

BERR Annual Statement of Common Commencement Dates and other forthcoming proposals for 2008

Section 1. Regulations to commence on 6 April 2008

Consumer and Competition Law

Section 82 of the Consumer Credit Act 1974 (variation of agreements)

Relevant for: Mortgage lenders

April 2008 The changes proposed are minor technical changes to rule out the risk of dual regulation of mortgage contracts under both the Consumer Credit Act 1974 and the Financial Services and Markets Act 2000 in certain circumstances where mortgage contracts are varied.

Further information:

<http://www.berr.gov.uk/consumers/consumer-finance/consultation/index.html>

The Consumer Credit (Exempt Agreements) Order 2007

Relevant for: High net worth individuals and businesses borrowing over £25,000

April 2008 The Consumer Credit (Exempt Agreements) Order 2007 will i) allow high net worth borrowers to opt out of regulation under the 1974 Act when entering into consumer credit or consumer hire agreements; and ii) exempt from regulation business borrowing above £25,000.

Further information: The Order is available at

http://www.opsi.gov.uk/si/si2007/uksi_20071168_en.pdf

The Consumer Credit (Information Requirements and Duration of Licences and Charges) Regulations 2007

Relevant for: All businesses with licences issued by the OFT under the 1974 Act and anyone thinking of starting a consumer credit business.

April 2008 The Consumer Credit (Information Requirements and Duration of Licences and Charges) Regulations 2007 specify both the maximum duration of a time-limited licence and the periods within which periodic licence charges in relation to indefinite licences must be paid and the time when such charges will be current.

Further information: The Regulations are available at <http://www.opsi.gov.uk/si/si2007/20071167.htm>

The Estate Agents (Redress Scheme) Order 2008

Relevant for: Estate Agents

April 2008 To require estate agents in the UK to join an approved redress scheme dealing with complaints about the buying and selling of residential property. It will replace the Home Information Pack (Redress Scheme) (No.2) Order 2007

http://www.berr.gov.uk/consultations/page_42059.html

The Estate Agents (Redress Scheme Penalty Charge) Regulations 2008

Relevant for: Estate Agents

April 2008 To introduce a penalty charge payable by estate agents not belonging to approved redress schemes.

Further information:
<http://www.berr.gov.uk/consultations/page42059.html>

The Home Information Pack (Redress Scheme) (Revocation) Order 2008

Relevant for: Estate Agents

April 2008 To repeal the Home Information Pack (Redress Scheme) (No.2) Order 2007. The Order which requires estate agents in England and Wales to join an approved redress scheme dealing with complaints about Home Information Packs, will no longer be required when the Estate Agents (Redress Scheme) Order 2008 is commenced.

We are still considering how to deal with outstanding complaints after the repeal of the HIP Redress Order, so the details of the Revocation Order may be subject to change.

Further information:

<http://www.berr.gov.uk/consultations/page42059.html>

The Consumers, Estate Agents and Redress Act (Commencement Order) 2008

Relevant for: Estate Agents

April 2008 To commence the remaining estate agents redress provisions and the enforcement provisions including these related to record keeping

Further information:

<http://www.berr.gov.uk/consultations/page42059.html>

The Estate Agents (Fees) Regulations 2008

Relevant for: Estate Agents

April 2008 To change the fee paid by banned estate agents applying to have prohibition notices revoked or varied.

Further information:

<http://www.berr.gov.uk/consultations/page42059.html>

The Estate Agents (Record Keeping) Regulations 2008

Relevant for: Estate Agents

April 2008 To require estate agents to keep permanent records of transactions with clients.

Further information:
<http://www.berr.gov.uk/consultations/page42059.html>

The Estate Agents (Undesirable Practices) Order 2008

Relevant for: Estate Agents

April 2008 To require estate agents to forward to sellers details of all offers received from prospective buyers, including those they have indicated they do want to receive.

Further information:
<http://www.berr.gov.uk/consultations/page42059.html>

The Estate Agents (Provision of Information) Regulations 2008

Relevant for: Estate Agents

April 2008 To change the statutory definitions for the contract terms 'sole agency', 'sole selling rights' and 'ready, willing and able purchaser' when used in estate agents' contracts.

Further information:
<http://www.berr.gov.uk/consultations/page42059.html>

The Consumer Protection from Unfair Trading Regulations (which implement the Unfair Commercial Practices Directive (2005/29/EC))

Relevant for: all businesses. Particularly: retail, advertising and marketing. Also enforcers and consumer groups.

