



Chartered
Institute of
Environmental
Health

Proposals to revoke seven Statutory Instruments

Response to the Health and Safety Executive consultation

March 2012

The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines, run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.

Any enquiries about this response should be directed in the first instance to:

David Kidney
CIEH Head of Policy
Chartered Institute of Environmental Health
Chadwick Court
15 Hatfields
London
SE1 8DJ

Email d.kidney@cieh.org

General

In its response to the Lofstedt report the Government made a commitment that by 2014 the total number of regulations businesses have to comply with will be reduced by 50 per cent. The CIEH views this consultation as one step towards the implementation of this aim.

In the cases of the seven Statutory Instruments identified, the argument for revocation is largely based on their content having become redundant. In most instances, this is because of the passage of time and the change that has taken place during that time has rendered their effect nugatory. In some instances, an additional factor is that subsequent legislation has duplicated their still-effective provisions such that they are not needed.

Save as we comment specifically below, the CIEH accepts this argument and in any event accepts that the seven Statutory Instruments should all be revoked.

Answers to Consultation questions

Question 1 -Do you agree with the proposal to revoke the seven Statutory Instruments?

Answer – Yes

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

Answer – The CIEH has no evidence of reliance on or use of any of these Regulations in workplaces today.

Question 3 – Are there any further comments you would like to make on the issues raised in this consultation document?

Answer – Yes, as follows.

In respect of the SIs:

ANTHRAX PREVENTION ORDER 1971 ETC (REVOCATION) REGULATIONS 2005 (S.I. 2005/228)

EMPLOYMENT MEDICAL ADVISORY SERVICE (FACTORIES ACT ORDERS ETC AMENDMENT) ORDER 1973 (S.I. 1973/36)

HEALTH AND SAFETY (FOUNDRIES ETC) (METRICATION) REGULATIONS 1981 (S.I. 1981/1332)

NON-FERROUS METALS (MELTING AND FOUNDRY) REGULATIONS 1962 (S.I. 1962/1667)

The CIEH has nothing to add to the comments made in the Consultation document.

In respect of the Sis:

**POTTERY (HEALTH AND WELFARE) SPECIAL REGULATIONS 1950
(S.I. 1950/65)**

**POTTERY (HEALTH ETC) (METRICATION) REGULATIONS 1982
(S.I. 1982/877)**

The first of these two SIs 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.

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.

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.

The second of these two SIs has no effect once the first one is revoked.

In respect of SI:

**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 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.

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

Answer – No.