

# DTI Annual Statement of Common Commencement Dates and other forthcoming proposals for 2006

## Section 1. Regulations to commence on 6 April 2006

### Consumer and Competition Law

6 April 06     **Amendment of weights and measures law relating to sale of goods by quantity**

**Relevant to:** producers, packers and importers who package and sell goods (especially food and drink) in pre-determined constant quantities.

Revision of highly complex law in order to make it easier to understand and comply with and to remove unnecessary legislative burdens from packers and importers. Will be achieved by the consolidation of current statutory provisions into a single set of regulations (Packaged Goods Regulations 2006).

**Further information:**

<http://www.dti.gov.uk/ccp/consultations.htm>

6 April 06     **Revision of Merger Fees**

**Relevant to:** All sectors of business.

An enterprise proposing to acquire another must pay a fee to cover the costs of merger control by the competition authorities. Small and medium sized enterprises are exempt from paying a fee.

**Further information:**

<http://www2.dti.gov.uk/ccp/archive/consultations.htm#mergerfee>

### Employment

6 April 06     **Information and Consultation of Employees (Amendment) Regulations**

**Relevant to:** All employers with 150 or more employees

The Regulations will make a minor amendment to the Information and Consultation of Employees (ICE) Regulations. They will ensure that, in certain circumstances, employers proposing to make a listed pensions change in accordance with DWP's Pensions (Consultation of Employees) Regulations do not need to consult under the ICE Regulations as well. The Regulations will be laid early in January 2006 and will come into force in April 2006.

**Further information:**

<http://www.dti.gov.uk/er/consultation/proposal.htm>

6 April 06 **TUPE Regulations**

**Relevant to:** All employers

The revision of the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE) will take on board amendments to the EC Acquired Rights Directive. This will provide more clarity as to whether or not the regulations apply to particular contracting-out or analogous situations.

**Further information:** <http://www.dti.gov.uk/er/individual/tupe-pl699.htm>

## **Energy**

6 April 06 **A Cost Recovery Mechanism to support the Energy Administration regime which was introduced through primary legislation in the Energy Act 2004.**

**Relevant to:** Holders of electricity transmission, distribution or supply licenses, and gas transportation licenses.

The cost recovery mechanism will enable the Secretary of State to recover monies that may have been issued to a protected company in energy administration who has encountered a shortfall. It is intended that the monies would be raised from other licensed energy companies and will ultimately be borne by energy consumers.

**Further information:** related consultation document:

[http://www.dti.gov.uk/energy/consultations/cost\\_recovery.pdf](http://www.dti.gov.uk/energy/consultations/cost_recovery.pdf)

## Insolvency Service

### 6 April 06 **Cross-Border Insolvency Regulations 2006**

**Relevant to:** Insolvency Practitioners, lawyers and others giving advice to businesses and individuals involved in cases of cross-border insolvency.

These regulations will allow foreign liquidators easier and simplified access to UK courts, enabling them to act with certainty by providing a predictable regime, with low costs, for initiating cross-border proceedings. This may also encourage other countries to do the same, thus providing UK companies with access to foreign courts where not available at present and allow recovery of foreign assets for creditors.

**Further information:**

[http://www.insolvency.gov.uk/insolvencyprofessionandlegislation/con\\_doc\\_register/liveindex.htm](http://www.insolvency.gov.uk/insolvencyprofessionandlegislation/con_doc_register/liveindex.htm)

### 6 April 06 **Enterprise Act 2002 (Disqualification From Office: General) Order 2005**

**Relevant to:** bankrupts who wish to continue to hold certain offices, and the public generally who will be protected from those subject to a Bankruptcy Restrictions Order.

The Order will, in most cases, remove those restrictions that automatically prevent undischarged bankrupts holding various offices, and replace that restriction with one which restricts someone who is subject to a Bankruptcy Restrictions Order from holding office.

**Further information:** [Tracy.Stanhope@insolvency.gsi.gov.uk](mailto:Tracy.Stanhope@insolvency.gsi.gov.uk)

### 6 April 06 **Insolvency (Amendment) Rules 2006**

**Relevant to:** Insolvency Practitioners and the legal profession.

Having considered the implications of a recent High Court decision, this instrument will be brought forward to make an urgent amendment to Rule 13.12(2) of the Insolvency Rules 1986 to provide that future tort claims, such as for personal injury, will be admissible in liquidation and administration proceedings.

**Further information:** [Tom.Phillips@insolvency.gsi.gov.uk](mailto:Tom.Phillips@insolvency.gsi.gov.uk)

6 April 06     **Insolvency (Amendment) (Scotland) Rules 2006**

**Relevant to:** Insolvency Practitioners and members of the legal profession practising in Scotland.

These amendments will apply to reserved areas of insolvency law in Scotland equivalent Rule changes to those that were made by the Insolvency (Amendment) Rules 2005 in England and Wales. These amendments apply certain minor procedural changes to administrators and re-issue several statutory forms.

