



**CARDIFF AND VALE NHS TRUST
YMDDIRIEDOLAETH GIG CAERDYDD A'R FRO**

**CARDIFF UNIVERSITY
PRIFYSGOL CAERDYDD**



**REGISTER OF
APPLICABLE
ENVIRONMENTAL
LEGISLATION
& OTHER
REQUIREMENTS
Annex A**

Document 6A

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1. AIR EMISSIONS LEGISLATION

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LAE 1	Clean Air Act 1993	(Section 12)	Information about furnaces in a building and the fuel being burned must be given to the Local Authority within 14 days on request.		Estates Management / Planning & Asset Management	Flue-gas emissions (gas and oil)	For site managers and communications procedures.
LAE 2	Clean Air Act 1993	(Section 36)	On notice, an occupier of premises must provide information to the Local Authority about emissions of pollutants to air at specified intervals within six weeks.		Facilities Management	Flue-gas emissions (gas and oil)	For site managers and communications procedures.
LAE 3	EC Regulation 3093/9 Now not applicable – all Halon Extinguishants now replaced	Environmental Protection (Controls on Substances that Deplete the Ozone Layer) Regulations 1996 (S1 506)	Details offences and penalties in relation to non-compliance with EC Regulation 3093/94 (see below).	<i>The use of halons in the United Kingdom and scope for substitution.</i> The Stationery Office, London 1991.1 ISBN 0 11 7525537	Facilities Management / Planning & Asset Management / Procurement	Extinguishants emission; Refrigerant leakage; Consumption of extinguishants; consumption of refrigerant.	

AIR EMISSIONS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LAE 4	EC Regulation 594/91; EC Regulation 3093/94 Now not applicable – all Halon Extinguishants now replaced		Sets a timetable for the ban and phase-out of the supply and use of ozone depleting (controlled) substances, including those used for refrigeration and fire protection. From 1 April 1995 refrigerants contained commercial and industrial refrigerant and air conditioning equipment and halons contained in fire protection systems must be recovered if practicable for recycling, reclaim or destruction during service or maintenance as well as prior to dismantling or destructions of the equipment. It also requires that all precautionary measures are taken to prevent leakage of ozone depleting substances from such equipment.	<i>CFCs and halons in accommodation and estate work, Environmental action guide; advisory notes No.2, The Stationery Office, London 1993 ISBN 011 752542 1; Code of Practice for the Minimisation of Refrigerant Emissions from Refrigeration Systems – Institute of Refrigeration; DTI GUIDELINES; CFCs and halons alternatives and the scope for recovery, for recycling and destruction. The Stationery Office, London, 1990, ISBN 0 11 515253 9</i>	Facilities Management/ Planning & Asset Management / Procurement	Consumption of extinguishants; consumption of refrigerant; extinguishants emission; refrigerant leakage;	Maintenance and specification of air conditioning equipment – CFCs and HCFCs to be avoided and replaced where possible. Use of halon in fire protection to be phased out.
LAE 5	European Communities Act 1972 and The European Economic Area Act 1993		Boilers in the size range to 400kW fired by liquid or gaseous fuels must operate at optimum levels of energy efficiency whilst running at full load conditions		Estate Management	Flue-gas emissions (gas), gas consumption	Contractor compliance to be monitored and records of emissions tests to be maintained.

AIR EMISSIONS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LAE 6	Environmental Protection Act 1990 Revoked	Environmental Protection (Non Refillable Containers) Regulations 1994 Revoked by the Environmental Protection (Controls of Ozone Depleting Substances) Regulations 2002 (LAE 9)	These Regulations impose restrictions on the importation, supply and storage of non-refillable containers containing certain chlorofluorocarbons (CFCs) and hydrofluorocarbons (HCFCs) for use in air conditioning and refrigeration systems.	<i>Code of Practice for the Minimisation of Refrigerant Emissions from Refrigeration Systems</i> - Institute of Refrigeration; DTI GUIDELINES; <i>CFCs and halons alternatives and the scope for recovery, for recycling and destruction.</i> The Stationery Office, London, 1990, ISBN 0 11 515253 9	Facilities Management / Estate Maintenance / Planning and Asset Management	refrigerant emission; refrigerant leakage;	Maintenance and specification of air conditioning equipment - CFCs and HCFCs to be avoided and replaced where possible.
LAE 7	Civil Aviation Act 1982 Revoked	The Rules of the Air Regulations 1996 Revoked by the Rules of the Air Regulations 2007 (LAE 11)	These Regulations provide the main rules to be observed for the operation of all types of aircraft, including helicopters. They are comprised of 9 sections, 2 of which are of direct relevance to the operation of the Helipad at UHW - aerodrome traffic rules and aerodrome signals and markings,	British Helicopter Advisory Board - BHAB <i>The Civil Helicopter in the Community</i> , click here	The Air Ambulance Helicopter landing and taking off from helipad at UHW	Engine exhaust air emissions, dust creation, noise, visual intrusion	Proposed to only operate the Helipad for emergencies in daylight hours. Relevant personnel will need to be trained in accordance with Regulations and CAA requirements
LAE 8	Civil Aviation Act 1982	The Air Navigation (Amendment) Order 2003	This Order is issued by the Civil Aviation Authority - CAA and is primarily concerned with issuing a permit to fly.	British Helicopter Advisory Board - BHAB <i>The Civil Helicopter in the Community</i> , click here	The Air Ambulance Helicopter landing and taking off from helipad at UHW	Engine exhaust air emissions, dust creation, noise, visual intrusion	As Above

AIR EMISSIONS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LAE 9	Environmental Protection Act 1990	Environmental Protection (Controls of Ozone Depleting Substances) Regulations 2002	These Regulations impose restrictions on the importation, supply and storage of ozone depleting substances containing certain chlorofluorocarbons (CFCs) and hydrofluorocarbons (HCFCs) for use in air conditioning and refrigeration systems.	Code of Practice for the Minimisation of Refrigerant Emissions from Refrigeration Systems - Institute of Refrigeration DETR/DTI Refrigeration & Air Conditioning CFC and HCFC Phase Out : Advice on Alternatives and Guidelines for Use, click here	Facilities Management / Estate Maintenance / Planning and Asset Management	refrigerant emission; refrigerant leakage;	Maintenance and specification of air conditioning equipment - CFCs and HCFCs to be avoided and replaced where possible.
LAE 10	Environmental Protection Act 1990	Environmental Protection – The Ozone Depleting Substances (Qualifications) Regulations 2006	These Regulations stipulate the minimum qualifications for contactors who carry out installation, maintenance and servicing of refrigeration air conditioning plant involving ODS. Recognised qualifications include either of the following : <i>City and Guilds in Handling Refrigerants Scheme 2078</i> or <i>Construction Industry Training Board Safe Handling of Refrigerants Reference 206710</i>	Transitional period in Regulations which allows experienced persons to undertake work on ODS until April 2007, which has now expired	Facilities Management / Estate Maintenance / Planning and Asset Management	refrigerant emission; refrigerant leakage;	Only suitably qualified contractor personnel to carry out work on ODS containing plant and equipment

AIR EMISSIONS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LAE 11	Civil Aviation Act 1982	The Rules of the Air Regulations 2007	These Regulations provide the main rules to be observed for the operation of all types of aircraft, including helicopters. They are comprised of 9 sections, 2 of which are of direct relevance to the operation of the Helipad at UHW - aerodrome traffic rules and aerodrome signals and markings,	British Helicopter Advisory Board - BHAB The Civil Helicopter in the Community, click here	The Air Ambulance Helicopter landing and taking off from helipad at UHW	Engine exhaust air emissions, dust creation, noise, visual intrusion	Proposed to only operate the Helipad for emergencies in daylight hours. Relevant personnel trained in accordance with Regulations and CAA requirements

2. AQUEOUS EMISSIONS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LAQ 1	Public Health Act 1936 Removed from Register		Section 259 makes the following statutory nuisances for the purposes of the Environmental Protection Act 1990 (see LNU3): any pond, pool ditch gutter or watercourse which is so foul or in such a state as to be prejudicial to health or nuisance; at any part of a watercourse which is choked or silted up as to obstruct or impede the proper flow of water and thereby to cause a nuisance, or give rise to conditions prejudicial to health.		Facilities Management Estates Management	Effluent to surface water; surface water run off; dust; litter.	Site drains to be maintained and cleaned as necessary.
LAQ 2	Public Health Act 1936 & 1961 Removed from Register		The Local Authority may seize and destroy or disinfect any verminous article and may serve notice requiring the occupier of premises infested with insects to clean and disinfect the premises, or may require the premises to be vacated for fumigation.		Facilities Management	Risk of pest infestation	Site to be maintained to a high standard of cleanliness and tidiness.

AQUEOUS EMISSIONS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LAQ3	Water Industry Act 1991		<p>Principal legislation with respect to discharging water to the public sewer only with the agreement or consent of the sewerage undertaker (water company). The water companies control the nature and composition of the effluent, the maximum daily volume allowed, the maximum flow rate and the sewer into which the effluent is to be discharged.</p> <p>Discharges from trade premises, other than domestic sewage, require a consent or agreement to discharge to the sewerage, from the local sewerage undertaker.</p>	All of the Environment Agency Pollution Prevention Guidelines PPGs, can be accessed via the NetRegs website here	All Sectors Estate Management Planning & Asset Management	Effluent to sewerage; effluent to surface water system; sewage; surface water run-off; risk of spillage or leakage of stored chemicals; car use; contractor delivery vehicles, visitor transport.	<p>Sites must not discharge any substances other than 'domestic sewage' to the sewerage.</p> <p>Water systems must be adequately maintained, leaks should be promptly rectified. Urinal flush controllers should be fitted.</p>
LAQ4	Water Industry Act 1991	The Water Supply (Water Fittings) Regulations 1999 (SI1148)	Replaced the Water Bye-laws and make provision for preventing contamination, misuse, undue consumption and waste of water supplied by a water undertaker for domestic and commercial plumbing installations. They do not apply to certain water fittings in connection with water supplied for non-domestic purposes, or to water fittings lawfully installed before 1 July 1999	Water Research Centre publication ISBN 095 397 0809	All Sectors Estate Management Planning & Asset Management	Water consumption; risk of pollution from contractor activity	Water undertaker must be notified in advance of planned alterations to water system; a certificate of compliance must be obtained from a contractor who has installed, altered, connected or disconnected a water fitting; contractors must be approved.

