Trading Standards

South East Ltd

TSSE is a partnership of 19 local authority Trading Standards services in the South East of England operated by Trading Standards South East Ltd, a limited liability company registered in England and Wales with registered number 5259365 & VAT number 834 585 307.

[redacted]

10th May 2012

[redacted]

Re: Red Tape Challenge: Retail and Manufacturing Consultation

Thank you for the opportunity to comment on the above consultation. I am responding on behalf of TSSE, a partnership between 19 Local Authority Trading Standards Services from the following councils: Bracknell Forest, Brighton & Hove, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Kent, Medway, Milton Keynes, Oxfordshire, Portsmouth, Reading, Slough, Southampton, Surrey, West Berkshire, West Sussex, Royal Borough of Windsor & Maidenhead, and Wokingham.

[redacted]

Organisation: Trading Standards South East Ltd
Address:

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

- [ ] Business representative organisation/trade body
- [ ] Central government
- [ ] Charity or social enterprise
- [ ] Individual
- [ ] Large business (over 250 staff)
- [ ] Legal representative
- [x] Local Government

	Medium business (50 to 250 staff)
	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
	Trade union or staff association
	Other (please describe)

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

Yes:
No: We would recommend the age limit remains at 16, or that consideration is given to deregulate any form of age restriction for purchase for the following reasons:
By adding a third age tier to the explosives market may add to the confusion and cause other products to be inadvertently sold possibly party poppers or sparklers especially the ones which are becoming prevalent as cake decorations. Moving the age for crackers down to 12 would be difficult to enforce as I.D. isn't readily available for children of that age group, so keeping the age at 16 would be sensible to enable businesses to comply with the law.
Crackers are generally a seasonal product and different stores will give different degrees of training to their staff. It would be easier for the training that X products are 16 and above and Y products are 18 and above.
Taking into account what a Cracker is, it is basically a novelty wrapper containing some form of gift, (which is usually a toy which would be covered by the Toy (Safety) regulations 2011). Also there will be warnings for the safe use which would be covered by the General Product Safety Regulations 2005. Unlike sparklers which have to have a specific warning 'not to be given to children under the 5 years of age' Crackers are enjoyed by consumers of all ages, so there may be an argument to deregulate crackers completely?
What is the hazard? – The main hazard appears to be small parts and not the cracker or snap itself. There does not appear to be any injury statistics available for injury from the cracker. Indeed safety guidance on the direct gov website and Child Accident Prevention Trust websites do not refer to any perceived dangers from crackers other than perhaps small parts.

http://www.direct.gov.uk/en/Parents/Yourchildshealthandsafety/Yourchildssafetyinthehome/DG_173169

http://www.capt.org.uk/resources/seasonal-safety-keep-safe-during-christmas-period
The onus in deregulation could be placed on the retailer to restrict the amount of crackers purchased by minors if there is a perceived danger. Limits on the amount of crackers in any one place should be regulated again if there is a perceived danger.
Other (please specify)

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

Comments:
As crackers are a low risk and hazard product changing the regulations to promote freedom is unlikely to cause problems, the only foreseeable one would be the enforcement of the change in a lowering of age.

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

Comments:
Deregulation would be of benefit to business and would not really effect consumer safety.

Question 4. Are there any costs for business that have not been anticipated as a result of the amendment of the Pyrotechnic Articles (Safety) Regulations 2010? Can you quantify these?

Comments: There would have to be additional training given to staff to accommodate the change in age if it goes ahead.

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

Yes: As there is a relevant standard and the provisions of General Product Safety Regulations (GPSR) will adequately absorb the provisions which these regulations sought to protect from.
No:
Other (please specify)

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

Comments:
No additional Comments

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

Comments: Reducing the number of specific regulations on a business will enable easier compliance with regulations.

Question 8. Are there any costs for business that have not been anticipated as a result of the revocations of the Bunk Beds (Entrapment Hazards) (Safety) Regulations 1987? Can you quantify these?

Comments:

No additional Comments

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

Yes: As there is a more modern relevant standard and the provisions of GPSR will adequately absorb those problems which the regulations sought to protect from.
No:
Other (please specify)

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

Comments:

No additional comments

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

Comments:

A reduction in regulation should ensure greater business compliance as there are less regulations for them to consider.

Question 12. Are there any costs for business that have not been anticipated as a result of the revocation of the Children's Clothing (Hood Cords) Regulations 1976? Can you quantify these?

