

EXPLANATORY MEMORANDUM TO
THE PRODUCT SAFETY (REVOCATION) REGULATIONS 2012
2012 No. 1815

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills (BIS) and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments

2. **Purpose of the instrument**

2.1 This regulation revokes 12 prescriptive product safety regulations which are now covered by the General Product Safety Regulations 2005 (GPSR). These 12 regulations were introduced to tackle a specific problem with a specific product such as poorly constructed bunk beds. Whilst, at the time they may have been effective at dealing with the problem they were designed to tackle, they are not flexible enough to deal with new products. The GPSR protect consumers from products which are unsafe for use provided the supporting European standards offer an acceptable level of safety protection.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Context**

4.1 The 12 regulations that the Government wishes to revoke were identified under the Red Tape Challenge. Three of these measures were introduced to revoke previous instruments. The draft instrument will also revoke an amendment to one of the 12 regulations being revoked.

4.2 The Red Tape Challenge was launched by the Coalition Government in April 2011 with the aim of reducing the number of regulations on the statute book. The Coalition Government want to reduce the overall burden of regulation. This is because out-of-date and unnecessary regulation can act as a barrier to growth and has to be removed.

5. **Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

- *What is being done and why*

7.1 Bunk Beds (Entrapment Hazards) (Safety) Regulations 1987

These regulations were passed to ensure that bunk beds do not pose a safety risk to children from entrapment. These regulations have been rendered redundant which is why the Government wish to revoke this regulation. The GPSR ensures product safety in this area. European Standard BS EN 747 provides comparable product safety protection.

Children's Clothing (Hood Cords) Regulations 1976

These regulations were introduced to remove outer clothing which contained a hooded cord from sale in the UK market. The Government intend to revoke this regulation. A newer European Standard BS EN 14682 is in place which covers drawstring safety in all children's garments.

Wheeled Child Conveyances (Safety) Regulations 1997

This regulation has now been rendered redundant. The 1997 regulation was originally introduced to require prams and pushchairs to meet specific safety standards. The Government intend to revoke this regulation as it refers to an out of date standard and the GPSR can be used to provide protection in this area.

Imitation Dummies (Safety) Regulations 1993

These regulations were introduced to prevent the supply of imitation dummies that could pose a safety risk for babies and young children if swallowed. The Government intend to revoke this regulation. Imitation dummies can be removed from the market under GPSR by applying European Standard BS EN 1400:2002.

The Gas Cooking Appliances (Safety) Regulations 1989

The Heating Appliances (Fireguards) (Safety) Regulations 1991

The Gas Catalytic Heaters (Safety) Regulations 1984

These regulations concern the safety of gas cooking appliances, gas and oil heating appliances and catalytic heaters. The Government intend to revoke all three of these regulations as they have been superseded by European Union legislation. The Gas Appliances Directive was introduced in 1990 and was implemented in the UK by the Gas Appliances (Safety) Regulations 1992.

This was later updated in 1995. This along with the GPSR provides safety in this area and therefore prescriptive regulations are unnecessary.

The Asbestos (Safety)(Amendment) Regulations 1987

These regulations amended the Gas Catalytic Heaters (Safety) Regulations 1984. This amendment must also be revoked in order to fully revoke the 1984 regulations.

The Gas Appliances (Safety) Regulations 1995

These regulations provided that the Gas Cooking Appliances (Safety) Regulations 1989 and the Heating Appliances (Fireguards) (Safety) Regulations 1991 would cease to apply insofar as they applied to products which were now regulated by the 1995 regulations. These amendments must be revoked in order to fully revoke the 1989 and 1991 regulations.

The All Terrain Motor Vehicle (Safety) Regulations 1989

These regulations were introduced to prohibit the sale of three wheeled vehicles designed for leisure use and also require additional safety features for four wheeled vehicles. The Government intend to revoke this regulation as it has been superseded by the 2006 Machinery Directive which provides a comprehensive level of protection for all machinery including off road vehicles and quad bikes.

The Cooking Utensils (Safety) Regulations 1972

These regulations restrict cooking utensils from being coated in dangerous metals. The Government aim to revoke this regulation as newer European Union Regulations 1935/2004 are in place. These provide a general framework for materials and articles that are intended to come into contact with food. In addition to this European Directive 84/500/EC set limits for specific metals in food contact materials. Therefore the 1972 regulations are no longer required.

Child Resistant Packaging and Tactile Danger Warning (Safety) (Revocation) Regulations 1992

Stands for Carry-cots (Safety) (Revocation) Regulations 1996

Magnetic Toys (Safety) (Revocation) Regulations 2009

These are all revocation regulations which were introduced to remove other regulations from the statute book. The original regulations were revoked as a result of improved safety standards. Revoking these regulations will not re enact the original legislation.

- ***Consolidation***

7.2 None

8. Consultation outcome

8.1 The Regulations are the result of the Retail and Manufacturing Consultation which was open for comments for a period of eight weeks. The consultation closed on the 23rd May. We received 23 responses with the majority supporting the revocation of the regulations. Some comments were made about the perceived limitations of the GPSR which have been addressed in the Government Response. In light of the comments made on two of the regulations which were included in the consultation on Pyrotechnics Articles and Pencils and Graphic Instruments, these are being looked into separately. We intend to do a separate Government Response on these in due course.

9. Guidance

9.1 There is already GPSR guidance on the BIS website and we do not expect to need to produce more product-specific guidance on how to demonstrate product compliance. This is mainly because Trading Standards are very experienced with the GPSR and know to apply the relevant standards when assessing the safety of a given product. We will keep a watching brief on these subjects and will work with Trading Standards to develop guidance if the need occurs. Therefore, we do not propose to publish guidance.

10. Impact

10.1 Impact Assessments have not been prepared for the three revocation regulations as these were introduced to remove other regulations from the statute book. Therefore they have no impact and revoking them will not re-enact the original legislation. These include the three revocation regulations covering child resistant packaging, stands for carry-cots and magnetic toys. For the other nine regulations Impact Assessments have been completed but on the advice of the Better Regulation Team, these do not need to be published as they are zero impact measures.

11. Regulating small business

11.1 The legislation applies to small business.

12. Monitoring & review

12.1 This is a revocation of regulations which are largely redundant so a review is not necessary.

13. Contact

Christine Knox at the Department for Business, Innovation and Skills (Tel: 0207 215 3465 or email: Christine.Knox@bis.gov.uk) can answer any queries regarding the instrument.