



# 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.

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#### **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](#)
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#### **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

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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](#)

#### [<sup>F1</sup>126 Mode of exercise of certain functions.

- (1) Any power of the Secretary of State to make regulations under this Part (other than the power conferred by section 113 above) is exercisable, where the regulations to be made relate to any matter with which the Minister is concerned, by the Secretary of State and the Minister acting jointly.
- (2) Any function of the Secretary of State under this Part (other than a power to make regulations) is exercisable, where the function is to be exercised in relation to a matter with which the Minister is concerned, by the Secretary of State and the Minister acting jointly (but subject to subsection (3) below).
- (3) Any function of the Secretary of State under sections 108(8) and 110 above is exercisable, where the function is to be exercised in relation to a matter with which the Agency is concerned—
  - (a) if it is a matter with which the Minister is also concerned, by the Secretary of State, the Minister and the Agency acting jointly;
  - (b) otherwise, by the Secretary of State and the Agency acting jointly.
- (4) Accordingly, references in this Part to the Secretary of State shall, where subsection (1), (2) or (3) above applies, be treated as references to the authorities in question acting jointly.
- (5) The Agency shall be consulted before—
  - (a) any regulations are made under this Part, other than under section 113 above, or
  - (b) any consent is granted or varied.

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(6) The reference in section 113 above to expenditure of the Secretary of State in discharging functions under this Part in relation to consents shall be taken to include a reference to the corresponding expenditure of the Minister in discharging those functions jointly with the Secretary of State.

(7) The validity of anything purporting to be done in pursuance of the exercise of a function of the Secretary of State under this Part shall not be affected by any question whether that thing fell, by virtue of this section, to be done jointly with the Minister or the Agency (or both).

(8) In this section—

“the Agency” means the Food Standards Agency; and

“the Minister” means the Minister of Agriculture, Fisheries and Food.

[ In the application of this section to Scotland, the reference in subsection (8) to the <sup>F2</sup>(9) Food Standards Agency is to be read as a reference to Food Standards Scotland.]]

#### Textual Amendments

**F1** S. 126 substituted (1.4.2000) by 1999 c. 28, s. 18, [Sch. 3 Pt. III para. 18](#) (with [s. 38](#)); S.I. 2000/1066, [art. 2](#)

**F2** [S. 126\(9\)](#) inserted (S.) (1.4.2015) by [Food \(Scotland\) Act 2015 \(asp 1\)](#), s. 63(2), [sch. para. 4\(4\)](#) (with [s. 62](#)); S.S.I. 2015/99, [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;

“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, [<sup>F3</sup>applies to the territorial sea adjacent to England as it applies in England [<sup>F4</sup>and applies to the territorial sea adjacent to Wales as it applies in Wales]] and [<sup>F5</sup>applies to any area for the time being designated under section 1(7) of the Continental Shelf Act 1964 <sup>M1</sup> as it applies in England] .

#### Textual Amendments

**F3** Words in [s. 127\(2\)](#) substituted (UK for certain purposes, otherwise E. only) (17.10.2002) by [Genetically Modified Organisms \(Deliberate Release\) Regulations 2002 \(S.I. 2002/2443\)](#), [regs. 1\(2\)](#)

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- (3), **38(a)** and (W.) (31.12.2002) by virtue of [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002 \(S.I. 2002/3188\)](#), **reg. 40(1)**
- F4** Words in s. 127(2) inserted (W.) (31.12.2002) by [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002 \(S.I. 2002/3188\)](#), **reg. 40(2)**
- F5** Words in s. 127(2) substituted (UK for certain purposes, otherwise E. only) (17.10.2002) by [Genetically Modified Organisms \(Deliberate Release\) Regulations 2002 \(S.I. 2002/2443\)](#), regs. 1(2) (3), **38(b)**

**Commencement Information**

- I3** [S. 127](#) wholly in force at 1.2.1993 see [s. 164\(2\)\(3\)](#) and [S.I. 1992/3253](#), **art. 3**.

**Marginal Citations**

- M1** [1964 c. 29](#).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(4A) inserted by [2021 c. 30 s. 57\(2\)](#)
- s. 33ZB(10A) inserted by [2021 c. 30 s. 69\(3\)\(b\)](#)
- s. 34D and cross-heading inserted by [2016 anaw 3 s. 66\(1\)](#)
- s. 34ZB(8A) inserted by [2021 c. 30 s. 69\(5\)\(b\)](#)
- s. 45A-45AZG substituted for s. 45A by [2021 c. 30 s. 57\(4\)](#)
- s. 46(2)(a)(b) substituted for words by [2021 c. 30 s. 57\(5\)](#)
- s. 46(5A) inserted by [S.I. 2023/1290 reg. 8](#)
- s. 47(5A) inserted by [S.I. 2023/1290 reg. 9](#)
- s. 73A(10) inserted by [S.I. 2024/365 reg. 2\(b\)\(vi\)](#)
- s. 73ZA inserted by [S.I. 2024/365 reg. 2\(a\)](#)
- s. 106A inserted by [2023 c. 6 s. 41\(2\)](#)
- s. 161(2AA)(2AB) inserted by [2016 anaw 3 s. 69\(4\)](#)