

## EXPLANATORY MEMORANDUM TO

### The Health and Safety (Miscellaneous Revocations) Regulations (Northern Ireland) 2012

S.R. 2012 No. 450

#### 1. *Introduction*

- 1.1 This Explanatory Memorandum has been prepared by the Department of Enterprise, Trade and Investment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 13(1A), 17(1), (17(3), 45(1) 45(2), 46(3) and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978 and is subject to the negative resolution procedure.
- 1.3 The rule is due to come into operation on 14 January 2013.

#### 2. *Purpose*

- 2.1 The Regulations revoke four Statutory Rules that have been identified as being redundant or that have been overtaken by more up to date Regulations.

#### 3. *Content*

- 3.1 The Regulations revoke the following legislative instruments:

**Regulations, dated 2nd January 1913, for the manufacture and decoration of pottery.** Only one operative provision remains in force for meeting specific temperatures in the workplace generally and in ovens specifically. The intention is to revoke these regulations thus removing prescribed temperature limits with respect to workroom temperatures in a move to a more flexible approach based on what is deemed a reasonable temperature in accordance with the Workplace (Health, Safety & Welfare) Regulations (Northern Ireland) 1993.

**Employment Medical Advisory Service (Factories Act Legislation Amendment) Regulations (Northern Ireland) 1979.** These Regulations amend various Regulations and Orders so that medical examinations of persons and related functions under those legislative instruments are performed by fully registered medical practitioners appointed in accordance with the provisions of the Health and Safety at Work (Northern Ireland) Order 1978. If the Regulations with respect to the manufacture and decoration of pottery (see above) are revoked the whole of these regulations are redundant. All the other Statutory Rules amended by it have subsequently been revoked.

**Non-ferrous Metals (Melting and Founding) Regulations (Northern Ireland) 1964.** These Regulations, made under Factories Acts (Northern Ireland) 1938, 1949 and 1959 impose health, safety and welfare requirements on work carried on inside buildings in relation to dressing operations. The substance of the Regulations has already been revoked and the remaining provisions can be removed because worker protection is effectively dealt with by more modern health and safety legislation. Control of worker exposure to dust, fume and noise arising from the processes concerned is now secured through the Control of Substance Hazardous to Health Regulations (Northern Ireland) 1990 and Control of Noise at Work Regulations (Northern Ireland) 2006. Protection from adverse weather/low temperatures is now achieved through the Personal Protective Equipment at Work Regulations (Northern Ireland) 1993, the Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993 and the Management of Health and Safety at Work Regulations (Northern Ireland) 2000. Provision of adequate working space, disposal of waste products, and safe storage of raw materials and equipment are catered for under the Workplace (Health, Safety & Welfare) Regulations (Northern Ireland) 1993, the Management of Health and Safety at Work Regulations (Northern Ireland) 2000 and Part 2 of The Health and Safety at Work (Northern Ireland) Order 1978.

**Health and Safety (Foundries etc) (Metrication) Regulations (Northern Ireland) 1982.** These Regulations substitute amounts/quantities expressed in metric units for amounts not so expressed. However, they now have no application or value as two of the three sets of Regulations to which they apply have been revoked in total and the third revoked to the extent that they do not contain any units of measurement, so these metrication regulations have no effect.

#### **4. Consultation**

- 4.1 A consultation ran from 29 June 2012 to 13 September 2012. There were approximately 600 consultees, including individuals and bodies representative of section 75 of the Northern Ireland Act 1998 and other organisations with an interest in equality and related issues (including each member of the Northern Ireland Assembly).
- 4.2 A total of 5 replies were received, with no adverse comments from respondents in relation to the proposed Regulations.

#### **5. Position in Great Britain**

- 5.1 In Great Britain the corresponding Statutory Instrument is the Health and Safety (Miscellaneous Revocations) Regulations 2012 (S.I. 2012/1537).
- 5.2 The GB Regulations contain three additional instruments to be revoked which have no corresponding NI equivalents, and a fourth set of Regulations which has already fallen in NI. The NI Regulations also include an instrument to be revoked ("Regulations, dated 2nd January

1913, for the manufacture and decoration of pottery”) which has previously been revoked in Great Britain.

