

Legislation Outlook

December 2023



Part of the Amtivo group

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.

November was a busy month for publishing legislation in the UK, particularly in relation to environmental legislation.

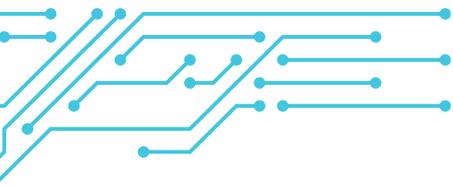


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Updated Standard-Related Legislation

ISO 14001

Climate Change Agreements (Administration and Eligible Facilities) (Amendment) Regulations 2023

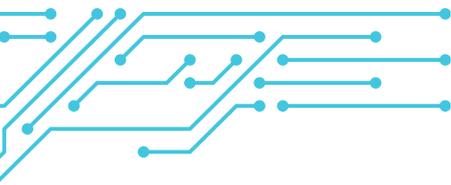
These Regulations come into force on 31st December 2023 to amend various statutory provisions in order to make the following changes to the Climate Change Agreement scheme:

- extending the scheme by adding a new Target Period (TP6) from 1st January to 31st December 2024 and enabling eligibility for a reduced rate of Climate Change Levy through to 31st March 2027;
- amending the terms the administrator must include in agreements relating to the TP6 buy-out fee, which is being increased to £25/tCO₂e;
- providing that any surplus will not be taken into account in calculating the buyout fee for the new target period;
- amending the terms that must be included in underlying agreements in relation to the provision of information to the administrator; and
- expanding the circumstances in which the administrator may terminate an underlying agreement.

Energy Act 2023

This Act has the three aims of encouraging investment in clean technologies, reforming the UK's energy system and increasing consumer protection, and maintaining the safety, security and resilience of the UK's energy system. In respect of these three aims, the Act contains the following provisions:

- encouraging investment in clean technologies:



- establishing an economic regulation and licensing regime for carbon dioxide transport and storage with the Office of Gas and Electricity Markets (Ofgem) as the economic regulator;
- enabling the Government to implement and administer hydrogen and carbon capture business models including introducing a new hydrogen levy;
- enabling the Oil and Gas Authority, whose business name is the North Sea Transition Authority, to require the retention, reporting and disclosure of relevant information from carbon storage licence holders;
- enabling the implementation, via gas transporter licence conditions, of a Regulated Asset Base in respect of certain hydrogen pipeline projects;
- enabling the establishment of a market-based low-carbon heat scheme;
- enabling the effective and safe delivery of a hydrogen village trial;
- enabling the Gas Act 1986 to be modified by regulations in relation to, and for the purpose of facilitating or promoting, the production, transportation, storage and use of hydrogen;
- excluding fusion energy facilities from nuclear site licensing requirements under the Nuclear Installations Act 1965;
- enabling the support of recycled carbon fuels and nuclear-derived fuels in renewable transport fuel orders under the Energy Act 2004;
- providing powers for a revenue certainty scheme for sustainable aviation fuel; and
- providing for expansion of the types of greenhouse gas removals which count towards UK carbon budgets including engineered removals.

