STATUTORY RULES OF NORTHERN IRELAND

2026 No. 9

EXITING THE EUROPEAN UNION

HEALTH AND SAFETY

The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment) (EU Exit) Regulations (Northern Ireland) 2026

Made - - - -	*20th January 2026*
Coming into operation -	*23rd February 2026*

The Department for the Economy makes the following Regulations in exercise of the powers conferred by Articles 2(5), 17(1) to (5), 40, 54 and 55(2) of, and paragraphs 1(1) to (5), 2, 3(1), 4, 5, 7(2), 8, 10, 12(1) and (3), 13, 14(1), 15, 16 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**a**) and sections 11 and 22 of, and paragraph 11M(1) of Part 1C of Schedule 2 to, and paragraph 21(b) of Part 3 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**b**).

Citation and commencement

1. These Regulations may be cited as the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment) (EU Exit) Regulations (Northern Ireland) 2026 and come into operation on 23rd February 2026.

Amendment of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013

2.—(1) The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013(**c**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 4(1) (interpretation)—

(a) in the definition of "competent authority" for "Member State" substitute "relevant state";

(b) after the definition of "inspector" insert—

""relevant state" means—

(a) Northern Ireland; or

(b) any EEA state.".

(**a**) S.I. 1978/1039 (N.I. 9); the general purposes of Part II referred to in Article 17(1) were extended by S.I. 1992/1728 (N.I. 17), Articles 3(1) and 4(1); Article 55(2) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1) and Schedule 1, paragraph 9

(**b**) 2018 c. 16; Part 1C of Schedule 2 was inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020 (c.1) (the 2020 Act). Paragraph 21(b) of Schedule 7 was amended by paragraph 53(2)(b) of Schedule 5 to the 2020 Act

(**c**) S.R. 2013 No. 206; as amended by S.R. 2015 No. 265 and modified by S.I. 2023/1056

(3) In regulation 7(2) (application of the 1978 Order) for "Member State" substitute "relevant state".

(4) In regulation 16(1) (application of the 1978 Order) for "Member State" substitute "relevant state".

(5) In regulation 18(1)(b) (exemptions) for "Member State" substitute "relevant state".

(6) In Schedule 2 (defence exemption certificates), paragraph 7(c) for "Member State" substitute "relevant state".

Amendment of the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015

3.—(1) The Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015(**a**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3 (application), in paragraph (2)(b)(**b**) at the end insert—

"; or

(v) a medicinal product for veterinary use marketed in accordance with the Veterinary Medicines Regulations 2013(**c**);".

(3) In Schedule 3 (an assessment carried out for the purposes of regulation 5), after paragraph 3(d) insert—

"(dd) consideration of relevant legislation, including legislation on the protection of workers from risks related to exposure to biological agents at work, other classification schemes referring to plant and animal pathogens, and other international and national classification schemes for genetically modified micro-organisms;".

Sealed with the Official Seal of the Department for the Economy on 20th January 2026.

L.S.

Dr Caoimhe Archibald
Minister of the Department for the Economy

(**a**) S.R. 2015 No. 339; as amended by S.I. 2019/775 and S.R. 2020 No. 330
(**b**) Paragraph 2(b) was amended by paragraph 14 of Schedule 8 to S.I. 2019/775 and regulation 10(2) of S.R. 2020 No. 330
(**c**) S.I. 2013 No. 2033; as amended

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Protocol on Ireland / Northern Ireland in the Withdrawal Agreement ("the Protocol") requires that the EU legislation listed in Annex 2 to that Protocol is implemented in Northern Ireland. Annex 2 includes 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) and Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures ("the CLP Regulation"; OJ No. L353, 31.12.08, p.1).

The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013 (S.R. 2013 No. 206) ("the BPC Regulations") provide for the appointment of competent authorities in relation to and for the enforcement of the Biocides Regulation and the CLP Regulation.

These Regulations make amendments to legislation in the field of chemical regulation and the regulation of genetically modified organisms. None of the changes being made alter the technical requirements and standards established by the legislation.

Regulation 2 amends the BPC Regulations to ensure they are compliant with the Protocol.

Regulation 3 amends the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 339) ("the GMO (CU) Regulations") to include reference to a medicinal product for veterinary use marketed in accordance with the Veterinary Medicines Regulations 2013. It also inserts paragraph 3(dd) into Schedule 3 to impose a duty to consider relevant legislation.

The BPC Regulations and GMO (CU) Regulations had been amended by the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/720) to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union. However, in light of the Protocol those amendments were revoked by the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1567).

An Impact Assessment has not been produced for these Regulations as there are limited/ negligible additional costs to business. There is no, or no significant, impact on charities, voluntary bodies or the public sector. A copy of the Explanatory Memorandum is published alongside the Regulations on www.legislation.gov.uk.

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