



Environmental Protection Act 1990

1990 CHAPTER 43

PART VI

GENETICALLY MODIFIED ORGANISMS

Consents

112 **Consents: limitations and conditions.** **E+W**

- (1) The Secretary of State may include in a consent such limitations and conditions as he may think fit [^{F1}for the purpose of ensuring that all appropriate measures are taken to avoid damage to the environment which may arise from the activity permitted by the consent]; ^{F2} . . .
- (2) Without prejudice to the generality of subsection (1) above, the conditions included in a consent may—
 - (a) require the giving of notice of any fact to the Secretary of State; or
 - (b) prohibit or restrict the keeping, releasing or marketing of genetically modified organisms under the consent in specified cases or circumstances;and where, under any condition, the holder of a consent is required to cease keeping any genetically modified organisms, he shall dispose of them, if no manner is specified in the conditions, as quickly and safely as practicable.
- (3) Subject to subsection (6) below, there is implied in every consent for the importation or acquisition of genetically modified organisms a general condition that the holder of the consent shall—
 - (a) take all reasonable steps to keep himself informed (by reference to the nature of the organisms and the manner in which he intends to keep them after their importation or acquisition) of any risks there are of damage to the environment being caused as a result of their importation or acquisition; and
 - (b) if at any time it appears that any such risks are more serious than were apparent when the consent was granted, notify the Secretary of State forthwith.

Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent

Changes to legislation: Environmental Protection Act 1990, Section 112 is up to date with all changes known to be in force on or before 24 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

- (4) Subject to subsection (6) below, there is implied in every consent for keeping genetically modified organisms a general condition that the holder of the consent shall—
- (a) take all reasonable steps to keep himself informed of any damage to the environment which may have been caused as a result of his keeping the organisms and of any risks there are of such damage being caused as a result of his continuing to keep them;
 - (b) if at any time it appears that any such risks are more serious than were apparent when the consent was granted, notify the Secretary of State forthwith; and
 - (c) use the best available techniques not entailing excessive cost for keeping the organisms under his control and for preventing any damage to the environment being caused as a result of his continuing to keep them.
- (5) Subject to subsection (6) below, there is implied in every consent for releasing or marketing genetically modified organisms a general condition that the holder of the consent shall—
- (a) take all reasonable steps to keep himself informed (by reference to the nature of the organisms and the extent and manner of the release or marketing) of any risks there are of damage to the environment being caused as a result of their being released or, as the case may be, marketed;
 - [^{F3}(b) notify the Secretary of State [^{F4}forthwith] of—
 - (i) any new information which becomes available with regard to any risks there are of damage to the environment being so caused, and
 - (ii) [^{F5}the effects of any releases by him for the assessment of any risks there are of damage to the environment being so caused by such organisms being released or marketed;]
 - [any unforeseen event, occurring in connection with a release by him, ^{F6}(iii) which might affect the risks there are of damage to the environment being caused as a result of their being released;]]
 - [^{F7}(c) take such measures as are necessary to prevent damage to the environment being caused as a result of the release or, as the case may be, the marketing of the organisms;]
 - [^{F8}(d) notify the Secretary of State [^{F9}or, in relation to Wales, the National Assembly for Wales] of the measures (if any) taken as a result of new information becoming available or an unforeseen event occurring as described in paragraph (b)(iii) above; and
 - (e) in a case where new information becomes available or an unforeseen event so occurs, revise the information contained in his application for a consent accordingly and supply the revised information to the Secretary of State [^{F9}or, in relation to Wales, the National Assembly for Wales].]
- (6) The general condition implied into a consent under subsection (3), (4) or (5) above has effect subject to any conditions imposed under subsection (1) above; and the obligations imposed by virtue of subsection (4)(c) or (5)(c) above shall not apply to any aspect of an act authorised by a consent which is regulated by such a condition.
- (7) There shall be implied in every consent for keeping, releasing or marketing genetically modified organisms of any description a general condition that the holder of the consent—
- (a) shall take all reasonable steps to keep himself informed of developments in the techniques which may be available in his case for preventing damage to

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the environment being caused as a result of the doing of the act authorised by the consent in relation to organisms of that description; and

- (b) if it appears at any time that any better techniques are available to him than is required by any condition included in the consent under subsection (1) above, shall notify the Secretary of State of that fact forthwith.

