

# A QUICK GUIDE TO BUSINESS LEGISLATION FOR THE SMALL BIZ OWNER

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Applicable to the UK market

Disclaimer: This guide is intended as a quick reference point and should not be used to replace Professional guidance.



# STATUTORY LEGISLATION

The following Statutory Legislation is mostly applicable only if you intend to employ staff or invite members of the public to your home. It doesn't matter whether your staff are part-time/ temporary/seasonal workers or full-time you will need to comply with and should be aware of the following Statutory Legislation.

## Health and Safety at Work Act (1974)

This Act sets out the minimum standards of health, safety and welfare that should be put in place in the workplace. Every employee has a duty to work in a manner that does not endanger the health, safety or welfare of themselves or others. They must not interfere with or misuse the items provided in the interests of Health & Safety.

Employees are duty bound to co-operate with their employer on the subject of Health and Safety, and should report any hazards immediately.

Health and Safety is enforced by Environmental Health Officers.

# **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (1995)**

Employers should report any such cases to the HSE Incident Contact Centre (Health and Safety Executive). This includes loss of sight, amputation, fracture and electric shock. In all cases where a personal injury of any type occurs, it should be recorded in your accident book.

## **Health and Safety (First Aid) Regulations (1981)**

Whatever the size of your business, you should always make sure you have a First Aid kit available, as well as an eyewash bottle and if you are working with food, blue plasters. You should ensure this is fully stocked at all times. First Aid Kits that comply with ACOP42 (Approved Code of Practice for First Aid at Work) can be purchased from as little as £20.00 from any office stationery supplier. Try: [www.paperstone.co.uk](http://www.paperstone.co.uk)

## **Manual Handling Operations Regulations (1992)**

This is relevant wherever manual lifting occurs to prevent skeletal and muscular disorders. The employer should undertake a risk assessment for all activities involving manual lifting.

## **Provision and Use of Work Equipment Regulations (1998)**

This states the duties for any users of equipment. It identifies the requirements in selecting and maintaining suitable equipment, as well as the training and safe use of it.

## **The Personal Protective Equipment (PPE) At Work Regulations (2002)**

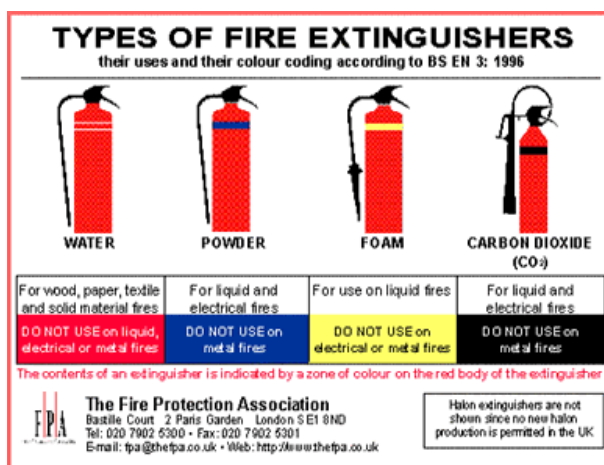
This requires employers to identify activities which require special protective clothing, which must then be made available.

# The Regulatory Reform (Fire Safety) Order (2005)

All premises must have adequate means of dealing with a fire and all staff should know where these are. This can include fire extinguishers and blankets; however, you should only operate a fire extinguisher if you have been properly trained to do so.

All equipment should be checked and maintained regularly.

If you live in a rambling house or a town house where escape might not be evident then it would be good practice to advise staff and visitors what to do in the event of a fire; advise location of alarms (if any), exits and meeting points.



# Electricity at Work Regulations (1989)

Electrical items are potentially hazardous and should be used and maintained properly. You should always ensure that you are fully trained on a piece of equipment before operating it.

All electrical equipment should be regularly PAT tested to ensure it is safe to use. If any equipment is deemed to be faulty or unsafe, you should stop using it immediately and report the problem. Make sure the equipment is clearly marked as faulty until the problem has been corrected to avoid it being used by other members of staff.

# Control of Substances Hazardous to Health (COSHH)

COSHH regulations cover the essential requirements for controlling exposure to hazardous substances, and for protecting people who may be affected by them. You should carry out a COSHH assessment to identify all chemicals, products or other substances which could cause harm. A substance is considered to be hazardous if it can cause harm to the body, it poses a risk if it is inhaled, accidentally ingested through mis-identification or contamination in food, in contact with the skin, absorbed through the skin, injected into the body or introduced to the body through cuts.

