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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 167**

**The Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003**

**PART VI  
SAFEGUARD**

**Safeguard**

**32.**—(1) The Department may serve a prohibition notice under Article 7 of the Order to prohibit an act which is authorised by the consent granted by it under Article 8(1) of the Order or by a consent granted in respect of an approved product only if its opinion that doing such an act would involve a risk of causing damage to the environment is based on detailed grounds as a result of either –

- (a) new or additional information made available since the date of the consent which affects the environmental risk assessment in respect of that product; or
- (b) a reassessment of existing information in respect of that product on the basis of new or additional scientific information.

(2) Where, in the circumstances described in paragraph (1), the Department considers that the risk of damage being caused to the environment is severe it shall serve a prohibition notice requiring such measures to be taken as it may consider appropriate and once any work required by the notice has been carried out it shall enter details of it on the register.

(3) In cases to which paragraphs (1) and (2) apply, the Department shall immediately inform the Commission and the other Member States of its actions and shall at the same time provide them with –

- (a) its reasons for taking such actions;
- (b) the results of its review of the environmental risk assessment;
- (c) its opinion as to whether the conditions of the consent should be varied, and if so, how, or whether the consent should be revoked; and
- (d) where appropriate, the new or additional information on which its decision to take action was based.

(4) A prohibition notice served under Article 7 of the Order in accordance with this regulation shall be subject to any decision adopted by the Commission in accordance with Article 23(2) of the Deliberate Release Directive.

(5) Upon receipt of notification of a decision by the Commission to which paragraph (4) refers the Department shall send a copy of it to the holder of the consent to which the decision relates and shall at the same time withdraw any prohibition notice which is inconsistent with that decision.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) References in this regulation to the Department exercising a function under Article 7 of the Order shall, in any case to which Article 22(3) of the Order applies, be treated as references to the Department and the Food Standards Agency<sup>(1)</sup> acting jointly.

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<sup>(1)</sup> See section 1 of the Food Standards Act 1999 (c. 28)