

Red Tape Challenge: Retail and Manufacturing Consultation. Response Form

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 23/05/2012

[Redacted]

[Redacted]

[Redacted]

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

<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input checked="" type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	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: ✓

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:

We do not regard Christmas Crackers as being unconditionally harmless. Firstly, there is a small risk attached to the snaps if they are removed from the crackers and abused by children, especially if several are extracted and abused together.

Secondly, many crackers contain items that are either clearly toys, in which case they need to comply with the Toys (Safety) Regulations, or they are items that are more likely to be considered to be toys if the whole product is sold to under 14s. So, there may be an unintended consequence of reducing the age limit in that children become exposed to the hazard of toy-like items that do not meet toy safety requirements and would be OK for over 14s.

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

Comments:

Reduction in the need for enforcement.

Crackers are normally purchased by adults and used under their supervision so there is unlikely to be any significant increase in sales.

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

Comments:

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

Yes:

No opinion

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:

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

Comments:

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

Comments:

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

Yes:

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:

See general comment at end of response.

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

Comments:

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

Comments:

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

Yes:

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:

See general comment at end of response.

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

Comments:

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

Comments:

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

Yes:

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:

Although BS EN 71-3 regarding the safety of toys sets appropriate safety criteria for heavy metals likely to be ingested, not all pencils and graphic instruments are seen in the context of being toys. Much depends on the way

they are presented to the consumer which in turn may depend on the area within a retail outlet where they are sold. Reliance on the General Product Safety Regulations to ensure safety in this area is unlikely to be as effective as a specific regulation as the heavy metals requirement is not stated explicitly. Many non-toy products can be sold legally without meeting the heavy metals requirements of BS EN 71-3 so application of GPSR would be dependent on the somewhat obscure notion that pencils and graphic instruments are likely to be mouthed, even by adults.

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

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:

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

Yes:

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:

See general comment at end of response.

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

Comments:

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

Comments:

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

Yes:

No opinion.

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:

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

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:

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

Yes:

No opinion.

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:

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

Comments:

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

Comments:

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

Yes:

No opinion.

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:

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

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:

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

Yes:

No opinion.

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:

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

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:

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

Yes:

No opinion.

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:

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

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:

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

Yes:

No opinion.

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:

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

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:

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:

The proposed removal of a number of these items of legislation is based on the assumption that it is sufficient to rely on the General Product Safety Regulations to achieve the necessary degree of safety. We believe there are a number of flaws with this argument as follows:

- *A number of Boots suppliers are SMEs. Many of them supply a wide range of different types of products, often under the "gift" umbrella. They can be covered by a complex mix of legislation.*

- *We know SMEs find it difficult to navigate the regulatory maze because they don't have the benefit of access to their own dedicated compliance experts in the same way as larger organisations. If they want to know whether there is a regulation covering a specific type of product they are likely to use the product type as a search term. They are likely to find a product specific regulation. It is unlikely that GPSR will be identified by such a search.*
- *SMEs are perhaps less aware of the existence of GPSR than they should be.*
- *The New Legislation Framework is aiming to bring sectoral legislation into alignment with the principles of GPSR so the need to consider both the sectoral legislation and GPSR to define a full set of requirements is reduced or eliminated. This appears to conflict with the intention to increase reliance on GPSR in other sectors.*
- *Less isn't necessarily simpler!*
- *If the removal of certain items of sectoral legislation is to succeed the profile of GPSR would need to be significantly increased across businesses of all sizes.*

One of the reasons given for removing sectoral legislation is that it often refers to standards and those references have become out of date. However, all that is necessary is to refer to compliance with a hierarchy of standards, e.g. harmonised European, International or National – as regulations such as the Electrical Equipment (Safety) Regulations have done for many years. Compliance with these standards gives a presumption of conformity with the regulations.

There are also concerns that product specific safety legislation where specific requirements are laid down in legislation rather than standards, e.g. the Children's Clothing (Hood Cords) Regulations 1976 may not be adequately covered by the GPSR unless the GPSR was substantially revised to incorporate all specific legislative requirements from the Regulations subject to revocation. Hood cords are already one of the most common reasons for RAPEX notified recalls so any dilution should be resisted.

What happens next?

Responses to this consultation will be used to finalise decisions regarding the removal or retention of these regulations. A government response to this consultation, outlining which regulations are to be removed and which are to be retained as a result of evidence gathered through this consultation, will be published within three months of this consultation closing. This will be available from the BIS website. Paper copies will be available on request.

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

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply ☐

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

✓ ☐ Yes ☐ No

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