
STATUTORY INSTRUMENTS

2002 No. 2443

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

PART VI

SAFEGUARD

Safeguard

32.—(1) The Secretary of State may serve a prohibition notice under section 110 of the Act to prohibit an act which is authorised by a consent granted by her under section 111(1) of the Act or by a consent granted in respect of an approved product only if her opinion that doing such an act would involve a risk of causing damage to the environment is based on detailed grounds as the result of either—

- (a) new or additional information made available since the date of the consent which affects the environmental risk assessment in respect of that product; or
- (b) a reassessment of existing information in respect of that product on the basis of new or additional scientific information.

(2) Where, in the circumstances described in paragraph (1), the Secretary of State considers that the risk of damage being caused to the environment is severe she shall serve a prohibition notice requiring such measures to be taken as she may consider appropriate and once any work required by the notice has been carried out she shall enter details of it on the register.

(3) In cases to which paragraph (1) and (2) apply, the Secretary of State shall immediately inform the Commission and the other member States of her actions and shall at the same time provide them with—

- (a) her reasons for taking such actions,
- (b) the results of her review of the environmental risk assessment,
- (c) her opinion as to whether the conditions of the consent should be varied, and, if so, how, or whether the consent should be revoked, and
- (d) where appropriate, the new or additional information on which her decision to take action was based.

(4) A prohibition notice served under section 110 of the Act in accordance with this regulation shall be subject to any decision adopted by the Commission in accordance with Article 23(2) of the Deliberate Release Directive.

(5) Upon receipt of notification of a decision by the Commission to which paragraph (4) refers the Secretary of State shall send a copy of it to the holder of the consent to which the decision relates and shall at the same time withdraw any prohibition notice which is inconsistent with that decision.

(6) References in this regulation to the Secretary of State exercising a function under section 110 of the Act shall, in any case to which section 126(3) of the Act applies, be treated as references to the Secretary of State and the Food Standards Agency⁽¹⁾ acting jointly.

⁽¹⁾ See section 1 of the Food Standards Act 1999 (c. 28).