
13. The main focus of the review is to identify areas where implementation and enforcement could be improved to reduce burdens on UK businesses, learning from the practical experience both in the UK and in other European countries. Where departments can learn from how their counterparts in other European countries have implemented, they should consider aligning implementation in the UK to ensure British businesses are not put at a competitive disadvantage. The PIR will also inform the UK's future negotiation position.

Proportionality

14. Consistent with the principle of proportionality, reviews are expected to be proportionate to the nature of the original legislation and the level and quality of

⁴ Sunset clauses provide an automatic expiry date for the regulation.

evidence sought should be balanced against other priorities to ensure value for money for taxpayers.

15. The primary consideration for proportionality should be based on the legislation's expected impact on business and the wider economy. Secondary considerations include whether the impacts are contentious or uncertain, and the availability of established data sources.
16. For the majority of the BIS statutory review commitments, the impacts on businesses and the economy are limited (see annex A) hence light touch reviews will be undertaken to review the questions in paragraph 3. For the non-statutory review commitments, more robust analysis (economic evaluation, impact evaluation and process evaluation) will be undertaken given the estimated impacts within the IAs (see annex B)⁵⁶.

Scrutiny of Post Implementation Reviews

17. The Regulatory Policy Committee (RPC) is an independent non-departmental public body whose purpose is to contribute to a cultural change in the Government's approach to regulation and support better and smarter regulation, through improving the use of evidence and analysis in regulatory policy-making.
18. As part of its work towards this goal, the RPC scrutinises PIRs and will give each PIR a Red, Amber or Green rating based on whether the analysis is fit for purpose, that is, whether it is proportionate and convincingly uses evidence to address the effectiveness of the legislation (i.e. the extent to which the legislation is working as expected; the extent to which its objectives and success indicators are met; and the extent of unintended effects).

A summary of BIS Regulatory Review Commitments

19. As part of the UK Government's commitment towards transparency, this document sets out the statutory reviews (Annex A) and non-statutory reviews with significant impact on business⁷ (Annex B) made by the BIS as at February 2015. This document will be updated on an annual basis with information about new review commitments and the delivery of existing commitments.

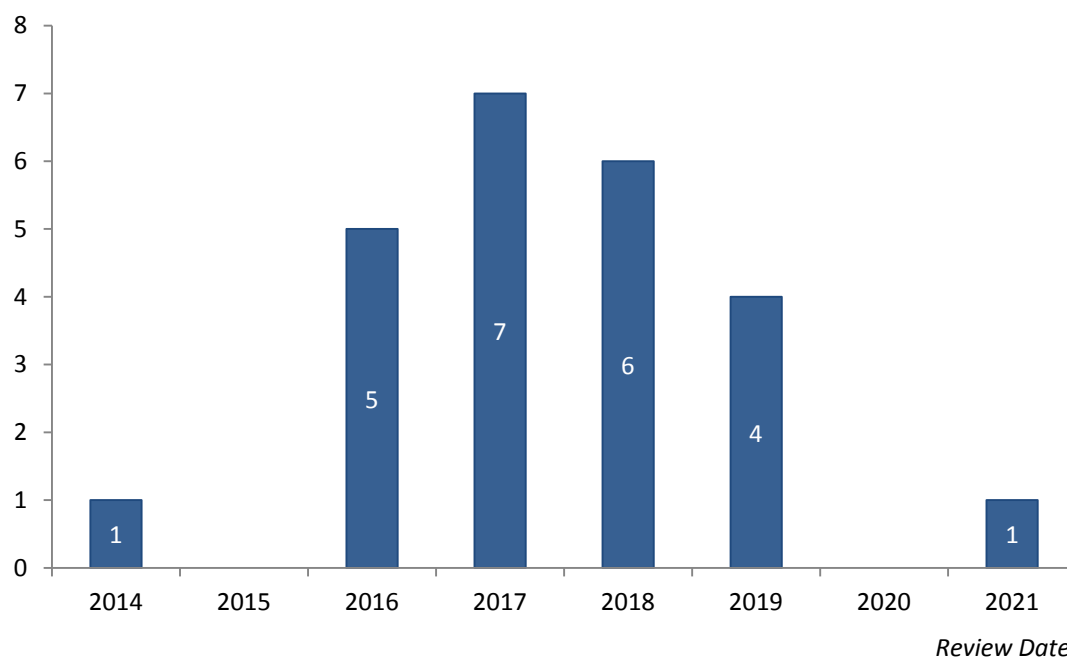
BIS Statutory Reviews Commitments

20. As at February 2015, BIS has made 24 statutory commitments with review dates ranging from 2014 to 2021. Annex A presents a list of these commitments

⁵ Non-statutory review commitments that have low impact on business (<£1 million per year) will be subject to light-touch scrutiny and will not be externally published. This is consistent with the before the event analysis on the appraisal side for new regulations.

