

# Legislation Outlook

October 2023



**This monthly legislation briefing will help you to plan ahead for the maintenance of your ISO 14001, ISO 27001, ISO 45001 and ISO 50001 systems.** We will give advance warning about important legislation that will affect compliance with the standards, relevant news, newly published guidance and government consultations that you might find useful, and any other significant legislation beyond the scope of the standards listed that will potentially impact your organisation. We don't waste your time on items such as an increase in administrative fees, we only report items of value.

**The first of October always sees a lot of new legislation coming into force, and this year is no different.**

**The last month saw important legislation published for holders of Environmental permits, see below for more details.**



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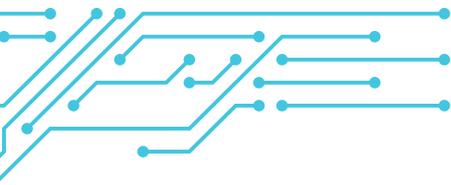
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## Updated Standard-Related Legislation

### ISO 14001

#### **Environmental Civil Sanctions (England) (Amendment) Order 2023.**

#### **Environmental Permitting (England and Wales) (Amendment) (England) (No. 2) Regulations 2023.**

These two Regulations come into force in England on 1 December 2023, to strengthen the civil sanctions available to Natural England and the Environment Agency and increase the deterrent against committing environmental offences.

The Regulations remove the current cap of £250,000 on variable monetary penalties that the Environment Agency and Natural England can impose ([Environmental Civil Sanctions \(England\) \(Amendment\) Order 2023](#)) and expand the offences on which variable monetary penalties can be imposed ([Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 2\) Regulations 2023](#)).

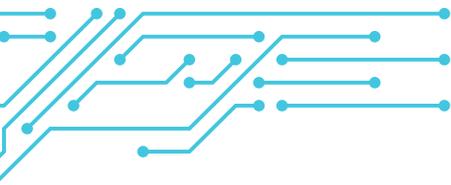
## News

### **Adequacy decision for personal data transfers from the UK to the US.**

The UK Government has announced that, from 12 October 2023, certain transfers of personal data can be made to the United States of America in compliance with UK GDPR, without the need to either put in place an appropriate safeguard (such as standard contractual clauses, or binding corporate rules), or rely on a derogation.

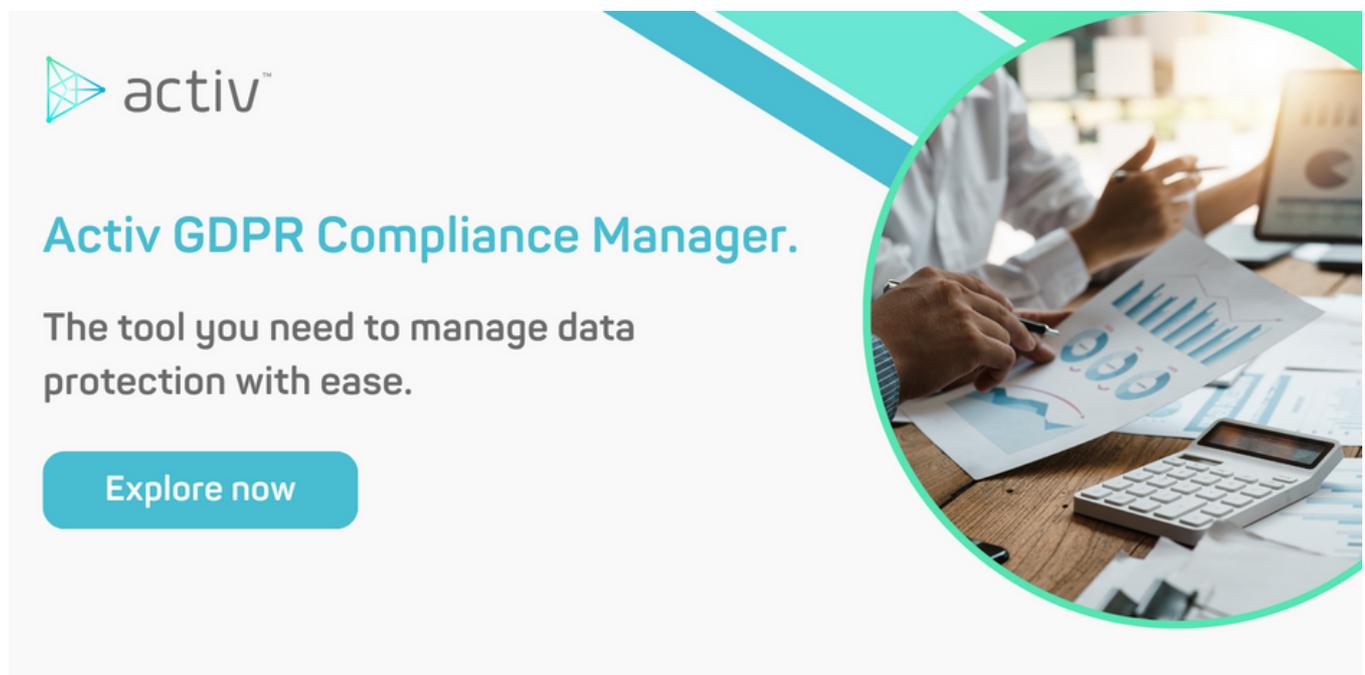
The adequacy decision follows the publication in July of the EU-US Data Privacy Framework, designed to replace its invalidated predecessor, the EU-US Privacy Shield.

