

Office for Product Safety and Standards – British government establishes new national oversight body for product safety

Introduction

On 21 January 2018, the government announced the creation of a new Office for Product Safety and Standards (“OPSS”) to help manage large-scale product recalls and identify risks to consumers.

The OPSS will have oversight over product safety for general consumer goods (such as electrical goods and cosmetics) but it will not have any enforcement powers, which are to remain with local Trading Standards offices.

The creation of the OPSS comes in the wake of a number of high-profile news stories concerning faulty products (particularly “white goods”) and the fire risks that they pose and follows a statement from Parliament’s Business Committee that there is a “strong case” for a national product safety authority.

What is the OPSS’ function?

The OPSS is based within the department of Business, Energy and Industrial Strategy and its remit is to provide scientific and technical support for general consumer products. It will not, however, regulate medicines, medical devices, work place equipment or food products, which are themselves regulated by their own specialist agencies already in existence.

It is intended that the OPSS will manage responses to large-scale product recalls and help identify risks to consumers. Furthermore, in addition to providing support and advice for local authority Trading Standards teams, the OPSS will also coordinate work across local authorities where action is needed on a national scale. Following Britain’s exit for the EU, it is intended that the OPSS will carry out appropriate border checks on imported products.

Reaction to the creation of the OPSS

The creation of the OPSS has generally been welcomed as a positive development for consumers.

In particular, it should provide consumers with greater confidence that products purchased have been manufactured to an appropriate standard and provide a central line of communication from which to disseminate information about products, including where recalls are required. This, it is hoped, will remove some of the inconsistencies that can arise when dealing with local Trading Standards offices.

Some consumer rights groups have, however, expressed concern that whilst the creation of the OPSS should be a positive step, it will be having to operate within a very limited annual budget (£12million) and will have no enforcement powers. It is, therefore, questionable whether on these terms the creation of the OPSS is likely to bring about any meaningful benefit to consumers and scrutiny over manufacturers.

What does the future hold for the OPSS?

The basis on which the OPSS has been established suggests that the government is currently testing out the idea of having a central authority for non-specialist products, rather than being fully committed to it.

However, if the OPSS is successful in its early stages, it is possible that its powers will later be expanded and its budget increased.

The creation of the OPSS is at least a statement of intent that the government remains committed to taking the issue of product safety seriously and ensuring that consumers are well informed in respect of risks that they may face.

If you have any questions or comments in relation to the above, please contact the authors or your usual Mayer Brown contact.

Miles Robinson

Partner, London

miles.robinson@mayerbrown.com

T: +44 20 3130 3974

Jonathan Cohen

Senior Associate, London

jcohen@mayerbrown.com

T: 44 20 3130 3536

Americas | Asia | Europe | Middle East | www.mayerbrown.com

MAYER • BROWN

Mayer Brown is a global legal services provider advising many of the world's largest companies, including a significant portion of Fortune 100, FTSE 100, CAC 40, DAX, Hang Seng and Nikkei index companies and more than half of the world's largest banks. Our legal services include banking and finance; corporate and securities; litigation and dispute resolution; antitrust and competition; US Supreme Court and appellate matters; employment and benefits; environmental; financial services regulatory and enforcement; government and global trade; intellectual property; real estate; tax; restructuring, bankruptcy and insolvency; and wealth management.

Please visit www.mayerbrown.com for comprehensive contact information for all Mayer Brown offices.

Mayer Brown comprises legal practices that are separate entities (the "Mayer Brown Practices"). The Mayer Brown Practices are: Mayer Brown LLP and Mayer Brown Europe-Brussels LLP, both limited liability partnerships established in Illinois USA; Mayer Brown International LLP, a limited liability partnership incorporated in England and Wales (authorized and regulated by the Solicitors Regulation Authority and registered in England and Wales number OC 303359); Mayer Brown, a SELAS established in France; Mayer Brown Mexico, S.C., a sociedad civil formed under the laws of the State of Durango, Mexico; Mayer Brown JSM, a Hong Kong partnership and its associated legal practices in Asia; and Tauil & Chequer Advogados, a Brazilian law partnership with which Mayer Brown is associated. Mayer Brown Consulting (Singapore) Pte. Ltd and its subsidiary, which are affiliated with Mayer Brown, provide customs and trade advisory and consultancy services, not legal services.

"Mayer Brown" and the Mayer Brown logo are the trademarks of the Mayer Brown Practices in their respective jurisdictions.

© 2018 The Mayer Brown Practices. All rights reserved.

Attorney advertising. Prior results do not guarantee a similar outcome.