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/211981/bis-13-1038-better-regulation-framework-manual-guidance-for-officials.pdf

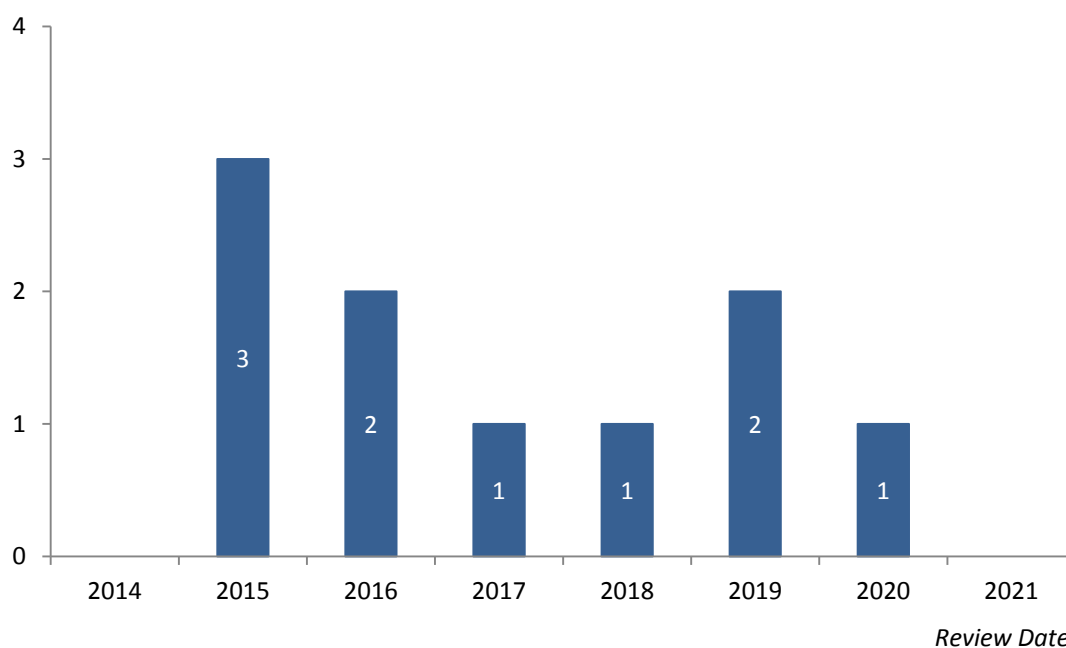
⁷ Ex-ante annual gross cost of greater than £1million

Figure 2 –Number of statutory review commitments, as at February 2015

BIS Non-Statutory Review Commitments

21. In addition to review commitments set out in legislation, BIS has also made a number of public commitments to review legislation in other published documents, such as IAs.
22. For the purpose of this document, only non-statutory review commitments with significant impact on business have been included. Annex B presents a list of these commitments. The review dates range from 2015 to 2020.

Figure 3 –Number of non-statutory review commitments with significant impact on businesses, as at February 2015



23. BIS will publish all PIRs that relate to statutory reviews and non-statutory review commitments with significant impact on business on www.legislation.gov.uk.

Annex A: Statutory Review commitments:

Measure ⁸	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Statutory Review Date
The Supply of Machinery (Safety) (Amendment) Regulations 2011	Amending Directive introduces additional essential environmental protection requirements for new pesticide application equipment.	3	0	01/12/14
Review plan: Regulation 7 sets out the required review. This amendment will be reviewed as part of the review of the parent regulation Supply of Machinery (Safety) Regulations 2008 which will be completed by the summer 2015. A review will be conducted, engaging with important stakeholders, relevant trade bodies, Health and Safety Executive (who enforce the regulation) and Machinery Notified Bodies to gather information and data regarding the impact of the regulation in terms of costs and benefits to business. Contact point: Kevin Lane (kevin.lane@bis.gsi.gov.uk)				
The Export Control (Eritrea and Miscellaneous Amendments) Order 2011	Implements enforcement of certain restrictive measures against Eritrea.	No Impact Assessment		13/06/16
Review plan: Article 9 sets out the required review. A review using existing data sources such as the licensing data provided on SPIRE and if necessary consulting the Commission and individual Member States will take place at least 12 months prior to the review date. Contact point: Edwina Osborne (edwina.osborne@bis.gsi.gov.uk)				
Postal Services Act 2011	Making provision for: an unrestricted sale of shares in Royal Mail; transferring Royal Mail's historic pension deficit to Government; a new regulatory regime for the postal services sector; and a special administration regime.	3,068	10,586	13/06/16
Review plan: Sections 34, 44, 67 and 88 set out the required reviews. There is on-going monitoring of the postal market by OFCOM (Sections 34 & 44). BIS will review part 3 (Regulation of the Postal Services) & 4 (Special Administration Regime) of the Act and will make use of the OFCOM review, other data sources on the postal market, and the views of stakeholders including postal users, OFCOM and postal providers. The impact assessment can be found here . Contact point: James Ravenscroft (james.ravenscroft@bis.gsi.gov.uk)				

