

Legislation Outlook

March 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.

Last month was again a slow month for standard-related legislation, but you may still find something of interest in the news and consultations that we have brought to you this month.

Introducing Owen, our Legal Team Manager



Owen Roberts-Thomas is Activ's Legal Team Manager. As well as being the man behind the Legislation Outlook, Owen's team can provide expert legislation-related advice to our Activ Comply clients. Owen's legal expertise lies in the environmental, health and safety and the information security management fields, and he also created a Legal Register FAQ guide which [you can download here](#).

Owen started working for MyActiv in 2014 and was taken to develop the Activ Comply software for it then to be released in 2015. Owen has also acted as Data Protection Officer (DPO) for MyActiv, developing a GDPR compliance management system and outsourced DPO for those GDPR clients and provides general GDPR support to other clients. In terms of Owen's background prior to joining MyActiv, Owen has achieved a LLB Law degree with and has worked for the likes of HSBC and Welsh Water.

Owen has seen the Activ Comply software system evolve over the years, starting out as a software tool that was designed to make life easier for very small companies, to now catering for much larger organisations such as KeolisAmey Metrolink Limited, Whitworths, Corporate Events and Checkit, amongst others.

Owen explains; *"Legal compliance has always been one of the most challenging aspects of ISO certification. When we first put Activ Comply on the market, our intention was to make life easier for SMEs who don't have access to legal resources. However, we were surprised to see how much it appealed to large companies too, due to its automated update system and compliance workflow."*


Upcoming Standard-Related Legislation

ISO 14001

Scottish Landfill Tax (Standard Rate and Lower Rate) Order 2023


This Order sets out increases to the Scottish Landfill Tax rates. The rates for disposals will be increased from 1 April 2023 so that the standard rate will be £102.10 per tonne and the lower rate will be £3.25 per tonne.

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News

Illegal Waste Crack Down

The Government has announced plans to target waste criminals and combat dangerous practices at waste sites by closing loopholes in environmental permitting exemptions. The exemptions have been used to hide illegal waste activities such as the stockpiling of undocumented waste and the avoidance of landfill tax. The government plans to remove three of the most concerning waste exemptions, covering the use of depolluted end-of-life vehicle parts, the treatment of tyres, and the recovery of scrap metal.

Warning of Return to Drought in Summer

The National Drought Group, consisting of senior members of the Environment Agency, government, the Met Office and water companies, has warned that another hot dry spell could see drought conditions return in 2023. Despite five months of above average rainfall, some storage reservoirs are still lower than anticipated, and 63% of UK rivers are currently below normal levels for the time of year. Members are planning for the worst-case scenario and are managing water resources to reduce the risk of drought measures, such as temporary use bans, being required again this year.

Consultations

Review of Computer Misuse Act 1990

The Home Office has published a [consultation](#) to seek views on its proposals to update the Computer Misuse Act 1990. The proposals are:

- the development of a new power to allow law enforcement agencies to take control of domains and internet protocol (IP) addresses where these are being used by criminals;
- the creation of a new power to allow a law enforcement agency to require the preservation of computer data in order to allow that law enforcement agency to determine whether the data would be needed in an investigation; and
- the creation of a new power that would allow action to be taken against a person possessing or using data obtained by another person through an offence under the Act.

The consultation closes on 6 April 2023

Low Carbon Hydrogen Certification Scheme

The Department for Business, Energy & Industrial Strategy and Department for Energy Security and Net Zero have launched a joint [consultation](#) seeking views on the design elements of a low carbon hydrogen certification scheme that will meet commitments set out in the 2022 British Energy Security Strategy. The proposals cover the following areas:

- fundamental design of the scheme;
- what information should be contained on a certificate;
- our preferred approach to chain of custody;
- additional design considerations; and
- delivery and administration of the scheme.

This consultation ends on 28 April 2023.

Revision of GB Biocidal Products Regulation

The Health and Safety Executive have launched a [consultation](#) on their proposed revisions to Annex II (information requirements for biocidal active substances) and Annex III (information requirements for biocidal products) of the GB Biocidal Products Regulations (Regulation EU No 528/2012), which would enable a reduction in animal testing, ensure alignment with current guidance and OECD validated tests, as well as keeping up with new developments and scientific progress. The proposed technical updates to the Annexes will:

- introduce and place emphasis on In Vitro studies rather than In Vivo studies;
- make new tests for endocrine disruptors part of the legal data requirements in GB Biocidal Products Regulation, rather than only being done on an ad hoc basis;
- change mutagenicity requirements to reflect new information;
- change requirements in relation to reproductive toxicity and generational studies;
- change the requirements to include developmental neurotoxicity studies if certain triggers are met; and
- change the requirements to include efficacy data to support the innate activity of the active substance for the intended use.

This consultation closes on 14 March 2023.

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