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GENERAL COMMITTEES

Public Bill Committee

GENETIC TECHNOLOGY (PRECISION BREEDING) BILL

Eighth Sitting

Thursday 7 July 2022

(Afternoon)

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not later than

Monday 11 July 2022

The Committee consisted of the following Members:

Chairs: Hannah Bardell, Philip Davies, Esther McVey, † Graham Stringer

† Bowie, Andrew *(West Aberdeenshire and Kincardine)* (Con)
† Brock, Deidre *(Edinburgh North and Leith)* (SNP)
† Clarke-Smith, Brendan *(Bassetlaw)* (Con)
† Duguid, David *(Banff and Buchan)* (Con)
† Fletcher, Katherine *(South Ribble)* (Con)
† Glindon, Mary *(North Tyneside)* (Lab)
Green, Kate *(Stretford and Urmston)* (Lab)
† Howell, John *(Henley)* (Con)
Jenkinson, Mark *(Workington)* (Con)
† Johnson, Gareth *(Dartford)* (Con)
† Jones, Fay *(Brecon and Radnorshire)* (Con)
Jones, Ruth *(Newport West)* (Lab)
Lewis, Clive *(Norwich South)* (Lab)
† McCarthy, Kerry *(Bristol East)* (Lab)
† Prentis, Victoria *(Minister for Farming, Fisheries and Food)*
Shelbrooke, Alec *(Elmet and Rothwell)* (Con)
† Zeichner, Daniel *(Cambridge)* (Lab)

Huw Yardley, Abi Samuels, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 7 July 2022

(Afternoon)

[Graham Stringer *in the Chair*]

Genetic Technology (Precision Breeding) Bill

Clause 26

Regulation of food and feed produced from precision bred organisms

2 pm

Daniel Zeichner (Cambridge) (Lab): I beg to move amendment 21, in clause 26, page 16, line 29, leave out "may" and insert "must".

The Chair: With this it will be convenient to discuss the following:

Amendment 22, in clause 26, page 16, line 31, leave out "may" and insert "must".

Clause stand part.

Daniel Zeichner: It is a pleasure to continue under you in the Chair, Mr Stringer, and it is always a pleasure to see the hon. Member for Banbury, who is now the Minister for our proceedings. Obviously, these have been difficult days for Members on the Government Benches, and I extend my sympathies to the hon. Member for Bury St Edmunds (Jo Churchill). I hope that Members will agree that the spirit in which we conducted our proceedings on Tuesday was constructive. We probed the Government's intentions, and we will continue to do so and seek to improve the legislation this afternoon.

This clause represents a significant aspect of the Bill and we welcome it, although we note that a number of Government Back Benchers expressed concern on Second Reading. I will speak to our two amendments but also more broadly about the principles underlying these clauses as we see them and why we think that they are integral to the overall package.

Much has been said about the strength of the food and public health measures in the Bill and the fact that the Food Standards Agency will have a role to play in ensuring that any precision bred organisms that reach supermarket shelves are adequately regulated. Part 3 of the Bill, which we are discussing now, covers the food and feed produced from precision bred organisms, and clause 26 concerns regulation of food and feed produced from precision bred organisms—an area on which, as I have said, much has been promised.

We have already talked frequently—I am sure that the Minister has read the record of the proceedings from the other day—about the example of tomatoes fortified to contain higher levels of vitamin D, and I think we have agreed that it is important that information for consumers in such cases is managed carefully. But before getting to that point, we must ensure that any foods created with precision bred organisms are safe for human consumption.

As I said on Second Reading, I am particularly proud that a Labour Government established the Food Standards Agency; I think that it does an excellent job. I will say a little more later about its potential role, but I do think that we have high standards here in the UK and we also have trust, and that is in no small part down to the work and reputation of the Food Standards Agency.

However, I am expressing concern about the current wording of subsection (1) precisely because, although it confers on the Government the option to create provision for regulating the placing on the market of food and feed produced from precision bred organisms, it does not make that mandatory. In other words, although the Bill makes regulation of precision bred food and feed a possibility, it leaves it open to the Government not to take up that power should they not desire to do so. Our amendment 21 would change the subsection's language from "may" to "must", so that the Government were mandated to take up the power; that would not be optional.

