



Department  
for Business  
Innovation & Skills

**THE BUSINESS IMPACT TARGET,  
GROWTH DUTY AND SMALL  
BUSINESS APPEALS CHAMPION**

Consultation on scope and  
guidance

FEBRUARY 2016

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# The Business Impact Target, Growth Duty and Small Business Appeals Champion

This consultation sets out which regulators the Government proposes to bring within scope of the Business Impact Target (BIT), Growth Duty and Small Business Appeals Champion. It also seeks views on draft statutory guidance that is intended to support implementation of the Growth Duty and the Small Business Appeals Champion.

This consultation is relevant to regulators and businesses and members of civil society subject to regulation.

Issued: 11 February 2016

Respond by: 17 March 2016

Enquiries to [betterregulationconsultation@bis.gsi.gov.uk](mailto:betterregulationconsultation@bis.gsi.gov.uk) or write to:

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## 1. Foreword from the Secretary of State

This Government is committed to doing all that it can to unlock productivity and make Britain the best place in the world to start and grow a business. That is why the Chancellor and I launched the Government's productivity plan *Fixing the foundations: creating a more prosperous nation*<sup>1</sup> – a 15-point plan setting out the Government's strategy for tackling the issues that matter most for productivity growth. An important part of that plan is our commitment to cut a further £10 billion of red tape for business – freeing them up to grow and prosper.

We made significant progress during the last Parliament, embarking on flagship programmes such as One-In, Two-Out and the Red Tape Challenge, which cut the net burden of regulation on business by £2.2 billion per annum. And, to ensure that the needs of business remain at the heart of government decision-making, we put the deregulation agenda on a statutory footing in the Small Business, Enterprise and Employment Act 2015, committing future Governments to publishing a target for deregulation (the Business Impact Target) over the life of each Parliament.

Regulation is important. It provides vital economic, social and environmental protections and can help to ensure markets function effectively. But equally important is the need to ensure that these protections are applied in a proportionate way and at the minimum level necessary to achieve the desired outcome. Extending the Business Impact Target to capture the regulatory activities of national regulators will ensure that the impact on business is always considered. This, together with our Better Enforcement Programme (comprising of the Regulators' Code, the Growth Duty and the Small Business Appeals Champion) will support a positive shift in the way regulation is delivered.

We are launching this consultation to seek views on the regulators, and regulatory functions, which should be brought into scope of the Business Impact Target, the Growth Duty and the Small Business Appeals Champion, as well as the guidance relating to both the Growth Duty and the Champion.

Government has never been more serious about reducing the cost of regulation to business, and I believe these measures will help to reduce those regulatory burdens that hold firms back, enabling them to get on with doing business. I encourage you to consider our proposals and share your views.

**Sajid Javid**  
**Secretary of State for Business, Innovation & Skills**

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<sup>1</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/443898/Productivity\\_Plan\\_web.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443898/Productivity_Plan_web.pdf)

## 2. Executive summary

1. Businesses consistently say that the actions of regulators are just as important as the content of legislation in determining their experience of regulation. For example, in the Business Perception Survey (2014), 46% of businesses agreed that preparing for inspections or dealing with inspectors is burdensome<sup>2</sup>. And in the Scale-up report on UK economic growth (2014), 73% of scale-ups said they would be able to grow faster if dealing with regulators was easier<sup>3</sup>.
2. The way in which regulation is enforced can have significant effects, both on existing companies' ability and willingness to grow, and new businesses' willingness to enter the market. The UK's open and competitive market economy leads the world, and better regulation underpins our ambition to be the best place to start and grow a business.

### The Business Impact Target

3. Government has, for a number of years, sought to provide open and transparent reporting against the impacts of new legislation affecting business or voluntary and community bodies. In the last Parliament this operated through One-In, Two-Out – an administrative process that required departments to find £2 of regulatory savings for every £1 of new regulation that imposed costs on business.
4. The Small Business, Enterprise and Employment (SBEE) Act 2015<sup>4</sup> put this administrative process onto a statutory footing, committing the Government of the day to set and report on performance against a Business Impact Target (BIT). The Conservative Manifesto committed the Government to cut £10 billion of red tape over this Parliament, a commitment which forms a key part of the recently published Productivity Plan, *Fixing the foundations: creating a more prosperous nation*<sup>5</sup>.
5. In light of the evidence from business about the impact that regulators can have when enforcing regulation, this Government now wants to go further and ensure that the activities of statutory regulators<sup>6</sup> that have an impact on business can count towards the BIT. The Government is therefore currently legislating in the Enterprise Bill<sup>7</sup>, to extend the scope of the BIT to include these regulators.

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<sup>2</sup> [www.nao.org.uk/wp-content/uploads/2014/05/Business-perceptions-survey-2014.pdf](http://www.nao.org.uk/wp-content/uploads/2014/05/Business-perceptions-survey-2014.pdf)

<sup>3</sup> [www.scaleupreport.org/scaleup-report.pdf](http://www.scaleupreport.org/scaleup-report.pdf)

<sup>4</sup> [www.legislation.gov.uk/ukpga/2015/26/part/2/crossheading/business-impact-target/enacted](http://www.legislation.gov.uk/ukpga/2015/26/part/2/crossheading/business-impact-target/enacted)

<sup>5</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/443898/Productivity\\_Plan\\_web.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443898/Productivity_Plan_web.pdf)

<sup>6</sup> By 'statutory regulator' we mean a body that is a legally separate entity to UK Ministers that carries out functions that regulate business and/or the voluntary and community sector. In the vast majority of cases these will be bodies that are established under statute. However, given the wide array of regulatory bodies, this category also includes a small number of bodies that have been established either as a company or by Royal Charter rather than by statute.

<sup>7</sup> <http://services.parliament.uk/bills/2015-16/enterprise.html>

## The Better Enforcement Programme

6. The BIT sits alongside and supports the Better Enforcement Programme – a suite of statutory measures aimed at supporting regulatory bodies to create a healthier business environment by making regulation more proportionate, transparent, and accountable. The measures comprise:
- **The Regulators' Code:** A principles-based framework that supports regulators to design their services, and policies and procedures that guide their regulatory activity, in a way that suits the needs of business. The Code was implemented in 2014.
  - **The Growth Duty:** A duty in the Deregulation Act 2015<sup>8</sup> that places a requirement on persons exercising regulatory functions to have regard to the desirability of promoting economic growth. The Growth Duty recognises that those exercising regulatory functions can have an effect on the promotion of economic growth by exercising their functions in a way which ensures that regulatory action is taken only when it is needed, and action taken is proportionate. The Growth Duty is expected to come into force in Autumn 2016.
  - **Small Business Appeals Champion:** A duty in the SBEE Act 2015 that requires Ministers to appoint reviewers (to be known as Small Business Appeals Champions) to review and report on the appeals and complaints processes in respect of the regulatory functions to which the policy applies. This is to support and encourage regulators to ensure that those processes are accessible and fair to businesses. The duty to appoint a Champion is expected to come into force in Autumn 2016.