The regulations repeal provisions in 22 pieces of existing consumer legislation.

April 2008

The Directive introduces a general prohibition on Traders not to treat consumers unfairly. It also prohibits misleading actions and omissions, and aggressive commercial practices.

Further information:

<http://www.berr.gov.uk/consumers/buying-selling/ucp/index.html>

The Business Protection from Unfair Trading Regulations

Relevant for: all businesses. Particularly: retail, advertising and marketing.

These regulations implement the Misleading and Comparative Advertising Directive as amended by the Unfair Commercial Practices Directive). They are the business “equivalent” to the Consumer Protection Regulations. They replace the revoked Comparative and Misleading Advertisements Regulations 1988. This introduces a general prohibition on traders not to treat consumers unfairly. This prohibition is intended to act as safety-net consumer protection legislation.

April 2008

Further information:

<http://www.berr.gov.uk/consumers/buying-selling/ucp/index.html>

Corporate Law and Governance

Regulations under the Companies Act 2006 on the form and content of accounts and reports for large and medium-sized companies and groups.

April 2008

Relevant for: Large and medium-sized companies (those with turnover above £5.6m, balance sheet total above £2.8m and more than 50 employees).

The regulations restate the detailed requirements in the Companies Act 1985 on the form and content of accounts and reports for large and medium-sized companies and make a small number of substantive changes to the accounting requirements.

Further information: web hot link to relevant information page
<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>.

Regulations under the Companies Act 2006 on the form and content of accounts and reports for small companies and groups.

April 2008

Relevant for: Small companies (those with turnover below £5.6m, balance sheet total below £2.8m and fewer than 50 employees).

The regulations restate the detailed requirements in the Companies Act 1985 on the form and content of accounts and reports for small companies and make a small number of substantive changes to the accounting requirements.

Further information: web hot link to relevant information page
<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>.

Regulations under the Companies Act 2006 on the form and content of accounts for miscellaneous insurance undertakings.

April 2008

Relevant for: Certain insurance undertakings.

The regulations restate the accounting requirements in the Companies Act 1985 as they apply to certain insurance undertakings and implement Directive 2006/43/EC on statutory audits for these entities.

Further information: web hot link to relevant information page
<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>.

Regulations under the Companies Act 2006 on the form and content of accounts for certain banks.

Relevant for: Certain banks.

April 2008 The regulations restate the accounting requirements in the Companies Act 1985 as they apply to certain banks and implement Directive 2006/43/EC on statutory audits for these entities.

Further information: web hot link to relevant information page

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Regulations under the Companies Act on the form and content of accounts and reports for certain partnerships.

Relevant for: Certain partnerships.

April 2008 The regulations restate the accounting requirements in the Companies Act 1985 as they apply to certain partnerships and implement Directive 2006/43/EC on statutory audits for these entities.

Further information: web hot link to relevant information page

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>.

Regulations under the Companies Act 2006 setting out a framework for companies to provide summary financial statements.

Relevant for: All companies.

April 2008 The regulations restate the provisions in the Companies Act 1985 setting out a framework within which companies can provide summary financial statements.

Further information: web hot link to relevant information page

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>.

Regulations under the Companies Act 2006 setting out a framework for the revision of defective accounts by companies.

Relevant for: All companies.

April 2008 The regulations restate the provisions in the Companies Act 1985 which set out how companies should revise accounts and reports which are found to be defective.

Further information: <http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>.

Regulations amending the accounting and reporting provisions of the Companies Act 2006.

Relevant for: All companies.

April 2008 The regulations implement Directive 2006/46/EC (amending the accounting directives), in particular by raising the thresholds defining small and medium-sized companies, and make certain other amendments to the accounting and reporting requirements in the Companies Act 2006.

Further information:

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>.

The Authorised Minimum Regulations

Relevant for: All companies.

April 2008 The Authorised Minimum Regulations deal with the "authorised minimum" capital requirement for public companies and for private companies seeking to re-register as public companies. They provide for a euro equivalent to the sterling amount of £50,000 in the 2006 Act. They also deal with how the authorised minimum requirement applies where a public company reduces its share capital and has shares denominated in multiple currencies and where a private company with shares denominated in multiple currencies seeks to re-register as a public company.

Further information:

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Companies (Mergers and Divisions of Public Companies) (Amendment) Regulations

Relevant for: All Public Limited Liability Companies

April 2008 Regulations implementing EC Directive 2007/63/EC which relaxes the requirement for an independent experts report in the case of a Company merger or division.

Further information:

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

The Companies Act 1985 and 2006.

