STATUTORY RULES OF NORTHERN IRELAND

2010 No. 343

HEALTH AND SAFETY

The Genetically Modified Organisms (Contained Use) (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*6th October 2010*
Coming into operation	*29th October 2010*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**3**) and by Articles 2(5), 17(1) to (5), 40(2) and (4) and 55(2) of, and paragraphs 1(1), (2), (3), (4) and (5), 3(1), 4, 5(1), 7(2), 8, 10, 12(1) and (3), 13, 14(1), 15 and 19 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**4**) ("the 1978 Order").

The Department was designated(**5**) for the purposes of section 2(2) in relation to the control and regulation of genetically modified organisms.

The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A) of the 1978 Order(**6**) after the Executive had carried out consultations in accordance with Article 46(3)(**7**).

Citation and commencement

1. These Regulations may be cited as the Genetically Modified Organisms (Contained Use) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 29th October 2010.

(**1**) Formerly the Department of Economic Development; *see* S.I. 1999/283 (N.I. 1), Article 3(5); that Department was formerly the Department of Manpower Services, *see* S.I. 1982/846 (N.I. 11), Article 3
(**2**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**3**) 1972 c. 68; the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act 1993 (c. 51). Section 2(2) was further amended by section 27(1), and paragraphs 2 and 3 of Schedule 2 by section 27(2), of the Legislative and Regulatory Reform Act 2006 (c. 51)
(**4**) 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 19
(**5**) Article 13(1) was substituted by S.I. 1998/2795 (N.I. 18), Article 4
(**6**) Article 13(1)
(**7**) Article 46(3) was amended by S.I. 1998/2795 (N.I. 18), Article 6(1), and Schedule 1, paragraphs 8 and 18 and the Health Protection Agency Act 2004 (c. 17), Schedule 3, paragraph 10

Interpretation

2.—(1) In these Regulations, "the 2001 Regulations" means the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001(**8**).

(2) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2001

3.—(1) The 2001 Regulations shall be amended as follows.

(2) In paragraph 1 of Schedule 3, Part I—

(a) omit the word "and" at the end of sub-paragraph (c);

(b) for "." substitute "; and" at the end of sub-paragraph (d); and

(c) after sub-paragraph (d) insert—

"(e) the disposal of waste and effluents.".

(3) In paragraph 3 of Schedule 3, Part II, after sub-paragraph (b) insert the following new sub-paragraph—

"(ba) recognition that, in general, only activities involving genetically modified micro-organisms which show the following characteristics are appropriate for inclusion in class 1 as described in Schedule 1—

(i) the recipient or parental micro-organism is unlikely to cause disease to humans, animals or plants,

(ii) the nature of the vector and the insert is such that they do not endow the genetically modified micro-organism with a phenotype likely to cause disease to humans, animals, or plants, or likely to have deleterious effects on the environment, and

(iii) the genetically modified micro-organism is unlikely to cause disease to humans, animals or plants and is unlikely to have deleterious effects on the environment;".

(4) In Schedule 8, in Table 1a, after Containment Measure number 9, insert—

"9A	Biohazard sign on door	not required	required	required	required"

Sealed with the Official Seal of the Department of Enterprise, Trade and Investment on 6th October 2010.

L.S.

C. Lewis
A senior officer of the
Department of Enterprise, Trade and Investment

(**8**) S.R. 2001 No. 295, revoked in part by S.R. 2003 No. 167 and S.R. 2003 No. 510; amended by S.R. 2006 No. 524
(**9**) 1954 c. 33 (N.I.)