## Consistency across the measures

7. In the interests of consistency and ease of understanding, the Government intends – as a general operating principle – that regulators in scope of BIT should also be in scope of the Growth Duty and the Small Business Appeals Champions policy.
8. The Government accepts, however, that there will be a small number of cases where there is an exceptional and compelling reason for a regulator, or its regulatory functions, to be excluded from one or more of these measures. For example, some regulators already have statutory duties to consider growth, making coverage under the Growth Duty duplicative. Where the Government believes there is a compelling case for exemption, we have indicated this at Annex D.
9. The regulators that we propose to bring into scope of the Growth Duty and Small Business Appeals Champion will be prescribed in secondary legislation. The draft secondary legislation for the Growth Duty and the Small Business Appeals Champion has been published alongside this consultation document.
10. Currently the BIT applies to legislation and regulatory activity undertaken by UK Ministers, including the activities of non-statutory regulators who exercise regulatory

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<sup>8</sup> [www.legislation.gov.uk/ukpga/2015/20/crossheading/exercise-of-regulatory-functions/enacted](http://www.legislation.gov.uk/ukpga/2015/20/crossheading/exercise-of-regulatory-functions/enacted)

functions for, or on behalf of, UK Ministers. The other regulators that we propose to bring into scope will be prescribed in secondary legislation.

## Subject of consultation

11. A consultation on the scope of the Growth Duty was first held in 2013 and in its response in July 2013 the Government announced its intention to apply the Growth Duty to over 50 regulators<sup>9</sup>. A subsequent consultation on the scope of the Small Business Appeals Champion, and some additional regulators to be brought into scope of the Growth Duty was launched in December 2014<sup>10</sup>.
12. However, it is proposed that the BIT will extend to a greater number of regulators than were previously included in those consultations. Given that our intention is to achieve as much consistency across the various measures as possible, we are now consulting on additional regulators to be brought within scope of the Growth Duty and Small Business Appeals Champion. This consultation therefore seeks views on:
  - The statutory regulators we are proposing to bring into scope of the BIT;
  - The regulators, and the regulatory functions, that we are proposing to bring into scope of the Growth Duty that were not included in the Government’s response to the 2013 Growth Duty consultation;
  - The regulators, and the regulatory functions, that we are proposing to bring into scope of the Small Business Appeals Champion;
  - Draft guidance to regulators covered by the Growth Duty;
  - Draft guidance to Small Business Appeal Champions; and
  - The Impact Assessments for the BIT, Growth Duty and Small Business Appeals Champion.
13. The regulators that we are proposing to bring into scope of the BIT, Growth Duty and Small Business Appeals Champion are listed in Annexes A, B and C respectively. All the regulators and regulatory functions to which the Growth Duty and the Small Business Appeals Champion apply are set out in the draft Statutory Instruments which have been published alongside this consultation; Annexes B and C should therefore be read in conjunction with the relevant draft Statutory Instrument.
14. In respect of the Growth Duty, a regulatory function is defined in section 111 of the Deregulation Act 2015<sup>11</sup>. The corresponding definition in respect of the Small Business Appeals Champion is set out in section 18 of the SBEE Act 2015<sup>12</sup>.
15. In addition to regulatory bodies, Ministers of the Crown also have regulatory functions. In relation to the Growth Duty and the Small Business Appeals Champion, where the consultation refers to “regulators” it should be taken as including regulatory bodies **and** Ministerial functions, unless otherwise specified.

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<sup>9</sup> [www.gov.uk/government/consultations/non-economic-regulators-duty-to-have-regard-to-growth](http://www.gov.uk/government/consultations/non-economic-regulators-duty-to-have-regard-to-growth)

<sup>10</sup> [www.gov.uk/government/consultations/growth-duty-and-small-business-appeals-champions](http://www.gov.uk/government/consultations/growth-duty-and-small-business-appeals-champions)

<sup>11</sup> [www.legislation.gov.uk/ukpga/2015/20/crossheading/exercise-of-regulatory-functions/enacted](http://www.legislation.gov.uk/ukpga/2015/20/crossheading/exercise-of-regulatory-functions/enacted)

<sup>12</sup> [www.legislation.gov.uk/ukpga/2015/26/part/2/crossheading/review-of-business-appeals-procedures/enacted](http://www.legislation.gov.uk/ukpga/2015/26/part/2/crossheading/review-of-business-appeals-procedures/enacted)

### 3. How to respond

16. This consultation will run from 11 February 2016 to 17 March 2016.
17. When responding please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form and, where applicable, how the views of members were assembled.
18. You can reply to this consultation online at <https://bisgovuk.citizenspace.com/bre/the-bit-growth-and-sbac-consultation>.
19. You can also reply using the consultation response form, which is available electronically on the consultation page: <https://www.gov.uk/government/consultations/business-impact-target-growth-duty-and-small-business-appeals-champion> (until the consultation closes). The form can be submitted online/by email or by letter or fax to:

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Department of Business, Innovation and Skills  
1 Victoria Street  
London  
SW1H 0ET

Tel: 0207 215 4010  
Fax: 0207 215 3660  
Email: [betterregulationconsultation@bis.gsi.gov.uk](mailto:betterregulationconsultation@bis.gsi.gov.uk)

20. A list of organisations that we have notified about this consultation is at Annex E.

## 4. Confidentiality and data protection

21. Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). There is also a statutory Code of Practice issued under section 45 of the FOIA with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
22. If you want information, including personal data, that you provide to be treated in confidence, please explain to us what information you would like to be treated as confidential and why you regard the information as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

## 5. Help with queries

23. Questions about the policy issues raised in the document can be addressed to:

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SW1H 0ET

Tel: 0207 215 4010

Fax: 0207 215 3660

Email: [betterregulationconsultation@bis.gsi.gov.uk](mailto:betterregulationconsultation@bis.gsi.gov.uk)

24. The consultation principles are in [Annex G](#).

## 6. Business Impact Target

25. In the last Parliament the Government operated a One-In Two-Out rule – an administrative process that required departments to find £2 of regulatory savings for every £1 of new regulation that imposed costs on business. Departments set out the costs and benefits of any new measures to business in an Impact Assessment, which was then scrutinised and verified by the independent Regulatory Policy Committee (RPC).
26. One In, Two Out was enforced by the Reducing Regulation Sub-Committee of Cabinet, which approves all new regulatory measures. Each department publicly reported its performance against the One-In, Two-Out target on a six-monthly basis through the published Statement of New Regulation, which also contained an update on the whole of Government's performance against One-In, Two-Out. During the term of the previous Parliament, the Government's deregulation agenda resulted in annual savings to business of £2 billion annually, representing a cumulative saving of £10 billion over the course of the Parliament.

