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STATUTORY INSTRUMENTS

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**2022 No. 347**

**The Genetically Modified Organisms (Deliberate Release) (Amendment) (England) Regulations 2022**

**The Genetically Modified Organisms (Deliberate Release) Regulations 2002**

2.—(1) The Genetically Modified Organisms (Deliberate Release) Regulations 2002(1) are amended as follows.

- (2) In regulation 2 (interpretation), after the entry for “organism” insert—
- ““qualifying higher plant” means a higher plant which is a genetically modified organism but which has not been genetically modified other than to make modifications—
- (a) that could have occurred naturally, or
- (b) that could have been made using one or more of the techniques set out in regulation 5(2);”.
- (3) In regulation 9, for the heading substitute—

*“Exemption for approved products”.*

- (4) After regulation 9 insert—

**“Exemption for release of qualifying higher plants**

**9A.** The cases and circumstances prescribed for the purposes of sections 108(7) and 111(7) of the Act in which persons are exempt from the requirements of section 108(1)(a) of the Act (to carry out a risk assessment) and of section 111(1)(a) of the Act (to obtain consent) respectively, insofar as those requirements relate to releasing qualifying higher plants (which includes the import or acquisition of such plants for the purpose of release), are all cases and circumstances in which a person intends to release a qualifying higher plant, other than those in relation to the marketing of such qualifying higher plants.

**Notification requirement for release of qualifying higher plants**

**9B.—**(1) The cases and circumstances prescribed for the purposes of section 108(1)(b) of the Act in which persons intending to release a genetically modified organism must give notice to the Secretary of State of that intention and such information as may be prescribed are all cases and circumstances in which a person intends to release a qualifying higher plant, other than those in relation to the marketing of such qualifying higher plants.

(2) A person to whom paragraph (1) applies must give that notice to the Secretary of State at least 20 days before the day on which the qualifying higher plant is released.

(3) A person to whom paragraph (1) applies must give the information set out in Schedule 3A to the Secretary of State in respect of their plans concerning the release of the

qualifying higher plant (“the project”) at the same time as giving notice in accordance with this regulation.”.

(5) In regulation 34 (information to be included in the register)—

(a) in paragraph (1), for “(2)” substitute “(1A)”;

(b) after paragraph (1) insert—

“(1A) In relation to a notice given under section 108(1)(b) of the Act, the content of that notice and the information given under regulation 9B(3), except information falling within paragraphs 3 to 5 of Schedule 3A.”.

(6) In regulation 35 (keeping the register), at the beginning insert—

“(A1) The information prescribed in regulation 34(1A) must be placed on the register within twelve days of receipt by the Secretary of State of the notice.”.

(7) After Schedule 3 insert—

“SCHEDULE 3A

Regulation 9B

Information to be provided to the Secretary of State alongside  
a notice of intention to release a qualifying higher plant

1. The title of the project under which the qualifying higher plant is to be released.
2. The aim of the project (including any matters being investigated as part of the project).
3. The name, address, telephone number and email address of the person with overall responsibility for the project.
4. The name, qualifications and experience of every person responsible for planning and carrying out the project.
5. The name, qualifications and experience of every person responsible for the supervision, monitoring and safety of the release of the qualifying higher plant.
6. The full name of the qualifying higher plant to be released under the project, including—
  - (a) family name;
  - (b) genus;
  - (c) species;
  - (d) subspecies.
7. The expected date on which the project will start.
8. The expected duration of the project.”.