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STATUTORY INSTRUMENTS

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**1991 No. 1714**

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

Supplementary

**Delegation of enforcement functions**

**21.**—(1) The Department may, by an agreement made with any public authority, delegate to that authority or to any officer appointed by an authority exercising functions on behalf of that authority any of the Department's enforcement functions under this Order, subject to such restrictions and conditions as may be specified in the agreement.

(2) For the purposes of this Article the following are “enforcement functions” of the Department, that is to say, its functions under—

Article 7;

Article 11(1) and (4);

Article 13; and

Article 18;

and “inspector” in Articles 12 and 14 includes, to the extent of the delegation, any inspector appointed by an authority other than the Department by virtue of an agreement under this Article.

(3) The Department shall, if and so far as an agreement under this Article so provides, make payments to the authority to reimburse the authority the expenses incurred in the performance of functions delegated under this Article; but no such agreement shall be made without the approval of the Department of Finance and Personnel.

**[<sup>F1</sup>Mode of exercise of certain functions**

**22.**—(1) Any power of the Department to make regulations under this Order (other than the power conferred by Article 10) is exercisable, where the regulations to be made relate to any matter with which the Department of Agriculture is concerned, by the Department and the Department of Agriculture acting jointly.

(2) Any function of the Department under this Order (other than a power to make regulations) is exercisable, where the function is to be exercised in relation to a matter with which the Department of Agriculture is concerned, by the Department and the Department of Agriculture acting jointly (but subject to paragraph (3)).

(3) Any function of the Department under Articles 5(8) and 7 is exercisable, where the function is to be exercised in relation to a matter with which the Food Standards Agency is concerned —

(a) if it is a matter with which the Department of Agriculture is also concerned, by the Department, the Department of Agriculture and the Food Standards Agency acting jointly;

(b) otherwise, by the Department and the Food Standards Agency acting jointly.

(4) Accordingly, references in this Order to the Department shall, where paragraph (1), (2) or (3) applies, be treated as references to the authorities in question acting jointly.

- (5) The Food Standards Agency shall be consulted before—
- (a) any regulations are made under this Order, other than under Article 10, or
  - (b) any consent is granted or varied.

(6) The reference in Article 10 to expenditure of the Department in discharging functions under this Order in relation to consents shall be taken to include a reference to the corresponding expenditure of the Department of Agriculture in discharging those functions jointly with the Department.

(7) The validity of anything purporting to be done in pursuance of the exercise of a function of the Department under this Order shall not be affected by any question whether that thing fell, by virtue of this Article, to be done jointly with the Department of Agriculture or the Food Standards Agency (or both).<sup>F1]</sup>

**F1** 1999 c.28

### [<sup>F2</sup>Advisory Committee

**22A.**—(1) The Department shall appoint a Committee to provide it with advice—

- (a) on the exercise of its powers under Articles 8, 9 and 10;
- (b) on the exercise of any power under this Order to make regulations,

and on such other matters concerning the Department's functions under this Order as the Department may from time to time direct.

(2) The Department shall pay to the members of the Committee such remuneration (if any) and such allowances as it may determine.

(3) The “Committee” means the Committee appointed by the Secretary of State under section 124 of the Environmental Protection Act 1990.<sup>F2]</sup>

**F2** SR 2003/167

### Application to Crown

**23.**—(1) Subject to paragraphs (2) to (5), this Order and regulations and orders made under it shall bind the Crown.

(2) No contravention by the Crown of any provision of this Order or of any regulations or order made under it shall make the Crown criminally liable; but the High Court may, on the application of the Department, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(3) Notwithstanding anything in paragraph (2), this Order and regulations and orders made under it shall apply to persons in the public service of the Crown as they apply to other persons.

(4) If the Secretary of State certifies that it appears to him, as respects any Crown premises and any powers of entry exercisable in relation to them specified in the certificate that it is requisite or expedient that, in the interests of national security, the powers should not be exercisable in relation to the premises, those powers shall not be exercisable in relation to those premises; and in this paragraph “Crown premises” means premises held or used by or on behalf of the Crown.

(5) Nothing in this Article shall be taken as in any way affecting Her Majesty in her private capacity; and this paragraph shall be construed as if section 38(3) of the Crown Proceedings Act 1947<sup>F3</sup> (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Order.

(6) In this Article, any reference to the Crown includes a reference to the Crown in right of Her Majesty's Government in the United Kingdom.

**F3** 1947 c. 44

### **Regulations, orders and directions**

**24.**—(1) Regulations and orders made by the Department under this Order shall be subject to negative resolution.

(2) Any power conferred by this Order to give a direction shall include power to vary or revoke the direction.

(3) Any direction given under this Order shall be in writing.

### **Repeal**

**25.** In section 164(4) of the Environmental Protection Act 1990<sup>F4</sup> (extent) the words from “Part VI” to “restriction” are hereby repealed.

**F4** 1990 c. 43

**Changes to legislation:**

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