
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

**The Genetically Modified Organisms (Deliberate Release etc.)
(Miscellaneous Amendments) (Scotland) Regulations 2019**

**Amendment to the Genetically Modified Organisms (Deliberate Release) (Scotland)
Regulations 2002**

14. After regulation 30, insert—

“Stop notices

30A.—(1) The Scottish Ministers may serve a notice under this regulation (a “stop notice”) on any person they have reason to believe—

- (a) is releasing or marketing a genetically modified organism, or has released or marketed a genetically modified organism, and the release or marketing of that organism is not—
 - (i) pursuant to a consent granted by the Scottish Ministers under section 111(1) of the Act or otherwise granted under the Deliberate Release Directive, or
 - (ii) under and in accordance with any limitation or condition to which such a consent is subject,
- (b) is cultivating or has cultivated a genetically modified organism in contravention of a limit included on the geographical scope of a consent to market under regulation 24(7) or a renewed consent to market under regulation 26(5),
- (c) is cultivating or has cultivated a genetically modified organism in contravention of a condition in a consent to limit its geographical scope under regulation 29A(3) (a), or
- (d) is cultivating or has cultivated a genetically modified organism or approved product in contravention of a suspension notice issued under regulation 29A(3) (b) or (c).

(2) A stop notice served on a person may—

- (a) prohibit a person from carrying out any act,
- (b) require a person to cease carrying out any act,
- (c) require a person to carry out any act,

for the purposes of ensuring, in so far as is possible, that the release, cultivation, placing on the market or marketing of the genetically modified organism is terminated.

(3) The stop notice must—

- (a) state that the Scottish Ministers are, in relation to the person on whom it is served, of the belief mentioned in paragraph (1),
- (b) specify, for the purposes of paragraph (2), what act is to be prohibited, required or ceased and any applicable timescale, and

Draft Legislation: This is a draft item of legislation and has not yet been made as a Scottish Statutory Instrument. This draft has been replaced by a new draft, The Genetically Modified Organisms (Deliberate Release etc.) (Miscellaneous Amendments) (Scotland) Regulations 2019 ISBN 978-0-11-104058-4

- (c) specify the date on which the stop notice takes effect (which may be the date of service).
- (4) The Scottish Ministers must, where they consider appropriate, notify Food Standards Scotland before serving a stop notice.
- (5) The Scottish Ministers may at any time vary or withdraw a stop notice served on any person by giving reasonable notice.”.