

**Agreement under section 13(1)(b) of the Health and Safety at Work etc. Act 1974 relating to biocidal products in or as regards England and Wales**

---

THIS AGREEMENT is made between the Secretary of State for Environment, Food and Rural Affairs, the Secretary of State for Work and Pensions and the Secretary of State for Health ("the Ministers") and the Health and Safety Commission ("the Commission") under section 13(1)(b) of the Health and Safety at Work etc. Act 1974 ("the 1974 Act"). It relates to functions which the Commission has agreed to perform on behalf of the Ministers, being functions which in the opinion of the Secretary of State for Work and Pensions can appropriately be performed by the Commission in connection with its functions.

In this Agreement "the Regulations" means the Biocidal Products Regulations 2001 (SI 2001/880), as amended before or after the date of the Agreement.

IT IS AGREED THAT

1. Subject to paragraph 2 the Commission shall perform on behalf of the Ministers their functions under the Regulations.
2. This Agreement does not apply to any function under regulation 36 of, or schedule 10 to, the Regulations (which relate to appeals).
3. Nothing in this Agreement prevents the Ministers, instead of the Commission, from exercising any function assigned to them by the Regulations. The Commission will not exercise any such function so far as the Ministers notify it that they themselves will do so.
4. The Commission shall direct the Health and Safety Executive ("the Executive") under section 11(4) of the 1974 Act to exercise on its behalf the functions that it has agreed to perform under this Agreement.
5. The Ministers shall ensure that the costs incurred by the Commission and the Executive in performing the functions specified in paragraph 1 of this Agreement are paid in full. Unless otherwise agreed these payments shall be within the limits of an agreed annual estimate of the total of such costs for the year and shall be payable within the year in which the work is performed.
6. This Agreement shall come into effect on 1 September 2003. It shall terminate on the expiry of six months written notice of termination given by any party to this Agreement to the other parties.

IN WITNESS whereof the Official Seal of the Secretary of State for Health has been affixed this

\_\_\_\_\_ day of \_\_\_\_\_ 2003; and the Common Seal of the Commission has been affixed this  
\_\_\_\_\_ day of \_\_\_\_\_ 2003.

THE OFFICIAL SEAL OF  
THE SECRETARY OF STATE FOR HEALTH  
is authenticated by:

THE COMMON SEAL OF  
THE HEALTH AND SAFETY COMMISSION  
is authenticated by:

Authorised by the said Secretary of State

Chair of the Commission