### The Small Business, Enterprise and Employment Act 2015 and current legislative provision

27. The Small Business, Enterprise and Employment Act 2015 (the SBEE Act) enshrined the fundamental principles of the One-In, Two-Out system in law in the form of the Business Impact Target (BIT), requiring the Government to:
  - Publish a deregulatory target for the duration of each Parliamentary term;
  - Obtain independent verification of the economic impact of new regulation; and
  - Report regularly on progress against the target.
28. Case Section 21 of the SBEE Act defines the BIT as “a target for Government in respect of the economic impact on business activities of qualifying regulatory provisions”. Within a broad framing under the Act, the Secretary of State must set and publish the BIT, together with the methodology for assessing impacts, and a determination as to which categories of “regulatory provisions” are within scope of the target (i.e. “qualifying regulatory provisions”).
29. The Government will publish these documents shortly and has appointed the RPC to verify all assessments of economic impact under the BIT.

### Extending the BIT

30. Currently the BIT applies to legislation and regulatory activity undertaken by UK Ministers, including the activities of non-statutory regulators who exercise regulatory functions for, or on behalf of, UK Ministers. In the Queen's Speech, the Government announced its intention to legislate through the Enterprise Bill to allow the BIT to cover the activities of statutory regulators.

31. The Enterprise Bill will:

- Introduce a power for the Secretary of State to include the actions of statutory regulators within the BIT by listing them in secondary legislation; and
- Introduce duties on those listed regulators to assess the economic impact of regulatory activities they carry out that are in scope of the BIT, to have those assessments verified by the RPC, and to publish them.

32. Extending the BIT in this way will ensure that both statutory and non-statutory regulators that undertake regulatory activity that has an impact on business operate within a system where there is transparent reporting of the costs to business of their regulatory activities, underpinned by statute.

33. Regulatory independence is fundamentally important to ensuring business and investor confidence in the market, particularly in the economically-regulated sectors. The Government is aware that there are concerns that the extension of the BIT to statutory regulators will undermine that independence.

34. The Government has therefore been careful to design the BIT in a way that ensures independence is not impeded in any way. Regulators will continue to have the same decision-making autonomy as they do now. The BIT will simply require them to assess the impact on business of their decisions and to have that assessment verified by the RPC.

35. The RPC will not comment on the merits of regulators' decisions and regulators' power to set policies will not be affected. Interaction between sponsor departments and regulators about deregulation and other issues will continue to reflect existing governance arrangements.

36. The Department for Business Innovation and Skills will continue to work with departments, regulators and the RPC on the detail of how this assessment and verification process should work, which will be different and more light-touch than the current process for changes in legislation.

37. Where a regulator is within scope of the BIT, there may be cases where the functions they exercise are out of scope. Government will publish its determination of qualifying regulatory provisions shortly.

## Scope of the BIT

38. The Government proposes to include the statutory regulators listed at Annex A in the BIT.

**Question 1: Do you agree that the regulators listed in Annex A should be brought within scope of the Business Impact Target? Are there any others you think should be in scope? Please provide reasons for your answer.**

39. The Business Impact Assessment setting out the costs and benefits of the BIT is published alongside this consultation.

**Question 2: Do you have any comments on the Impact Assessment for the Business Impact Target?**

## 7. Growth Duty

40. Section 108 of the Deregulation Act 2015 places a duty on any person exercising a regulatory function to have regard to the desirability of promoting economic growth in the exercise of that function. The duty is expected to come into force in Autumn 2016.
41. The regulatory functions to which the duty will apply will be specified in a Statutory Instrument made under section 109(1) of the Act. The draft Statutory Instrument has been published alongside this consultation. It includes regulatory functions exercised by Ministers (including those which Ministers have conferred onto non-statutory regulators) and regulatory functions exercised by statutory regulators.
42. We are currently legislating in the Enterprise Bill to require regulators subject to the Growth Duty to report annually on the effect that the duty has had on the way they exercise their regulatory functions and the effect and impact this has had on business. They will also be required to provide information about that effect to a Minister when requested to do so from time to time.

### Scope of the Growth Duty

43. The Government consulted on the Growth Duty in March 2013 and published a response in July 2013<sup>13</sup>, which set out its decision to bring over 50 regulators in scope of the Growth Duty. The Government also consulted on further extending the scope of the Growth Duty in December 2014<sup>14</sup>.
44. However, given that the BIT will extend to a greater number of regulators than were included in those consultations, and that our intention is to achieve as much consistency across the various measures as possible, we are now consulting on additional regulators to be brought within scope of the Growth Duty that were not included in the Government's July 2013 announcement.
45. Annex B lists the additional regulators that the Government is proposing to bring in scope of the Growth Duty (see paragraph 15 for clarification of what is meant by regulators in this context). The Growth Duty will apply to all of the regulatory functions of any statutory regulator that appears in Annex B unless otherwise specified in Part 1 of the associated draft Statutory Instrument (for example, Ofqual's power to cap fees has been excluded within the Statutory Instrument).
46. Where an Act is listed in Part 4, the duty will apply to the regulatory functions of the Minister in the Act and to the regulatory functions set out in secondary legislation made under that Act. Where an EU Regulation is listed in Part 4, the duty will apply to any regulatory functions of a Minister in the EU Regulation, and in any UK legislation that derives from that Regulation. In some cases, both the EU Regulation and the UK legislation are listed. This is because the UK legislation has regulatory functions in addition to the ones that derive from the EU Regulation.

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<sup>13</sup> [www.gov.uk/government/consultations/non-economic-regulators-duty-to-have-regard-to-growth](http://www.gov.uk/government/consultations/non-economic-regulators-duty-to-have-regard-to-growth)

<sup>14</sup> [www.gov.uk/government/consultations/growth-duty-and-small-business-appeals-champions](http://www.gov.uk/government/consultations/growth-duty-and-small-business-appeals-champions)

**Question 3: Do you agree that the regulators listed in Annex B and the regulatory functions listed in the associated draft Statutory Instrument should be brought within scope of the Growth Duty? Are there any others you think should be in scope? Please provide reasons for your answer.**

47. The Business Impact Assessment setting out the costs and benefits of the Growth Duty is published alongside this consultation.

**Question 4: Do you have any comments on the Impact Assessment for the Growth Duty?**

## 8. Small Business Appeals Champion

48. Businesses, in particular small businesses, need to be confident that they can challenge or ask for an explanation of a regulator's decision without fear, disproportionate cost or long delays. Evidence gathered under the Focus on Enforcement Programme<sup>15</sup> shows that this is not always the case.
49. The Government believes that the most efficient means of improving businesses' experience of appeals and complaints is to ensure that individual arrangements for audit and scrutiny are established within each regulator. The SBEE Act 2015 places a duty on Ministers of the Crown to appoint a Small Business Appeals Champion to scrutinise the effectiveness of appeals and complaints procedures in relation to regulatory functions specified in regulations made under section 18 of that Act. The draft regulations have been published alongside this consultation.
50. The Champion must then produce an annual report for the regulator, which may include recommendations about how those appeals and complaints processes could be improved. The regulator must respond to those recommendations within three months. Champions will not have the power to intervene in, or advise on, individual cases.

