

A Bill [as amended on report] to regulate the use of certain genetically modified organisms for agricultural purposes.

Contributors

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Publication/Creation

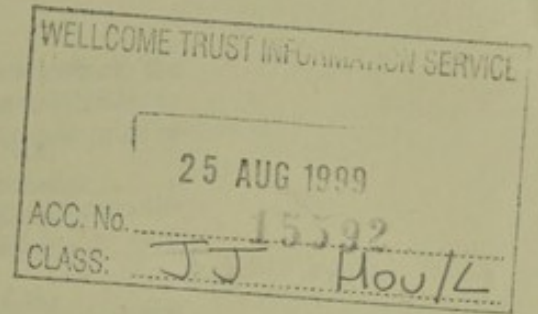
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B I L L

[AS AMENDED ON REPORT]

TO

Regulate the use of certain genetically modified organisms for agricultural purposes. A.D. 1999.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 1.—(1) Section 111 of the Environmental Protection Act 1990 is amended as follows.

(2) In subsection (1)(a), at the beginning insert “if the genetically modified organisms are plants or seeds for agricultural purposes and”.

10 (3) In subsection (8), after “may”, in the first place in which it occurs, insert “, subject to subsection (8A).”.

(4) After subsection (8), insert—

“(8A) The Secretary of State shall not grant a consent for the release or marketing of genetically modified organisms which are plants and seeds for agricultural purposes until—

- 15 (a) he has received the results of research on the effect of the use of such organisms, such research being subject to subsection (8G), and has undertaken consultations on the research with such expert bodies as are concerned with the preservation of the natural environment that he considers appropriate,
- 20 (b) he has consulted representatives of the farming industry, including organic farmers,
- (c) he has laid before each House of Parliament a report containing those results,
- 25 (d) in the light of that report he has prepared guidelines relating to the granting of a consent under this section, and
- (e) the guidelines have been approved by resolution of each House.

However, the Secretary of State shall under no circumstances grant consent for the commercial release of genetically modified organisms

Consents for genetically modified organisms for agricultural purposes. 1990 c. 43.

containing genes for antibiotic resistance present in the organism as the direct result of genetic modification or as a by-product of it.

(8B) Any consent granted by the Secretary of State pursuant to subsection (8A) during the first twenty years after the first release of a genetically modified organism shall not extend for more than three years but may be extended by up to the same period from time to time. 5

(8C) For the purposes of this section, an organism which is materially different from one already released shall be deemed to be one requiring consent under subsection (8A) and the consent required under subsection (8B) shall be time limited and require renewal as provided in that subsection. 10

(8D) Any consent granted by the Secretary of State pursuant to subsection (8A)—

- (a) may be revoked at any time without notice during the first twenty years after the first release of a genetically modified organism, and 15
- (b) shall be deemed to be subject to automatic revocation in the event of the planting of the genetically modified organism concerned or genetically modified organisms generally being subsequently prohibited by any Directive of the European Commission, and the provisions of subsections (8E) and (8F) shall apply to such revocation as well as to a revocation pursuant to paragraph (a) of this subsection. 20

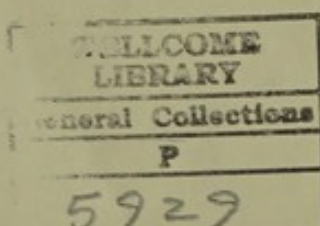
(8E) If any consent is revoked as aforesaid, the Secretary of State may also order the destruction of any growing organisms and the sterilisation of the soil in which they were growing in whatever way he deems appropriate. 25

(8F) No compensation shall be payable as a consequence of the revocation of a consent or an order for sterilisation.

(8G) The Secretary of State shall, after the granting of any consent pursuant to subsection (8A), ensure that there is for the first twenty years after the first release of a genetically modified organism, monitoring of the area in which such crops are planted, at frequent and adequate intervals by his Department or by a Government Agency designated by him for that purpose, in either case in co-operation with such expert bodies as are concerned with the preservation of animals, birds, flora, insects and the natural environment that he considers appropriate. 30

(8H) The Secretary of State shall not authorise the release of genetically modified organisms for the research purposes cited in subsection (8A) until— 35

- (a) he has stipulated minimum of requirements for each research programme, which shall include criteria by which it can be judged to have been completed,
- (b) he has stipulated an expiry date for each authorisation, after which he may either extend the expiry date or order the termination of the research programme, with only a completed research programme providing grounds, for a decision to authorise commercial release, 45



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(c) a survey has been conducted over the area in which the genetically modified organisms are to be released, in order to gather ecological baseline data that pertain to the site prior to release,

5 (d) he has stipulated a schedule for the full disclosure of the results of the research to each House of Parliament and before such members of the public that have an interest,

(e) he has stipulated conditions for the disposal of crop material that may be produced during the research programme, such conditions specifically excluding the sale of the crop material, its consumption by humans, its use as an animal feedstuff or its use in any production and manufacturing process unless and until the research programme results in an authorisation for commercial release,

15 (f) he has stipulated other procedures for the termination of a research programme, and

(g) he has laid before both Houses of Parliament a report setting out the stipulations he is required to make under this subsection.

20 (8J) Any research into environmental impact required by the provisions of subsection (8A) shall encompass the below ground soil environment of the sites under investigation.

(8K) It shall not be a defence to any claim for compensation or damages by the owner of any land which may have been affected by any genetically modified organism which is a plant or seed that the planting or cultivation of any crop shall have been consented to by the Secretary of State pursuant to this Act.”

(5) At the end insert—

30 “(12) In this section “agricultural” has the meaning given in the Food and Environment Protection Act 1985.”

1985 c. 48.

(6) In section 113 of that Act (fees and charges), after subsection (3) insert—

35 “(3A) All costs incurred by the Secretary of State in implementing the provisions of section 111(8A) above shall be offset by means of a fee, payable by the licensee, for the granting of licences for the commercial release of genetically modified crops, which shall include fees for such research programmes as are required for the application for commercial release authorisations.”

2. After section 115 of that Act, insert—

Map-based register.

40 “Map-based register. 115A.—(1) Such bodies as are deemed appropriate by the Secretary of State shall be responsible for the keeping of a detailed map-based register of all land on which genetically modified crops are known to be present.

45 (2) The register shall include land on which genetically modified crops are known to have been present at some point in the past or are likely to be present at some point in the future.

(3) The requirement for inclusion of land on the register shall apply irrespective of the circumstances in which the genetically modified organisms run were released, that is whether legally or illegally, deliberately or accidentally.

(4) The register maintained under this section shall also include instances of contamination by genetically modified DNA and other genetically modified material.” 5

Short title.

3. This Act may be cited as the Genetically Modified Crops Act 1999.

Genetically Modified Crops [H.L.]

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[AS AMENDED ON REPORT]

To regulate the use of certain genetically modified organisms for agricultural purposes.

The Baroness Miller of Hendon

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