



Legislation Update – April 2021

Introduction

On 11 March 2020, the director-general of the World Health Organization (WHO), Dr Tedros Adhanom Ghebreyesus, declared that the global Covid-19 epidemics had become so widespread that they constituted a pandemic.

On 16 March 2020, people in the UK were told to work from home wherever possible while everyone was told to “avoid pubs, clubs, theatres and other such social venues”, to try to curb the spread of the Coronavirus (Covid-19). A week later, on 23 March 2020, the UK’s first lockdown would begin.

And now, more than a year on and three lockdowns later, England and the devolved administrations look to cautiously ease restrictions again while rolling out an ambitious vaccine programme.

While it is clear that Covid-19 has been not just a societal threat but also a matter of risk management, employers must again look to how businesses will safely reopen in line with the government’s Working Safely During Coronavirus guidance to ensure that they are Covid-Secure.

Moreover, many employers in office settings are reviewing working practices in order to determine not just when but how staff return to the office following the pandemic. There has been much reported in recent weeks about ‘hybrid working’, with employees splitting their time between the office and a virtual environment (likely home). This may be appealing to many, but it will be critical that organisations take the time to look at the practicalities of this approach, consult with their workforce, and establish whether it genuinely meets the needs both of the business and its people.



For now, at least, people have been told to continue to work from home if possible until the government review of social distancing rules is completed. It is due to report by 21 June.

Progress on Bills

In other areas, there remains the progress of three key bills to watch: the Fire Safety Bill, the Building Safety Bill and the Environment Bill.

The Fire Safety Bill

The Fire Safety Bill is (hopefully) nearing the end of its passage through Parliament. It is intended to clarify the scope of the Regulatory Reform (Fire Safety) Order 2005 (FSO) by clarifying that the fire safety obligations of the Responsible Person (usually owners or managers) of multi-occupancy residential buildings extend to the structure and external walls (including balconies and windows) and individual flat entrance doors that open into common parts.

The FSO as it stands applies to all non-domestic buildings, such as workplaces and commercial premises, but also to “the common areas of multi-occupied residential buildings.”

On 22 March, the Bill went back to the House of Commons for Lords amendments to be considered, where MPs rejected a move to give more protection to leaseholders and tenants in England from facing the bill for fire safety work on buildings.

MPs voted by a majority of 69 to remove the amendment that would have made developers, contractors and product manufacturers responsible, with the government paying the costs upfront before reclaiming them.

[At time of writing] The Bill has returned to the House of Lords, where it is now in the final stages of its passage through Parliament, with ‘consideration of amendments’ underway.



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The Building Safety Bill

The Building Safety Bill makes provision for the development of a new Building Safety Regulator (BSR), which will ultimately be responsible for all major regulatory decisions made at key points during a building's design, construction, occupation and refurbishment. In February 2021, the HSE announced the appointment of a chief inspector of buildings to establish and lead the new BSR.

In this role Peter Baker, HSE's current director of building safety and construction, will head up the Building Safety Regulator to deliver the new regime for high-risk buildings, oversee work to increase the competence of professionals working on buildings, and ensure effective oversight of the building safety environment. He will also be the first head of the building control profession, and lead the work to give independent, expert advice on building safety to industry, government, landlords and residents.

The Environment Bill

The long-awaited Environment Bill, which was due to return to Parliament on 26 January, for the report stage, has been delayed again. The Government has confirmed that it will be rolled over into the next Parliamentary session.

Green campaigners have said the delay will harm action on air pollution and water quality, as well as other key issues. Ministers said the delay, which means the flagship bill is unlikely to pass before the Autumn, was necessary because dealing with the Covid-19 crisis left too little parliamentary time for debate. The government says it 'remains fully committed to the environment bill.'

But in the meantime, the new environmental watchdog for England will be launched on an interim basis ahead of its formal establishment as part of the Environment Bill. From July, the new Interim Office for Environmental Protection will be set up in non-statutory form to provide independent oversight of the government's environmental progress and to accelerate the foundation of the full body.

More on these, along with UK REACH and upcoming dates, below.



Health and Safety

Updates

Fire safety - consultation response

The government response to the public consultation on fire safety, which ran from July to October 2020, gives a summary of the responses received and sets out the next steps the government will take to strengthen fire safety for all regulated buildings. These include:

- Legislating through the Building Safety Bill to strengthen the Fire Safety Order in a number of key areas.
- Delivering new regulations through Article 24 of the Fire Safety Order in response to the Grenfell Tower Inquiry Phase 1 Report recommendations.
- Implementing changes to improve engagement between building control bodies and fire and rescue services.

