

BERR Annual Statement of Common Commencement Dates and other forthcoming proposals for 2007

Section 1. Regulations to commence on 6 April 2007

Consumer and Competition Law

6 April 07 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.

Delayed due to need for notification under WTO rules and the Technical Standards Directive.

Further information:

<http://www.berr.gov.uk/consultations/page32838.html>

The Consumer Credit Act 2006 (Commencement No 2 and Transitional provisions and Savings) Order 2007

This second Commencement Order largely brings into force the new definition of individual, provisions relating to unfair relationships and related transitional, saving and repeal provisions in Schedules 3 and 4 of the Act. It also brings into force section 8 of the Act, requiring OFT to prepare information sheets on arrears and default.

<http://www.opsi.gov.uk/si/si2007/20070123.htm>

The Consumer Credit (Advertisement) (Amendment) Regulations 2007

Amends the Consumer Credit (Advertisements) Regulations 2004 by substituting an improved definition of “the typical APR” in regulation 2(1) and substituting “which will be entered.” for the words “he will enter” In regulation 8(2)(a) and (b).
<http://www.opsi.gov.uk/si/si2007/20070827.htm>

The Consumer Credit (Exempt Agreements) Order 2007

This Order provides for the exemption of consumer credit agreements or consumer hire agreements from regulation under the Consumer Credit Act 1974 where the debtor or hirer has a high net worth. It also makes provision about declarations where agreements are entered into wholly or predominantly for the purposes of the debtor's or hirer's business.
<http://www.opsi.gov.uk/si/si2007/20071168.htm>

Corporate Law and Governance

6 April 07 Companies Act 2006

Relevant to: All companies

The following provisions in the Companies Act 2006 will be commenced:

- Section 1063 which relates to fees payable to the Registrar of Companies;
- Section 1281 of the Companies Act, which amends Part 9 of the Enterprise Act 2002 to give the Secretary of State the power to make an order enabling public authorities to disclose information to be used in civil proceedings or otherwise for the purpose of establishing, enforcing or defending legal rights.

Further information:

<http://www.berr.gov.uk/bbf/co-act-2006/made-or-before-parliament/page35232.html>

The Companies Acts (Unregistered Companies) Regulations 2007

The instrument replicates for unregistered companies provisions which are currently in force under interim Regulations implementing the Takeovers Directive which have been in force since last May.

<http://www.opsi.gov.uk/si/si2007/20070318.htm>

The Companies Act 2006 (Commencement no 2 Consequential Amendments, Transitional Provisions and Savings) Order 2007

The instrument:-

- o commences provisions of the Act (with necessary consequential, transitional and savings provisions), and
- o extends provisions related to Community Interest Companies (CICs) to Northern Ireland.

<http://www.opsi.gov.uk/si/si2007/20071093.htm>

Employment

6 April 07 The Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2006

Relevant to: all employers, employees

The right to request flexible working, which is currently available only for parents of children under 6, or under 18 if the child is disabled, will be extended to carers of adults with effect from 6 April 2007. We have now revised the guidance on how the law works to explain how it will apply to such carers.

Further information:

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

The Employment Act 2002 (Amendment of Schedules 3, 4& 5) Order 2006

Relevant to: all employers and employees

Amendments to Schedules to the Employment Act 2002 will bring three new jurisdictions relating to detrimental treatment within the scope of the Dispute Resolution procedure

Further information:

<http://www.berr.gov.uk/employment/employment-legislation/employment-act-2002/index.html>

The Employment Equality (Age) (Consequential Amendments) Regulations 2007

Relevant to: Employees and Employers

Social Security Contributions and Benefits Act 1992 - Schedule 11, paragraph 2(d) (i) - relates to circumstances in which periods of entitlement to SSP do not arise. The amendment provides that entitlement to Statutory Sick Pay will not be prevented from rising where employees are over pensionable age and not entitled to incapacity benefit.

Statutory Sick Pay, Statutory Maternity Pay, Statutory Paternity Pay and Statutory Adoption Pay - Amendments to the statutory payments regulations to make it clear that rules about the treatment of a person as an employee apply in the same way regardless of whether the person is under or over the age 16.

Retirement age of Scottish Auditor General - Section 13(5)(b) of the Public Finance and Accountability (Scotland) Act 2000, (asp1), has been removed in order to do away with the upper age limit for the post of Auditor General for Scotland.

Dispute Resolution Regulations – age has been added to the list of grounds of unlawful discrimination at regulation 7(3) to which the grievance procedures apply; and listed at regulation 14, which states that discrimination questionnaires do not constitute a written grievance.

Consequential amendments to Employment Tribunals Rules of Procedure – The removal of the fixed 13-week fixed conciliation period for all age discrimination complaints in order to bring it in line with other discrimination complaints which have no fixed period of conciliation thus allowing conciliation to continue until a Hearing.

Further information

<http://www.opsi.gov.uk/SI/si2007/20070825.htm>

Energy

6 April 07 **Changes to procedures for inquiries held to consider large power station and overhead line applications**

Relevant to: All energy sector companies planning to construct large power stations (i.e. with a capacity of greater than 50MW onshore or 1MW offshore) or overhead power lines.

The improvements to the rules are based on the latest best practice introduced for Town and Country Planning Act cases in 2005. The purpose is to make inquiries more efficient and streamlined, while maintaining the ability for interest parties to participate. The new Rules give the inspector more options when deciding how to address relevant issues, which will allow them to design as efficient a process as possible, tailored to the proposal in question.

