
STATUTORY INSTRUMENTS

1991 No. 1714

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

Consents

Consents: limitations and conditions **N.I.**

9.—(1) The Department may include in a consent such limitations and conditions^{F1}...^{F2} for the purpose of ensuring that all appropriate measures are taken to avoid damage to the environment which may arise from the activity permitted by the consent.^{F2}; but no limitations or conditions shall be imposed for the purpose only of securing the health of persons at work (within the meaning of Part II of the Health and Safety at Work (Northern Ireland) Order 1978^{F3}).

(2) Without prejudice to the generality of paragraph (1), the conditions included in a consent may—

- (a) require the giving of notice of any fact to the Department; or
- (b) prohibit or restrict the keeping, releasing or marketing of genetically modified organisms under the consent in specified cases or circumstances;

and where, under any condition, the holder of a consent is required to cease keeping any genetically modified organisms, he shall dispose of them, in any manner specified in the conditions, as quickly and safely as practicable.

(3) Subject to paragraph (6), there is implied in every consent for the importation or acquisition of genetically modified organisms a general condition that the holder of the consent shall—

- (a) take all reasonable steps to keep himself informed (by reference to the nature of the organisms and the manner in which he intends to keep them after the importation or acquisition) of any risks there are of damage to the environment being caused as a result of their importation or acquisition; and
- (b) if at any time it appears that any such risks are more serious than were apparent when the consent was granted, notify the Department forthwith.

(4) Subject to paragraph (6), there is implied in every consent for keeping genetically modified organisms a general condition that the holder of the consent shall—

- (a) take all reasonable steps to keep himself informed of any damage to the environment which may have been caused as a result of his keeping the organisms and of any risks there are of such damage being caused as a result of his continuing to keep them;
- (b) if at any time it appears that any such risks are more serious than were apparent when the consent was granted, notify the Department forthwith; and
- (c) use the best available techniques not entailing excessive cost for keeping the organisms under his control and for preventing any damage to the environment being caused as a result of his continuing to keep them.

(5) Subject to paragraph (6), there is implied in every consent for releasing or marketing genetically modified organisms a general condition that the holder of the consent shall—

- (a) take all reasonable steps to keep himself informed (by reference to the nature of the organisms and the extent and manner of the release or marketing) of any risks there are of damage to the environment being caused as a result of their being released or, as the case may be, marketed;
- ^{F4}(b) notify the Department^{F2} [F2 forthwith]^{F2} of—
- (i) any new information which becomes available with regard to any risks there are of damage to the environment being so caused, and
- Head (ii) rep. by SR 2003/167*
- [any unforeseen event, occurring in connection with a release by him, which might ^{F2}(iii) affect the risks there are of damage to the environment being caused as a result of their being released.]]
- ^{F2F2F4}(c) take such measures as are necessary to prevent any damage to the environment being caused as a result of the release or, as the case may be, the placing on the market of the organisms;]
- ^{F2F2}(d) notify the Department of the measures (if any) taken as a result of new information becoming available or an unforeseen event occurring as described in sub-paragraph (b) (iii); and
- (e) in a case where new information becomes available or an unforeseen event so occurs, revise the information contained in his application for a consent accordingly and supply the revised information to the Department.]
- ^{F2}(6) The general condition implied into a consent under paragraph (3), (4) or (5) has effect subject to any conditions imposed under paragraph (1); and the obligations imposed by virtue of paragraph (4)(c) or (5)(c) shall not apply to any aspect of an act authorised by a consent which is regulated by such a condition.
- (7) There shall be implied in every consent for keeping, releasing or marketing genetically modified organisms of any description a general condition that the holder of the consent—
- (a) shall take all reasonable steps to keep himself informed of developments in the techniques which may be available in his case for preventing damage to the environment being caused as a result of the doing of the act authorised by the consent in relation to organisms of that description; and
- (b) if it appears at any time that any better techniques are available to him than is required by any condition included in the consent under paragraph (1), shall notify the Department of that fact forthwith.

But this general condition shall have effect subject to any conditions imposed under paragraph (1).

F1	SR 1994/142
F2	SR 2003/167
F3	1978 NI 9
F4	SR 1994/144

Changes to legislation:

There are currently no known outstanding effects for the The Genetically Modified Organisms (Northern Ireland) Order 1991, Section 9.