Relevant for: All Public Limited Liability Companies

Regulations implementing EC Directive 2006/63/EC, which requires creditors to provide proof that their claim will be affected when objecting to a reduction in a company's capital.

April 2008

Further information:

<http://www.berr.gov.uk/bbf/eu-company-law/directives/page19528.html>

Disclosure of auditor remuneration and liability limitation agreements regulations

Relevant for: All companies who have an audit (i.e. all large, some medium and small)

The regulations require a company's accounts to include information on a) how much its auditors earn from it for other services, and b) if they have agreed a liability limitation agreement with an auditor, its principal terms.

April 2008

Further information:

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Prosecution guidance

Relevant for: Prosecutors (DPP, BERR...) and regulators (FRC, ICAEW...)

Guidance for prosecutors and regulators about how to handle cases where an auditor's misbehaviour could give rise to disciplinary procedures or prosecution under the new audit offence.

April 2008

Further information:

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Fees for inspection and copying of company records relating to debentures

Relevant for: These Regulations are relevant only to those UK-registered companies that have issued debentures

The Regulations prescribe the fee that a company may charge a debenture holder for a copy of the trust deed securing the debenture. The Regulations also prescribe the fee that a company may charge anyone wishing to be provided with a copy of any register of debenture holders that the company keeps and the fee payable (by any person other than a debenture holder or shareholder of the company) to inspect that register. The fees are the same as those for inspection and copying of other company records.

Further information:
<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Companies Act, companies Late Filing Penalties and Limited Liability Partnerships, Filing Periods and Late Filing Penalties Regulations

Relevant for: All companies in the UK and Limited Liability Partnerships, comes into effect April 2008

It amends with effect from 1 February 2009 the schedule of penalties which are paid by limited companies and by limited liability partnerships (LLPs) which file their accounts after the due date specified in the Companies Act.

In addition for LLPs the instrument will also amend the time period within which limited liability partnerships are obliged to file their accounts.

Further information:
<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Statutory Auditors Delegation Order

Relevant for: Professional Oversight Board; other Audit regulatory bodies; auditors.

Delegates the Secretary of State's powers under Part 42 of Companies Act to the professional Oversight Board

Further information: web hot link to relevant information page
<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

The Companies (Tables A to F) (Amendment) Regulations 2008

Relevant for: Relevant to all companies.

April 2008 The amendment regulations make necessary changes to Tables A to F (prescribed articles of association) of the Companies Act 1985 to bring them into line with current company law (i.e. parts of the Companies Act 2006 that come into force on 6 April 2008). The Tables as amended by these regulations apply to new companies incorporated on or after 6 April 2008.

Further information:

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Audit Directive Regulations

Relevant for: Auditors; Audit regulatory bodies; very limited direct impact on companies.

The regulations implement many of the provisions of the EU's audit Directive into UK law.

April 2008 It will commence on 6 April 2008 (with the exception of one very minor provision which bears only on the Professional Oversight Board).

Further information:

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Appointment Order to make Professional Oversight Board the Independent Supervisor of the Auditors General

Relevant for: Professional Oversight Board (POB); Auditors-General; indirect impact on a small number of publicly owned companies

April 2008 The Order appoints the POB as supervisor, so that, in compliance with the Audit Directive, the Auditors General can audit certain publicly owned companies.

Further information:

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Employment

Information and Consultation of Employees Regulations

Relevant for: Undertakings with 50 or more employees

April 2008

Employees' rights to be informed and consulted on a regular basis about issues in the organisation for which they work, are extended to undertakings with 50 or more employees. The Regulations have applied to undertakings with 150 or more employees since April 2005 and 100 employees or more from 6th April 2007.

Further information:

<http://www.berr.gov.uk/employment/employment-legislation/ice/index.html>

Amendment to the Conduct of Employment Agencies and Employment Business Regulations 2003

Relevant for: Employees, Employment Agencies

The amendments will:

Give all agency workers the right to withdraw from services provided by an agency, such as accommodation and transport without suffering any detriment

April 2008

Ease admin burdens on agencies by no longer requiring them to provide written information to workers regarding assignments of less than 5 days

Ban Entertainment and modeling agencies taking fees for including details of a work-seeker in a publication at the time the offer is made (or during a casting session), and for 7 days afterwards.

Plus some minor miscellaneous changes

Further information:

<http://www.berr.gov.uk/consultations/page37726.html>

Insolvency

Amendment to the Insolvency Rules 1986

Relevant for: Insolvency Practitioners and lawyers

Amend the Insolvency Rules to prescribe those categories of expense in a winding-up which will require approval or authorisation when section 176ZA of the Insolvency Act 1986 comes into force on 6 April 2008.

