

Legislation Outlook

February 2023

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 publication of the first batch of packaging Extended Producer Responsibility legislation. Organisations affected by this legislation will need to familiarise themselves with the new data collection and reporting obligations before they come into effect at the end of the month.

Upcoming Standard-Related Legislation

ISO 14001

Packaging Waste (Data Reporting) (Scotland) Regulations 2023

Packaging Waste (Data Reporting) Regulations (Northern Ireland) 2023

These Regulations come into force in relation to [Scotland](#) and [Northern Ireland](#) on 28 February this year. They will require producers of products with an annual turnover of more than £2 million, and who handle more than 50 tonnes of packaging each year to collect and report their packaging data from March 2023. The purpose is to collect sufficient data to calculate the packaging Extended Producer Responsibility (EPR) fees that producers will have to pay before the planned implementation of packaging EPR in December 2023.

The Regulations also create a new minimum threshold for producers with an annual turnover of more than £1 million, who handle more than 25 tonnes of packaging per year (but who don't reach the 'upper' thresholds) to collect packaging data in 2023 to support reporting in 2024 once packaging EPR is fully in force.

ISO 45001

Control of Explosives Precursors and Poisons Regulations 2023

These [Regulations](#) come into force on 1 October 2023 to amend the regime governing regulated and reportable substances under the Poisons Act 1972 to strengthen existing following a detailed review of the legislation relating to controls of explosives precursors and poisons after the Manchester Arena and Parsons Green explosives attacks in 2017. The Regulations make the following changes:

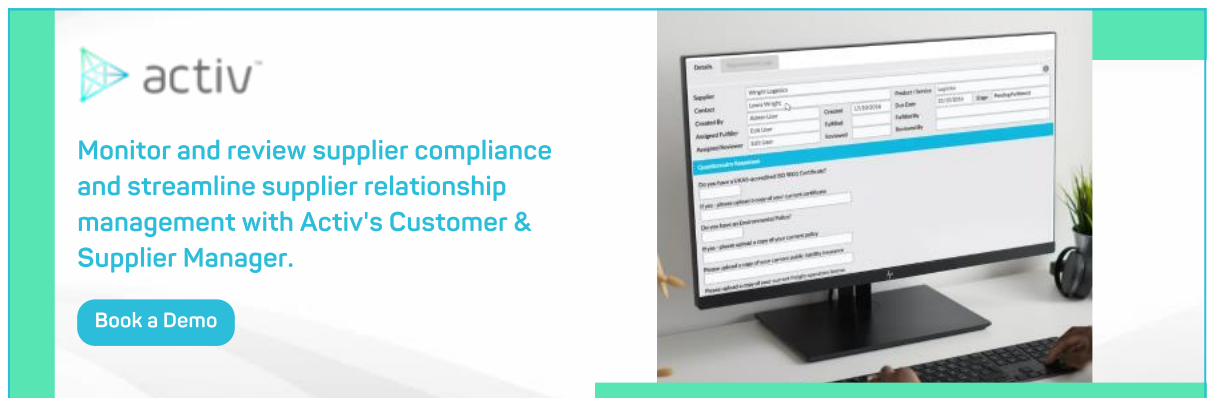
- Businesses selling reportable and regulated substances to other businesses must inform them that the substance in question is subject to regulation under the 1972 Act.
- Businesses supplying regulated explosives precursors to other businesses must obtain and record certain information about the identity of the business customer and the nature of the customer's business. The supplier must also be satisfied that the regulated precursor is being obtained for a purpose reasonably connected with the business. This information should be recorded and stored for 18 months.
- Businesses who make supplies of regulated or reportable substances as part of their business, and who engage workers to assist in making such supplies, must ensure that the workers are provided with relevant information about the requirements that apply in relation to such substances.
- Operators of online marketplaces must have proportionate procedures in place to provide their users who use the online marketplace to supply regulated or reportable substances, with information

about the requirements surrounding the supply of such substances. The operator must also report any suspicious activity relating to the same of regulated or reportable substances by those using the online marketplace.

- All suspicious activity reporting under section 3C must be made within 24 hours of forming the belief that a transaction is suspicious, or within 24 hours of a significant theft or loss of reportable or regulated substances being detected.
- All suspicious activity reports must be made via the electronic reporting service or by telephone.
- When making a suspicious activity report, businesses (including online marketplaces) must provide all information that they hold which is likely to be useful in identifying the individual involved in the suspicious transaction.

The Home Office intends to publish guidance prior to the Regulations coming into force in October. We will update you via the Legislation Outlook once the guidance is published.

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.



The advertisement features the Activ logo on the left and a computer monitor displaying a software interface on the right. The interface shows a 'Details' section with fields for Supplier, Contact, Created By, Assigned To, and Assigned To Name. Below this is a 'Compliance Questions' section with a list of questions and a 'Book a Demo' button.

activ

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Supplier	Created	Created By	Assigned To	Assigned To Name	Product Name	Sub Date	Followed By	Account No	Product/Package
XXXXXX	13/03/2018	XXXXXX	XXXXXX	XXXXXX	XXXXXX	13/03/2018	XXXXXX	XXXXXX	XXXXXX

Compliance Questions

Do you have a UK AIA-registered 502 Certificate?
If not, please attach a copy of your current certificate.
Do you have an Environmental Product?
If not, please attach a copy of your current policy.
Please attach a copy of your current public health licence.

News

ICO Officers Advice to SMEs

The Information Commissioner's Office is advising the UK's 5.5 million SMEs to check they have the right data protection practices in place to help sustain and develop their businesses. The [advice](#) sets out top tips for beginners in business and states that 'getting good data practices in place from the start will save business owners time and money, and boost customer confidence'.

HSE Extends Lead in Ammunition Consultation Process

The Health and Safety Executive has announced that the expected date of publishing its response to its consultation on restricting the use of lead in ammunition has been moved back by six months due to the high volume of responses submitted. Publication of the HSE's response will now be expected in February 2024.



 **Streamline and stay in control of your GDPR compliance by using Activ's GDPR Compliance Manager.**

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The advertisement features a background image of a person's hands typing on a laptop keyboard. The laptop screen displays a web interface with various forms and text, likely the GDPR Compliance Manager software. The overall design is clean and professional, with a green and white color scheme.

Consultations

End of Life Vehicles

The Environment Agency has published a [consultation](#) seeking views on draft new guidance explaining the appropriate measures for permitted facilities that store and treat end of life vehicles (ELVs) or components. The consultation closes on 17 April 2023.

Working Hours

The Department for Business, Energy & Industrial Strategy has issued a [consultation](#) following the recent Supreme Court judgment in *Harpur Trust v Brazel*. The consultation is seeking views on proposals to pro-rata holiday entitlement for part-year and irregular hours workers based on the annual hours they work. It closes on 9 March 2023.

Ecodesign Requirements for Lighting Products

The Department for Business, Energy & Industrial Strategy has issued a [consultation](#) seeking views on a proposal to increase the minimum energy performance standard for lighting products placed on the market in Great Britain from 2023 and 2027.

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