Further information:

<http://www.berr.gov.uk/energy/review/implementation/electricity-act-inquiry/final-rules/page38850.html>

6 April 07 **The Energy Act 2004 (Commencement No 8) Order 2007**

Changes to Electricity Act Inquiry Rules to allow appointment of multiple inspectors

Relevant to: Any companies interested in developing large electricity generating stations (over 50MW onshore and 1MW offshore) or overhead electricity lines

The Electricity Act Inquiry Rules set out the procedures for public inquiries held to consider applications to build large electricity generating stations. They were updated in 2007, as per the commitment in the 2006 report of the Energy Review. These changes reflected existing best practice under the Town and Country Planning Act Regime. One of these changes, the appointment of multiple inspectors, required the commencement of a power included in the Energy Act 2004. It was decided to effect this change as part of the wider-project to improve the procedures for electricity act inquiry rules. The Order brings into effect the ability to use additional inspectors to handle a public inquiry into power station and overhead line developments. It permits the work of an inquiry to be shared between a lead inspector and additional inspectors, thus allowing issues to be

handled concurrently rather than sequentially as has been the case, and enable public inquiries into energy projects to be completed more speedily. Revised public inquiry rules to facilitate inquiries handled by multiple inspectors have been introduced - "The Electricity Generating Stations and Overhead Lines (Inquiries Procedure)(England and Wales) Rules 2007".

Further information:

<http://www.berr.gov.uk/energy/review/implementation/electricity-act-inquiry/final-rules/page38850.html>

6 April 07 The Electricity (Class exemptions from the Requirement for a Licence) (Amendment) Order 2007

Relevant to: Renewable electricity generators located offshore, all licensed or licence-exempt electricity distributors or transmitters.

The 2001 Class Exemption Order provided for exemptions by class from the requirement for a licence under the Electricity Act 1989 for certain generators, suppliers and distributors of electricity. This 2007 amendment is limited in nature and adds a further class - offshore distributor - to the existing class exemptions.

Further information:

<http://www.berr.gov.uk/energy/sources/renewables/policy/offshore-transmission/Offshore%20Distribution/page35585.html>

Section 2. Regulations to commence on 1 October 2007

Consumer and Competition Law

1 Oct 07 **The Enterprise Act 2002 (Disclosure of Information for Civil Proceedings) Order 2007**

Relevant to: Public authorities who collect information due to statutory roles under the legislation listed in EA02 Schedule 14; and consumers and intellectual property rights holders who may want access to it.

A new information gateway that will allow the disclosure of Part 9 EA02 specified information to consumers and IP rights holders for civil proceedings.

Further information:

<http://www.berr.gov.uk/consultations/page35922.html>

<http://www.berr.gov.uk/bbf/enterprise-act/part9/index.html>

1 Oct 07 **Changes to UK Hallmarking Legislation**

Relevant to: Manufacturers and importers jewellery and articles of precious metal; traders in articles of precious metal.

The Instrument inserts a new weight based exemption from the requirement to hallmark for articles which incorporate small amounts of precious metals.

The Instrument also provides that the weight based exemptions already set out in the Hallmarking Act 1973 will only apply to articles made before 1 January 2008. Any articles made on or after 1 January 2008 will either have to comply with the new weight based exemptions or be hallmarked.

Further information:

<http://www.berr.gov.uk/consultations/page32838.html>

Corporate Law and Governance

1 Oct 07 **The Companies Act 2006 (Commencement no 3 Consequential Amendments, Transitional Provisions and Savings) Order 2007**

Relevant to: All companies

The following provisions in the Companies Act 2006 will be commenced:

- Part 8 - Access to registers of members only (sections 116-119)
- Part 9 (Exercise of members' rights);
- Part 10 (A company's directors), other than provisions relating to directors' conflict of interest duties, directors' residential addresses and underage and natural directors; (i.e. excluding sections 156-159, 162-167, 175-177, 182-187 and 240-246)
- Part 11 (Derivative claims and proceedings by members);
- Part 13 (Resolutions and meetings), and, related to this, sections 485-488 of Part 16 (Audit);
- Part 14 (Control of political donations and expenditure) (**commencement will be 1 November 2007 for Northern Ireland**);
- Section 417 of Part 15 (Contents of directors' report: business review);
- Part 29 (Fraudulent trading);
- Part 30 (Protection of members against unfair prejudice);
- Part 32 (Company investigations: amendments).

Further information:

www.berr.gov.uk/bbf/co-act-2006/

<http://www.opsi.gov.uk/si/si2007/20072194.htm>

1 Oct 07 **Companies Act 2006 – Tables A to F (Model Articles of Association)**

Relevant to: All companies formed after 1 October 2007

A statutory instrument amending Tables A to F for companies incorporated on or after 1 October 2007 (under Companies Act 1985) will come into force on 1 October 2007. This will show amendments to Tables A to F (predominantly A and C) that are necessary due to provisions in the Companies Act 2006 being brought into force in October. Table A is the prescribed form of the model articles of association for a company. This instrument will remain in place until either April 2008 when possible further changes may need to be made to these Tables following the next stage of commencement of the 2006 Act, or in October

2008 when the new model articles of association come into force.