April 2008

Further information:

<http://www.insolvency.gov.uk/insolvencyprofessionandlegislation/policychange/leylanddaf.htm>

Amendment to the Insolvency Regulations 1994

Relevant for: Insolvency Practitioners

Widens the scope of Regulation 18 to enable administrators and administrative receivers to pay unclaimed dividends into the Insolvency Services Account, in the way that liquidators are currently able to.

April 2008

Further information:

<http://www.insolvency.gov.uk/insolvencyprofessionandlegislation/insolvencylaw.htm>

Amendment to the Insolvency Proceedings (Fees) (Order) 2004

Relevant for: Insolvency Practitioners and solicitors

Uplifts various statutory fees that are payable in connection with bankruptcy and compulsory winding-up proceedings.

April 2008

Further information:

www.insolvency.gov.uk

Amendment to the Insolvency Practitioners and Insolvency Services Account (Fees) Order 2003

Relevant for: Insolvency Practitioners

Amends the fee that licensed insolvency practitioners are obliged to pay in respect of their authorisation and additionally amends certain fees that are payable by insolvency practitioners in connection with funds held in the Insolvency Services Account.

April 2008

Further information: www.insolvency.gov.uk

Section 2. Regulations to commence on 1 October 2008

Consumer and Competition Law

The Consumers, Estate Agents and Redress Act 2007

Relevant for: Estate Agents

This exercises powers dealing with estate agents record keeping practices. Also changes to existing law on the offer making process and statutory clauses in estate agents' contracts that are due to commence on 1 October 2008.

Subject to consultation record keeping regulations to made in the summer with a view to bringing them into force on 1 October.

Oct 2008

In addition BERR intends to publish draft amendments to the Estate Agents (Provision of Information) Regulations 1991 and the Estate Agents (Undesirable Practices) (no2) Order 1991 in the Spring of 2008 with a view to bringing in the amendments on 1 October 2008.

Further information:

<http://www.berr.gov.uk/consultations/page42059.html>

The Consumer Credit (Information Requirements and Duration of Licences and Charges) Regulations 2007

Relevant for: All businesses licenced by the OFT under the 1974 Act, and anyone starting a consumer credit business.

The above Regulations set out the form and content of the various statements and notices that lenders will be required to provide to all consumers about their regulated agreements, to keep them informed about the state of their accounts, enabling them to better manage their borrowing.

Oct 2008

Further information:

<http://www.opsi.gov.uk/si/si2007/20071167.htm>

Doorstep Selling Regulations

Relevant for: Sellers of double glazing and other trades services at consumers home or place of work solicited or unsolicited.

Consultation in early 2008 on the amendment of Doorstep Selling Regulations 1987/2117 and Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) 1987

Oct 2008 To consult on the implementation of the Consumers, Estate Agents and Redress (CEAR) Bill provision (when enacted) on doorstep selling to extend cooling-off period and cancellation rights to solicited visits, and to require notice of cancellation to be included in contracts.

Further information:

<http://www.berr.gov.uk/consumers/buying-selling/Doorstep-selling/index.html>

Company Law

The Reduction of Capital [Regulations]

Relevant for: Private companies.

Oct 2008 The Reduction of Capital Order introduce the solvency statement route which will allow private companies to reduce share capital without reference to the court. These provisions only apply to private companies as public companies will continue to have to use the court approved route for reducing share capital. The Order will also provide for circumstances in which a reserve arising from a reduction of capital may be distributed to members.

Further information:

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

The Companies (Acquisition of Own shares) (Treasury Shares) Regulations (This details changes to Companies Act 1985 and 2006)
Relevant for: All Public Limited Liability Companies

Oct 2008 **Regulations implementing provisions in EC Directive 2006/68/EC which relaxes the limit on the acquisition by a company of its own shares (Treasury Shares).**
Further information:
<http://www.berr.gov.uk/bbf/eu-company-law/directives/page19528.html>

Trading Disclosure Regulations

Relevant for: all UK companies

Oct 2008 The Regulations specify the information that companies must include in business documentation, on their websites, on signs at premises and in response to requests for information about inspecting company records.
Further information:
<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

The Annual Return Regulations

Relevant for: Relevant to all UK companies with share capital (ie not those limited by guarantee)