On 17 March, the government also announced measures to strengthen fire safety, including unlimited fines for building owners who fire safety regulations under the Fire Safety Order and for anyone caught obstructing or impersonating a fire inspector.



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The measures will amend the Fire Safety Order and will include a requirement for fire risk assessments to be recorded for each building and improve how fire safety information is handed over throughout the lifetime of a building.

Building Safety Bill

It is anticipated that the Building Safety Bill will be introduced to Parliament this year once Government has considered the pre-legislative report produced by the Housing, Communities and Local Government Committee.

The Committee called for much greater clarity and detail around the draft Bill including publication of a clear timetable for implementation.

UK REACH

The UK brought the European Union (EU) Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulation into law on 1 January 2021, as UK REACH.

UK REACH places equivalent responsibilities and standards on GB companies as they had under EU REACH.

Existing EU authorisation has been carried over into UK REACH - this is referred to as 'grandfathering'.

Upcoming key dates

Notifications to the HSE: 30 April 2021 is the deadline for GB holders of existing EU REACH registrations to provide basic information to HSE:

For UK companies wishing to benefit from the system of recognition of their EU REACH registration, or grandfathering: notification must be made within 120 days of the end of the transition period (30 April 2021). This allows registrations that have been held by a UK entity between 29 March 2017 and the end of the transition period to be recognised by UK REACH.

For UK companies wishing to register substances that they source from European companies covered by EU REACH, that is, as an importer; and also for European and non-European manufacturers with an EU REACH registration wishing to appoint a UK-based Only Representative (OR): notification must be made within 300 days of the end of the transition period (28 October 2021).

Following these notifications, companies have new deadlines to complete their UK REACH registrations according to their tonnage band.

The first stage will only contain basic information on substances. The full registration must be submitted by these deadlines from 28 October 2021:

2 years to register:

- Substances imported or produced at 1000 tonnes or more per year.
- CMR substances (carcinogenic, mutagenic, toxic to reproduction) at 1 tonne or more.
- Substances that are extremely toxic to aquatic organisms at 100 tonnes or more; and substances on the Candidate List for authorisation (as of 31 December 2020).

4 years to register:

- Substances of 100 tonnes or more per year.
- The substances on the Candidate List (as of 27 October 2023).

6 years to register:





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- Substances imported or produced at more than 1 tonne per year.

Restrictions under new chemical regime announced for first time

On 23 March, the Government laid out plans for restrictions to be initiated under the new chemical regulation system, UK REACH, to tackle risks posed by chemicals.

The launch of the UK REACH programme includes plans to initiate the restriction process on lead ammunition which is used widely in the shooting industry and causes harm to the environment, wildlife and people.

Certain harmful substances that can be found in tattoo inks and permanent make-up could also be restricted. The ink in tattoos can sometimes contain substances that can cause health effects, most commonly skin reactions, such as irritation or sensitisation. The substances this restriction proposal will consider includes, but is not limited to, substances that can cause cancer, are dangerous to reproduction, skin sensitisers and irritants.

A restriction will be introduced if evidence shows an unacceptable risk to human health and the environment, and after a public consultation. The review of the evidence will be conducted by the Health and Safety Executive (HSE), with support from the Environment Agency (EA). They will investigate the risk of per- and polyfluoroalkyl substances (PFAS) and consider how best to manage any identified risks.

PFAS are a group of over 9,000 different chemicals, some of which are already banned or highly restricted. In industry, these substances are used as stain repellents, coatings and fire-fighting foams. The chemicals in PFAS are extremely persistent in the environment; the substances can accumulate in animals and can also be toxic; this means PFAS are of growing concern for both human health and environmental reasons.

ISO 45003:2021 Occupational Health and Safety Management – Psychological Health and Safety at Work: Managing Psychosocial Risks. Guidelines

ISO 45003 is the first global standard giving practical guidance on managing psychological health in the workplace. It provides guidance on the management of psychosocial risk, as part of an occupational health and safety management system.

ISO 45003 is currently at the 'draft' stage (Draft International Standard (DIS)). This means that it is 95% technically accurate, so the core content will not change. As such, organisations can start using the standard now to help protect and support workers from mental ill-health arising within the workplace.

It is expected that DIS/ISO 45003 will be published as a full International Standard in Summer 2021.



Covid-19

England

England's government published its roadmap out of lockdown in February, which will see restrictions lifted in four stages.