Further information:

www.berr.gov.uk/bbf/co-act-2006/

1 Oct 07 Companies Act 2006 – Secondary Legislation

Relevant to: All companies

Under the Companies Act 2006, the following pieces of secondary legislation will come into force:

- Companies (Political Expenditure Exemption) Order – This exempts companies whose ordinary course of business includes the preparation, publication or dissemination of news material of a political nature from having to seek prior shareholder authorization. This is simply a redraft of the existing Order (SI 2001/445). The commencement date for Northern Ireland is **1 November 2007** (to coincide with the commencement of the Political Parties, Elections and Referendums Act 2000 (Northern Ireland Political Parties) Order 2007).
- Companies (Interest Rate for Unauthorised Political Donation or Expenditure) Regulations – Where a company has made a political donation or incurred political expenditure without the appropriate shareholder authorisation the directors are liable to make good to the company the amount of the unauthorised donation or expenditure with interest. This regulation sets the interest rate.
- Companies (Fees for Inspection of Records and Copies of Records) Regulations – Companies are required to provide for access to certain company records. These regulations replace the level of fees in the existing regulation (SI 1991/1998) that companies may charge.

Further information:

www.berr.gov.uk/bbf/co-act-2006/

1 Oct 07 The Limited Liability Partnership (Amendment) Regs 2007

Relevant to: Limited liability partnerships

The Limited Liability Partnerships (Amendment) Regulations 2007 apply certain provisions in the Companies Act 1985 and associated secondary legislation relating to company investigations to Limited Liability Partnerships (LLPs). They will ensure that Companies Investigation Branch have the same powers to investigate LLPs as companies.

Further information:

<http://www.berr.gov.uk/bbf/llp/page39897.html>

Employment

1 Oct 07 **Changes to National Minimum Wage Regulations 1999**

Relevant to: All businesses paying on or below the NMW, and also local authorities and registered social landlords.

The regulations:

Implement the October 2007 increases in the rates of the minimum wage and accommodation offset, as recommended by the Low Pay Commission in March of this year.

Make changes to how the accommodation offset applies to workers who work for a local authority and also live in accommodation provided by the same local authority and workers who work for registered social landlords and live in accommodation provided by the same registered social landlord.

Exempt people who are on work placements whilst undertaking Further Education courses and those participating in certain European training schemes.

These changes require a further set of regulations to be in place by 1st October. Details are given in Section 3 below.

Further information:

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

The Working Time Amendment Regulations 2007 - Increasing the Holiday Entitlement

Relevant to: All businesses

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 will increase to 4.8 weeks (24 days if you work a 5 day week) on 1 October 2007 and 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 DTI's website at:

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

Sustainable Development

1 Oct 07 Revisions to the Waste Electrical and Electronic Equipment Regulations 2006

Relevant to: All producers of Electrical and Electronic Equipment (EEE) placed for the first time on the UK market and distributors of such equipment – regardless of volume or method of sale – i.e. direct to the consumer or business or via distance selling techniques.

These amending regulations will clarify and refine some outstanding technical issues.

Further information:

General information on the EU WEEE Directive and UK WEEE Regulations (guidance documents etc.) are available at <http://www.berr.gov.uk/innovation/sustainability/weee>

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)

Consumer and Competition Law

8 Mar 07 The Financial Services and Markets Act 2000 (Ombudsman Scheme) (Consumer Credit Jurisdiction) Order 2007

Relevant to: Credit providers, consumers.

Section 226A of the Financial Services and Markets Act 2000 was inserted by the Consumer Credit Act 2006. It provides that a complaint, relating to an act or omission of a licensee under a standard licence or a person authorised to carry on an activity by virtue of section 34A of the Consumer Credit Act 1974, qualifies to be dealt with under the financial ombudsman scheme if certain conditions are satisfied. One of the conditions is that at the time the act or omission occurs it has to have occurred in the course of a business of a type specified in an order made by the Secretary of State. This Order specifies the types of business for the purposes of section 226A(2)(e).

Further information:

<http://www.berr.gov.uk/consumers/consumer-finance/credit-act-2006/index.html>

12 Mar 07 The Dangerous Substances and Preparation (Safety) (Amendment) Regulations 2007

These Regulations correct two errors in the Dangerous Substances and Preparations (Safety) Regulations 2006 (the principal Regulations). Regulation 1(2) provided that regulation 12 (Toluene) should come into force on 24th August 2007. These Regulations correct that date to 15th June 2007. They also remove two words in regulation 8(4) which were repeated. In addition regulation 3 amends the two references to the Dangerous Substances and Preparations (Safety)(Consolidation) Regulations 1994 (which were revoked by the principal Regulations) in the Chemicals (Hazard Information and Packaging for Supply) Regulations (Northern Ireland) 2002 to refer instead to the principal Regulations.

16 Mar 07 The Enterprise Act 2002 (EEA State) (Amendment) Regulations 2007

These Regulations insert a new section 212(5) into the Enterprise Act 2002. This amendment flows from the accession of ten states to the European Union on 1 January 2004 and two further states on 1 January 2007 (together the “accession states”). The new section 212(5) enables public bodies which enforce consumer legislation in the accession states to exercise certain rights under certain EC legislation, which Part 8 of the 2002 Act implements (namely the Injunctions Directive, as defined in section 235 of the 2002 Act), and enables UK enforcers to comply with their duties to take action under other EC legislation implemented by Part 8 (namely the CPC Regulation, as defined in section 235A of the 2002 Act) where a request to do so is received from one or more of the accession states.

