

SCHEDULE 10

Regulation 28

TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

- (a) “the 1992 Regulations” means the Genetically Modified Organisms (Contained Use) Regulations 1992(1);
- (b) “the relevant date” means the date on which these Regulations come into force; and
- (c) a reference to a numbered sub-paragraph is a reference to the sub-paragraph so numbered in the paragraph in which that reference occurs.

Risk assessment

2.—(1) Where a person undertakes an activity involving genetic modification of micro-organisms which he commenced before the relevant date, he shall ensure that an assessment is carried out in accordance with regulation 6 as if the date of the commencement of that activity were 15th December 2000.

(2) Where a person undertakes an activity involving genetic modification of organisms other than micro-organisms which he commenced before the relevant date, he shall ensure that an assessment is carried out in accordance with regulation 7 as if the date of the commencement of that activity were 15th December 2000.

Notification of premises

3. Where before the relevant date a person had notified the Executive in accordance with regulation 8(1) of the 1992 Regulations of his intention to undertake an activity involving genetic modification at premises for the first time, the requirements of regulation 9 shall be deemed to be satisfied, provided that, before 15th February 2001, that person submits to the competent authority a notification containing—

- (a) the information specified in paragraph (g) of Schedule 5; and
- (b) the information specified in paragraph (h)(iii) and (iv) of Schedule 5 where the activity involving genetic modification is a class 1 activity to be undertaken on or after 15th February 2001 at the premises referred to in the notification submitted pursuant to regulation 8(1) of the 1992 Regulations.

Notification of activities involving genetic modification

4.—(1) Where a person had notified the Executive of his intention to undertake an activity involving genetic modification of micro-organisms in accordance with regulation 9(1) of the 1992 Regulations and immediately before the relevant date that person was entitled under the 1992 Regulations to undertake that activity, and where that activity involving genetic modification of micro-organisms is in class 2, the requirements of regulation 10 shall be deemed to be satisfied in relation to that activity, provided that before 15th February 2001 that person submits to the competent authority a notification containing—

- (a) in the case of an activity referred to in regulation 9(2)(a) of the 1992 Regulations, the information specified in Part I of Schedule 6;

(1) S.I.1992/3217, as amended by S.I. 1996/967, 1998/1548.

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- (b) in the case of an activity referred to in regulation 9(3) or regulation 9(4)(a) of the 1992 Regulations, the information specified in paragraphs (c), (d), (l), (m), (o) and (p) of Part I of Schedule 6; and
- (c) in the case of an activity referred to in regulation 9(5) of the 1992 Regulations, the information specified in paragraphs (c), (d), (l)(ii) and (p) of Part I of Schedule 6.

(2) Where a person had notified the Executive of his intention to undertake an activity involving genetic modification of micro-organisms in accordance with regulation 9(1) of the 1992 Regulations and immediately before the relevant date that person was entitled under the 1992 Regulations to undertake that activity, and where that activity involving genetic modification of micro-organisms is in class 3 or class 4, the requirements of regulation 11 shall be deemed to be satisfied in relation to that activity, provided that—

- (a) before 15th January 2001, that person submits to the competent authority a notification containing the information specified in Part II of Schedule 6; and
- (b) before 15th February 2001, the competent authority gives its consent in writing to continue to undertake the activity involving genetic modification of micro-organisms in question.

(3) Where a person had notified the Executive of his intention to undertake an activity involving the genetic modification of organisms other than micro-organisms in accordance with regulation 9(1) of the 1992 Regulations and immediately before the relevant date that person was entitled under the 1992 Regulations to undertake that activity, the requirements of regulation 12 shall be deemed to be satisfied.

(4) Where a person submits a notification in accordance with this paragraph, he shall at the same time provide the competent authority with a short description of the activity involving genetic modification to which the notification relates.

Notification of proposed activities involving genetic modification

5.—(1) Where a person had notified the Executive of his intention to undertake an activity involving genetic modification of micro-organisms in accordance with regulation 9(1) of the 1992 Regulations but immediately before the relevant date that person was not entitled under the 1992 Regulations to undertake that activity for any reason other than the reason mentioned in sub-paragraph (4), and where that activity involving genetic modification of micro-organisms is in class 2, that person may submit to the competent authority a notification containing—

- (a) in the case of an activity referred to in regulation 9(2)(a) of the 1992 Regulations, the information specified in Part I of Schedule 6;
- (b) in the case of an activity referred to in regulation 9(3) or regulation 9(4)(a) of the 1992 Regulations, the information specified in paragraphs (c), (d), (l), (m), (o) and (p) of Part I of Schedule 6; and
- (c) in the case of an activity referred to in regulation 9(5) of the 1992 Regulations, the information specified in paragraphs (c), (d), (l)(ii) and (p) of Part I of Schedule 6,

in which case the provisions of these Regulations shall apply as if that person had submitted a notification pursuant to regulation 10(1) on the date he submitted the notification pursuant to this sub-paragraph, save that regulation 24 shall apply as modified in accordance with paragraph 10.

