



<b>Health and Safety Executive</b>		<b>Operational Circular</b>	
<b>Field Operations Directorate</b>		<b>OC 167/11</b>	
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To  
 Heads of Division  
 AFQ Inspectors (for information only)  
 HID Inspectors Land Division 1-4 (for information only)  
 Admin Managers

**PUBLIC REGISTERS AND DATABASES AVAILABLE TO THE PUBLIC IN CONNECTION WITH THE CONTAINED USE OF GENETICALLY MODIFIED ORGANISMS**

This OC revises the procedure for keeping the public register of information which HSE is required to keep under the Genetically Modified Organisms (Contained Use) Regulations 2000, additional public register for enforcement action and a database on waste management of large scale activities. It replaces OC 167/7 which should now be cancelled.

**Background**

- 1 The information kept on the public register in divisional and former area offices under the Genetically Modified Organisms (Contained Use) Regulations 1992 as amended, should be withdrawn and destroyed.
- 2 The Genetically Modified Organisms (Contained Use) Regulations 2000 (Contained Use Regulations) requires different information to be kept on the public register. For new notifications, the information required to be available is greatly increased, and requires continual updating.
- 3 Current notifications of premises and activities continuing after specified dates will have to be notified under the transitional arrangements. The information required to be available on these is much less and is static.
- 4 The information required on the public register for the new Contained Use Regulations must be available in all HSE main offices from 9th December 2000.

**PUBLIC ACCESS TO INFORMATION**

- 5 The public register contains information under the Genetically Modified Organisms (Contained Use) Regulations 2000 and must be maintained in HSE main Offices ([see](#)

[para 10](#)). It may be inspected by members of the public, free of charge, at any reasonable time, without appointment. Copies of register entries should be made available on payment of HSE's standard photocopying fee.

6 The Contained Use Regulations reg.22(1) disappplies the Health and Safety at Work etc Act (1974) s.28 in relation to disclosure of the information which has been submitted as part of any notification. The information placed on the Contained Use public register will include **all** of the information supplied except personal information and confidential information (for which exemptions apply) and full risk assessments. Unlike the previous (1992) regulations, the public register is expanded to contain information on all notifications, ie both activity and premises notifications.


7 Copies of the complete public register will be maintained at Magdalen House (TD6) and Rose Court (HDB2). Information on notifications made in Scotland will also be available in Belford House, Edinburgh. In addition, main HSE offices will hold information on notifications of Contained Use work taking place in their division.

8 Requests for information not contained in the public register should be directed to TD6.

#### **MoD establishments**

9 There is an agency agreement with MoD that their establishments should not be entered onto registers which HSE makes available to the public ([OC 167/1](#)). Exclusion of any information from public disclosure is subject to the conditions of the Contained Use Regulations, which override the agreement with MoD.

#### **MAINTENANCE OF THE PUBLIC REGISTER OF GENETIC MODIFICATION NOTIFICATIONS**

 10 Notifications will be received by TD 6 and information for the public register will be copied to the relevant Heads of Division (HoDs). **There is a statutory requirement for information to be placed on the public register in HSE main offices within 14 days of receipt of that notification by HSE.** A paper copy of this information should be passed to the person responsible for maintaining the public register who should ensure that this information is placed on the register without delay and the date of the entry marked on the register. The availability of an electronic public register on the internet is imminent. However, this is unlikely to happen in time for the start of the new regulations, so a paper copy should be compiled and used until further notice.

11 Under specific circumstances, a notification may be withdrawn or amended. TD6 will inform HoDs of withdrawn/modified notifications. On receipt of this information from TD6, the person responsible for maintaining the public register should ensure that the information is removed/amended. When the electronic format is available, this will be done electronically.

#### **DATABASE ON WASTE MANAGEMENT OF LARGE SCALE USE**

12 Data on waste management (and possibly environmental monitoring) will soon be

placed on an internet database which will be freely accessible. This is **not** a statutory requirement and is distinct from the public register. It is proposed that TD6 will manage and update this database but it is unlikely that this will be available until mid 2001. Any enquiries for information regarding waste management should firstly be directed to the GM Public Register to check whether this is a notified activity. If it is not a notified activity, enquiries should be directed to TD6 until further notice.

#### PUBLIC REGISTER ON ENFORCEMENT ACTION

13 Under the requirements of the Environment and Safety Information Act 1988, details of enforcement action regarding genetically modified organisms are kept on a public register for a minimum of 3 years. Entries in the register should be made within 14 days of either the expiry of the right to appeal, or the disposal of an appeal. Where a notice is cancelled on appeal, no entry should be made. Where an inspector is satisfied that an enforcement notice has been complied with, a further entry should be made in the register within 7 days to show this. If an enforcement notice is withdrawn or amended, the entry on the register will be withdrawn or amended within 7 days.

14 If for any reason an entry on the Enforcement Public Register would reveal information affecting intellectual property rights, a draft entry specifying only name, address, GM site and the relevant legal provisions should be entered. For further information please refer to [GAP1: Open Government: disclosure of information to the public](#).

15 OC 167/7 - **cancel and destroy**.

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