1 Aug 07 The Home Information Pack (redress Scheme) (no. 2) Order 2007

Relevant to: Estate Agents.

This Order requires estate agents in England and Wales to be members of an approved redress scheme for the purpose of dealing with complaints related to Home Information Packs.

Further Information:

<http://www.berr.gov.uk/consumers/business/estate-agents/Redress/page39503.html>

Sept 07 The Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information)(Amendment and Specification) Order 2007

Relevant for: Ministry of Justice, Ofcom and OFT

The addition of primary and secondary legislation to Part 9 EA02 information disclosure regime. This will allow the disclosure of specified information between the public authorities concerned.

Further information:

<http://www.berr.gov.uk/bbf/enterprise-act/part9/index.html>

Corporate Law and Governance

1 Jan 07 **Companies Act 2006**

Relevant to: All companies

Provisions in the Act which give effect to recent amendments to the First Company Law Directive will be commenced. These changes are in large part designed to ensure increased facilities for e-communications with the national registrar of companies.

Further information:

<http://www.berr.gov.uk/bbf/co-act-2006/index.html>

The Companies Act 2006 (Commencement no 3 Consequential Amendments, Transitional Provisions and Savings) Order 2007

Relevant to: All companies

Further provisions of the Companies Act will come into force pursuant to the Third Commencement Order (see also Sections 2 and 4)

1 Nov 2007 Article 3(1) brings into force in Northern Ireland provisions about the control of political donations and expenditure, with the exception of provisions about independent election candidates.

15 Dec 2007 Article 4(1) brings into force provisions about the company registrar's requirements as to form, authentication and manner of delivery so far as necessary for implementation of the Cross-Border Mergers Directive.

Further information:

<http://www.opsi.gov.uk/si/si2007/20072194.htm>

Communications

8 Feb 07 **Changes to Wireless Consolidation Act (i.e. "The Wireless Telegraphy Act 2006")**

Relevant to: All businesses (regardless of size) that require licences for receiving or sending broadcasts/messages over the radio spectrum.

The Wireless Telegraphy Act 2006 has brought together into a single statute the legislation under which Ofcom manages the

radio spectrum. This replaces six separate Acts of Parliament and therefore the new Act will be easier to understand and interpret.

It makes no changes to the law except to remedy a small number of minor anomalies. Existing wireless telegraphy licences and regulations continue to be valid.

Licences issued and regulations made before 8 February 2007 will continue in force as if made under the new Act. Licensees need take no further action as a result of the consolidation.

Further information:

<http://www.ofcom.org.uk/radiocomms/ifi/wtact2006/>

<http://www.opsi.gov.uk/acts.htm>

21 Jun 07 The Electronic Commerce Directive (Terrorism Act 2006) Regulations 2007

These Regulations implement Directive 2000/31/EC of the European Parliament and of the Council of 8th June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market; in so far as the Directive applies to the Terrorism Act 2006.

In particular, the Regulations implement the 'country of origin' rules in relation to Article 3 and the limitations of liability set out in Articles 12-14 of the Directive.

Further Information: www.circulars.homeoffice.gov.uk

Insolvency

6 Aug 07 Insolvent Companies (Disqualification of Unfit Directors) Proceedings(Amendment) Rules 2007

Relevant to: Insolvency Lawyers

Amendments to extend the application of these rules to all types of application that may be made under the Company Directors Disqualification Act 1986.

Further information: www.insolvency.gov.uk

Employment

May 07 **The Flexible Working (Eligibility, Complaints and Remedies) (Amendment) regulations 2007**

Relevant to: All employees

The purpose of these amending regs was to add "son-in-law" and "daughter-in-law" to the list of relatives an employee needs to be caring for him/her to be eligible to the right to request flexible working in order to care for an adult.

Further information

<http://www.opsi.gov.uk/si/si2007/20071184.htm>

Aug 07 **The Time Off for Public Duties (Parent Councils) Order 2007**

Relevant to: Employers in Scotland, employees in Scotland who are members of parent councils

Legislation requires employers to permit employees reasonable time off to perform specified public duties. The Order extends this right to members of parent councils in Scotland (parent councils replace school boards, whose members had also been granted time off rights).

<http://www.opsi.gov.uk/si/si2007/20071837.htm>

Sept 07 **Changes to the National Minimum Wage Act 1998 that are due to commence before 1 October 2007**

Relevant to: All businesses

This will amend the NMW Act to give us power to exclude persons undertaking further education courses. The regulations need to be commenced before the 1st October to enable the NMW regulations detailed above to take effect.

Further information:

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

Energy

8 Feb 07 **Changes to the Petroleum Act 1998**

Relevant to: All offshore gas producers on the United Kingdom Continental Shelf (UKCS)

The Petroleum Act 1998 (Third Party Access) Order 2007(SI 2007 No 290), provides for the Secretary of State to determine jointly with the Norwegian Authorities any application for access to pipelines on the UKCS that are subject to the Norwegian regulated access system by virtue of the 2005 Framework Agreement between the UK and Norway.