But this general condition shall have effect subject to any conditions imposed under subsection (1) above.

Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F1** Words in s. 112(1) inserted (E.) (17.10.2002) by [Genetically Modified Organisms \(Deliberate Release\) Regulations 2002 \(S.I. 2002/2443\)](#), regs. 1(2)(3), **29(2)** and (W.) (31.12.2002) by virtue of [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002 \(S.I. 2002/3188\)](#), **reg. 30(1)(2)**
- F2** Words in s. 112(1) omitted (17.11.1992) by virtue of S.I. 1992/2617, **reg. 2**
- F3** S. 112(5)(b) substituted (1.2.1993) by S.I. 1992/3280, **reg. 9** made by specified Ministers acting as respects England, as respects Wales and as respects Scotland
- F4** Word in s. 112(5)(b) inserted (E.) (17.10.2002) by [Genetically Modified Organisms \(Deliberate Release\) Regulations 2002 \(S.I. 2002/2443\)](#), regs. 1(2)(3), **29(3)(a)(i)** and (W.) (31.12.2002) by virtue of [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002 \(S.I. 2002/3188\)](#), **reg. 30(1)(3)(4)(a)(i)**
- F5** S. 112(5)(b)(ii) omitted (E.) (17.10.2002) by virtue of [Genetically Modified Organisms \(Deliberate Release\) Regulations 2002 \(S.I. 2002/2443\)](#), regs. 1(2)(3), **29(3)(a)(ii)** and (W.) (31.12.2002) by virtue of [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002 \(S.I. 2002/3188\)](#), **reg. 30(1)(3)(4)(a)(ii)**
- F6** S. 112(5)(b)(iii) inserted (E.) (17.10.2002) by [Genetically Modified Organisms \(Deliberate Release\) Regulations 2002 \(S.I. 2002/2443\)](#), regs. 1(2)(3), **29(3)(a)(iii)** and (W.) (31.12.2002) by virtue of [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002 \(S.I. 2002/3188\)](#), **reg. 30(1)(3)(4)(a)(iii)**
- F7** S. 112(5)(c) substituted (E.) (17.10.2002) by [Genetically Modified Organisms \(Deliberate Release\) Regulations 2002 \(S.I. 2002/2443\)](#), regs. 1(2)(3), **29(3)(b)** and (W.) (31.12.2002) by virtue of [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002 \(S.I. 2002/3188\)](#), **reg. 30(1)(3)(4)(b)**
- F8** S. 112(5)(d)(e) inserted (E.) (17.10.2002) by [Genetically Modified Organisms \(Deliberate Release\) Regulations 2002 \(S.I. 2002/2443\)](#), regs. 1(2)(3), **29(3)(c)** and (W.) (31.12.2002) by virtue of [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002 \(S.I. 2002/3188\)](#), **reg. 30(1)(5)-(7)** (as modified by reg. 30(6))
- F9** Words in s. 112(5)(d)(e) inserted (W.) (31.12.2002) by [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002 \(S.I. 2002/3188\)](#), **reg. 30(6)**

Commencement Information

- I1** S. 112 partly in force; s. 112 not in force at Royal Assent see s. 164(2)(3); s. 112(1)(2)(5)-(7) in force at 1.2.1993 see S.I. 1992/3253, art. 3

112 Consents: limitations and conditions. **S**

- (1) The Secretary of State may include in a consent such limitations and conditions as he may think fit ^{F10} for the purpose of ensuring that all appropriate measures are taken

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to avoid damage to the environment which may arise from the activity permitted by the consent];^{F2} . . .

(2) Without prejudice to the generality of subsection (1) above, the conditions included in a consent may—

- (a) require the giving of notice of any fact to the Secretary of State; or
- (b) prohibit or restrict the keeping, releasing or marketing of genetically modified organisms under the consent in specified cases or circumstances;

and where, under any condition, the holder of a consent is required to cease keeping any genetically modified organisms, he shall dispose of them, if no manner is specified in the conditions, as quickly and safely as practicable.

(3) Subject to subsection (6) below, there is implied in every consent for the importation or acquisition of genetically modified organisms a general condition that the holder of the consent shall—

- (a) take all reasonable steps to keep himself informed (by reference to the nature of the organisms and the manner in which he intends to keep them after their importation or acquisition) of any risks there are of damage to the environment being caused as a result of their importation or acquisition; and
- (b) if at any time it appears that any such risks are more serious than were apparent when the consent was granted, notify the Secretary of State forthwith.