Restrictions are to be lifted nationally, meaning there will be no return to the regional tier system that was in place before lockdown.

The roadmap says "decisions on easing restrictions will be led by data rather than dates", with at least five weeks between each of the four steps. Before each step, the Government will review data assessing the impact of the previous step against four tests.

These tests are:

1. The vaccine deployment programme continues successfully.



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2. Evidence shows vaccines are sufficiently effective in reducing hospitalisations and deaths in those vaccinated.
3. Infection rates do not risk a surge in hospitalisations which would put unsustainable pressure on the NHS.
4. Government assessment of the risks is not fundamentally changed by new variants of concern.

Key lockdown exit dates

- 8 March: schools reopen for all; people can meet one other person outside.
- 29 March: outdoor meetings of six can happen; 'stay at home' order lifted.
- 12 April: non-essential retail can reopen; pubs and restaurants can serve people outdoors; holiday rentals resume; gyms and indoor leisure can reopen for individuals.
- 17 May: indoor mixing in groups of six; pubs and restaurants open indoors; hotels, cinemas and other indoor venues reopen; sports stadiums allow some fans inside; international travel may return (pending a separate review).
- 21 June: indoor and outdoor mixing limits removed.



Scotland

The Scottish Government published its Coronavirus (Covid-19): Timetable for Easing Restrictions in March, setting out how and when the Scottish Government plan to lift the current Coronavirus restrictions over the coming weeks.

Key dates as Scotland lifts its Coronavirus lockdown include:

- 2 April: Scotland's "stay at home" rule in effect across the mainland and many islands will be lifted, and replaced by "stay local" guidance for at least three weeks.
- 5 April: more college and university students can return to campuses and in-person teaching, as can contact sports for 12- to 17-year-olds; garden centres, hairdressers and barbers, car salesrooms and homeware stores can reopen, with non-essential shops allowed to start click and collect services.
- 26 April: Covid restrictions across Scotland expected to move from level 4 at present to level 3, with most islands moving down to level 2. All travel restrictions on mainland Scotland will be lifted, but some controls on travelling to islands or the rest of the UK may remain in force. All shops will reopen, and, subject to restrictions on indoor dining, will hotels, B&Bs, libraries, museums and galleries. Cafes, bars and restaurants can serve food and alcohol outdoors until 10pm, with food and non-alcohol drinks allowed indoors until 8pm for up to four people from two households. Limits on numbers at funerals and weddings will rise to 50, while six people from three households will be allowed to meet outdoors.
- 17 May: areas of Scotland in level 3 will move down to level 2, which should allow small groups of four adults from two households to meet indoors. Adult outdoor contact sports and indoor group exercises can restart, as can cinemas, bingo halls and amusement arcades. Outdoor and indoor events will gradually resume, with capacity limits due to be announced later.
- Early June: all of Scotland will move down to level 1, and to level 0, the lowest of Scotland's five tiers, by the end of June.



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Wales

The Welsh Government has updated its Coronavirus Control Plan. It sets out a range of indicators the Welsh Government will analyse and assess, alongside professional expert advice and intelligence from local partners, to determine how restrictions are relaxed.

Key dates

The updated Coronavirus Control Plan sets out the following phased steps for moving from alert level 4 into alert level 3:

From Monday 22 March:

- First phased opening of non-essential retail – restrictions on the sale of items will be lifted for shops, which are currently open.
- Garden centres re-open.

From Saturday 27 March:

- Stay local requirement lifted, moving Wales into alert level 3.
- First phased opening of the tourism sector as self-contained accommodation opens.
- Organised outdoor children's activities resume.
- Limited opening of outdoor areas of some historic places and gardens.
- Libraries re-open.

1 April review cycle

From 12 April (if conditions allow):

- Full return to schools, colleges and other education.
- All shops to open.
- Close contact services to open.

22 April review cycle

The following areas will be considered as part of the 22 April review, if the public health situation continues to remain positive and vaccination rates continue to increase:

- gyms, leisure and fitness facilities
 - outdoor attractions
 - outdoor hospitality
 - weddings
 - community centres
 - organised activities (30 outdoors, 15 indoors)
 - extended households.
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Northern Ireland

Restrictions were imposed in Northern Ireland from 26 December 2020, in a bid to suppress the spread of Covid-19. The Northern Ireland Executive has developed its planned pathway out of the current restrictions and the approach it will take to move forward over the next few months.