Further information:

www.og.dti.gov.uk/upstream/infrastructure/index.htm and
<http://www.opsi.gov.uk/si/si2007/20070290.htm>

1 April 07 The Renewables Obligation Order 2006 (Amendment) Order 2007

Relevant for: Renewable electricity generators and all licensed electricity suppliers

The Renewables Obligation requires all licensed electricity suppliers to source a specific and annually increasing proportion of their sales from renewable sources. Suppliers can meet their obligation by presenting Renewable Obligation Certificates (ROCs) or by paying a buyout price. ROCs are issued to renewable generators by Ofgem who administer the scheme. The amendments made in April 2007 are fairly limited in nature and fall into two broad areas: changes to the burning of biomass including co-firing; and changes to the processes relating to the administration of the RO including making it easier for small generators to participate in the scheme.

Further information: web hot link to relevant information page

<http://www.berr.gov.uk/consultations/page34162.html>

1 May 07 The Electricity Act 1989 (Exemption from the Requirement for a Generation Licence) (Gunfleet Sand)(England and Wales) Order 2007

This Order grants an exemption from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply without a licence) to Gunfleet Sands Limited in respect of a wind farm to be located on Gunfleet Sand, a sand bank some 7 kilometres south east of Clacton-on-Sea, Essex.

<http://www.opsi.gov.uk/si/si2007/20070990.htm>

1 May 07 The Electricity Act 1989 (Exemption from the Requirement for a Generation Licence) (Burbo Bank)(England and Wales) Order 2007

This Order grants an exemption from the requirements of section 4(1)(a) of the Electricity Act 1989 (which prohibits the generation of electricity for supply without a licence) to Seascope Energy Limited in respect of the Burbo Offshore Wind Farm, which is located at Ordnance Survey map reference SD 211000 on Burbo Bank, a sand bank off the coast of Cheshire.

<http://www.opsi.gov.uk/si/si2007/20070993.htm>

6 Aug 07 The Electricity (Offshore Generating Stations) (Safety Zones) (Application Procedures and Control of Access) Regulations 2007

Relevant to: Developers of offshore renewable energy installations, i.e. wind farms and wave and tidal devices, and other users of the sea, including the shipping and fishing sectors.

These regulations set out the processes to be followed by developers when making an application for the establishment of safety zones around offshore renewable energy installations.

Further information:

http://www.opsi.gov.uk/si/si2007/uksi_20071948_en.pdf

Insolvency

1 April 07 Amendment to the Insolvency Proceedings (Fees) (Order) 2004

Relevant to: Insolvency Practitioners and solicitors

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

Further information:

<http://www.opsi.gov.uk/si/si2007/20070521.htm>

1 April 07 Amendment to the Insolvency Practitioners and Insolvency Services Account (Fees) Order 2003

Relevant to: 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 electronic transfers that are made out of funds held in the Insolvency Services Account.

Further information:

<http://www.opsi.gov.uk/si/si2007/20070133.htm>

6 Aug 07 Amendment to rule 4.228 of the Insolvency Rules 1986

Relevant to: Company directors, insolvency practitioners etc

The rule being amended results from a Court of Appeal judgment handed down at the end of November 2006. It relates to circumstances in which a director of an insolvent company can avoid a prohibition that exists for directors of companies that have entered liquidation, by falling within one of three exceptions that are prescribed by the Insolvency Rules.

This change closes a possible risk where a director purchases the business of the insolvent company from an insolvency office-holder other than a liquidator (e.g. an administrator), that director may not be covered by the exception where the insolvent company subsequently goes into liquidation. This could leave the director in question exposed to criminal and civil liability in circumstances where they had tried to 'do the right thing' (i.e. do what was necessary to be covered by the exception to the general prohibition).

Further information:

<http://www.opsi.gov.uk/si/si2007/20071974.htm>

Section 4. European Regulations implemented outside the CCD timetable

Consumer and Competition Law

3 July 07 **Cosmetics Directive**
21 Aug 07

23 Sept 07 **Relevant to:** 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.

There are currently three technical amendments to the Directive to be implemented this year covering the use of animal by-products, preservatives and hair dyes in finished cosmetic products. It is possible there could be up to 2 more technical amendments, another one on hair dyes and one on fluorine in toothpaste.

Further Information

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

20 May 07 **Ceramics Directive. 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, 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.

Further information:

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

20 July 07 The EC Competition Law (Articles 84 and 85) Enforcement (Revocation) Regulations 2007

Relevant to: Tramp shipping and aviation sector

The 2001 Regulations related to the enforcement of competition law by competition authorities of EU member states. The 2001 Regulations covered only two sectors: aviation between the EU and third countries and tramp shipping. The recent repeal of EC Regulation 4056/86 (shipping), and an earlier EC regulation which came into force on 1st May 2004 (Regulation 1/2003) has brought both sectors within EC competence.

Further information:

<http://www.berr.gov.uk/bbf/competition/policy/ec/enforcement/index.html>

Corporate Law and Governance

20 Jan 07 Transparency Obligations Directive

Relevant to: All companies

The following provisions linked to implementation of the Transparency Obligations Directive will be commenced:

- provisions on company communications to shareholders and others, which include provisions facilitating electronic communication;
- provisions concerning a public company's right to investigate who has an interest in its shares;
- and section 463, which sets out a statutory basis of directors' liability to the company in relation to the directors' report (including the business review), the directors' remuneration report and any summary financial statement derived from such reports.

Further information:

<http://www.berr.gov.uk/bbf/co-act-2006/index.html>

15 Dec 07 Cross-Border Mergers Directive.

Relevant to: All businesses

Mainly for private and public limited liability companies.

