
STATUTORY INSTRUMENTS

1991 No. 1714

**The Genetically Modified Organisms
(Northern Ireland) Order 1991**

Publicity

Exclusion from register of certain information

20.—(1) No information shall be included in the register under Article 19 if and so long as, in the opinion of the Secretary of State, the inclusion of the information would be contrary to the interests of national security.

(2) No information shall be included in the register if and so long as, in the opinion of the Department, it ought to be excluded on the ground that its inclusion might result in damage to the environment.

(3) No information relating to the affairs of any individual or business shall be included in the register without the consent of that individual or the person for the time being carrying on that business, if the Department has determined that the information—

- (a) is, in relation to him, commercially confidential; and
- (b) is not information of a description to which paragraph (7) applies;

unless the Department is of the opinion that the information is no longer commercially confidential in relation to him.

(4) Nothing in paragraph (3) requires the Department to determine whether any information is or is not commercially confidential except where the person furnishing the information applies to have it excluded on the ground that it is (in relation to himself or another person) commercially confidential.

(5) Where an application has been made for information to be excluded under paragraph (3), the Department shall make a determination and inform the applicant of it as soon as is practicable.

(6) Where it appears to the Department that any information (other than information furnished by the person to whom it relates) which has been obtained under or by virtue of any provision of this Order might be commercially confidential, the Department shall—

- (a) give to the person to whom or to whose business it relates notice that the information is required to be included in the register unless excluded under paragraph (3); and
- (b) give him a reasonable opportunity—
 - (i) of objecting to the inclusion of the information on the ground that it is commercially confidential; and
 - (ii) of making representations to the Department for the purpose of justifying any such objection;

and the Department shall take any representations into account before determining whether the information is or is not commercially confidential.

(7) The prescribed particulars of or relating to the matters mentioned in Article 19(1)(a),^{[F1} (c)]^{F1} (d) and (e) shall be included in the register notwithstanding that they may be commercially confidential if and so far as they are of any of the following descriptions, namely—

- (a) the name and address of the person giving the notice or furnishing the information;
- (b) [^{F1}the general description]^{F1} of any genetically modified organisms to which the notice or other information relates;

Sub-para. (c) rep. by SR 2003/167

- (d) the purpose for which those organisms are being imported, acquired, kept, released or marketed (according to whichever of those acts the notice or other information relates);

Sub-para. (e) rep. by SR 2003/167

- (f) notices under Article 9(3), (4), (5) or (7);

and the Department may by regulations prescribe any other description of information as information which the public interest requires to be included in the register notwithstanding that it may be commercially confidential.

(8) Information excluded from the register under paragraph (3) shall be treated as ceasing to be commercially confidential for the purposes of that paragraph at the expiry of a period of 4 years from the date of the determination by virtue of which it was excluded; but the person who furnished it or to whom or to whose business it relates may apply to the Department for the information to remain excluded on the ground that it is still commercially confidential.

(9) The Department may by order substitute for the period for the time being specified in paragraph (8) such other period as it considers appropriate.

F1 SR 2003/167

Changes to legislation:

There are currently no known outstanding effects for the The Genetically Modified Organisms (Northern Ireland) Order 1991, Section 20.