
STATUTORY INSTRUMENTS

2014 No. 1663

**The Genetically Modified Organisms
(Contained Use) Regulations 2014**

PART 5

Miscellaneous and General

Saving and transitional provisions

33.—(1) Subject to paragraph (3) the following continue to have effect and are deemed to have been made, granted or imposed under these Regulations—

- (a) a notification made under any of regulations 9 to 13 of the 2000 Regulations, provided that the notification complied with the provisions of those Regulations, as if the notification had been made by a notifier under the corresponding regulation of these Regulations;
- (b) a consent granted by the competent authority under regulation 11 of the 2000 Regulations as if it were granted under regulation 11 of these Regulations;
- (c) an agreement by the competent authority under regulation 18(2) of the 2000 Regulations that a specific containment measure need not be applied to a contained use, as if it were made under regulation 19(2) of these Regulations;
- (d) a request for additional information made under regulation 14(2) of the 2000 Regulations, as if it were made under regulation 24(1) of these Regulations;
- (e) a condition, limit of time or other requirement imposed by the competent authority under regulation 15(1) of the 2000 Regulations, as if it were imposed under regulation 25 of these Regulations.

(2) Every record required to be kept under regulation 8(2) of the 2000 Regulations must be kept in the same manner and for the same period as specified in that regulation as if the requirement were imposed under regulation 7(2) of these Regulations.

(3) A person responsible for contained use involving micro-organisms must submit a notification to the competent authority in the following circumstances—

- (a) the contained use was being undertaken in accordance with the 2000 Regulations before the date on which these Regulations come into force;
- (b) the appropriate containment level for the contained use is different under these Regulations to the appropriate containment level under the 2000 Regulations; and
- (c) as a result the contained use is classified under these Regulations at a higher class than under the 2000 Regulations.

(4) The notification must be submitted to the competent authority within the specified period.

(5) Subject to paragraphs (6) to (8) the notification must be treated as a notification required under regulation 10(2) or 11(2) of these Regulations.

(6) The notification must contain the information in Schedule 6 that is specified for the new class of contained use, unless the competent authority exempts the notifier from some or all of the requirements of Schedule 6.

(7) Where a notification is submitted for a contained use that requires consent as class 3 or class 4 contained use, the competent authority must inform the notifier of its decision whether or not to grant consent within 90 days of receipt of the notification.

(8) The contained use referred to in paragraph (3) may continue provided that—

- (a) the notification is submitted within the specified period;
- (b) the risk assessment shows no increase in the risks to human health or the environment created by the contained use;
- (c) the competent authority does not require the notifier to suspend or terminate the contained use under regulation 25 of these Regulations; and
- (d) the competent authority has not refused consent for the contained use.

(9) In this regulation—

“specified period” means the 90 days beginning with the date on which these Regulations come into force.