Oct 2008 Regulations amending the 1985 Act's requirements for the information about shareholders that companies must include in their Annual Returns. This complements the provisions on the 2006 Act, already in force, providing safeguards for shareholders addresses.
Further information:
<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Procedural rules for company names adjudicators

Relevant for: Relevant to companies involved in a complaints about a company name exploiting another's goodwill

Oct 2008 These are procedural rules regulating the adjudication of a complaint that a company's registered name is the same as one in which someone else has goodwill or is so similar that it is likely to suggest a connection between the company and the owner of the goodwill.
Further information:
<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Limited Liability Partnership Accounts and Auditors Regulations

Relevant for: Limited Liability Partnerships only filing accounts under the Companies Act 2006 provision after October 2008

It applies the Companies Act 2006 provision on accounts and auditors to limited liability partnerships (LLPs). Unlike companies these provisions will not come into in April 2008, but in October 2008.

Oct 2008

In addition to applying the accounts and auditors provision, the instrument will also apply provisions in relation to Cross-Boarder Mergers and (subject to consultation) Companies Act 2006 provisions on E-communications.

Further information:

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

The Companies (Tables A to F) (Amendment) Regulations 2008

Relevant for: **Relevant to all companies.**

The amendment regulations make necessary changes to Tables A to F (prescribed articles of association) of the Companies Act 1985 to bring them into line with current company law (i.e. parts of the Companies Act 2006 that come into force on 6 April 2008). The Tables as amended by these regulations apply to new companies incorporated on or after 6 April 2008.

Oct 2008

Further information: web hot link to relevant information page

<http://www.dti.gov.uk/bbf/co-act-2006/draft/page40411.html>

Employment Law

Annual changes to National Minimum Wage Regulations 1999

Relevant for: All businesses paying on or below the NMW

The Regulations implement the rate of the minimum wage on recommendation of the Low Pay Commission

Oct 2008

Further information:

<http://www.berr.gov.uk/employment/pay/national-minimum-wage/index.html>

Energy

Amendments to the Offshore Chemicals Regulations 2002

Relevant for: The offshore oil and gas industry.

Under the Offshore Chemical Regulations 2002 (OCR 2002) offshore operators need to apply for permits to cover the use and discharge of chemicals. Proposed amendments to the OCR 2002 (which are expected to take effect in October 2008) will extend the scope of permits and extend the power to prosecute for unpermitted discharges.

Oct 2008

A small number of chemical discharge and injection activities that are currently controlled under the Food and Environment Protection Act, Part II Deposits in the Sea, will be transferred to the OCR 2002. This will allow FEPA Part II to be dis-applied for the offshore oil and gas sector.

Further information:

<http://www.og.dti.gov.uk/environment/ocr2002.htm>

Insolvency

Amendment to the Insolvency Rules 1986

Relevant for: Insolvency Practitioners and insolvent individuals

Amend the Insolvency Rules to make provisions for a new and simpler type of Individual Voluntary Arrangement (IVA).

October 2008

Further information:

<http://www.insolvency.gov.uk/insolvencyprofessionandlegislation/policychange/policychange.htm>

Section 3. Regulations to commence outside of CCD timetable

Energy

The Energy Act 2008

Relevant for: Energy companies of all sizes, including large energy generators and distributors as well as SMEs involved in renewables and oil & gas.

The Energy Bill is part of a package of measures, both legislative and non-legislative, underpinning our energy and climate change strategy.

The Energy Act 2008 will update the legislative framework by putting in place new legislation to:

- Reflect the availability of new technologies (such as CCS and emerging renewable technologies).
- Correspond with our changing requirements for security of supply infrastructure (such as offshore gas storage).
- Ensure adequate protections for the environment and the tax payer as our energy market changes.

Summer
2008

The Energy Act will enable a broad range of changes to regulations in the energy sector, including significant changes to the Renewables Obligation, and improvements in the offshore licensing regimes for gas infrastructure, renewables, oil & gas and Carbon Capture and Storage.

Further information:

<http://www.berr.gov.uk/energy/bill/page40931.html>

The Energy Act 2004, sections 90, 91, and 92 (regulation of offshore electricity transmission)

Relevant for:

Renewable energy generators located offshore; transmission owners and other large users of the electricity grid; National Grid in its SO role; associated manufacturers and materials and equipment suppliers.

The implementation of a regulatory regime under the Energy Act 2004 to allow electricity generated from offshore renewable resources – wind, wave and tidal - to be conveyed to customers via transmission connections to onshore networks.