### Scope of the Small Business Appeals Champion

51. Government consulted on the scope of the Small Business Appeals Champion policy in December 2014<sup>16</sup>. However, given that that the BIT will extend to a greater number of regulators than was included in that consultation, and that no decision was made following the 2014 consultation, the Government is consulting on the full list of regulators that are proposed to be brought into scope of the Small Business Appeals Champion.
52. Annex C lists all the additional regulators that the Government is proposing to bring in scope of the Small Business Appeals Champion (see paragraph 15 for clarification of what is meant by regulators in this context). The Small Business Appeals Champion will apply to all of the regulatory functions of any statutory regulator that appears in Annex C unless otherwise specified in Part 1 of the associated draft Statutory Instrument.
53. The remaining bodies in Annex C are non-statutory (i.e. they exercise regulatory functions conferred in law on Ministers) and are not themselves named in the draft Statutory Instrument. Instead, their regulatory function(s), to which we intend to apply the Small Business Appeals Champion, are listed in Part 4 of the Statutory Instrument and we have annotated Annex C to make it clear where this is the case.
54. Where an Act is listed in Part 4, the duty will apply to the regulatory functions of the Minister in the Act and to the regulatory functions set out in secondary legislation made under that Act. Where an EU Regulation is listed in Part 4, the duty will apply to any regulatory functions of a Minister in the EU Regulation, and in any UK

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<sup>15</sup> <http://discuss.bis.gov.uk/focusonenforcement>

<sup>16</sup> [www.gov.uk/government/consultations/growth-duty-and-small-business-appeals-champions](http://www.gov.uk/government/consultations/growth-duty-and-small-business-appeals-champions)

legislation that derives from that Regulation. In some cases, both the EU Regulation and the UK legislation are listed. This is because the UK legislation has regulatory functions in addition to the ones that derive from the EU Regulation.

**Question 5: Do you agree that the regulators listed in Annex C and the regulatory functions listed in the associated draft Statutory Instrument should be brought within scope of the Small Business Appeals Champion? Are there any others you think should be in scope? Please provide reasons for your answer.**

55. The Business Impact Assessment setting out the costs and benefits of the Small Business Appeals Champion is published alongside this consultation. The RPC have confirmed that there is no cost to business.

**Question 6: Do you have any comments on the Impact Assessment for the Small Business Appeals Champion?**

## 9. Regulators for further consideration

56. There are several regulators with whom the Government continues to engage directly in order to ascertain whether and how they should be brought in scope of each of the measures.

### Professional bodies

57. Private businesses that operate in the legal industry and the social and healthcare sector are often regulated by a professional body. For example, the Insolvency Practitioners Association has a role in regulating insolvency practitioners and the Bar Council regulates the barrister profession. Given that professional bodies will often have a direct impact on business when exercising their regulatory functions, we believe there may be a case for considering their inclusion within the BIT, Growth Duty and Small Business Appeals Champion.
58. In the November 2015 Competition Plan, *A better deal: boosting competition to bring down bills for families and firms*<sup>17</sup>, the Government committed to launch a consultation by Spring 2016 on removing barriers to entry for alternative business models in legal services and on making legal service regulators independent from their representative bodies. We believe therefore that it would be sensible to wait for the outcome of that review before deciding on the treatment of professional bodies within our better regulation measures. In the meantime, we welcome views on whether or not they should be in scope of the BIT, Growth Duty and Small Business Appeals Champion.

**Question 7: Do you agree that there is a case for extending the Business Impact Target, Growth Duty and Small Business Appeals Champion to professional bodies? Please provide reasons for your answer.**

### Economic regulators

59. Although all regulators can be said to undertake regulation that impacts on the economy, Government sees the regulation of networks or systems where the operators are deemed to be a monopoly, or to have significant market power, as having important differences.
60. In the case of the “economic regulators”, specifically Ofcom, Ofwat, Ofgem, Civil Aviation Authority (CAA) and Office of Road and Rail (ORR), many of their regulatory activities generally act as a proxy for a competitive market, striking a balance between the producers of monopoly services and consumers, whether firms or individuals. The criteria for “good” economic regulation are therefore, in many respects, also different. The Legislative and Regulatory Reform Act (LRRRA) 2006<sup>18</sup> institutionalised this distinction by providing a statutory exemption preventing Ministers from bringing the regulatory functions of Ofgem, Ofcom, Ofwat and ORR into scope of the Regulators’ Code.

<sup>17</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/480797/a\\_better\\_deal\\_for\\_families\\_and\\_firms\\_print.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/480797/a_better_deal_for_families_and_firms_print.pdf)

<sup>18</sup> [www.legislation.gov.uk/ukpga/2006/51/part/2](http://www.legislation.gov.uk/ukpga/2006/51/part/2)

61. However the functions of these regulators are not exclusively economic – for instance ORR regulates rail safety, as well as price and investment issues. The Government believes that such areas of non-economic regulation should be subject to the same disciplines as those applicable to other regulators. The Enterprise Bill therefore proposes to remove economic regulators' exemption from the Regulators' Code by repealing section 24(5) of the LRA. This would allow Government to apply the Regulators' Code to some (or, in principle, all) of the functions of the economic regulators. Indeed, the CAA, who undertake both economic and non-economic functions, are already subject to the Code in respect of their non-economic functions.
62. However, having been set up as pure economic regulators, the objectives of Ofgem, Ofcom, and Ofwat are different to those of other regulators, and more complex. We intend to discuss with these regulators whether and how the Regulators' Code, the Growth Duty and the Small Business Appeals Champion could be applied to their non-economic regulatory activities for which they are responsible. In doing so we will want to ensure a practicable interaction between these measures and the other statutory obligations applying to these regulators. The Government will consult separately on any proposals arising from these discussions.
63. The same considerations do not apply, however, to the CAA and ORR and we are therefore proposing to include their non-economic functions within scope of the Growth Duty and the Small Business Appeals Champion in this consultation.
64. Similarly, the Government believe that the non-economic regulatory functions of the economic regulators should be in scope of the BIT and proposes to include them. However, the Government will set out shortly that the activities related to the economic regulation of natural monopolies, such as price control of natural monopolies and network access, will be out of scope of the BIT as part of its determination of qualifying regulatory provisions for the target<sup>19</sup>. In addition, regulatory provisions that promote competition (where these result in an increase in the net direct burden on business) will also be out of scope of the target.

**Question 8: Do you agree that at this stage we should bring the non-economic functions of the Office of Rail and Road and the Civil Aviation Authority into scope of the Growth Duty and Small Business Appeals Champion? Please provide reasons for your answer.**

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<sup>19</sup> The exclusion will apply to certain business activities of operator(s) of a network or system where the operator(s) is/are deemed to be a monopoly or to have significant market power, specifically : (i) the terms upon which access is provided to those networks and systems; and (ii) effective network and systems operation and coordination.

