

Legislation Outlook

August 2018

This monthly legislation briefing is a **supplement** to your Activ Comply service to help you to **plan ahead** for maintenance of your ISO 14001, OHSAS 18001/ISO 45001, ISO 50001 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 we think may have an impact on your organisation. Unlike other services, we only report items of value: we don't waste your time on items such as an increase of 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 your [Activ Comply](#) system as they come into effect so you can be confident that you are always 100% up to date.

July saw the publication of a glut of environmental and information security legislation. As ever, most contained no requirements that are relevant to ISO certified organisations.

Background activity in preparation for Brexit is picking up pace, although much of the detail is still to be firmed-up. We will continue to report all relevant developments in the coming months.

Upcoming Standard-Related Legislation

ISO 14001

Automated and Electric Vehicles Act 2018

This [Act of Parliament](#) sets out the regulatory framework to enable new transport technology to be invented, designed, made and used in the United Kingdom by creating a new liability scheme for insurers in relation to automated vehicles, and enabling regulations to be made relating to the installation and operation of charging points and hydrogen refuelling points for electric vehicles. The commencement date of this Act is yet to be specified.

ISO 14001 and ISO 50001

CRC Energy Efficiency Scheme (Revocation and Savings) Order 2018

This [Order](#) will come into force on 1 October 2018 to revoke the [CRC Energy Efficiency Scheme Order 2013](#). Organisations that have an electricity consumption greater than 6,000MWh between 1 April 2022 and 31 March 2023 will no longer have to take part in the CRC Energy Efficiency Scheme. Obligations in relation to organisations that participated in the initial phase of the Scheme will continue until 31 March 2022.

ISO 14001 and OHSAS 18001/ISO 45001

Environmental Authorisations (Scotland) Regulations 2018

These [Regulations](#) are the first step towards the integration of the authorisation, procedural and enforcement arrangements relating to the existing water, waste, radioactive substances and pollution prevention and control regimes in Scotland. They come into force on 1 September 2018 to provide a new framework for the authorisation of radioactive substances activities. They repeal and replace the [Radioactive Substances Act 1993](#) in relation to Scotland, as well as transposing [Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation](#) into Scottish law.

ISO 27001

Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018

These [Regulations](#) will come into force on 23 September 2018. They require public authorities to make their websites and mobile applications more accessible to users, particularly those with disabilities, but only to the extent that this does not impose a disproportionate burden on the authority. It also contains further obligations for public authorities to publish an accessibility statement on compliance with the accessibility requirement (and keep that statement under regular review) and make a 'disproportionate burden assessment'. The Regulations specify the type of factors that must be taken into account when making a disproportionate burden assessment and, in addition, set out the standards that a public authority's website or mobile application must meet to be presumed to be in conformity with the accessibility requirement.

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

News

HSE Provides Brexit Notice to Chemical Sector

The HSE has announced that the UK will remain strongly committed to the effective and safe management of chemicals following Brexit, and that the current rules will remain in place until the end of the agreed implementation period in December 2020, subject to the conclusion and ratification of the EU-UK Withdrawal Agreement. The HSE also confirms that, following the Withdrawal Agreement being finalised:

- registrations, approvals, authorisations and classifications in place before March 2019 will continue to be valid during the implementation period in the same way that they are now;
- REACH will continue to apply to the UK during the implementation period;
- the process for registering new chemicals under REACH during the implementation period will remain the same as it is now, which will require UK companies to register with the European Chemicals Agency (ECHA);
- during the implementation period, the UK will recognise all new registrations, approvals, authorisations and classifications granted by the EU;
- during the implementation period, it is expected that the HSE will not be able to act as a 'leading authority' to conduct certain assessments under the Plant Protection Products, Biocides and REACH regulations, but the HSE will work with affected businesses to minimise disruption and delay to their ongoing assessments;
- UK-based businesses will have the same rights during the implementation period as EU-based businesses to have their cases accepted and processed by 'leading authorities' based in other EU member states; and
- the HSE will continue to process product applications under the Biocidal and Plant Protection Products Regulation for the UK market under the national authorisation route during the implementation period. Any applications will be considered against the current rules and standards.

Scaffolding Safety Alert

To prevent unauthorised access onto scaffolding and other work platforms by children during the summer holidays, the HSE has issued a Safety Alert to remind contractors, and those in control of construction work involving scaffolding and ladders, of the need to assess sites and ensure measures are in place to prevent the public, and especially children from climbing scaffolds and ladders.

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Guidance

First Aid

The HSE has issued the third edition of its [guidance](#) on the Health and Safety (First-Aid) Regulations 1981 (L74) with amendments to:

- further clarify the significance of the ending of the HSE's approval of first-aid training providers;
- update guidance on the use of automated external defibrillators, and blended learning in first-aid training; and
- incorporate some additional amendments to take account of other previous legislative changes.

Gas Safety

The HSE has issued the fifth edition of its [Approved Code of Practice](#) on the Gas Safety (Installation and Use) Regulations 1998 (L56) to give effect to regulatory changes that:

- introduce a degree of flexibility to the timing of landlords' annual gas safety checks;
- incorporate an existing exemption into law to carry out alternative checks in situations where there is no meter to directly measure the heat input and it is not possible to measure the operating pressure, and extend the scope slightly to include situations where the meter is not accessible or the meter display is not working; and
- disapply most of the requirements of the 1998 Regulations for installations fed by a dedicated gas supply, which are primarily used to supply compressed natural gas to vehicles and which incorporate at least one gas compressor with an electric motor input power rating exceeding 5 kilowatts.

Consultations

Energy Performance Certificates

The Department for Business, Energy & Industrial Strategy has launched a [consultation](#) calling for evidence on the effectiveness of Energy Performance Certificates (EPCs). The Department is also seeking views on suggestions for improvement.

Nuclear Safeguards Regime

The Department for Business, Energy & Industrial Strategy has launched a [consultation](#) seeking views on the proposed regulations for a new domestic nuclear safeguards regime, following the UK's withdrawal from Euratom.

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