The following sections of the Energy Act 2004 will be commenced:

Section 90: Modification of licence conditions for offshore transmission and distribution

This section empowers the Secretary of State to modify the standard conditions of transmission and distribution licences (and make incidental, consequential or transitional changes to particular transmission or distribution licences) and associated codes and agreements, for purposes connected with offshore transmission or distribution.

Late
2008

Section 91: Extension of transmission licences offshore

This section contains a power for the Secretary of State to make modifications in order to extend the co-ordination licence of the existing transmission licence holder offshore. These modifications can be to the co-ordination licence as well as consequential modifications to any other type of licence.

Section 92: Competitive tenders for offshore transmission licences

This section inserts a new section 6C into the Electricity Act 1989 to enable the Gas and Electricity Markets Authority to make regulations setting out the process to be followed by it in determining to whom to grant offshore transmission licences on a competitive basis.

Further information:

<http://www.berr.gov.uk/energy/sources/renewables/policy/offshore-transmission/page28604.html>

Insolvency

Amendment to the Insolvency Practitioners and Insolvency Services Account (Fees) Order 2003

Relevant for:

Insolvency Practitioners

Jan 2008 Amends the fee that recognised professional bodies are obliged to pay in respect of their regulation.

Further information: www.insolvency.gsi.gov.uk

Section 4. European Regulations implemented outside the CCD timetable

Consumer and Competition Law

Implementation of European Commission Directive 2000/52/EC amending Directive 80/723/EEC of June 1980 on the transparency of financial relations between Member States and public undertakings, and on financial transparency within certain undertakings.

Relevant for: Public or private bodies engaged in commercial activities and in receipt of funding for the performance of Services of General Economic Interest.

The Directive requires bodies (whether public or private with an annual turnover of at least €40m) engaged in commercial activities and in receipt of funding for the performance of Services of General Economic Interest (SGEIs) to ensure that their management accounts are sufficiently separate to distinguish between these activities and their purely commercial activities.

Public bodies (with annual turnover of €40m) engaged in commercial activities, should ensure that they are able to inform the Commission, if requested, of the support they receive from public authorities.

Public bodies engaged in the manufacturing sector (with an annual turnover above €250m) are required to supply details of their annual report and accounts and certain specified information, to the Commission on an annual basis.

Further information: <http://www.dti.gov.uk/bbf/state-aid/reviews/index.html>

Changes to the Textile Products Regulations 1986 and the replacement of the Textile Products Regulations 2006

Relevant for: Textile and Garment Industries

The Regulations will amend the 1986 Regulations and replace the 2007 Regulations to update them in line with certain EU textile Directives, by means of ambulatory references. The advantage of using ambulatory references is that it will not then be necessary to introduce new UK regulations to implement every new amendment to the EC legislation in question.

02/02/08

Further information:

<http://www.berr.gov.uk/files/file41658.pdf>

Changes to the Cosmetics Directive 76/768/EEC

Relevant for: all those involved in the manufacture and distribution of cosmetics

The Cosmetics Directive (76/768/EEC) is an old approach technical Directive which is constantly updated to reflect current scientific thinking on cosmetics.

- 1) 18/1/2008 1) Directive 2007/22/EC - control of iodine based products
- 2) 18/3/2008 2) Directive 2007/54/EC - banning a further 64 hair dyes
- 3) 19/4/2008 3) Directive 2007/53/EC - additional warnings for toothpaste products

Further information:

<http://www.berr.gov.uk/consumers/Safety/products/Cosmetics/index.html>

Regulations amending Part 2 of Schedule 4 to the Cosmetic Products (Safety) Regulations 2004

Relevant for: all those involved in the manufacture and distribution of cosmetics

- 1 January 2008 The proposed **Cosmetic Products (Safety) (Amendment) (No.3) Regulations 2007** (the Regulations) will extend from 31.12.2007 until 31.12.2009 the dates for which particular substances are permitted in hair dyes while their safety aspects are examined.

Further information:

<http://www.berr.gov.uk/consultations/page42420.html>

Europe and World Trade

EU Regulation banning the import, export and sale of cat and dog fur

Relevant for: importers, exporters and retailers of products that contain animal fur

An EU-wide ban on the import, export and sale of cat and dog fur has been approved by the European Council of Ministers. The ban will come into force on 31 December 2008.

31 Dec 2008

The EU Regulation is directly applicable legislation therefore no additional national legislation is required. However, the European Commission cannot legislate for the imposition of penalties for contravention of this ban. These have to be introduced into national law. A consultation on effective and proportionate sanctions will be issued early in 2008.