There are nine pathways - across social and business settings - set out by the Executive:

- home and community
- education
- work
- retail
- hospitality
- sport and leisure
- worship and ceremonies
- travel and tourism
- culture, heritage and entertainment.

Key dates

From 22 March:

- Pupils in P4 to P7 can return to the classroom.

From 1 April:

- People can meet for exercise in groups of 10 from two households.
- Golf and other outdoor sporting activities can resume.
- Clubhouses and sports facilities must stay closed.
- Six people from two households can meet in a private garden.
- Garden centres can operate click-and-collect services.

From 12 April:

- All other school year groups return (years 8 to 11).
 - Stay-at-home message relaxed.
 - All other non-essential retail can operate click-and-collect.
 - Sports training can resume, limited to 15 people.
 - Ten people from two households can meet in a private garden.
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The factors for easing the lockdown include the infection rate of the virus (the R number) the number of people in hospital, vaccine rollout and progress in testing and tracing positive cases.

There will be a rolling review every four weeks, in line with how the regulations are currently reviewed.

Legislation

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

Came into force 29 March 2021

England

This instrument revokes and replaces the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 ("the All Tiers Regulations") (S.I. 2020/1374) and contains the legislative framework which will implement Steps 1-3 of the Government's Roadmap out of lockdown in England.

The Regulations came into force on 29 March 2021 and will expire at the end of 30 June 2021.

Explosives (Appointment of Authorities and Enforcement) (Amendment) (EU Exit) Regulations (Northern Ireland) 2021

Came into force 12 March

Northern Ireland

These regulations make minor amendments to the Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015 (SR 2015/236), and substitute EU references which are no longer appropriate. These amendments will ensure that the CLP Regulation can operate effectively within the existing legal framework, while ensuring Protocol obligations are met. The Regulations do not make any policy changes beyond the intent of ensuring the continued operability of the existing legislation.

Health and Safety and Nuclear (Fees) Regulations 2021

Coming into force 1 April 2021

These regulations introduce fee increases for fees payable to HSE with regard to applications relating to certain legislation concerning health and safety.

The majority of the fees in this Instrument are made using the power in the Health and Safety at Work etc. Act 1974. Some fees (in regulations 13, 21 and 22), which relate to EU instruments, and where fees were not introduced to the 2016 Fees Regulations using the powers under the Health and Safety at Work etc. Act 1974 are amended using the power in paragraph 7 of Schedule 4 to the European Union (Withdrawal) Act 2018.

This provision allows for the amendment of fees post EU Exit in relation to retained EU law.

There is no change to the provisions themselves (save for increasing the fees), but this change in powers was necessary as a result of the powers in section 2(2) of the European Communities Act no longer being available.





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The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Duties extended on 1 April 2021

England

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 officially came into force on 1 April 2020 and applied to all new tenancies as of 1 July 2020. These will be extended to all tenancies – new and existing – as of 1 April 2021.

The Regulations are in place to ensure all fixed electrical installations and electrical wiring are signed off by a qualified electrician. This includes sockets, wiring, fuse box and any other fixed electrical parts.

From 1 April 2021 the same rules will apply for all private tenancies in England, including houses in multiple occupation. A qualified person must carry out the inspection to test all electrical fixtures and fittings in rental properties. Additionally, landlords must obtain a written report of the findings and supply one to the tenants.



Environment and Energy

Reforms to boost recycling and fight plastic pollution – consultations issued

Reforms that are aimed at boosting recycling, tackling plastic pollution and reducing litter were unveiled by the government in March, with proposals to overhaul the waste and resources sector.

Powers in the government's Environment Bill could be used to make manufacturers more responsible for the packaging they produce and incentivise consumers to recycle more.

This includes:

A Deposit Return Scheme for drinks containers

Applies to Wales, England, and Northern Ireland

- Consumers will be incentivised to take their empty drinks containers to return points hosted by retailers. Every year across the UK, consumers go through an estimated 14 billion plastic drinks bottles, nine billion drinks cans and five billion glass bottles.
- The scheme would cover England, Wales and Northern Ireland, with a separate scheme already under development in Scotland.
- Views are being sought on:
 - ◇ how a deposit return scheme will operate
 - ◇ scheme scope and design
 - ◇ implementation timelines
 - ◇ scheme enforcement.
- Comments should be sent by 4 June 2021.