The Directive introduces for the first time a legislative framework that enables cross-border mergers between companies in the EEA. New legal provisions, as required by the Directive, will be put in place to apply throughout the UK. The present domestic legislative framework does not provide for **cross-border** mergers between UK companies and companies elsewhere in the EEA. The new legislation aims to be clear, transparent and comprehensible to UK companies wishing to merger cross-border.

Further information:

<http://www.berr.gov.uk/files/file38049.pdf>

1 Mar 2007 The Companies (EEA State) Regulations 2007

These Regulations amend the definition of “EEA State” in companies legislation. The existing definitions do not include Bulgaria and Romania, which became Community member States on 1st January 2007. The new definitions refer to the definition of “EEA state” inserted into the Interpretation Act 1978 (c.30) by the Legislative and Regulatory Reform Act 2006 (c.51); this includes all Community member States.

Energy

16 April 07 Public Participation Directive 2003/35/EC

The Offshore Petroleum Production and Pipe-lines (Assessment of Environmental Effects) (Amendment) Regulations 2007

The Offshore Combustion Installations (Prevention and Control of Pollution) (Amendment) Regulations 2007

Relevant for: The offshore oil and gas industry

The Public Participation Directive 2003/35/EC (PPD) implemented the 1998 Aarhus Convention for increased public access to environmental information and greater participation in the environmental decision-making process. The provisions of the PPD were implemented offshore via the ‘Offshore Combustion Installations (Prevention and Control of Pollution) (Amendment) Regulations 2007’, and the ‘Offshore Petroleum Production and Pipe-lines (Assessment of Environmental

Effects) (Amendment) Regulations 2007', which both entered into force on 16 April 2007

Further information:

http://www.og.dti.gov.uk/environment/ppcoci_2007.htm

http://www.og.dti.gov.uk/environment/opprr_2007.htm

**18 Feb 07 Habitats Directive 92/43/EEC
The Offshore Petroleum Activities (Conservation of Habitats) (Amendment) Regulations 2007**

Relevant for: The offshore oil and gas industry

The Offshore Petroleum Activities (Conservation of Habitats) (Amendment) Regulations 2007 (entered into force on 18 February 2007) amended the Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001, so as to clarify that the 'geological survey' provisions of the Habitats Directive apply to all UK waters. The provisions in question require operators to obtain prior written consent from the Secretary of State before undertaking / commissioning geological surveys (or the testing of equipment to be used in geological surveys) relating to oil and gas activities.

Further information:

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

Sustainable Development

1 July 07 Waste Electrical and Electronic Equipment (WEEE) Regulations 2006

Relevant to: All producers of electrical and electronic equipment placing products on the UK market and the distributors/retailers of such equipment - regardless of volume or method of sale (i.e. direct to the consumer or business or via distance selling techniques).

All Producers had to register - regulations commenced 2 January 2007.

Requirement for all new WEEE to carry Producer identification number and crossed out wheel bin symbol - commenced 1st April.

Full Producer responsibility commenced 1 July 2007.

Further information:

www.berr.gov.uk/innovation/sustainability/weee/page30269.html

**20 July 07 Electromagnetic Compatibility (EMC) Directive 89/336/EEC
The EMC Regulations 2006**

Relevant to: All sectors of industry including SMEs

The new EMC Directive, 2004/108/EC, was implemented into national legislation on 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.

28 June 07 EMC (Amendment) Regulations 2006

Minor technical amendment to the 2005 EMC regulations

Further Information

http://www.opsi.gov.uk/si/si2006/uksi_20063418_en.pdf

<http://www.opsi.gov.uk/si/si2006/20061449.htm>

<http://www.berr.gov.uk/innovation/strd/ecdirect/page12469.html>

Communications

30 Jul 2007 The Mobile Roaming (European Communities) Regulations 2007

Mobile operators will be required to provide customers with full information on applicable roaming charges when subscriptions are taken out and to update consumers regularly about these charges. Consumers can ask for information on roaming charges free of charge either via SMS or voice call.

Further information:

<http://www.opsi.gov.uk/si/si2007/20071933.htm>

http://ec.europa.eu/information_society/activities/roaming/roaming_regulation/index_en.htm

Section 5. Other key activity by BERR that will impact on 2007 and beyond

Consumer and Competition Policy

2007 Consultation on the amendment of Doorstep Selling Regulations 1987/2117 and Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) 1987

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>

2008 Estate Agents terms

Relevant to: Estate Agents

Consultation on enacting powers and in the Consumers, Estate Agents and Redress Bill (CEAR) on estate agents redress schemes and record keeping requirements, and changes to secondary legislation recommended by the OFT on offer letters and statutory terms in estate agents contracts.

To consult on estate agents redress schemes and record keeping requirements, and on changes to regulations on offer letters and statutory terms in estate agents contracts.

Bill achieved Royal assent July 2007.

Further information: see link to CEAR Bill page:

<http://www.berr.gov.uk/consumers/consumersbill/index.html>

6 April and 1 Oct 2008 The Consumer Credit (Information Requirements and Duration of Licences and Charges) Regulations 2007

Relevant to: Credit providers.

The Regulations specify the form and content of the various statements and notices that are being introduced in the Consumer Credit Act 2006. They also set out the maximum

duration of a time-limited consumer credit licence following the general move to indefinite licences and the period for payment of the on-going maintenance fee for such indefinite licences.

