

dti

CONSUMER SAFETY

Consultation on draft
Regulations to replace the UK
Plugs & Sockets etc. (Safety)
Regulations 1994 (S.I. 1994/1768)

October 2006

URN 06/1809

The DTI drives our ambition of 'prosperity for all' by working to create the best environment for business success in the UK. We help people and companies become more productive by promoting enterprise, innovation and creativity.

We champion UK business at home and abroad. We invest heavily in world-class science and technology. We protect the rights of working people and consumers. And we stand up for fair and open markets in the UK, Europe and the world, that enable manufacturers to innovate products and place them on the market.

This is a consultation seeking views of stakeholders with regard to developing draft regulations to replace The Plugs and Sockets etc. (Safety) Regulations 1994 SI 1994/1768.

The Regulations have been in force for almost twelve years and we now consider that they should be reviewed. We are looking to determine how well they are working, whether they are providing the level of protection to the consumer that was intended and whether they should be amended to further improve consumer safety. At the same time we wish to determine whether there are opportunities to reduce burdens on manufacturers and others in the supply chain.

This consultation document invites views on the current Regulations. Views on all aspects of the operation, impact and other effects of the Regulations are welcomed. The responses will be used to determine whether the Regulations should be amended or not. If it is decided that the Regulations should be amended then the responses received will be used to develop a draft for a new set of regulations. These draft regulations will be subject to a further consultation which will include a Regulatory Impact Assessment. We are aware that some of the questions raised concerning the current Regulations may encourage responses which may prove difficult to implement within the current legal framework. However we are raising these issues to ensure that we are fully informed on the views of those affected by these Regulations.

The aim of this consultation is to enable the simplification of the current legislation and to rationalise the approach to recognize current consumer expectations and development in technology as well as removing, from producers and suppliers, any unnecessary burdens that have been revealed by the use of the Regulations.

The new Regulations may come into force on 1st October 2007.

Issued	30 th October 2006
Respond by	22 nd January 2007
Enquiries to	Gigi Pardesi, Room 280, 151 Buckingham Palace Road, London SW1H 0ET Tel: 020 7215 1323 Fax: 020 7215 1340 Email: mailto:gigi.pardesi@dti.gsi.gov.uk

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1. EXECUTIVE SUMMARY

1.1 This consultation paper seeks views on the current Plugs and Sockets etc. (Safety) Regulations 1994 (SI 1994/1768). These Regulations govern safety requirements for the provision of specific types of mains power plug for certain specified electrical appliances for domestic use and specifies requirements for certain domestic mains power plugs and sockets. This consultation is intended to seek views on whether the Regulations should be revised.

1.2 Legislation in this area is aimed at protecting consumers by ensuring that:

- electrical equipment supplied to consumers is fitted with an appropriate plug for connection to the electrical mains power supply;
- plugs supplied to consumers comply with the relevant standard or provide an equivalent level of safety; and
- socket outlets supplied to consumers comply with the relevant standard and do not present an unnecessary risk to consumers.

The legislation does not implement an EC Directive but is an extension of safety requirements to certain electrical equipment. That is electrical equipment excluded from the scope of Directive 73/23/EC, as amended, commonly referred to as the Low Voltage Directive and implemented into UK law by The Electrical Equipment (Safety) Regulations 1994 (SI 1994/3260).

1.3 The existing legislation, however, may no longer comprehensively reflect current consumer practice or current standards of good engineering practice. It is considered that the Regulations therefore need to be reviewed and amended to continue to provide consumers with a high level of safety, while ensuring obligations placed on suppliers are proportionate to the safety risks identified.

1.4 Matters pertaining to standardization are of particular interest to the Department and we in particular seek views on the following :

- The removal of specific references to standards, in particular to dated versions of standards.
- The introduction of a general safety requirement as in the Electrical Equipment (Safety) Regulations.

