

Legislation Outlook

March 2022

This monthly legislation briefing is a **supplement** to your Activ Comply service to help you to **plan ahead** for maintenance of your ISO 14001, 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.

This month sees the release of some important environmental legislation, including the legislation setting out the details of the new plastic packaging tax which comes into force next month.

Upcoming Standard-Related Legislation

ISO 14001

Domestic Renewable Heat Incentive Scheme and Renewable Heat Incentive Scheme (Amendment) Regulations 2022

These [Regulations](#) come into force on 1 April 2022 and amend the Domestic Renewable Heat Incentive Scheme Regulations 2014 and the Renewable Heat Incentive Scheme Regulations 2018 to make changes to both the domestic and non-domestic Renewable Heat Incentive (RHI) schemes.

Changes to the domestic RHI scheme include the closure of new applications to the main domestic RHI scheme and Metering and Monitoring Service Package at midnight at the end of 31 March 2022.

The non-domestic RHI scheme's commissioning deadlines for all existing tariff guarantee and extension applications, except those that would be eligible for the Green Gas Support Scheme, are extended by 12 months. The amendments also require annual maintenance checks for boilers using either solid biomass or solid biomass contained in waste in line with a new maintenance standard, "MCS 040: Planned and Preventative Maintenance of Biomass Appliances – Requirements for Maintenance Engineers carrying out Maintenance Activities".

Phytosanitary Conditions (Amendment) Regulations 2022

Parts of these Regulations come into force on 8 August 2022. They amend Regulation (EU) 2019/2072 (known as the Phytosanitary Conditions Regulation), which is still in force in Great Britain as part of retained EU law, to impose the implementation of the following non-urgent pest measures:

- adding the following provisional GB quarantine pests to the GB quarantine pest list: *Eotetranychus sexmaculatus* and *Platypus apicalis*;
- adding *Agrilus horni*, *Chrysobothris femorata*, *Lycorma delicatula*, *Diaporthe phaseolorum* var. *sojiae*, *Pseudomonas avellanae*, *Meloidogyne arenaria*, *Meloidogyne enterolobii*, *Meloidogyne javanica*, *Xiphinema index* and *Chilli veinal mottle virus* to the provisional GB quarantine pest list for the first time; and
- updating the import requirements for *Bemisia tabaci*, *Liriomyza huidobrensis* and *Liriomyza trifolii*, *Cronartium* spp. and *Spodoptera frugiperda*.

The rest of the Regulations come into force on 2 March 2022, and include pest measures that require urgent implementation. Those affected by these urgent changes will receive a direct update via Activ.

Plastic Packaging Tax (General) Regulations 2022

These [Regulations](#) provide the detailed administrative requirements for the Plastic Packaging Tax which commences on 1 April 2022, as well as setting out the evidence that businesses need to keep, providing details on how to weigh packaging and determine the recycled plastic content, and the registration and returns requirements. For more information on how the plastic packaging tax will affect manufacturers and importers of plastic packaging, see the July 2021 issue.

Single Use Carrier Bags Charge (Amendment and Revocation) Regulations (Northern Ireland) 2022

These [Regulations](#) come into force on 1 April 2022 and amends the Single Use Carrier Bags Charge Regulations (Northern Ireland) 2013 to:

- require sellers to raise the minimum charge from 5p to 25p for each new carrier bag supplied;
- amend how the net proceeds of the levy payable by sellers are calculated;
- amend the existing exemption from the levy on carrier bags priced at 20p and above to bags priced greater than £5;
- remove the existing exemptions from the levy for:
 - bags for purchases on board ships, trains, aircraft, coaches or buses;
 - bags for purchases within "restricted areas" in airports, with the exception of sealed transit bags;
 - gusseted liners; and
- remove the three existing exemptions for smaller bags from the levy and introduce a new exemption for bags up to one overall size and made of any material in order to simplify the process for consumers and retailers.

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

Third Climate Change Risk Assessment Published

As required by the Climate Change Act 2008, the UK government has published the third five-year climate change [risk assessment](#). The risk assessment considers 61 UK climate risks and opportunities across multiple sectors of the economy and prioritises the following eight risk areas for action in the next two years:

- risks to the viability and diversity of terrestrial and freshwater habitats and species from multiple hazards;
- risks to soil health from increased flooding and drought;
- risks to natural carbon stores and sequestration from multiple hazards;
- risks to crops, livestock and commercial trees from multiple climate hazards;
- risks to supply of food, goods and vital services due to climate-related collapse of supply chains and distribution networks;
- risks to people and the economy from climate-related failure of the power system;
- risks to human health, wellbeing and productivity from increased exposure to heat in homes and other buildings; and
- multiple risks to the UK from climate change impacts overseas

Deposit and Return Scheme Postponed Until August 2023

The Scottish Government has deferred the full implementation of its deposit and return scheme (DRS) for single-use drinks bottles until 16 August 2023 in light of the impact of COVID-19 and Brexit. The scheme was initially due to start on 1 July 2022; however, feedback from an industry consultation was that the initial implementation date of the DRS was no longer deliverable.

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Consultations

Gas Safety

The Health and Safety Executive have issued a [consultation](#) in relation to the review of Gas Safety (Management) Regulations 1996, which regulate the conveyance of natural gas through pipes to domestic and other consumers. The HSE is seeking views on the following proposed changes:

- a new lower Wobbe number (WN) limit;
- to remove the Incomplete Combustion Factor (ICF) and the Soot Index (SI) limits in Schedule 3 and introduce a relative density of ≤ 0.700 ;
- to incorporate the HSE class exemption limit of ≤ 1 mol% for oxygen in gases conveyed at pressures up to 38 barg;
- clarify that biomethane pipelines are considered to be part of the gas network;
- clarify that co-operation duties apply to operators of liquefied natural gas (LNG) import facilities; and
- for a general duty on the industry to provide a continuously staffed telephone service.

The consultation closes on 21 March 2022.



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- Useful for preparing for your external audits.

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