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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Genetically Modified Organisms (Deliberate Release) Regulations 2002 (S.I. 2002/2443) (“the 2002 Regulations”). They apply in England only.

Regulation 2(2) defines the concept of a “qualifying higher plant” for the purposes of the 2002 Regulations.

Regulation 2(4) inserts new regulation 9A into the 2002 Regulations, which provides for an exemption in respect of qualifying higher plants from the requirements of sections 108(1)(a) and 111(1)(a) of the Environmental Protection Act 1990 (c. 43) (“the Act”) where they are being released into the environment in cases and circumstances which do not relate to marketing those qualifying higher plants.

Regulation 2(4) further inserts new regulation 9B into the 2002 Regulations, which provides for a notification requirement under section 108(1)(b) of the Act in respect of the intended release into the environment of qualifying higher plants, except in cases and circumstances which relate to the marketing of those qualifying higher plants. Schedule 3A to the 2002 Regulations, inserted by regulation 2(7), sets out the information which must be provided alongside such a notice.

Regulation 2(5) and (6) amends regulations 34 and 35 of the 2002 Regulations requiring the Secretary of State to publish information relating to a notice given under regulation 9B on the public register under the Act within twelve days of receipt of the notice.

A regulatory triage assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Genetic Resources and GM Team, Department for Environment, Food and Rural Affairs, 2 Marsham Street, London, SW1P 4DF and is published with the Explanatory Memorandum alongside these Regulations on [www.legislation.gov.uk](http://www.legislation.gov.uk).