Further information:

Sustainable Development

Regulations to implement the Batteries and Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC) and to repeal the Batteries and Accumulators (Containing Certain Dangerous Substances) Regulations 1994 (as amended)

Relevant for: those involved in the production, distribution, collection, treatment and recycling of batteries, and manufacturers of battery-powered appliances

The proposed Regulations will set out the rules for:

Placing batteries (single use) and accumulators (rechargeables) on the UK market;

September
2008

Producer registration and producer responsibility responsibilities for collection and recycling of waste batteries and accumulators

Designing appliances to ensure easy removability of batteries and accumulators

Information and reporting requirements on batteries and accumulators and spent batteries and accumulators.

Further information: [link to consultation document expected shortly](#)

Changes to Restriction of the Use of Certain Hazardous Substances in Electrical & Electronic Equipment (RoHS) Regulations SI 2006/1463

Relevant for: : all those who manufacture electrical & electronic equipment (EEE), those who import these goods into the EU and those who re-brand equipment produced by others

1 February
2008

The new regulations will take account of new Commission Decisions concerning exempt applications and amend and clarify the enforcement provisions in light of the experience of the UK's RoHS Enforcement Authority's first year of enforcing the RoHS Regulations.

Further information:

<http://www.berr.gov.uk/innovation/sustainability/rohs/page29048.html>

Section 5. Other key activity by BERR that will impact on 2008 and beyond

Construction

Part II of the Housing Grants Construction & Regeneration Act 1996 and the Scheme for Construction Contracts (England & Wales) Regulations 1998

Relevant for: All construction industry supply-chain i.e. clients, contractors and sub-contractors engaged in the operation of construction contracts.

2008/9 The new provisions will improve existing legislation on construction contracts ('the Construction Act') by clarifying and simplifying the statutory payment framework and by removing barriers to referring disputes under those contracts to adjudication (a quick and simple dispute resolution procedure).

Further information:

<http://www.berr.gov.uk/sectors/construction/constructionact/page13956.html>

Employment Law

Employment Bill

Relevant for: Employees/Employers

An Employment Bill was introduced into Parliament in December 2007

It includes:

- 2008
- Workplace disputes resolution;
 - Clearer and stronger enforcement of employment law (including the enforcement of the NMW; stronger enforcement of the employment agency standards enforcement regime;
 - Amend trade union membership law.

Further information:

[Bill webpage expected shortly](#)

Resolving disputes in the workplace

Relevant for: Employees/Employers

In taking forward the recommendations of the Gibbons review of employment dispute resolution, to make the system work better for employers and employees in Great Britain, the Advisory, Conciliation and Arbitration Service will be running a pilot in 3 regions, covering about a quarter of the population, in 2008-9.

2008 - 09

The purpose of the pilots is to obtain important information on:

- the types of conciliation that work best,
- how to identify cases which will benefit from early conciliation,
- the resource and staffing implications of offering earlier conciliation.

National roll-out incorporating the lessons of the pilot is planned for April 2009 which will simplify and improve all aspects of employment dispute resolution,

Further information:

<http://www.berr.gov.uk/consultations/page38508.html>

The Working Time Amendment Regulations 2007 - Increasing the Holiday Entitlement

Relevant to: All businesses

1 April 2009

The Government proposes to add a maximum of 8 days (pro-rata for part-time workers) to the minimum holiday entitlement to cover the current number of bank and public holidays.

Under these proposals the minimum entitlement increased to 4.8 weeks (24 days if you work a 5 day week) on 1 October 2007 and will increase to 5.6 weeks (28 days if you work a 5 day week) on 1 April 2009.

Further information: Details of the Bank and Public Holiday dates from 2007-2010 can be found on the BERR's website at

<http://www.berr.gov.uk/employment/holidays/index.html>

http://www.opsi.gov.uk/si/si2007/uksi_20072079_en.pdf

Additional Paternity leave and Pay

Relevant to: All businesses

The Government's consultation on how Additional Paternity Leave and Pay should be administered in practice closed on 03 August 2007.

2009 - 10

Additional Paternity Leave and Pay will enable employed fathers to take up to 26 weeks Additional Paternity Leave, some of which can be paid if the mother of the child has returned to work. This new provision will be available during the second six months of the child's life, providing parents with more choice in child care responsibilities and for the first time ever, the option of dividing a period of paid leave entitlement between them.

This has been put back. It was originally forecast for 2008/9 but has been delayed to 2009/10.