I do not think this is a minor point. All the subsections conferring delegated powers do so by stating either that the Government "must" take up the power or that they "may", so a decision clearly has been taken about which powers should be mandatory and which ones optional. In my very helpful meetings with the former Minister, she told me that close attention had been paid to the clauses conferring delegated powers and that the language around these had been chosen very specifically. I feel that this is an area where take-up of the power should be mandatory and that the language should be amended.

We heard evidence in the evidence sessions that backs up this position. Professor Robin May, chief scientific adviser at the Food Standards Agency and a professor of infectious disease at the University of Birmingham, said that

"it is important to be sure that"

precision bred

"products are safe…The entire point of this technology is to do things that could have been achieved through traditional breeding, but much faster. It is important that we have safety checks along that pathway."—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee,* 28 June 2022; c. 19, Q27.]

This amendment is also in line with the public polling and research that the Food Standards Agency has conducted. Professor May said that there is a

"really strong view that the public want some level of regulation and safeguards in this".—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee,* 28 June 2022; c. 19, Q28.]

Therefore I am not convinced that the public will be reassured to know that the Government might create a regulatory system for precision bred food but they also might not. The public want certainty, as do producers who will be embarking on the process of creating and then marketing precision bred products. Our amendment 21 would achieve that.

Subsection (2) lists the sorts of things a regulatory framework for precision bred food would achieve. Again, however, this is a "may" or "might", instead of a "must' and "will". The subsection contains issues as important as traceability and imposing

"requirements for the purpose of securing traceability in relation to food and feed produced from precision bred organisms that is placed on the market in England".

Without the ability to trace products, how will we be certain that we can remove any that have unexpected health consequences? How will we reassure organic producers and those who do not want to have precision bred inputs in their supply chain? It makes little sense to outline this level of detail in the Bill, which we welcome, without the commitment to take them up. That is all the more so because the Government's language suggests that there is a firm commitment in the Bill—the Minister is nodding, so I suspect that is what she will tell us—when the actual wording does not really say that. On Second Reading, the Secretary of State said:

"The Food Standards Agency will"—

—not may—

"also conduct a very thorough and comprehensive assessment of any food safety issues. I think that will give people the reassurance they need."—[*Official Report*, 15 June 2022; Vol. 716, c. 376.]

Although we have not tabled further amendments to the clause, because we are debating the clause stand part simultaneously I will also mention that subsection (6) only makes it a possibility, not a certainty, that the FSA will conduct the "thorough and comprehensive assessment" to which the Secretary of State referred. Perhaps what he should have said is that the Bill gives the Government the option to create regulations regarding food, and powers for the FSA to manage them, but that they have yet to make their mind up and that it would be perfectly compatible with the Bill for them to choose not to do it at all. If it is something that will definitely happen, why not make it an actual commitment in the Bill by changing "may" to "must"? I recall that we have had this discussion once or twice before in previous sittings of the Committee.

I suspect the Minister will be reassuring—she is very good at that—but we seek certainty. We welcome the detail that the Food Standards Agency has provided on how it might go about setting up such a system if the powers are used by the Government. It issued a helpful publication earlier this week, which I suspect members of the Committee have seen, although that too will need further discussion, because it has proposed two tiers of checks, with tier 2 checks being engaged when a precision bred organism has been created

"in which there is likely to have been a significant change in the composition of the product that is typically eaten. Such changes that may, for instance, include alterations to the type or level of nutrients or allergens within the product to a level beyond that usually seen in products based on conventionally bred organisms… Here further evidence of safety and a more detailed risk assessment would be required prior to an authorisation decision".

Although that is reassuring, some people will question who will make the initial judgment about what constitutes "significant change", and how such a decision will be arrived at. However, it fleshes out the thinking, which is welcome. It is a shame that, because of the "may" and "must" issue, we do not see any guarantee in the Bill that the FSA will even have the opportunity to play a role, or that there will be a regulatory system for food in the first place, so I would welcome reassurances from the Minister.

