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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 57**

**The Genetically Modified Organisms (EU Exit)  
(Scotland) (Amendment) Regulations 2019**

**PART 2**

Amendments to subordinate legislation made in exercise of powers conferred by section 2(2) of the European Communities Act 1972

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

- 2.—(1) The 2002 Regulations are amended in accordance with paragraphs (2) to (15).
- (2) In regulation 2 (interpretation), in paragraph (1), in the definition of “Food Standards Scotland”, for “Food Standards Act 1999” substitute “ Food (Scotland) Act 2015 <sup>M1</sup> ”.
- (3) In regulation 9 (exempt activities)—
- (a) after “approved product” insert “, which is permitted to be marketed for a use in pursuance of its consent, ”,
  - (b) for “conditions and limitations” substitute “ limitations, conditions and restrictions ” and
  - (c) for “the use” substitute “ that use ”.
- (4) In regulation 11 (information to be contained in application for consent to release), in paragraph (1)(b), for “any Member” substitute “ a member ”.
- (5) In regulation 15 (exempt activities), in paragraph (1)—
- (a) for “sections 108(7) and” substitute “ section ”,
  - (b) omit—
    - (i) “section 108(1)(a) of the Act (to carry out a risk assessment) and of”, and
    - (ii) “, respectively”,
  - (c) for “they relate” substitute “ it relates ”, and
  - (d) in sub-paragraph (a)—
    - (i) for “and conditions” substitute “, conditions and restrictions ”, and
    - (ii) for “the use of that” substitute “ that use of the ”.
- (6) In regulation 24 (decisions on applications for consents to market)—
- (a) in paragraph (4), after “(6)” insert “ and regulation 26 ”,
  - (b) in paragraph (7), for the words from “a genetically” to “corresponding”, substitute “ genetically modified organisms granted by the Scottish Ministers under section 111(1) of the Act must include such limitations and conditions as they consider appropriate to restrict or prohibit the cultivation of the genetically modified organisms in all or any part of Scotland corresponding ”, and

- (c) in paragraph (9), for the words from “following” to the end, substitute “ where any such consent includes a limitation or condition referred to in paragraph (7), vary the consent to remove or modify the limitation or condition ”.
- (7) In regulation 25 (duties on receiving applications for renewal of consent to market)—
- (a) in paragraph (1)(c)—
- (i) in head (i), for “Schedule 4” substitute “ schedule 5 ”, and
- (ii) in head (ii), after “report” insert “ prepared in accordance with schedule 5 ”, and
- (8) In regulation 26 (decisions on applications for renewals of consents to market)—
- (a) in paragraph (4), for “under the conditions specified in the existing consent” substitute “ in accordance with the limitations and conditions included the existing marketing consent ”,
- (b) in paragraph (5), for the words from “a genetically” to “corresponding”, substitute “ genetically modified organisms granted by the Scottish Ministers under section 111(1) of the Act must include such limitations and conditions as they consider appropriate to restrict or prohibit the cultivation of the genetically modified organisms in all or any part of Scotland corresponding ”, and
- (c) in paragraph (6), for the words from “following” to “Scotland”, substitute “ where any such consent includes a limitation or condition referred to in paragraph (5), vary the consent to remove or modify the limitation or condition ”.
- (9) In regulation 26A (demand for the adjustment of the geographical scope of consent or authorisation), in paragraph (1), for the words from “the geographical” to “Scotland”, substitute “ any resulting consent or authorisation is adjusted to ensure that genetically modified organisms are prohibited from cultivation in all or such part of Scotland as may be specified in the demand ”.
- (10) In regulation 26B (request for reintegration following exclusion from geographical scope), for paragraph (1) substitute—

“**26B.**—(1) Where a consent or authorisation referred to in sub-paragraphs (a) to (d) of regulation 26A(3) restricts or prohibits the cultivation of genetically modified organisms in all or any part of Scotland following a demand under regulation 26A(1), the Scottish Ministers may request that the consent or authorisation is adjusted to remove or modify, insofar as they consider appropriate, any such restriction or prohibition.”

