



Huw Irranca-Davies MS
Chair,
Legislation, Justice and Constitution Committee
Senedd Cymru

SeneddLJC@senedd.wales

5th February 2024

Dear Huw,

I wish to inform the Committee of the intention to consent to the UK Government making and laying The Biocidal Products (Health and Safety) (Amendment and Transitional Provision etc.) Regulations 2024 by 5 March.

I received a letter from Viscount Younger of Leckie, Parliamentary Under Secretary of State for Work and Pensions 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 delegated to the Secretary of State in Article 85 and Article 83A(2) of Great Britain Biocidal Products Regulation (EU) No 528/2012 (GB BPR) (adaptation to scientific and technical progress).

Biocidal products must be authorised by the Health and Safety Executive who act as the competent authority on behalf of Welsh Ministers.

HSE is proposing to introduce technical updates to the Annexes II and III of the GB BPR which will enable:

- A reduction in animal testing
- Alignment with current guidance, and Organisation for Economic Co-operation and Development (OECD) validated tests
- HSE to ensure scientific progress is monitored and developments are reflected.

The proposed reduction in animal testing will not reduce the quality of testing or safety of products, as reliable non-animal-based tests are now available to provide information which was previously only available through testing using live animals. The Statutory Instrument is subject to the negative procedure and is due to be laid before Parliament on 5th March 2024 with a commencement date of 6 April 2024.

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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.

Currently legislation provides a power for the Secretary of State only to make regulations but there is a consent requirement and 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 no policy divergence between the Welsh and UK Government in this matter. Under the current legislation, there is no provision allowing me to legislate separately for Wales.

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 many 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 am also heartened to see the proposed application of technology for testing biocidal products which reduces the need for animal testing.

I have written similarly to Paul Davies MS, Chair of the Economy, Trade and Rural Affairs Committee

Yours sincerely,

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in black ink and is positioned below the "Yours sincerely," text.

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