



**HAZARDOUS SUBSTANCES AND NEW ORGANISMS
(ORGANISMS NOT GENETICALLY MODIFIED)
REGULATIONS 1998**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 27th day of July 1998

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to section 140 (1)(b) of the Hazardous Substances and New Organisms Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

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| 1. Title and commencement | | 2. Interpretation |
| | | 3. Organisms not genetically modified |

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Hazardous Substances and New Organisms (Organisms Not Genetically Modified) Regulations 1998.

(2) These regulations come into force on 29 July 1998.

2. Interpretation—In these regulations, unless the context otherwise requires, “the Act” means the Hazardous Substances and New Organisms Act 1996.

3. Organisms not genetically modified—(1) For the purposes of the Act, the following organisms are not to be regarded as genetically modified:

- (a) Organisms that result solely from selection or natural regeneration, hand pollination, or other managed, controlled pollination:
- (b) Organisms that are regenerated from organs, tissues, or cell culture, including those produced through selection and propagation of somaclonal variants, embryo rescue, and cell fusion (including protoplast fusion or chemical or radiation treatments that cause changes in chromosome number or cause chromosome rearrangements):
- (c) Organisms that result solely from artificial insemination, superovulation, embryo transfer, or embryo splitting:
- (d) Organisms modified solely by—
 - (i) The movement of nucleic acids using physiological processes, including conjugation, transduction, and transformation; and
 - (ii) Plasmid loss or spontaneous deletion:
- (e) Organisms resulting from spontaneous deletions, rearrangements, and amplifications within a single genome, including its extrachromosomal elements.

(2) Despite anything in subclause (1)(d), if nucleic acid molecules produced using *in vitro* manipulation are transferred using any of the techniques referred to in subparagraph (i) or subparagraph (ii) of subclause (1)(d), the resulting organism is a genetically modified organism for the purposes of the Act.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 29 July 1998, provide that certain organisms derived from specified processes are not to be considered as genetically modified for the purposes of the Hazardous Substances and New Organisms Act 1996. Accordingly, such organisms do not require an approval under the Act as genetically modified organisms.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 28 July 1998.

These regulations are administered in the Ministry for the Environment.