**6. *Equality Impact***

- 6.1 The Statutory Rule has been screened for any possible impact on equality of opportunity affecting the groups listed in section 75 of the Northern Ireland Act 1998 and no adverse or differential aspects were identified.

**7. *Regulatory Impact***

- 7.1 A post consultation impact assessment carried out in respect of the corresponding Great Britain statutory instrument is attached at the Annex to this memorandum. The Department of Enterprise, Trade and Investment is of the opinion that the analysis and considerations set out in the Great Britain Impact Assessment can be applied directly to Northern Ireland in so far as they relate to the content of these Regulations. On that basis the assessment indicates that the Statutory Rule will have little or no impact on business, charities or voluntary bodies.

**8. *Financial Implications***

- 8.1 The Regulations will have little effect or no financial impact. There are no cost implications for HSENI.

**9. *Section 24 of the Northern Ireland Act 1988***

- 9.1 The Department has considered the matter of Convention rights and is satisfied that there are no matters of concern.

**10. *EU Implications***

- 10.1 None. This Statutory Rule does not implement any European Directives.

**11. *Additional Information***

- 11.1 Not applicable

Department of Enterprise, Trade and Investment  
December 2012

**PART I**

**GREAT BRITAIN IMPACT ASSESSMENT**

**FOR**

**THE HEALTH AND SAFETY (MISCELLANEOUS REVOCATIONS)  
REGULATIONS 2012 (SI 2012/1537) (“THE GB REGULATIONS”)**

1. The following pages contain a copy of the Impact Assessment, prepared by the Great Britain Health and Safety Executive, in respect of the GB Regulations.
2. The assessment shows that the seven sets of regulations identified for revocation in GB are not used by business or HSE enforcement. Therefore, the removal of them will not impose any cost to business, including any familiarisation costs.
3. It is considered that the removal of these sets of regulations will contribute towards streamlining the health and safety legislative framework.

<b>Title:</b> The Health and Safety (Miscellaneous Revocations) Regulations 2012 <b>IA No:</b> HSE0065 <b>Lead department or agency:</b> Health and Safety Executive <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>		
	<b>Date:</b> 06/06/2012		
	<b>Stage:</b> Final		
	<b>Source of intervention:</b> Domestic		
	<b>Type of measure:</b> Secondary legislation		
<b>Contact for enquiries:</b> Helen Smith - helen.smith@hse.gsi.gov.uk			
<b>Summary: Intervention and Options</b>			<b>RPC Opinion:</b> RPC Opinion Status

Cost of Preferred (or more likely) Option			
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Measure qualifies as One-Out?
£0m	£0m	£0m	No
			NA

**What is the problem under consideration? Why is government intervention necessary?**

In response to the Lofstedt review and the Red Tape Challenge HSE has identified a number of health and safety regulations that are either redundant or that have been overtaken by more modern legislation. Without any intervention these would remain in force and contribute to the impression that health and safety law is complex, confusing and out of date. This work is one element of a much wider programme of work to make the legislative framework simpler and easier to understand, while maintaining the same standards of protection for those in the workplace or affected by work activities.

**What are the policy objectives and the intended effects?**

The policy objective of this work is to streamline the legislative framework by revoking redundant or out-of-date Statutory Instruments (SIs) that are no longer needed to control health and safety risks in the workplace.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Option 1 - Do nothing - the seven Statutory Instruments would remain on the statute book.  
Option 2 - Revoke the following seven SIs: Anthrax Prevention Order 1971 etc (Revocation) Regulations 2005; Employment Medical Advisory Service (Factories Act Orders etc Amendment) Order 1973; Health and Safety (Foundries etc) (Metrication) Regulations 1981; Non-ferrous Metals (Melting and Founding) Regulations 1962; Pottery (Health and Welfare) Special Regulations 1950; Pottery (Health etc) (Metrication) Regulations 1982 and Regulations for use of locomotives and waggons on lines and sidings in or used in connection with premises under the Factory and Workshop Act 1901 (1906) (1906 No.679). This is a deregulatory proposal so alternatives to regulation are not relevant. Option 2 is the preferred option as it will remove unnecessary or out of date regulation from the statute books. All the responses to HSE's consultation exercise were in favour of this option.

