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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 541**

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

**PART I**

**GENERAL**

**Techniques of genetic modification**

5.—(1) Until the coming into force of the first regulations made by the Scottish Ministers under section 106(4B)(a) (power to prescribe techniques, alteration by which shall be taken to be artificial modification) <sup>MI</sup> of the Act, genes or other genetic material shall be taken, for the purposes of subsection (4) of that section, to be artificially modified if they are altered using any of the following techniques:—

- (a) recombinant nucleic acid techniques involving the formation of new combinations of genetic material by the insertion of nucleic acid molecules produced by whatever means outside an organism, into any virus, bacterial plasmid or other vector system and their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation;
- (b) techniques involving the direct introduction into an organism of heritable material prepared outside the organism including micro-injection, macro-injection and micro-encapsulation;
- (c) cell fusion (including protoplast fusion) or hybridisation techniques where live cells with new combinations of heritable genetic material are formed through the fusion of two or more cells by means of methods that do not occur naturally.

(2) Until the coming into force of the first regulations made by the Scottish Ministers under section 106(4B)(b) (power to prescribe techniques, alteration by which shall not be taken to be artificial modification) of the Act, genes or other genetic material shall not be taken, for the purposes of subsection (4) of that section, to be artificially modified by reason only of being altered by the use of any of the following techniques:—

- (a) in vitro fertilisation;
- (b) natural processes including conjugation, transduction or transformation;
- (c) polyploidy induction:

Provided that such techniques do not involve the use of recombinant nucleic acid molecules or genetically modified organisms made by techniques or methods other than—

- (i) mutagenesis; or
- (ii) cell fusion (including protoplast fusion) of plant cells of organisms which can exchange genetic material through traditional breeding methods.

(3) Until the coming into force of the first regulations made by the Scottish Ministers under section 106(4C) (power to prescribe organisms which shall be taken not to be genetically modified)

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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of the Act, an organism shall be taken, for the purposes of Part VI of the Act, not to be a genetically modified organism if it is yielded from the techniques or methods listed in paragraph (2)(i) or (ii): Provided that those techniques or methods did not involve the use of recombinant nucleic acid molecules or genetically modified organisms (other than those made by techniques or methods listed in that paragraph).

