

Reprint
as at 29 September 2016



**Hazardous Substances and New Organisms (Organisms
Not Genetically Modified) Regulations 1998**
(SR 1998/219)

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.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for the Environment.

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):
 - (ba) organisms that result from mutagenesis that uses chemical or radiation treatments that were in use on or before 29 July 1998:
 - (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.

Regulation 3(1)(b): amended, on 29 September 2016, by regulation 4(1) of the Hazardous Substances and New Organisms (Organisms Not Genetically Modified) Amendment Regulations 2016 (LI 2016/196).

Regulation 3(1)(ba): inserted, on 29 September 2016, by regulation 4(2) of the Hazardous Substances and New Organisms (Organisms Not Genetically Modified) Amendment Regulations 2016 (LI 2016/196).

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Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 28 July 1998.

Reprints notes

1 *General*

This is a reprint of the Hazardous Substances and New Organisms (Organisms Not Genetically Modified) Regulations 1998 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Hazardous Substances and New Organisms (Organisms Not Genetically Modified) Amendment Regulations 2016 (LI 2016/196)