



**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	The Biocidal Products (Health and Safety) (Amendment) Regulations 2022
DATE	19 October 2022
BY	Lesley Griffiths MS, Minister for Rural Affairs and North Wales, and Trefnydd

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Chloe Smith MP, Minister of State for Disabled People, Health and Work to make a Statutory Instrument (SI) titled the Biocidal Products (Health and Safety) (Amendment) Regulations 2022 to apply in relation to Great Britain.

The above titled SI will be made by the Secretary of State in exercise of powers conferred by section 8(1) and paragraph 21 of Schedule 7 of the European (Withdrawal) Act 2018.

The SI amends Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning making available on the market and use of biocidal products to impose new deadlines within which certain actions must be taken by the competent authority in relation to an application for the authorisation of a biocidal product.

The regulations were laid before Parliament on 18 October and come into force on 31 December 2022.

Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence

Members will wish to note that the Regulations do not transfer any functions to the Secretary of State.

The purpose of the amendments

Biocidal products are used to protect people and animals, preserve goods, stop pests like insects or rodents and control viruses, bacteria and fungi through a chemical or biological action. Biocidal products are required by the Great Britain Biocidal Product Regulations (GB BPR) to have an authorisation grant from the Health and Safety Executive (HSE) within a fixed period from a defined trigger point. Biocidal products are also required to be removed from the market if authorisations are not granted within 3 years of the last active substance being authorised.

To allow biocidal products to remain on the market legally, the Regulations place a temporary extension on legal deadlines by which affected biocidal product authorisation applications are required to be processed by HSE. The Regulations ensure biocidal products can continue to be placed on the market and used until they are authorised under the GB BPR. As a result, these Regulations will ensure biocidal products are properly regulated and support the operation of the GB BPR.

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available here:

<http://www.legislation.gov.uk/id/ukdsi/2022/9780348239683>

Why consent has been given

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and to preserve the interconnected nature of the GB biocidal regime by temporarily extending the authorisation of biocidal products deadline across GB. The amendments have been considered fully and the changes are technical in nature and contain no diversion of policy.