STATUTORY RULES OF NORTHERN IRELAND

2006 No. 524

HEALTH AND SAFETY

The Genetically Modified Organisms (Contained Use) (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*18th December 2006*
Coming into operation	
for the purpose of regulation 3(12) to 3(16)	*1st May 2007*
for all other purposes	*1st February 2007*

The Department of Enterprise, Trade and Investment(**1**), being the Department concerned(**2**), makes the following Regulations in exercise of powers conferred on it by Articles 17(1) and (2) and 40(2), (4) and 55(2) of and paragraphs 1(1), (2), 10, 14(1) and 15 of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**3**) ("the 1978 Order"). It is a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**4**) in relation to the control and regulation of genetically modified organisms(**5**). The Regulations give effect without modifications to proposals submitted to it by the Health and Safety Executive for Northern Ireland under Article 13(1A)(**6**) of the 1978 Order after the Executive had carried out consultations in accordance with Article 46(3)(**7**) of the 1978 Order.

Citation and Commencement

1. These Regulations may be cited as the Genetically Modified Organisms (Contained Use) (Amendment) Regulations (Northern Ireland) 2006 and for the purpose of regulation 3(12) to 3(16) shall come into operation on 1st May 2007 and for all other purposes on 1st February 2007.

(**1**) Formerly the Department of Economic Development; see 1999 No. 283 (N.I. 1), Article 3(5)
(**2**) See Article 2(2) of S.I. 1978 No. 1039 (9)
(**3**) 1978 No. 1039 (N.I. 9)
(**4**) 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)
(**5**) S.I. 1991/755
(**6**) Article 13(1) was substituted by S.I. 1998 No. 2795 (N.I. 18), Article 4
(**7**) Article 46(3) was amended by S.I 1998 No. 2795 (N.I. 18), Article 6(1) and Schedule 1, paragraphs 8 and 18

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 regulation 2(1)—

(a) after the definition of "organism", insert—

> ""transboundary movement" has the meaning assigned to it by Article 3 of Regulation 1946/2003/EC of the European Parliament and of the Council on transboundary movements of genetically modified organisms(**10**)

(b) the definition of "territorial waters" shall be omitted.

(3) In regulation 3—

(a) In (3)(a)(i)(bb) after "Article 13(4) of Council Directive 90/220/EEC" insert "or Articles 15(3), 17(6), or 18(2) of Directive 2001/18/EC of the European Parliament and Council(**11**)";

(b) for (3)(a)(iii) substitute, "food or feed authorised in accordance with the provisions of Regulation 1829/2003/EC of the European Parliament and of the Council on genetically modified food and feed(**12**)";

(c) insert as (3)(a)(iv), "food products notified to the Commission in accordance with the provisions of Article 8.1, or feed products notified to the Commission in accordance with the provisions of Article 20.1, of Council Regulation 1829/2003/EC".

(4) In regulation 15—

(a) in paragraph (4), for the words "Subject to paragraphs (5) and (6)", substitute "Subject to paragraph (5)";

(b) in paragraph (5) for the words "Subject to paragraph (6), where a change referred to in paragraph (3)(a)", substitute "Where a change referred to in paragraph (4)(a)"; and

(c) omit paragraph (6).

(5) In regulation 18(2), after "necessary", insert "or practicable".

(6) Regulations 22 and 23 shall be omitted.

(7) In regulation 24—

(a) for paragraph 1 there shall be substituted the following paragraph, namely—"This regulation is subject to regulation 24A.";

(b) in paragraph (2), for the words "register referred to in paragraph (1)", there shall be substituted the words—

> "competent authority shall maintain a register of every notification submitted under regulations 9 to 12 and the register";

(**8**) S.R. 2001 No. 295
(**9**) 1954 c. 33 (N.I.)
(**10**) O.J. L 287/1 5.11.2003
(**11**) No. L106, 17.04.01, p.1 as supplemented by Commission Decision 2002/623/EC (O.J. L200, 30.07.02, p.22).
(**12**) No. L268, 18.10.2003, p1.

(c) in paragraph (3), there shall be omitted the words "referred to in paragraph (1)", and for the words "regulation 22(2)(b) or shall be withheld under regulation 22(8)" substitute " the provisions of the Environmental Information Regulations 2004(**13**).";

(d) for paragraph (4) substitute—

"(4) Information shall be entered in the register within 14 days of its receipt by the competent authority.";

(e) omit paragraph (5); and

(f) after paragraph (8), there shall be added the following paragraph, namely—

"(9) In this regulation "the register" means the register maintained by the competent authority in accordance with paragraph (2)".

(8) After regulation 24 there shall be inserted the following regulation, namely—

"**"Information not to be included in the register**

24A.—(1) No information shall be included in the register if and so long as, in the opinion of the Department of Enterprise, Trade and Investment, the inclusion in the register of that information, or information of that description, would be a breach of confidentiality.

(2) For the purpose of securing the exclusion from the register of information to which paragraph (1) applies, the Department of Enterprise, Trade and Investment may give to the competent authority directions—

(a) specifying information, or descriptions of information, to be excluded from the register; or

(b) specifying descriptions of information to be referred to the Department of Enterprise, Trade and Investment for its determination.

(3) No information referred to the Department of Enterprise, Trade and Investment pursuant to paragraph (2)(b) shall be included in the register until the Department of Enterprise, Trade and Investment determines that it should be so included.

(4) The competent authority shall notify the Department of Enterprise, Trade and Investment of any information it excludes from the register in accordance with directions given to it under paragraph (2).

(5) A person may give a written notice to the Department of Enterprise, Trade and Investment —

(a) specifying information which appears to that person to be information to which paragraph (1) may apply; and

(b) indicating its apparent nature.

(6) If a person gives a written notice pursuant to paragraph (5), at the same time he shall give written notice to the competent authority that he has done so.

(7) No information notified pursuant to paragraph (5) shall be included in the register until the Department of Enterprise, Trade and Investment has determined that it shall be so included.

(8) In this regulation, "the Register" means the register maintained by the competent authority in accordance with regulation 24(2).".

(9) In regulation 29 omit paragraph (3).

(10) Omit regulation 30.

(11) In paragraph 2 of Schedule 6—

(**13**) S.I. 2004 No. 3391.