
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 541

**The Genetically Modified Organisms (Deliberate
Release) (Scotland) Regulations 2002**

**PART I
GENERAL**

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Environmental Protection Act 1990⁽¹⁾;

“the Advisory Committee on Releases to the Environment” means the committee appointed for the purposes of, and in accordance with, section 124 of the Act;

“antibiotic resistance markers” means genes employed in the modification of an organism to make that organism express resistance to a particular antibiotic or antibiotics;

“application for consent to release” shall include any notification made under the First Simplified Procedure (crop plants) Decision;

“approved product” means a product consisting of or including genetically modified organisms which is permitted to be marketed by a consent granted under section 111(1) of the Act or otherwise in accordance with Article 15(3), 17(6) or 18(2) of the Deliberate Release Directive or Article 13(2) or (4) of the 1990 Directive;

“the Commission” means the European Commission;

“community council” means a community council constituted under section 51 of the Local Government (Scotland) Act 1973⁽²⁾;

“the Contained Use Directive” means Council Directive 1990/219/EEC⁽³⁾ on the contained use of genetically modified micro-organisms as amended by Commission Directive 1994/51/EC⁽⁴⁾ and Council Directive 1998/81/EC⁽⁵⁾;

“the Deliberate Release Directive” means Directive 2001/18/EC of the European Parliament and the Council⁽⁶⁾ on the deliberate release into the environment of genetically modified organisms;

the “1990 Directive” means Council Directive 1990/220/EEC⁽⁷⁾ on the deliberate release into the environment of genetically modified organisms as amended by Commission Directive 1994/15/EC⁽⁸⁾ and Commission Directive 1997/35/EC⁽⁹⁾;

(1) 1990 c. 43.

(2) 1973 c. 65.

(3) O.J. No. L 117, 8.5.90, p.1.

(4) O.J. No. L 297, 18.11.94, p.29.

(5) O.J. No. L 330, 5.12.98, p.13.

(6) O.J. No. L 106, 17.4.01, p.1.

(7) O.J. No. L 117, 8.5.90, p.15.

(8) O.J. No. L 103, 22.4.94, p.20.

(9) O.J. No. L 169, 27.6.97, p.72.

“electronic communication” has the same meaning as in the Electronic Communications Act 2000(10);

“environmental risk assessment” means the environmental risk assessment required to be contained in an application for consent to release or market genetically modified organisms by virtue of regulation 11(1)(c) and regulation 16(2)(c) respectively;

“the First Simplified Procedure (crop plants) Decision” means Commission Decision 1994/730/EC(11), as amended by the Deliberate Release Directive;

“the Food Standards Agency” means the Food Standards Agency established under section 1 of the Food Standards Act 1999(12);

“genetically modified organisms” means a genetically modified organism or a combination of genetically modified organisms;

“the Health and Safety Executive” means the Health and Safety Executive established under section 10 of the Health and Safety at Work etc. Act 1974(13);

“higher plant” means a plant belonging to the taxonomic group Spermatophyta (Gymnospermae or Angiospermae);

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(14);

“monitoring plan” means the plan required by regulation 16(2)(g);

“the register” means the public register kept by the Scottish Ministers under section 122 of the Act;

“Regulation 2309/93” has the same meaning as it has in Schedule 1;

“the 1992 Regulations” means the Genetically Modified Organisms (Deliberate Release) Regulations 1992(15).

(2) Expressions used in these Regulations have, unless the contrary intention appears, the meaning which they bear in Part VI of the Act and in regulations 8, 9, 14, 15, 33 and 34 the prescribing of cases, circumstances, descriptions and matters shall be treated as being cases, circumstances, descriptions and matters prescribed in accordance with and under the Act.

(3) In these Regulations, unless the context otherwise requires—

- (a) any reference to a numbered regulation or to a numbered Schedule or to a numbered Part is a reference to the regulation or Schedule or Part in these Regulations so numbered; and
- (b) a reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule to which that reference occurs.

(10) 2000 c. 7.

(11) O.J. No. L 292, 12.11.94, p.31.

(12) 1999 c. 28.

(13) 1974 c. 37.

(14) 1994 c. 39.

(15) S.I.1992/3280, as amended by S.I. 1993/152, 1995/304, 1997/1900 and 2000/2831.