

# Legislation Outlook

December 2019

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 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 your [Activ Comply](#) system as they come into effect so you can be confident that you are always 100% up to date.

A mid-December general election means that we are unlikely to see much in the way of new legislation until the New Year, when the legislative agenda of the new Government is published.

In the meantime, the Activ team wishes you a Merry Christmas and a Happy New Year!

## Upcoming Standard-Related Legislation

---

### ISO 14001

#### Transport (Scotland) Act 2019

Following a significant period of public consultation, this [Act](#) received Royal Assent on 15 November 2019. However, the date for commencement of the Act is yet to be decided.

The Act contains the framework for far-reaching changes aimed at improving many aspects of Scottish transport. In particular, it places a duty on Scottish Ministers to establish a national strategy for a more responsive and sustainable transport system for Scotland and empowers local authorities to tackle issues such as the operation of bus services, prohibition of parking on pavements, dropped curbs and double parking and explores the concept of work place parking licences.

The Act also looks at the status of the powers of the Scottish Road Works Commissioner and in particular the creation of a regulatory system that will improve the quality of road works in Scotland and gives Ministers the power to vary the size of the Board of Scottish Canals to ensure that it has the skills needed to progress canal related initiatives.

#### Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 3) Regulations 2019

These [Regulations](#) insert a new category of excluded installations, "Article 27a installations", into the Greenhouse Gas Emissions Trading Scheme Regulations 2012 from 1 January 2022. Article 27a installations are installations which emit less than 2,500 tonnes of carbon dioxide equivalent in each of the three years preceding the beginning of each allocation period. These Regulations also make provision for the way in which Article 27a installations need to be monitored, the consequences of exceeding 2,500 tonnes of carbon dioxide equivalent or of failing to notify the regulator that the threshold has been exceeded.

**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.**

## Consultations

---

### Mines

The HSE has launched a [consultation](#) seeking views about the proposed amendments to the Mines Regulations 2014 (MR2014). The amendments propose to apply a new binding limit for respirable crystalline silica (RCS) of 0.1mg/m<sup>3</sup> below ground in coal mines. Note this was a short consultation period and ends on 2 December.

### Environmental Permitting: Waste

The Environment Agency has issued a [consultation](#) about three new standard rules permits. They are for waste operators who carry out the treatment of waste mattresses for recovery, waste paper, cardboard and plastic for recovery, and waste tyres for recovery. Currently, these activities fall under a waste exemption in relation to environmental permitting. However, the Environment Agency is developing these new standard permits in readiness for a potential change in law requiring operators of these kinds of waste sites to have an environmental permit.

## Guidance

---

### Welding Fume Safety Alert

Following its safety alert in February, the HSE has now issued revised guidance relating to the exposure to welding fume (including fume from mild steel welding) in order to protect workers from lung and kidney cancer.

The guidance includes new 'COSHH Essentials' document [WL3: Welding Fume Control](#) together with updated HSE web pages on [how to manage exposure to welding fume](#). The HSE has announced that its inspectors will be visiting businesses across the country in the new year to check compliance in relation to controlling exposure to welding fume.

### Special Category Data

The Information Commissioner's Office has published updated [guidance](#) on special category data under GDPR. Special category data is personal data that needs more protection because it is sensitive, including data relating to health, ethnicity, religion and sexual orientation. The updated guidance issued by the ICO offers definitions of the special categories of data together with rules on processing it. In addition, it includes a helpful template that organisations can use to build their own policy document to include compliance measures and retention policies for dealing with special categories of data.

Invite someone else to subscribe to this Briefing



### Need to book a tutorial?

0333 301 9001  
[info@myactiv.co.uk](mailto:info@myactiv.co.uk)

### Take control of your ISO management system

Do you know about Activ's other ISO management modules, designed by ISO experts to simplify management system maintenance?

Click [here](#) for more information.