businesscompanion
trading standards law explained

Primary Authority

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This guidance is for England, Scotland and Wales

All businesses operating in the UK need to comply with a wide range of legislation that is enforced by local authority Trading Standards Services.

Primary Authority has been developed to assist businesses. The scheme allows individual businesses (direct partnerships), trade associations and similar organisations (co-ordinated partnerships) to form a legally recognised partnership with one or more local authorities in order to receive tailored support in relation to one or more specific areas of law.

Once a partnership is formed, the local authority is referred to as the Primary Authority. The scheme is voluntary and each business may select one or more local authorities to form a partnership with. They can apply to partner with any local authority, but the local authority is not obliged to enter into a partnership and some do not participate in the scheme at all.

All businesses are eligible for Primary Authority, with the exception of those in the tobacco industry (although the vaping industry is eligible). Primary Authority will be particularly beneficial to those businesses that have to comply with a wide range of legislation and/or trade across multiple local authority boundaries.
The Primary Authority will typically charge the business for Primary Authority services, but this is on a cost-

recovery basis; local authorities are not permitted to make a profit from providing Primary Authority services.

Benefits of Primary Authority

Bridging the divide between regulators and businesses

The Primary Authority plays the role of a 'critical friend' rather than the traditional role of regulator; it identifies, develops and delivers services that help the business to successfully grow and improve. The Primary Authority works closely with the business to fully understand how it operates and to understand its individual needs.

Primary Authority Advice

Primary Authority makes it easier for businesses to comply with the law, reducing the costs of compliance without reducing regulatory protections. Businesses can invest in products, practices and procedures, knowing that their compliance will be recognised by other local authorities, and ensuring resources are not wasted. Advice provided by the Primary Authority is assured, and should be accepted by other regulators when dealing with the business, although other regulators may challenge the Primary Authority if they believe the advice to be incorrect.

Single point of contact

The Primary Authority typically provides a dedicated officer for each partnership, who acts as a single point of contact between the business and the Primary Authority, and between the business and other regulators. The Primary Authority acts as a liaison for other regulators, allowing the business to devote more of their time and attention to their day-to-day operations.

Business promotion

Businesses gain recognition for being in a Primary Authority partnership, and the commitment to achieving compliance that it represents.

Enforcement action

Excluding cases where immediate action must be taken to prevent harm, other regulators must contact the Primary Authority before taking any enforcement action, providing a five-day window for the Primary Authority to negotiate a better outcome that ensures both compliance and the highest level of consumer protection, without the need for enforcement action.

Regulatory functions covered

The Primary Authority can advise on any area of legislation within the local authority's remit; depending on the nature of the local authority, this can include some or all of the following areas:

- Trading Standards
- Environmental Health
- Fire Safety
- Licensing

Services will typically include advice on the following:

- Legal obligations incumbent upon the business
- Interpretation of legislation
- Assessments of procedures to ensure legal compliance

Inspection plans can be developed to improve the effectiveness of regulatory inspections whilst minimising disruption, preventing any breaches of the law and avoiding the need for frequent checks by regulators. Local authorities must follow these plans unless the Primary Authority has been notified and an alternative course of action has been agreed.

Primary Authority partnerships with Trading Standards typically cover the following relevant functions:

- Agricultural produce (quality standards and labelling)
- Animal health and welfare
- Animal feed
- Consumer protection (including fair trading)
- Food standards
- Public health (including age-restricted products and illicit tobacco)
- Product safety
- Weights and measures (including measuring instruments)

Each business / group of businesses will typically only enter into one partnership per regulatory function (Trading Standards, Environmental Health, etc). However, it is permitted to enter into multiple partnerships for the same regulatory function, as long as each covers a different relevant function (one for food standards, one for consumer protection, and so on).

Legal action

Other local authorities must liaise with the Primary Authority before any legal action can be taken, and if the business has followed the advice of the Primary Authority, it is unlikely that any legal action would be successful. Where another local authority wishes to take action against the business in contradiction of formal advice that has been issued by the Primary Authority, and followed by the business, the Primary Authority can prevent the action being taken.