⁸ The review measure hyperlink will take you to relevant page on legislation.gov.uk. From here, you will be able to find the relevant Legislation, the Explanatory Memorandum and the Impact Assessment.

Measure ⁸	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Statutory Review Date
The Toys (Safety) Regulations 2011	Ensuring an improved level of safety, enforcement, clarification of scope and concepts; and a 'level playing field' between manufacturers in the EU.	-190	221	19/08/16
<p>Review plan: Regulation 58 sets out the required review. The PIR will be based on a mix of qualitative and quantitative evidence, gathered from enforcement teams (in this case, Trading Standards) and industry participants, manufacturers (British Toy & Hobby Manufactures), importers (Equitoy), and retailers (Toy Retailers Association).</p> <p>Contact point: Tony Eden-Brown (tony.edenbrown@bis.gsi.gov.uk)</p>				
The Export Control (Belarus) and (Syria Amendment) Order 2011	Implementing restrictive measures in relation to Belarus and Syria, which include prohibitions on trade, technical assistance and finance assistance.	No Impact Assessment		05/09/16
<p>Review plan: Article 9 sets out the required review. A review using existing data sources such as the licensing data provided on SPIRE and if necessary consulting the Commission and individual Member States will take place at least 12 months prior to the review date.</p> <p>Contact point: Edwina Osborne (edwina.osborne@bis.gsi.gov.uk)</p>				
The Export Control (Al-Qaida and Taliban Sanctions) Regulations 2011	Implementing additional restrictive measures in relation to Al-Qaida and Taliban, which include prohibitions on technical advice, assistance or training related to military activities.	No Impact Assessment		30/11/16
<p>Review plan: Article 9 sets out the required review. A review using existing data sources such as the licensing data provided on SPIRE and if necessary consulting the Commission and individual Member States will take place at least 12 months prior to the review date.</p> <p>Contact point: Edwina Osborne (edwina.osborne@bis.gsi.gov.uk)</p>				
Groceries Code Adjudicator Act 2013	Enabling the adjudicator to investigate whether a large retailer has broken the Groceries Code.	-17	17	31/03/17
<p>Review plan: Section 15 of the Act sets out the duty for the SoS to review the Adjudicator's performance. The review will make use of the regular reporting by the Adjudicator on the level of compliance with GSCOP. It will take into account stakeholder views including both retailers and suppliers. The impact assessment can be found here.</p> <p>Contact point: James Ravenscroft (james.ravenscroft@bis.gsi.gov.uk)</p>				

Measure ⁸	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Statutory Review Date
The Textile Products (Labelling and Fibre Composition) Regulations 2012	Providing enforcement powers and sanctions for breaches of the EU Regulation on textile fibres and related labelling and marking of the fibre composition of textile products.	2	0	08/05/17
<p>Review plan: Regulation 20 sets out the required review. A desk review based on the views of stakeholders (UK Fashion and Textiles Association, UK Leather Federation, British Footwear Association, BRC, Shirley Tech (testing organisation), Satra (testing organisation), CEN / BSI (EU and UK standards organisations), and Association of Chief Trading Standards Officers / Convention of Scottish Local Authorities) and any assessment done by the European Commission. The impact assessment can be found here.</p> <p>Contact point: James Ravenscroft (james.ravenscroft@bis.gsi.gov.uk)</p>				
The Batteries and Accumulators (Placing on the Market) (Amendment) Regulations 2012	Implementing EU directive about capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators.	No Impact Assessment		31/05/17
<p>Review plan: Regulation 2 sets out the required review. A review will be conducted with interviews of the key stakeholder groups affected by the Regulations. These include producers, distributors and recyclers of batteries and products that are sold with them, waste management companies and local authorities. Key representative bodies include the Industry Council for Electrical Recycling, the British Battery Manufacturers Association, British Battery Industry Federation, British Retail Consortium and the Local Government Association. We would use data published by the Environment Agency to consider the extent to which the Regulations are meeting the requirements of the Directive.</p> <p>Contact point: Grahame Dovey (grahame.dovey@bis.gsi.gov.uk)</p>				
The Export Control (Iran Sanctions) Order 2012	Enforcing certain restrictive measures against Iran	No Impact Assessment		01/06/17
<p>Review plan: Article 20 sets out the required review. A review using existing data sources such as the licensing data provided on SPIRE and if necessary consulting the Commission and individual Member States will take place at least 12 months prior to the review date.</p> <p>Contact point: Edwina Osborne (edwina.osborne@bis.gsi.gov.uk)</p>				
The Customs Disclosure of Information and Miscellaneous Amendments Regulations 2012	Protecting unauthorised disclosure customs information provided to a market surveillance authority by specified persons listed in the Regulations.	No Impact Assessment		10/08/17
<p>Review plan: Regulation 5 sets out the required review. A review using information and data gathered from interviews with key stakeholders (such as Trading Standards and Customs) will take place at least 12 months prior to the review date.</p>				

