

## 1994 No. 145

## ENVIRONMENTAL PROTECTION

**The Genetically Modified Organisms (Contained Use)  
(No. 2) Regulations (Northern Ireland) 1994**

*Made* . . . . . 12th April 1994

*Coming into operation* . . . . . 1st June 1994

The Department of the Environment, in exercise of the powers conferred on it by Articles 5(5), (7) and 24 of the Genetically Modified Organisms (Northern Ireland) Order 1991(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation and commencement*

1. These regulations may be cited as The Genetically Modified Organisms (Contained Use) (No. 2) Regulations (Northern Ireland) 1994 and shall come into operation on 1st June 1994.

2. In these regulations—

“the Order” means the Genetically Modified Organisms (Northern Ireland) Order 1991, and

“the Contained Use Regulations” means the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 1994(b).

*Period for which records of risk assessments must be kept*

3. The period for which a person who carries out an assessment under Article 5(1)(a) of the Order (risk assessment requirements) shall keep a record of that assessment is 10 years.

*Exemptions from requirement to carry out risk assessments*

4.—(1) A person who imports or acquires genetically modified organisms shall be exempt from the requirements of Article 5(1)(a) of the Order in so far as they relate to the protection of human health.

(2) A person who imports or acquires genetically modified organisms shall be exempt from the requirements of Article 5(1)(a) of the Order where the organisms to be imported or acquired—

(a) are micro-organisms as defined in the Contained Use Regulations,

(b) are non-pathogenic naturally occurring organisms which—

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(a) S.I. 1991/1714 (N.I. 19)

(b) S.R. 1994 No. 143

- (i) are organisms other than micro-organisms as defined in the Contained Use Regulations,
  - (ii) fulfil the criteria of Part III of Schedule 2 to the Contained Use Regulations (criteria for the classification of organisms other than micro-organisms), and
  - (iii) are acquired by self-cloning (as defined in regulation 2(1) of the Contained Use Regulations) of organisms other than genetically modified organisms, or
- (c) consist of, or are included in, an approved product as defined in The Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 1994(a) which is imported or acquired in accordance with the conditions and limitations to which the use of the product is subject.

Sealed with the Official Seal of the Department of the Environment on  
12th April 1994.

(L.S.)

*R. W. Rogers*

Assistant Secretary

*(This note is not part of the regulations.)*

These regulations make provision in relation to Article 5(1)(a) of the Genetically Modified Organisms (Northern Ireland) Order 1991 ("the Order"), which requires a person to carry out an environmental risk assessment on a genetically modified organism before importing or acquiring that organism.

Regulation 3 prescribes the period for which records of risk assessments carried out under Article 5(1)(a) of the Order must be kept as 10 years.

Regulation 4 provides that Article 5(1)(a) of the Order will not apply in respect of—

- (a) micro-organisms regulated under the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 1994 (S.R. 1994 No. 143),
- (b) certain organisms other than micro-organisms, or
- (c) approved products which are marketed and used in accordance with the provisions of Article 8 of the Order and The Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 1994 (S.R. 1994 No. 144).