Further information:

<http://www.berr.gov.uk/consultations/page39405.html>

Extending the right to flexible working

Relevant to: Employees/Employers

October
2008 or
April 2009

On 6 November 2007, the Prime Minister announced that the Government had decided to extend the right to request flexible working to parents of older children; and that he had asked Imelda Walsh, HR Director of J Sainsbury plc, to conduct a review of where the age cut-off for older children should be set. Depending on the duration of the independent review, we will be laying amended flexible working regulations to come into force in either October 2008 or April 2009.

Further information:

<http://www.dti.gov.uk/employment/workandfamilies/flexible-working/index.html>

Amendments to Age Regulations

Relevant to: The first proposed amendment will affect mainly civil servants who transfer to non-departmental public bodies. The other amendment on time limits will affect all employers and employees.

We intend to make two amendments to the age regulations as follows:

2008

Amend regulation 32 to ensure that the provisions of that regulation apply to civil servants who transfer to a non-departmental public body (NDPB) on a transfer scheme in the same way as other employees.

Amend the time limit for lodging an age discrimination questionnaire to bring it into line with the dispute resolutions regulations.

These amendments are purely technical changes and will not add any additional administrative burdens on businesses; therefore we will not be publishing an Regulatory Impact Assessment

Further information:

Energy

Implementation of the amended OECD Paris Convention on third party nuclear liability

Relevant for: operators of licensed nuclear sites eg nuclear power stations

The UK is committed to implement amendments agreed in 2004 to the OECD Paris Convention. These increase nuclear operators' liabilities under the Convention. It is unlikely that we will have completed the work (including a 12 week public consultation and debates in both Houses) to meet the October 2008 CCD. It is more likely that we will have done so for the April 2009 CCD. Business favours this as it is at the start of the financial year.

Further information:

Changes to the offshore decommissioning regimes

Relevant for: The offshore oil and gas and offshore renewables (i.e. wind, wave and tidal) industries.

In June 2007, a consultation was published concerning proposed changes to the offshore decommissioning regimes for oil and gas installations in the Petroleum Act 1998 and for renewable energy installations in the Energy Act 2004. The consultation closed on 13 September 2007 and amendments to both Acts are expected to be introduced during 2008.

Date: 2008
(entry into force dates still to be determined)

The four main areas covered are:

- (i) the safeguarding from insolvency of funds set aside for the purpose of decommissioning;
- (ii) widening the categories of persons on whom decommissioning obligations can be placed;
- (iii) ensuring the SoS has access to appropriate information relating to decommissioning; and
- (iv) the earlier issue of notices and provision of securities for decommissioning.

Further information: See Consultation document at:
<http://www.og.dti.gov.uk/consultations/index.htm>

The Renewables Obligation Order 2009.

Relevant for: Licensed electricity suppliers and renewable electricity generators of all sizes.

Subject to securing primary legislation – April 2009

The Energy White Paper announced the reform of the Renewables Obligation. These changes will require primary legislation which will be taken through the Energy Bill. Subject to parliamentary approval of the Bill it is intended to then amend the Renewables Obligation Order 2006 as amended by the Renewables Obligation Amendment Order 2007 to introduce the reforms from 1 April 2009.

The RO was introduced in 2002 and runs on a financial year from 1 April to 31 March each year. It requires licensed electricity suppliers to source a specific an annual increasing amount of electricity from eligible renewable sources.

Further information:
<http://www.berr.gov.uk/energy/sources/renewables/policy/obligation/page15630.html>

The Energy Act 2004 sections 89 and 180 (regulation of offshore electricity transmission)

Relevant for: Renewable energy generators located offshore; transmission owners and other large users of the electricity grid; National Grid in its SO role; manufacturers and materials and equipment suppliers.

The implementation of a regulatory regime under the Energy Act 2004 to allow electricity generated from offshore renewable resources – wind, wave and tidal - to be conveyed to customers via transmission connections to onshore networks.

The following sections of the Energy Act 2004 will be commenced:

Section 89: Activities offshore requiring 1989 Electricity Act licences

Late
2009

This section amends section 4 of the Electricity Act 1989 so that the prohibitions (and licensing and exemption regime) also apply in a Renewable Energy Zone and confirms that the regime applies in the territorial sea adjacent to Great Britain.

Section 180: Meaning of "high voltage line"

Section 180 amends the definition of "high voltage line" in section 64(1) of the Electricity Act 1989 for offshore electric lines so that those lines are considered to be high voltage if they are of a nominal voltage of 132 kilovolts or more.

Further information:

<http://www.berr.gov.uk/energy/sources/renewables/policy/offshore-transmission/page28604.html>