- (11) In regulation 29A (restrictions on cultivation)—
- (a) in paragraph (1)(a)—
- (i) for “given”, where it first occurs, substitute “ granted ”, and
- (ii) for “given under” substitute “ granted under that section in accordance with ”,
- (b) in paragraph (3)—
- (i) in sub-paragraph (a), for the words from “a condition” to the end, substitute “ such limitations and conditions in the consent or renewed consent as they consider appropriate to restrict or prohibit the cultivation of genetically modified organisms in all or any part of Scotland ”, and
- (ii) in sub-paragraph (b), for “a”, in the second place it occurs, substitute “ the ”,
- (c) in paragraph (6), after “food or” insert “ genetically modified ”,
- (d) in paragraph (7), after “restrict” insert “ or, as the case may be, prohibit ”,
- (e) in paragraph (11), for “condition or suspension notice” substitute “ limitation or condition referred to in paragraph (3)(a), or a suspension notice issued under paragraph (3)(b), (c) or (d), ”, and

- (f) in paragraph (12)(a)—
  - (i) after “communicate the” insert “ limitation, ”, and
  - (ii) after “notice” insert “ , as the case may be, ”.
- (12) In regulation 29B (removal of restrictions under regulation 29A), in paragraph (1)—
  - (a) in sub-paragraph (a)—
    - (i) after “vary a” insert “ limitation or ”,
    - (ii) after “consent” insert “ or renewed consent ”,
    - (iii) for “the limit on geographical scope in respect of the cultivation of a genetically modified organism” substitute “ or modify a restriction or prohibition on the cultivation of genetically modified organisms in all or any part of Scotland ”, and
  - (b) in sub-paragraph (b), after “consent” insert “ or renewed consent ”.
- (13) In regulation 30A (stop notices), in paragraph (1)—
  - (a) in sub-paragraph (a)—
    - (i) in head (i)—
      - (aa) for “granted by the Scottish Ministers” substitute “ required ”, and
      - (bb) at the end, after the comma, omit “or”,
    - (ii) at the end of head (ii), after “subject,” insert “ or ”, and
    - (iii) after head (ii) insert—
      - “(iii) exempt from any such requirement for consent, including by virtue of not being in accordance with any limitation or condition to which the exemption is subject,”,
  - (b) in sub-paragraph (b)—
    - (i) for “limit included on the geographical scope of” substitute “ limitation or condition included in ”, and
    - (ii) for “under”, in both places it occurs, substitute “ pursuant to ”,
  - (c) in sub-paragraph (c), for “condition in a consent to limit its geographical scope under” substitute “ limitation or condition included in a consent or a renewed consent pursuant to ”, and
  - (d) in sub-paragraph (d), for “or (c)” substitute “ , (c) or (d) ”.
- (14) In regulation 32B (offences and penalties), in paragraph (1)—
  - (a) in sub-paragraph (d)—
    - (i) for “limit included on the geographical scope of” substitute “ limitation or condition included in ”, and
    - (ii) for “under”, in both places it occurs, substitute “ pursuant to ”, and
  - (b) in sub-paragraph (e), for “condition in a consent to limit its geographical scope under” substitute “ limitation or condition included in a consent or a renewed consent pursuant to ”.
- (15) In regulation 34 (information to be included in the register)—
  - (a) in paragraph (3)(h)—
    - (i) for “an application for release of” substitute “ the applied for consent to release or, as the case may be, market ”, and
    - (ii) for “rejected” substitute “ refused ”, and

(b) in paragraph (7), for “Member” substitute “ member ”.

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**Commencement Information**

**I1** Reg. 2 in force at 28.3.2019, see reg. 1(2)(a)

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**Marginal Citations**

**M1** [2015 asp 3](#); to which there are amendments which are not relevant to these Regulations.

**Changes to legislation:**

There are currently no known outstanding effects for the The Genetically Modified Organisms (EU Exit) (Scotland) (Amendment) Regulations 2019, Section 2.