- 1.5 One of the constraints faced is that the proposed new Plugs and Sockets Regulations must continue to only address safety requirements for domestic plugs and sockets excluded from the scope of Directive 73/23/EC as amended.
- 1.6 Any amendment to the Regulations is likely to encompass local weights and measures authorities. We consider that such authorities would continue to have a duty to enforce the legislation with the powers provided in that legislation or under the Consumer Protection Act 1987.
- 1.7 It is anticipated that consumers and retailers of electrical appliances will not be directly affected by any new regulations. It is anticipated that any draft regulations originating from this consultation will aim to ensure levels of protection for consumers are appropriate taking into consideration both advances in technology since the current Regulations were made and evolving consumer expectations.
- 1.8 We invite views and comments on all aspects of the current Regulations. Any new Regulations will continue to apply throughout England, Wales, Northern Ireland and Scotland.
- 1.9 This document is available electronically at:

<http://www.dti.gov.uk/consultations/> and <http://www.dti.gov.uk/innovation/strd/>

You may also photocopy it if you wish, or hard copies may be obtained by calling 020 7215 1323. Other versions of the document including Braille, certain other languages or audiocassette are available on request.

- 1.10 A list of those organisations and individuals consulted is in Annex 2. We would welcome suggestions of others who may wish to be involved in this consultation process and in the anticipated future consultation.

2. **HOW TO REPLY**

- 2.1 This consultation seeks views from any interested party. Those who have expressed an interest in either the current Regulations or the LVD will be sent an electronic copy of the consultation. When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.
- 2.2 We invite comments by 22nd January 2007 at the latest. Earlier responses would be very welcome.
- 2.3 A response can be submitted by letter, fax or email – please use email where possible to: <mailto:gigi.pardesi@dti.gsi.gov.uk>
- 2.4 Copies sent by post should be marked “Plugs & Sockets Regulations Consultation” on the envelope, and addressed to:

Gigi Pardesi
Sustainable Development and Regulations Directorate
Department of Trade and Industry
Room 280
151 Buckingham Palace Road
London SW1W 9SS

3. **Confidentiality and Data Protection**

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be

maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

4. **Help With Queries**

If you have questions about the issues discussed in this consultation document, please phone Gigi Pardesi on 020 7215 1323 or contact by e-mail at gigi.pardesi@dti.gsi.gov.uk

- 4.2 If you have comments or complaints about the way that this consultation has been conducted, these should be sent to:

Mary Smeeth
Consultation Co-ordinator
Department of Trade and Industry
Room 321
1 Victoria Street
London
SW1H 0ET
Email: <mailto:Mary.Smeeth@dti.gsi.gov.uk>

- 4.3 A copy of the Code of Practice on Consultation is at Annex 3.

5. **CONSULTATION QUESTIONS**

Having reviewed the Department's files for issues raised with the current Regulations over the time they have been in force, a number of specific issues are highlighted, questions relating to these appear below. Respondents to this consultation are particularly requested to consider these, but note that the Department also welcome comments on any aspect of the current Regulations or on any other related issue.

- 5.1 As the Regulations are safety regulations do you consider there is a strong enough emphasis on safety?
- 5.2 Currently there is a mandatory requirement to comply with a standard. Would you consider an approach similar to the Electrical Equipment

- (Safety) Regulations of “safe”, taking into consideration the current state of the art and ability of technology to provide solutions, underpinned by voluntary use of standards, an advantage?
- 5.3 The Standards in the Regulations relate to a specific date. Do you foresee any advantages or disadvantages of following the New Approach methodology of setting essential safety requirements and relying on standards to provide the details of “good engineering practice”, “state of the art” etc? Current rather than dated standards would then provide a presumption of conformity with the requirements.
 - 5.4 Do you consider that all of the current references to standards are required? Should any others be considered?
 - 5.5 The current Regulations contain a large number of definitions. Would you find the addition of other definitions helpful in clarifying the Regulations? Are any of the definitions unclear to you?
 - 5.6 Do you consider that the Regulations clearly differentiate between an adaptor and a converter plug? If not, what do you suggest?
 - 5.7 The current Regulations place an emphasis on the BS1363 plug and sockets system. Should the Regulations carry more information with regard to other systems, eg BS546? If so, which other systems?
 - 5.8 Do you consider that the scope of the Regulations is clear, for both Part I and Part II?
 - 5.9 Do you consider that any part of the current Regulations overlaps with and conflicts with the Electrical Equipment (Safety) Regulations? Do you consider there are other products, not in the scope of the Electrical Equipment (Safety) Regulations, which should be within the scope of the Regulations?
 - 5.10 Do you think that the requirements of the conversion plug should be dealt with as a divergence in Part II or should form a complete section within Part I?
 - 5.11 The current Regulations (Regulation 8 (1)(b) infers ongoing assessment, should this be clearer?
 - 5.12 Do you have any comments on the list of Excluded Electrical Devices listed under Schedule 1 of the current Regulations?