In order to transfer personal data to the US, the US organisation will need to sign up for the UK Extension to the EU-US Data Privacy Framework, a self-certification scheme for US organisations administered by the US Department of Commerce. US organisations who wish to certify to the UK Extension to the EU-US Data Privacy



Framework must self-certify annually to the US Department of Commerce, confirming that they agree to adhere to EU-US Data Privacy Framework Principles. These constitute a detailed set of requirements on how to protect and process data, based on privacy principles such as notice, choice, access, and accountability for onward transfers (both domestically and internationally).

Only US organisations subject to the jurisdiction of the US Federal Trade Commission or the US Department of Transportation are eligible to participate in the UK Extension to the EU-US Data Privacy Framework.



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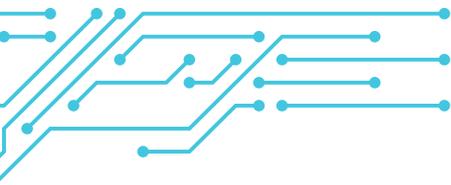
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## **UK Government to delay new environmental building rules.**

Biodiversity Net Gain, the strategy to develop land and contribute to the recovery of nature, was meant to become a mandatory part of the planning system in England in November, yet it has now been decided that the strategy will not be introduced this year. The current Biodiversity Net Gain Policy set out by the government now has no definite implementation date but was approved as part of the Environment Act 2021.

The policy is designed to ensure developers leave the natural environment in a measurably better state than it was beforehand. The delay comes after weeks of



political uncertainty on environmental policy, with the government looking to throw out "nutrient neutrality" pollution rules, and to water down policy on achieving net zero.

The policy will affect planning permission within England as, under the new rules, developers will have to agree to deliver a biodiversity gain, on or off-site, set at a minimum of 10%. Habitats and wildlife impacted by the development would be given a biodiversity value using a government-developed metric 'calculator', with native hedgerows and hay meadows, which support dozens of species and merit a high unit value. Cropland and derelict land would be awarded a low value.

## Guidance

### Bulk email communications.

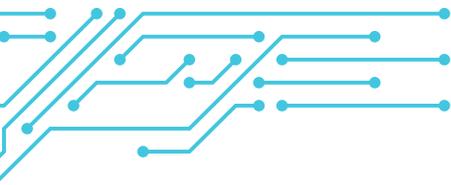
The Information Commissioner's Office has published [guidance](#) to help organisations understand the law and good practices around protecting personal information when sending bulk emails. The guidance was published alongside a warning from the ICO to organisations to 'use alternatives to the blind carbon copy (BCC) email function when sending emails containing sensitive personal information, following a catalogue of business blunders.'



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## Reservoir safety.

The Environment Agency has collated all of its reservoir guidance on one webpage to help reservoir owners, operators and engineers manage their reservoirs, prevent flooding and reduce the risk of dam or reservoir failure.



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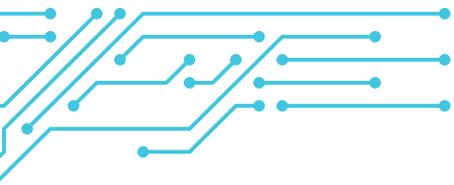
## Consultations

### 100% hydrogen heating.

The Health and Safety Executive has published a call for evidence to seek views on the implications of the introduction of 100% hydrogen for heating, on the suitability of the current HSE regulatory regime and the impact of any potential changes, in particular:

- whether existing health and safety regulations are suitable for the effective regulation of 100% hydrogen for heating;
- whether any amendments may be required, and why;
- whether there are any regulatory gaps; and
- any consequences of these potential approaches to amending the regulatory framework.

This call for evidence closes on 13 October 2023.



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