Further information:

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

6 April 08 The Consumer Protection from Unfair Trading Regulations (which implement the Unfair Commercial Practices Directive (2005/29/EC))

Relevant to: All businesses. Particularly: retail, advertising and marketing. Also enforcers and consumer groups.

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

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>

6 April 08 The Business Protection from Unfair Trading Regulations (which implement the Misleading and Comparative Advertising Directive as amended by the Unfair Commercial Practices Directive) will come into force.

Relevant to: All businesses. Particularly: retail, advertising and marketing.

These regulations are the business “equivalent” to the Consumer Protection Regulations mentioned above. They replace the revoked Comparative and Misleading Advertisements Regulations 1988.

Further information:

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

Corporate Law and Governance

1 Oct 08 The Companies Act 2006 (Commencement no 3 Consequential Amendments, Transitional Provisions and Savings) Order 2007

Relevant to: All companies

Further provisions of the Companies Act will be commenced on 1 October pursuant to the third commencement order (see also sections 2 and 3)

Article 5(1) brings into force on provisions about the control of political donations and expenditure for independent election candidates.

Articles 2(3), 3(2)(a) to (c) and 4(2)(a) bring into force other provisions, but only so far as necessary for the purposes of the provisions mentioned above.

Articles 2(4), 3(2)(d), 4(2)(b) and 5(2) bring the extension of the Act to Northern Ireland into force so far as necessary for the purposes of the provisions mentioned above.

Article 6 and Schedule 1 make transitional adaptations of the provisions being brought into force as explained above. These adaptations are needed because not all of the Act is yet in force: their principal effect is to replace references to other provisions of the Act not yet in force with references to corresponding provisions of the Companies Act 1985 and the Companies (Northern Ireland) Order 1986 ("the old law") not yet repealed.

Article 7 provides that if a provision being brought into force as explained above uses an expression defined in the old law, that definition applies until it is repealed and replaced by the corresponding definition in the Act.

Article 8 and Schedule 2 bring some of the repeals in the Act into force.

Article 9 and Schedule 3 make transitional provisions and savings, largely to deal with things which straddle a commencement date.

Article 10 and Schedules 4 and 5 make consequential amendments and repeals, largely to reflect the replacement of provisions in the old law with the provisions being brought into force as explained above.

Article 11 revokes transitional adaptations in earlier commencement orders which have been overtaken by commencement of the provisions being brought into force as explained above.

Article 12(1) ensures that the operation of the continuity of law provision in section 1297 of the Act is not affected by the earlier provisions of this Order.

Article 12(2) keeps the old law alive for limited liability partnerships.

Further information:

<http://www.opsi.gov.uk/si/si2007/20072194.htm>

Employment

2008 Employment Law Simplification Bill

On 11 July 2007 the Prime Minister announced an Employment Law Simplification Bill as part of his announcement on the legislative programme.

Further information:

<http://www.number-10.gov.uk/output/Page12422.asp>

6 April 08 Information and Consultation of Employees Regulations

Relevant to: Undertakings with 100 or more employees

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 100 – 149 employees. The Regulations have applied to undertakings with 150 or more employees since April 2005.

Further information:

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

2008 Additional Paternity leave and Pay

Relevant to: All businesses

The Government is currently consulting on how Additional Paternity Leave and Pay should be administered in practice. Consultation closes on 03 August 2007. 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.

Further information:

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

Consultation on Measures to Protect Vulnerable Agency Workers

This consultation aims to gather views from interested parties and those who may be affected by the proposed changes to the Conduct Regulations to increase protection for vulnerable agency workers and reduce information burdens.

The consultation aims to address the bad practices highlighted in Success at Work that affect the most vulnerable agency workers, but without placing burdens on the majority of reputable agencies, who do not use these practices. Simultaneously we are seeking to reduce burdens on reputable agencies where we can do so without removing important protection for workers and reduce information burdens.

Provisional Timetable:

Closed 31-05-07

Publish Government response July 2007

Agree Proposals August 2007

Regulations debated in Parliament October 2007

Amendments made December 2007

Guidance to Stakeholders January – March 2008

Regulations come into effect – 1 April 2008

Further information:

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

Resolving disputes in the workplace – a consultation

This consultation sets out a package of measures for taking forward the recommendations of the Gibbons review of employment dispute resolution. Consultation closed 20 June. Action to implement the review will be decided in light of this review.

Further information:

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

National Minimum Wage

The government proposes to use the next appropriate legislative opportunity to introduce a new NMW penalty and way of calculating arrears. Primarily of relevance to charity and voluntary sector organizations, proposals to exclude from qualifying for the NMW participants in a new national framework for youth volunteering. This is the subject of a public consultation (June-September 2007). Autumn 2008

Further information:

<http://www.berr.gov.uk/consultations/page39461.html>

<http://www.berr.gsi.uk/consultations/page39871.html>

Energy

23 May 07 **The future of nuclear power: the role of nuclear power in a low carbon UK economy**

The government is consulting on the future of nuclear power. The consultation seeks views on the information and arguments set out on whether the private sector should be allowed to build new nuclear power stations.

Further information:

<http://www.berr.gov.uk/consultations/page39704.html>

23 May 07 **Consultation on Reform of Renewables Obligation**

Relevant to: Renewable electricity developers, investors, generators and all licensed electricity suppliers.

