

STATUTORY RULES OF NORTHERN IRELAND

2013 No. 207

HEALTH AND SAFETY

**The Biocidal Products (Fees and Charges)
Regulations (Northern Ireland) 2013**

Made - - - - *2nd August 2013*

Coming into operation *1st September 2013*

^{F1}The Department of Enterprise, Trade and Investment (“the Department”) ^{M1}, is designated ^{M2}for the purposes of section 2(2) of the European Communities Act 1972 (“the 1972 Act”) ^{M3} in relation to the notification and control of substances and to measures relating to biocides.

The Department, being the Department concerned ^{M4}, makes the following Regulations in exercise of the powers conferred by section 2(2) of the 1972 Act ^{M5} and Articles 40(2) and (4), and 55(2) of the Health and Safety at Work (Northern Ireland) Order 1978 ^{M6} (“the 1978 Order”).

The Regulations give effect without modifications to proposals submitted to the Department by the Health and Safety Executive for Northern Ireland under Article 13(1A) of the 1978 Order ^{M7}.

Textual Amendments

F1 Regulations revoked (except reg. 9(2)) (1.7.2015) by [The Biocidal Products \(Fees and Charges\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/254\)](#), regs. 1, **5(1)** (with reg. 5(2))

Marginal Citations

- M1** Formerly the Department of Economic Development; *see* [S.I. 1999/283 \(N.I. 1\)](#), **Article 3(5)**; that Department was formerly the Department of Manpower Services; *see* [S.I. 1982/846 \(N.I.11\)](#), **Article 3**
- M2** [S.I. 1981/1536](#) for the designation in relation to the notification and control of substances and [S.I. 1999/2788](#) in relation to measures relating to biocides
- M3** [1972 c.68](#)
- M4** *See* Article 2(2) of [S.I. 1978/1039 \(N.I. 9\)](#)
- M5** [1972 c.68](#); the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the [European Economic Area Act 1993 \(c.51\)](#). Section 2(2) was further amended by section 27(1), and paragraphs 2 and 3 of Schedule 2 by section 27(2), of the Legislative and Regulatory Reform Act 2006 (C .51)
- M6** [S.I. 1978/1039 \(N.I. 9\)](#)
- M7** Article 13(1A) was substituted by [S.I. 1998/2795 \(N.I. 18\)](#), **Article 4**

Citation and commencement

^{F1}1.

Textual Amendments

F1 Regulations revoked (except reg. 9(2)) (1.7.2015) by [The Biocidal Products \(Fees and Charges\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/254\)](#), regs. 1, **5(1)** (with reg. 5(2))

Application within the territorial sea

^{F1}2.

Textual Amendments

F1 Regulations revoked (except reg. 9(2)) (1.7.2015) by [The Biocidal Products \(Fees and Charges\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/254\)](#), regs. 1, **5(1)** (with reg. 5(2))

Interpretation

^{F1}3.

Textual Amendments

F1 Regulations revoked (except reg. 9(2)) (1.7.2015) by [The Biocidal Products \(Fees and Charges\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/254\)](#), regs. 1, **5(1)** (with reg. 5(2))

Functions of the Member State

^{F1}4.

Textual Amendments

F1 Regulations revoked (except reg. 9(2)) (1.7.2015) by [The Biocidal Products \(Fees and Charges\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/254\)](#), regs. 1, **5(1)** (with reg. 5(2))

Fees

^{F1}5.

Textual Amendments

F1 Regulations revoked (except reg. 9(2)) (1.7.2015) by [The Biocidal Products \(Fees and Charges\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/254\)](#), regs. 1, **5(1)** (with reg. 5(2))

Annual charge

^{F1}6.

Textual Amendments

F1 Regulations revoked (except reg. 9(2)) (1.7.2015) by [The Biocidal Products \(Fees and Charges\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/254\)](#), regs. 1, **5(1)** (with reg. 5(2))

Calculation of charge and number of persons liable to pay the charge

F17.

Textual Amendments

F1 Regulations revoked (except reg. 9(2)) (1.7.2015) by [The Biocidal Products \(Fees and Charges\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/254\)](#), regs. 1, **5(1)** (with reg. 5(2))

Notification of liability to pay

F18.