**Will the policy be reviewed?** It will not be reviewed. **If applicable, set review date:** Month/Year

Does implementation go beyond minimum EU requirements?			No		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	<b>Micro</b> Yes	<b>&lt; 20</b> Yes	<b>Small</b> Yes	<b>Medium</b> Yes	<b>Large</b> Yes
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			<b>Traded:</b>		<b>Non-traded:</b>

*I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.*

Signed by the responsible Minister:

*C. Grayling*

Date: 13.6.12

**Summary: Analysis & Evidence** Policy Option 1

Description: Do Nothing

**FULL ECONOMIC ASSESSMENT**

Price Base Year na	PV Base Year na	Time Period Years na	Net Benefit (Present Value (PV)) (£m)		
			Low: 0	High: 0	Best Estimate: 0
<b>COSTS (£m)</b>	<b>Total Transition</b> (Constant Price) Years		<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Cost</b> (Present Value)	
Low	0	na	0	0	
High	0		0	0	
Best Estimate	0		0	0	
Description and scale of key monetised costs by 'main affected groups'					
Other key non-monetised costs by 'main affected groups'					
<b>BENEFITS (£m)</b>	<b>Total Transition</b> (Constant Price) Years		<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Benefit</b> (Present Value)	
Low	0	na	0	0	
High	0		0	0	
Best Estimate	0		0	0	
Description and scale of key monetised benefits by 'main affected groups'					
Other key non-monetised benefits by 'main affected groups'					
Key assumptions/sensitivities/risks				Discount rate (%)	na

**BUSINESS ASSESSMENT (Option 1)**

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: 0	Benefits: 0	Net: 0	No	NA

**Summary: Analysis & Evidence** Policy Option 2

Description: Revoke Seven Statutory Instruments

**FULL ECONOMIC ASSESSMENT**

Price Base Year na	PV Base Year na	Time Period Years na	Net Benefit (Present Value (PV)) (£m)		
			Low: 0	High: 0	Best Estimate: 0
<b>COSTS (£m)</b>	<b>Total Transition</b> (Constant Price) Years		<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Cost</b> (Present Value)	
Low	0	na	0	0	
High	0		0	0	
Best Estimate	0		0	0	
<b>Description and scale of key monetised costs by 'main affected groups'</b>					
HSE's assessment, based on consultation (formal and informal), analysis of enforcement activity and internal sector experts knowledge, is that these sets of regulations are not used by business or HSE enforcement. Therefore, the removal of them will not impose any cost to business, including any familiarisation costs. Hence, monetised costs are zero.					
<b>Other key non-monetised costs by 'main affected groups'</b>					
<b>BENEFITS (£m)</b>	<b>Total Transition</b> (Constant Price) Years		<b>Average Annual</b> (excl. Transition) (Constant Price)	<b>Total Benefit</b> (Present Value)	
Low	0	na	0	0	
High	0		0	0	
Best Estimate	0		0	0	
<b>Description and scale of key monetised benefits by 'main affected groups'</b>					
<b>Other key non-monetised benefits by 'main affected groups'</b>					
The removal of these sets of regulation will contribute towards streamlining the Health and Safety legislative framework.					
Key assumptions/sensitivities/risks			Discount rate (%)	na	

**BUSINESS ASSESSMENT (Option 2)**

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>In scope of OIOO?</b>	<b>Measure qualifies as</b>
Costs: 0	Benefits: 0	Net: 0	No	NA

## Evidence Base (for summary sheets)

### Problem under consideration;

1. In response to the Löfstedt review of health and safety legislation (Reclaiming health and safety for all)<sup>1</sup> and the Red Tape Challenge HSE has identified a number of health and safety related Statutory Instruments (SIs) that are redundant or that have been overtaken by more modern legislation. This work is only one small element of a much wider programme of work to make the legislative framework simpler and easier to understand, while maintaining the same standards of protection for those in the workplace or affected by work activities.

