
WELSH STATUTORY INSTRUMENTS

2002 No. 3188

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

Part V

GENERAL PROVISIONS FOR CONSENTS

Proof of compliance with consent conditions

31. The amendment of section 119(1) of the Act (“Onus of proof as regards techniques and evidence”) made by regulation 30 of the Genetically Modified Organisms (Deliberate Release) Regulations 2002, which after “the accused to prove” inserts “the matters described in subsection (1A) below.

“(1A) The matters referred to in subsection (1) above are—

- (a) in the case of an offence under section 118(1)(c) above consisting in a failure to comply with the general condition implied by section 112(5)(c) above—
 - (i) that no measures, other than the measures taken by him, were necessary to prevent damage being caused to the environment from the release or, as the case may be, marketing of the organisms, or
 - (ii) in a case where he took no measures, that no measures were necessary; and
- (b) in any other case,”

also has effect in relation to Wales.