(2) Where a person had notified the Executive of his intention to undertake an activity involving genetic modification of micro-organisms in accordance with regulation 9(1) of the 1992 Regulations but immediately before the relevant date that person was not entitled under the 1992 Regulations to undertake that activity for any reason other than the reason mentioned in sub-paragraph (4), and where that activity involving genetic modification of micro-organisms is in class 3 or class 4, that person may submit a notification containing the information specified in Part II of Schedule 6, in which case the provisions of these Regulations shall apply as if that person had submitted a

notification pursuant to regulation 11(1) on the date he submitted the notification pursuant to this sub-paragraph, save that regulation 24 shall apply as modified in accordance with paragraph 10.

(3) Where a person had notified the Executive of his intention to undertake an activity involving the genetic modification of organisms other than micro-organisms in accordance with regulation 9(1) of the 1992 Regulations but immediately before the relevant date that person was not entitled under the 1992 Regulations to undertake that activity for any reason other than the reason referred to in sub-paragraph (4), the provisions of these Regulations shall apply as if that person had submitted a notification in accordance with regulation 12 on the relevant date, save that regulation 24 shall apply as modified in accordance with paragraph 10.

(4) The reason referred to in sub-paragraphs (1), (2) and (3) is that the Executive has informed the person who submitted the notification in question that he may not commence the activity involving genetic modification to which the notification relates.

(5) Where a person submits a notification in accordance with this paragraph, he shall at the same time provide the competent authority with a short description of the activity involving genetic modification to which the notification relates.

Duties on receiving notifications and additional information

6. Regulation 14(1) to (5) shall apply to a notification submitted pursuant to the 1992 Regulations which, by virtue of paragraph 4 of this Schedule, is treated as satisfying the requirements of these Regulations as it applies to a notification submitted pursuant to these Regulations.

Additional provisions relating to notification

7. Regulation 15 shall apply in cases where a notification has been submitted pursuant to regulation 8 or 9 of the 1992 Regulations as it applies where a notification has been submitted pursuant to these Regulations.

Emergency Plans

8. Where before the relevant date a person had ensured that a plan had been prepared in accordance with regulation 13 of the 1992 Regulations, that plan shall be treated as satisfying the requirements of regulation 20, provided that, immediately following the assessment to be carried out in accordance with paragraph 2, the plan is reviewed and, where necessary, revised pursuant to regulation 20(3).

Disclosure of information

9. Regulations 22 and 23 shall apply to information notified or provided under the 1992 Regulations as they apply to information provided under these Regulations.

Register of notifications

10.—(1) Subject to sub-paragraph (2), regulation 24 shall apply to a notification submitted in accordance with paragraphs 3, 4 and 5 as it applies to a notification submitted in accordance with regulations 9(1), 10(1), 11(1) and 12(1).

(2) Paragraphs (2), (3) and (4) of regulation 24 shall not apply to a notification submitted in accordance with paragraphs 3, 4 and 5 and shall be replaced by the following provisions, namely—

- (a) in relation to a notification submitted in accordance with paragraph 3, the register shall contain the name and address of the person who submitted that notification, and the reference number given by the Executive to the notification under the 1992 Regulations of the premises in question;

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- (b) in relation to a notification submitted in accordance with paragraph 4, the register shall contain—
 - (i) the name and address of the person who submitted that notification,
 - (ii) a short description of the activity involving genetic modification to which the notification relates, and any reference number given by the Executive to the notification of that activity under the 1992 Regulations,
 - (iii) the date on which any information had been notified under regulation 10(4) of the 1992 Regulations, and
 - (iv) where appropriate, confirmation that a consent has been granted under paragraph 4(2)(b); and
- (c) in relation to a notification submitted in accordance with paragraph 5, the register shall contain—
 - (i) the name and address of the person who submitted that notification,
 - (ii) a short description of the activity involving genetic modification to which the notification relates, and any reference number given by the Executive to the notification of that activity under the 1992 Regulations,
 - (iii) the date on which any information had been notified under regulation 10(4) of the 1992 Regulations, and
 - (iv) where appropriate, confirmation that a consent has been granted under regulation 11(3) or 11(4).
- (3) The competent authority shall include in the register—
 - (a) by 15th March 2001, the information referred to in sub-paragraph (2)(a);
 - (b) by 15th April 2001, the information referred to in sub-paragraph (2)(b); and
 - (c) within fourteen days of the receipt of a notification submitted under paragraph 5, the information referred to in sub-paragraph 2(c).

Reference to previous notification

11. Where a person submits a notification in accordance with paragraph 3, 4 or 5, he shall at the same time provide the competent authority with the following information—

- (a) his name, address and telephone number and any fax number and any e-mail address; and either
- (b) in the case of a notification submitted in accordance with paragraph 3—
 - (i) the date of,
 - (ii) any reference number given by the Executive to, and
 - (iii) the date of any information notified to the Executive under regulation 10 of the 1992 Regulations relating to,the notification in question submitted under regulation 8(1) of the 1992 Regulations; or
- (c) in the case of a notification submitted in accordance with paragraph 4 or 5—
 - (i) the date of,
 - (ii) any reference number given by the Executive to, and
 - (iii) the date of any information notified to the Executive under regulation 10 of the 1992 Regulations relating to,the notification in question submitted under regulation 9(1) of the 1992 Regulations.

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