AQUEOUS EMISSIONS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LAQ5	Water Resources Act 1991		<p>This legislation is in place principally to control discharges to watercourses to avoid pollution.</p> <p>Responsibility for discharge lies with the Environment Agency.</p> <p>It is an offence to cause or knowingly permit :</p> <ul style="list-style-type: none"> • Any poisonous, noxious or polluting matter, or any solid waste matter, to enter any controlled waters i.e. tidal, coastal, lakes, ponds and ground waters. • Any matter other than trade or sewerage effluent to be discharged from a sewer in contravention of a relevant prohibition • Any trade or sewage effluent to be discharged into controlled waters or, through a pipe, into the sea • Any matter to enter inland waters so as to cause or aggravate pollution by impeding the flow 	<p>All of the Environment Agency Pollution Prevention Guidelines PPGs, can be accessed via the NetRegs website, click here</p>	<p>All Sectors but particularly Laboratories and Facilities Management</p>	<p>Effluent to sewerage; effluent to surface water system; sewage; surface water run-off; risk of spillage or leakage of stored chemicals; car use; contractor transport, delivery vehicles, visitor transport.</p>	<p>Hazardous substances must be safety stored and emergency response procedures must be in place to prevent accidental discharge to surface water system, including where required the use of appropriate spillage containment measures.</p> <p>Employees must not knowingly allow their vehicles to leak fluids.</p>

AQUEOUS EMISSIONS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LAQ6	Water Resources Act 1991 (Sections 85-91)	The Groundwater Regulations 1998 (SI 2746)	Implement part of the EC Groundwater Directive (80/68/EEC) and classify two groups of controlled substances; black list (List I) and grey list (List II) substances. The regulations implement the Directive's aims to prevent the introduction of List I substances and to reduce the introduction of List II substances to groundwater.		All Sectors but particularly Laboratories and Facilities Management	Effluent to sewerage; effluent to surface water system; sewage; surface water run-off; risk of spillage or leakage of store chemicals; car use; contractor transport, delivery vehicles, visitor transport.	Substances listed in the regulations must not be discharged to the surface water system or used/kept on site without an authorisation.

3. DANGEROUS SUBSTANCES AND INCIDENTS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LDSI1	Petroleum Consolidation Act 1928 Revoked	This legislation has now been revoked by the introduction of revised legislation i.e. Dangerous Substances and Explosive Atmospheres Regulations 2002 [See LDSI 15 for details]	Controls the storage of petroleum spirit by the issue of licences by the local authority. There is a model code which details conditions of storage in tanks or cans and labelling. Only applicable for Whitchurch Hospital site – maximum amount of petroleum spirit to be stored as stated in petroleum licence - 200 litres.		Estate Management / Facilities Management		Grounds & garden maintenance activities and site management.
LDSI2	Health and Safety at Work etc Act 1974 Revoked	Control of Asbestos at Work Regulations 1987 (SI 1987 No. 2115) (with Amendments 1992 - SI 1992 No. 3068, and 1998 - SI 1998 No. 3235) This legislation has now been revoked by the introduction of revised legislation i.e. Control of Asbestos Regulations 2006 - SI 2739 [See LDSI 18 for details]	Requires employers to prevent exposure of employees to asbestos, or if not reasonably practicable to control the exposure to the lowest possible level. Before carrying out any work, an assessment has to be made of likely exposure to employees to asbestos dust and precautions to be taken to control dust and to protect workers and others who may be affected.	HSE Guidance Documents and Information - EH10, EH47, EH50, EH51, EH57, EH71, INDG Series -255, 264,223L,107L,187L, MDHS 100 : <i>Surveying, Sampling & Assessment of ACM in Buildings for Management Plans</i> DETR - <i>Asbestos and man-made fibres in buildings</i> ISBN 0727728350	All Sectors where asbestos containing materials are present in premises		Maintenance and development works
LDSI3	Health and Safety at Work etc Act 1974	Chemical (Hazard Information and Packaging) Regulations 2002 - SI 1689	Aim to ensure that appropriate particulars are always visible on a product's packaging. This should include: chemical name, hazard to health, risk phrases, safety phrases, safety phrases, manufacturer details.		All Sectors		

DANGEROUS SUBSTANCES AND INCIDENTS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LDSI4	Health and Safety at Work etc Act 1974	Control of Substances Hazardous to Health Regulations 2002 (SI 2002 No. 2677)	Requires employers to make an assessment of the risks to health which arise from exposure to hazardous substances in the circumstances of their own work activities. Measures to prevent or control exposure to those substances and any further precautions necessary to protect people's health must be established.	HSE COSHH Guidance, click here	All Sectors	Building materials; cleaning agents; extinguishants; oil consumption; paint; pesticides; refrigerant; replacement lamps, water treatment chemicals; asbestos waste; damaged parts and equipment; redundant chemicals; low level radioactive waste from spent heat/ smoke detectors; redundant luminaires; redundant pesticide and containers; sanitary waste; spent baits; spent batteries; redundant product samples; spent lamps to waste; waste oil.	Non - routine waste must be assessed for hazardous properties. The use of hazardous substances must be addressed within health and safety arrangements.
LDSI5	Health and Safety at Work etc Act 1974	Health and Safety (Safety Signs and Signals) Regulations 1996	All signs on NHS premises should comply with these Regulations. Escape routes and fire exits should prominently indicated and it should be possible to see fire exit signs and notices during a period of electrical power failure		All Sectors		

DANGEROUS SUBSTANCES AND INCIDENTS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LDSI6	Factories Act 1961 Revoked This legislation has now been revoked by the introduction of revised legislation i.e. Dangerous Substances and Explosive Atmospheres Regulations 2002 [See LDSI 15 for details]	Highly Flammable Liquids and Liquid Petroleum Gases Regulations 1972 (SI 917)	These Regulations cover all uses of highly flammable liquids and liquefied petroleum gas (LPG), including specific requirements for the use and storage of flammable liquids and LPG, including the precautions to be taken for the prevention of fire and explosion.		All Sectors		
LDSI7	Health and Safety at Work etc Act 1974	Management of Health and Safety at Work Regulations 1999	Impose certain duties on employees to have arrangements as appropriate to the nature of their activities. This includes effective planning, control, monitoring and review of the preventative and protective measures in the workplace. This shall be done by the use of risk assessments and shall be recorded.		All Sectors		
LDSI8	Health and Safety at Work etc Act 1974	Personal Protective Equipment Regulations 1992	These Regulations impose duties on all employers to provide and maintain adequate and suitable Personal Protective Equipment (PPE) to employees, so as not to endanger their health, and for employees to co-operate with their employers and wear such PPE where it is a requirement to do so.		All Sectors		

DANGEROUS SUBSTANCES AND INCIDENTS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LDSI9	Radioactive Substances Act 1993	Radioactive Substances (Hospital Exemption) (Amendment) Order 1995 Radioactive Substances (Smoke Detectors) Exemption (Amendment) Order 1991 Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985 Radioactive Substances (Waste Closed Sources) Exemption Order 1963 Radioactive Substances (Testing Instruments) Exemption Order 1985 Radioactive Substances (Substances of Low Activity) Exemption (Amendment) Order 1995	Exemption Orders allow for low activities to be kept / used / disposed of under specified conditions. Breaches of the Certificates or Exemption Orders must be notified to the Environment Agency as soon as possible, together with any loss / theft of radioactive waste / material.	<i>Environment Agency Field Officers Handbook for Non-Nuclear Radioactive Substances Regulations</i>	All user departments, hospitals /hospices / residential or nursing homes where patients return post-administration radioactive substances. Transport (waste from hospital/College to incineration facility), Incineration contractor, Estates - maintenance of disposal routes	Low-level radioactivity	

DANGEROUS SUBSTANCES AND INCIDENTS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LDSI10	Health and Safety at Work etc. Act 1974	Ionising Radiation Regulations 1999 (SI 1999 No. 3252)	These Regulations provide for protection for all persons involved with ionising radiation, exposure must be kept as low as reasonably practicable (ALARP) and within dose limits, whether the source is artificial (e.g. X-ray unit) or natural (e.g. radon). Employers must make a prior risk assessment (normal and accident conditions) to identify measures to restrict exposure.	HSC/E Publications: <i>Work with Ionising Radiation, Approved Code of Practice & Guidance</i> <i>Working Safely with Ionising Radiation Control of Radioactive Substances</i> <i>Wear your Dosemeter</i> <i>Radon in the Workplace</i> <i>Radiation Doses – assessment and recording etc.</i>	All Sectors utilising ionising radiations (Facilities and Estate Management involved with respect to assessment of plans for new / modified installations, including areas adjacent to, or affected by , radiation areas)	All uses of ionising radiation, including discharge / transfer of patients given radioactive materials.	To be addressed as part of health and safety arrangements (N.B. Trust Policy, Radiation Protection Committee, Radiation Protection Adviser, Departments - RPS, and local rules.
LDSI11	Health and Safety at Work etc. Act 1974 Revoked	Transport of Dangerous Goods (Safety Advisers) Regulations 1999 (SI 1999 No. 247) (Revoked by Carriage of Dangerous Goods and Use of Pressure Equipment Regulations 2004 - LDSI 17)	This requires that every organisation which handles a significant quantity of dangerous goods must appoint a vocationally qualified safety adviser for the transport of dangerous goods by road, rail and inland waterway		Transportation of Dangerous Goods		

DANGEROUS SUBSTANCES AND INCIDENTS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LDSI12	Health and Safety at Work etc. Act 1974 Revoked	Carriage of Dangerous Goods by Road Regulations 1996 (SI 1996 No. 2095) (Revoked by Carriage of Dangerous Goods and Use of Pressure Equipment Regulations 2004 - LDSI 17)	This legislation covers matters such as the placarding of vehicles, documentation to be carried, safety precautions and other duties of the vehicle operator.	<i>CDG-CPL2 Approved Carriage List ISBN 0 0176 1681 9 Carriage of Dangerous Goods Explained : Part 1 Guidance for consignors of dangerous goods by road and rail – classification, packaging and provision of information ISBN 0 7176 1255 4</i>	Transportation of waste		
LDSI13	Health and Safety at Work etc. Act 1974 Revoked	Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996 (SI 1996 No. 2092) (Revoked by Carriage of Dangerous Goods and Use of Pressure Equipment Regulations 2004 - LDSI 17)	This requires an assessment of the waste, so that hazardous constituents / properties can be identified.		Transportation of waste		