Measure ⁸	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Statutory Review Date
Contact point: Carol Wheeler (carol.wheeler@bis.gsi.gov.uk)				
The Export Control (Amendment) (No 2) Order 2012	Implementing EU directive for a streamlined and effective licensing regime across the EU for defence-related products.	0	0	10/08/17
Review plan: Article 46 of the schedule sets out the required review. A review using existing data sources such as the licensing data provided on SPIRE and if necessary consulting the Commission and individual Member States will take place at least 12 months prior to the review date. Contact point: Edwina Osborne (edwina.osborne@bis.gsi.gov.uk)				
The Reports on Payments to Governments Regulations 2014	Ensuring that directors of certain undertakings listed in the Regulations and active in the extractive and logging industries report annually on payments made to governments.	-70	70	01/12/17
Review Plan: Regulation 21 sets out the required review. The review will use monitoring data from Companies House and will seek stakeholder feedback from industry (e.g. large extractive companies such as oil extractives companies). Contact Point: Lucy Booth (lucy.booth2@bis.gsi.gov.uk) / Maureen Beresford (Maureen.Beresfords@bis.gsi.gov.uk)				
The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012	Implementing the recast RoHS Directive 2011/65/EU with revised rules for the restriction of certain hazardous substances (e.g. lead, mercury, cadmium) in electrical and electronic equipment (EEE) placed on the market.	-450	403	02/01/18
Review plan: Regulation 46 sets out the required review. However, the European Commission's scheduled first review of this Directive took place in July 2014 and they have indicated that they will bring forward a proposal to amend the scope shortly, specifically to address the issues around Article 2.2 (and highlighted in the UK's original impact assessment - Final Impact Assessment for Recast of the Restriction of Hazardous Substances (RoHS) Directive IA). A revised Directive is therefore expected to require implementing before the statutory review of the current regulations in 2018. BIS will review the analysis within the 2013 impact assessment and update the analysis as necessary based on the proposal put forward, along with the Commission impact assessment. Changing the UK Regulations will likely involve consulting with interested parties likely to be directly affected (including businesses, individuals and a range of representative trade bodies). Those who have engaged on earlier consultations on this topic include GAMBICA, TechAmerica, COCIR, JCBE, BEAMA and AMDEA. We expect any change to Article 2.2 to be of particular benefit to medical devices sector. Contact point: Iain Nicol (iain.nicol@bis.gsi.gov.uk)				