## 10. Statutory guidance

### Growth Duty

65. Section 110 of the Deregulation Act 2015 (“the Act”) enables a Minister of the Crown to issue statutory guidance to assist regulators in discharging their responsibilities under the Growth Duty. Section 110 also obliges all those exercising regulatory functions within scope of the Growth Duty to have regard to the guidance.
66. Government has prepared draft guidance, which is published alongside this consultation document. It is intended to provide clarity as to what is expected of regulators. In summary, the draft guidance sets out that in paying due regard to economic growth, regulators should:
- **Ensure that they understand the business environment:** In particular regulators should understand their own business community and individual businesses that they regulate, so that they can consider the likely impact of their activities on those businesses, particularly in respect of growth;
  - **Apply their understanding of the business environment and their business community to their risk-based approach,** ensuring that they are acting only where needed; and
  - **Apply their understanding of their business community and the individual businesses they regulate to ensure that their actions are proportionate** and do not place unnecessary administrative burdens on business.
67. Regulators should also ensure they are transparent and accountable about the ways in which they have had regard to the Growth Duty and should:
- **Explain their approach** to promoting economic growth and set out what businesses and others can expect from them in relation to the Growth Duty;
  - **Engage with their business community** when proposing changes to their policy or practices which may have a significant economic impact on businesses they regulate, and publish the results of any consultations they undertake with businesses; and
  - **Publish any assessments that they choose to undertake**<sup>20</sup> of the impacts that they have on their business community. For example, assessments of:
    - a. where and how their current approaches impact on their business community; and
    - b. the likely impacts of proposed changes to their approach.

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<sup>20</sup> Clause 14 of the Enterprise Bill proposes an amendment to the Small Business, Enterprise and Employment Act 2015 which would require regulators in scope to assess the impact on business of changes in the regulator’s policy and practice, dependant on these provisions in the Enterprise Bill receiving Royal Assent.

68. The Growth Duty applies whenever regulators exercise their specified regulatory functions. Regulators should have mechanisms in place to ensure that their officers are applying their understanding of the business environment and individual businesses in order to deliver a risk-based, proportionate approach in their day-to-day activities. The Enterprise Bill 2015 includes a requirement on those regulators subject to the Growth Duty to report on the effect of the Growth Duty on the way they have exercised the regulatory functions in scope of the duty.
69. The Guidance is expected to come into force in Autumn 2016, at the same time as the Growth Duty. In the meantime, the Government is continuing to seek feedback from stakeholders on the draft guidance.

**Question 9: Do you have any comments on the draft guidance for the Growth Duty? In particular, is it practical and easy to follow?**

### **Guidance on the Small Business Appeals Champion**

70. Section 19 of the SBEE Act enables the Secretary of State to issue guidance to Small Business Appeals Champions on how to carry out their functions. Champions must have regard to this guidance when carrying out their duties.
71. Government has produced draft guidance, which is published alongside this consultation document. The guidance provides information for Small Business Appeals Champions, and should also assist stakeholders in understanding how the Champion is intended to operate in practice. The guidance will be issued when the duty to appoint a Champion comes into force. In the meantime, the Government is continuing to seek feedback from stakeholders on the draft guidance.

**Question 10: Do you have any comments on the draft guidance for the Small Business Appeals Champion? In particular, is it practical and easy to follow?**

## 11. Consultation questions

72. The consultation questions are:

**Question 1: Do you agree that the regulators listed in Annex A should be brought within scope of the Business Impact Target? Are there any others you think should be in scope? Please provide reasons for your answer.**

**Question 2: Do you have any comments on the Impact Assessment for the Business Impact Target?**

**Question 3: Do you agree that the regulators listed in Annex B and the regulatory functions listed in the associated draft Statutory Instrument should be brought within scope of the Growth Duty? Are there any others you think should be in scope? Please provide reasons for your answer.**

**Question 4: Do you have any comments on the Impact Assessment for the Growth Duty?**

**Question 5: Do you agree that the regulators listed in Annex C and the regulatory functions listed in the associated draft Statutory Instrument should be brought within scope of the Small Business Appeals Champion? Are there any others you think should be in scope? Please provide reasons for your answer.**

**Question 6: Do you have any comments on the Impact Assessment for the Small Business Appeals Champion?**

**Question 7: Do you agree that there is a case for extending the Business Impact Target, Growth Duty and Small Business Appeals Champion to professional bodies? Please provide reasons for your answer.**

**Question 8: Do you agree that at this stage we should bring the non-economic functions of the Office of Rail and Road and the Civil Aviation Authority into scope of the Growth Duty and Small Business Appeals Champion? Please provide reasons for your answer.**

**Question 9: Do you have any comments on the draft guidance for the Growth Duty? In particular, is it practical and easy to follow?**

**Question 10: Do you have any comments on the draft guidance for the Small Business Appeals Champion? In particular, is it practical and easy to follow?**

## 12. What happens next?

73. This consultation will run for five weeks, with a closing date of 17 March 2016. The Government will consider the consultation responses and publish a response in due course, setting out how it intends to proceed in the light of those responses. The Government response will be published on the BIS pages of [www.gov.uk](http://www.gov.uk).

## Annex A: Statutory regulators proposed to be brought into scope of the Business Impact Target

- Architects Registration Board
- Assay Office – Birmingham (Guardians of the Standard of Wrought Plate in Birmingham)
- Assay Office – Edinburgh (Incorporation of Goldsmiths of the City of Edinburgh)
- Assay Office – London (Wardens and Commonalty of the Mystery of Goldsmiths of the City of London)
- Assay Office – Sheffield (Guardians of the Standard of Wrought Plate within the town of Sheffield)
- British Hallmarking Council
- Care Quality Commission
- Charity Commission for England and Wales
- Chief Land Registrar
- Civil Aviation Authority
- Coal Authority
- Commission for Equality and Human Rights (EHRC)
- Commissioners of Irish Lights (in respect of UK regulatory functions only)
- Comptroller-General of Patents, Designs and Trade Marks (Intellectual Property Office)
- Registrar of Companies (England and Wales)
- Registrar of Companies (Scotland)
- Competition and Markets Authority
- Drinking Water Inspectorate
- Environment Agency
- Farriers Registration Council
- Financial Conduct Authority
- Financial Reporting Council
- Food Standards Agency
- The Forestry Commissioners (Forestry Commission)
- Gambling Commission
- Gangmasters Licensing Authority
- Groceries Code Adjudicator
- Health and Safety Executive
- Higher Education Funding Council for England
- Historic Buildings and Monuments Commission for England (Historic England)
- HM Revenue and Customs
- Homes and Communities Agency
- Human Fertilisation and Embryology Authority
- Human Tissue Authority
- Information Commissioner
- Land Registry<sup>21</sup>
- Marine Management Organisation

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<sup>21</sup> Government will shortly publish a consultation seeking views on the privatisation of the Land Registry. The outcome of the consultation may affect the status of both the Land Registry and the Chief Land Registrar. Government will take appropriate steps to adjust the scope of the better regulation measures in light of decisions taken.