- 5.13 Should all forms of travel adaptors be within the scope of these regulations? Why? Or why not?
- 5.14 Do you have any comments on the list of Specified British Standards listed under Schedule 2 of the current Regulations?
- 5.15 Do you have any comments on the list of Excluded Appliances listed under Schedule 3 of the current Regulations?
- 5.16 Are there any circumstances where the supply of equipment equipped with a Europlug should be permitted, other than that for use with a dedicated bathroom shaver socket outlet?
- 5.17 Are there any areas of the current Regulations which you find particularly difficult to understand or difficult to understand the intent?
- 5.18 Are there any areas of the Regulations which cause you particular difficulties? If so what are those difficulties.
- 5.19 Do you find any of the requirements in the current Regulations technically prescriptive? If so what and how?
- 5.20 The Regulations currently require third party certification of BS 1363 pattern plugs and of conversion plugs. Should this be retained? Why? Or why not?
- 5.21 The current basis for Notified Bodies under the Regulations is those appointed by a member State prior to the Amendment of Council Directive 73/23/EEC and those bodies appointed by the Secretary of State. Should this be changed to recognise any LVD Notified Bodies appointed by any member State with a current appointment when they undertake work under the Regulations or all laboratories accredited to ISO/IEC17025, ISO/IEC 17020 or EN45011 and with an appropriate scope including electrical accessories? Do you have any other proposals?
- 5.22 Should waterproof plugs and socket outlets available to the pattern of BS1363 but non-compliant with the standard be acceptable, provided they meet the general safety requirement?
- 5.23 Is there a need to link the Regulations to the general household wiring requirements?

- 5.24 Are the penalties appropriate? If not what would you consider reasonable?
- 5.25 Do you have any other comments on the Regulations?
- 5.26 Can you;
- (a) identify any costs or benefits for your company or more generally resulting from the changes you have proposed?
 - (b) quantify those costs or benefits?

6. **BACKGROUND TO THE PROPOSALS**

- 6.1 The current Regulations (Plugs & Sockets etc. (Safety) Regulations 1994 [SI 1994/1768]) have been in force for over a decade and there are now concerns that the Regulations are in need of review.
- 6.2 This consultation on the content of the current Regulations is to encourage all interested parties to submit their views so that we can produce revised Regulations that are effective, enforceable and proportionate.
- 6.3 Concern has been expressed that the Regulations are preventing innovative products or products desired by consumers from being brought to and placed on the market. There are also concerns that the penalties for non-compliance are inadequate to present a realistic deterrent.
- 6.4 Generally the Regulations have been found to be effective and are still well used by the Trading Standards service. However technology has moved on since the introduction of the current Regulations, as has consumer expectations with advances in technology making available equipment which was unforeseen only a few years ago.
- 6.5 Though there have been past considerations of harmonizing the domestic plugs and sockets systems within Europe, there are currently no proposals for such harmonization.

6.6 The current Regulations may be downloaded from:

http://www.opsi.gov.uk/si/si1994/Uksi_19941768_en_1.htm

Guidance to the current Regulations may be downloaded from:

<http://www.dti.gov.uk/files/file32242.pdf>

7. **THE DRAFT REGULATIONS**

7.1 At this stage the Department is seeking the views and opinions of stakeholders prior to preparing draft Regulations. Therefore there are no proposals and all views submitted will be taken into consideration in drawing up any proposals for amending the Regulations – subject to their being such a need identified from this consultation.

8. **What Happens Next?**

8.1 The results of this consultation exercise, including a summary of views expressed will be published on the DTI website.

8.2 Once the consultation process is completed and, if there is support for amending the Regulations, then draft Regulations will be prepared. Member States are obliged to notify the Commission of proposed technical regulations under the Technical Standards Directive and to observe a three-month standstill period before the proposed Regulations can be brought into force. This is to provide an opportunity for the Commission and other Member States to comment.

8.3 The Regulations must then be submitted for parliamentary scrutiny in the UK before they can be brought into force.

8.4 All new regulations affecting business must be commenced on one of two dates, either 1st October or 6th April. The earliest practicable date for implementation of the envisaged new Regulations is likely to be 1st October 2007. However, any contentious issue revealed by this consultation is likely to push the commencement date to later in the year.

