

Legal Requirements Guidance

ISO 45001:2018

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Legal requirements are an essential consideration as they can impose the level of control your organization has to exert, consequently impacting the health and safety management system scope. An excellent example of this relates to waste law, where the producer often retains responsibility for its waste until it is finally treated or disposed of.

The process of identifying and determining regulatory commitments may be informal, for example, the organization's representatives coming to a consensus on which needs and expectations become, or more formal using qualitative and quantitative processes such as evaluating and prioritizing interested parties and their needs and expectations, based on the level of influence the interested party has over your organization.

Regulatory requirements include legal requirements, such as obtaining permits. Where regulations, permits, and consents contain specific compliance requirements, these should be incorporated into your legal requirements register. The sources for the identification of regulatory requirements will include:

1. The text from laws and related regulations;
2. The conditions arising from permits, licenses, or other forms of authorization;
3. Orders, rules, or guidance issued by regulatory agencies;
4. Judgments of courts or administrative tribunals;
5. Treaties, conventions, and protocols;
6. Internal policies and procedures.

Your organization should coordinate the process of mapping regulatory requirements and guidance against business activities and health and safety hazards to determine relevance and understand the associated legal requirements.

Identify significant health and safety hazards that are governed by legislative, regulatory, or interested party requirements. This can be achieved by examining existing operational practices, procedures, and documentary evidence, identifying the level of compliance with each legal, regulatory, or interested parties' requirement.

1.3 What are Other Requirements?

Other requirements include a range of obligations that are not legally required but which your company has chosen to adopt and publicly commit to. These may include, for example:

1. Your organization's internal requirements;
2. Contractual conditions with third parties;
3. Employment agreements with your workers;
4. Agreements with external stakeholders;
5. Agreements with regulatory authorities;
6. Non-regulatory standards such as industry standards and guidelines;
7. Voluntary principles, approved codes of practice (ACoPs), and technical specifications;
8. Public commitments made by the organization.

Other requirements should also be identified, entered on the register, and considered. Other requirements will also be identified and considered by interested parties and entered into the legal register. Other requirements can include:

Other requirements should include commitments your organization has voluntarily adopted and may include expectations that have been established without being formalized. For example, regular meetings or correspondence with neighbors or a community group.

Your organization can adopt further needs and expectations as and when they are identified. This decision should be based on risks and opportunities. For example, your organization is free not to adopt an interested party requirement if it considers the cost and/or time (risks) involved outweigh any opportunities.

There are a range of interested parties, or stakeholders, whose expectations matter due to their influence on your organization or its health and safety management system. It is essential to identify these expectations and, where necessary, include these within the legal requirements register.

While it is unnecessary to undertake detailed research or have dialogue with interested parties, doing so may result in a more robust list of hazards, risks, and opportunities.

1.4 How to Document Legal Requirements

1.4.1 Using the Legal Requirements Register

Maintaining the legal requirements register will help your organization comply with existing health and safety legislation and make you aware of any impending changes to legislation. This will also help you identify the processes with the most significant health and safety impact.

