
STATUTORY INSTRUMENTS

1991 No. 1714

**The Genetically Modified Organisms
(Northern Ireland) Order 1991**

Enforcement powers and offences

Onus of proof as regards techniques and evidence

16.—(1) In any proceedings for either of the following offences, that is to say—

- (a) an offence under Article 15(1)(c) consisting in a failure to comply with the general condition implied by Article 9(4)(c) or (5)(c); or
- (b) an offence under Article 15(1)(d) consisting in a failure to comply with Article 6(3)(c) or (4)(c);

it shall be for the accused to prove^{F1} the matters described in paragraph (1A).]

[^{F1F1}(1A) The matters referred to in paragraph (1) are—

- (a) in the case of an offence under Article 15(1)(c) consisting in a failure to comply with the general condition implied by Article 9(5)(c)—
 - (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, placing on the market of the organisms, or
 - (ii) in a case where he took no measures, that no measures were necessary; and
- (b) in any other case,

that there was no better available technique not entailing excessive cost than was in fact used to satisfy the condition or comply with that Article.]

^{F1}(2) Where an entry is required by a condition in a consent to be made in any record as to the observance of any other condition and the entry has not been made, that fact shall be admissible as evidence that that other condition has not been observed.

Changes to legislation:

There are currently no known outstanding effects for the The Genetically Modified Organisms (Northern Ireland) Order 1991, Section 16.