
STATUTORY INSTRUMENTS

1991 No. 1714

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

Consents

Consents required by certain persons **N.I.**

8.—(1) Subject to paragraph (7), no person shall import or acquire, release or market any genetically modified organisms—

- (a) in such cases as may be prescribed in relation to that act, or
- (b) in any case where he has been given directions under Article 5(8)(a),

except in pursuance of a consent granted by the Department and in accordance with any limitations and conditions to which the consent is subject.

(2) Subject to paragraph (7), no person who has imported or acquired any genetically modified organisms (whether under a consent or not) shall continue to keep the organisms—

- (a) in such cases as may be prescribed, after the end of the prescribed period, or
- (b) if he has been given directions under Article 5(8)(b), after the date specified in the directions,

except in pursuance of a consent granted by the Department and in accordance with any limitations or conditions to which the consent is subject.

(3) A person who is required under paragraph (2) to cease keeping any genetically modified organisms shall dispose of them as quickly and safely as practicable.

(4) An application for a consent must contain such information and be made and advertised in such manner as may be prescribed and shall be accompanied by the fee required under Article 10.

(5) The applicant shall, in prescribed circumstances, give such notice of his application to such persons as may be prescribed.

(6) The Department may by notice to the applicant require him to furnish such further information specified in the notice, within such period as may be so specified, as it may require for the purpose of determining the application; and if the applicant fails to furnish the information within the specified period the Department may refuse to proceed with the application.

[^{F1}A notice under this paragraph must state the reasons for requiring the further information specified in the notice.]

^{F1}[^{F2}(6A) Where an applicant for consent for releasing or marketing genetically modified organisms becomes aware, before his application is either granted or rejected, of any new information with regard to any risks there are of damage to the environment being caused as a result of the organisms being released or marketed, he shall notify the Department of that new information forthwith.]

^{F2}(7) Regulations under this Article may provide for exemptions, or for the granting by the Department [^{F3}, or by the Department and the Food Standards Agency acting jointly,] ^{F3} of exemptions to particular persons or classes of person, from—

- (a) any requirement under paragraph (1) or (2) to have a consent, or
- (b) any of the requirements to be fulfilled under the regulations by an applicant for a consent.

(8) Where an application for a consent is duly made to it, the Department may grant the consent subject to such limitations and conditions as may be imposed under Article 9 or it may refuse the application.

(9) The conditions attached to a consent may include conditions which are to continue to have effect notwithstanding that the holder has completed or ceased the act or acts authorised by the consent.

(10) The Department may at any time, by notice given to the holder of a consent, revoke the consent or vary the consent (whether by attaching new limitations and conditions or by revoking or varying any limitations and conditions to which it is at that time subject).

(11) In this Article “prescribed” means prescribed in regulations under this Article.

F1	SR 2003/167
F2	SR 1994/144
F3	1999 c.28

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

9.—(1) The Department may include in a consent such limitations and conditions^{F4}...^{F5} 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.^{F5}; 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^{F6}).

(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;
- [^{F7}(b) notify the Department[^{F5} forthwith]^{F5} 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 ^{F5}(iii) affect the risks there are of damage to the environment being caused as a result of their being released.]]
- [^{F5F7}(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;]
- [^{F5F5}(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.]
- ^{F5}(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).

F4	SR 1994/142
F5	SR 2003/167
F6	1978 NI 9
F7	SR 1994/144

Fees and charges **N.I.**

10.—(1) The Department may, with the approval of the Department of Finance and Personnel, make and revise a scheme prescribing—

- (a) fees payable in respect of applications for consents; and
- (b) charges payable by persons holding consents in respect of the subsistence of their consents;

and it shall be a condition of any such consent that any applicable prescribed charge is paid in accordance with that scheme.

(2) A scheme under this Article may, in particular—

- (a) provide for the times at which and the manner in which payments are to be made; and
- (b) make such incidental, supplementary and transitional provision as appears to the Department to be appropriate.

(3) The Department shall so frame a scheme under this Article as to secure, so far as practicable, that the amounts payable under it will be sufficient, taking one financial year with another, to cover the expenditure of the Department in discharging its functions under this Order in relation to consents.

(4) The Department shall, on making or revising a scheme under this Article, lay a copy of the scheme or of the scheme as revised before the Assembly.

Changes to legislation:

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