Primary Authority agreements will not prevent any legal action where advice and guidance has not been followed.

A Primary Authority agreement will not prevent the Primary Authority taking action against the business where appropriate - for example, if advice has not been followed, resulting in injury, death, fraud, etc.

Joining the Primary Authority scheme

Any business (including those trading solely on the internet) or regulated charity can apply to form a Primary Authority partnership. However, as noted above, businesses in the tobacco industry are not eligible to apply.

Small businesses are eligible, as are start-up businesses, franchisees and those in trade associations. If you operate a franchise, the franchiser can apply, and all members of that franchise will receive information on compliance. Similarly, a trade association can apply for a Primary Authority agreement, and all association members will receive the benefits, as will the companies in a company group, and businesses subscribing to a compliance or assurance scheme.

Setting up membership of the scheme

Contact your local authority or a local authority you believe will offer the best assistance for your business (the local authority does not have to be the nearest in terms of geographical location; the choice may be dependent on an authority having the relevant skilled officers necessary to facilitate the arrangement). The local authority may already highlight how to set up a Primary Authority partnership on its website, although not every authority participates in the scheme. Alternatively, contact the Office for Product Safety and Standards (OPSS) by telephone to 0121 3451201 or by email to pa@businessandtrade.gov.uk to be guided through the process and be introduced to an appropriate local authority.

A local authority can accept or reject a request to form a partnership, which often depends on the support required, resources needed and costs involved. All Primary Authorities must also be approved by OPSS before commencing.

If accepted, an agreement is then reached, based on the services requested by the business at the outset of the partnership and an estimate of the time required to complete those tasks.

The details of the partnership are entered into the Primary Authority Register (see below).

Local authorities will typically charge a set-up fee and an hourly rate for Primary Authority services.

Ending a partnership

Partnerships typically last for one year, after which they are reviewed. The business will be given the option to renew for another year or to end the partnership.

Either party can choose to end the partnership at any time, but are required to give 30 days' written notice of their intent to do so to the other party.

If, for any reason, OPSS considers that the local authority is no longer suitable to act as a Primary Authority (bankruptcy, for example), it may force the revocation of a partnership.

Office for Product Safety and Standards

Primary Authority is administered by OPSS, which is part of the Department for Business, Innovation, Science and Trade (BIST).

OPSS is responsible for many functions that link with the work of local authority-based Trading Standards

Services, such as:

- Ensuring the UK's system of weights and measures, hallmarking and utility metering is fair for businesses and consumers
- Providing policy support to ministers about measurement issues
- Providing technical, legal and commercial certification services to support manufacturers and local authorities
- Overseeing enforcement of technical legislation in the UK carried out by local authorities

OPSS works to ensure that regulation is enforced in a proportionate and risk-based manner.

Primary Authority Register

The Primary Authority Register is managed by OPSS. It allows for effective communication between the business, the Primary Authority and other local authorities on matters including Primary Authority Advice, inspection plans and feedback from inspections.

It has a number of resources to help businesses get the most from Primary Authority, including presentations, guides, information sheets and template documents.

Businesses operating across UK borders

Certain legislative areas (food standards, for example) are devolved. Local authorities can only advise on devolved matters within their own country. For example, a Primary Authority in England can only advise on food standards in England; a business that operates in both England and Scotland would need to obtain advice on food standards from two local authorities, one in England and one in Scotland.

If you trade in multiple UK countries, you may require a partnership with local authorities in each country.

Further information

OPSS has produced a *Primary Authority Overview*, which provides background information on the scheme. There is also the GOV.UK web page 'Local regulation: Primary Authority'.

Trading Standards

For more information on the work of Trading Standards Services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

In this update

General detail added.

Last reviewed / updated: March 2026

Key legislation

- Regulatory Enforcement and Sanctions Act 2008
- Enterprise and Regulatory Reform Act 2013
- Enterprise Act 2016
- Co-ordination of Regulatory Enforcement Regulations 2017

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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