

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Llyr Gruffydd MS
Chair,
Climate Change, Environment, and Infrastructure Committee
Senedd Cymru

Llyr.Gruffydd@senedd.wales

10 October 2022

Dear Llyr,

I am writing to inform the Committee of the intention to consent to the UK Government making and laying The Biocidal Products (Health and Safety) (Amendment) Regulations 2022 by 18 October 2022.

My predecessor received a letter from Chloe Smith MP, previous Minister of State for Disabled People, Health and Wellbeing asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The Regulations will extend to England, Scotland and Wales and a similar request for consent has been sent to Scottish Ministers.

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

Biocidal products must be authorised by the Health and Safety Executive who act as the competent authority on behalf of Welsh Ministers. The amendments will impose new legal deadlines for the authorisation of biocidal products whilst processing a backlog of applications. By temporarily extending the deadline for five years, pre-existing authorised biocidal products can remain on the market until authorised under the Great Britain Biocidal Product Regulations. The Statutory Instrument is subject to the affirmative procedure and is due to be laid before Parliament on 18 October 2022 with a commencement date of 31 December 2022.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the substance of the amendments to apply to Wales as the Regulations are technical in nature and contain no change of policy. There is, therefore, no policy divergence between the Welsh and UK Government in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single instrument. I consider that legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes nor a prudent use of Welsh Government resources given other important priorities.

Welsh Government are core members of the Biocides Delivery Board (BDB) which is part of the governance structures for the Chemicals and Pesticides Common Framework. The proposed legislative amendments have been discussed and approved by the BDB.

These Regulations do not have implications for the Programme for Government. Authorising biocidal products supports the majority of well-being goals of "a healthier Wales" and a 'resilient Wales' together with associated impacts on the goal of "a globally responsible Wales" where products harmful to human or nonhuman life are properly regulated.

I have written similarly to Huw Irranca-Davies MS, the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive, flowing style.

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