Comments:

No additional comments

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

Yes: As the prevalence of the product has deteriorated since the 90s the problem the regulation protecting from is likely to be minimal. GPSR is likely to give adequate protection / sanctions in relation to this.
No:
Other (please specify)

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

Comments: No additional comments

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

Comments: As in previous questions, a reduction in regulations on a business should ensure greater compliance as they don't have to hunt around for spurious and in fact small pieces of legislation which could cause a detriment to business for non-compliance.

Question 16. Are there any costs for business that have not been anticipated as a result of the revocation of the Imitation Dummies (Safety) Regulations 1993? Can you quantify these?

Comments: No additional comments.

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

Yes: for the most part. Whilst we agree that Toy Safety and GPSR will provide adequate protection in relation to pencils etc, the standard EN71 will only provide safety for those used in play, which adult only pencils will not afford that protection. Maybe an amendment to the standard to include all pencils and graphic instruments is needed to protect the whole community and not just children?
No:
Other (please specify)

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

Comments: As the revocation applies to all pencils and graphic instruments, and the standard is inadequate for 'adult' instruments the protection for these may be diminished.

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

Comments: No additional comments.

Question 20. Are there any costs for business that have not been anticipated as a result of the revocation of the Pencils and Graphic Instruments (Safety) Regulations 1998? Can you quantify these?

Comments: No additional comments.

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

Yes: By revoking these regulations, the sanctions imposed by these regulations will be adequately covered by GPSR and EN1888.
No:
Other (please specify)

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

Comments: No additional comments

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

Comments: A reduction in regulations on businesses will ultimately save them money.

Question 24. Are there any costs for business that have not been anticipated as a result of the revocation of the Wheeled Child Conveyances (Safety) Regulations 1997? Can you quantify these?

Comments: No additional comments

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

Yes: GPSR and Gas Appliances (Safety) Regulations 1992 will give adequate protection.
No:
Other (please specify)

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

Comments: No additional comments

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

Comments: No additional comments

Question 28. Are there any costs for business that have not been anticipated as a result of the revocation of the Gas cooking Appliances (Safety) Regulations 1989? Can you quantify these?

Comments: No additional comments

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

Yes: GPSR and Gas Appliances (Safety) Regulations (GASR) will give enhanced levels of protection on these type of products.
No:
Other (please specify)

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

Comments: No additional comments

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

Comments: The reduction of regulation will be of benefit to all within the market of these products.

Question 32. Are there any costs for business that have not been anticipated as a result of the revocation of the Heating Appliances (Fireguards) Regulations 1991? Can you quantify these?

Comments: No additional comments.

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

Yes: GPSR & GASR will give adequate cover for these types of products.

No:
Other (please specify)

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

Comments: No additional comments

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

Comments: No additional comments

Question 36. Are there any costs for business that have not been anticipated as a result of the revocation of the Gas Catalytic Heaters (Safety) Regulations 1984? Can you quantify these?

Comments: No additional comments

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

Yes: As the Machinery Directive makes these regulations obsolete they may as well go.
No:
Other (please specify)

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

Comments: No additional comments

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

Comments: No additional comments

Question 40. Are there any costs for business that have not been anticipated as a result of the revocation of the All-Terrain Motor Vehicle (Safety) Regulations 1989? Can you quantify these?

Comments: No additional comments

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

Yes: As the 2004 EU regulations provide more enhanced protection.
No:
Other (please specify)

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

Comments: No additional comments

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

Comments: No additional comments

Question 44. Are there any costs for business that have not been anticipated as a result of the revocation of the Cooking Utensils (Safety) Regulations 1972? Can you quantify these?

Comments: No additional comments

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

Yes: The Consumer Protection from Unfair Trading Regulations will adequately cover the revocation of these regulations.
No:
Other (please specify)

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

Comments: No additional comments

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

Comments: No additional comments

Question 48. Are there any costs for business that have not been anticipated as a result of the revocation of the Indication of Prices (Beds) Order 1978? Can you quantify these?

Comments: No additional comments

Question 49. Do you agree with the removal of the Child Resistant Packaging and Tactile Danger Warning (Safety) (Revocation) Regulations 1992 from the statute book?

Yes: ✓
No:
Other (please specify)

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

Yes: ✓
No:
Other (please specify)

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

Yes: ✓
No:
Other (please specify)

Question 52. Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.
Comments:
I think the repetitive nature of all the questions can be quite time consuming as there are a lot of questions to answer, especially as they are all of similar nature.
As long as there are adequate safe guards and relevant standards in place there may be scope to revoke additional safety regulations in the future.

Yours sincerely

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