### *Background*

2. The public were given the opportunity to comment on Regulations under the Government's Red Tape Challenge initiative. This exercise was launched on 7 April 2011 with a new theme in the spotlight on the website every three weeks. Workplace Health and Safety is a cross cutting theme and open to challenge throughout the initiative. It was also in the spotlight from 30 June for three weeks. Some 197 Regulations were in scope for the Workplace Health and Safety theme. All Red Tape Challenge comments are collated to provide a clearer picture for Government of which Regulations should stay, which should go and which should change. All the Health and Safety Theme comments received are now being considered by HSE.
3. In addition HSE is working to deliver the recommendations in Professor Löfstedt's independent review of health and safety legislation 'Reclaiming health and safety for all' which was published in November 2011. An initial assessment by HSE has identified six Regulations and one Order that are now redundant or that have been overtaken by more up to date Regulations. It is proposed that these legislative instruments are revoked.
4. The legislations proposed for removal are the:
  - Anthrax Prevention Order 1971 etc (Revocation) Regulations 2005
  - Employment Medical Advisory Service (Factories Act Orders etc Amendment) Order 1973
  - Health and Safety (Foundries etc) (Metrication) Regulations 1981
  - Non-ferrous Metals (Melting and Founding) Regulations 1962
  - Pottery (Health and Welfare) Special Regulations 1950
  - Pottery (Health etc) (Metrication) Regulations 1982
  - Regulations for use of locomotives and waggons on lines and sidings in or used in connection with premises under the Factory and Workshop Act 1901 (1906) (1906 No.679).

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<sup>1</sup> <http://www.dwp.gov.uk/docs/lofstedt-report.pdf>

**Consultation and data analysis;**

5. Consultation consisted of both formal and informal elements. Formal consultation took place between the 23<sup>rd</sup> January 2012 and 12<sup>th</sup> March 2012. Thirty three responses were received. Twenty seven of these answered the questions set out in the CD, with a further three offering text comments. There were three nil responses. Annex 1 provides more detail of formal consultation responses.
6. Table 1 in Annex 1 summarises the organisations that responded and the proportion of the respondents within these organisations compared to total responses. Table 2 gives a summary of the responses to the specific questions in the consultative document. The results were that:
  - all 27 respondents who answered the question “Do you agree with the proposal to revoke the seven statutory instruments?” were in favour; and
  - all of the 27 who answered the question “Are any of these Regulations used in practice in the relevant sector/industry?” said No. This agrees with what sector experts in HSE think.
7. There were no responses submitted for the question relating to costs and only two general comments on benefits.
8. Analysis also included examining HSE records on the use of these sets of Regulations over the last 13 years. During this time none of the SIs have been cited on Notices issued nor have they been cited in approved prosecution activity in the same period.

**Deregulatory process;**

9. HSE has assessed the impact, sensitivity and the quality of the existing evidence to determine the appropriate deregulatory process to take. “All measures with material impact” need to go through the RPC, however, given that the removal of the seven statutory instruments will have no costs or benefits, HSE has assessed that this impact assessment does not need to be considered by the RPC for rating.

**Rationale for intervention;**

10. Intervention is necessary to implement the Government response to the above mentioned Red Tape Challenge and Löfstedt Review. These regulations are not used, but are in the statute books and principles of good regulation suggest that they should be removed.

**Policy objective and intended effects;**

11. The policy objective of this work is to streamline the legislative framework by revoking seven redundant or out of date SIs that are no longer needed to control health and safety risks in the workplace. Without any intervention these would

remain in force and contribute to the impression that health and safety law is complex, confusing and out-of-date. This will result in a net reduction of six Statutory Instruments (six Regulations and one Order)

**Alternatives to regulation;**

12. None has been considered because this is a deregulatory measure.

**OIOO**

13. The impacts assessed do not fall within scope of OIOO: The Better Regulation Executive has confirmed that these proposals, being deregulatory, are not in scope of 'One in One Out' and therefore do not require clearance from the Regulatory Policy Committee (RPC) or Reducing Regulation Committee (RRC).

**Description of options considered (including do nothing);**

14. Option 1 – Do nothing - the seven Statutory Instruments (SIs) would remain on the statute book.

15. Option 2 – Revoke the following SIs:

- Anthrax Prevention Order 1971 etc (Revocation) Regulations 2005
- Employment Medical Advisory Service (Factories Act Orders etc Amendment) Order 1973
- Health and Safety (Foundries etc) (Metrication) Regulations 1981
- Non-ferrous Metals (Melting and Founding) Regulations 1962
- Pottery (Health and Welfare) Special Regulations 1950
- Pottery (Health etc) (Metrication) Regulations 1982
- Regulations for use of locomotives and waggons on lines and sidings in or used in connection with premises under the Factory and Workshop Act 1901 (1906) (1906 No.679).