**Further information:** [Tom.Phillips@insolvency.gsi.gov.uk](mailto:Tom.Phillips@insolvency.gsi.gov.uk)

6 April 06     **Insolvent Partnerships (Amendment) (No.2) Order 2005**

**Relevant to:** Insolvency Practitioners and the legal profession.

The Order amends the Insolvent Partnerships Order 1994 to correct certain amendments that were made by way of an earlier amendment Order that commenced on 1 July 2005.

**Further information:** [Tom.Phillips@insolvency.gsi.gov.uk](mailto:Tom.Phillips@insolvency.gsi.gov.uk)

6 April 06     **The Insolvent Companies (Disqualification of Unfit Directors) Proceedings (Amendment) Rules 2006**

**Relevant to:** Lawyers and solicitors acting for clients in connection with proceedings brought under the Company Directors Disqualification Act 1986.

These amendments widen the scope of these procedural Rules to ensure that, as far as is permitted, they cover all relevant applications under the Company Directors Disqualification Act 1986. This is to ensure that as far as possible it is these Rules and the relevant practice direction made under the Civil Proceedings Rules 1998 that govern such applications, rather than the Insolvency Rules 1986.

**Further information:** [Tom.Phillips@insolvency.gsi.gov.uk](mailto:Tom.Phillips@insolvency.gsi.gov.uk)

## **Intellectual Property**

6 April 06     **Copyright (Application to other countries) Order to update list of signatory territories to the WIPO Performances and Phonogram Treaty (WPPT).**

**Relevant to:** Creators, publishers, producers and broadcasters of copyright material.

Signatories to the WPPT are enjoy reciprocal arrangements regarding works of different types with other signatory territories and this order will update the list of territories with the effect that those works receive or continue to receive copyright protection in the UK.

**Further information:** [to be advised](#)

## Section 2. Regulations to commence on 1 October 2006

### Consumer and Competition Law

#### 1 Oct 06      **Changes to the UK hallmarking regime**

**Relevant to:** Manufacturers and importers of high-end jewellery and articles of precious metal; traders in old and antique jewellery and articles of precious metal.

Amendment to hallmarking regime to allow voluntary hallmarking of articles made of mixtures of precious metal (thereby permitting them to be marketed as of gold, silver or platinum as appropriate).

Further amendment to hallmarking regime to extend exclusion from necessity for hallmarking in order to market goods of precious metal manufactured between 1920 and 1950 and of gold or silver.

Both amendments have the effect of relaxing current restrictions, which limit the trade from being able to accurately, describe and market certain types of mixed-metal goods and un-hallmarked goods manufactured between 1920 and 1950

**Further information:** [to be provided in revised July statement.](#)

### Employment

#### 1 Oct 06      **Age Discrimination Legislation**

**Relevant to:** All employers

Implementation of the age discrimination strand of the European Employment Directive, which will outlaw unjustified age discrimination in employment and vocational training. The Government consulted on draft regulations in summer 2005. The aim is to lay final regulations before Parliament in February 2006 and subject to parliamentary approval, the legislation is scheduled to come into force on 1 October 2006. Government will publish non-confidential responses in January 2006 and a full analysis of the consultation will be published when the regulations are laid before Parliament.

**Further information:** <http://www.dti.gov.uk/er/equality/age.htm>

1 Oct 06

## **Annual Revision of National Minimum Wage**

**Relevant to:** all employers

The Low Pay Commission will present their next report to Government in February 2006. The report will review the levels of the minimum wage rates and make recommendations, if appropriate, for change on 1 October 2006.

**Further information:** <http://www.dti.gov.uk/er/nmw>

1 Oct 06

## **Employment Act 2002 (Amendment Order) 2006**

**Relevant to:** Employers and their employees who seek to resolve a dispute at an employment tribunal

This Regulation will extend the scope of the statutory dispute resolution procedure to include a number of new areas. The areas will include Information and Consultation Representatives and representatives appointed under the Occupational Pension Schemes (Consultation by Employers) Regulations. This will ensure that employers and employees should be subject to the statutory resolution processes before any complaint to an employment tribunal may be made.

DTI will consult early in 2006 and, if appropriate, any changes will be made in October 2006.

**Further information:**  
<http://www.dti.gov.uk/er/resolvingdisputes.htm>

1 Oct 06

## **Work and Families Legislation**

**Relevant to:** Employers and employees

Extension of Statutory Maternity and Adoption paid leave from six to nine months will come into effect for employees where the expected week of childbirth is on or after 6 April 2007.

Other legislation that will come into effect for these employees:

Removal of qualifying criteria for Additional Maternity Leave so that all mothers will be able to take up to one year off work.

Increase in the notice period from 28 days to eight weeks, which mothers must give to employers if they change their return dates.

Optional 'Keeping In Touch Days' – this means that the employee has the chance to go into work to undertake training and keep in touch with major developments without losing their right to pay

Reasonable contact - employers will have a right to make reasonable contact with their employee during maternity leave – guidance will make clear what is meant by this.

Any day start period for Maternity Pay Period to help to align the leave with the pay period.

Option for Statutory Maternity Pay to be paid on daily basis rather than weekly basis.

The extension of the right to request flexible working to carers of adults will come into effect from 6 April 2007.