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Extended Producer Responsibility for Packaging

UK wide basis

- Manufacturers will pay the full costs of managing and recycling their packaging waste, with higher fees being levied if packaging is harder to reuse or recycle.
- In 2019, approximately 11.7 million tonnes of packaging was placed on the UK market. It is essential that more of this is recyclable or reusable.
- The scheme is being developed on a UK-wide basis.
- Views are sought on how the scheme will operate, including:
 - ◊ scheme design
 - ◊ scheme governance
 - ◊ implementation timelines
 - ◊ how the scheme will be enforced.
- The consultation period ends on 4 June 2021.



A third major reform will see the introduction of consistent recycling collections for all households and businesses in England. This will also be going out to consultation shortly.

Introduction of Plastic Packaging Tax from April 2022

This new tax will apply to plastic packaging manufactured in, or imported into the UK, that does not contain at least 30% recycled plastic. Plastic packaging is packaging that is predominantly plastic by weight.

It will not apply to any plastic packaging which contains at least 30% recycled plastic, or any packaging which is not predominantly plastic by weight. Imported plastic packaging will be liable to the tax, whether the packaging is unfilled or filled.

Who is likely to be affected

UK manufacturers of plastic packaging, importers of plastic packaging, business customers of manufacturers and importers of plastic packaging, and consumers who buy plastic packaging or goods in plastic packaging in the UK.

The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020

Coming into force 1 May 2021

England

The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 make provision restricting the sale of certain solid fuels and provide for the enforcement of breaches of these Regulations by a local authority.

The Regulations place restrictions on the sale of wet wood for domestic burning and limits on the emission of sulphur and smoke from manufactured solid fuels. They also phase out the sale of traditional house coal.

The Regulations are broken down into several parts, covering wood, manufactured solid fuels, coal and enforcement.



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Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020

Effective October 2020 and 3 July 2021

England

Although these Regulations came into force on 1 October 2020, Regulations 4(3) and (4) (relating to the prohibition of the supply of drinks products with single-use plastic straws attached to their packaging) come into force on 3 July 2021.

The purpose of these Regulations is to restrict the supply of single-use plastic straws, single-use plastic stemmed cotton buds and plastic drink stirrers, to prevent pollution of the environment or harm to the health of humans and animals. It also serves to promote transition to a circular economy (that is, a model of production and consumption that involves sharing, leasing, reusing, repairing, refurbishing and recycling existing materials and products for as long as possible).



Single Use Carrier Bags Charges (England) (Amendment) Order 2021 [Draft*]

Coming into force 30 April 2021

England

This order increases the single use carrier bag charge to 10p. The charge will also be extended to bags supplied by all sellers of goods, rather than just large enterprises.

It amends the Single Use Carrier Bags Charges (England) Order 2015.

* [At time of writing] The instrument is subject to the draft affirmative procedure; that is, it has been laid in draft and requires approval in Parliament before being signed into law.

What will change?

The 2021 order will make the following changes to the single use carrier bag charge regime in England:

- The charge will be extended to bags supplied by all sellers of goods. However, record keeping and reporting obligations will continue to only apply to persons who employ 250 or more employees on the first day of a reporting year.
- The 5p single use carrier bag charge will double to 10p.
- Bags supplied at airports, other than sealed duty-free transit bags, will become subject to the charge.
- The 2015 regulations will no longer automatically expire on 5 October 2022.

The Single Use Carrier Bags Charge (Scotland) Amendment Regulations 2021

Coming into force 1 April 2021

Scotland

This instrument increases the charge for a single use carrier bag from not less than 5 pence per bag to not less than 10 pence per bag.

The increase aims to reduce litter, reduce further the number of single use carrier bags that are sold in Scotland, and to encourage consumers to use sustainable alternatives to single use carrier bags.



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The Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) (No. 2) Regulations 2020

Coming into force 1 April 2021

Wales

These Regulations set the standard rate, lower rate and unauthorised disposals rate for landfill disposals tax chargeable on taxable disposals (within the meaning of Part 2 of the Landfill Disposals Tax (Wales) Act 2017) made on or after 1 April 2021.

The standard rate is £96.70 per tonne, the lower rate is £3.10 per tonne and the unauthorised disposals rate is £145.05 per tonne.

Taxable disposals made on or after 1 April 2020 but before 1 April 2021 will remain subject to rates set by the Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) Regulations 2020 (S.I. 2020/95 (W. 16)) as a result of the amendment made by regulation 4 of these Regulations.

The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021

Coming into force 1 April 2021

The UK Emissions Trading Scheme (UK ETS)

EU ETS relating to the 2020 scheme year ends on 30 April 2021

The UK Emissions Trading Scheme (UK ETS) replaced the UK's participation in the EU ETS from 1 January 2021. The Government has established the scheme to increase the climate ambition of the UK's carbon pricing policy and provides continuity of emissions trading for UK businesses.