**Monetised and non-monetised costs and benefits of each option (including administrative burden);**

*General Assumptions*

16. Given the nature of the deregulatory measure, no assumptions have been made with reference to base year, analysis period or discount value.

*Option 1: do nothing*

17. Option 1 would maintain the status quo and so would have no cost or benefit implications.

*Option 2: revoke the seven SIs listed above:*

18. Option 2 would require the removal of seven redundant SIs. As these are not being used, their removal would have no cost or benefit implications. The evidence for this assessment is set out below.

*Costs to business*

19. HSE's assessment is that these SIs are currently not used by businesses and so their revocation would not impose costs on them. No evidence was provided during the consultation process that disagreed with this position. Several respondents noted that health and safety was covered by more recent regulation.
20. While consultation responses are undoubtedly biased, those that responded are likely to be the more engaged and most likely to know/use the statutory instruments analysed in this IA. Hence, if there were any costs to business, this group would be the most likely to know about it. Given their negative responses to the question "Are any of these Regulations used in practice in the relevant sector/industry?" it is reasonable to assume there will be no cost to industry.
21. HSE has examined its records on the use of these sets of Regulations over the last 13 years. During this time none of the SIs have been cited on Notices issued nor have they been cited in approved prosecution activity in the same period. Sector experts in HSE agree that these sets of Regulations are not used for enforcement purposes.
22. A summary of each set of Regulations, what they cover, and why there are no longer needed, is provided below.

- ***ANTHRAX PREVENTION ORDER 1971 ETC (REVOCATION) REGULATIONS 2005 (S.I. 2005/228)*** <http://www.legislation.gov.uk/uksi/2005/228/contents/made>

These regulations do not impose any duty on employers. They revoke prescriptive, hazard-specific legislation which predated the Health and Safety at Work etc Act 1974. The requirements under the Control of Substances Hazardous to Health 2002 now provide the regulatory framework for controlling risks to employees and others who might be affected by work activities involving potential exposure to bacillus anthracis bacterium (which causes the anthrax disease).

- ***EMPLOYMENT MEDICAL ADVISORY SERVICE (FACTORIES ACT ORDERS ETC AMENDMENT) ORDER 1973 (S.I. 1973/36)*** <http://www.legislation.gov.uk/uksi/1973/36/contents/made>

This Order amends various Regulations and Orders so that medical examinations of persons and related functions under those legislative instruments are performed by fully registered medical practitioners appointed in accordance with the provisions of the Employment Medical Advisory Service Act 1972. The whole of this Order is redundant. All the Statutory Instruments amended by it have subsequently been revoked.

- ***HEALTH AND SAFETY (FOUNDRIES ETC) (METRICATION) REGULATIONS 1981 (S.I. 1981/1332)*** <http://www.legislation.gov.uk/uksi/1981/1332/contents/made>

These Regulations substitute amounts/quantities expressed in metric units for amounts not so expressed. However, they now have no application or value as two of the three sets of Regulations to which they apply have been revoked in total and the third revoked to the extent that they do not contain any units of measurement, so these metrication regulations have no effect .

- ***NON-FERROUS METALS (MELTING AND FOUNDING) REGULATIONS 1962 (S.I. 1962/1667)*** <http://www.legislation.gov.uk/uksi/1962/1667/contents/made>

These Regulations, made under Factories Act 1961, impose health, safety and welfare requirements on work carried on inside buildings in relation to dressing operations and apply to about 220 foundries. The substance of these Regulations has already been revoked.

The worker protection requirements of these Regulations can be removed because worker protection is effectively dealt with by more modern health and safety legislation. Control of worker exposure to dust, fume and noise arising from the processes concerned is now secured through the Control of Substance Hazardous to Health Regulations 2002 and Control of Noise at Work Regulations 2005. Protection from adverse weather/low temperatures is now achieved through the Personal Protective Equipment at Work Regulations 1992 and the Workplace (Health, Safety and Welfare) Regulations 1992.

