

**Changes to legislation:** There are currently no known outstanding effects for the *The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 129. (See end of Document for details)*

## SCHEDULE 2

### AMENDMENTS TO RETAINED DIRECT EU LEGISLATION

129. For Article 88, substitute—

#### “Article 88

##### *Safeguard clause*

1. Where on the basis of new evidence the competent authority has justifiable grounds to consider that a biocidal product, although authorised in accordance with this Regulation, constitutes a serious immediate or long-term risk to the health of humans, particularly of vulnerable groups, or animals, or to the environment, it may take appropriate provisional measures.

2. The Secretary of State or a Devolved Authority shall issue a decision to either permit the provisional measure for a time period defined in the decision or require the competent authority to revoke the provisional measure if they have competence to issue the decision within the meaning in [F1]paragraphs 3 to 5].

3. The Secretary of State has competence to issue a decision if, or to the extent that, the exercise of the function to take that measure—

- (a) relates to England;
- (b) relates to Scotland and is not within devolved competence (within the meaning of section 54 of the Scotland Act 1998);
- (c) relates to Wales and is not within devolved competence (within the meaning of section 58A(7) and (8) of the Government of Wales Act 2006) F2...

F2(d) .....

4. The Scottish Ministers have competence to issue the decision if, or to the extent that, the exercise of the function to take that measure is within devolved competence (within the meaning of section 54 of the Scotland Act 1998).

5. The Welsh Ministers have competence to issue a decision if, or to the extent that, the exercise of the function to take that measure is within devolved competence (within the meaning of section 58A(7) and (8) of the Government of Wales Act 2006).

F36. ....

F37. ....

[F4]6]. Where the Secretary of State issues the decision under paragraph 2 the Secretary of State must immediately inform the Devolved Authorities giving reasons for the decision. Where a Devolved Authority issues the decision under paragraph 2, it must immediately inform the [F5]other Devolved Authority] and the Secretary of State giving reasons for the decision.”

#### Textual Amendments

F1 Words in [Sch. 2 para. 129](#) substituted (31.12.2020 immediately before IP completion day) by [The Chemicals \(Health and Safety\) and Genetically Modified Organisms \(Contained Use\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1567\)](#), reg. 1(2), [Sch. 2 para. 36\(a\)](#)

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- F2** Words in Sch. 2 para. 129 omitted (31.12.2020 immediately before IP completion day) by virtue of The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1567), reg. 1(2), **Sch. 2 para. 36(b)**
- F3** Words in Sch. 2 para. 129 omitted (31.12.2020 immediately before IP completion day) by virtue of The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1567), reg. 1(2), **Sch. 2 para. 36(c)**
- F4** Words in Sch. 2 para. 129 renumbered (31.12.2020 immediately before IP completion day) by The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1567), reg. 1(2), **Sch. 2 para. 36(d)**
- F5** Words in Sch. 2 para. 129 substituted (31.12.2020 immediately before IP completion day) by The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1567), reg. 1(2), **Sch. 2 para. 36(e)**

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**Commencement Information**

- I1** Sch. 2 para. 129 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

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