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**Changes to legislation:** There are currently no known outstanding effects for the Food Standards Act 1999, Cross Heading: Genetically Modified Organisms (Northern Ireland) Order 1991 (S.I. 1991/1714 (N.I. 19)). (See end of Document for details)

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## SCHEDULES

### SCHEDULE 3

#### THE AGENCY'S FUNCTIONS UNDER OTHER ENACTMENTS

#### PART III

#### OTHER FUNCTIONS

*Genetically Modified Organisms (Northern Ireland) Order 1991 (S.I. 1991/1714 (N.I. 19))*

- 19 In Article 5(7) and Article 8(7) of the Genetically Modified Organisms (Northern Ireland) Order 1991 (grant of exemptions) after the word “Department” there shall be inserted the words “, or by the Department and the Food Standards Agency acting jointly, ”.
- 20 (1) For Article 22 of that Order (exercise of certain functions relating to genetically modified organisms jointly by the Department of the Environment and the Department of Agriculture) there shall be substituted the following Article—

*“ Mode of exercise of certain functions*

- 22 (1) Any power of the Department to make regulations under this Order (other than the power conferred by Article 10) is exercisable, where the regulations to be made relate to any matter with which the Department of Agriculture is concerned, by the Department and the Department of Agriculture acting jointly.
- (2) Any function of the Department under this Order (other than a power to make regulations) is exercisable, where the function is to be exercised in relation to a matter with which the Department of Agriculture is concerned, by the Department and the Department of Agriculture acting jointly (but subject to paragraph (3)).
- (3) Any function of the Department under Articles 5(8) and 7 is exercisable, where the function is to be exercised in relation to a matter with which the Food Standards Agency is concerned—
- (a) if it is a matter with which the Department of Agriculture is also concerned, by the Department, the Department of Agriculture and the Food Standards Agency acting jointly;
  - (b) otherwise, by the Department and the Food Standards Agency acting jointly.
- (4) Accordingly, references in this Order to the Department shall, where paragraph (1), (2) or (3) applies, be treated as references to the authorities in question acting jointly.

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- (5) The Food Standards Agency shall be consulted before—
    - (a) any regulations are made under this Order, other than under Article 10, or
    - (b) any consent is granted or varied.
  - (6) The reference in Article 10 to expenditure of the Department in discharging functions under this Order in relation to consents shall be taken to include a reference to the corresponding expenditure of the Department of Agriculture in discharging those functions jointly with the Department.
  - (7) The validity of anything purporting to be done in pursuance of the exercise of a function of the Department under this Order shall not be affected by any question whether that thing fell, by virtue of this Article, to be done jointly with the Department of Agriculture or the Food Standards Agency (or both).”
- (2) In consequence of sub-paragraph (1), in the definition of “the Department” in Article 2(2) of that Order, after the word “means” there shall be inserted the words “ (subject to Article 22) ”.

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