Consultation on the draft regulations on the extension of Statutory Maternity and Adoption paid leave, as well as, the extension of the right to request flexible working to carers of adults will take place early 2006.

**Further information:** [www.dti.gsi.gov.uk/workandfamilies](http://www.dti.gsi.gov.uk/workandfamilies)

1 Oct 06

**Amendment to the Trade Union and Labour Relations (Consolidation) Act 1992**

**Relevant to:** All Employers and Employees

Early in 2006 the DTI will consult on making a minor clarificatory change to the law relating to collective redundancies following the recent ECJ case of Junk v Kuhnel. The consultation will begin in January 2006 and legislation, if appropriate, will come into force in October 2006.

**Further information:**

<http://www.dti.gov.uk/er/redundancy/consult-pl833a.htm>

## Energy

1 Oct 06

### **Electricity Safety, Quality and Continuity (Amendment) Regulations**

**Relevant to:** Electricity transmission and distribution companies (typically 2,000-4,000 employees)

The proposed Electricity Safety, Quality and Continuity (Amendment) Regulations will make 4 changes to existing electricity Regulations. The most significant amendment will require electricity companies to cut trees to improve continuity of supply, particularly in storms.

**Further information:** web hot link to relevant information page

Consultation documents (consultation now closed):

[http://www.dti.gov.uk/energy/consultations/consult\\_closed.shtml](http://www.dti.gov.uk/energy/consultations/consult_closed.shtml)

Summary of response to consultation:

[http://www.dti.gov.uk/energy/consultations/esqcar05\\_response\\_summary.pdf](http://www.dti.gov.uk/energy/consultations/esqcar05_response_summary.pdf)

## Innovation

1 Oct 06

### **Amendment of Plugs and Sockets etc (Safety) Regulation 1994**

**Relevant to:** Producers and importers who supply and sell electrical consumer goods.

Revision of the existing National Regulations (i.e. not based on an EU Directive) primarily to recognize advances in technology; to allow for innovation; to recognize that there are now additional Member States using the identical mains electricity plugs and socket system as the UK.

**Further information:** [to be provided in revised July statement](#)

## Insolvency

1 Oct 06

### **Employment Protection Directive**

**Relevant to:** employees whose employers are insolvent.

The revision of provisions in the Employment Rights Act 1996 relating to the protection of employees in the event of the insolvency of their employer to provide greater clarity in line with Directive 80/987/EEC as amended by Directive 2002/74/EC.

**Further information:**

[Christine.McCreath@insolvency.gsi.gov.uk](mailto:Christine.McCreath@insolvency.gsi.gov.uk)

## Intellectual Property

- 1 Oct 06      **a) Regulatory Reform Order modernising registration process under Registered Designs Act.**  
**b) Revised Rules under the Registered Designs Act.**

**Relevant to:**

- All businesses, of whatever size, which use designs to protect their intellectual property.
- Professional specialist practitioners (i.e. intellectual property lawyers).

a) Will make it quicker and easier (and probably cheaper) to register a design by ending examination of new designs for novelty prior to registration, and allowing multiple designs to be registered in a single application. Will also make it easier for the public to inspect information held on registered designs and for owners to restore them if they lapse by accident.

b) Will make the procedures involved in registering a design clearer, more flexible and less bureaucratic. Will also introduce a clearer procedure for challenging the validity of a registered design at the Patent Office.

**Further information:**

<http://www.patent.gov.uk/about/consultations/mod-designs/index.htm>

- 1 Oct 06      **The Patents Rules 2006**

**Relevant to:**

- All businesses, of whatever size, which use patents to protect their intellectual property.
- Professional specialist practitioners (i.e. patent agents and intellectual property lawyers).

A modernisation and consolidation of the Patents Rules to simplify and clarify the Rules, improve their flexibility and bring them into line with best practice, for example in the area of case management during litigation

**Further information:**

<http://www.patent.gov.uk/about/consultations/pat-rules/index.htm>

1 Oct 06

**Changes to the Patent Office Business hours for receiving and according dates to application forms and other documentation.**

**Relevant to:**

- All businesses, of whatever size, which file documents relating to patents, trade marks, designs or design right at the UK Patent Office.
- Professional specialist practitioners (i.e. patent agents and intellectual property lawyers).

This allows documents, including patent, trade mark and registered design applications, to be filed at the Patent Office at any time and on any date and to be given that date as the date on which the document was filed.

**Further information:**

<http://www.patent.gov.uk/about/consultations/out-of-hours-consult/index.htm>

1 Oct 06

**Patent Office Fees**

**Relevant to:**

- All businesses of whatever size, or individuals, who apply for patents, trade marks or registered designs; or which use them or unregistered design right to protect their intellectual property.
- Specialist professional practitioners (e.g. patent, trade marks or design agents or attorneys or paying agencies).

The proposed changes allow the Office to meet its financial targets; reduce its dependence on renewal fees; match the costs of activities more closely to the fees charged; increase consistency between rights; increase certainty for the customer and are sustainable so far as possible given predicted increases in renewal volumes.