Measure ⁸	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Statutory Review Date
The Parental Leave (EU Directive) Regulations 2013	Ensuring compliance with European Parental Leave Directive by increasing the amount of unpaid parental leave available to parents under the MAPLE Regulations 1999 from 13 weeks to 18 weeks and extending the right to request flexible working to employed agency workers who are returning from parental leave. These amendments were designed to be consistent with the domestic system of shared parental leave to be fully introduced in 2015.	-8	8	08/03/18
<p>Review plan: Regulation 16A of the Maternity and Parental Leave (MAPLE Regulations), inserted by regulation 3 of the Parental Leave (EU Directive) Regulations 2013 sets out the required review of the parental leave provisions in MAPLE. It is planned that the Work Life Balance series of surveys will continue and these can be designed to form a central part of the evaluation process. Other sources of data will be available from the Labour Force Survey. Stakeholder views will be taken into consideration as to whether the legislation has been designed in a way that minimises administrative burdens for business. The impact assessment can be found here.</p> <p>Contact point: Deborah Jackson (debbi.jackson@bis.gsi.gov.uk) / Kate Millward (kate.millward@bis.gsi.gov.uk)</p>				
Enterprise and Regulatory Reform Act 2013	Merging the competition functions of the OFT and the CC to create the CMA.	11	6	25/04/18
<p>Review plan: Sections 46 and 56 of the ERRA 2013 set out the required reviews. They are (respectively): a review of the operation of Part 1 of CA98; and a review of the CMA's investigation powers for mergers and markets, interim measures and pre-emptive action for mergers, and time limits for mergers and markets. As with the IA, the review will be conducted using existing data sources (including regular reporting by the CMA), independent assessments, for example by the Global Competition Review, consultation with stakeholders (including businesses, professional advisers, and other regulators) and comparison with international competition regimes.</p> <p>Contact point: James Ravenscroft (james.ravenscroft@bis.gsi.gov.uk)</p>				
The Cosmetic Products Enforcement Regulations 2013	Enforcing EU regulation on cosmetic products.	No Impact Assessment		11/07/18
<p>Review plan: Regulation 26 sets out the required review. A review will be undertaken, which will include discussions with key stakeholders (such as Trading Standards and the Cosmetic, Toiletry & Perfumery Association) will take place at least 12 months prior to the review date.</p> <p>Contact point: Tony Eden-Brown (tony.edenbrown@bis.gsi.gov.uk)</p>				
The Export Control (Burma Sanctions) Order 2013	Enforcing trade sanctions against Burma	No Impact Assessment		28/08/18

Measure ⁸	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Statutory Review Date
Review plan: Article 10 sets out the required review. A review using existing data sources such as the licensing data provided on SPIRE and if necessary consulting the Commission and individual Member States will take place at least 12 months prior to the review date. Contact point: Edwina Osborne (edwina.osborne@bis.gsi.gov.uk)				
The Export Control (Syria Sanctions) Order 2013	Enforcing certain trade restrictions against Syria, including offences related to controls for equipment which might be used for internal repression, goods and technology on the EU Common List of Military Equipment, luxury/precious goods, and Syrian bank notes and coins	No Impact Assessment		06/09/18
Review plan: Article 19 of the Order sets out the required review. A review using existing data sources such as the licensing data provided on SPIRE and if necessary consulting the Commission and individual Member States will take place at least 12 months prior to the review date. Contact point: Edwina Osborne (edwina.osborne@bis.gsi.gov.uk)				
The Waste Electrical and Electronic Equipment Regulation 2013	Waste Electrical and Electronic Equipment System Regulation	119	-356	01/01/19
	Recast Directive of on Waste Electrical and Electronic Equipment (WEEE) Implementation of the 2012 WEEE Directive and fulfilling the Red Tape Challenge commitments to reduce to cost of compliance with the 2006 WEEE Regulations	-4	8	
Review plan: Regulation 93 sets out the required review. For the review, we are planning on revisiting the assumptions made within the IA and consult all of the key stakeholder groups affected by the WEEE Regulations. These include producers, distributors and recyclers of electrical and electronic equipment, waste management companies and local authorities. Key representative bodies include the Industry council for Electrical Recycling, the Joint Trade Association of Producers, British Retail Consortium and the Local Government Association. We would use data published by the Environment Agency. Contact point: Graeme Vickery (graeme.vickery@bis.gsi.gov.uk)				
The Export Control (North Korea and Ivory Coast Sanctions and Syria Amendment) Order 2013	Controls on EU Common List of Military Equipment, luxury/precious goods, and bank notes and coins.	No Impact Assessment		07/01/19

Measure ⁸	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Statutory Review Date
Review plan: Article 16 sets out the required review. A review using existing data sources such as the licensing data provided on SPIRE and if necessary consulting the Commission and individual Member States will take place at least 12 months prior to the review date. Contact point: Edwina Osborne (edwina.osborne@bis.gsi.gov.uk)				
Export Control (Russia, Crimea and Sevastopol Sanctions) Order 2014	The order makes provision relating to the enforcement of the trade restrictions against Russia and provides for the enforcement of trade and investment restrictions against Crimea and Sevastopol.	No Impact Assessment		26/09/19
Review plan: Article 14 sets out the required review. A review using existing data sources such as the licensing data provided on SPIRE and if necessary consulting the Commission and individual Member States will take place at least 12 months prior to the review date. Contact point: Edwina Osborne (edwina.osborne@bis.gsi.gov.uk).				
The Export Control (Sudan, South Sudan and Central African Republic Sanctions) Regulation 2014	Implementing provisions relating to the enforcement of trade restrictions against Sudan, South Sudan and the Central African Republic.	No Impact Assessment		31/12/19
Review plan: Article 11 sets out the required review. A review using existing data sources such as the licensing data provided on SPIRE and if necessary consulting the Commission and individual Member States will take place at least 12 months prior to the review date. Contact point: Edwina Osborne (edwina.osborne@bis.gsi.gov.uk)				
The Flexible Working Regulations 2014	Extend the right to request flexible working to all employees	117	358	30/6/21 ⁹
Review plan: Section 134 of the Children and Families Act 2014 sets out the required review of the right to request flexible working, which is due in 2021. The Department has, however, committed to carrying out a review within 5 years of the of the legislation extending the right to request flexible working coming into force (i.e. by 30/4/19) It is planned that the Work Life Balance series of surveys will continue and these can be designed to form the central part of the evaluation process. In addition data will be available from other survey sources such as the Workplace Employment Relations Survey 2011 and future Fair Treatment at Work surveys. Other sources of data will be available from the Labour Force Survey and Employment Tribunals Service. We also intend to seek				