DANGEROUS SUBSTANCES AND INCIDENTS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LDSI14	Health and Safety at Work etc. Act 1974 Revoked	Control of Asbestos at Work Regulations 2002 This legislation has now been revoked by the introduction of revised legislation i.e. Control of Asbestos Regulations 2006 - SI 2739 [See LDSI 18 for details]	Requires premises owners to be much more pro-active in preventing exposure to asbestos, and to control the exposure to the lowest possible level by suitable controls and management systems. Specific duties for building owners include: Immediate actions : Step 1 : Confirm what you know about the ACMs on your premises, and review how you are currently managing them Step 2 : Prevent work on your premises that may disturb the fabric of the building until measures to control the risk have been implemented. Step 3 : Carry out an initial inspection for damage and disturbance of materials and take immediate action to control these Continuing actions : Step 4 : Develop a strategy for compliance Step 5 : Carry out a risk assessment of your ACMs to set priorities for management Step 6 : Develop a long term management plan Step 7 : Monitor and review the management plan	HSE Guidance Documents and Information - EH10, EH47, EH50, EH51, EH57, EH71, INDG Series -255, 264,223(rev3),107L, 187L, HSG227 : A comprehensive guide to managing asbestos in premises L127 : The Management of asbestos in non-domestic premises - Approved Code of Practice ISBN 0 7176 2382 3 MDHS 100 : Surveying, Sampling & Assessment of ACM in Buildings for Management Plans DETR - Asbestos and man-made fibres in buildings ISBN 0727728350	All Sectors where asbestos containing materials ACMs are present in premises	Potential exposure to air borne ACMs	Maintenance and development works

DANGEROUS SUBSTANCES AND INCIDENTS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LDS115	Health and Safety at Work etc. Act 1974	Dangerous Substances and Explosive Atmospheres Regulations 2002 SI 2002/2776	<p>These regulations arise from the implementation of the safety provisions of the Chemical Agents Directive and the Explosives Atmospheres Directive (ATEX 99/92/EC). They set specific requirements for identifying hazardous substances and areas, identifying the risks associated with them, and implementing controls including the selection of equipment for use in potentially explosive atmospheres. Overall, DSEAR clarifies the existing requirements set out in MH&SWR 1999, and expands those requirements in some areas.</p> <p>The duty to classify and mark zones is being phased in :</p> <ul style="list-style-type: none"> existing workplace - by July 2006 Workplace in use by July 2003 but modified before July 2006 - from time of modification Workplace coming into use > 30 June 2003 - from time it comes into use 	<p>HSE Guidance Documents and Information</p> <p><i>INDG370 : Fire and Explosion – How safe is your workplace? A short guide to the Dangerous Substances and Explosive Atmospheres Regulations</i></p>	<p>They apply at most workplaces where a dangerous substance is present or could be present. The Regulations are concerned with physical risks such as fire, explosion, thermal decomposition or exothermic reaction. Health risks are not covered by the Regulations (these are dealt with by the COSHH Regulations 2002).</p>	<p>Potential for uncontrolled releases to air and water</p>	<p>Site Management</p>

DANGEROUS SUBSTANCES AND INCIDENTS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LDSI16	Health and Safety at Work etc. Act 1974	Control of Substances Hazardous to Health (Amendment) Regulations 2004	These Regulations came into force on 17th January 2005, except for regulations 2(a), (c) to (f) and (h), and 4(b), which came into force on 6th April 2005. The regulations amend certain sections of the <i>Control of Substances Hazardous to Health Regulations 2002</i> , the <i>Chemical (Hazard Information and Packaging for Supply) Regulations 2002</i> , and also the <i>Control of Lead at Work Regulations 2002</i> . The regulations are primarily concerned with occupational exposure standard, maximum exposure limits which have been redefined as workplace exposure limits, and appropriate control measures.	See details in DSI 4	See details in DSI 4	See details in DSI 4	See details in DSI 4
LDSI17	Health and Safety at Work etc. Act 1974	Carriage of Dangerous Goods and Use of Pressure Equipment Regulations 2004 SI 2004/568	These Regulations came into force on 10 th May 2004. These new Regulations act as one consolidated piece of legislation replacing the previous range of regulations . The Regulations implement Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road	HSE free guidance leaflet, click here	Carriage of Dangerous Goods by road	Transport, Waste	Dangerous Goods Safety Adviser appointed by the Trust from Welsh Ambulance Trust to conduct audits and advice Trust on compliance with legislation etc.

DANGEROUS SUBSTANCES AND INCIDENTS LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LDSI18	Health and Safety at Work etc. Act 1974	Control of Asbestos Regulations 2006 - SI 2739	<p>These Regulations came into force on 13th November 2006. These Regulations act as one consolidated piece of legislation totally revoking 7 previous Asbestos Regulations to provide one harmonised legislation for all aspects associated with Asbestos. The legislation which has been totally revoked includes the following :</p> <p><i>Asbestos (Licensing) Regulations 1983</i></p> <p><i>Asbestos (Prohibition) Regulations 1992</i></p> <p><i>Asbestos (Licensing) (Amendment) Regulations 1998</i></p> <p><i>Asbestos (Licensing) (Amendment) Regulations 1999</i></p> <p><i>Asbestos (Licensing) (Amendment) (No.2) Regulations 1999</i></p> <p><i>Control of Asbestos at Work Regulations 2002</i></p>	<p>Comprehensive HSE Guidance Documents and Information on Asbestos can be found on the HSE website, click here</p> <p>Trust's <i>Management of Asbestos Policy</i> Click here</p> <p>and also the Trust's <i>Operational Procedures for the Management of Asbestos</i> provide comprehensive guidance</p>	All Sectors where asbestos containing materials - ACMs are present in premises	Potential exposure to air borne ACMs	Maintenance and development works

4. ENERGY LEGISLATION

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LEN1	Finance Act 2000	Climate Change Levy (General) Regulations 2001	The climate change levy is a tax on the use of energy in industry, commerce and the public sector, with offsetting cuts in employers' National Insurance Contributions - NICs - and additional support for energy efficiency schemes and renewable sources of energy. The levy forms a key part of the Government's overall Climate Change Programme. The levy plays a major role in helping the UK to meet its targets for reducing greenhouse gas emissions, and is intended to promote energy efficiency, encourage employment opportunities and stimulate investment in new technologies.	Lord Marshall's report <i>Economic Instruments and the Business Use of Energy</i> , published in October 1998 HM Customs & Excise Publications: <i>Notice CCL1 : A General Guide to the Climate Change Levy</i> HM Customs & Excise Publications: <i>Notice CCL2 : An Introduction to the Climate Change Levy</i>	Applicable to all of the Organisation's electricity and gas supplies utilities.	Energy, and use of resources	Maintenance and Operational Services
LEN2	Environmental Protection Act 1990	Greenhouse Gas Emissions Trading Scheme Regulations 2005 - SI 925	The rationale behind emission trading is to ensure that the emission reductions take place where the cost of the reduction is lowest thus lowering the overall costs of combating climate change. Emissions Trading is particularly suited to the emissions of greenhouse gases, which have the same affect wherever they are emitted. Fully applicable from 21 st April 2005.	DEFRA Guidance Emission Trading Scheme, click here	Only applicable to sites > 20MW installed thermal capacity, which only includes the University Hospital of Wales site.	Energy, and use of resources	Maintenance and Operational Services

ENERGY LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LEN3	Finance Act 2000	Climate Change Levy (General) (Amendment) Regulations) 2002	Makes provision for an annual accounting scheme	HM Customs & Excise Publications: <i>Notice CCL2 : An Introduction to the Climate Change Levy</i>	Applicable to all of the Organisation's electricity and gas supplies utilities.	Energy, and use of resources	Maintenance and Operational Services
LEN4	Finance Act 2000	Climate Change Levy (General) (Amendment) Regulations) 2003	Makes changes relating to CHP and electricity from renewable resources	HM Customs & Excise Publications: <i>Notice CCL1 : A General Guide to the Climate Change Levy</i>	Applicable to all of the Organisation's electricity and gas supplies utilities.	Energy, and use of resources	Maintenance and Operational Services
LEN5	Finance Act 2000	Climate Change Levy (Combined Heat and Power Stations) Prescribed Conditions and Efficiency Percentages Regulations 2001	These regulations set out procedures relating to combined heat and power exemption certificates for fully and partly exempt CHP plant	<i>Combined Heat and Power Quality Assurance Standard – CHPQA, Issue 1</i> , published by DETR.	Combined Heat and Power – CHP Plants at UHW, Llandough and Whitchurch Hospitals	Energy, and use of resources	Maintenance and Operational Services
LEN6	Finance Act 2000	Climate Change Levy (Combined Heat and Power Stations) Exemption Certificate Regulations 2001	These regulations define the conditions under which CHP plants are fully or partly exempt from the climate change levy, based on the Combined Heat and Power Quality Assurance Standard and prescribed efficiency criteria.	<i>Combined Heat and Power Quality Assurance Standard – CHPQA, Issue 1</i> , published by DETR.	Combined Heat and Power – CHP Plants at UHW, Llandough and Whitchurch Hospitals	Energy, and use of resources	Maintenance and Operational Services