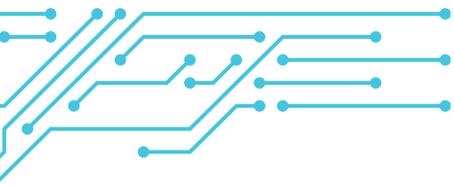


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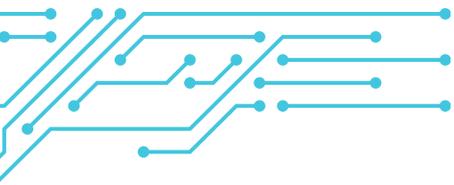
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- reforming the UK's energy system and increasing consumer protection:
 - establishing an Independent System Operator and Planner (known as the Future System Operator), an independent and first-of-a-kind body acting as a trusted voice at the heart of the energy sector;
 - reforming the current energy code governance framework including granting Ofgem new functions to provide strategic direction and oversight on codes and creating a new class of more independent code managers to deliver an improved system for consumers and competition;
 - enabling competitive tenders in onshore electricity networks;
 - enabling the Competition and Markets Authority to investigate more effectively the impacts of mergers between energy companies;
 - introducing a definition of multi-purpose interconnectors from which a new licensing and economic regime can be developed;
 - clarifying electricity storage as a distinct subset of generation in the 1989 Electricity Act;
 - removing obligation thresholds under the Energy Company Obligation scheme;
 - driving the rollout of smart meters across Great Britain;
 - regulating the heat network market;
 - introducing heat network zoning in areas where they are the most viable solution for decarbonising heat;
 - setting regulatory requirements for Energy Smart Appliances including enabling mandatory functionality for electric heating appliances and electric vehicle charge points and establishing a new regulatory framework for actors who control these devices;
 - ensuring the energy performance of premises regime is fit for purpose and reflects the UK's ambitions on climate change, including to support achieving the UK's target for net-zero greenhouse gas emissions by 2050; and
 - granting powers to Ministers to strengthen the Energy Savings Opportunity Scheme;



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- maintaining the safety, security and resilience of the UK's energy system:
 - reducing the risk of fuel supply disruption and improving fuel supply resilience in the core fuels sector;
 - allowing compensation to be delivered strategically for all relevant offshore wind activities making applications from late 2023, helping reduce the time it takes to develop new offshore wind projects, whilst maintaining high environmental standards;
 - ensuring that the offshore oil and gas environmental regulatory regime continues to be effective, to maintain current levels of environmental standards and facilitate the offshore oil and gas industry's transition to net zero;
 - amending the Petroleum Act 1998 to change the fee regime and cost recovery mechanism for the regulation and offshore decommissioning activities of oil and gas producers;
 - granting the Oil and Gas Authority, whose business name is the North Sea Transition Authority, additional powers to ensure the UK's oil and gas and carbon storage infrastructure remains in the hands of companies best able to operate or decommission it;
 - making expressly clear that certain nuclear sites located wholly or partly in or under the territorial sea adjacent to the UK require a licence and are regulated by the Office for Nuclear Regulation;

- amending the regulatory framework for the final stages of nuclear decommissioning including bringing the UK into alignment with internationally agreed recommendations for ending nuclear third-party liability and allowing former nuclear sites to be delicensed earlier than at present;
- enhancing the UK's nuclear third-party liability regime by enabling the UK's accession to the Convention on Supplementary Compensation for Nuclear Damage
- through amendments to the Nuclear Installations Act 1965;
- amending the remit and powers of the Civil Nuclear Constabulary to ensure that the constabulary can support other critical infrastructure sites and assist other police forces; and
- bringing Nuclear Decommissioning Authority pensions into line with wider public sector pensions in moving from a final salary scheme to a career average scheme.

As yet, no commencement date has been assigned to these provisions, we will provide further information once the commencement legislation has been published.

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

These Regulations come into force on 1st October 2024 to support the implementation of Extended Producer Responsibility (EPR) for packaging by:

- expanding the scope of material facilities (facilities that sort mixed waste material into specified waste streams which is subsequently transferred or sent to be recycled) required to collect and report data to include other types of facilities that consolidate and sort waste, such as waste transfer and bulking stations. Material facilities managing source segregated or single streams will also be brought into scope; and
- increasing material facilities sampling requirements including a higher input sampling frequency of 75 tonnes and more material categories to sample and report against, including data on packaging. The material that material facilities identify in an input sample must, as a minimum, be separately identified by reference to a new set of material categories, including glass, paper, card, plastic bottles, plastic pots, tubs and trays, film or other flexible plastic, other plastics, fibre-based composites, aluminium, and steel; and

- recording and reporting requirements are amended to require material facilities in scope to provide more information on the waste suppliers and destinations, report all raw data to regulators, and extend the period for which records are kept from four to seven years.



