
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 541

**The Genetically Modified Organisms (Deliberate
Release) (Scotland) Regulations 2002**

PART VIII

REGISTER OF INFORMATION

Information to be included in the register

34.—(1) The register shall contain the particulars set out in paragraphs (2) to (10).

(2) In relation to a prohibition notice served by the Scottish Ministers under section 110 of the Act—

- (a) the name and address of the person on whom the notice is served;
- (b) the description of the genetically modified organisms in relation to which the notice is served;
- (c) the location at which the genetically modified organisms are proposed to be released;
- (d) the purpose for which the genetically modified organisms are proposed to be released or marketed;
- (e) the reason for the service of the notice; and
- (f) any date specified in the notice as the date on which the prohibition is to take effect.

(3) Subject to paragraph (4), in relation to an application for a consent under section 111(1) of the Act—

- (a) the name and address of the applicant;
- (b) a general description of the genetically modified organisms in relation to which the application is being made;
- (c) the location at which the genetically modified organisms are proposed to be released, to the extent that this information is notified to the Scottish Ministers;
- (d) the purpose for which the genetically modified organisms are proposed to be released (including any future use to which they are intended to be put) or, in relation to a consent to market, the purpose for which they will be marketed;
- (e) the intended dates of the release;
- (f) the environmental risk assessment;
- (g) the methods and plans for monitoring the genetically modified organisms and for responding to an emergency; and
- (h) a summary of any advice the Scottish Ministers have received from the Advisory Committee on Releases to the Environment as to whether an application for release of genetically modified organisms should be granted or rejected, and either—

- (i) the conditions or limitations in accordance with which that Committee has advised that the consent should be granted; or
- (ii) a summary of the reasons why that Committee has advised that the consent should not be granted.

(4) Where the Scottish Ministers are or become aware that information regarding the genetically modified organisms or the purpose for which they will be released or marketed has been published which is more detailed than that which would satisfy the requirements of paragraph (3), they shall enter so much of that more detailed information on the register as they consider appropriate.

(5) In relation to consents granted under section 111(1) of the Act—

- (a) a copy of the consent, and a reference to the application in respect of which it was granted;
- (b) any information supplied to the Scottish Ministers in accordance with conditions imposed on the consent;
- (c) the fact that the consent has been varied or revoked, the contents of the notice by which the consent was varied or revoked and, where applicable, a copy of the varied consent; and
- (d) a summary of any advice the Scottish Ministers have received from the Advisory Committee on Releases to the Environment as to whether a consent to release genetically modified organisms should be varied or revoked.

(6) The following information concerning genetically modified organisms released or grown pursuant to a consent, or proposed to be released or grown pursuant to a consent, as the case may be:—

- (a) any information provided to the Scottish Ministers in accordance with section 111(6A) or 112(5)(b)(i) of the Act;
- (b) any information relating to an unforeseen event occurring in connection with a release of a genetically modified organism which might affect the risks there are of damage being caused to the environment notified to the Scottish Ministers in accordance with section 112(5)(b)(iii)(1) of the Act.

(7) A copy of any consent to market genetically modified organisms granted by a competent authority of another Member State.

(8) The location of any genetically modified organisms grown in Scotland pursuant to a consent to market insofar as that information is supplied to the Scottish Ministers in accordance with the monitoring requirements imposed in the consent.

(9) Any decision adopted by the Commission in accordance with Article 18 of the Deliberate Release Directive and such decisions are prescribed as matters relating to Part VI of the Act for the purposes of section 122(1)(h) of the Act.

(10) In relation to convictions for any offence under section 118 of the Act—

- (a) the name and address of the person convicted;
- (b) the description of any genetically modified organisms in relation to which the conviction was obtained;
- (c) the offence which was committed;
- (d) the date on which the offence was committed;
- (e) the date on which the person was convicted; and
- (f) the penalty imposed and any order made by the court under section 120 of the Act (power of the court to order cause of offence to be remedied).

(1) Section 112(5)(b)(iii) has been inserted by regulation 29(3)(iii).

Keeping the register

35.—(1) The information on the register shall be made available to the public by such means as the Scottish Ministers shall consider appropriate.

(2) The information prescribed in regulation 34(2) shall be placed on the register within twelve days of the prohibition notice being served.

(3) The information prescribed in regulation 34(3) (a) to (g) shall be placed on the register within twelve days of receipt by the Scottish Ministers of the application for consent to release or market.

(4) The information prescribed in regulation 34(3)(h) shall be placed on the register within twelve days of the consent being granted or refused.

(5) The information prescribed in regulation 34(5)(a) shall be placed on the register within twelve days of the consent being granted.

(6) The information prescribed in regulation 34(5)(b) and (d) shall be placed on the register within twelve days of its receipt by the Scottish Ministers.

(7) The information prescribed in regulation 34(5)(c) shall be placed on the register within fourteen days of the consent being revoked or varied.

(8) The information prescribed in regulations 34(6) and 34(10) shall be placed on the register within fourteen days of its receipt by the Scottish Ministers.

(9) The information prescribed in regulation 34(7) shall be placed on the register within fourteen days of its receipt by the Scottish Ministers.

(10) The information prescribed in regulation 34(8) shall be placed on the register within fourteen days of its receipt by the Scottish Ministers.

(11) The information prescribed in regulation 34(9) shall be placed on the register within fourteen days of the decision having been notified to the Scottish Ministers.

(12) The information prescribed in regulation 34(10) in relation to any particular conviction shall be removed from the register when that conviction is spent within the meaning of the Rehabilitation of Offenders Act 1974(2).

Publication of representations

36.—(1) Subject to paragraph (2), the Scottish Ministers shall, within a period of twenty eight days after granting consent to or rejecting an application for the release of genetically modified organisms, make available to the public by whatever means they shall consider appropriate details of where, when and how copies of representations received may be inspected.

(2) Paragraph (1) shall not require copies of representations to be made publicly available where they contain confidential information and the person making the representation has asked the Scottish Ministers to treat that information as confidential.