ENERGY LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LEN 7	Finance Act 2000	Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2005	These regulations came into force on 13 th January 2005. They amend the Greenhouse Gas Emissions Trading Scheme Regulations 2004, which implemented the EU Emissions Trading Directive (2003 / 87/EC). The amendment to the regulations are primarily concerned with the Secretary of State's powers, and also with the levying of charges for the administration of the legislation, payable by the operator who holds a greenhouse gas emissions permit. Charges are based on a sliding scale of <50, 50 - 500 and > 500 kilo tonnes.	DEFRA Guidance Emission Trading Scheme, click here	Only applicable to sites > 20MW installed thermal capacity, which only includes the University Hospital of Wales site.	Energy, and use of resources	Maintenance and Operational Services
LEN 8	Finance Act 2000	Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2006	These regulations came into force on 6 th April 2006. They amend parts of the Greenhouse Gas Emissions Trading Scheme (Amendment) Regulations 2005 (LEN 7)	DEFRA Guidance Emission Trading Scheme, click here	Only applicable to sites > 20MW installed thermal capacity, which only includes the University Hospital of Wales site.	Energy, and use of resources	Maintenance and Operational Services
LEN 9	Finance Act 2000	Greenhouse Gas Emissions Trading Scheme (Amendment) and National Emissions Inventory Regulations 2006	These regulations came into force on 13 th November 2005, and provide the necessary legal framework and detailed rules for the purpose of implementing the Linking Directive in the UK. Accordingly, the Regulations transpose the mandatory requirements in the EU Directive.	DEFRA Guidance Emission Trading Scheme, click here	Only applicable to sites > 20MW installed thermal capacity, which only includes the University Hospital of Wales site.	Energy, and use of resources	Maintenance and Operational Services

ENERGY LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LEN 10	Finance Act 2000	Greenhouse Gas Emissions Trading Scheme (Miscellaneous Provisions) Regulations 2007 (SI 2007/1096)	These regulations came into force on 1 st May 2007. These Regulations specify the document which is the approved national allocation plan for the second scheme phase (1 st January 2008 to 31 st December 2012) of the European Union's Greenhouse Gas Emissions Trading Scheme for the purposes of the Greenhouse Gas Emissions Trading Scheme Regulations 2005 (SI 2005/925).	DEFRA Guidance Emission Trading Scheme, click here	Only applicable to sites > 20MW installed thermal capacity, which only includes the University Hospital of Wales site.	Energy, and use of resources	Maintenance and Operational Services
LEN 11	Climate Change and Sustainable Energy Act 2006		In force from 21 st June 2006. Makes provision about the reduction of emissions of greenhouse gases, the alleviation of fuel poverty, the promotion of micro-generation and the use of heat produced from renewable sources, compliance with building regulations relating to emissions of greenhouse gases & the use of fuel & power, the renewables obligation relating to the generation and supply of electricity and the adjustment of transmission charges for electricity; connected purposes.			Energy, use of resources	There are Implications especially where plans are subject to local authority control such as Planning Permission, Building Control etc.

ENERGY LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LEN 12	Environmental Protection Act 1990	The Sulphur Content of Liquid Fuels (England and Wales) Regulations 2007-05-29(SI 2007/79)	Came into force on 16 th February 2007. From 1 st January 2008 the regulations limits the Sulphur Content in gas oil from 0.2 to 0.1% Action required : Identify gas oil stored on site, Where possible, make arrangements to use this fuel before 1 st January 2008, due to the new limits on sulphur content from 0.2 to 0.1% being introduced. If fuel cannot be used contact Environment Agency to discuss options. Contact fuel supplier to establish 1. the recommended storage life of the fuel. 2. that all fuel supplied 1 st will comply with the new regulations			Energy, and use of resources, emissions air	Maintenance and Operational Services
LEN 13	Building Act 1984 / Housing Act 2004	The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 (SI 2007/991)	Came into force from 19 th April 2007 with transitional arrangements on 1 st June, 1 st October 2007 and 1 st January, 6 th April and 1 st October 2008 respectively. These Regulations implement in England and Wales articles 7 (energy performance certificates), 9 (air-conditioning system inspections) and 10 (energy assessors) of the Energy Performance of Buildings Directive, OJ No L 1, 4.1.2004 ("the Directive") which lays down requirements for the production of energy	Energy 2000 Guidance, click here	Applicable to all of the Organisation buildings > 1,000m ²	Energy, and use of resources	There are far reaching implications for all Trust / University public buildings > 1,000m ²

ENERGY LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LEN 13 ..cont			performance certificates when buildings are constructed, sold or rented out, display of certificates in large public buildings (> 1,000 m ²), and regular inspections of air-conditioning systems.				

5. GENERAL ENVIRONMENTAL LEGISLATION

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LGEN1	Freedom of Information Act 2000	Environmental Information Regulations 2004	<p>The new Regulations are about environmental information which is :</p> <ul style="list-style-type: none"> ➤ air, water, soil, land and their interactions ➤ natural sites, biological diversity, flora and fauna ➤ human health and safety and conditions of human life and the built environment ➤ emissions, discharges and other releases e.g. noise, energy ➤ measures e.g. policies, plans, actions and legislation, cost benefit and economic analysis 	<p>DEFRA Website - containing their guidance on public access</p> <p>NHS Freedom of Information website, click here</p> <p>NHS Wales Freedom of Information website, click here</p> <p>The Information Commissioner website, click here</p>	Applicable to all of the Organisation's activities associated with the environment.	All aspects identified in the requirements	<p>Requests can be received from any body / group / organisation etc, via any communication route, and the responder would have 20 days to respond, albeit if the information is detailed, a holding response can be sent.</p> <p>There are some exceptions to the right to environmental information, however, this would be subject to the public interest test.</p>

6. NOISE AND STATUTORY NUISANCE LEGISLATION

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LNU1	Control of Pollution Act 1974, Part III	(Sections 60-61)	Give local authorities powers to serve a notice imposing requirements as to the way construction works, including the erection, construction, alteration repair or maintenance of buildings or structures, are to be carried out.	British Standard 5228 <i>Noise Control on Construction and Open Sites</i> .	Estates Management / Facilities Management / Planning and Asset Management	Noise risks of additional impacts from specifications	Building maintenance activities and site management.
LNU2	Control of Pollution Act 1974, Part III	(Sections 63-67)	Gives local authorities power to introduce Noise Abatement Zones, which limit the noise level from premises and allow for the serving of a 'reduction notice'. A defence is the use of the 'Best Practicable Means'.	<i>Codes of Practice</i>	Estates Management / Facilities Management / Planning and Asset Management	Noise risks of additional impacts created through inappropriate specifications	Unlikely to apply to normal operations on sites.
LNU3	Environmental Protection Act 1990, Part III (as amended)	(Sections 79-82)	Any dust, steam or smell or other effluvia arising on industrial, trade or business premises; noise emitted from a premises; smoke, fumes or gases emitted from premises; being prejudicial to health or a nuisance are defined as a statutory nuisance. Action can be taken by Local Authorities and individuals. 'Best Practicable Means' can be used in defence in certain circumstances.	DETR Guidance (<i>Env Circular 0/97, WO 42/97</i>).	Estates Management / Facilities Management / Planning and Asset Management	Dust; noise; odour; steam; effluent to surface water; surface water run off.	Since routine operations are unlikely to generate such aspects, this is more likely to relate to the activities of building contractors.

NOISE AND STATUTORY NUISANCE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LNU4	Noise and Statutory Nuisance Act 1993	(Sections 2-5 Noise in Street, amends EPA Sections 9-82 and COPA Section 62).	Noise emitted from or caused by a vehicle, machinery or equipment in a street (e.g. a car alarm) is a statutory nuisance. Authorised persons are empowered to gain entry to a vehicle in order to carry out the terms of an abatement notice.		Facilities Management	Noise	Employees to be made aware of legislation and powers of entry.
LNU5	Noise and Statutory Nuisance Act 1993	Section 9 - Audible Intruder Alarms	Subject to local authority endorsement, imposes the following obligations on owners of burglar alarms; audible intruder alarms to comply with the requirements of <i>The Audible Intruder Alarms Regulations (draft 1995)</i> , automatically stopping after 20 minutes; the local authority to be informed of installation within 48 hours; the police to be notified of key holders and the local authority notified of the police station. Local authorities are empowered to enter by force.	<i>1982 Code of Practice on Noise from Audible Intruder Alarms</i>	All Sectors Facilities Management	Noise	Intruder Alarms must conform with legislative requirements.

NOISE AND STATUTORY NUISANCE LEGISLATION cont

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LNU6	Health and Safety at Work etc. Act 1974 Revoked	Noise at Work Regulations 1989 (Revoked By the Control of Noise at Work Regulations 2005 from 6th April 2006)	Places relevant duties on all employers to ensure that a noise assessment is carried out (by a competent person) to identify which employees are exposed to excessive noise and to provide the employer with information to facilitate compliance		Facilities Management / Estate Management / Planning & Asset Management / Contractors	Noise	Employees to be made aware of legislation. Noise assessments to be conducted as appropriate.
LNU7	Health and Safety at Work etc. Act 1974	The Control of Noise at Work Regulations 2005	These Regulations revoke and replace the Noise at Work Regulations 1989. on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (noise). The Regulations impose duties on employers and on self-employed persons to protect both employees who may be exposed to risk from exposure to noise at work and other persons at work who might be affected by that work.		Facilities Management / Estate Management / Planning & Asset Management / Contractors	Noise	Employees to be made aware of legislation. Noise assessments to be conducted as appropriate.
LNU8	Control Of Pollution Act 1974 (Sections 71 and 104(1))	Control of Noise (Codes of Practice for Construction and Open Sites) (Wales) Order 2002 - SI 1795	Provides guidance on the approved codes of practice for the purpose of giving guidance on appropriate methods for minimising noise (which includes vibration) for the carrying out of works including building and roadworks, demolition, and other works of engineering construction.	Approved Codes of Practice : BS 5228: Part 1: 1997 (with Amendment 1) and also Part 3, Part 4 and Part 5	Facilities Management / Estate Management / Planning & Asset Management / Contractors Construction and Developments	Noise	Employees to be made aware of legislation. Noise assessments to be conducted as appropriate.