**Further information:** An informal consultation is currently underway. Consultation available at <http://www.patent.gov.uk/about/consultations/fees/index.htm>  
Formal consultation on more detailed proposals is scheduled for Feb – May 2006.

1 Oct 06

**Register of Patent and Trade Mark Agents Rules 1990**

**Relevant to:** IP profession and the regulation of both the Chartered Institute of Patent Agents and the Institute of Trade Mark Attorneys.

These Statutory Instruments seek to devolve regulation to the profession. Also necessary to prepare work and implementation of the forthcoming Legal Reforms bill.

**Further information:** [to be provided in revised July statement](#)

**Section 3. Regulations to commence outside the CCD timetable** (including changes that have been previously announced, legislation introduced to comply with international agreements, and sector specific legislation historically introduced at certain periods during the year)

## Corporate Law and Governance

12 Jan 06     **Repeal of mandatory Operating and Financial Review**

**Relevant to:** Quoted companies.

Following an announcement by the Chancellor of the Exchequer on 28 November, regulations have been made to repeal the requirement for quoted companies to produce a statutory Operating and Financial Review. The requirement applied to financial years beginning on or after 1 April 2005. It was therefore necessary to repeal it as soon as possible before companies were required to produce OFRs (normally from 1 April 2006, but companies with shortened financial years would have been required to do so sooner). The requirement to produce a Business Review remains.

**Further information:** <http://www.dti.gov.uk/cld/hottopics.htm>

## Employment

Annually  
Feb 06     **Revision of Employment Tribunal award limits** (changes introduced on a specified date each year)

**Relevant to:** Employees and their employers who seek to resolve a dispute at an employment tribunal. The law requires the limits of various employment tribunal awards and payments to vary in line with the movement of the Retail Prices Index. These annual changes take effect on 1 February each year.

**Further information:** <http://www.dti.gov.uk/er/pay/limits-pl827.htm>

Annually  
April 06

**Revision of the standard rates of Statutory Maternity Pay (SMP), Statutory Paternity Pay (SPP) and Statutory Adoption Pay (SAP)** (annual changes beginning April)

**Relevant to:** All employers

The standard rates of SMP, SPP and SAP are to be increased to £108.85 per week (or 90% of the person's average weekly earnings if that is less than £108.85). The changes will be in the Department for Work and Pensions annual up rating order – the Social Security Benefits Up rating Order 2006. For 2006, the increased rates will apply from Sunday 2 April. This is because SMP payment weeks typically begin on a Sunday and follows the precedent for previous years.

**Further information:** <http://www.dti.gov.uk/workingparents>

31 Oct 06

**Sexual Orientation Discrimination Regulations** (previously announced)

**Relevant to:** All organizations (business and public sector) that provide services to members of the public.

Individuals will be protected from being discriminated against on the grounds of their sexual orientation (whether they are gay, straight or bisexual) when receiving services. For example hotels would not be able to refuse to accommodate a gay couple purely because of their sexual orientation. These measures will be implemented alongside provisions in Part 2 of the current Equality Bill that will prohibit discrimination on the grounds of an individual's religion or belief. The Home Office leads on this legislation, which will also be commenced on 31 October, and it is proposed that coordinated guidance should be published covering the new measures in relation to both religion and belief and sexual orientation.

Consultation on the proposed content of the sexual orientation discrimination regulations will take place in early 2006.

**Further information:**  
<http://www.womenandequalityunit.gov.uk/lgbt/index.htm>

**Energy**

1 April 06 **Amendments to the Renewables Obligation Order.**

**Relevant to:** renewable generation industry and the electricity supply industry

A number of changes to the Renewables Obligation, which aim to reduce the regulatory burdens on the companies who benefit from or are, required to comply with the Obligation. (The changes apply to a charging/finance system, which needs to be changed at the start of the financial year).

**Further information:**

[http://www.dti.gov.uk/renewables/renew\\_2.2.5.htm](http://www.dti.gov.uk/renewables/renew_2.2.5.htm)

Summer 06 **Order under the Export Control Act 2002 to control the exports of certain high-activity radioactive sources**

**Relevant for:** the small number of businesses that manufacture and export certain high-activity radioactive sources.

The draft Order prohibits the export from the UK radioactive sources defined under Categories 1 and 2 of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources (IAEA/CODEOC/2004) that are not already controlled under the Council Regulation (EC) No.1334/2000

**Further information:** [to be advised](#)

## **Insolvency**

31 Jan/  
1 April 06 **The Insolvency Practitioners and Insolvency Services Account (Fees) (Amendment) Order 2005**

**Relevant to:** Insolvency Practitioners and the recognised Professional Bodies that authorise insolvency practitioners.

This Order increases the fee to be paid to the Secretary of State by the recognised professional bodies in relation to the authorisation of insolvency practitioners, and for the recognition of those professional bodies. These fees are designed to recover the costs associated with monitoring insolvency practitioners authorised by the Secretary of State, including the making of monitoring visits and handling of complaints, and with the recognition of professional bodies. The instrument falls outside of the CCD timetable so as to ensure that the increased fees are effective for the financial year, 2006/07.

