

# Legislation Outlook

June 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 has seen the publication of legislation that implements the recommendations of the Hackitt Review following the Grenfell tragedy. See our focus section for how this may impact on you**

## Upcoming Standard-Related Legislation

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### ISO 14001/ ISO 45001

#### **Building Safety Act 2022 (Commencement No. 1, Transitional and Saving Provisions) Regulations 2022**

These [Regulations](#) bring various provisions of the Building Safety Act 2022 into force in England over the coming months.

Provisions coming into force on 28 June 2022 include:

- granting the Health and Safety Executive powers to act as the new building safety regulator, with responsibility for securing the safety of people in relation to risks arising from buildings and improving the standard of buildings.; and
- granting the Secretary of State powers to make regulations in relation to 'higher-risk buildings' (i.e. buildings at least 18 metres or 7 storeys in height).

Provisions coming into force on 28 July remove requirements in relation to insurance for approved inspectors.

Provisions coming into force on 1 October 2022 remove the existing requirement ('the democratic filter') for social housing residents who wish to escalate a complaint from their landlord's complaints process to the Housing Ombudsman to either wait eight weeks or utilise a 'designated person' (i.e. an MP, Councillor or recognised tenant panel).

#### **Fire Safety (England) Regulations 2022**

These [Regulations](#) come into force in England on 23 January 2023. They impose new obligations on the 'responsible person' in relation to 'high-rise residential buildings'. For more information on these obligations and whether you will be affected, please see our focus section below.

#### **Regulation (EU) 2022/692 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures**

This [EU Regulation](#) amends Regulation (EC) No 1272/2008 ('the CLP Regulation') in relation to its application in Northern Ireland only from 23 November 2023. It updates the hazard classifications for nearly sixty chemicals listed in Part 3 of Annex VI of the CLP Regulation following assessment by the European Chemicals Agency. If you manufacture or import chemicals in Northern Ireland, you should ensure that you make any required changes to the labelling of chemicals prior to this legislation coming into force.



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## ISO 1400/ ISO 50001

### Building (Amendment) (Wales) Regulations 2022

These [Regulations](#) come into force on 23 November and amend the Building Regulations 2010 as they apply in Wales in order to:

- extend the application of the target primary energy rate as the new metric for the measurement of energy efficiency in new dwellings (previously it applied only to buildings other than dwellings);
- introduce new energy efficiency ratings for new buildings;

require information to be provided to owners about the operation and maintenance requirements of any on-site electricity generation systems and overheating prevention systems.

**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.**



The advertisement features a person in a blue jacket interacting with a tablet displaying a checklist. A blue banner at the top reads 'ISO 14001 Checklist' and a green button at the bottom says 'Free Download'. The 'activ' logo is in the top right corner. A list of three bullet points is on the right side.

- Itemise by clauses of the standard.
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## Other Legislation

### Misuse of Drugs (Amendment) (Revocation) (England, Wales and Scotland) Regulations 2022 and Misuse of Drugs (Amendment) (Revocation) Regulations (Northern Ireland) 2022

These [Regulations](#) revoke earlier legislation (the Misuse of Drugs (Amendment) (England, Wales and Scotland) Regulations 2021 and the Misuse of Drugs (Amendment No.2) Regulations (Northern Ireland) 2021, which were due to come into force on 14 June 2022). The revoked Regulations placed two controlled drugs, Gamma-Butyrolactone (GBL) and 1,4-Butanediol (1,4-BD), under stricter control.

These drugs have legitimate uses in industry, and the 2021 Regulations coming into force would have required industrial users to obtain a controlled drugs licence from the Home Office. The impact assessment accompanying the 2021 Regulations assessed the impact on legitimate users but the impact was significantly underestimated. As a result the Government has revoked the 2021 Regulations and industrial users will not require a controlled drugs licence to lawfully import, export, produce, supply or possess these drugs from 15 June 2022. The Government still intends to restrict the drugs, but will now consult with industry prior to making a decision on how best to implement a restriction without causing disproportionate harm to business.

## News

### GDPR Replacement Announced

The Government has announced a new Data Reform Bill in the Queen's Speech to loosen restrictions imposed by the GDPR on the use of data and implement 'a more flexible, outcomes-focussed approach to data protection that helps create a culture of data protection, rather than tick-box exercises'. Whilst the Bill has not yet been published, it is likely that the Bill will seek to implement the changes set in last year's consultation '[Data: A New Direction](#)'. A summary of the consultation can be found in the Focus section at the end of October 2021's Legislation Outlook, but the headline proposed changes include:

- introducing a more flexible accountability process;
- raising the threshold for notifying the ICO of data breaches;
- re-introducing charges for dealing with subject access requests;
- reforming cookie consent rules; and
- introducing alternative mechanisms for international data transfers.

The Data Reform Bill will be published later this year.