7. PLANNING LEGISLATION

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LPL1	Building Act 1984		Under the Act it is an offence to contravene any of the provisions contained in the building regulations. Contravention liable to a fine, alternatively the Local Planning Authority (LPA) may require the owner to pull down or remove offending work so that it complies.		Facilities Management / Estate Management / Planning & Asset Management Contractors	Building works Use of resources	Employees to be made aware of legislation. Noise assessments to be conducted as appropriate.
LPL2	Planning (Listed Building and Conservation Areas) Act 1990		Individual buildings which have been 'listed' are subject to more stringent controls, in an effort to preserve them. Before any works can be undertaken on such buildings 'Listed Building Consent' is required from the LPA.	<i>Historic Buildings and the Health Service</i> NHS Estates ISBN 11322205X	Listed buildings with Organisation – CRI, Whitchurch and Rookwood Hospitals Planning & Asset Management	Building works Use of resources	Applies to some buildings within the Trust, in particular – parts of CRI, Whitchurch and Rookwood Hospitals, which are afforded Grade II listed status.
LPL3	Town and County Planning Act 1990		Controls the development of land. Aims to help achieve pre-determined objectives, such as the location of polluting industries, minimum standards for buildings and roads, maximum densities, green belts and the general preservation of rural areas.		Planning & Asset Management	Building works Use of resources Destruction of habitat	Future developments and sale of surplus land for alternative use.

PLANNING LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LPL4	Building Act 1984	Building Regulations 2000 (as amended)	Seek to control the design and construction of buildings. Also specify parameters for the fitness of building materials and standards of workmanship. Latest amendments to the regulations promote energy efficiency and good sound insulation in buildings		Facilities Management / Estate Management / Planning & Asset Management / Contractors	Building works Use of resources	All new building, refurbishment and maintenance works
LPL5	Town and Country Planning Act 1990	Tree Preservation Orders - (TPOs)	Are granted by the local planning authority, under Section 2(1) of the Town and Country Planning Act 1984, which prohibits the cutting down, topping, lopping, uprooting, wilful damage or destruction of the trees concerned, without the planning authority's consent	Welsh Assembly Government - Protected Trees Guide, click here Trust publication Protected Trees : a guide to tree preservation procedures, click here	Grounds and Gardens Maintenance / Facilities Management / Planning & Asset Management	Natural Environment Wildlife habitat	Applies to some mature trees within Trust hospital grounds, including Rookwood, Lansdowne and Whitchurch Hospitals which are all subject to a TPO. Future developments and sale of surplus land for alternative use.
LPL6	Town and Country Planning Act 1990	Town and Country Planning (Trees) Regulations 1999 (SI 1999 No. 1892)	These Regulations streamline procedures for keeping TPOs up to date, introduce new measures to speed up appeals to the Secretary of State, make new provisions on payment of compensation and simplify procedures for dealing with selling licence applications which involve protected trees.	Welsh Assembly Government - Protected Trees Guide, click here Trust publication Protected Trees : a guide to tree preservation procedures, click here	Grounds and Gardens Maintenance / Facilities Management / Planning & Asset Management TPO's at Whitchurch, Llandough, Lansdowne & Rookwood Hospitals	Natural Environment Wildlife habitat	Rookwood, Lansdowne and Whitchurch Hospitals which are all subject to a TPO. Future developments and sale of surplus land for alternative use.

8. RESOURCE CONSUMPTION LEGISLATION

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LRE1	Consumer Protection Act 1987, EC Directive 94/62EC	Packaging (Essential Requirements) Regulations 1998 (SI 115)	It is an offence for a “responsible person” to packaging on the market that does not meet with the “essential requirements” which include that the packaging volume and weight be limited to the minimum adequate amount to maintain the necessary level of safety, hygiene and acceptance for the packed product and for the consumer. In addition the responsible persons must also keep technical documentation on compliance with the essential requirements and the heavy metals concentration limits in respect of packaging and to make this available at the request of the enforcement authority for a period of four years from the date the packaging is placed on the market.		Facilities Management / Procurement	Packaging, material consumption; risk of additional impacts from specifications.	Packaging applied to publications must be minimised; national contracts to encompass these legislative requirements.
LRE2	Food and Environment Protection Act 1985 (Part III)	Control of Pesticides Regulations 1986 (COPR) SI 1510) as amended	Defines the types of pesticides subject to control and prohibits activities involving pesticides unless the products have been formally approved for use, conditions of approval observed and additional conditions set out in ‘consents’ are met.	<i>Pesticides Register, MAFF/HSE Reference Book; The COPR Handbook, MAFF. {now DEFRA}</i>	Facilities Management / Grounds and Gardens	Pesticide consumption	Contractor compliance to be demonstrated.

RESOURCE CONSUMPTION LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LRE3	Food and Environment Protection Act 1985 (Part III)		Defines pesticides as any substance, preparation or organism prepared or used for destroying any pest and creates the regulatory framework for controlling the import, sale, supply, storage, use and advertisement of pesticides.		Facilities Management / Grounds and Gardens	Pesticide consumption	Contractor awareness and compliance to be demonstrated.

9. RISK LEGISLATION

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LRI1	Building Act 1984		Controls chimney design for all installations. Part J of schedule 1 of the Regulations applies to solid fuel and oil burning appliances with a rated output up to 45kW and gas burning appliances with a rated input of up to 60kW and indicates that such an installation will meet the requirements if it so installed that it: receives sufficient air for the proper combustion of the fuel and operation of the flue: is capable of normal operation without the products of combustion becoming a hazard to health; is capable of normal operation and without causing damage by heat or fire to the fabric of the building.	NHS Estates Publications : Health Technical Memorandum – HTM Health Building Notes – HBN etc. All the above may be accessed via the Welsh Health Estates website, click here	Facilities Management / Planning and Asset Management	Risk of additional impacts from specifications.	For new installations of boiler equipment.
LRI2	Clean Air Act 1993	(Section 2)	The emission of dark smoke from industrial or trade premises is prohibited. Unless the contrary is proved, an emission of dark smoke is deemed to have taken place if material is burned on those premises in circumstances where the burning would be likely to give rise to emission of dark smoke. Relevant exemptions include training in fire fighting.		Facilities Management / Estate Management	Risk of smoke and soot from fire.	No bonfires to be allowed on sites.

RISK LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LRI3	Clean Air Act 1993	(Section 4)	Before installing a non-domestic furnace, the local authority must be informed.		Estates Management / Facilities Management	Risk of additional impacts from specifications	For new boiler installations, site managers and communications procedures.
LRI4	Health and Safety at Work etc. Act 1974 <i>Revoked</i>	Construction (Design and Management) Regulations 1994 <i>(Revoked by the Construction (Design and Management) Regulations 2007)</i>	Implement EC Directive 92/57/EEC on the minimum health and safety requirements at temporary or mobile construction sites that are 'notifiable' construction projects lasting longer than 30 days or involving more than 500 person hours of construction work. Regulations do not apply if the largest number of persons working at any one time is less than five.	<i>Approved Code of Practice – Managing construction for health and safety,</i> HSE Books	Facilities Management Estates Management Planning & Asset Management UWCM Projects PFI Developments	Risk of pollution from contractor activity.	Construction projects must be assessed for their designation as 'notifiable'.
LRI5	Health and Safety at Work etc Act 1974 <i>Revoked</i>	Control of Asbestos in the Air Regulations 1990 <i>(Revoked by the Control of Asbestos Regulations 2006)</i> <i>See LDSI 18</i>	Limits the amount of asbestos to be discharged to the environment during building works involving asbestos removal.		Facilities Management / Planning & Asset Management	Risk of pollution from contractor activity.	Only relevant in the event of asbestos being identified but would require careful contractor management.
LRI6	Prevention of Damage by Pests Act 1949		Occupiers must notify the local authority in writing of their land and buildings by rats or mice in 'substantial numbers'.		Facilities Management	Risk of pest infestation	Pest control procedure should be introduced.

RISK LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LR17	Wildlife and Countryside Act 1981	Conservation (Natural Habitats, etc) Regulations 1994 as amended by 1997 Regulations	It is an offence to kill, expel, disturb or restrict access for bats discovered on the premises. Countryside Council for Wales should be contracted immediately for advice.		Facilities Management / Planning and Asset Management	Baits; risk of pest infestation	Pest control procedure should be introduced.
LR18	Health and Safety at Work etc Act 1974	The Personal Protective Equipment at Work Regulations 1991	Employers have a responsibility to supply appropriate personal protective equipment to employees and train them in its use.	HSE Guidance, click here HSE Short Guide to PPE, click here	All Sectors	Risk of exposure to hazardous substances.	Where necessary, personal protective equipment should be available and employees should receive training in use
LR19	Radioactive Materials (Road Transport) Act 1991	Radioactive Materials (Road Transport) (Great Britain) Regulations 2002 - SI 1093	These Regulations cover any road to which the public has access and include transport by hand, plus all operations involved with movement of radioactive material by road including : packaging, (design → maintenance), all stages from preparation to final receipt, normal and accident conditions (carriage and storage in transit), transport incidental to use. Standards are set for packaging, labelling, consignment documents and records, Quality Assurance + records, driver training, vehicle notices, loss/theft, tampering/damage to the package, overturning/fire damage to the vehicle must be notified to the police and consignor.		Chief Executive User Departments Transport	All transport of radioactive material / waste	To be addressed as part of health and safety arrangements (N.B. Trust Policy, Radiation Protection Committee, Radiation Protection Adviser, Departments - RPS, and local rules.

RISK LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LRI10	Health and Safety at Work Act 1974	The Genetically Modified Organisms (Contained Use) Regulations 1992	These Regulations cover the use of GMOs. Any activity involving GMOs or to use a premises for the first time to do so, must carry out and record a risk assessment. Under EPA 1990, the risk assessment must examine the nature of the organism, the manner in which it is intended to be kept and the damage being caused to the environment as a result. Under the 1992 Contained Use Regs, the risk assessment must classify the GMO and lead to decisions about the level of containment required. Records of assessment to be kept for 10 years		Research		
LRI11	Environmental Protection Act 1990 (Part VI)	The Genetically Modified Organisms (Contained Use) Regulations and 1993			Research		
LRI12	The Animals (Scientific Procedures) Act 1986		The Animals (Scientific Procedures) Act 1986 came into force on 1 January 1987 and makes provision for the protection of animals used for experimental or other scientific purposes in the United Kingdom. It implements the requirements of the European Directive 86/609/EEC.		Research involving animals		No experiment may be carried out on animals unless covered by a licence issued under this Act.