**Further information:**

<http://www.insolvency.gov.uk/insolvencyprofessionandlegislation/legislation/enterpriseact/SI3524of2005.doc>

## Intellectual Property Law

1 Feb 06      **Changes to Copyright, Designs & Patents Act 1988** (to come into force 1 February to facilitate EU ratification of international treaties - the WIPO WCT and WPPT of 1996)

**Relevant to:** performers and also businesses and others that make use of performances

The Regulations will extend the current regime of moral rights for authors and directors to performers. Performers will have the right to claim to be identified as the performer of a performance and the right to object to any distortion, mutilation or other modification of his performance, which would be prejudicial to his reputation.

**Further information:**

<http://www.patent.gov.uk/about/consultations/moralrights/index.htm>

## National Weights and Measures

1 April 06      **Amendment to The Measuring Instruments (EEC Requirements) (Fees) Regulations 2004**

**Relevant to:** All businesses that require services provided by the Secretary of State with regard to measuring instruments

Routine annual increase of fees for provision of services regarding measuring instruments

**Further information:**

<http://www.opsi.gov.uk/si/si2004/20041300.htm>

## Section 4. European Regulations implemented outside the CCD timetable

### Corporate Law and Governance

20 May 06    **Implementation of EU Takeovers Directive**

**Relevant to:** Public companies

The Takeovers Directive lays down minimum standards for the regulation of takeovers of EU companies whose shares are traded on a regulated market.

**Further information:**

Consultation document (January 2005):  
<http://www.dti.gov.uk/cld/currentcondocs.htm>

Government response to consultation document (July 2005):  
<http://www.dti.gov.uk/cld/clauses.htm>

Company Law Reform Bill: <http://www.dti.gov.uk/cld/facts/clr.htm>

### Employment

18 Aug 06    **European Cooperative Society Statute: Regulations implementing the employee involvement directive**

**Relevant to:** Cooperatives in all sectors wishing to form a European Cooperative Society

The European Cooperative Society Statute is to be implemented in all EU Member States by 18 August 2006. The legislation will give Cooperatives operating in more than one Member State the option to re-incorporate as a European cooperative (an SCE). The process is voluntary. The Statute is made up of a directly applicable Regulation governing the formation of the SCE, and a directive, which seeks to protect employment rights in the process. The Treasury is the lead department, whilst the Department of Trade and Industry is responsible for implementing the employee involvement directive

**Further information:** [to be provided in revised July statement](#)

## Energy

30 July 06 **Amendment Order under the Export Control Act 2002 to implement provisions of Council Regulation (EC) No. 1236/2005 concerning trade in goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.**

**Relevant to:** Because of the types of goods covered by the Regulation it is unlikely that many companies will be affected by the controls. However, those that are affected are likely to be small enterprises.

Although the Regulation is directly applicable it will be necessary at national level to introduce an amendment Order to enable enforcement of the Regulation provisions and to provide for national options, licensing and penalties.

**Further information:** We are currently undertaking an informal consultation before finalising secondary legislation to come into force at the same time as the Regulation, which is 30 July 2006. Access to the informal consultation document is via the ECO website at; [www.dti.gov.uk/export.control](http://www.dti.gov.uk/export.control).

## Innovation

3 Jan 06 **Noise of Outdoor Equipment Regulations**

These Regulations will implement the European Parliament and Council Directive 2005/88/EC, which amends the European Parliament and Council Directive 2000/14/EC on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors.

**Relevant to:** All sectors covered specifically by the amendment including SMEs

It is expected on 3 January 2006 an emergency amendment to the Noise of Outdoor Equipment Regulations will be brought into force. This will enable certain equipment which cannot meet stricter noise limits due to come into force on that date to remain on sale throughout the EU. The necessary amendment at EU

level (2005/88/EC) should come into force on 27 December 2005.

### **Further Information**

The equipment affected by the amendment:-

- walk-behind vibrating rollers;
- vibratory plates (>3 kW);
- vibratory rammers;
- dozers (steel tracked);
- loaders (steel tracked >55 kW);
- combustion-engine driven counterbalanced lift trucks;
- compacting screed paver-finishers;
- hand-held internal combustion-engine concrete-breakers and picks (15 < m < 30); and
- single engine mobile cranes.

<http://www.dti.gov.uk/strd/outdoors.html>

1 July 06

### **Restriction of Hazardous Substances Regulations**

These Regulations implement the European Parliament and Council Directive 2005/95/EC relating to the use of certain hazardous substances in the manufacture of electrical and electronic equipment.

#### **Relevant to:**

Producers (which covers both manufacturers & importers) of electrical and electronic equipment that sell on the EU market, plus those that are part of the supply chain in this sector.

The RoHS Regulations will reduce the use of certain hazardous substances in the manufacture of new electrical and electronic equipment. It is a Single Market (Article 95) measure aiming to harmonise the laws of the EU Member States on this issue.

The main requirement of the RoHS Directive is that Member States must ensure that any new electrical and electronic equipment placed on the market on or after 1 July 2006 **does not contain** lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB) or polybrominated diphenyl ethers (PBDE), other than in amounts not exceeding maximum concentration values. These values are 0.01% by weight per

homogeneous material for cadmium and 0.1% for the other five substances.