The UK ETS is established through The Greenhouse Gas Emissions Trading Scheme Order 2020 and Government and devolved administrations will collectively constitute the UK ETS Authority to oversee the scheme.

The introduction of a UK scheme provides continuity of emissions trading for UK businesses. Many of the features and processes in the new UK scheme will be familiar to operators.

The UK ETS will apply to energy intensive industries, the power generation sector and aviation. It covers activities involving combustion of fuels in installations with a total rated thermal input exceeding 20MW (except in installations for the incineration of hazardous or municipal waste). The aviation routes covered by the UK ETS will include UK domestic flights, flights between the UK and Gibraltar, and flights departing the UK to European Economic Area states conducted by all included aircraft operators, regardless of nationality.

Participants in the EU Emissions Trading System (EU ETS) must still comply with their obligations under the EU ETS relating to the 2020 scheme year, which ends on 30 April 2021.



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Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2021

Coming into force 1 April 2021

England and Wales

These Regulations reduce the statutory fees charged when data is registered for domestic and non-domestic energy performance certificates, display energy certificates and air conditioning inspection reports.

Future Buildings Standard

New and existing buildings in England will have to meet strict energy efficiency standards in the future under plans outlined by the government. The Climate Change Committee's last annual report in June 2020 highlighted the need to make low carbon heating the dominant form of heating in the UK by the early 2030s and to improve the energy efficiency of buildings.

The government response to a consultation on the Future Homes Standard has been published and sets out plans for all new-build homes to have low carbon heating and be zero-carbon ready by 2025 through amendments to part L of the Building Regulations. The government will also make some amendments to part F of the regulations, relating to ventilation for new-build homes.

A separate consultation, closing on 13 April 2021, has been launched on a Future Buildings Standard which proposes changes to parts L and F of the Building Regulations for new and existing non-domestic buildings to make them zero-carbon ready by 2025.



EFM

Covert Human Intelligence Sources (Criminal Conduct) Act 2021

Received Royal Assent: 1 March 2021

Covert Human Intelligence Sources (CHIS) are crucial in preventing and safeguarding victims from many serious crimes including terrorism, drugs and firearms offences and child sexual exploitation.

The main purpose of the Act is to authorise conduct by officials and agents of the security and intelligence services, law enforcement, and certain other public authorities (covert human intelligence sources, or 'CHIS'), which would otherwise constitute criminality. These authorisations are known as criminal conduct authorisations (CCAs).

New immigration law in force

From 1 January 2021

On this date, a new immigration system that applies equally to EU and non-EU citizens came into effect. There are several changes to the former points-based system, including:

- Replacement of the Tier 2 General category with a Skilled Worker route (requires a job offer in an eligible skilled occupation from an approved sponsoring employer).
- Abolition of maximum six-year stay for workers in this category.
- Gross basic salary must be a minimum of £25,600.
- Skill level must be equivalent to A-levels.
- Applicants must have an intermediate-level ability to communicate in English.

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EU workers already resident in the UK on 1 December 2020 have until 31 June 2021 to apply for settled status enabling them to remain here.

Statutory sick pay rises

April 2021

The weekly rate of statutory maternity, paternity, adoption, shared parental and parental bereavement pay increases to £151.97 from 4 April 2021.

The weekly rate of statutory sick pay increases to £96.35 from 6 April 2021.

Extension of IR35 to the private sector

6 April 2021

The IR35 rules prevent contractors who are performing similar roles to employees, and working through Personal Service Companies (PCS), from paying less tax and NICs than if they were permanently employed by the client organisation.

From 6 April 2021, deciding whether IR35 applies becomes the responsibility of all private sector employers that in a tax year have:

- More than 50 employees.
- An annual turnover over £10.2 million.
- A balance sheet worth over £5.1 million.

Under the new rules, the organisation engaging the contractor is responsible for determining their employment status and assessing whether or not IR35 applies. If IR35 does apply, the organisation that pays the individual's fees is deemed to be their employer for tax and national insurance purposes.

Once the organisation has determined an individual's classification, it must provide a status determination statement to the individual and to the party with which the organisation has contracted. For the statement to be valid, the client must also provide reasons for the determination.

Covid-19: The extension of the rules to the private sector was due to take effect from 6 April 2020 but was delayed due to the pandemic.



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