⁹ The review is likely to be completed on 30 April 2019, as stated in the Impact Assessment

Measure ⁸	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Statutory Review Date
<p>stakeholder (Business groups and Trade Unions) views. The impact assessment can be found here.</p> <p>Contact point: Deborah Jackson (debbi.jackson@bis.gsi.gov.uk) / Kate Millward (kate.millward@bis.gsi.gov.uk)</p>				

Annex B: Non-statutory review commitments with significant impacts on business

Measure ¹⁰	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Review date
The Enterprise Act 2002 (Merger Fees) (Amendment and Revocation) Order 2012	Increasing existing merger fees and introducing an additional higher fee band for mergers involving acquisitions of enterprises with an annual UK turnover that exceeds £120 million to achieve greater cost recovery.	0	23	30/04/15
Review plan: The review commitment is made in the Merger Fees IA . A light touch desk review based on the views of key stakeholders, such as the CMA and those using the merger regime. Contact point: James Ravenscroft (james.ravenscroft@bis.gsi.gov.uk)				
Provision of Services Regulations 2009	Directive enables the liberalisation of the EU services sector, requiring HMG to address the barriers to service provision and improve the functioning of the single market for services.	Significant ¹¹	29	31/07/15
Review plan: BIS has commissioned an evaluation of the Services Directive and an evaluation of the impact of UK services liberalisation on the UK. The research will consider a number of UK service sub sectors where there is a history of liberalisation and where the sector is of interest to the UK economy, considering the impact of liberalisation on economic indicators such as trade, investment and GDP. The impact assessment can be found here . Contact point: Victoria Allard (victoria.allard@bis.gsi.gov.uk)				

¹⁰ The review measure hyperlink will take you to relevant page on legislation.gov.uk. From here, you will be able to find the relevant Legislation, the Explanatory Memorandum and the Impact Assessment.

¹¹ The IA did not provide a NPV estimate, however, the benefit range was estimated to between £4.1 billion - £6.1 billion per annum. The estimated annual benefit is for the UK economy as a whole when the Directive is implemented by all Member States.

Measure ¹⁰	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Review date
The Primary Authority scheme (including extensions)	Regulatory Enforcement and Sanctions Act 2008 ¹²	338	219	31/12/15 ¹³
	Enterprise and Regulatory Reform Act 2013 (IA - final part 14)	283	99	
	The Co-ordination of Regulatory Enforcement (Enforcement Action) (Amendment) Order 2013	52	53	
	The Co-ordination of Regulatory Enforcement (Enforcement Action) (Amendment) Order 2014	213	150	
<p>Review plan: The review commitments are made in the Impact Assessment of Regulatory Enforcement and Sanctions Bill Parts 1 and 2; Extending the Primary Authority Scheme, Extending the Primary Authority to cover age restricted sale of gambling, the Housing Health and Safety Rating System, age restricted sales of sun bed tanning and Welsh regulations on single use carrier bag charging and the Extending the Primary Authority scheme to fire safety, improving the consistency and quality of advice to businesses IA. The review will undertake 2 new research projects to assess costs and benefits of Primary Authority both to businesses and local authorities. The review will undertake a consultation and gather stakeholder views from Trade Associations, businesses in Primary Authority, Local Authorities and National Regulators to gain views on the scheme so far and its future.</p> <p>Contact point: Lynsey Pooler (lynsey.pooler@bis.gsi.gov.uk)</p>				
The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011	Phasing out the Default Retirement Age set at 65. Individuals are still able to retire at 65, but this is no longer mandatory.	2,898	130	30/04/16
<p>Review plan: The review commitment is made in the Phasing Out the Default Retirement IA. The review will use a variety of survey and administrative data to assess whether this has been achieved, looking at trends in the nature and levels of participation in the labour market of this age group, and changing attitudes and practices of employers and employees in relation to this age group. Data sources are likely to include: Survey of Employers Policies Practices and Preferences Relating to Age; Fair Treatment at Work Survey; British Social Attitudes Survey; Labour force Survey; Work-life Balance Surveys of Employers and Employees. The review will also draw on administrative sources such as Employment Tribunal data to look at dismissal disputes, as well as qualitative evidence gathered with business stakeholders and trade unions to understand to how the change has had an impact.</p> <p>Contact point: Louise Evatt (louise.evatt@bis.gsi.gov.uk) / Kate Millward (kate.millward@bis.gsi.gov.uk)</p>				