- Natural England
- Northern Lighthouse Board
- Oil and Gas Authority<sup>22</sup>
- Office of Communication (Ofcom)
- Office of the Immigration Services Commissioner
- Office for Fair Access
- Office for Nuclear Regulation
- Office of Rail and Road
- Office for Standards in Education, Children's Services and Skills (Ofsted)
- Office of the Regulator of Community Interest Companies
- Office of Qualifications and Examinations Regulation (Ofqual)
- Office of Gas and Electricity Markets (Ofgem)
- Payment Systems Regulator
- The Pensions Regulator
- Security Industry Authority
- Sports Grounds Safety Authority
- Traffic Commissioners for Great Britain
- Trinity House Lighthouse Services
- Water Services Regulation Authority (Ofwat)

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<sup>22</sup> The Oil & Gas Authority will be created via the Energy Act; we propose that, as a regulatory body with relevant regulatory activities, it should be included within scope.

## **Annex B: Proposed regulators to be brought into scope of the Growth Duty**

- Architects Registration Board
- Assay Office – Birmingham (Guardians of the Standard of Wrought Plate in Birmingham)
- Assay Office – Edinburgh (Incorporation of Goldsmiths of the City of Edinburgh)
- Assay Office – London (Wardens and Commonalty of the Mystery of Goldsmiths of the City of London)
- Assay Office – Sheffield (Guardians of the Standard of Wrought Plate within the town of Sheffield)
- Chief Land Registrar
- Civil Aviation Authority
- Farriers Registration Council
- Higher Education Funding Council for England
- Historic Buildings and Monuments Commission for England (Historic England)
- HM Revenue and Customs
- Land Registry<sup>21</sup>
- Oil and Gas Authority<sup>22</sup>
- Office of Rail and Road
- Office of Qualifications and Examinations Regulation (Ofqual)
- UK Space Agency

## Annex C: Proposed regulators to be brought into scope of the Small Business Appeals Champion

Note: Bodies marked with an \* are non-statutory bodies and therefore are not themselves named in the draft Statutory Instrument. Instead, their regulatory function(s), to which we propose to apply the Small Business Appeals Champion, are listed in Part 4 of the draft Statutory Instrument.

- Animal Health and Veterinary Laboratories Agency (Animal and Plant Health Agency since October 2014)\*
- Animals in Science Regulation Unit\*
- Architects Registration Board
- Assay Office – Birmingham (Guardians of the Standard of Wrought Plate in Birmingham)
- Assay Office – Edinburgh (Incorporation of Goldsmiths of the City of Edinburgh)
- Assay Office – London (Wardens and Commonalty of the Mystery of Goldsmiths of the City of London)
- Assay Office – Sheffield (Guardians of the Standard of Wrought Plate within the town of Sheffield)
- British Hallmarking Council
- Care Quality Commission
- Chief Land Registrar<sup>21</sup>
- Civil Aviation Authority
- Claims Management Regulation Unit\*
- Coal Authority
- Comptroller-General of Patents, Designs and Trade Marks (Intellectual Property Office)
- Registrar of Companies (England and Wales)
- Registrar of Companies (Scotland)
- Drinking Water Inspectorate
- Driver and Vehicle Licensing Agency\*
- Driver and Vehicle Standards Agency\*
- Employment Agency Standards Inspectorate\*
- Environment Agency
- Farriers Registration Council
- Financial Reporting Council
- Fish Health Inspectorate\*
- Food Standards Agency
- The Forestry Commissioners (Forestry Commission)
- Gambling Commission
- Gangmasters Licensing Authority
- Groceries Code Adjudicator
- Health and Safety Executive
- Higher Education Funding Council for England
- Historic Buildings and Monuments Commission for England (Historic England)
- Homes and Communities Agency
- Human Tissue Authority
- Information Commissioner
- Insolvency Service including Insolvency Practitioner Unit\*
- Land Registry<sup>21</sup>

- Marine Management Organisation
- Maritime and Coastguard Agency\*
- Medicines and Healthcare Products Regulatory Agency
- National Measurement and Regulation Office\*
- Natural England
- Oil and Gas Authority<sup>22</sup>
- Office of the Immigration Services Commissioner
- Office for Fair Access
- Office for Nuclear Regulation
- Office of Rail and Road
- Office for Standards in Education, Children's Services and Skills (Ofsted)
- Office of Qualifications and Examinations Regulation (Ofqual)
- Payment Systems Regulator
- The Pensions Regulator
- Rural Payments Agency\*
- Security Industry Authority
- Sports Grounds Safety Authority
- Traffic Commissioners for Great Britain
- UK Space Agency
- Vehicle Certification Agency\*
- Veterinary Medicines Directorate\*

## Annex D: Proposed scope of the Business Impact Target, Growth Duty and Small Business Appeals Champion

The table below provides a summary of how the BIT and Better Enforcement Programme measures apply across the different regulators. The table lists:

- The non-statutory regulators already in scope of the BIT under the SBEE Act 2015 and the statutory regulators we are proposing to bring in scope of the BIT;
- The bodies whose regulatory functions have already been decided as in scope of the Growth Duty following the 2013 consultation and those who we are now proposing to bring into scope; and
- The bodies whose regulatory functions are proposed for inclusion within scope of the Small Business Appeals Champions policy.

NB: Regulatory functions exercisable in Scotland, Wales or Northern Ireland where those functions have been devolved will not be covered by the BIT, Growth Duty or Small Business Appeal Champions.

Functions or named bodies	Proposed to be brought in scope of the BIT?	Proposed to be brought in scope of Growth Duty?	Proposed to be brought in scope of the Small Business Appeals Champion?
Animal Health and Veterinary Laboratories Agency (Animal and Plant Health Agency since October 2014)	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Animals in Science Regulation Unit	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Architects Registration Board	Yes	Yes	Yes
Assay Office – Birmingham (Guardians of the Standard of Wrought Plate in Birmingham)	Yes	Yes	Yes
Assay Office – Edinburgh (Incorporation of Goldsmiths of the City of Edinburgh)	Yes	Yes	Yes
Assay Office – London (Wardens and Commonalty of the Mystery of Goldsmiths of the City of London)	Yes	Yes	Yes
Assay Office – Sheffield (Guardians of the Standard of Wrought Plate within the town of Sheffield)	Yes	Yes	Yes
British Hallmarking Council	Yes	Already decided as in scope during last Parliament	Yes
Care Quality Commission	Yes	Already decided as in scope during last Parliament	Yes