ANNEX 1: DETAILS OF CURRENT LEGISLATION

UK legislation

Hard copies of The Consumer Protection Act 1987 (1987 c43) and The Plugs and Sockets etc. (Safety) Regulations 1994 (SI 1994/1768) are available from:

TSO
PO Box 29
Norwich
NR3 1GN
Tel: 0870 600 5522
Online: <http://www.tso.co.uk/>

ANNEX 2: LIST OF CONSULTEES

This list has been generated from bodies that have previously expressed an interest to the Department

AMDEA	Local Government Association
Argos	LPGA
ASSC	LRQA
ASTA BEAB Certification Services	Lighting Industry Federation
Atlantic Home Care	Local Government Association
Automatic Vending Association	LPGA
BABT	LRQA
BEAMA	MFI
BHS	Milton Keynes & North Bucks Chamber of Commerce
Birmingham Chamber of Commerce & Industry	MIRA
Boots	Music Industries Association
BPMA	National Association of Estate Agents
BH&HPA	National Caravan Council
British Retail Consortium	National Housing Federation
BSI	Nemko Ltd
Bureau Veritas	NICEIC
CCQS-UKLtd	NILGA
CESA	Northern Ireland Trading Standards Service
Conformance Services Ltd	OFTEC
DASA	PLASA
Deaf Awareness Technology	PowerConnections
Department for Communities and Local Government	RoSPA
Draper Tools	Royal Institute of Chartered Surveyors
EFTA	SBGI
Electrical Distributors Association	Scottish Consumer Council
Europe for Business	Scottish Executive
Farrer & Co	SEAMA
Federation of Master Builders	SGS United Kingdom Ltd
Federation of Small Businesses	STR (UK) Ltd
Federation of Small Businesses in Scotland	Sun Bed Association
Federation of Small Businesses in Wales	The IET
FETA	The Lighting Association
GAMBICA	Trading Standards Institute
Hewlett Packard	TRL Compliance
Honeywell	TUV Product Services
Hoseasons	UL International (UK) Ltd
HSE	UKAS
IKEA	Welsh Assembly
Intellect	Welsh Consumer Council
Intertek Testing & Certification Ltd	
Lighting Industry Federation	

ANNEX 3: THE CONSULTATION CODE OF PRACTICE CRITERIA

The six consultation criteria:

- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- Ensure that your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information on the consultation code of practice can be found at:

<http://www.cabinet-office.gov.uk/servicefirst/index/consultation.htm>.

Comments or complaints

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to Mary Smeeth, DTI Consultation Co-ordinator, Room 321, 1 Victoria Street, London SW1H 0ET or telephone her on 020 7215 6206 or email to:

<mailto:Mary.Smeeth@dti.gsi.gov.uk>

ANNEX 4 Consultation Response Form

Review of The Plugs and Sockets etc. (Safety) Regulations 1994

The closing date for this consultation is 19th January 2007.

You may find it helpful to set out your responses to the Consultation using this Response Form.

Name _____
Organisation (if applicable) _____
Address _____

Return completed forms to:

**Gigi Pardesi
DTI
Bay 280
151 Buckingham Palace Road
London
SW1W 9SS**

Telephone: 020 7215 1323
Fax: 020 7215 1340

email: **Gigi.Pardesi@dti.gsi.gov.uk**

Question 5.2 Currently there is a mandatory requirement to comply with a standard. Would you consider an approach similar to the Electrical Equipment (Safety) Regulations of “safe”, taking into consideration the current state of the art and ability of technology to provide solutions, underpinned by voluntary use of standards, an advantage?

Comments

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Comments

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Comments

Question 5.9 Do you consider that any part of the current Regulations overlaps with and conflicts with the Electrical Equipment (Safety) Regulations? Do you consider there are other products, not in the scope of the Electrical Equipment (Safety) Regulations, which should be within the scope of the Regulations?

Comments

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Comments

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Comments

Question 5.22 Should waterproof plugs and socket outlets available to the pattern of BS1363 but non-compliant with the standard be acceptable, provided they meet the general safety requirement?

Comments

Question 5.23 Is there a need to link the Regulations to the general household wiring requirements?

Comments

Question 5.24 Are the penalties appropriate? If not what would you consider reasonable?

Comments

Question 5.25 Do you have any other comments on the Regulations?

Comments

Question 5.26 Can you;
identify any costs or benefits for your company or more generally
resulting from the changes you have proposed?
(b) quantify those costs or benefits?

Comments

Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Comments

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the statement below.

Please acknowledge this reply

Here at the Department for Trade and Industry we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No