

Legislation Outlook

June 2023

This monthly legislation briefing is a supplement to our [Activ Comply](#) service to help you to plan ahead for the maintenance of your ISO 14001, ISO 27001, ISO 45001 and ISO 50001 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 directly into your [Activ Comply](#) system as they come into effect so you can be confident that you are always 100% up to date.

This month sees important news about the Government's plans for retained EU law, as well as some welcome guidance to help employers with their GDPR obligations.

Upcoming Standard-Related Legislation

ISO 14001

Packaging Waste (Data Reporting) (Scotland) Amendment Regulations 2023

These [Regulations](#) come into effect on 30 June 2023 to correct errors and omissions in the [Packaging Waste \(Data Reporting\) \(Scotland\) Regulations 2023](#) ('the original Regulations'), which came into force at the end of February. Similar legislation for England, Wales and Northern Ireland is expected to be published shortly. The changes include:

- providing clarity to the industry regarding producers' reporting obligations;
- ensuring producers submit all the information required for calculating their 2024 obligations;
- removing some potential loopholes in the original Regulations; and
- ensuring the reporting requirements are fully aligned with the digital system that producers will use to report their data.

There should not be any significant inconvenience to affected organisations, particularly in relation to new reporting requirements - the changes have been drafted to ensure that the new reporting obligations only relate to data that is already required to be collected, either under the original Regulations or under the [Producer Responsibility Obligations \(Packaging Waste\) Regulations 2007](#).


OHSAS 18001 / ISO 45001


Railways and Other Guided Transport Systems (Safety) (Amendment) Regulations 2023

These [Regulations](#) come into force on 30 June 2023 and amend the [Railways and Other Guided Transport Systems \(Safety\) Regulations 2006](#) to end the recognition of EU certificates issued to entities in charge of maintenance ('ECMs') of domestic freight wagons in Great Britain. From 30 June, ECMs assigned to freight wagons used in domestic traffic in Great Britain will need to be certified by a UK certification body.

Two related amendments are also made to the 2006 Regulations:

- ECM certification bodies will no longer need to follow the EU sectoral accreditation scheme; and
- UK ECMs will no longer need to obtain two separate ECM certificates when maintaining both domestic and international vehicles.



 **Do you have a method for identifying relevant legislation updates?**

Activ Comply enables you to maintain accurate legal registers, evaluate your compliance and manage legal requirements relevant to several ISO standards.

[Find Out More](#)

News

Retained EU Law

Following the [Retained EU Law \(Revocation and Reform\) Bill's](#) defeat in the House of Lords, the Government has amended the to scrap the proposed sunset clause from the Bill, which would have automatically revoked most retained EU law at the end of 2023. Around 5,000 items of EU law have so far been identified by the Government.

Instead, the Government has published a list of nearly 600 items of retained EU law that will be revoked at the end of the year. The list largely includes legislation that is no longer relevant post-Brexit but does include a significant amount of environmental legislation relating to fisheries and biocidal products. The Bill is still undergoing amendment, we will provide further analysis once the Bill is finalised.



Do you want to run your ISO audit programme more efficiently and get more value from it?

Activ Audit Manager is the complete ISO audit planning, execution, and review solution for total ISO audit control.

[Find Out More](#)



Guidance

ICO Publishes New SAR Guidance for Employers

New [guidance](#) to help employers deal with Subject Access Requests ('SARs') has been published by the Information Commissioner's Office.

Following receipt of an SAR from an individual, an employer is required to provide details of the individual's personal information that they hold (including where they got their information from, what they are using it for and who they are sharing it with). Employers have one month to deal with the request, although an additional two months are permitted if the request is complex.

The ICO received over 15,000 complaints related to SARs in the twelve months leading up to March this year, and regularly takes enforcement action against organisations that fail to deal with SARs.



Are you finding it difficult or laborious to keep track of non-conformance and improvement activities?

Achieve continuous improvement with accountable management of all problems and improvement opportunities by using **Activ Improvement Log**.

[Find Out More](#)

| Metric | 1-6-2015 | Jul-2015 | Aug-2015 | Sep-2015 |
|----------------------------------|----------|----------|----------|----------|
| Number Closed | 27 | 37 | 38 | 37 |
| Number Open (24 Month End) | 44 | 520 | 124 | 113 |
| Average Time Open (Days) | 147.6 | 85.4 | 16.4 | 104.8 |
| Number Overdue | 7 | 23 | 43 | 22 |
| Average Time Overdue (Days) | 18.0 | 34.7 | 15.5 | 11.7 |
| 100 Open Improvement Log Overdue | 100% | 100% | 100% | 100% |

Consultations

High Risk Buildings

The Health and Safety Executive, in its role as the Building Safety Regulator, has published two consultations in relation to high-risk buildings (buildings at least 18 metres in height or at least 7 storeys with at least two residential units):

- a [consultation](#) seeking views on its information document that highlights the necessary competency for those managing high-risk buildings; and
- a [consultation](#) seeking views on its information document that highlights the necessary competency for the new principal designer and principal contractor roles.

Both consultations close on 16 June.

Nitrous Oxide

The Home Office has launched a [consultation](#) to obtain details of legitimate uses of nitrous oxide from organisations that manufacture, sell or use nitrous oxide as part of their business. The Government is proposing to control nitrous oxide as a Class C drug under the Misuse of Drugs Act 1971 but does not want to restrict its use for legitimate purposes.

This consultation closes on 27 June 2023.

Polychlorinated Biphenyls (PCBs) Regulations

The Department for Environment, Food & Rural Affairs and the Welsh Government have launched a [consultation](#) seeking views on a small number of proposed changes to the Environmental Protection (Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000, including a clarification of the requirement to remove PCB-containing equipment by the end of December 2025.

This consultation closes on 30 June 2023.



Need a detailed explanation of what ISO auditors will check?

Use Activ's ISO 14001 Checklist to help you prepare for your external audits.

[Find Out More](#)

[Invite someone else to subscribe to this briefing.](#)



Would you like to book an Activ Comply demo?

[Click here to book your demo](#)

Looking for an ISO or business training course?

[Click here to view all of our training courses](#)