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Asda response to the Red Tape Challenge Retail and Manufacturing Consultation

Asda is one of Britain's leading retailers. We have over 180,000 Asda colleagues serving customers at more than 540 stores, as well as 25 depots and eight recycling centres. We serve over 18 million shoppers a week in store and our growing home shopping business reaches 98 per cent of UK homes.

Asda welcomes the Government's commitment to reducing the regulatory burden on businesses and we have been an active participant in the Red Tape Challenge process. We recognise that reasonable and proportionate regulation is necessary to ensure the safety of our customers and colleagues. However, regulations do exist which are unnecessary or disproportionate, increasing costs and reducing our business capacity for economically beneficial activities.

The initial effort, through this consultation, to implement the reforms announced as part of the Red Tape Challenge process is welcome. We would encourage the Government to seek early implementation of all the reforms identified through the Red Tape Challenges, so that the unnecessary regulations are no longer a burden on business.

We have set out in this document our response to the Retail and Manufacturing Consultation. Only those consultation questions on which we have a view are included below.

Overview

In general we welcome the proposals to remove the unnecessary regulations identified in this consultation, as most have been superseded or made redundant by new regulation. Necessary protections of the public will be retained, whilst reducing the volume of regulations on businesses.

However, we are concerned that the proposals to amend the Pyrotechnic Articles (Safety) Regulations, relating to the sale of Christmas Crackers, do not go far enough. The proposed reduction in the level of the age-restriction on these products would not create any additional benefit as the regulatory burden for retailers is created by the presence of an age-restriction, irrespective of the specific level at which it is set.

Our response to the consultation questions

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

As we set out in our original submission to the Red Tape Challenge, we believe the age-restriction on Christmas Crackers, as prescribed in the current Regulations, should be removed completely. Christmas Crackers pose no health and safety risk to children. As such, the burden of the regulation is totally disproportionate to the protection required.

Asda operates a Challenge 25 policy, as is now common across retailers. This means that our checkout operators are required to ask for age-verification from a customer who they believe to be 25 or under when they are seeking to buy an age-restricted product, irrespective of the specific level of the age-restriction on the product. We take this general approach to maintain simplicity for our checkout colleagues and ensure constituent application of the age-verification policy.

As a result, the continued presence of an age-restriction on Christmas Crackers, irrespective of the proposed reduction in the age-restriction level, would mean that the regulatory burden for retailers would be maintained. The need to seek proof of age extends the transaction time at the checkout, increasing business costs and delaying customers. Enforcing an age-restriction on Christmas Crackers also reduces retailers' ability to focus on enforcing age-restrictions on products which do pose a risk to children, such as alcohol and tobacco.

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

Further to our answer to Question 1, we believe that the amended regulations would continue to place an unnecessary burden on retailers and divert focus from the age-restriction of products which do pose a risk to children.

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

As set out in our answer to Question 1, we do not believe there will be any deregulatory benefit to the amendment. The continued presence of an age-restriction of Christmas Crackers, irrespective of the specific age level, is the regulatory burden.

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

Yes, this regulation is unnecessary as it has been superseded by the General Product Safety Regulations 2005.

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

Yes, this regulation is unnecessary as it has been superseded by the European Standard BS EN 14682 Regulations.

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

Yes, this regulation is unnecessary as it has been superseded by the General Product Safety Regulations 2005.

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

Yes, this regulation is unnecessary as it has been superseded by the Toy Safety Regulations 2011 and the General Product Safety Regulations 2005.

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

Yes, this regulation is unnecessary as it has been superseded by the General Product Safety Regulations 2005.

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

Yes, this regulation is unnecessary because it has been superseded by the General Product Safety Regulations 2005 and the Gas Appliances (Safety) Regulations 1992.

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

Yes, this regulation is unnecessary because it has been superseded by the Gas Appliances (Safety) Regulations 1992.

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

Yes, this regulation is unnecessary as it has been superseded by European Union regulations.

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

Yes, this regulation is unnecessary as it has been superseded by the Consumer Protection from Unfair Trading Regulations 2008 and the Competition Act 1998

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, this regulation is unnecessary as it has been superseded by the General Product Safety Regulations 2005.

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

Yes, this regulation is unnecessary as it has been superseded by the General Product Safety Regulations 2005.

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

Yes, this regulation is unnecessary as it has been superseded by the General Product Safety Regulations 2005.

For further information

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