

Legislation Outlook

July 2022

This monthly legislation briefing is a **supplement** to our BAB Activ Comply service to help you to **plan ahead** for maintenance of your ISO 14001, ISO 45001, ISO 50001, ISO 22301 and ISO 27001 systems. In addition to giving you advance warning about important legislation that will affect your compliance with the standards, we'll provide news, newly published guidance, and government consultations that you might find useful, as well as any other significant legislation beyond the scope of the standards listed that will potentially impact your organisation. Unlike other services, we only report items of value: we don't waste your time on items such as an increase in administrative fees or changes that only affect enforcement agencies.

When legislative changes are announced with short notice (<1 month) they are not reported here. All changes are automatically delivered direct into the **BAB Activ Comply** system as they come into effect so you can be confident that you are always 100% up to date.

This month's Legislation Outlook will be of interest to anyone affected by changes to building regulations in England and Scotland.

Upcoming Standard-Related Legislation

ISO 14001 & ISO 5001

Building (Scotland) Amendment (Amendment) Regulations 2022

These [Regulations](#) amend the date on which Part 3 of the Building (Scotland) Amendment Regulations 2022 comes into force from 1 October 2022 to 1 December 2022. Part 3 introduces new mandatory energy and environmental standards for buildings and building work in Scotland; the delay in commencement is necessary to allow a longer period for the development of supporting third-party resources used to demonstrate compliance with the new building standards.

ISO 14001 & ISO 45001

Building etc. (Amendment) (England) Regulations 2022

These [Regulations](#) come into force in England on 1 December 2022 and amend the Building Regulations 2010 in relation to the prohibition introduced following the Grenfell Tower fire on combustible materials within external walls and wall attachments for residential buildings of 18m or over. The new Regulations:

- bring hotels, hostels and boarding houses within the scope of the prohibition from which they were initially excluded;
- ban the use of certain metal composite materials from use in the external walls and specified attachments of all buildings;
- bring elements of solar shading devices attached to a wall at a height of more than 4.5m whose primary function is to provide shade or deflect sunlight within the scope of the prohibition. This reverses the effect of the judgment of the High Court in the case of *R (on the application of the British Blind and Shutter Association v the Secretary of State for Housing, Communities and Local Government* [2019] EWHC 3162;
- amend the list of materials exempted from prohibition to include fibre optic cables and insulation up to 300mm from ground level;
- update the reaction to fire classification to the current version of British Standard EN 13501-1:2007+A1:2009 and allows the top layer of a balcony floor to meet the required standard using the horizontal-testing equivalent of the existing standard (which requires materials to be tested vertically); and
- change the height at which a building must comply with the relevant standard on external fire spread on walls where there is a material change of use of the building from 15 to 11 metres.

Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022

These [Regulations](#) come into force on 1 October 2022 and amend the Smoke and Carbon Monoxide Alarm (England) Regulations 2015) to:

- bring social landlords into scope of the existing requirements;
- extend mandatory requirements for carbon monoxide alarms in private and socially rented homes. Previously, carbon monoxide alarms were only required in rooms with solid fuel burning appliances; from 1 October landlords will need to provide alarms in any room with any fixed combustion appliance (excluding gas cookers) and
- create a new obligation on landlords, following a report from a tenant, to repair or replace alarms as soon as reasonably practicable when they are found to be faulty.

ISO 27001

Freedom of Information (Additional Public Authorities) Order 2022

This [Order](#) comes into force on 1 September 2022 to add a number of bodies to the list of those that are considered to be public authorities and as such are required to make information available to the public in accordance with the Freedom of Information Act 2000. The new bodies are:

- The Biometrics and Forensics Ethics Group;
- The Education Workforce Council;
- The Independent Welsh Pay Review Body;
- Social Care Wales; and
- corporate joint committees established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

Remember: short notice changes to legislation are not reported in this briefing; all changes are delivered direct into your BAB Activ Comply system as they come into effect.



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News

UK Government Responds to Data Reform Consultation

The Government has published a [final response](#) to its consultation 'Data: A New Direction' on post-Brexit reform of the UK's data protection laws. Nearly three thousand responses to the consultation were received from the public, academia and industry groups. The Government's final response is an extensive document featuring thirty headings across five chapters that acknowledges concerns from stakeholders and appears to push back on some of the more radical proposals in the original consultation, but without providing details of how the proposals are to be implemented.

Although details are still limited, this final response paves the way for the publication of the Data Reform Bill, which is now expected imminently. We will provide further information on the potential impacts of the Bill on our customers when it becomes available.



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Consultations

Chemicals

The Department for Environment, Food & Rural Affairs has published two consultations seeking evidence on the use of [dicyclohexyl phthalate](#) and [disodium octaborate](#) in Great Britain and the potential impact that adding these chemicals to the UK REACH authorisation list could have. The consultations close on 12 August 2022.

Environmental Permitting

The Environment Agency has issued a [consultation](#) setting out proposals for:

- new standard rules permits and generic risk assessments for the non-hazardous and inert waste sector, including the proposed charges – these will consolidate and replace existing permits;
- changes to existing standard rules permits for the metal recycling sector; and
- changes to SR2010 No. 3: discharge to surface water

The Consultation applies to England only and closes on 13 September 2022.

Fire Safety

The Home Office have launched a [consultation](#) on new proposals to support the fire safety of residents who would need support to evacuate in an emergency situation. The consultation is seeking ways to implement the recommendations of the Grenfell Tower Inquiry in relation to evacuation, and follows on from a consultation on Personal Emergency Evacuation Plans (PEEPs). However, the PEEPs proposals were rejected on grounds of practicality, proportionality and safety, and now the Government is seeking views on alternative proposals to support the fire safety of residents who would need support to evacuate in an emergency. The consultation closes on 10 August 2022.



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What is a Legal Register and does my business need one?

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