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**Marginal Citations**

**M1** [Section 106\(4\)](#) is amended by regulation 3(3) and section 106(4A) to (4D) is inserted by regulation 3(4).

### Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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### Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Pt. 6A inserted by [S.S.I. 2019/86 reg. 16](#)
- Sch. 1 para. 6(4)(a)(i) word substituted by [S.S.I. 2023/374 Sch. 2 para. 2\(4\)](#)
- Sch. 1 para. 6(4)(b)(i) word substituted by [S.S.I. 2023/374 Sch. 2 para. 2\(5\)](#)
- sch. 1 para. 6(4)(a)(ii) words inserted by [S.S.I. 2022/361 reg. 14\(2\)\(ii\)](#)
- sch. 1 para. 6(4)(a)(i) words substituted by [S.S.I. 2022/361 reg. 14\(2\)\(i\)](#)
- sch. 2 para. 42 words substituted by [S.S.I. 2019/57 reg. 3\(25\)\(c\)](#)
- sch. 2 para. 43 words substituted by [S.S.I. 2019/57 reg. 3\(25\)\(c\)](#)
- sch. 2 para. 46 words substituted by [S.S.I. 2019/57 reg. 3\(25\)\(c\)](#)
- sch. 2 para. 53 words substituted by [S.S.I. 2019/57 reg. 3\(25\)\(d\)](#)
- sch. 2 para. 54(h)(i) words substituted by [S.S.I. 2019/57 reg. 3\(25\)\(e\)\(i\)](#)
- sch. 2 para. 54(h)(ii) words substituted by [S.S.I. 2019/57 reg. 3\(25\)\(e\)\(ii\)](#)
- sch. 5A inserted by [S.S.I. 2019/57 sch. 2](#)
- reg. 11(1)(a)(aa) substituted for reg. 11(1)(a) by [S.S.I. 2019/86 reg. 4](#)
- reg. 15(1) reg. 15 renumbered as reg. 15(1) by [S.S.I. 2019/86 reg. 7\(a\)](#)
- reg. 15(1) word omitted by [S.S.I. 2019/57 reg. 2\(5\)\(b\)\(ii\)](#)
- reg. 15(1) word substituted by [S.S.I. 2019/57 reg. 2\(5\)\(a\)](#)
- reg. 15(1) words omitted by [S.S.I. 2019/57 reg. 2\(5\)\(b\)\(i\)](#)
- reg. 15(1) words substituted by [S.S.I. 2019/57 reg. 2\(5\)\(c\)](#)
- reg. 15(1)(a) words inserted by [S.S.I. 2019/57 reg. 3\(6\)\(a\)\(i\)](#)
- reg. 15(1)(a) words substituted by [S.S.I. 2019/57 reg. 2\(5\)\(d\)\(i\)](#)
- reg. 15(1)(a) words substituted by [S.S.I. 2019/57 reg. 2\(5\)\(d\)\(ii\)](#)
- reg. 15(1)(b) words substituted by [S.S.I. 2019/57 reg. 3\(6\)\(a\)\(iii\)](#)
- reg. 15(1)(c) omitted by [S.S.I. 2019/57 reg. 3\(6\)\(a\)\(iv\)](#)
- reg. 15(1)(d) word inserted by [S.S.I. 2019/57 reg. 3\(6\)\(a\)\(v\)](#)
- reg. 15(1)(e) substituted by [S.S.I. 2019/57 reg. 3\(6\)\(a\)\(vi\)](#)
- reg. 15(1)(e) word inserted by [S.S.I. 2019/86 reg. 7\(c\)](#)
- reg. 15(1)(e) words substituted by [S.S.I. 2019/86 reg. 7\(b\)](#)
- reg. 15(1)(f) and word omitted by [S.S.I. 2019/86 reg. 7\(d\)](#)
- reg. 15(1)(g) omitted by [S.S.I. 2019/57 reg. 3\(6\)\(a\)\(vii\)](#)
- reg. 15(1)(aa) inserted by [S.S.I. 2019/57 reg. 3\(6\)\(a\)\(ii\)](#)
- reg. 15(2) inserted by [S.S.I. 2019/86 reg. 7\(e\)](#)
- reg. 15(2) substituted by [S.S.I. 2019/57 reg. 3\(6\)\(b\)](#)
- reg. 16(2)(a)-(ab) substituted for reg. 16(2)(a) by [S.S.I. 2019/86 reg. 8](#)
- reg. 24(7)-(11) inserted by [S.S.I. 2019/86 reg. 10\(d\)](#)
- reg. 24(7) words substituted by [S.S.I. 2019/57 reg. 2\(6\)\(b\)](#)
- reg. 24(9) words substituted by [S.S.I. 2019/57 reg. 2\(6\)\(c\)](#)
- reg. 26(5)-(8) inserted by [S.S.I. 2019/86 reg. 11](#)
- reg. 26(5) substituted by [S.S.I. 2019/57 reg. 3\(13\)\(b\)](#)
- reg. 26(5) words substituted by [S.S.I. 2019/57 reg. 2\(8\)\(b\)](#)
- reg. 26(6) words substituted by [S.S.I. 2019/57 reg. 2\(8\)\(c\)](#)
- reg. 26(7) substituted for reg. 26(7)(8) by [S.S.I. 2019/57 reg. 3\(13\)\(c\)](#)
- reg. 26A26B inserted by [S.S.I. 2019/86 reg. 12](#)
- reg. 26A substituted by [S.S.I. 2019/57 reg. 3\(14\)](#)
- reg. 26A(1) words substituted by [S.S.I. 2019/57 reg. 2\(9\)](#)