RISK LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LRI3	Health and Safety at Work etc. Act 1974	Construction (Design and Management) Regulations 2007	The key aim of CDM 2007 is to integrate health and safety into the management of the project and to encourage everyone involved to work together to improve the planning and management of projects; identify risks early on; target effort where it can do the most good in terms of health and safety; and discourage unnecessary bureaucracy. They are intended to focus planning and management throughout construction projects, from design concept onwards. These regulations requires designers and contractors to eliminate or reduce hazards including environmental, at the design or planning stage, and provide information on remaining risks, if they are significant, so they can be properly managed.. The safe use of building materials and the protection of those employed in the various stages of construction, is an inclusive responsibility. The CDM Co-ordinator should compile the Health and Safety File.	HSE Guidance and Publications L144: Managing health and safety in construction. Click here Construction (Design and Management) Regulations 2007. (CDM) Approved Code of Practice, ISBN 980717662234 Click here	Facilities Management Estates Management Planning & Asset Management UWCM Projects PFI Developments	Risk of pollution from contractor activity.	Construction projects must be assessed for their designation as 'notifiable'. CDM Co-ordinator compiles the Health and Safety Plan. All parties involved in construction process have a shared responsibility to manage and control risks.

10. TRANSPORT AND TRAVEL LEGISLATION

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LTR1	Environmental Act 1995	Road Traffic (Vehicle Emissions) (Fixed Penalty) Regulations 1997	Enables local authorities (initially from six city councils) to issue fixed penalties to vehicle drivers from roadside tests for exhaust emissions.		Transport and Travel	Trust / University Vehicles Car use (for business travel)	Employees have a duty to ensure lease vehicles are maintained in accordance with manufacturer's recommendations.
LTR2	EU Directive (91/44/EEC); EU Directive(94/12/EEC); Road Traffic Act 1998	Road Vehicles (Construction and Use) Regulations 1986 as amended.	It is an offence to use a vehicle if it is emitting "smoke, visible vapour, grit sparks, ashes, cinders or oily substances" in such a way as is likely to cause "damage to any property or injury or danger to any person. Sets emissions limits for CO, HC, NOX and particulates (diesel only). Drivers are required to switch off their vehicle's engines when stationary and keep engines in tune and any emissions control equipment working efficiently.		Transport and Travel	Trust / University Vehicles Car use (for business travel)	Employees have a duty to ensure lease vehicles are maintained in accordance with manufacturer's recommendations. Employees to be made aware of requirement to switch off engines when stationary.
LTR3	Road Traffic Act 1972 EC Directive 92/97/EEC	Road Vehicles (Construction and Use) Regulations 1986 (as amended) and the Motor Vehicle (Type Approval) (Great Britain) Regulations.	It is an offence to use a motor vehicle in such a way as to cause excessive noise. Maximum levels are defined for vehicles of various sizes. Car alarms and horns are included in the regulations.		Transport and Travel	Noise, car use	Employees to be made aware of legal requirements.

TRANSPORT AND TRAVEL LEGISLATION cont

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LTR4	Health and Safety at Work etc Act 1974 Revoked	Transport of Dangerous Goods (Safety Advisers) Regulations 1999 This legislation has been revoked by the Carriage of Dangerous Goods and Use of Pressure Equipment Regulations 2004 (See LDSI 17 for details)	Employer must appoint Safety Adviser(s) with valid vocational training certificate to advise on health, safety and environmental matters regarding transport of dangerous goods (including radioactive materials) in order to minimise risks. Functions listed in Schedule 2.	Are you involved in the Carriage of Dangerous Goods by Road or Rail ? Click here	Medical Physics & Bioengineering Group Transport Manager DGSA Safety Adviser (via Welsh Ambulance Trust)	Transport of Type A packages	Safety Adviser to be appointed, to include advice regarding transport of Type A packages from MPBG, UHW to other sites

11. WASTE LEGISLATION

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA1	Environmental Protection Act 1990	Controlled Waste Regulations 1992 (SI 1992 No. 588)	Define three types of controlled waste; household, commercial and industrial, primarily according to source rather than type, with a notable exception of 'clinical waste'. The majority of routine waste produced will be classified as 'commercial waste' since it derives from offices. However, the occasional production of waste oil and or production samples, such as drugs, pharmaceutical products and needles are classified as industrial waste.	Department of Environment <i>Circulars 14/92, 11/94</i>	Facilities Management / Waste Management / Procurement	All waste	Since site waste transfer notes will describe commercial waste only, the on-site waste containers should not be used for any industrial waste.
LWA2	Environmental Protection Act 1990 Part II	(Section 33)	It is an offence to deposit, knowingly cause or permit the disposal of controlled waste on land without a waste management license. Waste must only be disposed of to a contractor who holds a valid Waste Management Licence and to a carrier registered to carry waste. The producer and keeper of the waste has a "duty of care" to ensure compliance with regulatory requirements.	DETR Guidance (<i>Env Circular 9/97, WO 42/97</i>)	All Sectors Facilities Management	All waste	A current copy of the waste management license for the final destination of the waste should be retained at each site.

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA3	Environmental Protection Act 1990 Part II	(Section 34)	A legal duty of care is imposed on anyone – from producers, to carriers and disposers of waste – to ensure that: waste is not legally disposed of dealt with without a license or in breach of a licence or in away that causes pollution or harm; waste does not escape from a person's control; waste is transferred only to an authorised person; when waste is transferred, it is accompanied by a full written description.	Welsh Assembly Government. The Duty of Care -A Code of Practice, click here	All Sectors	All waste	All employees to be made aware of their 'duty of care' which includes that only waste described in the waste transfer note can be discarded to the waste containers and that the waste must be kept securely pending its collection. Site managers should be fully aware conversant with the requirements of the 'Duty of Care'.
LWA4	Environmental Protection Act 1990 Part II	Environmental Protection (Duty of Care) Regulations 1991 (S12839)	Provides for a mandatory system of signed transfer notes and require all those subject to the duty of care (see L20) to keep records of waste received and transferred. Information to be recorded on the transfer note includes a full description of the waste, how it was produced, quantity, container type, names and addresses of those involved in the transfer, place and date of transfer.	Welsh Assembly Government. The Duty of Care -A Code of Practice, click here	Facilities Management / Waste Management	.	Transfer notes must accurately be completed, accompany the waste and records retained for at least two years. Annual transfer notes are permitted for the regular and repeat collections of the same type of waste

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA5	Environmental Protection Act 1990. Part II (Section 62) as amended by the Environment Act 1995 Revoked	Special Waste Regulations 1996 (SI 972) as amended (1997, SI 251) This legislation has now been revoked by the Hazardous Waste (England and Wales) Regulations 2005 introduced from 16th July 2005 See LWA 20 for details	Defines controlled waste which is classified as 'special'. It is an offence for a consignor of Special Waste to fail to prepare a proper consignment note, which must be sent to the relevant office of the Agencies to arrive at least three clear working days (but no more than one month) before the waste is removed from the premises (subject to exemptions). Records of consignment notes must be kept for three years. Defines prescription only medicines as special waste. All materials containing more than 0.1% asbestos are classified as special waste.	<i>Special Waste: A Technical Guidance Note on their Definition and Classification,</i> Environment Agency. The Stationery Office; Environment Agency <i>Special Waste Explanatory Notes</i>	Waste Management	All Special Waste	Non-routine wastes should be assessed for their hazardous properties and/or for their classification as 'special waste'.
LWA6	Environmental Protection Act 1990	Landfill Tax Regulations 1996	Make provision for the administration and assurance of landfill tax. Enables landfill operators to charge a levy as part of the total cost per tonne for waste disposal. The aim is to discourage land filling and encourage waste management options which are further up the waste management hierarchy, such as waste reduction and recycling		Waste Management	All Domestic Waste	

WASTE LEGISLATION cont

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA7	Environmental Protection Act 1990. Part II (Sections 35-44) Revoked	Waste Management Licensing Regulations 1994 This legislation has been revoked by the Waste Management Licensing (England and Wales) (Amendment and Related Provisions) (No 3) Regulations 2005 See LWA21 for details	Under the EPA, the deposit, keeping, treatment or disposal of controlled waste on land requires a waste management licence subject to various exemptions which include the temporary storage of waste, pending its collection, on the site where it is produced. In the case of special waste, the exemption applies if it is stored on site for no more than twelve months, it is stored in a secure container and the total volume of the waste does not exceed 23,000 litres. In the case of waste oil, the exemption applies if it is stored on site for no more than twelve months; the storage capacity of any container is 3 cubic metres in total, no more than 20 containers are kept on the premises and provision is made to prevent oil from escaping into the ground or drain; it is stored in a secure container; the oil is subsequently recovered. In the case of medicines, the secure storage at a pharmacy, pending their disposal elsewhere, of waste and medicines which have been returned to the pharmacy from households or individuals if the		Facilities Management / Waste Management	All waste	Waste must not be allowed to accumulate on site. No waste should be stored for more than six months. Any liquid waste must be store in an appropriate area. All waste must be stored securely.

WASTE LEGISLATION cont...

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA7 Cont.			total quantity of such returned waste medicines at the pharmacy does not exceed five cubic metres at any time and it is not stored for longer than six months. A 'secure place' is where all reasonable precautions have been taken to ensure that the waste cannot escape and members of the public are unable to gain access to the waste.				
LWA8	Health and Safety at Work etc Act 1974 Revoked	Asbestos (Licensing) Regulations 1983 (SI 1649) as amended (Revoked by the Control of Asbestos Regulations 2006) See LDSI 18	Only contractors licensed by the HSE under this regulation can legally remove asbestos.		Facilities Management / Planning and Asset Management / Project Managers	Asbestos in building fabric, asbestos waste	Only relevant in the event of asbestos being identified.
LWA9	Health and Safety at Work etc Act 1974	Carriage of Dangerous Goods (Classification, Packaging and Labelling) and Use of Transportable Pressure Receptacles Regulations 1996 S1 1996 No. 2092.	If Hazardous wastes in packages or drums are to be transported by road they must be classified accordingly. This requires an assessment of the waste, so that hazardous properties can be identified. Packages for dangerous substances must be performance testes, certified and marked in accordance with UN requirements, although there are exemptions for small quantities. The outer layer of each package must display an appropriate label	<i>CDG-CPL2 Approved Carriage List</i> (ISBN 0 716 1223 6). <i>Carriage of Dangerous Goods Explained: Part 1: Guidance for consignors of dangerous goods by road and rail – classification, packaging and provision of information</i> (ISBN 0 7176 1255 4);	Facilities Management / Waste Management / Procurement	Redundant chemicals, Redundant and containers,	Generation of special waste to be avoided wherever possible. The Environment Agency to be contacted for advice if waste is generated that is suspected to be classified as 'special'.