(4) Subject to subsection (6) below, there is implied in every consent for keeping genetically modified organisms a general condition that the holder of the consent shall—

- (a) take all reasonable steps to keep himself informed of any damage to the environment which may have been caused as a result of his keeping the organisms and of any risks there are of such damage being caused as a result of his continuing to keep them;
- (b) if at any time it appears that any such risks are more serious than were apparent when the consent was granted, notify the Secretary of State forthwith; and
- (c) use the best available techniques not entailing excessive cost for keeping the organisms under his control and for preventing any damage to the environment being caused as a result of his continuing to keep them.

(5) Subject to subsection (6) below, there is implied in every consent for releasing or marketing genetically modified organisms a general condition that the holder of the consent shall—

- (a) take all reasonable steps to keep himself informed (by reference to the nature of the organisms and the extent and manner of the release or marketing) of any risks there are of damage to the environment being caused as a result of their being released or, as the case may be, marketed;

[^{F3}(b) notify the Secretary of State [^{F11}forthwith] of—

- (i) any new information which becomes available with regard to any risks there are of damage to the environment being so caused, and
- (ii) ^{F12}

[any unforeseen event, occurring in connection with a release by him,
^{F13}(iii) which might affect the risks there are of damage to the environment being caused as a result of their being released;]

[^{F14}(c) take such measures as are necessary to prevent damage to the environment being caused as a result of the release, or, as the case may be, the marketing of the organisms;]

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- [^{F15}(d) notify the Scottish Ministers forthwith of the measures (if any) taken as a result of new information becoming available or an unforeseen event occurring as described in paragraph (b)(iii); and
- (e) in a case where new information becomes available or an unforeseen event so occurs, revise the information contained in his application for a consent accordingly and supply the revised information to the Scottish Ministers in such form and manner as they may specify.]
- (6) The general condition implied into a consent under subsection (3), (4) or (5) above has effect subject to any conditions imposed under subsection (1) above; and the obligations imposed by virtue of subsection (4)(c) or (5)(c) above shall not apply to any aspect of an act authorised by a consent which is regulated by such a condition.
- (7) There shall be implied in every consent for keeping, releasing or marketing genetically modified organisms of any description a general condition that the holder of the consent—
- (a) shall take all reasonable steps to keep himself informed of developments in the techniques which may be available in his case for preventing damage to the environment being caused as a result of the doing of the act authorised by the consent in relation to organisms of that description; and
- (b) if it appears at any time that any better techniques are available to him than is required by any condition included in the consent under subsection (1) above, shall notify the Secretary of State of that fact forthwith.

But this general condition shall have effect subject to any conditions imposed under subsection (1) above.

Extent Information

- E3** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F2** Words in s. 112(1) omitted (17.11.1992) by virtue of S.I. 1992/2617, **reg. 2**
- F3** S. 112(5)(b) substituted (1.2.1993) by S.I. 1992/3280, **reg. 9** made by specified Ministers acting as respects England, as respects Wales and as respects Scotland
- F10** Words in s. 112(1) inserted (S.) (5.12.2002) by Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 (S.S.I. 2002/541), **reg. 29(2)**
- F11** Word in s. 112(5)(b) inserted (S.) (5.12.2002) by Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 (S.S.I. 2002/541), **reg. 29(3)(a)(i)**
- F12** S. 112(5)(b)(ii) omitted (S.) (5.12.2002) by virtue of Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 (S.S.I. 2002/541), **reg. 29(3)(a)(ii)**
- F13** S. 112(5)(b)(iii) inserted (S.) (5.12.2002) by Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 (S.S.I. 2002/541), **reg. 29(3)(a)(iii)**
- F14** S. 112(5)(c) substituted (S.) (5.12.2002) by Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 (S.S.I. 2002/541), **reg. 29(3)(b)**
- F15** S. 112(5)(d)(e) inserted (S.) (5.12.2002) by Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002 (S.S.I. 2002/541), **reg. 29(3)(c)**

Commencement Information

- I1** S. 112 partly in force; s. 112 not in force at Royal Assent see s. 164(2)(3); s. 112(1)(2)(5)-(7) in force at 1.2.1993 see S.I. 1992/3253, art. 3

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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\(4\)](#)