Certain applications of the hazardous substances, (listed in Schedule 2 to the Regulations), are exempt.

**Further Information:**

The equipment affected by these Regulations fall within the following categories: -

- large household appliances;
- small household appliances;
- IT and telecommunication equipment;
- consumer equipment;
- lighting equipment;
- electrical and electronic tools;
- toys, leisure and sports equipment; and
- automatic dispensers.

<http://www.dti.gov.uk/sustainability/weee/index.htm>

## Intellectual Property Law

2006

**Changes to rules, which currently require applicants for patents, trademarks and registered designs to provide a UK address for service. The changes are required to comply with Article 49 of the Treaty of Rome.** (not known when this will come into effect – to be updated in the July revised statement)

**Relevant to:**

- All businesses of whatever size, or individuals, who apply for patents, trade marks or registered designs; or which use them to protect their intellectual property.
- Specialist professional practitioners (e.g. patent, trade marks or design agents or attorneys)

It seems certain that we will need to amend our UK AFS rules for patents, trademarks and designs for all but inter partes cases. In order to comply with Art 49 of the Treaty of Rome this may need to be done quickly and it is likely that we will have to change procedures before the rules change

**Further information:** previous consultation and response documents are at <http://www.patent.gov.uk/about/consultations/afspost/index.htm> and <http://www.patent.gov.uk/about/consultations/afspostconclusions/index.htm> respectively.

2006 **Artist Resale Rights** (introduction dependent upon Implementation of Directive 2001/84/EC – early 2006)

**Relevant to:** All companies who sell artistic works including galleries, auction houses and art dealers.

Resale right entitles the author, or their successor in title, of a work of art to a percentage royalty each time one of their works is resold in a transaction involving an art market professional.

**Further information:**  
<http://www.patent.gov.uk/about/consultations/resalerights/index.htm>

TBA **EU Regulation on the compulsory licensing of patents on pharmaceutical products for export to developing countries with public health problems**

**Relevant to:** generic medicine manufacturers and the research based pharmaceutical industry

The Regulation will enable European manufacturers to manufacture generic copies of patented medicines for export to appropriate developing countries with public health problems. The Regulation was adopted by the European Parliament on the 1 December 2005 but is yet to be formally adopted by the European Council.

**Further information:**  
<http://www.patent.gov.uk/about/ippd/issues/trips.htm>

## National Weights and Measures

**Implementation of the Measuring Instruments Directive (those parts under NWMLs regulatory responsibility)**

**Relevant to:** All sectors of industry including SMEs

Implementation of the Measuring Instruments Directive will create a single market in measuring instruments and reduce the regulatory burden to business, resulting in reduced time and costs of putting new products on the EU market whilst maintaining protection for consumers against fraud and short measure. Most of the requirements of the Directive will be implemented through the following Statutory Instruments:

- 30 April 06    **1. The Measuring Instruments (Non-UK Prescribed Instruments) Regulations 2006**
- 30 Oct 06    **2. The Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006**
- 3. The Measuring Instruments (Beltweighers) Regulations 2006**
- 4. The Measuring Instruments (Capacity Serving Measures) Regulations 2006**
- 5. The Measuring Instruments (Automatic Catchweighers) Regulations 2006**
- 6. The Measuring Instruments (Cold-water Meters) Regulations 2006**
- 7. The Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006**
- 8. The Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006**
- 9. The Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006**
- 10. The Measuring Instruments (Material Measures of Length) Regulations 2006**
- 11. The Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006**

**Further information:**

[http://www.nwml.gov.uk/Content.aspx?SC\\_ID=112](http://www.nwml.gov.uk/Content.aspx?SC_ID=112)

## **Section 5. Other key activity by DTI that will impact on 2006 and beyond**

### **Corporate Law and Governance**

#### **Company Law Reform Bill 2006**

**Relevant in particular to:** companies and their advisers

The Company Law Reform Bill was introduced into Parliament on 1 November 2005. Royal Assent is not expected before 2006. It is likely that the majority of the provisions will commence in 2007 at one of the two common commencement dates. Section 4 of this document includes a separate entry on the takeover provisions in the Bill.

**Further information:** <http://www.dti.gov.uk/cld/>.

### **Consumer and Competition Policy**

#### **The Cosmetics Directive (date unknown)**

**Relevant to:** all those involved in the manufacture and distribution of cosmetic products

The Cosmetics Directive\_(76/768/EEC) is an old approach technical Directive which is constantly updated to reflect current scientific thinking on cosmetics. In 2006, there are highly likely to be a number of Amendments to the Directive, which will restrict the use of particular substances as ingredients in finished cosmetic products. At present details of these Amendments are not known.

