
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 541

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

PART II

RELEASING ORGANISMS FOR ANY OTHER PURPOSE THAN MARKETING

Advertisement of applications for consent to release

12.—(1) Subject to paragraphs (2) and (3), a person who makes an application for a consent to release genetically modified organisms shall, not more than ten days after the applicant sends that application to the Scottish Ministers, cause to be published in any newspaper to be specified by the Scottish Ministers a notice approved by the Scottish Ministers containing the following information:—

- (a) the name and address of the applicant;
- (b) the general description of the organisms to be released;
- (c) the location and purpose of the release;
- (d) the intended date of the release;
- (e) a statement that information about the application will be placed on the register by the Scottish Ministers within 12 days of their receipt of the application;
- (f) the means by which the register can be inspected; and
- (g) a statement that the Scottish Ministers shall, within a period which they shall specify in accordance with these Regulations, have regard to any representations made to them in writing relating to risks of damage to the environment⁽¹⁾ posed by the release of the genetically modified organisms,

and that person shall—

- (i) immediately send to the Scottish Ministers confirmation that such information was placed in such newspaper and the date on which the information was published in the newspaper; and
- (ii) if requested to do so by the Scottish Ministers, send a copy of such newspaper containing the advertisement to them.

(2) A notice published under paragraph (1) need not contain the information referred to in subparagraphs (c) and (d) of that paragraph insofar as the First Simplified Procedure (crop plants) Decision does not require that information to be submitted with the application and that information is not submitted with the application.

(3) An applicant for consent shall ascertain from the Scottish Ministers the level of detail on the location of the release which will be placed on the register and shall include the same level of detail in the notice to be published under paragraph (1).

⁽¹⁾ As defined in section 107(2), (3) and (6) of the Act as amended by regulation 4(2) to (4).

(4) A person who makes an application for a consent to release genetically modified organisms shall, subject to paragraph (5), not more than ten days after that person sends that application to the Scottish Ministers, give to the following persons notice in writing that the application has been made and the information prescribed in paragraph (1)(a) to (g) (save insofar as paragraph (2) permits such information to be excluded from the notice referred to in paragraph (1)):-

- (a) the local authority and community council for the area of each proposed release;
- (b) the owner of the site of each proposed release, if such person is not the applicant;
- (c) each member of the genetic modification safety committee established by the applicant under regulation 16 of the Genetically Modified Organisms (Contained Use) Regulations 2000⁽²⁾ where relevant;
- (d) any National Park Authority designated under section 6 of the National Parks (Scotland) Act 2000⁽³⁾ for the area of each proposed release;
- (e) Scottish Natural Heritage established under section 1 of the Natural Heritage (Scotland) Act 1991⁽⁴⁾; and
- (f) such other body as the Scottish Ministers may notify the applicant that they consider appropriate,

and shall immediately send to the Scottish Ministers copies of the notices given under this paragraph.

(5) Notwithstanding paragraph (4), the applicant shall give any body which the Scottish Ministers consider appropriate, for the purposes of paragraph (4)(f), the notice referred to in paragraph (4) within ten days of receipt by the applicant of the notification of such body as the Scottish Ministers consider appropriate.

⁽²⁾ S.I.2000/2831.

⁽³⁾ 2000 asp 10.

⁽⁴⁾ 1991 c. 28.