Textual Amendments

F1 Regulations revoked (except reg. 9(2)) (1.7.2015) by [The Biocidal Products \(Fees and Charges\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/254\)](#), regs. 1, **5(1)** (with reg. 5(2))

Revocations and savings provisions

9.—^{F1}(1)

(2) Regulation 39 of, and paragraphs 2, 3 and 7 to 12 of Schedule 11 to, the Biocidal Products Regulations (Northern Ireland) 2001 continue to apply for the purposes of calculating the fee payable in respect of the evaluation of applications for biocidal product authorisations submitted before 1st September 2013 for the purposes of Directive [98/8/EC^{M8}](#) under Regulation 14(1) of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013.

^{F1}(3)

Textual Amendments

F1 Regulations revoked (except reg. 9(2)) (1.7.2015) by [The Biocidal Products \(Fees and Charges\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/254\)](#), regs. 1, **5(1)** (with reg. 5(2))

Marginal Citations

M8 OJ No. L123, 24.4.98, p.1.

Changes to legislation: There are currently no known outstanding effects for the The Biocidal Products (Fees and Charges) Regulations (Northern Ireland) 2013. (See end of Document for details)

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 2nd August 2013.

L.S.

D Sterling
A senior officer of the
Department of Enterprise, Trade and Investment

^{F1}SCHEDULE 1

Regulation 5

ACTIVITIES IN RESPECT OF WHICH A FEE IS PAYABLE AND DAILY RATE

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^{F1}SCHEDULE 2

Regulation 2

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide the charging regime in relation to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (“the Biocides Regulation”; OJ No L167, 27.06.12, p.1).

The Biocides Regulation replaces Directive 98/8/EC (OJ No. L123, 24.4.98, p.1) of the European Parliament and the Council of 16th February 1998, which laid down harmonised rules for the placing on the market of biocidal products. The Biocides Regulation lays down revised harmonised rules for the approval of active substances and the making available on the market of biocidal products.

Regulation 4 makes provision for the functions of the Member State referred to in Article 80(2) to be performed by the Executive.

Regulation 5 and Schedule 1 enables the Executive to charge fees, at a daily rate, for work carried out within the scope of the Biocides Regulation and within Regulation 12 of the Biocidal Products (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013, relating to applications for the authorisation and mutual recognition of biocidal products, the approval of active substances and permits and notification under specific conditions.

Regulations 6 and 7 provide for an annual charge to be paid to the Executive by persons placing biocidal products on the market in respect of costs incurred by or on behalf of the Executive and the competent authorities in Great Britain, associated with any work carried out within the scope of the Biocides Regulation that cannot be attributed to an individual application.

Regulation 8 requires anyone liable to pay the annual charge to notify the Executive, or a person designated by the Executive, of information specified in that regulation, subject to exceptions set out in that regulation.

Regulation 9 revokes regulations 39 and 39A of, and Schedules 11 and 11A to, the Biocidal Products Regulations (Northern Ireland) 2001 (and associated amending provisions in the Biocidal Products (Amendment) Regulations 2003), subject to savings provisions which: (i) enable fees to be charged in respect of the evaluation of biocidal product authorisation applications submitted before 1st September 2013, and (ii) allow the annual charge to be recovered in respect of the period from 1st April 2013 to 31st August 2013.

In Great Britain the corresponding legislation is the Biocidal Products (Fees and Charges) Regulations 2013 (S.I. 2013/1507). The Great Britain Health and Safety Executive has prepared a full impact assessment of the effect that the Regulations will have on costs to business and the voluntary sector. A copy of that assessment is available from the Health and Safety Executive

Changes to legislation: *There are currently no known outstanding effects for the The Biocidal Products (Fees and Charges) Regulations (Northern Ireland) 2013. (See end of Document for details)*

for Northern Ireland, 83 Ladas Drive, Belfast, BT6 9FR. A copy of the impact assessment has been placed in the library of the Northern Ireland Assembly and is annexed to the Explanatory Memorandum which is available alongside these Regulations at www.legislation.gov.uk.

Changes to legislation:

There are currently no known outstanding effects for the The Biocidal Products (Fees and Charges) Regulations (Northern Ireland) 2013.