Functions or named bodies	Proposed to be brought in scope of the BIT?	Proposed to be brought in scope of Growth Duty?	Proposed to be brought in scope of the Small Business Appeals Champion?
Charity Commission for England and Wales	Yes	Already decided as in scope during last Parliament	No <sup>23</sup>
Chief Land Registrar	Yes	Yes	Yes
Civil Aviation Authority	Yes	Yes	Yes
Claims Management Regulation Unit	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Coal Authority	Yes	Already decided as in scope during last Parliament	Yes
Commission for Equality and Human Rights (EHRC)	Yes	No <sup>24</sup>	No <sup>24</sup>
Commissioners of Irish Lights (in respect of UK regulatory functions only)	Yes	Yes	No <sup>25</sup>
Comptroller-General of Patents, Designs and Trade Marks (Intellectual Property Office)	Yes	Already decided as in scope during last Parliament	Yes
Registrar of Companies (England and Wales)	Yes	Already decided as in scope during last Parliament	Yes
Registrar of Companies (Scotland)	Yes	Already decided as in scope during last Parliament	Yes
Competition and Markets Authority	Yes	No <sup>26</sup>	No <sup>26</sup>
Drinking Water Inspectorate	Yes	Already decided as in scope during last Parliament	Yes
Driver and Vehicle Licensing Agency	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Driver and Vehicle Standards Agency	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Employment Agency Standards Inspectorate	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes

<sup>23</sup> Section 17(2)(a) of the Small Business, Enterprise and Employment Act 2015 requires a Champion to review regulators' procedures for handling appeals and complaints made by businesses only. We are therefore not applying it to regulators that do not regulate business.

<sup>24</sup> To avoid inadvertently jeopardising the EHRC's international standing, during the last Parliament the Government agreed to exclude the EHRC from the scope of the Growth Duty and Small Business Appeals Champion. The same issue does not arise in respect of the BIT.

<sup>25</sup> The three UK Lighthouse Authorities do not make decisions against which business may need to appeal.

<sup>26</sup> The CMA is a relatively new body and is therefore not in scope to allow time for its operational and governance arrangements to become established.

Functions or named bodies	Proposed to be brought in scope of the BIT?	Proposed to be brought in scope of Growth Duty?	Proposed to be brought in scope of the Small Business Appeals Champion?
Environment Agency	Yes	Already decided as in scope during last Parliament	Yes
Farriers Registration Council	Yes	Yes	Yes
Financial Conduct Authority	Yes	No <sup>27</sup>	No <sup>28</sup>
Financial Reporting Council	Yes	Already decided as in scope during last Parliament	Yes
Fish Health Inspectorate	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Food Standards Agency	Yes	Already decided as in scope during last Parliament	Yes
The Forestry Commissioners (Forestry Commission)	Yes	Already decided as in scope during last Parliament	Yes
Gambling Commission	Yes	Already decided as in scope during last Parliament	Yes
Gangmasters Licensing Authority	Yes	Already decided as in scope during last Parliament	Yes
Groceries Code Adjudicator	Yes	Already decided as in scope during last Parliament	Yes
Health and Safety Executive	Yes	Already decided as in scope during last Parliament	Yes
Higher Education Funding Council for England	Yes	Yes	Yes
Historic Buildings and Monuments Commission for England (Historic England)	Yes	Yes	Yes
HM Revenue and Customs	Yes	Yes	No <sup>29</sup>
Homes and Communities Agency	Yes	Already decided as in scope during last Parliament	Yes

<sup>27</sup> The Financial Services Act 2012 already places duties on the FCA that are similar in intent to the Growth Duty.

<sup>28</sup> The FCA has a dedicated Smaller Business Practitioner Panel, who can make representations on any area of policy, including complaints and appeals.

<sup>29</sup> HMRC are one of a number of bodies dealing with Anti-Money Laundering (AML) regulation, the majority of which are professional bodies. Once we have come to a view on whether and how to bring professional bodies into scope of the measures in this consultation (see paragraphs 57 and 58), we will consult on whether HMRC's AML function should be brought into scope of the Champion's policy.

Functions or named bodies	Proposed to be brought in scope of the BIT?	Proposed to be brought in scope of Growth Duty?	Proposed to be brought in scope of the Small Business Appeals Champion?
Human Fertilisation and Embryology Authority	Yes	Already decided as in scope during last Parliament	No <sup>30</sup>
Human Tissue Authority	Yes	Already decided as in scope during last Parliament	Yes
Information Commissioner	Yes	Already decided as in scope during last Parliament	Yes
Insolvency Service including Insolvency Practitioner Unit	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Land Registry	Yes	Yes	Yes
Marine Management Organisation	Yes	Already decided as in scope during last Parliament	Yes
Maritime and Coastguard Agency	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Medicines and Healthcare Products Regulatory Agency	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
National Measurement and Regulation Office	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Natural England	Yes	Already decided as in scope during last Parliament	Yes
Northern Lighthouse Board	Yes	Already decided as in scope during last Parliament	No <sup>25</sup>
Oil and Gas Authority	Yes	Yes	Yes
Office of Communications (Ofcom)	Yes	No <sup>31</sup>	No <sup>31</sup>
Office of the Immigration Services Commissioner	Yes	No <sup>32</sup>	Yes
Office for Fair Access	Yes	Already decided as in scope during last Parliament	Yes
Office for Nuclear Regulation	Yes	Already decided as in scope during last Parliament	Yes

<sup>30</sup> We have concluded that a Small Business Appeals Champion will add little value to the way HFEA currently handles complaints and appeals, but we will keep this under review.

<sup>31</sup> See paragraph 62

<sup>32</sup> Government is focused on reducing immigration and has decided not to apply the Growth Duty to the OISC.

Functions or named bodies	Proposed to be brought in scope of the BIT?	Proposed to be brought in scope of Growth Duty?	Proposed to be brought in scope of the Small Business Appeals Champion?
Office of Rail and Road	Yes	Yes	Yes
Office for Standards in Education, Children's Services and Skills	Yes	Already decided as in scope during last Parliament	Yes
Office of the Regulator of Community Interest Companies	Yes	Already decided as in scope during last Parliament	No <sup>23</sup>
Office of Qualifications and Examinations Regulation (Ofqual)	Yes	Yes	Yes
Office of Gas and Electricity Markets (Ofgem)	Yes	No <sup>31</sup>	No <sup>31</sup>
Payment Systems Regulator	Yes	No <sup>33</sup>	Yes
The Pensions Regulator	Yes	No <sup>34</sup>	Yes
Rural Payments Agency	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Security Industry Authority	Yes	Already decided as in scope during last Parliament	Yes
Sports Grounds Safety Authority	Yes	Already decided as in scope during last Parliament	Yes
Traffic Commissioners for Great Britain	Yes	Already decided as in scope during last Parliament	Yes
Trinity House Lighthouse Services	Yes	Already decided as in scope during last Parliament	No <sup>25</sup>
UK Space Agency	Already in scope under SBEE Act	Yes	Yes
Vehicle Certification Agency	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Veterinary Medicines Directorate	Already in scope under SBEE Act	Already decided as in scope during last Parliament	Yes
Water Services Regulation Authority (Ofwat)	Yes	No <sup>31</sup>	No <sup>31</sup>

<sup>33</sup> The Financial Services (Banking Reform) Act 2013 already requires the PSR to have regard to "the desirability of sustainable growth in the economy of the United Kingdom in the medium or long-term".