¹² There are also three statutory instrument associated with the enabling legislation: [The Co-ordination of Regulatory Enforcement \(Enforcement Action\) Order 2009](#); [The Co-ordination of Regulatory Enforcement \(Procedure for References to LBRO\) Order 2009](#); [The Co-ordination of Regulatory Enforcement \(Regulatory Functions in Scotland and Northern Ireland\) Order 2009](#)

¹³ Although IAs for the Primary Authorities scheme (and extensions) have different review dates. There will only be one review encompassing all the scheme and the extensions; this will be conducted at the end of 2015.

Measure ¹⁰	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Review date
The Scheme for Construction Contracts (England and Wales) Regulations 1998 (Amendment) (England) Regulations 2011	Minimising costs of adjudication and regulatory burdens to contractors and sub-contractors.	259	13	31/10/16
<p>Review Plan: The review commitment is made in the Revision of the Scheme for Construction Contract (England and Wales) Regulations 1998 Construction Contracts (England) Exclusion Order 2011 IA. The review will include work with key industry representative bodies from across the supply chain (such as the UKCG and the NSCC) to establish the effectiveness of the amended legislation, including a “satisfaction” survey. This will be supported by an analysis of available data on payment days (e.g. from Experian), adjudications and the number of disputes under construction contracts coming before the Technology and Construction Court (e.g. from the HM Courts and Tribunals Service). If the data is unavailable, we will consider commissioning new research.</p> <p>Contact point: Tony Mulcahy (tony.mulcahy@bis.gsi.gov.uk)</p>				
The Companies and Limited Liability Partnerships (Accounts and Audit Exemptions and Change of Accounting Framework) Regulations 2012	Aligning audit with accounting exemptions for small companies; exempt subsidiaries from mandatory audit where they fulfil the Article 57 and additional criteria, and exempt dormant subsidiaries from all accounts preparation and filing requirements.	19	2	31/10/17
<p>Review plan: The review commitment is made in the Audit Exemptions IA and Amendment of restrictions for companies moving between IFRS and UK GAPP IA - the figures for the Net Present Value (NPV) and the total costs have been calculated by adding the NPV and costs of the preferred option from both of these IAs. The review will involve research commissioned in 2014/15 to assess the take-up (and reasons behind take-up) of the exemptions. The research will combine an assessment of Companies House data with qualitative methods. In addition, it will recommend monitoring approaches for take up of the audit exemptions through Companies House data. The review will also seek stakeholder views e.g. companies, accounting bodies; trade associations.</p> <p>Contact point: Lucy Booth (lucy.booth2@bis.gsi.gov.uk)/ Paul Smith (pauld.smith@bis.gsi.gov.uk)</p>				
The Shared Parental Leave Regulation 2014	Enabling parents to share time off work for parental responsibilities.	-280	352	2018 ¹⁴
<p>Review plan: The review commitment is made in the Shared Parental Leave IA. It is planned that the Maternity and Paternity Rights and Work Life Balance series of surveys will continue and these can be designed to form the central part of the evaluation process. In addition, data will be available from other</p>				

¹⁴The review date is taken from the transcript of the House of Lords debate on the Children and Families Act 2014, which occurred after the Impact Assessment had been published.