Always check the ingredients and instructions of all products to see what they contain and ensure they are stored properly i.e. cleaning products. If the product could cause harm, it should be listed on your COSHH assessment, together with what the risk is and who is at risk from it.

Never leave chemicals identified as hazardous in areas accessible to the general public.



# Working Environment

The Workplace (Health, Safety and Welfare) Regulations 1992 sets the down specific requirements for most aspects of the working environment. Regulation 7 deals specifically with the temperature in indoor workplaces and states that:

'During working hours, the temperature in all workplaces inside buildings shall be reasonable.'

The room should be clean, and the floor dry and not slippery. You should ensure that the room is always well ventilated and of a suitable temperature.

The lighting should be suitable for work to be carried out and if not consider how you can bring in additional lighting such as an anglepoise lamp. Any such items would need to comply with the Electricity at Work Regulations mentioned above.

## Consumer Protection Act (1987)

This Act aims to protect the customer from unsafe or defective services or products.

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## **Sale and Supply of Goods Act (1994)**

This states that goods must be as described and of satisfactory quality. They should be fit for purpose and safe for use. It is your responsibility to correct a problem where the goods are not as described.

## **Trade Descriptions Acts (1968 and 1972)**

These Acts prohibit the use of false descriptions of goods or services. Information must always be accurate, false comparisons must not be made and misleading price comparisons must not be made.

A product may not be described as being of a 'reduced' price if it has not been available at the higher price for a minimum of 28 days.

# **The Smoke-free (Premises and Enforcement) Regulations 2006**

Smoking in public places and the workplace is dealt with as a public health matter within Great Britain. The Department of Health takes the lead on this in England, in Wales this is a matter for the Welsh Assembly Government and in Scotland it is the responsibility of the Scottish Executive. Follow this link for further information.

<http://www.hse.gov.uk/contact/faqs/smoking.htm>

# Disability Discrimination Act (1996)

You should ensure that customers or employees are not discriminated against on the grounds of disability. You cannot use this as a reason to refuse to provide a service, provide a service to a lesser standard or fail to make reasonable adjustments.

The Disability Discrimination Act gives disabled people important rights of access to everyday services. Service providers have an obligation to make reasonable adjustments to premises or to the way they provide a service. Sometimes it just takes minor changes to make a service accessible. What is considered a reasonable adjustment for a large business for example, a bank may be different from what is a reasonable adjustment for a small business. It is about what is practical in the service provider's individual situation and what resources the business may have. A business would not be required to make adjustments that are not reasonable because they are unaffordable or impractical. Follow this link for further information:-

<http://www.hse.gov.uk/disability/law.htm>

# The Equality Act 2010

This Act prevents discrimination against anyone because of their:

age

disability

gender reassignment

pregnancy and maternity

race - this includes ethnic or national origins,  
colour or nationality

religion or belief - this includes lack of belief

sex

sexual orientation

marriage and civil partnership

Follow this link for further information on this Act.

<http://www.hse.gov.uk/equality-duty/equality-act-2010.htm>

# Music Licences

If you play music for the listening public or your employees; you will need to ensure that you hold the correct licences to do so. These licences give legal permission to play music.

Playing music in a class, for example, would be classified as a public performance, and this includes music on television channels, radios, CDs, MP3 players and music on hold.

Phonographic Performance Limited (PPL) collects and distributes money for the use of recorded music on behalf of record companies and performers.

The Performing Right Society (PRS) collects and distributes money for the use of music and lyrics on behalf of songwriters, composers and publishers.

Playing recorded music in public legally requires you to obtain both licences. These can be obtained here:

<http://www.prsformusic.com/Pages/default.aspx>

# Data Protection Act 1998

The Data Protection Act 1998 is designed to safeguard personal data, such as the information kept on customer record cards. This balances the needs of businesses to collect and use this information against the right of the individual's privacy.

If you are processing personal data on a computer, then you should notify the Information Commissioner.

Individuals have a right to have access the data you keep about them; however, they must have a valid reason to request this, other than just wanting to see it. This request must be made in writing and you must respond to it.

You should not share any data kept about a customer with a third party unless they have given permission for you to do so.

You should always ensure that the personal data you keep is kept securely, whether this is on a computer or paper records. This information must remain private at all times.

For more business resources don't forget to visit:

[www.coastandcountryprints.co.uk/resources](http://www.coastandcountryprints.co.uk/resources)