<sup>34</sup> The Pensions Act 2014 already provides the Pensions Regulator with a growth-focussed objective.

## Annex E: List of individuals/organisations consulted

- Animal and Plant Health Agency
- Animals in Science Regulation Unit
- Architects Registration Board
- Assay Office - Guardians of the Standard of Wrought Plate in Birmingham (The Birmingham Assay Office)
- Assay Office - Guardians of the Standard of Wrought Plate within the town of Sheffield (The Sheffield Assay Office)
- Assay Office - Incorporation of Goldsmiths of the City of Edinburgh (The Edinburgh Assay Office)
- Assay Office - Wardens and Commonalty of the Mystery of Goldsmiths of the City of London (The London Assay Office)
- British Hallmarking Council
- Care Quality Commission
- Charity Commission for England and Wales
- Civil Aviation Authority
- Claims Management Regulation Unit
- Coal Authority
- Commission for Equality and Human Rights
- Commissioners of Irish Lights
- Comptroller-General of Patents, Designs and Trade Marks (Intellectual Property Office)
- Registrar of Companies (England and Wales)
- Registrar of Companies (Scotland)
- Competition and Markets Authority
- Drinking Water Inspectorate
- Driver and Vehicle Licensing Agency
- Driver and Vehicle Standards Agency
- Employment Agency Standards Inspectorate
- Environment Agency
- Farriers Registration Council
- Financial Conduct Authority
- Financial Reporting Council
- Fish Health Inspectorate
- Food Standards Agency
- The Forestry Commissioners (Forestry Commission)
- Gambling Commission
- Gangmasters Licensing Authority
- Groceries Code Adjudicator
- Health and Safety Executive
- Higher Education Funding Council for England
- Historic Buildings and Monuments Commission for England (Historic England)
- HM Revenue & Customs
- Homes and Communities Agency
- Human Fertilisation and Embryology Authority
- Human Tissue Authority
- Information Commissioner's Office

- Insolvency Service including Insolvency Practitioner Unit
- Intellectual Property Office
- Land Registry
- Marine Management Organisation
- Maritime and Coastguard Agency
- Medicines and Healthcare Products Regulatory Agency
- National Measurement and Regulation Office
- Natural England
- Northern Lighthouse Board
- Office for Fair Access
- Office for Nuclear Regulation
- Office for Standards in Education, Children's Services and Skills
- Office of Communications (Ofcom)
- Office of Gas and Electricity Markets (Ofgem)
- Office of Qualifications and Examinations Regulation (Ofqual)
- Office of Rail & Road
- Office of the Immigration Service Commissioner
- Office of the Regulator of Community Interest Companies
- Oil and Gas Authority
- Payment Systems Regulator
- The Pensions Regulator
- Rural Payments Agency
- Security Industry Authority
- Sports Ground Safety Authority
- Traffic Commissioners for Great Britain
- Trinity House Lighthouse Services
- UK Space Agency
- Vehicle Certification Agency
- Veterinary Medicines Directorate
- Water Services Regulation Authority (Ofwat)
- British Retail Consortium (BRC)
- The Confederation of British Industry (CBI)
- Federation of Small Businesses (FSB)
- British Chambers of Commerce (BCC)
- The Manufacturers' Organisation (EEF)
- Institute of Directors (IoD)

## Annex F: Business Impact Target, Growth Duty and Small Business Appeals Champion response form

The consultation is available at: [www.gov.uk/government/consultations/business-impact-target-growth-duty-and-small-business-appeals-champion](http://www.gov.uk/government/consultations/business-impact-target-growth-duty-and-small-business-appeals-champion)

The closing date for responses is **17 March 2016**.

Please return completed forms to:

James Smith  
Better Regulation Executive  
Department for Business, Innovation and Skills  
1 Victoria Street  
London  
SW1H 0ET

Tel: 0207 215 4010

Fax: 0207 215 3660

Email: [betterregulationconsultation@bis.gsi.gov.uk](mailto:betterregulationconsultation@bis.gsi.gov.uk)

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see [section 4](#) for further information.

If you want information, including personal data, that you provide to be treated in confidence, please explain to us what information you would like to be treated as confidential and why you regard the information as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential

Comments:

## Questions

Name:

Organisation (if applicable):

Address:

Please check a box from the list of options that best describes you.

	<b>Respondent type</b>
<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Regulator
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)

**Question 1: Do you agree that the regulators listed in [Annex A](#) should be brought within scope of the Business Impact Target? Are there any others you think should be in scope?**

Please provide reasons for your answer.

Comments:

**Question 2: Do you have any comments on the Impact Assessment for the Business Impact Target?**

Comments:

**Question 3: Do you agree that the regulators listed in [Annex B](#) and the regulatory functions listed in the associated draft Statutory Instrument should be brought within scope of the Growth Duty? Are there any others you think should be in scope?**

Please provide reasons for your answer.

Comments:

**Question 4: Do you have any comments on the Impact Assessment for the Growth Duty?**

Comments:

**Question 5: Do you agree that the regulators listed in [Annex C](#) and the regulatory functions listed in the associated draft Statutory Instrument should be brought within scope of the Small Business Appeals Champion? Are there any others you think should be in scope?**

Please provide reasons for your answer.

Comments:

**Question 6: Do you have any comments on the Impact Assessment for the Small Business Appeals Champion?**

Comments:

**Question 7: Do you agree that there is a case for extending the Business Impact Target, Growth Duty and Small Business Appeals Champion to professional bodies?**

Please provide reasons for your answer.

Comments:

**Question 8: Do you agree that at this stage we should bring the non-economic functions of the Office of Rail and Road and the Civil Aviation Authority into scope of the Growth Duty and Small Business Appeals Champion?**

Please provide reasons for your answer.

Comments:

**Question 9: Do you have any comments on the draft guidance for the Growth Duty?  
In particular, is it practical and easy to follow?**

Comments:

**Question 10: Do you have any comments on the draft guidance for the Small  
Business Appeals Champion? In particular, is it practical and easy to follow?**

Comments:

**If you have any other comments, please include them below.**

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

Please acknowledge this reply

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

Yes

No

## Annex G: Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

[www.gov.uk/government/publications/consultation-principles-guidance](http://www.gov.uk/government/publications/consultation-principles-guidance)

### Comments or complaints on the conduct of this consultation

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Angela Rabess  
BIS Consultation Co-ordinator  
1 Victoria Street  
London  
SW1H 0ET

Tel: 020 7215 1661

Email: [angela.rabess@bis.gsi.gov.uk](mailto:angela.rabess@bis.gsi.gov.uk)

However if you wish to comment on the specific policy proposals you should contact the policy lead (see section 5).



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