Measure ¹⁰	Description	Net Present Value (£million)	Total Cost (Present Value) (£million)	Review date
<p>survey sources such as the Workplace Employment Relations Survey 2011 and future Fair Treatment at work surveys. Other sources of data from the Labour Force Survey, Employment Tribunals Service and potentially HMRC administrative data on statutory payments will also be used. We also intend to seek stakeholder (Business groups and Trade Unions) views.</p> <p>Contact point: Deborah Jackson (debbi.jackson@bis.gsi.gov.uk) / Kate Millward (kate.millward@bis.gsi.gov.uk)</p>				
Implementation of the EU Consumer Rights Directive	Harmonising rules so that traders and consumers face only one set of requirements whenever they sell and buy in the EU.	2,577	524	31/01/19
<p>Review plan: The review commitment is made in the implementation of the EU Consumer Rights Directive (2011/83/EU) IA and will cover the following two piece of legislation: Consumer Contracts (Information, Cancellation and Additional Payments) Regulations and Enterprise Act 2002 (Part 8 EU Infringements) Order 2013. There will be on-going monitoring of how the rules are working. The review will be based on stakeholders' views, including consumer groups, business groups, the Consumer and Markets Authority (CMA) and the Citizens Advice services, and quantitative data from consumer surveys, such as the BIS Consumer Detriment Survey and the BIS Consumer Empowerment Survey.</p> <p>Contact point: James Ravenscroft (james.ravenscroft@bis.gsi.gov.uk)</p>				
The Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014	Introducing early conciliation to resolve disputes early, before they reach employment tribunal.	478	300	06/4/19
<p>Review plan: The review commitment is made in the Early Conciliation IA. The review will collect a range of admin data (from the operation of Early Conciliation), as well as seeking stakeholder (Business groups and Trade Unions) views. It will draw heavily on HMCTS administrative data and the Survey of Employment Tribunal Applicants.</p> <p>Contact point: Nick Morgan (nick.morgan1@bis.gsi.gov.uk) / Connor Russell (connor.russell@bis.gsi.gov.uk)</p>				
The Companies and Partnerships (Accounts and Audit) Regulation 2013	Implementing EU law on the accounts for specific types of partnership and unlimited company.	-1,789	1,789	31/12/20
<p>Review Plan: The review commitment is made in the Unlimited Companies and Partnerships (Accounts) Regulations IA for these regulations. The review will form part of a wider review of changes made in 2013, which also covered those for micro-sized entities under the "micros Directive". This review will use monitoring data through Companies House and seek stakeholder feedback e.g. from companies and investment fund sector contacts.</p> <p>Contact point: Lucy Booth (lucy.booth2@bis.gsi.gov.uk) / Paul Smith (pauld.smith@bis.gsi.gov.uk)</p>				

Annex C: PIR Questions

1. The PIR provides evidence to assist with answering the questions of a statutory / non-statutory review included in figure 4¹⁵. These questions can be used for all PIRs although the permissible actions will be different for EU-derived regulation compared with domestic regulation, as it may not be possible to remove an EU-derived regulation.
2. The first group of questions (1-3) are relevant to all PIRs and seek to establish to what extent the existing legislation is working.
3. The remaining groups of questions (4-5) set out the questions that need to be answered in order to reach conclusions about what actions should result from the review. These will often be addressed in a new IA.
4. The PIR should provide evidence to address these questions and inform the policy options. It should also address questions around what effects the legislation had for different groups and why.
5. For EU-derived regulation, the following issues will also should be considered:
 - (i) The impacts on UK based businesses relative to other European competitors, to ensure UK businesses are not put at a competitive disadvantage.
 - (ii) Improving transposition in the UK.
6. In reviewing the PIR, the RPC will seek to establish that the Department has considered the evidence to these questions.

¹⁵ This figure 4 builds on the list provided in the Better Regulation Framework Manual.

Figure 4: PIR questions

1. To what extent is the existing regulation working?

- *To what extent has the policy achieved its objectives?*
- *To what extent have the success criteria been met?*
- *Have there been any unintended effects?*
- *What have been the actual costs and benefits of the policy? How do these compare with the estimated costs and benefits?*
- *What have been the impacts on small and micro businesses? How do these compare with the estimated impacts?*

**2. Is government intervention still required?**

- *What would happen if you removed the regulation (has the problem been solved either because of the policy, because the market has changed, or due to other factors)?*
- *Are the objectives of the regulation still valid / relevant?*

**3. Is the existing form of government regulation still the most appropriate approach?**

- *What are the likely costs and benefits going forward?*
- *How likely are unintended effects in the future?*
- *How effective is the implementation / enforcement mechanism for the policy?*
 - *To what extent do compliance levels indicate that the enforcement mechanism chosen is inappropriate?*
 - *What are stakeholders' views on implementation?*
- *To what extent would non-statutory measures achieve the same benefits?*

**4. If this regulation is still required what refinements could be made?****(What scope is there for simplification, improvements?)***Could refinements be made:*

- *To improve enforcement / compliance levels?*
- *To simplify implementation to reduce burden on business (including small and micro businesses) and reduce costs?*
- *To reduce the scope of the policy to take organisations out of the regulatory obligations?*
- *To otherwise improve implementation to enhance benefits?*



5. If this regulation is not required, but government intervention in some form is, what other regulation or alternatives to regulation would be appropriate?



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