- ***POTTERY (HEALTH AND WELFARE) SPECIAL REGULATIONS 1950 (S.I. 1950/65)*** <http://www.legislation.gov.uk/uksi/1950/65/contents/made>

The Regulations apply to the manufacture of pottery articles which includes china, earthenware and any article made from clay or from a mixture of clay and other materials (but not to factories making unglazed/salt-glazed ware from natural clay in the plastic state to which no flint/quartz has been added, to bricks, architectural terra-cotta made from plastic clay and is either unglazed or glazed with a leadless glaze).

Only one operative provision remains in force (the remainder have been revoked). This is regulation 16 which imposes an additional requirement above that of compliance with the Workplace (Health, Safety & Welfare) Regulations 1992 for meeting specific temperatures in the workplace generally and in ovens specifically. The Regulations provide very specific maximum and minimum temperatures (i.e. 24/13°C in the workroom or 6°C higher than the outdoor temperature when it exceeds 18°C degrees, 46°C at head height within an oven).

The intention is to revoke these regulations thus removing prescribed temperature limits with respect to workroom temperatures in a move to a more flexible approach based on what is deemed a reasonable temperature in accordance with the Workplace (Health, Safety & Welfare) Regulations 1992.

Evidence from other industries to which specific temperature requirements do not apply, but where high temperature plant is in use, e.g. glass, suggests adverse health effects from high temperature can be controlled via other legislation such as the Workplace (Health, Safety & Welfare) Regulations 1992, Management of Health and Safety at Work Regulations 1999 and Section 2 of the Health and Safety at Work Act 1974. Although these do not specify specific temperatures, they could deal with workroom temperature requirements.

Employers are required to undertake a risk assessment for their workplace and this should include risks of working in heat and thermal comfort. In deciding the appropriate measures to put in place, employers should take into account a range of factors, including humidity, air movement, air temperature, radiant temperature, solar gain and the nature of the work being undertaken. Thermal comfort cannot be determined on air temperature alone.

- **POTTERY (HEALTH ETC) (METRICATION) REGULATIONS 1982 (S.I. 1982/877)** <http://www.legislation.gov.uk/uksi/1982/877/contents/made>

These Regulations amend the Pottery (Health) Special Regulations 1947 (which have been revoked by the Potteries etc. (Modifications) Regulations 1990 (SI 1990/305) and Pottery (Health and Welfare) Special Regulations 1950 by substituting amounts expressed in metric units for amounts not so expressed, specifically degrees Celsius for degrees Fahrenheit.

If the Pottery (Health and Welfare) Special Regulations 1950 (above) are revoked then these metrication Regulations can be revoked.

- **REGULATIONS FOR USE OF LOCOMOTIVES AND WAGGONS ON LINES AND SIDINGS IN OR USED IN CONNECTION WITH PREMISES UNDER THE FACTORY AND WORKSHOP ACT 1901 (1906) (1906 No.679)**  
<http://www.legislation.gov.uk/uksro/1906/679/contents/made>

These Regulations impose duties on the occupiers of factories or workshops, where locomotives, waggons or other rolling stock are used. Occupiers must maintain capstans, lines of rails and points and properly construct and maintain every gantry. Much of the substantive contents of these Regulations have been revoked by the Railway Safety (Miscellaneous Provisions) Regulations 1997 (SI 1997/553). Once these revocations had taken place, very little was left. The remaining provisions (regulations 4, 8 and 20) are covered by more recent legislation (e.g. the Provision and Use of Work Equipment Regulations 1998, the Workplace (Health, Safety and Welfare) Regulations 1992, the Health & Safety (Safety Signs and Signals) Regulations 1996) and Work at Height Regulations 2005.

#### ***Costs to HSE***

23. There will be no additional costs to HSE as a result of revoking the Regulations.

#### ***Benefits and impact on health and safety***

24. As previously described, these are redundant or out-of-date SIs so there will be no impact on health and safety protection. When appropriate, adequate controls are maintained through more modern legislation. There are no specific benefits from revocation of these SIs apart from generally simplifying the legislative framework.

**Rationale and evidence that justify the level of analysis used in the IA (proportionality approach);**

25. Analysis of HSE records and consultation (internal and external) both identified the proposed SIs as redundant. The full costs and benefits of their removal have been presented above.

