



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART VI

#### GENETICALLY MODIFIED ORGANISMS

##### *Consents*

#### **111 Consents required by certain persons.**

- (1) Subject to subsection (7) below, no person shall import or acquire, release or market any genetically modified organisms—
  - (a) in such cases or circumstances as may be prescribed in relation to that act, or
  - (b) in any case where he has been given directions under section 108(8)(a) above, except in pursuance of a consent granted by the Secretary of State and in accordance with any limitations and conditions to which the consent is subject.
- (2) Subject to subsection (7) below, no person who has imported or acquired any genetically modified organisms (whether under a consent or not) shall continue to keep the organisms—
  - (a) in such cases or circumstances as may be prescribed, after the end of the prescribed period, or
  - (b) if he has been given directions under section 108(8)(b) above, after the date specified in the directions,except in pursuance of a consent granted by the Secretary of State and in accordance with any limitations or conditions to which the consent is subject.
- (3) A person who is required under subsection (2) above to cease keeping any genetically modified organisms shall dispose of them as quickly and safely as practicable.
- (4) An application for a consent must contain such information and be made and advertised in such manner as may be prescribed and shall be accompanied by the fee required under section 113 below.

*Changes to legislation: Environmental Protection Act 1990, Section 111 is up to date with all changes known to be in force on or before 20 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) View outstanding changes*

- (5) The applicant shall, in prescribed circumstances, give such notice of his application to such persons as may be prescribed.
- (6) The Secretary of State may by notice to the applicant require him to furnish such further information specified in the notice, within such period [<sup>F1</sup>and in such form and manner] as may be so specified, as he may require for the purpose of determining the application; and if the applicant fails to furnish the information within the specified period [<sup>F2</sup>and in the specified form and manner] the Secretary of State may refuse to proceed with the application.
- [<sup>F3</sup>A notice under this subsection must state the reasons for requiring the further information specified in the notice.]
- [<sup>F4</sup>(6ZA) A notice under subsection (6) must state the reasons for requiring the further information specified in the notice.]
- [<sup>F5</sup>(6A) Where an applicant for consent for releasing or marketing genetically modified organisms becomes aware, before his application is either granted or rejected, of any new information with regard to any risks there are of damage to the environment being caused as a result of the organisms being released or marketed, he shall notify the Secretary of State of that new information forthwith.]
- (7) Regulations under this section may provide for exemptions, or for the granting by the Secretary of State [<sup>F6</sup>, or by the Secretary of State and the Food Standards Agency acting jointly,] of exemptions to particular persons or classes of person, from—
- (a) any requirement under subsection (1) or (2) above to have a consent, or
  - (b) any of the requirements to be fulfilled under the regulations by an applicant for a consent,
- in such cases or circumstances as may be prescribed.
- (8) Where an application for a consent is duly made to him, the Secretary of State may grant the consent subject to such limitations and conditions as may be imposed under section 112 below or he may refuse the application.
- (9) The conditions attached to a consent may include conditions which are to continue to have effect notwithstanding that the holder has completed or ceased the act or acts authorised by the consent.
- (10) The Secretary of State may at any time, by notice given to the holder of a consent, revoke the consent or vary the consent (whether by attaching new limitations and conditions or by revoking or varying any limitations and conditions to which it is at that time subject).
- (11) Regulations under this section may make different provision for different cases and different circumstances; and in this section “prescribed” means prescribed in regulations under this section.
- [<sup>F7</sup>(12) In the application of this section to Scotland, the reference in subsection (7) to the Food Standards Agency is to be read as a reference to Food Standards Scotland.]

#### Textual Amendments

- F1** Words in s. 111(6) inserted (S.) (5.12.2002) by [Genetically Modified Organisms \(Deliberate Release\) \(Scotland\) Regulations 2002 \(S.S.I. 2002/541\)](#), **reg. 19(1)(a)(i)**

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- F2** Words in s. 111(6) inserted (S.) (5.12.2002) by [Genetically Modified Organisms \(Deliberate Release\) \(Scotland\) Regulations 2002 \(S.S.I. 2002/541\)](#), **reg. 19(1)(a)(ii)**
- F3** Words in s. 111(6) inserted (E.) (17.10.2002) by [Genetically Modified Organisms \(Deliberate Release\) Regulations 2002 \(S.I. 2002/2443\)](#), regs. 1(2)(3), **19(1)** and (W.) (31.12.2002) by virtue of [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002 \(S.I. 2002/3188\)](#), **reg. 20(1)**
- F4** S. 111(6ZA) inserted (S.) (5.12.2002) by [Genetically Modified Organisms \(Deliberate Release\) \(Scotland\) Regulations 2002 \(S.S.I. 2002/541\)](#), **reg. 19(1)(b)**
- F5** S. 111(6A) inserted (1.2.1993) by [S.I. 1992/3280](#), **reg. 13(1)**
- F6** Words in s. 111(7) inserted (1.4.2000) by 1999 c. 28, s. 18, **Sch. 3 Pt. III para. 17** (with s. 38); [S.I. 2000/1066](#), **art. 2**
- F7** S. 111(12) inserted (S.) (1.4.2015) by [Food \(Scotland\) Act 2015 \(asp 1\)](#), s. 63(2), **sch. para. 4(3)** (with s. 62); [S.S.I. 2015/99](#), art. 2

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**Modifications etc. (not altering text)**

- C1** S. 111(1)(a) restricted (temp. from 15.11.2004 to 18.4.2007) by [The Genetically Modified Organisms \(Deliberate Release\) \(Scotland\) Regulations 2002 \(S.S.I. 2002/541\)](#), reg. 17A (as inserted by [The Genetically Modified Organisms \(Deliberate Release\) \(Scotland\) Amendment Regulations 2004 \(S.S.I. 2004/439\)](#)), **reg. 5**
- C2** S. 111(6): functions of the Scottish Ministers specified (3.5.2002) by [The Scotland Act 1998 \(Agency Arrangements\) \(Specification\) \(No. 2\) Order 2002 \(S.I. 2002/800\)](#), art. 2, **Sch.**

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**Commencement Information**

- I1** S. 111 partly in force; not in force at Royal Assent see s. 164(2)(3); s. 111(1)(2)(4)(5)(7)(11) in force 1.4.1991 by [S.I. 1991/1042](#), **art. 2**; s. 111(6)(6A)(8)-(10) in force at 1.2.1993 by [S.I. 1992/3253](#), **art. 3**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

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

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)