
STATUTORY INSTRUMENTS

1993 No. 15

ENVIRONMENTAL PROTECTION

**The Genetically Modified Organisms
(Contained Use) Regulations 1993**

<i>Made</i>	- - - -	<i>7th January 1993</i>
<i>Laid before Parliament</i>		<i>11th January 1993</i>
<i>Coming into force</i>	- -	<i>1st February 1993</i>

The Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food, acting jointly, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred on them by sections 108(5), (7) and (10) and 126(1) of the Environmental Protection Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Genetically Modified Organisms (Contained Use) Regulations 1993 and shall come into force on 1st February 1993.

(2) In these Regulations—

“the Act” means the Environmental Protection Act 1990, and

“the Contained Use Regulations” means the Genetically Modified Organisms (Contained Use) Regulations 1992⁽²⁾.

Duty to keep records of risk assessments

2. The period for which a person who carries out an assessment under section 108(1)(a) of the Act (Risk assessment and notification requirements) shall keep a record of that assessment is ten years.

Exemptions from requirement to carry out risk assessments

3.—(1) A person who imports or acquires genetically modified organisms shall be exempt from the requirements of section 108(1)(a) of the Act in so far as they relate to the protection of human health.

(2) A person who imports or acquires genetically modified organisms shall be exempt from the requirements of section 108(1)(a) of the Act where the organisms to be imported or acquired—

(1) 1990 c. 43.
(2) SI 1992/3217.

- (a) are micro-organisms as defined in the Contained Use Regulations,
- (b) are non-pathogenic naturally occurring organisms which—
 - (i) are organisms other than micro-organisms as defined in the Contained Use Regulations,
 - (ii) fulfil the criteria of Part III of Schedule 2 to the Contained Use Regulations (Criteria for the classification of organisms other than micro-organisms), and
 - (iii) are acquired by self-cloning (as defined in regulation 2 of the Contained Use Regulations) of organisms other than genetically modified organisms, or
- (c) consist of, or are included in, an approved product as defined in the Genetically Modified Organisms (Deliberate Release) Regulations 1992(3) which is imported or acquired in accordance with the conditions and limitations to which the use of the product is subject.

30th December 1992

G. S. K. Young
Minister of State,
Department of the Environment

In witness whereof the Official Seal of the Ministry of Agriculture, Fisheries and Food is hereunto affixed on

6th January 1993.

Derek H. Andrews
Permanent Secretary, Ministry of Agriculture,
Fisheries and Food

5th January 1993

David Hunt
Secretary of State for Wales

7th January 1993

Fraser of Carmyllie
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to section 108(1)(a) of the Environmental Protection Act 1990 (c. 43) (“the Act”), which restricts the import and acquisition of genetically modified organisms.

Regulation 2 of these Regulations prescribes the period for which records of risk assessments carried out under section 108(1)(a) of the Act before importing or acquiring GMOs must be kept.

Regulation 3 provides that section 108(1)(a) of the Act will not apply in respect of micro-organisms regulated under the Genetically Modified Organisms (Contained Use) Regulations 1992 (SI 1992/3217), certain organisms other than micro-organisms, or approved products which are marketed and used in accordance with the provisions of section 111 of the Act and the Genetically Modified Organisms (Deliberate Release) Regulations 1992 (SI 1992/3280).