

Legislation Outlook

August 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 much-publicised *Retained EU Law (Revocation and Reform) Act 2023*, which was initially intended to remove thousands of EU-derived laws from the UK statute book. However, in its published form it is much less controversial, see below for more details.

Upcoming Standard-Related Legislation

ISO 14001

Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2023

This [Order](#) comes into force on 1 January 2024 and makes various operational and clarificatory amendments to the UK Emissions Trading Scheme (the “UK ETS”) including:

- increasing free allocation for installations that produce lime and malt extract; and
- enabling operators of installations whose free allocation of allowances was reduced by the 2021 activity level changes process to apply for the allocation to be redetermined in light of the COVID-19 pandemic.

Shark Fins Act 2023

This [Act](#) came into force on 29 June 2023 and bans the import and export of detached shark fins, including all products containing shark fins such as tinned shark fin soup.

Retained EU Law (Revocation and Reform) Act 2023

This [Act](#) came into force on 29 June 2023. We have brought this Act to your attention several times in previous issues of the Legislation Outlook as it originally contained a sunset clause that would have seen thousands of items of EU-derived legislation automatically drop off the statute book at the end of 2023. This would have had a significant impact on nearly every sector of the economy.

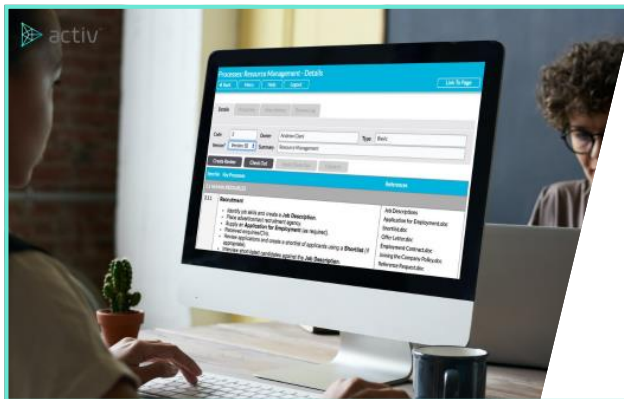
However, the Act was heavily amended during its passage through Parliament. A couple of months prior to coming into force, the government announced that it would scrap the original sunset clause. Instead, the Act now contains a schedule listing nearly 600 items of legislation that will be revoked. Any legislation that is not in the schedule will now automatically be retained on the UK statute book.

Of the 587 laws listed in the schedule, the vast majority are being revoked because they are unnecessary, redundant, inoperable or have been superseded following Brexit. The only legislation of note to be revoked is:

- [Annex VIII](#) of Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (the CLP Regulation) – This Annex imposes obligations to submit to responsible bodies relevant information on hazardous materials placed on the market for formulating preventative and curative measures in case of accidents. It was the government’s intention to not retain the Annex following EU Exit. The Annex was inadvertently retained following the UK’s departure from the European Union.
- [Port Services Regulations 2019](#) and [Regulation \(EU\) 2017/352 establishing a framework for the provision of port services and common rules on the financial transparency of ports](#) – These laws established a framework for the provision of port services and common rules on financial transparency and on port service and port infrastructure charges. They are being revoked to remove an unnecessary reporting burden on the ports sector. The Harbours Act 1964 will continue to require publication of standard charges, among other protections for port users.

In addition to its much-publicised revocations the Act also gives effect to a number of the government’s post-Brexit policies:

- Ministers have been given powers to revoke, update or replace EU-derived laws so as not to increase the regulatory burden in relation to a particular subject area (there are already proposals to change present employment legislation in relation to how employers record daily working hours and deal with holiday pay);
- interpretation of legislation by UK courts has been updated by abolishing the principle of supremacy of EU law and general principles of EU from UK law by the end of 2023, as well as allowing courts to depart from EU case law;
- a new name for retained EU laws has been created – from 1 January 2024 they will be referred to as ‘assimilated laws’.



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Deposit and Return Scheme for Scotland Amendment Regulations 2023

These [Regulations](#) came into force on 30 July 2023 and amend the commencement date of the Deposit and Return Scheme in relation to drinks bottles in Scotland from the 16 August 2023 to 1 March 2024. In addition, these Regulations revise obligations in relation to online takeback, with the aim to reduce the overall burden on the retail sector for enabling a ‘takeback’ service.

ISO 45001

Goods Vehicles (Licensing of Operators) (Exemptions and Modifications) (Amendment) Regulations 2023

These [Regulations](#) come into force on 1 October 2023 to exempt EU-based operators of goods vehicles from licensing obligations where drivers employed by those operators comply with the ‘postings requirements’ set out in the UK-EU Trade and Cooperation Agreement when working in Great Britain.

Drivers' Hours and Tachographs (Amendment) Regulations 2023

These [Regulations](#) come into force on the 29 August 2023 and amends the Drivers' Hours and Tachographs Regulations 2023 by making provision to permit a 'transitional' smart tachograph 2 to be installed into in-scope vehicles instead of the 'full' smart tachograph 2 from the implementation date of 21 August 2023. In addition, it also introduces a six-month delay to the implementation date to fit a smart tachograph 2 to 21 February 2024 for newly registered vehicles used exclusively in the UK.



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.

Consultations

HSE Cost Recovery in the Energy Sector

The Health and Safety Executive have launched a [consultation](#) seeking views on its proposed powers to recover the cost of its regulatory activity in the following sectors:

- oil, gas and chemicals pipeline systems;
- onshore oil, gas and geothermal exploration and production;
- wind and marine energy (renewables).

The proposal focuses on these areas as they are highly specialised and a high hazard, with strategic national importance from both an economic and social infrastructure perspective. The HSE has identified that it needs an effective cost recovery mechanism in order to continue to effectively manage the risks in these areas.

This consultation closes on the 4 September 2023.

Occupational Health

The seeking Department for Work and Pensions have launched a [consultation](#) on its proposals to increase employer use of occupational health services. The government is specifically seeking views from employers in relation to:

- the introduction of a national 'health at work' standard to help provide a baseline for quality occupational health provision including guidance, the option of pursuing accreditation and additional government-funded support services as well as employer best practice sharing;
- best practice from other countries and other UK-based employer models that enable employers to provide support for their employees; and
- developing work and health workforce capacity through new service models, building the skills mix and diversity of the current workforce and partnering with the private sector to develop a long term sustainable multidisciplinary occupational health workforce.

This consultation ends on 12 October 2023.



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Permitted Development Rights

The Department for Levelling Up, Housing and Communities has published a [consultation](#) on its proposed changes to the permitted development rights in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. It covers the following areas:

- changes to certain permitted development rights that allow for the change of use to dwelling houses;
- changes to certain permitted development rights that allow agricultural diversification and development on agricultural units;
- changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings;
- changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days;

- changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons; and
- the application of local design codes to certain permitted development rights.

This consultation closes on 25 September 2023.



The advertisement features a circular image of a person sitting at a desk with a recycling symbol. To the right, the text reads: 'Want to understand more about ISO 14001? Discover our ISO 14001 Awareness Course. Book Now'. The British Assessment Bureau logo is in the top left corner.

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