**Further information:**

<http://www.dti.gov.uk/ccp/topics1/safetyprods.htm#cosmetic>

#### **Possible repeal of competition enforcement regulations**

**Relevant to:** tramp shipping services and civil aviation

The EC Competition Law (Articles 84 and 85) Enforcement Regulations 2001 provide a procedure for the UK competition authorities to apply Articles 81 and 82 (competition) in relation to

tramp shipping and civil aviation cases. However, since 1st May 2004, an EC regulation has brought aviation cases within the scope of regulation 1/2003. Accordingly the 2001 regulations do not apply to such cases any more and they now only apply to tramp shipping/cabotage cases. The Commission are expected to propose shortly that tramp shipping will also be brought within regulation 1/2003. In the event that the European Council agrees this proposal, the 2001 Regulations will become redundant and can then be repealed. Timing of the repeal will be dependent on progress with the European negotiation.

**Further information:**

<http://www.dti.gov.uk/ccp/topics2/ecpolicy.htm - art84>

**29<sup>th</sup> amendment to the “Marketing & Use” Directive 76/769/EEC (date unknown – publication of directive imminent)**

**Relevant to:** Manufacturers and suppliers of chemicals and consumer products containing chemicals.

Prohibition on the placing on the market of certain dangerous substances (carcinogens etc.) for sale to the general public.

**Further information:**

<http://www.dti.gov.uk/ccp/consultpdf/carmutcondoc.pdf>

**Amendment to the “Aerosols” Directive 75/324/EEC (date unknown)**

**Relevant to:** Manufacturers of aerosols.

Adapting the Directive, concerning the safety of aerosol dispensers, to technical progress.

The Commission has invited comments on the draft proposal. In the light of responses it intends to issue a formal proposal in the near future. We will go out to formal consultation on publication of the proposal – we anticipate this will be in the first half of 2006.

**Further information:** link to [draft proposal for an adaptation of the ADD to technical progress for public consultation](#)

20 May 06 **Amendments to Directive 84/500/EEC on ceramic articles intended to come into contact with foodstuffs**

**Relevant to:** everyone in the supply chain of ceramic articles intended to come into contact with foodstuffs, from producer through to retailer.

From this date Member States are required to allow the free trade of products complying with the amending provisions of Directive 2005/31/EC, even though these will not be made mandatory for UK businesses until 20th May 2007 (see next entry for more detail). Allowing the free trade of compliant products will have the effect of opening up the market and potentially increasing competition for UK businesses.

**Further information:** [to be advised](#)

20 May 07 **Amendments to Directive 84/500/EEC on ceramic articles intended to come into contact with foodstuffs**

**Relevant to:** everyone in the supply chain of ceramic articles intended to come into contact with foodstuffs, from producer through to retailer.

This Directive, which the UK is bound to transpose into national law, is an amending Directive. It introduces three changes to the previous Directive:

i) producers and distributors are now obliged to ensure that the ceramic product is accompanied at all stages of marketing (up to and including retail) by documentation stating that it complies with the rules applicable to it,

ii) manufacturers and importers must show enforcement authorities (on request) appropriate documentation demonstrating compliance with lead and cadmium migration limits, and

iii) performance criteria are now introduced for the analytical method employed to test compliance, allowing a wider range of testing methodologies.

Additionally, there is a requirement on Member States to introduce a prohibition on the manufacture and importation (into the Community) of non-compliant products. Implementation of the Directive will take the form of new Ceramic Articles in Contact with Food (England) Regulations 2006, which will replace the existing Ceramic Ware (Safety) Regulations 1988. Analogous legislation will be introduced separately in Scotland,

Wales and Northern Ireland. The Directive has to be implemented by 20th May 2006 (see previous entry), but the changes identified by i) to iii) above will not come into force until 20th May 2007.

**Further information:**

<http://www2.dti.gov.uk/ccp/topics1/facts/ceramics.htm>

12 Dec 07 **Implementing the Directive on Unfair Commercial Practices (2005/29/EC) & changing existing consumer legislation**

**Relevant to:** all businesses. Particularly: retail; advertising & marketing.

Description: the Directive introduces a general prohibition on traders treating consumers unfairly. This focuses in particular on misleading actions & omissions, and aggressive commercial practices. In addition, the Directive may require amendments to or repeal 28 existing pieces of legislation.

**Further information:**

<http://www.dti.gov.uk/ccp/topics1/unfair.htm>

## Employment

2006 **Consultations**

**Relevant to:** Everyone

Details of new employment policies and issues under consultation are available on the DTI website. The web page is updated regularly and contains an option to be notified by email whenever a news items is added.

**Further information:** [http://www.dti.gov.uk/er/hot\\_topics.htm](http://www.dti.gov.uk/er/hot_topics.htm)

## Energy

### Emergency oil stocking system

DTI is in consultation with interested companies about proposed changes to the UK's system for managing stocks of oil for use in the event of disruption. These changes will involve moving the basis for setting the obligations from product being sold into final consumption to product entering the UK from refineries or as

imports. We hope to make these changes with effect from July 2006 but it is not yet clear whether they will require changes to the existing regulations, which govern the current system.