- reg. 26B substituted by S.S.I. 2019/57 reg. 3(15)
- reg. 26B(1) substituted by S.S.I. 2019/57 reg. 2(10)
- reg. 29A29B inserted by S.S.I. 2019/86 reg. 13
- reg. 29A(1) words omitted by S.S.I. 2019/57 reg. 3(17)(a)(iii)
- reg. 29A(1)(a) word substituted by S.S.I. 2019/57 reg. 2(11)(a)(i)
- reg. 29A(1)(a) words substituted by S.S.I. 2019/57 reg. 2(11)(a)(ii)
- reg. 29A(1)(b) words substituted by S.S.I. 2019/57 reg. 3(17)(a)(i)
- reg. 29A(1)(c) full stop substituted for comma by S.S.I. 2019/57 reg. 3(17)(a)(ii)
- reg. 29A(2) omitted by S.S.I. 2019/57 reg. 3(17)(b)
- reg. 29A(3)(a) words substituted by S.S.I. 2019/57 reg. 2(11)(b)(i)
- reg. 29A(3)(b) word substituted by S.S.I. 2019/57 reg. 2(11)(b)(ii)
- reg. 29A(3)(c) word inserted by S.S.I. 2019/57 reg. 3(17)(c)
- reg. 29A(5) word inserted by S.S.I. 2019/57 reg. 3(17)(d)(ii)
- reg. 29A(5) word substituted by S.S.I. 2019/57 reg. 3(17)(d)(i)
- reg. 29A(6) word substituted by S.S.I. 2019/57 reg. 3(17)(e)
- reg. 29A(6) words inserted by S.S.I. 2019/57 reg. 2(11)(c)
- reg. 29A(7) words inserted by S.S.I. 2019/57 reg. 2(11)(d)
- reg. 29A(7)(a)(v) words omitted by S.S.I. 2019/57 reg. 3(17)(f)(i)
- reg. 29A(7)(b) word inserted by S.S.I. 2019/57 reg. 3(17)(f)(ii)
- reg. 29A(7)(b) word substituted by S.S.I. 2023/374 Sch. 2 para. 2(2)
- reg. 29A(7)(e) word substituted by S.S.I. 2023/374 Sch. 2 para. 2(3)
- reg. 29A(7)(e) words substituted by S.S.I. 2019/57 reg. 3(17)(f)(iii)
- reg. 29A(9)(a) omitted by S.S.I. 2019/57 reg. 3(17)(g)
- reg. 29A(11) words substituted by S.S.I. 2019/57 reg. 2(11)(e)
- reg. 29A(11) words substituted by S.S.I. 2019/57 reg. 3(17)(h)
- reg. 29A(12)(a) word inserted by S.S.I. 2019/57 reg. 2(11)(f)(i)
- reg. 29A(12)(a) words inserted by S.S.I. 2019/57 reg. 2(11)(f)(ii)
- reg. 29A(12)(a) words omitted by S.S.I. 2019/57 reg. 3(17)(i)
- reg. 29B(1)(a) words inserted by S.S.I. 2019/57 reg. 2(12)(a)(i)
- reg. 29B(1)(a) words inserted by S.S.I. 2019/57 reg. 2(12)(a)(ii)
- reg. 29B(1)(a) words substituted by S.S.I. 2019/57 reg. 2(12)(a)(iii)
- reg. 29B(1)(b) words inserted by S.S.I. 2019/57 reg. 2(12)(b)
- reg. 29B(1)(c) words substituted by S.S.I. 2019/57 reg. 3(18)(a)
- reg. 29B(2) words substituted by S.S.I. 2019/57 reg. 3(18)(b)
- reg. 30A inserted by S.S.I. 2019/86 reg. 14
- reg. 30A(1)(a)(i) word omitted by S.S.I. 2019/57 reg. 2(13)(a)(i)(bb)
- reg. 30A(1)(a)(i) word substituted by S.S.I. 2019/57 reg. 2(13)(a)(i)(aa)
- reg. 30A(1)(a)(i) words omitted by S.S.I. 2019/57 reg. 3(19)
- reg. 30A(1)(a)(iii) inserted by S.S.I. 2019/57 reg. 2(13)(a)(iii)
- reg. 30A(1)(a)(ii) word inserted by S.S.I. 2019/57 reg. 2(13)(a)(ii)
- reg. 30A(1)(b) words substituted by S.S.I. 2019/57 reg. 2(13)(b)(i)
- reg. 30A(1)(b) words substituted by S.S.I. 2019/57 reg. 2(13)(b)(ii)
- reg. 30A(1)(c) words substituted by S.S.I. 2019/57 reg. 2(13)(c)
- reg. 30A(1)(d) words substituted by S.S.I. 2019/57 reg. 2(13)(d)
- reg. 32B(1)(d) words substituted by S.S.I. 2019/57 reg. 2(14)(a)(i)
- reg. 32B(1)(d) words substituted by S.S.I. 2019/57 reg. 2(14)(a)(ii)
- reg. 32B(1)(e) words substituted by S.S.I. 2019/57 reg. 2(14)(b)
- reg. 34(3)(i) inserted by S.S.I. 2019/57 reg. 3(22)(a)(iii)
- reg. 34(3A) inserted by S.S.I. 2019/57 reg. 3(22)(b)
- reg. 34(7A) inserted by S.S.I. 2019/57 reg. 3(22)(d)
- reg. 35(3A) inserted by S.S.I. 2019/57 reg. 3(23)(b)
- reg. 35(7A) inserted by S.S.I. 2019/57 reg. 3(23)(c)