



# Environmental Protection Act 1990

## 1990 CHAPTER 43

### PART VI

#### GENETICALLY MODIFIED ORGANISMS

##### *Supplementary*

#### **124 Advisory committee for purposes of Part VI.**

- (1) The Secretary of State shall appoint a committee to provide him with advice—
  - (a) on the exercise of his powers under sections 111, 112 and 113 above;
  - (b) on the exercise of any power under this Part to make regulations;and on such other matters concerning his functions under this Part as he may from time to time direct.
- (2) The chairman and other members of the committee shall hold and vacate office in accordance with the terms of their appointment.
- (3) The Secretary of State shall pay to the members of the committee such remuneration (if any) and such allowances as he may, with the consent of the Treasury, determine.

#### **Modifications etc. (not altering text)**

- C1** [S. 124](#) extended (Isles of Scilly) (with modifications) (4.8.2006) by [The Environmental Protection Act 1990 \(Isles of Scilly\) Order 2006 \(S.I. 2006/1381\)](#), [art. 3](#)

#### **Commencement Information**

- I1** [S. 124](#) wholly in force at 1.4.1991 see [s. 164\(3\)](#) and [S.I. 1991/1042](#), [art. 2](#)

#### **125 Delegation of enforcement functions.**

- (1) The Secretary of State may, by an agreement made with any public authority, delegate to that authority or to any officer appointed by an authority exercising functions on

*Status: Point in time view as at 01/02/1993.*

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behalf of that authority any of his enforcement functions under this Part, subject to such restrictions and conditions as may be specified in the agreement.

- (2) For the purposes of this section the following are “enforcement functions” of the Secretary of State, that is to say, his functions under—
- section 110;
  - section 114(1) and (4);
  - section 116;
  - section 118(10); and
  - section 121;
- and “inspector” in sections 115 and 117 includes, to the extent of the delegation, any inspector appointed by an authority other than the Secretary of State by virtue of an agreement under this section.
- (3) The Secretary of State shall, if and so far as an agreement under this section so provides, make payments to the authority to reimburse the authority the expenses incurred in the performance of functions delegated under this section; but no such agreement shall be made without the approval of the Treasury.

#### Commencement Information

**I2** S. 125 wholly in force at 1.4.1991 see s. 164(3) and S.I. 1991/1042, art. 2

### 126 Exercise of certain functions jointly by Secretary of State and Minister of Agriculture, Fisheries and Food.

- (1) Subject to subsection (2) below, any reference in this Part to a function exercisable by the Secretary of State shall, in any case where the function is to be exercised in relation to a matter with which the Minister of Agriculture, Fisheries and Food is concerned, be exercisable by the Secretary of State and that Minister acting jointly.
- (2) The validity of anything purporting to be done in pursuance of the exercise of any such function shall not be affected by any question whether that thing fell, by virtue of this section, to be done by the Secretary of State and the Minister of Agriculture, Fisheries and Food.

#### Commencement Information

**I3** S. 126 wholly in force at 1.4.1991 see s. 164(3) and S.I. 1991/1042, art. 2

### 127 Definitions.

- (1) In this Part—
- “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 section 111 above, 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;

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“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 the United Kingdom;

“premises” includes any land;

“prohibition notice” means a notice under section 110 above.

- (2) This Part, except in so far as it relates to importations of genetically modified organisms, applies to the territorial sea adjacent to Great Britain, and to any area for the time being designated under section 1(7) of the <sup>M1</sup>Continental Shelf Act 1964, as it applies in Great Britain.

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**Commencement Information**

**I4** S. 127 wholly in force at 1.2.1993 see s. 164(2)(3) and S.I. 1992/3253, art. 3.

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**Marginal Citations**

**M1** 1964 c. 29.

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