

*This Statutory Instrument has been made to correct a defect in the charging schemes in [SI 2003/429](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

---

STATUTORY INSTRUMENTS

---

**2005 No. 2451**

**HEALTH AND SAFETY**

**The Biocidal Products (Amendment) Regulations 2005**

<i>Made</i>	- - - -	<i>31st August 2005</i>
<i>Laid before Parliament</i>		<i>8th September 2005</i>
<i>Coming into force</i>	- -	<i>1st October 2005</i>

The Secretary of State, being the Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to biocides, in exercise of the powers conferred upon him by that section hereby makes the following Regulations:

**Citation, commencement and extent**

1. These Regulations may be cited as the Biocidal Products (Amendment) Regulations 2005 and shall come into force on 1st October 2005 and extend to the United Kingdom.

**Amendment of the Biocidal Products Regulations 2001**

2. In the Biocidal Products Regulations 2001<sup>(3)</sup>, for regulation 3(2) substitute—

“(2) Subject to Schedule 13, these Regulations, except regulations 29 and 39A and Schedule 12A, shall not apply to a biocidal product which contains an existing active substance.”

**Amendment of the Biocidal Products Regulations (Northern Ireland) 2001**

3. In the Biocidal Products Regulations (Northern Ireland) 2001 <sup>(4)</sup>, for regulation 3(2) substitute—

---

(1) [S.I.1999/2788](#).

(2) [1972 c. 68](#). As regards Scotland, see also section 57(1) of the Scotland Act 1998 ([c. 46](#)), which provides that, despite the transfer to the Scottish Ministers by virtue of section 53 of that Act of functions in relation to observing and implementing Community law, any function of a Minister of the Crown in relation to any matter shall continue to be exercisable by him as regards Scotland for the purposes of section 2(2) of the European Communities Act 1972.

(3) [S.I. 2001/880](#), amended by [S.I. 2003/429](#).

(4) [S.R. 2001/422](#), amended by [S.I. 2003/429](#).

“(2) Subject to Schedule 12, these Regulations, except regulations 29 and 39A and Schedule 11A, shall not apply to a biocidal product which contains an existing active substance”

Signed by authority of the Secretary of State for Work and Pensions.

31st August 2005

*Stephen C. Timms*  
Minister of State  
Department for Work and Pensions

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend regulation 3(2) of the Biocidal Products Regulations 2001 and regulation 3(2) of the Biocidal Products Regulations (Northern Ireland) 2001. The effect of the amendment is to provide for the charging provisions in those Regulations to apply to biocidal products which contain an existing active substance.