

1978 No. 752

HEALTH AND SAFETY

**The Health and Safety (Genetic Manipulation)
Regulations 1978**

<i>Made - - - -</i>	<i>22nd May 1978</i>
<i>Laid before Parliament</i>	<i>1st June 1978</i>
<i>Coming into Operation</i>	<i>1st August 1978</i>

The Secretary of State, in exercise of the powers conferred on her by sections 15(1), (2), (3)(b), (4)(a) and (5)(b), 52(2) and 82(3)(a) of the Health and Safety at Work etc. Act 1974(a) and paragraph 15(1) of Schedule 3 thereto (as amended by section 116 of the Employment Protection Act 1975(b) and paragraph 6 of Schedule 15 thereto) and for the purpose of giving effect without modifications to proposals submitted to her by the Health and Safety Commission under section 11(2)(d) of the said Act of 1974 (after the carrying out by the said Commission of consultations in accordance with section 50(3) of that Act), hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Health and Safety (Genetic Manipulation) Regulations 1978 and shall come into operation on 1st August 1978.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“genetic manipulation” means the formation of new combinations of heritable material by the insertion of nucleic acid molecules, produced by whatever means outside the cell, into any virus, bacterial plasmid, or other vector system so as to allow their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation;

“the Genetic Manipulation Advisory Group” means the central advisory group so known, comprising members appointed by the Secretary of State, the setting up of which was announced to the House of Commons on 5th August 1976(c).

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(a) 1974 c. 37.

(b) 1975 c. 71.

(c) Official Report, 5th August 1976, vol. 916, col. 1014.

(d) 1889 c. 63.

Meaning of "work" and "at work"

3. For the purposes of Part I of the Health and Safety at Work etc. Act 1974 the meaning of the word "work" shall be extended to include any activity involving genetic manipulation and the meaning of "at work" shall be extended accordingly.

Modification of section 3(2) of the Health and Safety at Work etc. Act 1974

4. Section 3(2) of the Health and Safety at Work etc. Act 1974 shall be modified, in relation to any activity involving genetic manipulation, so as to have effect as if the reference to a self-employed person included a reference to any person who is not an employer or an employed person in relation to that activity.

Notification of intention to carry on genetic manipulation

5. No person shall carry on any activity involving genetic manipulation unless he has given to the Health and Safety Executive and to the Genetic Manipulation Advisory Group notice, in a form approved by the Executive for the purposes of these Regulations, of his intention to carry out that activity.

Exemptions

6. The Health and Safety Executive may exempt any person or class of persons from the requirement of Regulation 5 above in respect of any activity or class of activities but the Executive shall not grant any such exemption unless it has consulted the Genetic Manipulation Advisory Group.

Service of notice on the Genetic Manipulation Advisory Group

7. Any notice required by Regulation 5 above to be given to the Genetic Manipulation Advisory Group shall be deemed to have been duly given if it is given to the secretary of that Group in accordance with the provisions of section 46(2) of the Health and Safety at Work etc. Act 1974.

Given under the Official Seal of the Secretary of State for Education and Science on 22nd May 1978.

(L.S.)

Shirley Williams,
Secretary of State for
Education and Science.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to genetic manipulation (as defined in Regulation 2(1)).

They provide that no person shall carry on genetic manipulation unless either he has given notice of his intention to do so both to the Health and Safety Executive and to the Genetic Manipulation Advisory Group referred to in Regulation 2(1) or he enjoys an exemption from giving such notice granted by the Health and Safety Executive (*Regulations 5, 6 and 7*).

In addition, for the purposes of Part I of the Health and Safety at Work etc. Act 1974 (health, safety and welfare in connection with work and control of dangerous substances and certain emissions into the atmosphere), they extend the meaning of the word "work" to include any activity involving genetic manipulation and, in relation to such activity, provide that section 3(2) (general duties of employers and self-employed to persons other than their employees) shall have effect as if the reference to a self-employed person included a reference to a person who is neither an employer nor an employee (*Regulations 3 and 4*).

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