Ref	Interested Party	Process or Activity	Expectation	Environmental Aspect	Type of Commitment	Compliance or Legal Requirement	Link to Guidance	Compliance Status	Risk Indicator
CO1	Workers	Process 1	Appropriate equipment, facilities and training for using chemicals	Use of chemicals in manufacturing processes	Regulatory	Control of Substances Hazardous to Health (COSHH) Regulations 2004	https://www.legislation.gov.uk/uk/si/2004/3386/contents	Compliant without the need for further action	Low
CO2	Community	Process 2	Minimize impacts on climate change	Climate Change Levy is offset by a 0.3% reduction in employer's National Insurance contributions	Voluntary	Climate Change Levy Regulations 2021	https://www.legislation.gov.uk/uk/si/2021/675/contents/made	Noncompliant and requires corrective action	Serious
CO3	Workers	Process 3	Waste storage must be safe, secure, provide no risk to people or the environment	Enforces the Duty of Care requirements for waste handling and storage.	Regulatory	Waste (England & Wales) (Amendment) Regulations 2014	https://www.legislation.gov.uk/uk/si/2014/988/contents/made	Compliant but requires on-going management	Moderate
CO4	Workers	Process 6	Ensure gas systems on site are safely installed, maintained and safe to use		Regulatory	Gas Safety (Installation and Use) Regulations 1994-2018	http://www.legislation.gov.uk/uk/si/1998/2451/contents/made	Breach or impending breach envisaged	Critical
CO5	Workers	Process 5	Ensure appropriate equipment, facilities and trained personnel are available to ensure first aid can be given to employees if they are injured or become ill at work		Regulatory	Health and Safety (First Aid) Regulations 1981 ACOP L74	http://www.legislation.gov.uk/uk/si/1981/2451/contents/made	Compliant but requires on-going management	Moderate
CO6	Workers	Process 3	Requirement to notify certain occupational injuries, diseases and dangerous occurrences to the HSE		Regulatory	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013	http://www.legislation.gov.uk/uk/si/1998/2451/contents/made	Noncompliant and requires corrective action	Serious
CO7	Workers	Process 7	Ensure task involving manual handling are risk assessed and avoid hazardous handling where practicable and controls are in place to reduce risks		Regulatory	Management of Health and Safety at Work Regulations 2003	http://www.legislation.gov.uk/uk/si/1998/2451/contents/made	Not applicable to the organization	N/A
CO8	Workers	Process 8	Ensure fire safety compliance		Regulatory	Regulatory Reform (Fire Safety) Order 2005	http://www.legislation.gov.uk/uk/si/1998/2451/contents/made	Compliant but requires on-going management	Moderate
CO9	Investors	Process 3	Increasing investor demand for participation in voluntary schemes	Use of f-gases in air conditioning units	Regulatory	Ozone-Depleting Substances (Qualifications) Regulations 2009	http://www.legislation.gov.uk/uk/si/1998/2451/contents/made	Compliant without the need for further action	Low

knowledge of relevant legislation is an essential element of any health and safety management system and is a valuable method of summarizing your legal requirements for compliance.

The register has been designed to capture legal requirements and commitments, to facilitate a company-wide response to manage legal requirements, and to record the remediation of actual or potential noncompliance.

Your organization should document all identified legal and other requirements, including the needs and expectations of interested parties to which you have committed. The legal requirements register includes a brief description of the requirements of each regulation and how the requirements apply to your organization's health and safety hazards.

1.4.2 Entering Data in the Legal Requirements Register

As the legal requirements register is an evolving document, it is essential to record the date that issues are identified or when they changed. Use the drop-down menu to input each hazard's likelihood and severity value.

Record all legal requirements and other requirements relevant to your organization's health and safety hazards within the register, including the following information:

1.4.2.1 Interested Party

- Describe the source of the requirement. Is it coming from regulators, workers, the community, suppliers, or customers?
- Select the type of interested party using the drop-down menu in Column B;
- You can amend the interested parties shown in the drop-down menu by editing the list in B106-B120.

1.4.2.2 Process or Activity

- In which process or activity does the hazard, risk, or opportunity occur?
- Edit the list of process names and activities in C106 to C120.

1.4.2.3 Expectation

- Define the expectation of the legal requirement or other requirement.

1.4.2.4 OHS Hazard

- Define the related health and safety hazards.

1.4.2.5 Type of Commitment

- Using the drop-down menu, select whether the requirement is regulatory or voluntary.

1.4.2.6 Legal or Other Requirement

- Select the title of the relevant piece of legislation.
- Amend the Legislation Schedule on the following worksheet to add or change the legislation.
- To add new legislation titles, insert a new row after A4 and before A146, then enter the details.
- Use the

1.4.2.7 Link to Guidance

- When you select the legislation in Column G, Column H is automatically populated with a link to the legislation contents and uses a look-up formula.

1.4.2.8 Compliance Status

- Select the appropriate compliance status, choosing from:
 - Compliant without the need for further action;
 - Compliant but requires on-going management;
 - Noncompliant and requires corrective action;
 - A breach or impending breach envisaged;
 - Not applicable to the organization.

