

**EXPLANATORY MEMORANDUM TO  
THE GENETICALLY MODIFIED ORGANISMS (ENGLAND) (AMENDMENTS)  
REGULATIONS 2008**

**2008 No. 2598**

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 This instrument makes minor amendments to the Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004 (S.I. 2004/2412) and the Genetically Modified Organisms (Transboundary Movements) (England) Regulations 2004 (S.I. 2004/2692), in order to correct drafting errors.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 Regulation 8(1) of both S.I. 2004/2412 and S.I. 2004/2692 were reported to Parliament for defective drafting by the Joint Committee on Statutory Instruments in its Thirty-third Report of Session 2003–04. This instrument corrects those errors.

4. **Legislative Background**

4.1 In amending S.I. 2004/2412 and S.I. 2004/2692, this instrument gives effect to an undertaking given by the Department to the Joint Committee on Statutory Instruments to correct those instruments (see Appendix 2 to that Committee's Thirty-third Report of Session 2003–04).

5. **Territorial Extent and Application**

5.1 The instrument applies in England.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

7.1 This instrument makes minor amendments to two sets of Regulations, in order to correct drafting errors.

7.2 The Genetically Modified Organisms (Traceability and Labelling) (England) Regulations 2004 provide that it is an offence for a person without reasonable excuse to fail to comply with “any requirement imposed under regulation 5” (regulation 8(1)(c)) or “a request made under regulation 5(3)(g) or regulation 6” (regulation 8(1)(d)). The separate reference to regulation 5(3)(g) is unnecessary given the wording of regulation 8(1)(c). This instrument corrects that error.

7.3 The Genetically Modified Organisms (Transboundary Movements) (England) Regulations 2004 contain a similar error. They provide that it is an offence without reasonable excuse to fail to comply with “any requirement imposed under regulation 6” (regulation 8(1)(c)) or “a request made under regulation 6(3)(g) or regulation 7” (regulation 8(1)(d)). The separate reference to regulation 6(3)(g) is unnecessary given the wording of regulation 8(1)(c). This instrument corrects that error, and in so doing makes a minor clarification to the wording (to refer to a requirement made under notice, rather than a request).

## **8. Impact**

8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

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