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA9 cont.			label to alert handlers to the presence of a dangerous substance. This consists of: (a) a hazard warning diamond (and possibly an additional diamond for a subsidiary hazard); (b) a carriage label giving the proper shipping name and UN number Details are given in the Approved Carriage List.	<i>Carriage of Dangerous Goods Explained: Part 2: Guidance for road vehicle operators and others involved in the carriage of dangerous goods by road</i> (ISBN 0 7176 1253 8); <i>The Approved Requirements and test methods for the classification and packaging of dangerous goods for carriage.</i>			
LWA10	Health and Safety at Work etc Act 1974	Carriage of Dangerous Goods by Road Regulations 1996 (SI 1996 No. 2095)	The Regulations assign dangerous goods to one of the five transport categories, based on the UN Packing Groups. For each transport category, the Regulations define a series of threshold limits for the quantity of dangerous goods, below which different parts of the Regulations do not apply. The Regulations introduced a requirement for the consignor of dangerous goods to pass on information to the operator of the vehicle, so that the driver	<i>HSE Guidance on Carriage of Dangerous Goods, click here</i> <i>HSE Carriage of Dangerous Goods Manual, click here</i>	Facilities Management / Waste Management / Procurement	Redundant chemicals, redundant pesticides and containers, spent baits, redundant product samples (if prescription only medicines), waste oils.	Generation of special waste to be avoided wherever possible. The Environment Agency to be contacted for advice if waste is generated that is suspected to be classified as 'special'.

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA10 cont.			and others who will come into contact with waste will be aware of the hazards, will take adequate safety precautions and will know how to act in an emergency. There is a general duty on the operator and all others involved to safely load, stow and unload containers, tanks of vehicles				
LWA11	Health and Safety at Work etc Act 1974	Control of Substances Hazardous to Health Regulations 2002 (SI 2677)	Requires employers to make an assessment of the risks to health which arise from exposure to hazardous substances in the circumstances of their own work activities. Measures to prevent or control exposure to those substances and any further precautions necessary to protect people's health must be established.	HSE COSHH Guidance, click here HSE COSHH Essentials, click here	All Sectors	Building materials; cleaning agents; extinguishants; oil consumption; paint; pesticides; refrigerant; replacement lamps, water treatment chemicals; asbestos waste; damaged parts and equipment; redundant chemicals; low level radioactive waste from spent heat/ smoke detectors; redundant luminaires; redundant pesticide and containers; sanitary waste; spent baits; spent batteries; redundant product samples; spent lamps to waste; waste oil.	Non – routine waste must be assessed for hazardous properties. The use of hazardous substances must be addressed within health and safety arrangements.

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA12	Health and Safety at Work etc Act 197	Ionising Radiations Regulations 1999	These Regulations provide for protection for all persons involved with ionising radiation, exposure must be kept as low as reasonably practicable (ALARP) and within dose limits, whether the source is artificial (e.g. X-ray unit) or natural (e.g. radon). Employers must make a prior risk assessment (normal and accident conditions) to identify measures to restrict exposure.	HSC/E Publications on ionising radiation, click here	All Sectors utilising ionising radiations (Facilities and Estate Management involved with respect to assessment of plans for new / modified installations, including areas adjacent to, or affected by , radiation areas)	All uses of ionising radiation, including discharge / transfer of patients given radioactive materials.	To be addressed as part of health and safety arrangements (N.B. Trust Policy, Radiation Protection Committee, Radiation Protection Adviser, Departments - RPS, and local rules.
LWA13	Radioactive Substances Act 1993	Radioactive Substances (Hospital Exemption) Order 1995 Radioactive Substances (Gaseous Tritium Light Devices) Exemption Order 1985 Radioactive Substances (Waste Closed Sources) Exemption Order 1963	The disposal of any radioactive waste and accumulation of radioactive waste for subsequent disposal requires a certificate of authorisation from the Environment Agency. Exemption Orders allow for low activities to be kept/used/disposed of under specified conditions. Breaches of the Certificates or Exemption Orders must be notified to the Environment Agency as soon as possible, together with any loss/theft of radioactive materials/waste	HSC/E Publication <i>Guidance Document; EH53</i> <i>Environment Agency Field Officers Handbook for Non-Nuclear Radioactive Substances Regulations</i>	All user departments, hospitals / hospices /residential or nursing homes where patients return post-administration radioactive substances. Transport (waste from Llandough to Sully), Facilities/contractor (incineration of waste at Sully), Estates (maintenance of disposal routes)	All users of radioactive materials, including transfer of patients given radioactive materials to other hospitals, hospices, homes and discharge of these patients	To be addressed as part of health and safety arrangements (N.B. Trust Policy, Radiation Protection Committee, Radiation Protection Adviser, Departments - RPS, and local rules.

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA13 cont.	Radioactive Substances Act 1993 cont	Radioactive Substances (Testing Instruments) Exemption Order 1985 Radioactive Substances (Substances of Low Activity) Exemption (Amendment) Order 1995					
LWA14	Radioactive Substances Act 1993 cont	Radioactive Substances (Smoke Detectors) Exemption (Amendment) Order 1991	Detectors containing up to 40 kilobecquerels of Americum-241 in the form of a sealed source are exempt from the requirements of registration, provided they are 'affixed or attached' to the premises and no more than 100 'unfixed' detectors are stored on premises. For storage or larger numbers (up to 500 detectors) particular limitations and conditions apply. Smoke detectors may be disposed of in one of three ways: (a) disposal by a person authorised under S.13 of the Radioactive Substances Act 1993, (b) returned to a manufacturer of smoke detectors (c) disposed of		Facilities Management / Estate Management / Waste Management	Low-level radioactive waste from spent heat / smoke detectors (ionising chamber type)	Smoke and heat detectors not to be stored on site in large volumes

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA14 cont ...			to normal commercial waste stream provided that they are not mixed with other radioactive waste and no more than one smoke detector is placed in a typical refuse sack.				
LWA15	Health and Safety at Work etc. Act 1974	The Lifting Plant and Equipment (Records of Test and Examination etc) Regulations 1992.	Records of equipment tests and maintenance must be maintained on site.	HSE Guidance, click here	Facilities Management / Estate Management	Damaged parts and equipment; waste oils from maintenance activities.	Records of repairs and tests must be maintained on sites with lifts.
LWA16	Environmental Protection Act 1990 EU Directive 91/156/EEC Revoked	Waste Management Licensing Regulations 1994 (Amended 1997) This legislation has been revoked by the Waste Management Licensing (England and Wales) (Amendment and Related Provisions) (No 3) Regulations 2005 See LWA21 for details	Replaces and updates definitions of waste given in Controlled Waste Regulations 1992. States that all activities relating to waste management must be licensed.		Waste Management		
LWA17	Environmental Protection Act 1990	Landfill Tax (Amendment) Regulations 2002	Introduced the change to the duty of care so that European Waste Catalogue – EWC Code is now a requirement on transfer and consignment notes		Waste Management		

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA18	Environmental Protection Act 1990 Revoked	Waste Management Licencing (England and Wales) (Amendment and Related Provisions) Regulations 2002 This legislation has been revoked by the Waste Management Licencing (England and Wales) (Amendment and Related Provisions) (No 3) Regulations 2005 See LWA21 for details	In force from 1 st July 2005 amending parts of the Waste Management Licencing Regulations 1994. [Regulation 5 does not apply to Wales]		Waste Management	Waste	
LWA19	Environmental Protection Act 1990	Hazardous Waste (England and Wales) Regulations 2005	In force from 16 th July. The Regulations transpose the European Waste Catalogue - EWC, and will also replace the Special Waste Regulations 1996. The Regulations require that most premises, at which hazardous waste is produced, to be notified to the EA before the waste is removed from the premises, treated or disposed of. The Regulations remove the need to pre-notify the EA before hazardous waste can be removed off site, and include a simpler method for tracking waste once they have been moved.	<ul style="list-style-type: none"> • European Waste Catalogue – EWC Click here • Dedicated website on hazardous waste, click here • DEFRA Frequently Asked Questions (FAQs) about hazardous waste, click here • DEFRA Hazardous Waste Leaflet: Waste – can you handle it? Click here • Environment Agency – Dealing with Hazardous Waste, click here 	Waste Management	Waste	The new Regulations include a requirement that premises producing hazardous waste register with the Environment Agency before waste is removed from premises or treated/disposed of. Where the Regulations apply each of the Organisation's premises will need to notify the EA, although a central office may do this on behalf of individual premises.