**Further information:**

<http://www.og.dti.gov.uk/consultations/stocking1resp.htm>

### **Regulation of gas and electricity interconnectors**

**Relevant to:** gas and electricity sectors

DTI is shortly to issue a decision document on the licensing of electricity and gas interconnectors so as to formalise our compliance with the terms of the Electricity Directive (2003/54/EC), the Gas Directive (2003/55/EC) and the Electricity Regulation (1228/2003/EEC), which is already overdue (the implementation date was July 2004). We will then move to commence the sections in the Energy Act 2004, which introduce the prohibition on owning or operating an interconnector without a licence. We expect to do this in March 2006.

**Further information:** [to be advised](#)

### **Regulation of Offshore Electricity Transmission**

**Relevant to:** Renewable energy sector particularly offshore wind developers and electricity transmission companies.

The Government has consulted on the high level options for the regulation of offshore electricity transmission. Further work and consultation on the detailed workings of the specific regime to be implemented will be undertaken in 2006.

**Further information:**

[http://www.dti.gov.uk/renewables/renew\\_6.1.htm](http://www.dti.gov.uk/renewables/renew_6.1.htm)

## **Innovation**

### **Amendment to the Electromagnetic Compatibility (EMC) Directive 89/336/EEC**

**Relevant to:** All sectors of industry including SMEs

The new EMC Directive, 2004/108/EC, has to be implemented into national legislation by 20 January 2007 and will take effect on 20 July 2007. The Directive maintains the objectives of the

current Directive of guaranteeing free movement of electrical products whilst creating an acceptable electromagnetic environment within the EU. It however clarifies the original Directive and reduces unnecessary administrative burdens on industry. It is planned to issue a consultation document before the end of March 2006 in preparation for laying the necessary implementing Statutory Instrument in December 2006.

#### **Further Information**

<http://www.dti.gov.uk/strd/emc.html>

#### **The Low Voltage Directive (date unknown)**

**Relevant to:** all those involved in the manufacture and distribution of electrical equipment

The Low Voltage Directive\_(73/23/EEC) as amended has been under consideration by a Commission working group for revision. An informal draft has been prepared by the working group and is currently subject to a three-stage Commission impact assessment. The Commission intends to report in March 2006 where the proposal will either be taken forward with a timescale indicated or no need for revision at this point in time will be declared.

#### **Further information:**

[http://europa.eu.int/comm/enterprise/electr\\_equipment/lv/direct/review.htm](http://europa.eu.int/comm/enterprise/electr_equipment/lv/direct/review.htm)

#### **Gas Appliances Directive (date unknown)**

**Relevant to:** all those involved in the manufacture and distribution of gas appliances

The Gas Appliances Directive\_(90/396/EEC) as amended has been under consideration by the Commission and Member States for revision for a number of years. An informal draft has been prepared by the Commission (early 2005) for the working group with a view that the Commission would take this forward urgently during 2005. The Commission has done nothing to date, and are short of resources in this area, we should hear during 2006 whether there is an intention to take forward a revision. The UK stakeholders are generally content with the Directive as it stands, though there are some minor areas where there could be improvement.

**Further information:** [To be advised](#)

### **Waste Electrical and Electronic Equipment (WEEE)**

**Relevant to:** producers of appliances containing electrical components

This has proved a complex Directive to implement. Further discussions will be held with stakeholders to resolve outstanding issues and ensure as smooth a transition as possible. Implementation has therefore been delayed to allow a review of arrangements, following which a new timetable will be set.

**Further information:** [To be advised](#)

## **Insolvency**

### **Consolidation of Insolvency Secondary Legislation 2007**

**Relevant to:** Mainly Insolvency Practitioners and the legal profession.

A project is underway to review, consolidate and simplify 10 insolvency statutory instruments with a view to reducing regulatory and administrative burdens that may currently exist for users of insolvency legislation. The 10 new statutory instruments are planned to come into force on 1 October 2007.

**Further information:**

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

## **National Weights and Measures**

### **The Regulatory Reform (Weights and Measures) Order (1 October 2006 or later)**

**Relevant to:** Businesses using weighing and measuring equipment that, following adjustment, requires verification before it can be placed back into use for trade; businesses carrying out manufacturing, installing or repairing of weighing and measuring equipment which undertake the adjustment of such legally compliant equipment that subsequently requires verification following adjustment under section 11 of the Act; local weights and measures authorities; consumers.

Proposal to Amend Section 11A of the Weights and Measures Act 1985 relating to testing, passing and stamping of weighing and measuring equipment as fit for use for trade by means of a Regulatory Reform Order

**Further information:**

[http://www.nwml.gov.uk/Regulatory\\_Reform\\_Order/default.aspx](http://www.nwml.gov.uk/Regulatory_Reform_Order/default.aspx)

**Consideration of a proposal to amend The Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations 2003 (CIF 1 October 2006)**

**Relevant to:** Petrol pump manufacturers and petrol retailers, trading standards officers and consumers

Proposal to revoke or amend the 2003 amendment to The Measuring Equipment (Liquid Fuel and Lubricants) Regulations 1995 - as amended by The Measuring Equipment (Liquid Fuel and Lubricants) (Amendment) Regulations 1998 - requiring fuel dispensers to be labelled with reference to British Standards for the fuels dispensed.

**Further information:**

<http://www.opsi.gov.uk/si/si2003/20032110.htm>