
STATUTORY INSTRUMENTS

1991 No. 1714

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

Preliminary

Title and commencement

1.—(1) This Order may be cited as the Genetically Modified Organisms (Northern Ireland) Order 1991.

(2) This Order shall come into operation on such day or days as the Head of the Department may by order appoint^{F1}.

F1 partly exercised SR 1994/141

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F2} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“acquire”, in relation to genetically modified organisms, includes any method by which such organisms may come to be in a person's possession, other than by their being imported;

“consent” means a consent granted under Article 8, and a reference to the limitations or conditions to which a consent is subject is a reference to the limitations or conditions subject to which the consent for the time being has effect;

“the Department” means^{F3} (subject to Article 22)^{F3} the Department of the Environment;

“descendant”, in relation to a genetically modified organism, means any other organism whose genes or other genetic material is derived, through any number of generations, from that organism by any process of reproduction;

“import” means import into Northern Ireland (except from Great Britain);

“premises” includes any land;

“prohibition notice” means a notice under Article 7.

F2 1954 c. 33 (N.I.)

F3 1999 c.28

Purpose of Order and meaning of “genetically modified organisms” and related expressions

3.—^{F4}(1) This Order has effect for the purpose of ensuring that all appropriate measures are taken to avoid damage to the environment which may arise from the escape or release from human control of genetically modified organisms.]

^{F4}(2) In this Order the term “organism” means any acellular, unicellular or multicellular entity (in any form), other than humans or human embryos; and the term also includes any article or substance consisting of or including biological matter.

(3) For the purpose of paragraph (2) “biological matter” means anything (other than an entity mentioned in that paragraph) which consists of or includes—

- (a) tissue or cells (including gametes or propagules) or subcellular entities, of any kind, capable of replication or of transferring genetic material, or
- (b) genes or other genetic material, in any form, which are so capable,

and it is immaterial, in determining if something is or is not an organism or biological matter, whether it is the product of natural or artificial processes of reproduction and, in the case of biological matter, whether it has ever been part of a whole organism.

(4) For the purposes of this Order an organism is “genetically modified” if any of the genes or other genetic material in the organism—

^{F4}(a) have been artificially modified, or]

^{F4}(b) are inherited or otherwise derived, through any number of replications, from genes or other genetic material (from any source) which were so modified.

^{F4}(4A) Genes or other genetic material in an organism are “artificially modified” for the purposes of paragraph (4) if they are altered otherwise than by a process which occurs naturally in mating or natural recombination.

This paragraph is subject to paragraphs (4B) and (4C).

(4B) For the purposes of paragraph (4)—

- (a) genes or other genetic material shall be taken to be artificially modified if they are altered using such techniques as may be prescribed for the purposes of this sub-paragraph;
- (b) genes or other genetic material shall not be regarded as artificially modified by reason only of being altered by the use of such techniques as may be prescribed for the purposes of this sub-paragraph.

(4C) An organism shall be taken not to be a genetically modified organism for the purposes of this Order if it is an organism of a prescribed description.

(4D) In paragraphs (4B) and (4C) “prescribed” means prescribed by regulations made by the Department.]

^{F4}*Paras. (5), (6) rep. by SR 2003/167*

(7) In this Order, a reference to “reproduction”, in relation to an organism, includes a reference to its replication or its transferring genetic material.

F4 SR 2003/167

Meaning of “damage to the environment”, “control” and related expressions

4.—(1) Paragraphs (2) to (11) have effect for the interpretation of this Order.

^{F5}(2) The “environment” includes land, air and water and living organisms supported by any of those media.]

^{F5}(3) “Damage to the environment” is caused by the presence in the environment of genetically modified organisms which have (or of a single such organism which has) escaped or been released from a person's control and are (or is) capable of causing harm^{F5}....

(4) An organism shall be regarded as present in the environment notwithstanding that it is present in or on any human or other organism, or any other thing, which is itself present in the environment.

(5) Genetically modified organisms present in the environment are capable of causing harm if—

- (a) they are individually capable, or are present in numbers such that together they are capable, of causing harm; or
- (b) they are able to produce descendants which will be capable, or which will be present in numbers such that together they will be capable, of causing harm;

and a single organism is capable of causing harm either if it is itself capable of causing harm or if it is able to produce descendants which will be so capable.

[^{F5}(6) “Harm” means any adverse effects as regards the health of humans or the environment.]

^{F5}(7) “Harmful” and “harmless” mean respectively, in relation to genetically modified organisms, their being capable or their being incapable of causing harm.

(8) The Department may by regulations provide, in relation to genetically modified organisms of any description specified in the regulations, that—

- (a) the capacity of those organisms for causing harm of any description so specified, or
- (b) harm of any description so specified,

shall be disregarded for such purposes of this Order as may be so specified.

[^{F5}(9) Organisms of any description are under the “control” of a person where he keeps them contained by measures designed to limit their contact with humans and the environment and to prevent or minimise the risk of harm.]

^{F5}(10) An organism under a person's control is “released” if he deliberately causes or permits it to cease to be under his control or the control of any other person and to enter the environment; and such an organism “escapes” if, otherwise than by being released, it ceases to be under his control or that of any other person and enters the environment.

[^{F5}(11) Genetically modified organisms of any description are “marketed” by a person when products consisting of or including such organisms are placed on the market by being made available to other persons, whether or not for consideration. ^{F5}]

Changes to legislation:

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