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA20	Environmental Protection Act 1990	List of Waste (Wales) Regulations 2005	<p>Introduce “the List of Wastes” (the List), known as the European Waste Catalogue – EWC. The LoW(W)R implement the List and explain the List, giving help on choosing the correct code for waste. It shows how waste is classified as either hazardous or non hazardous, and shows limits for certain hazardous properties. All waste can be classified using the LoWR as either hazardous or non-hazardous waste.</p> <p>Waste is classified by a six-digit code or codes (waste may be described by more than one code) from the List. The waste code is produced by using the “Introduction to the List”. Hazardous waste has a six-digit code marked in the List with an asterisk (*). These Regulations should be read in conjunction with the Hazardous Waste (England and Wales) Regulations 2005</p>		Waste Management	Waste	<p>With respect to Duty of Care, there will be a requirement to make reference to an EWC code on all Duty of Care transfer notes. Duty of Care stipulates that it is the responsibility of waste producers to provide a full and accurate description of their waste. Therefore waste producers will be required to provide full codes for all components in their waste, based on the LoWR. (see LWA20) It is now illegal for a contractor to remove waste from premises if the correct code has not been used on the relevant documentation.</p>
LWA21	Environmental Protection Act 1990 Revoked	Waste Management Licensing (England and Wales) (Amendment and Related Provisions) (No 3) Regulations 2005 SI 2005 No.1728	<p>These Regulations amend the Waste Management Licensing Regulations 1994 (S.I. 1994/1056, as amended) (“the 1994 Regulations”). These Regulations extend to England and Wales, but regulation 6 applies only to England.</p>		Waste Management	Waste	<p>All exempt activities from the requirement for a waste management licence must be registered with Environment Agency, and details</p>

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA21 ...cont.	Environmental Protection Act 1990cont.	Waste Management Licensing (England and Wales) (Amendment and Related Provisions) (No 3) Regulations 2005 SI 2005 No.1728 Revoked by the Environmental Permitting (England and Wales) Regulations 2007 - SI 2007 No. 3538 (see LWA23 for details)	Each waste regulation authority must enter details of any risk appraisal undertaken for a site to which a waste management licence relates in the public register which the authority maintains under section 64(1) of EPA 1990 ("the 1990 Act"). The remainder of the Regulations concern activities which are exempt from the requirement for a waste management licence under the 1990 Act. Amendments are made to the conditions which apply to various exempt activities listed in Schedule 3 to the 1994 Regulations by regulations 10 to 17. A new exempt activity is inserted by regulation 18.		Waste Management	Waste	entered on the Public Register. These exempt activities include waste compaction and recycling facilities. Must provide the EA with relevant details and any such other information as the EA reasonably requires as indicated on a form provided for the purpose, including such plans and other documents as the EA requires. Details also include quantity of waste to be disposed of or recovered, and any applicable charge.
LWA22	Environmental Protection Act 1990	Waste Electrical and Electronic Equipment Regulations 2006 SI 2006 No.3289	Aim to minimise the impact of electrical and electronic goods on the environment, by increasing re-use and recycling and reducing the amount of WEEE going to landfill. It seeks to achieve this by making producers responsible for financing the collection, treatment, and recovery of waste electrical equipment, and by obliging distributors to allow consumers to return their waste equipment free of charge	Guidance on waste electrical and electronic equipment WEEE can be found at: DEFRA, click here DBERR, click here NetRegs, click here NHS PASA, click here	Waste Management	Waste	The WEEE Regulations apply to all electrical and electronic equipment which falls within the 10 product categories listed in the WEEE Directive

WASTE LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWA23	Environmental Protection Act 1990	Environmental Permitting (England and Wales) Regulations 2007 SI 2007 No.3538	<p>These Regulations came into force on 6th April 2008. They replace with a new system of environmental permitting, the previous system of :</p> <ul style="list-style-type: none"> • Waste management licensing set out in Part 2 of the Environmental Protection Act 1990 and the Waste Management Licensing Regulations, and • Permitting in the Pollution Prevention and Control (England and Wales) Regulations <p>Environmental permits are required for waste activities which could harm human health or the environment unless they are controlled. Where an activity falls under these Regulations, the operator must either obtain a permit or register a waste exemption. They replace the previous provisions with regard to:</p> <ul style="list-style-type: none"> • Waste management licences • Pollution prevention and control permits • Waste incineration permits, and • Permits to operate large combustion plants 		Waste Management	All types of Waste	<p>Once the new system is fully up and running all existing waste management licences will automatically become environmental permits. The main benefit of these Regulations will be to those operators who have more than one permitted activities. These permits will now be combined into a single permit</p> <p>Effects all waste management contractors who transport and process our waste – the documents they report to us will be reported under the Permitting rules instead of the previous arrangements. Need to ensure our contractors are complying with permitting arrangements</p>

12. WORKING ENVIRONMENT LEGISLATION

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWO1	Health and Safety at Work etc. Act 1974; EC Directive 86/188/EEC Revoked	Noise at Work Regulations 1989 (SI 1790) This legislation has been revoked by the Control of Noise at Work Regulations 2005 See LNU 7 for details	A duty is imposed on employers to assess, and where necessary, measure noise levels to identify workers to which its specific provisions apply.	HSE <i>Guidance Notes on implementation of the regulations.</i>	Facilities Management	Noise in the workplace	For health and safety management.
LWO2	Health and Safety at Work etc. Act 1974; EC Directive 89/654/EEC	Workplace (Health, Safety and Welfare) Regulations 1992 (regulation 7)	The temperature in all workplaces inside buildings must be 'reasonable'	HSE Approved Code of Practice and Guidance, click here	All Sectors	Surplus heat in the workplace	Complaints of excess heat to be recorded. Employees to be made aware of heat created by electrical equipment.
LWO3	Health and Safety at Work etc. Act 1974; EC Directive 89/654/EEC	Workplace (Health, Safety and Welfare) Regulations 1992 (regulation 8)	Every workplace shall have suitable and sufficient lighting, which, so far as is reasonably practicable, shall be by 'natural daylight'.	HSE Approved Code of Practice and Guidance, click here	All Sectors	Daylight	Employees to be encouraged to maximise use of daylight, where glare can be avoided
LWO4	Health and Safety at Work etc. Act 1974; EC Directive 90/270/EEC	Health and Safety (Display Screen Equipment) Regulations 1992	Introduce minimum health and safety requirements for work with display screen equipment, including levels of glare.	HSE Guidance Notes, click here	All DSE users	Daylight	To be addressed within health and safety arrangements.
LWO5	Health and Safety at Work etc. Act 1974		General duties under Section 2,1 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees, including provision of protection from occupational noise exposure.		All Sectors	All Sectors	To be addressed within health and safety arrangements

WORKING ENVIRONMENT LEGISLATION cont.....

Leg. No.	Primary Legislation	Secondary legislation	Requirements	Other Guidelines	Activities, Products or Services	Aspects	Implications
LWO6	Health and Safety at Work etc. Act 1974	The Provision and Use of Work Equipment Regulations 1998 (SI 2306)	Employers have a responsibility to ensure that work equipment is appropriate for its purpose and that employees are trained with regard to its proper use and hazards associated with its use.	HSE Guidance, click here	All Sectors	Dust in the workplace; indoor air pollution; noise in the workplace; ozone in the workplace; spillage of toner; surplus heat in the workplace	Employees should be trained in the use of work equipment; and equipment must be appropriate for the tasks for which it is employed.
LWO7	Health and Safety at Work etc. Act 1974	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995	Employers have a responsibility to notify the Health and Safety Executive of injuries sustained at work leading to death or absence from the workplace for more than 3 working days and dangerous occurrences.	HSE Guidance, click here	All Sectors Health, Safety & Environment Unit	Risk of exposure to hazardous substances; dust in the workplace; indoor air pollution; noise in the workplace; ozone in the workplace; spillage of toner; surplus heat in the workplace.	
LWO8	Health and Safety at Work etc. Act 1974	Ionising Radiation Regulations 1999	These Regulations provide for protection for all persons involved with ionising radiation, exposure must be kept as low as reasonably practicable (ALARP) and within dose limits, whether the source is artificial (e.g. X-ray unit) or natural (e.g. radon). Employers must make a prior risk assessment (normal and accident conditions) to identify measures to restrict exposure.	HSC/E Publications: See entry for LWA12	All Sectors utilising ionising radiations	All uses of ionising radiation, including discharge / transfer of patients given radioactive materials	To be addressed as part of health and safety arrangements (N.B. Trust Policy, Radiation Protection Committee, Radiation Protection Adviser, Departments - RPS, and local rules.

OTHER REQUIREMENTS

In addition to the above environmental legislation there are also a number of other mandatory requirements, guidance, good practice etc with respect to the environment that the Organisation has to comply with, principal of which are the following :



Health Technical Memoranda / Health Guidance Notes - HTMs / HGNs. These documents provide guidance on the design, installation and running of specialised building service systems and also policy guidance and instruction on Fire, Health & Safety and Environment issues. Health Technical Memoranda (HTM) and Health Guidance Notes (HGNs) are included in this category. These publications provide advice and guidance on a range of healthcare activities, some of which are related to the environment e.g. *HTM 07.01: Safe Management of Healthcare Waste*, *HTM 07.02: Encode – making energy work in healthcare* and *HTM 04:01 Control of Legionella, hygiene, 'safe' hot water and drinking water systems, Part A and B*

All the above may be accessed via the NHS Estates website, click [here](#) and also the Welsh Health Estates website, click [here](#)



Health Building Notes/ Health Facilities Notes – HBNs / HFNs. These documents provide guidance on the built environment, and look at issues involved in planning, briefing and designing facilities that reflect the latest developments and policy around service delivery. They provide current thinking on best use of space, design and functionality for specific clinical services or non-clinical activity areas.

All the above may be accessed via the NHS Estates website, click [here](#) and also the Welsh Health Estates website, click [here](#)



Welsh Risk Management Standards – WRMS. These are comprised of a suite of risk management standards that NHS Trusts in Wales are expected to comply with to achieve a minimum acceptable overall compliance score. Some of these standards are directly associated with the environment, such as Standard 27 : Environmental Management, Standard 34 : Transport and Standard 35 : Waste Management.



Welsh Health Circulars - WHCs and Welsh Assembly Government requirements. WAG has overall responsibility for healthcare in Wales and issues formal guidance and dictates to NHS Trusts in Wales, some of which are directly related to the environment. Examples include :

- WHS (2002) 116 where all NHS trusts in Wales have to have a formal EMS in place by August 2005, and maintain a formal EMS in place
- Welsh NHS energy reduction targets - ongoing
- Sustainable Development - Action Plan

Welsh Assembly Government website may be accessed [here](#)



Environment Agency Guidance and publications - including Good Practice, Pollution Prevention Guides, NetRegs etc. Accessed via the Environment Agency website, click [here](#)



Local Authority - Building Regulations / Planning guidance and approval etc.
Cardiff City Council website may be accessed here,
Vale of Glamorgan Council may be accessed here



HSE Guidance

Accessed via the Health and Safety Executive website, click [here](#)

Whilst the above illustrates the principal mandatory, guidance and good practice requirements, it is not exhaustive and is subject to change as necessary, due to any other circumstances, in order to maintain compliance with the requirements of ISO 14001.