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The advertisement features a woman in a white shirt and glasses sitting at a desk, smiling while looking at a tablet. A laptop is open in front of her. The background shows a modern office setting with white shelves and a small potted plant. The text is overlaid on the left side of the image, and a teal button is positioned below the main text.

Fly-tipping (Fixed Penalty) (Scotland) Order 2023

These Regulations come into force on 1st January 2024 to increase the fixed penalty amount payable in relation to a fixed penalty notice for contraventions for the unauthorised deposit of controlled waste from £200 to £500.

Producer Responsibility Obligations (Packaging Waste) (Amendment) (England and Wales) Regulations 2023/(Scotland) Regulations 2023

These two Regulations come into force on 1st January 2024 in England and Wales and Scotland to set recycling targets for UK producers of packaging for 2024. Targets for 2024 for the existing producer obligations scheme are required as the new Extended Producer Responsibility system, which was intended to be implemented in 2024, has now been deferred until 2025.

ISO 45001

Building Safety (Description of Higher-Risk Building) (Design and Construction Phase) (Wales) Regulations 2023

These Regulations come into force on 1st January 2024 to define what constitutes a higher-risk building in Wales for the purposes of the Building Act 1984, which makes provision for higher-risk buildings to be subject to an enhanced regulatory regime during the design and construction phase. The Regulations define a higher-risk building as a building that is either at least 18 metres in height or has at least 7 storeys, where it also contains at least one residential unit or is a hospital, care home or children's home.

Motor Vehicles (Construction and Use) (Amendment No. 2) Regulations (Northern Ireland) 2023

These Regulations come into force on 8th January 2024 to facilitate the introduction of remote control parking systems in Northern Ireland. They create a new exemption to the prohibition on using a hand-held mobile telephone or other hand-held interactive communication device while driving a motor vehicle on a road by allowing a hand-held mobile telephone or other hand-held device to be used to perform a remote control parking manoeuvre, provided the telephone or device is continuously activated by the driver, the signal between the motor vehicle and the telephone or device is maintained and the distance between the motor vehicle and the telephone or device is not more than 6 metres.



The advertisement features the British Assessment Bureau logo on the left, which includes a stylized 'B' icon. The main text is in a clean, sans-serif font. A red button with white text is positioned below the main text. On the right side, there is a photograph of two workers in a factory setting, wearing yellow safety vests and hard hats, looking at a device held by one of them.

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News:

Safety Alert: Radiograph Duplication and Falsification

The Health and Safety Executive issued a [Safety Alert](#) to manufacturers, fabricators and end users of critical structures, pressurised equipment and primary containment systems where non-destructive testing (NDT) is used to assure integrity. The Safety Alert highlights that the NDT process is vulnerable to tampering, with several instances being identified where the NDT has been falsified. In particular, radiographic images of welds have been falsely obtained or tampered with, including:

- duplicate images of welds and false identification numbers added after processing;
- suspected accelerated working by shortening the distance to the radiographic source;
- potential misrepresentation of image quality; and
- images cropped to remove defects in adjacent welds.

In these cases, there is a significant risk of flaws and defects going undetected with a subsequent risk of structural failure.

The HSE has stressed that there is a risk of premature failure of a component or structure if companies do not carry out NDT properly. The Safety Alert sets out the actions required by operators undertaking or commissioning NDT for initial integrity or ongoing assurance.

Consultations:

Climate Change Agreements

The Department for Energy Security and Net Zero has published a [consultation](#) seeking views on proposals for a new 6-year Climate Change Agreements scheme to begin in 2025. The consultation sets out:

- aspects of the current scheme that will be retained for the new scheme, as well as some policy decisions following on from proposals in our last consultation; and

- further proposals for a future scheme, including the possibility for new sectors to apply to be eligible for the scheme, target setting, reporting and how performance will be measured.

The consultation closes on 14th February 2024.

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