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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 541**

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

**PART VI  
SAFEGUARD**

**Safeguard**

**32.**—(1) The Scottish Ministers may serve a prohibition notice under section 110 of the Act to prohibit an act which is authorised by a consent granted in respect of an approved product only if their opinion that doing such an act would involve a risk of causing damage to the environment is based on detailed grounds as the 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 Scottish Ministers consider that the risk of damage being caused to the environment is severe they shall serve a prohibition notice requiring such measures to be taken as they may consider appropriate and once any work required by the notice has been carried out they shall enter details of that work on the register.

(3) In cases to which paragraphs (1) and (2) apply, the Scottish Ministers shall ensure that the Commission and the other Member States are immediately informed of the Scottish Ministers' actions and that at the same time—

- (a) the reasons for taking such actions;
- (b) the results of the review by the Scottish Ministers of the environmental risk assessment;
- (c) the opinion of the Scottish Ministers 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 information on which their decision to take action was based,

are provided to the Commission and the other Member States.

(4) A prohibition notice served under section 110 of the Act 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 Scottish Ministers 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.

(6) References in this regulation to the Scottish Ministers exercising a function under section 110 of the Act shall, in any case to which section 126(3) (requirement to act jointly with the Food Standards Agency) of the Act applies, be treated as references to the Scottish Ministers and the Food Standards Agency acting jointly.