STATUTORY RULES OF NORTHERN IRELAND

1996 No. 250

HEALTH AND SAFETY

Genetically Modified Organisms (Contained Use) (Amendment) Regulations (Northern Ireland) 1996

Made - - - -	*25th June 1996*
Coming into operation	*29th July 1996*

The Department of Economic Development, the Department of Agriculture and the Department of the Environment being Departments designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the control and regulation of genetically modified organisms, acting jointly in the exercise of the powers conferred on them by the said section 2(2), the Department of Economic Development, acting as the Department concerned(**3**), in exercise of the powers conferred by Articles 17(1), (2), (4) and (5) of, and paragraphs 1(1) and (5), 3(1), and 14(1) of Schedule 3 to, the Health and Safety at Work (Northern Ireland) Order 1978(**4**) and those Departments, in exercise of every other power enabling them in that behalf, after consultation with the Health and Safety Agency for Northern Ireland and such other bodies as appeared to them to be appropriate, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Genetically Modified Organisms (Contained Use) (Amendment) Regulations (Northern Ireland) 1996 and shall come into operation on 29th July 1996.

Interpretation

2.—(1) In these Regulations, "the principal Regulations" means the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 1994(**5**).

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(**1**) S.I.1991/755
(**2**) 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)
(**3**) *See* Article 2(2) of S.I. 1978/1039 (N.I. 9)
(**4**) S.I. 1978/1039 (N.I. 9)
(**5**) S.R. 1994 No. 143, to which there are amendments not relevant to these Regulations
(**6**) 1954 c. 33 (N.I.)

Amendments to the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with Schedule 1 to these Regulations.

(2) The Schedule set out in Schedule 2 to these Regulations shall be substituted for Schedule 2 to the principal Regulations.

Sealed with the Official Seal of the Department of Economic Development on

13th June 1996.

Suzanna Cooper
Assistant Secretary

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

25th June 1996.

Liam McKibben
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on

17th June 1996.

R. W. Rogers
Assistant Secretary

SCHEDULE 1

Regulation 3(1)

Amendments to the Principal Regulations

1. The principal Regulations shall be amended in accordance with the following paragraphs of this Schedule.

2. In regulation 2—

(a) in paragraph (1)—

(i) after the definition of "activity involving genetic modification" there shall be inserted the following definition—

""the Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993 and adopted as respects the United Kingdom by the European Economic Area Act 1993(**7**);",

(ii) after the definition of "the Department" there shall be inserted the following definition—

""the European Economic Area" means the Area referred to in the Agreement;",

(iii) after the definition of "genetic modification safety committee" there shall be inserted the following definition—

""member State" means a State which is a Contracting Party to the Agreement;", and

(iv) for the definition of "organism" there shall be substituted the following definition—

""organism" means a biological entity capable of replication or transferring genetic material and includes a micro-organism, but does not include a human or a human embryo;"; and

(b) for paragraph (2), there shall be substituted the following paragraph—

"(2) Genetically modified organisms shall be classified—

(a) in the case of micro-organisms—

(i) as Group I micro-organisms if they satisfy all of the criteria set out in Part I of Schedule 2, or

(ii) as Group II micro-organisms if they do not satisfy all of the said criteria; or

(b) in the case of genetically modified organisms other than micro-organisms, as satisfying the criteria set out in Part II of Schedule 2 if they so satisfy those criteria.".

3. For sub-paragraph (*a*) of paragraph (2) of regulation 6 there shall be substituted the following sub-paragraph—

"(a) genetically modified organisms are cultured, stored, used, transported, destroyed or disposed of, where such organisms are or are contained in—

(i) a product marketed in pursuance of either—

(aa) a consent granted by the Department of the Environment for Northern Ireland under Article 8(1) of the Genetically Modified Organisms (Northern Ireland) Order 1991(**8**); or

(**7**) 1993 c. 51
(**8**) S.I. 1991/1714 (N.I. 19)