Legislation Title	Link to Legislation Text
Anti-Pollution Works Regulations 1999	https://www.legislation.gov.uk/uk/1999/1006/contents/made
Building Regulations 2000	https://www.legislation.gov.uk/uk/2000/2531/contents/made
Clean Air Act 1993	https://www.legislation.gov.uk/ukpga/1993/11/contents
Climate Change Levy Regulations 2021	https://www.legislation.gov.uk/uk/2021/675/contents/made
Contaminated Land (England) Regulations 2006	https://www.legislation.gov.uk/uk/2006/1380/contents
Contaminated Land (England)(Amendment) Regulations 2012	https://www.legislation.gov.uk/uk/2012/263/contents
Control of Asbestos in the Air Regulations 1990	https://www.legislation.gov.uk/uk/1990/556/contents/made
Control of Asbestos Regulations 2012	https://www.legislation.gov.uk/uk/2012/632/contents
Control of Noise at Work Regulations 2005	https://www.legislation.gov.uk/uk/2005/1643/contents
Control of Pesticides Regulations 1986	https://www.legislation.gov.uk/uk/1986/1510/contents/made
Control of Pollution (Oil Storage) Regulations 2001	https://www.legislation.gov.uk/uk/2001/2954/contents
Control of Pollution Act (COPA) 1974	https://www.legislation.gov.uk/ukpga/1974/40/contents
Control of Substances Hazardous to Health (COSHH) Regulations 2004	https://www.legislation.gov.uk/uk/2004/3386/contents
Deposit and Return Scheme for Scotland Amendment Regulations 2023	https://www.legislation.gov.uk/ssi/2023/334/contents/made
Electricity and Gas (Energy Company Obligation) Order 2023	https://www.legislation.gov.uk/uk/2023/873/contents/made
Electricity at Work Regulations 1989 Wiring Regulations (BS7671) 17th Edition	https://www.legislation.gov.uk/uk/1989/635/contents
Environmental Damage (Prevention and Remediation) Regulations 2009	https://www.legislation.gov.uk/wsi/2009/995/contents
Environmental Noise (England) Regulations 2006	https://www.legislation.gov.uk/uk/2006/2238/contents
Environmental Permitting (England & Wales) (Amendment) (No. 2) Regulations 2010	https://www.legislation.gov.uk/uk/2010/2172/contents/made
Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2023	https://www.legislation.gov.uk/uk/2023/1156/contents/made
Environmental Protection (Controls on Ozone-Depleting Substances) Regulations 2011	https://www.legislation.gov.uk/uk/2011/1543/contents
Environmental Protection (Single-use Plastic Products) (Wales) Act 2023	https://www.legislation.gov.uk/asc/2023/2/contents
Environmental Protection Act 1990	https://www.legislation.gov.uk/ukpga/1990/43/contents
Finance (No. 2) Act 2023, Schedule 19 (Trade Remedies) (Appointed Day and Savings) Regulations 2023	https://www.legislation.gov.uk/uk/2023/918/contents/made

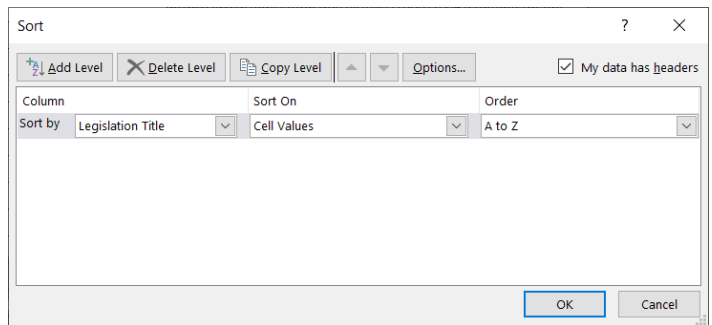
The drop-down menus in Column G of the legal requirements register worksheet use the formulae **'=Legislation Schedule!\$A\$3:\$A\$58'** to look-up the legislation schedule on the following worksheet.

You can access this function by selecting a cell from Column G, then select the **'Data'** tab, and then choose **'Data Validation.'** The data validation range is **G4** to **G103**. Ensure any new rows are inserted within this range.

You must update the legislation schedule worksheet if you need to update the health and safety legislation list with new or amended regulations. To add new legislation titles, insert a new row after **A3** and before **A146**, then enter the details.

Use the mouse to highlight the complete list from Column A3 **and** Column B3, and select the **'Data'** tab, then choose the **'Sort'** option.

From the pop-up, sort by **'Legislation Title'**, sort on **'Cell Values'**, and order **'A to Z'**. This will ensure the list of legislation is shown alphabetically within the drop-down menu within the legal requirements register worksheet.



Legislation should be checked monthly against legislation updates and communicated to relevant staff whose responsibilities or actions can affect compliance. Keep track of these regular updates using the 'Legislation Updates' worksheet.

1.4.6 Updating the Compliance Charts

The charts in the 'Compliance Summary Charts' tab will automatically update based on the data collected by Rows 105 to 121 in the legal requirements register. To locate the data for each chart, right-click the chart and click **'Select Data'** from the menu.