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## Consultations

### Environmental Targets

The Department for Environment, Food & Rural Affairs has launched a [consultation](#) seeking views on new targets under the Environment Act 2021 to improve the natural environment. The consultation sets out the Government's proposals for environmental targets in the following areas:

- biodiversity on land and in the sea;
- water quality and availability;
- resource efficiency and waste reduction; and
- air quality

The consultation closes on 27 June 2022.

## Focus: Fire Safety (England) Regulations 2022

These [Regulations](#) implement in England the recommendations of the Grenfell Tower Inquiry Phase 1 in relation to fire safety in order to improve the safety of residents of high-rise buildings and ensure that fire and rescue services have the necessary information to launch an effective response in the event of a fire. The regulations do this by imposing new obligations on the 'Responsible Person' in relation to 'High-Rise Residential Buildings'.

### Who is the 'Responsible Person'?

The Responsible Person is defined by Article 3 of the Regulatory Reform (Fire Safety) Order 2005, as updated by the Fire Safety Act 2021. In relation to these new Regulations, the Responsible Person is the person who controls (i.e. owns or manages on behalf of the owner) the following parts of a building containing two or more domestic premises:

- the building's structure and external walls (including doors, windows and anything attached to the exterior of those walls)
- all doors between the domestic premises and common parts.

### What is a 'High-Rise Residential Building'?

A High-Rise Residential Building' is defined as a building:

- containing two or more sets of domestic premises; and
- that is at least 18 metres above ground level or has at least seven storeys.

To determine the height of a building, it must be measured from the lowest ground level adjoining the outside of the building to the height of the top storey.

It is also worth noting that the final two obligations listed below also apply to buildings that do not meet the height threshold. Instead they apply to all buildings which contain:

- two or more domestic premises; and
- common parts through which residents would need to evacuate in the case of an emergency.

## What are the New Obligations?

From 23 January 2023, the Responsible Person must comply with the following additional obligations in relation to any High-Rise Residential Buildings under their control:

- prepare and maintain an up to date plan for each floor that identifies the location of all lifts (and whether the lift is one for use by firefighters or an evacuation lift) and the key fire-fighting equipment;
- prepare and maintain an up to date single-page building plan identifying:
  - the environs of the building;
  - details of the use of the building, for example for commercial or residential purposes;
  - access for fire and rescue appliances;
  - the dimensions of the building;
  - information on the number of storeys of the building and the number of basement levels (if any);
  - information regarding the presence of maisonettes or scissor section flats;
  - inlets for dry-rising mains;
  - inlets for wet-rising mains;
  - the location of shut-off controls for any sprinklers;
  - access points for the building;
  - the location of the secure information box;
  - the location of the controls for any smoke control system;
  - the location of any firefighting shafts;
  - the location of main stairways in the building; and
  - the location of the controls for any evacuation alert system;
- provide the documents listed above to the local fire and rescue authority by electronic means;
- install a secure information box containing a copy of the documents listed above which is readily accessible to the fire and rescue authority;
- prepare a record of the design and construction materials of the external walls of the building, including details of the level of risk identified in the fire risk assessment that the design and materials of the external walls give rise to, and any mitigating steps that have been taken in respect of that risk;
- undertake monthly routine checks of lifts for use by firefighters, evacuation lifts and essential fire-fighting equipment within the building, and report any identified faults that cannot be rectified within 24 hours to the local fire and rescue service (as well as their subsequent rectification);
- ensure that the building contains clear wayfinding signage to indicate floor and residence numbers, and that these are visible in low level lighting conditions or when illuminated with a torch;
- display fire safety instructions in a conspicuous part of all buildings which contain two or more sets of domestic premises and common parts through which residents would need to evacuate in the case of an emergency, which must include instructions on the evacuation strategy for the building, instructions for reporting a fire to the fire and rescue authority, and any other instruction that tells residents what they must do when a fire has occurred (these instructions must also be provided to each resident annually and to new residents as soon as reasonably practicable after they move in);

- provide information annually about fire doors to the residents of all buildings which contain two or more sets of domestic premises and common parts through which residents would need to evacuate in the case of an emergency, to the effect that:
  - fire doors should be kept shut when not in use;
  - residents or their guests should not tamper with the self-closing devices; and
  - residents should report any faults with or damage to doors immediately to the Responsible Person

In relation to buildings over 11 metres tall, the Responsible Person must also:

- undertake checks of any fire doors in communal areas of the building at least every 3 months; and
- use best endeavours to undertake checks of fire doors at the entrances of individual domestic premises in the building at least every 12 months (a record must be kept of the steps taken to comply with this obligation including, where access to the domestic premises was not granted during any 12 month period, the steps taken by the responsible person to try and gain access).

If you require any further information about the new fire safety obligations, please contact us using the contact details below.



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