**Risks and assumptions;**

26. HSE's initial assessment was that these SI were either redundant or had been overtaken by other more modern regulation so there would be no risk associated with them being revoked. All those who responded to the consultation exercise agreed with the proposals. As such, there are no risks or uncertainties with respect to the analysis presented.

**Direct costs and benefits to business calculations (following OIOO methodology);**

27. As previously mentioned, the impacts assessed do not fall within scope of OIOO: The Better Regulation Executive has confirmed that these proposals, being deregulatory, are not in scope of 'One in One Out' and therefore do not require clearance from the Regulatory Policy Committee (RPC) or Reducing Regulation Committee (RRC).

**Wider impacts**

28. There would be no wider impacts as a result of this simplification.

**Summary and preferred option with description of implementation plan;**

29. HSE's preferred option, on the basis of HSE's expert analysis and the responses to the consultation, is therefore that these SIs can be revoked without any lowering of health and safety standards.

**Annex 1 – Consultation responses****Table 1 - General information****a) Type of organisation**

<b>Option</b>	<b>Total</b>	<b>Percentage of total (%)</b>
Consultancy	7	21
Local government	4	12
Industry	3	9
Trade association	3	9
National government	1	3
Non-departmental public body	1	3
Charity	1	3
Academic	1	3
Trade union	-	
Non-governmental organisation	-	
Member of the public	-	
Pressure group	-	
Other (please specify)	3	9
Not stated <sup>2</sup>	9	27
<b>Total</b>	<b>33</b>	

**b) Capacity of respondent**

<b>Option</b>	<b>Total</b>	<b>Percentage of total (%)</b>
Health and Safety professional	20	61
An employer	2	6
An employee	-	
Trade union official	-	
Training provider	-	
Other (please specify)	3	9
Not stated	8	24
<b>Total</b>	<b>33</b>	

<sup>2</sup> This figure is made up of 3 respondents who did not answer this question, 3 who offered text comments only and 3 nil responses.

**Table 2 – Summary of responses to questions****Question 1 - Do you agree with the proposal to revoke the seven Statutory Instruments?**

<b>Option</b>	<b>Total</b>	<b>%</b>
Yes	27	100
No	-	

**If no what are your objections?**

No answers have been submitted for this question

**Question 2 - To the best of your knowledge are any of these Regulations used in practice in the relevant sector/industry?**

<b>Option</b>	<b>Total</b>	<b>%</b>
Yes	-	
No	27	100

**Supplementary questions****a) What costs do you estimate they impose e.g. in terms of time spent by businesses?**

No answers were submitted for this question.

**b) What benefits do you believe they bring e.g. in terms of improved health and safety?**

Where the industries they apply to are still in existence and they are applied alongside other legislation they may bring benefits but it is almost certain that modern legislation covers the same requirements and would do the same job

Provided the risks are adequately addressed in other pieces of legislation, reducing the number of regulations has to be a benefit to business.

**Question 3 - Are there any further comments you would like to make on the issues raised in this consultation document that you have not already responded to in this questionnaire?**

Those relating to industries with which I have involvement are covered by more recent regulations.

Totally agree with this new progress

Simply, surprise that they were not taken into account, when the current legislation was constructed!

I just hope that nobody is suggesting that revoking these regulations is in any way helping British businesses. By all means do it, but this is not even scratching the surface of the problem.

This amounts to a minor housekeeping exercise and typical of the climate today in being spun both by Government and HSE to demonstrate some great step in lessening the 'burden on business'. I would be surprised if any of these SI were actually enforced for years - therefore costing nothing and their removal will save nothing - the only cost being in yours and my time in creating and administering this consultation! I despair if future housekeeping by the

