



Department for
Business & Trade

Kevin Hollinrake MP
Parliamentary Under Secretary of State

Department for Business and Trade
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Mr John Gittens
Senior Coroner North Wales (East and Central)
County Hall
Wynnstay Road
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24 March 2023

Dear Mr Gittens,

INQUEST INTO THE DEATH OF EMMA LOUISE POWELL

Thank you for your Regulation 28 Report (Prevent Future Deaths), dated 28 December 2022, following your investigation and inquest into the death of Emma Powell, caused by submersion in water while using a recently purchased paddleboard.

The Report was sent to the Prime Minister's Office at No10 Downing Street and was subsequently redirected to me to respond as the Minister responsible within the Department for Business and Trade. I apologise for the delay in responding.

I would first like to say how deeply saddened I was on hearing of this tragic death. If you have an opportunity, please pass on my condolences to Miss Powell's family.

I would like to assure you that the Government is committed to ensuring that the UK has a product safety system designed to provide a high level of protection. This applies to the purchase of any consumer product, including paddleboards such as the type involved in this tragic incident. The findings of your inquest provide an opportunity to assess whether further lessons can be learned.

The regulations that apply to paddleboards are dependent upon a number of factors, including the length of the paddleboard and its intended use. The two sets of regulations that could apply are the General Product Safety Regulation 2005 (GPSR), and the Recreational Craft Regulations 2017 (RCR).

Manufacturers of products such as paddleboards are under an obligation to place only safe products on the market (Regulation 5 of GPSR). They must also provide safety information to enable consumers to assess risks that are not immediately obvious without adequate warnings and to take precautions against those risks (Regulation 7 of GPSR). Distributors have a duty of care to ensure that products they offer for sale comply with the law; are safe; and to pass on information on the risk posed by the product (Regulation 8 of GPSR).

Similarly, under the RCR manufacturers are required to ensure products do not endanger the health and safety of persons when used as intended (Regulation 6 of RCR). As with the

GPSR, distributors have a duty of care to ensure the product complies with the law; specifically that it is safe (Regulation 27 of RCR); and is accompanied by any instructions provided by the manufacturer on their safe use (Regulation 28 of RCR).

Under both sets of regulations, when sold, a product should therefore include information on 'how' it is to be used safely as you suggest. We know that, separately to this incident, some manufacturers are printing safety information on the paddleboard to help ensure the information is always readily available when using the product. This is a welcome step by manufacturers.

Your Report states that there was no evidence that there was advice or instruction given at the point of sale on the safe use of the product. As stated above there are obligations and duties on both manufacturers and distributors to ensure adequate advice is provided. I have therefore referred your Report to Hertfordshire Trading Standards, the Primary Authority responsible for the regulatory relationship with Tesco, so that they may decide if any further action is needed in addition to that already taken in this specific case.

I have also asked the Office for Product Safety and Standards (OPSS) to write to the Business Reference Panel, that includes the British Retail Consortium and a number of major retailers, such as Tesco, to ensure that distributors are aware of this issue and their obligations.

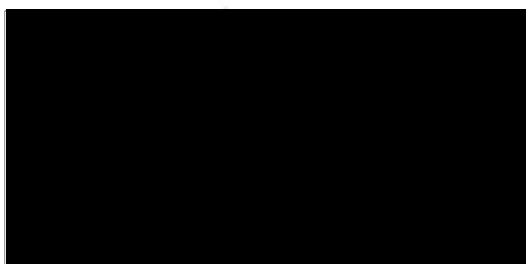
In addition, I have asked OPSS to liaise with their enforcement partners, and through them where appropriate manufacturers, to ensure that there is awareness of this incident so that if necessary appropriate action can be taken.

Finally, OPSS will also write to the British Standards Institute so that they may consider whether the industry standards relating to paddleboards remain appropriate.

I am copying this response to Tesco PLC, Hertfordshire County Council Trading Standards, and the Prime Minister's Office at No10.

Thank you again for bring this issue to my attention.

Yours sincerely,



KEVIN HOLLINRAKE MP

Parliamentary Under Secretary of State – Department for Business and Trade