The Energy White Paper set out proposals to reform the Renewables Obligation (RO) with the aim of bringing on a more diverse range of renewable technologies and increasing its effectiveness by 40% in the period 2010 to 2015. A consultation setting out the details of these proposals was published alongside the White Paper. A key feature of the proposals is to extend the RO to a maximum of 20% and to introduce banding where different technologies will receive different levels of support. These changes will require primary legislation which is expected to be through the Energy Bill and then a change to the Renewables Obligation Order. This means that, subject to parliamentary approval, the earliest any changes can be made will be from 1 April 2009.

Further information:

<http://www.berr.gov.uk/energy/whitepaper/consultations/renewables-organisation/page39555.html>

21 June 07 Consultation on changes to the offshore decommissioning regimes

Relevant to: The offshore oil and gas and 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 closes on 13 September 2007 and, subject to parliamentary debate, any legislative amendments to the Petroleum Act 1998 and the Energy Act 2004 concerning information requirements, timing for issue of decommissioning notices, widening the category of responsible persons and the provision of financial security (including the safeguarding of funds against insolvency) are likely to be introduced during 2008.

Further information:

<http://www.berr.gov.uk/consultations/page39781.html>

3 Aug 07 Energy Billing and Metering Consultation

The Energy White Paper set out policies on billing and metering, designed to reduce energy consumption. This consultation seeks views on the implementation of those policies. In summary, these are:

- to promote awareness of domestic energy use through a requirement on energy suppliers to present consumption data in particular ways and in real time to consumers:
- to require the installation of smart meters for business customers above a certain energy usage threshold, where it has been proven to be cost effective.

The White Paper also set out the Government's expectation that smart metering would be introduced in the remainder of the business sector and the domestic sector over the next decade. This consultation also takes account of the need to comply with the requirements of Article 13 of the Energy End-Use Efficiency and Energy Services Directive ("Energy Services Directive") by May 2008.

Further information:

<http://www.berr.gov.uk/consultations/page40850.html>

Autumn 07 Energy Bill

On 11 July the Prime Minister announced an Energy Bill as part of his statement on the legislative programme. The Energy Bill will implement or facilitate many of the proposals and recommendations contained in the Energy White Paper.

Further information:

<http://www.number-10.gov.uk/output/Page12422.asp>

<http://www.berr.gov.uk/energy/whitepaper/page39534.html>

Insolvency

1 Oct 08 Consolidation of Insolvency Secondary Legislation 2008

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 2008.

Further information:

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

Construction

2007 Consultation to amend Part II of the Housing Grants, Construction and Regeneration Act 1996. (20 June – 17 September 2007)

Relevant to: Firms (particularly SMEs) within the construction industry and its clients.

This is the second public consultation, developed with broad industry support and involvement. It builds on the current system and seeks to:

- improve transparency and clarity in the exchange of information relating to payments, thereby enabling parties to construction contracts to manage cash flow better; and to
- encourage parties to resolve disputes by adjudication.

Having considered the possibility of introducing these amendments via a Legislative Reform Order (LRO), we are now proposing to introduce them through a Bill. Following an assessment of the responses to the consultation on the proposed amendments, we will introduce legislation as soon as parliamentary time is available.

Further information:

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

Communications

EU Communications Review

Relevant to: All sectors of communications industry including SMEs and companies that use electronic direct marketing channels (e-Privacy Directive)

Proposals for changes to the Directives that underpin the current regulatory framework are expected in October 2007, following the EU Commission's review of the effectiveness of the current framework (implemented in 2003). Negotiations on the revised legislation should be completed by early 2009, with implementation in 2010.

Further Information

<http://www.berr.gov.uk/sectors/telecoms/2006review/page26449.html#C>

2007 The Wireless Fixed Penalty Notices Regulations

Relevant to: Non –broadcast licence offences.

A simplification of the existing scheme for those who do not own appropriate radio spectrum licences.

Fixed penalty notices can be applied only to less serious offences that can be tried only in a lower court without a jury. In the first instance at least, DTI and Ofcom feel that it would be better to introduce fixed penalty notices only for the most common offences.

Fixed penalty notices are already used in a number of areas of law enforcement to deal with relatively minor offences. They are a deregulatory measure that allows a person the opportunity to settle an offence quickly by payment of a fixed sum without going to court.

The measure is dependent upon the Parliamentary timetable.

Further information: Radio Spectrum Policy Team
<http://www.berr.gov.uk/sectors/telecoms/index.html>

Sustainable Development

Spring 08 Autumn 2007 Consultation on draft Regulations to implement EU Machinery Directive 2006/42/EC

Relevant to: Suppliers of machinery and related products

A measure to modernize, and extend the scope of, the existing EU single market Directive on machinery and related products

Further information: <http://www.berr.gov.uk/innovation/strd>

Post April 08 Introduction of updated domestic Plugs and Sockets Regulations

Relevant to: Suppliers of electrical equipment

A measure to modernize the existing national legislation on domestic plugs and sockets.

Further information: <http://www.berr.gov.uk/innovation/strd>

Gas Appliances Directive (90/396/EEC as amended)

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

The Commission proposed to amend this Directive some years ago. They produced a draft which has now been overtaken by events. They propose to carry out a review of the sector to determine what appliances if any should be added to the scope of the Directive and whether there are any additional Essential Requirements that need to be added to this safety Directive. The review is yet to commence.

Further information: <http://www.berr.gov.uk/innovation/strd>