



Environmental Protection Act 1990

1990 CHAPTER 43

PART VI

GENETICALLY MODIFIED ORGANISMS

Preliminary

106 Purpose of Part VI and meaning of “genetically modified organisms” and related expressions.

- (1) This Part has effect for the purpose of preventing or minimising any damage to the environment which may arise from the escape or release from human control of genetically modified organisms.
- (2) In this Part the term “organism” means any acellular, unicellular or multicellular entity (in any form), other than humans or human embryos; and, unless the context otherwise requires, the term also includes any article or substance consisting of or including biological matter.
- (3) For the purpose of subsection (2) above “biological matter” means anything (other than an entity mentioned in that subsection) which consists of or includes—
 - (a) tissue or cells (including gametes or propagules) or subcellular entities, of any kind, capable of replication or of transferring genetic material, or
 - (b) genes or other genetic material, in any form, which are so capable,and it is immaterial, in determining if something is or is not an organism or biological matter, whether it is the product of natural or artificial processes of reproduction and, in the case of biological matter, whether it has ever been part of a whole organism.
- (4) For the purposes of this Part an organism is “genetically modified” if any of the genes or other genetic material in the organism—
 - (a) have been modified by means of an artificial technique prescribed in regulations by the Secretary of State; or
 - (b) are inherited or otherwise derived, through any number of replications, from genes or other genetic material (from any source) which were so modified.

Status: Point in time view as at 01/04/1991.

Changes to legislation: Environmental Protection Act 1990, Cross Heading: Preliminary is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) The techniques which may be prescribed for the purposes of subsection (4) above include—
- (a) any technique for the modification of any genes or other genetic material by the recombination, insertion or deletion of, or of any component parts of, that material from its previously occurring state, and
 - (b) any other technique for modifying genes or other genetic material which in the opinion of the Secretary of State would produce organisms which should for the purposes of this Part be treated as having been genetically modified, but do not include techniques which involve no more than, or no more than the assistance of, naturally occurring processes of reproduction (including selective breeding techniques or *in vitro* fertilisation).
- (6) It is immaterial for the purposes of subsections (4) and (5) above whether the modifications of genes or other genetic material effected by a prescribed technique are produced by direct operations on that genetic material or are induced by indirect means (including in particular the use of viruses, microbial plasmids or other vector systems or of mutation inducing agents).
- (7) In this Part, where the context permits, a reference to “reproduction”, in relation to an organism, includes a reference to its replication or its transferring genetic material.

Commencement Information

- II** S. 106 wholly in force at 1.2.1993; s. 106 not in force at Royal Assent see s. 164(2)(3); s. 106(4)(5) in force 1.4.1991 see S.I. 1991/1042, art. 2; s. 106(1)-(3)(6)(7) in force at 1.2.1993 see S.I. 1992/3253, art. 3.

107 Meaning of “damage to the environment”, “control” and related expressions in Part VI.

- (1) The following provisions have effect for the interpretation of this Part.
- (2) The “environment” consists of land, air and water or any of those media.
- (3) “Damage to the environment” is caused by the presence in the environment of genetically modified organisms which have (or of a single such organism which has) escaped or been released from a person’s control and are (or is) capable of causing harm to the living organisms supported by the environment.
- (4) An organism shall be regarded as present in the environment notwithstanding that it is present in or on any human or other organism, or any other thing, which is itself present in the environment.
- (5) Genetically modified organisms present in the environment are capable of causing harm if—
 - (a) they are individually capable, or are present in numbers such that together they are capable, of causing harm; or
 - (b) they are able to produce descendants which will be capable, or which will be present in numbers such that together they will be capable, of causing harm; and a single organism is capable of causing harm either if it is itself capable of causing harm or if it is able to produce descendants which will be so capable.

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- (6) “Harm” means harm to the health of humans or other living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes offence caused to any of his senses or harm to his property.
- (7) “Harmful” and “harmless” mean respectively, in relation to genetically modified organisms, their being capable or their being incapable of causing harm.
- (8) The Secretary of State may by regulations provide, in relation to genetically modified organisms of any description specified in the regulations, that—
 - (a) the capacity of those organisms for causing harm of any description so specified, or
 - (b) harm of any description so specified,shall be disregarded for such purposes of this Part as may be so specified.
- (9) Organisms of any description are under the “control” of a person where he keeps them contained by any system of physical, chemical or biological barriers (or combination of such barriers) used for either or both of the following purposes, namely—
 - (a) for ensuring that the organisms do not enter the environment or produce descendants which are not so contained; or
 - (b) for ensuring that any of the organisms which do enter the environment, or any descendants of the organisms which are not so contained, are harmless.
- (10) An organism under a person’s control is “released” if he deliberately causes or permits it to cease to be under his control or the control of any other person and to enter the environment; and such an organism “escapes” if, otherwise than by being released, it ceases to be under his control or that of any other person and enters the environment.
- (11) Genetically modified organisms of any description are “marketed” when products consisting of or including such organisms are placed on the market.

Commencement Information

I2 S. 107 wholly in force at 1.2.1993; s. 107 not in force at Royal Assent see s. 164(2)(3); s. 107(8) in force 1.4.1991 see S.I. 1991/1042, art. 2; s. 107(1)-(7)(9)-(11) in force at 1.2.1993 see S.I. 1992/3253, art. 3.

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