HSE has to have similar.
I am not sure how important it is to focus on these statutory instruments when most organisations apply more relevant legislation and a pragmatic approach to compliance. I can see the relevance if it means liability lawyers can't add it to the list of duties employers are supposedly in breach of when a claim is made
This is a bit like clearing out old junk in the attic that you did not know you still had. It will enable the anti-H&S government to brag about destroying pointless over-burdensome legislation when it won't make a jot of difference to business. Nothing wrong in a bit of a spring clean but I see no benefit to workplace.
<p><b>Pottery (Health and Welfare) Special Regulations 1950 (S.I. 1950/65)</b></p> <p>This SI has an extant provision regarding a maximum working temperature in particular parts of pottery factories. There is therefore something significant that is lost by its revocation. Whilst later legislation provides alternative means of addressing temperature issues in such workplaces, there is not a maximum working temperature prescribed anywhere else in law. It is likely that the particular need for this provision in terms of protection of workers in specified parts of pottery factories in the 1950's has been much diluted or completely lost by changes in factory design and working practices. Hence the CIEH does not seek to make any point in this respect.</p> <p>However, there is an issue that is increasingly being raised regarding maximum (as opposed to minimum) working temperatures in workplaces. This issue is largely driven by climate change effects and certainly the number of deaths linked to a heat wave across Western Europe in 2003 is a salutary warning of the risk we must address in response to rising temperatures globally.</p> <p>This issue goes well beyond the retention or revocation of a single provision for a maximum working temperature in one old SI, but the CIEH trusts that it is one that the Health and Safety Executive will take seriously going forward.</p> <p>The SI about locomotives and wagons is very old (1906) and only Regulations 4,8 and 20 are extant. However, the Consultation document is unable to cite precise provisions in more recent legislation equating to some of the protections there referred to (for example in respect of walkways and capstans). It is probable that this is simply because more modern legislative provisions cover workplace settings more comprehensively and holistically and the CIEH is satisfied that all the relevant matters are covered such that this SI can be revoked.</p>
HSE sector guidance for the non-ferrous industry sector should be reviewed to determine whether any of the requirements of the Non-Ferrous Metals (Melting and Founding) Regulations are still relevant to the non ferrous metals industry
We support the removal of old and out of date legislation as long as any future further revocations do not erode current standards of protection for people at work.

**Question 4 - Is there anything you particularly liked or disliked about this consultation?**

Liked its brevity!
The ease of comment
No. It is very well explained
Yes – This is a good consultation in that it is to the point.
I disliked the pointlessness of it all.
Well explained with legislation that has replaced or revoked the proposed seven Statutory

Instruments to be revoked
Short and sweet
Politically driven with an insignificant outcome that will no doubt be spun to sound significant
Straightforward exercise on the need to revoke specific redundant legislation as part of an overall programme of streamlining.
Normally an Impact Assessment is provided to help clarify the purpose of actions proposed by HSE. This stage is probably the last opportunity in the consultation process to see government thinking around this issue, from a financial perspective. In terms of transparency the HSE and government are missing the opportunity to communicate fully, which could help smooth the later more complex Legislation revoking proposals to come. The submission form is made more difficult to work with by only allowing input of text on to a dark grey background. Previous consultations allowed typing onto a white background.

### Additional comments received

I have no issues with the revocation of the two pottery regulations and agree that temperature and its control should form an integral part of a risk assessment undertaken under the Management Regs and Welfare Regs
I have never encountered these seven SIs in thirty years as an HSE manager in the chemical industry but I would not expect to. Consultation should be concentrated on managers and safety representatives in the relevant industries, not diluted by inviting views from people who will never be affected by the regulations.
The [FSB] welcomes these proposals which follow recommendations made in the Independent 'Lofstedt Review'. We recognise that this is the start of a number of changes to the health and safety landscape which should begin to simplify the regulatory burden for small businesses. Due to the large and diverse membership of the FSB we are not able to comment on the specifics of these regulations. However, it is understood that these recommendations are to revoke regulations that are now redundant and therefore this move will have limited affects on small businesses. It is important that this process continues to ensure real burdens are reduced.

## **PART II**

### **NORTHERN IRELAND COSTS AND BENEFITS**

#### **THE HEALTH AND SAFETY (MISCELLANEOUS REVOCATIONS) REGULATIONS (NORTHERN IRELAND) 2012**

##### **General**

1. The Department of Enterprise, Trade and Investment is of the opinion that the analysis and considerations set out in the Great Britain Impact Assessment can be applied with modifications to Northern Ireland.

##### **Costs**

2. Based on the Great Britain impact assessment, the cost to Northern Ireland industry is anticipated to be nil.

##### **Benefits**

3. There are no specific benefits from revocation of these SRs apart from generally simplifying the legislative framework.

##### **Conclusion**

4. These regulations will serve to streamline the legislative framework by revoking four redundant or out of date SRs that are no longer needed to control health and safety risks in the workplace.