STATUTORY RULES OF NORTHERN IRELAND

2005 No. 271

EUROPEAN COMMUNITIES ENVIRONMENTAL PROTECTION

The Genetically Modified Organisms (Traceability and Labelling) Regulations (Northern Ireland) 2005

Made - - - -	*24th May 2005*
Coming into operation	*30th June 2005*

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the control and regulation of genetically modified organisms, in exercise of the powers conferred upon it by that section and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Genetically Modified Organisms (Traceability and Labelling) Regulations (Northern Ireland) 2005 and shall come into operation on 30th June 2005.

Interpretation

2.—(1) In these Regulations –

"the Council Regulation" means Regulation (EC) No. 1830/2003(**3**) of the European Parliament and of the Council concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC;

"the Department" means the Department of the Environment;

"inspector" means a person appointed as such under regulation 3;

"specified Community provision" means a provision of the Council Regulation specified in column 1 of the Schedule.

(2) Expressions in these Regulations which are not defined in paragraph (1) and which appear in or are referred to in the Council Regulation have the same meaning in these Regulations as they have for the purposes of the Council Regulation.

(**1**) S.I.1991/755
(**2**) 1972 c. 68
(**3**) O.J. No. L268, 18.10.2003 p. 24

(3) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Enforcement

3.—(1) Subject to paragraph (2) each district council shall, in its area, enforce and execute these Regulations and the Council Regulation.

(2) The Department may, in relation to any case or to cases of a particular description, direct that the duty of a district council under paragraph (1) be discharged –

(a) by the Department instead of the district council, or

(b) by the Department and the district council acting jointly.

(3) A district council or the Department may appoint as inspectors such persons as it or they consider necessary for the purpose of enforcing these Regulations and the Council Regulation.

(4) Any appointment of an inspector under Article 11 of the Genetically Modified Organisms (Northern Ireland) Order 1991(**5**) having effect at the coming into operation of these Regulations shall have effect as if it were an appointment of the inspector as an inspector by the Department for the purpose of these Regulations.

Powers of inspectors

4.—(1) An inspector may, on production of his authority, if so required, exercise any of the powers specified in paragraph (3) for the purposes of the enforcement and execution of these Regulations and the specified Community provisions.

(2) For these purposes, those powers are exercisable in relation to any premises other than premises used wholly or mainly for domestic purposes.

(3) The powers of an inspector are –

(a) at any reasonable time –

(i) to enter premises which he has reason to believe it is necessary for him to enter and to take with him any person duly authorised by a district council or the Department as the case may be, and if the inspector has reasonable cause to apprehend any serious obstruction in the execution of his duty, a constable; and

(ii) to take with him any equipment or materials required for any purpose for which the power of entry is being exercised;

(b) to carry out such tests and inspections (and to make such recordings), as may in any circumstances be necessary;

(c) to direct that any, or any part of, premises which he has power to enter, or anything in or on such premises, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any test or inspection;

(d) to take samples of any organisms, articles or substances found in or on any premises which he has power to enter;

(e) in the case of any product found on premises which he has power to enter which appears –

(i) to consist of or contain genetically modified organisms and which the inspector has reasonable cause to believe is not labelled in accordance with the Council Regulation, or;

(**4**) 1954 c. 33 (N.I.)
(**5**) S.I. 1991/1714 (N.1. 19)

(ii) in the case of food or feed, to be produced from genetically modified organisms and regarding which the inspector has reasonable cause to believe that the information specified in Article 5(1) of the Council Regulation has not been transmitted to the operator receiving the product,

to take possession of it and detain it for so long as is necessary for all or any of the following purposes –

(aa) to examine it;

(bb) to ensure that it is not tampered with before his examination of it is completed; and

(cc) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations;

(f) to require any person whom he has reasonable cause to believe to be able to give any information relevant to any test or inspection under this paragraph to answer (in the absence of persons other than a person nominated to be present and any persons whom the inspector may allow to be present) such questions as the inspector thinks fit to ask and to sign a declaration of the truth of his answers;

(g) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records which are required to be kept for the purpose of complying with any specified Community provisions or it is necessary for him to see for the purposes of any test or inspection and to inspect, and take copies of, or of any entry in, the records; and

(h) to require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred on him by this paragraph.

(4) Where under the power conferred by paragraph (3)(e) an inspector takes possession of anything found on any premises, he shall leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars sufficient to identify what he has seized and stating that he has taken possession of it under that power; and before taking possession under that power of –

(a) any thing that forms part of a batch of similar things; or

(b) any substance,

an inspector shall, if it is practical and safe for him to do so, take a sample of it and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

Obtaining information from persons

5.—(1) For the purpose of the execution and enforcement of these Regulations and the specified Community provisions, a district council or the Department, as the case may be, may by notice in writing served on any person who appears –

(a) to be involved in the placing on the market of –

(i) products consisting of or containing genetically modified organisms; or

(ii) food or feed produced from genetically modified organisms; or

(b) to be about to become, or to have been, involved in either of those activities,

require that person to furnish such relevant information available to him as is specified in the notice, in such form and within such period following service of the notice as is so specified.

(2) For the purposes of this regulation "relevant information" means information concerning any aspects of the activities in question.