
STATUTORY INSTRUMENTS

1992 No. 3217

**The Genetically Modified Organisms
(Contained Use) Regulations 1992**

PART VI

MISCELLANEOUS AND GENERAL

Exemption certificates

20.—(1) Subject to paragraph (2) and to any provisions imposed by the Communities in respect of the control and regulation of genetically modified organisms, the Executive may, with the agreement of the Secretary of State in so far as the exemption relates to the environment, by a certificate in writing, exempt any person or class of persons, genetically modified organism or class of genetically modified organisms from all or any of the requirements or prohibitions imposed by these Regulations and any such exemption may be granted subject to conditions and to a limit of time and may be revoked by a certificate in writing at any time.

(2) The Executive shall not grant any such exemption unless, having regard to the circumstances of the case and in particular to—

- (a) the conditions, if any, that it proposes to attach to the exemption; and
- (b) any requirements imposed by or under any enactments which apply to the case,

it is satisfied that the health and safety of persons who are likely to be affected by the exemption or the protection of the environment will not be prejudiced in consequence of it.

Enforcement and civil liability

21.—(1) Insofar as any provision of regulations 6 to 14 is made under section 2 of the European Communities Act 1972⁽¹⁾—

- (a) the provisions of the Health and Safety at Work etc. Act 1974 relating to enforcement and offences shall apply to that provision as if that provision had been made under section 15 of that Act; and
- (b) in the event of a breach of duty imposed by that provision, it shall confer a right of action in civil proceedings if that breach of duty causes damage.

(2) Notwithstanding regulation 3 of the Health and Safety (Enforcing Authority) Regulations 1989⁽²⁾, the enforcing authority for these Regulations shall be the Executive.

Fees for notifications

22.—(1) Fees shall be payable in accordance with paragraph (2) by a notifier to the Executive in relation to any matter referred to in that paragraph.

(1) 1972 c. 68.

(2) S.I. 1989/1903.

- (2) The fees referred to in paragraph (1) shall be—
- (a) subject to sub-paragraph (b), on each notification of the intention to use premises for activities involving genetic modification for the first time under regulation 8, £100;
 - (b) on each notification of the intention to use premises for activities involving genetic modification for the first time, where a consent is required under regulation 8(3), £130;
 - (c) subject to sub-paragraph (d), on each notification of individual activities involving genetic modification under regulation 9, £180;
 - (d) on each notification of individual activities involving genetic modification for which a consent is required under regulation 9(5), £270.
- (3) This regulation shall not apply to any notification made for the purposes of regulation 23(1) or (3) (which relates to transitional provisions).

Transitional provisions

23.—(1) Where before 1st February 1993 a person had notified the Executive of his intention to undertake activities involving genetic modification which complied with regulation 5(1) and (2)(a) of the 1989 Regulations as then in force, that notification shall be treated as satisfying the requirements of regulation 8 except that regulation 8(3) shall apply to that activity on or after 1st February 1994.

(2) Before 2nd May 1993 it shall be a sufficient compliance with regulation 8 if the notifier commences the activity having notified his intention to do so 30 days in advance or such shorter time in advance as the Executive may approve and regulation 8(3) shall not apply to activities commenced before 2nd May 1993 until 1st February 1994.

(3) Where before 1st February 1993 a person had notified the Executive of his intention to undertake activities involving genetic modification which complied with regulation 5(1) and (2)(b) of the 1989 Regulations as then in force, that notification shall be treated as satisfying the requirements of regulation 9 except that regulation 9(5) shall apply to that activity on or after 1st February 1994.

(4) Before 2nd April 1993 it shall be a sufficient compliance with regulation 9 if the notifier of an activity involving genetic modification had notified it in accordance with that regulation 30 days in advance or such shorter time in advance as the Executive may approve and regulation 9(5) shall not apply to activities commenced before 2nd April 1993 until 1st February 1994.

(5) Regulation 10 shall apply to any notification made on or after 1st February 1993.

Extension outside Great Britain

24. These Regulations shall apply in relation to premises and activities outside Great Britain to which sections 1 to 59 and 80 to 82 of the Health and Safety at Work etc. Act 1974 apply by virtue of the Health and Safety at Work etc. Act 1974 (Application Outside Great Britain) Order 1989(3) as they apply to premises and activities within Great Britain.

Revocation

25. The 1989 Regulations are revoked.