WELSH STATUTORY INSTRUMENTS

2007 No. 2803 (W.236)

ANIMALS, WALES

ANIMAL HEALTH

The Diseases of Animals (Approved Disinfectants) (Wales) Order 2007

Made - - - - 25 September 2007

Coming into force - - 15 October 2007

The Welsh Ministers, in exercise of their powers under section 1 of the Animal Health Act 1981(**1**), make the following Order:

Title, application and commencement

1.

(1) The title of this Order is the Diseases of Animals (Approved Disinfectants) (Wales) Order 2007:

(2) This Order applies in relation to Wales.

(3) This Order comes into force on 15 October 2007.

Approvals

2. Any approval under this Order or any renewal, amendment, suspension or revocation of an approval must be in writing.

Approval of disinfectants

3.—(1) The manufacturer of a disinfectant may apply to the Welsh Ministers for the approval of that disinfectant for use in cases where an order under the Animal Health Act 1981 specifies that an approved disinfectant must be used.

(2) The Welsh Ministers may only approve a disinfectant if they are satisfied-

(a) as to its efficacy and quality; and

(**1**) 1981 c. 22; see section 86(1) for definition of "the Ministers". The functions of "the Ministers" insofar as exercisable in relation to Wales, were transferred to the National Assembly of Wales by virtue of S.I. 1999/672 and S.I 2004/3044 and are exercisable by the Welsh Ministers by virtue paragraph 30 of Schedule 11 to the Government of Wales 2006.

(b) that it complies with the Biocidal Products Regulations 2001(**2**).

(3) The approval—

(a) must specify the dilution rate; and

(b) may contain conditions to which the approval is subject.

(4) The Welsh Ministers may test the disinfectant at any time, and must test it before approving it unless-

(a) the disinfectant has the same formulation as another disinfectant manufactured by the manufacturer whose application it is;

(b) that other disinfectant is an approved disinfectant; and

(c) approval is sought only for use in one or more of the circumstances in respect of which the other disinfectant is approved.

(5) The Welsh Ministers must publish a list of approved disinfectants.

(6) In this article, "dilution rate" means the number of parts of water with which one part of an approved disinfectant is to be diluted.

Use of the disinfectant

4. An approved disinfectant may only be used in accordance with the conditions of its approval or as directed by an inspector.

Duration of approval and renewal

5.—(1) An approval lasts for two years, and may be renewed within 3 months prior to its expiry.

(2) If a renewal is applied for, the approval continues to be valid up to the date on which the applicant is notified of the decision to renew or to refuse to renew.

Amendment, suspension and revocation of approvals

6.—(1) The Welsh Ministers may amend, suspend or revoke the approval or refuse to renew the approval if production of the disinfectant has ceased or if the disinfectant—

(a) is no longer efficacious or of suitable quality;

(b) does not comply with any condition of the approval; or

(c) does not comply with the Biocidal Products Regulations 2001.

(2) The Welsh Ministers may also suspend an approval pending investigation of any disinfectant if they have reasonable grounds to suspect that any of the grounds in paragraph (1) apply.

Representations to the Welsh Ministers

7.—(1) A manufacturer may make representations against—

(a) a refusal to grant or renew an approval;

(b) an amendment, suspension or revocation of an approval; or

(c) any condition of an approval,

to a person appointed by the Welsh Ministers.

(**2**) S.I. 2001/880, as amended by S.I. 2003/429, 2005/2451 and 2005/2759.