

# Legislation Outlook

July 2023

This monthly legislation briefing is a **supplement** to your Activ Comply service to help you to **plan ahead** for the 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 directly 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 new legislation published that will have a significant impact on construction companies in Scotland and suppliers of plastics in Wales.**

## Upcoming Standard-Related Legislation

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### ISO 14001

#### Building (Scotland) Amendment Regulations 2023

These [Regulations](#) come into force on 1 April 2024. They will prohibit the use of direct emission heating (DEH) systems in new buildings (and existing buildings undertaking certain conversion works) in Scotland as part of the Scottish Government's commitment to prohibit the use of DEH systems in all homes by 2045. A DEH system is defined as one which, during normal operation produces, more than a 'negligible' level of greenhouse gas emissions.

#### Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023


These [Regulations](#) come into force on 2 October 2023 and amend environmental permitting rules to increase the regulatory tools available to the Environment Agency (EA) for managing and protecting groundwater quality in England. The amendments: The amendments will:

- give the EA the option to issue Standard Rules Permits for groundwater activities where the generic risks are well-understood, assessed and mitigated (currently groundwater activities can only be permitted through the use of bespoke environmental permits);
- give the EA the option to issue Mobile Plant Permits for groundwater activities where the generic risks are well-understood, assessed and mitigated;
- introduce exemptions from the requirement of an environmental permit for new cemeteries that pose a low risk of pollution to the groundwater environment and the majority of closed-loop ground heat pump activities when heat is now included as pollutant with these amendments;
- enable the EA to apply regulatory controls and issue permits as necessary for groundwater activities that present a significant risk of introducing microbial pollution;
- enable the EA to apply regulatory controls and issue permits as necessary for groundwater activities that present a significant risk of introducing heat pollution;
- add new rules to the General Binding Rules for Small Sewage Discharges to reduce the risk of groundwater pollution;
- require operators of Onshore Oil and Gas Facilities to apply to surrender their groundwater activity permits, rather than to provide a notification of surrender, which will allow the EA to ensure the environment is better protected;
- add to and update the list of exemptions from the prohibition on direct discharges to groundwater to bring the regulations in line with current operational practices and facilitate energy recovery and the latest green technology; and
- clarify the defence for sewerage undertakers in breach of permit conditions.

### Environmental Protection (Single-use Plastic Products) (Wales) Act 2023

This Act does not currently have a commencement date it will come into force in accordance with a commencement order made by the Welsh Ministers. Once in force, it will prohibit the supply of all products made of oxo-degradable plastic (i.e. plastic which abiotically degrades by oxidation in the open environment and creates microplastics) and the following single-use plastic products to a consumer in Wales:


- cups;
- cutlery;
- drink-stirrers;
- lids for cups or takeaway food containers;
- straws;
- plates;
- takeaway food containers;
- balloon sticks;
- carrier bags; and
- cotton buds.



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## ISO 14001 and ISO 45001

### Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (Amendment) Regulations 2023

These [Regulations](#) come into force on 17 July 2023 and amend the list of exemptions to the prohibition of the use of mercury in various types of lighting contained in the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 (commonly known as the RoHS Regulations). The RoHS Regulations are being amended to:

- revoke certain exemptions, which are no longer necessary as there are reliable mercury-free substitutes for use in the equipment and the substitution is scientifically and technically practicable; and
- renew certain other exemptions before they expire where there are no reliable, scientifically or technically practicable substitutes to mercury that would enable the relevant equipment to work correctly.

**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

### Safety Alert: Pop-Up Toilets

The Health and Safety Executive has issued a [Safety Alert](#) after a man was crushed to death by a lowering telescopic toilet whilst working in the void below it. The Safety Alert sets out the action required by designers, manufacturers, suppliers, owners, and anyone providing information for, or carrying out, cleaning, maintenance or inspection of pop-up toilets to manage risk during work.



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