

Legislation Outlook

August 2021

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

The easing of coronavirus restrictions in England means that many workplaces will be returning to normality. However, not all restrictions have been removed; our Focus section this month sets out what you still need to consider in order to limit health risks from coronavirus.

Upcoming Standard-Related Legislation

OHSAS 18001 / ISO 45001

Building Safety Bill

The Government has published a new [Bill](#) to implement the recommendations of Dame Judith Hackitt's Independent Review of Building Regulations and Fire Safety, published in May 2018 following the Grenfell Tower disaster in 2017. The Bill aims to strengthen the regulatory system for building safety by ensuring there is greater accountability and responsibility for fire and structural safety issues throughout the lifecycle of buildings. The Bill includes provisions for:

- establishing a new Building Safety Regulator in England to implement a more stringent regime and act as the building control authority for higher-risk buildings, and oversee building safety and performance standards in all buildings;
- imposing responsibility for compliance with building regulations on CDM duty holders, including the Principal Designer and Principal Contractor, in addition to existing duties under the Construction (Design and Management) Regulations 2015;
- increasing access to redress through the Defective Premises Act 1972 by extending the period within which legal action may be brought from six years to fifteen years;
- strengthening the Regulatory Reform (Fire Safety) Order 2005 by imposing additional duties on the Responsible Person, including requiring the provision of specific fire safety information to residents about relevant fire safety matters; and
- extending the current regulatory framework for construction products to all construction products, not just those for which a designated standard has been adopted or a UK Technical Assessment applies.

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.



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News

Halogen Light Bulbs to be Phased Out

The Government has announced that it plans to legislate to end the sale of halogen lightbulbs from September this year, with a ban on the sale of fluorescent lights to follow soon after. The aim is to increase the use of more energy efficient LED lighting. The Government also plans to rescale the energy efficiency ratings of LED light sources from A-G, removing the current top ratings of A+++ to A+, making only the most highly energy efficient light sources eligible for the top A rating and helping consumers choose the most efficient options.

Ban on New Diesel and Petrol HGVs by 2040

The Government has unveiled proposals to ban the sale of new diesel and petrol HGVs by 2040 as part of its transport decarbonisation plan. The Department for Transport has issued a [consultation](#) on its plan to prohibit the sale of new vehicles weighing 3.5 to 26 tonnes by 2035 (in line with the current phase-out date for polluting cars and vans), and vehicles weighing more than 26 tonnes by 2040 or earlier if feasible.



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Consultations

Energy Saving Opportunity Scheme (ESOS)

The Department for Business, Energy and Industrial Strategy has issued a [consultation](#) seeking views on proposals to improve and strengthen ESOS and increase the uptake of energy efficiency measures by participating businesses. The specific aims set out in the consultation are to:

- increase the number of ESOS participants that take action to reduce energy use by raising the quality of their ESOS audit;
- increase the carbon and cost savings from ESOS by increasing the number and scope of ESOS recommendations taken up by participants; and

- ensure that ESOS recommendations are consistent with the UK's net zero commitments.

Most of the proposed changes are being considered for the current compliance period, which ends on 5 December 2023. The closing date for responses is 28 September 2021.

Plastic Packaging Tax

HMRC has issued a [consultation](#) to gather feedback about its proposed draft legislation for implementing the new plastic packaging tax:

- the draft Plastic Packaging Tax (Descriptions of Products) Regulations 2021 remove 3 categories of products from the meaning of a plastic packaging component and adds one new category of products. This is to make sure the tax is properly targeted.
- the draft Plastic Packaging Tax (General [Substantial modification]) Regulations 2021 set out the meaning of 'substantial modification' in respect of the tax. This is important for determining when and by who the tax becomes payable.

The closing date for responses is 17 August 2021.

Personal Protective Equipment

The Health and Safety Executive have issued a [consultation](#) seeking views on its proposed amendments to the Personal Protective Equipment at Work Regulations 1992 in order to extend protections to 'limb (b) workers' i.e. workers who provide casual or irregular work without a contract of employment. The consultation closes on 15 August 2021.



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Focus: Easing of Coronavirus Restrictions

On 19 July 2021, coronavirus restrictions in England were eased. For businesses and other organisations in England, the biggest change will be the removal of guidance relating to social distancing. However, social distancing guidance still applies in Scotland, Wales and Northern Ireland.

It is important to note that not all guidance has been removed in relation to coronavirus in England. [HSE guidance](#) makes it clear that you will still have to control the risk to the health and safety of your workforce by continuing to review, and where necessary update, your risk assessment. To manage the risk posed by coronavirus, the HSE requires that your assessment should:

- identify what work activities or situations might cause transmission of coronavirus;
- think about who could be at risk (this could include workers, visitors, contractors and delivery drivers);
- decide how likely it is that someone could be exposed; and
- identify the controls needed to reduce the risk.

To control the risk after the removal of social distancing guidance you should continue to follow the HSE guidance about the following practical measures to control any identified risks:

Adequate ventilation – HSE guidance available [here](#) sets out how to identify poorly ventilated areas, decide on the steps you can take to improve ventilation, and assess the risk from breathing in small particles of the virus (aerosol transmission) in enclosed areas.

Sufficient cleaning – HSE guidance available [here](#) sets out how to organise your work and workplace so that hygiene is maintained, surfaces are clean, and people are provided with the right facilities to control the risk from coronavirus.

Good hand hygiene – HSE guidance available [here](#) sets out guidance on the provision of facilities and information relating to hand washing and the use of hand sanitiser.

Other measures – you can still consider other measures that help reduce the risk of transmission by limiting the number of people your workers are in contact with, for example staggering the times people come into work or go home. The Government has also provided [guidance](#) on working safely in various types of work.

The general requirement to consult your workforce on health and safety matters, either directly or through their safety representatives, also continues to apply to measures taken to control coronavirus.

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