The Minister for Farming, Fisheries and Food (Victoria Prentis): It is a great pleasure to serve under your chairmanship, Mr Stringer, and I would like to provide the hon. Gentleman with reassurances. He and I have discussed many times the "may" and "must" issue in the context of the Agriculture Act 2020, the Fisheries Act 2020 and, I believe, the Animal Welfare (Kept Animals) Bill.

It is indeed vital that the Bill gives the necessary power for regulations to be made to enable the Food Standards Agency to ensure that, as the hon. Gentleman said, the food we eat is safe for human consumption. My Department has spoken in depth, and many times, to the Food Standards Agency about this matter, and I did so myself this morning in preparation for this afternoon's sitting. I have been fully reassured that any measures that are proposed will be taken up by the FSA and will be proportionate and appropriate. The FSA is committed to open and transparent policy making, which will be wholly evident as it continues the process of building the new framework. Work is already under way to make sure that the right stakeholders are involved, including officials in Wales and Northern Ireland, and Food Standards Scotland. They will be able to shape the frameworks and how they operate in practice.

There are already existing provisions in general food law for securing traceability of food and feed at all stages of production, processing and distribution. Businesses wishing to market precision bred food and feed will of course need to comply with the existing legal provisions. The Bill includes the option to impose specific requirements for securing traceability, if they are deemed a good idea. That will allow the FSA to consider new methods of traceability as the science develops, future proofing the Bill in the context of further innovation, about which we have not yet thought. I urge members of the Committee to consider the evidence that they heard last week and the vital work that the FSA does to protect our consumers. I therefore ask the hon. Member to withdraw amendments 21.

On clause 26 stand part, innovation in our food and feed industry is developing at a faster pace than we have ever seen before. New technologies, as the Committee has heard many times, enable us to utilise better and more sustainable production methods. It is vital that appropriate measures are in place to ensure that consumers can trust the food that they eat. The regulatory framework has been inherited from the EU. Now that we are forging our own path, it is vital that the framework provides consumers with food they can trust and also keeps pace with new technologies.

The framework for regulating genetically modified organisms, which, as we all know, precision breeding technologies currently fall within, does not adequately reflect the lower risk profile of PBOs, where such organisms are often indistinguishable from products that could be produced using traditional breeding methods. The clause will allow the FSA to build a framework that responds to the lower risk profile of PBOs. I beg to move that the clause stand part of the Bill.

Daniel Zeichner: I welcome the Minister's reassurances, although I am not sure she really addressed the "may" and "must" issue. On this particular occasion, it would have been straightforward for the Government to say what was going to happen. Although I see the opportunity through secondary legislation to take account of changing technologies, which we all recognise is likely to happen pretty quickly, it is essential that provisions and safeguards

[Daniel Zeichner]

are put in place. On that basis, although I do not feel the need to push amendment 22, I would like to test the view of the Committee on amendment 21.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 8.

Division No. 13]

AYES

Glindon, Mary	Zeichner, Daniel
McCarthy, Kerry	

NOES

Bowie, Andrew	Howell, John
Clarke-Smith, Brendan	Johnson, Gareth
Duguid, David	Jones, Fay
Fletcher, Katherine	Prentis, Victoria

Question accordingly negatived.

Clause 26 ordered to stand part of the Bill.

Clause 27

FOOD AND FEED MARKETING AUTHORISATIONS: REGISTER

Daniel Zeichner: I beg to move amendment 23, in clause 27, page 18, line 16, leave out "may" and insert "must".

The Chair: With this it will be convenient to discuss the following:

Amendment 24, in clause 27, page 18, line 20, leave out "may" and insert "must".

Amendment 25, in clause 27, page 18, line 26, leave out "may" and insert "must".

Clause stand part.

2.15 pm

Daniel Zeichner: Our amendments to this clause follow a similar line of reasoning as the previous ones. They continue the discussion around whether the provisions must be introduced or simply might be.

Clause 27 is about the food and feed marketing authorisations register. Extensive reference has been made to that register throughout the passage of the Bill and during the evidence sessions. The Bill would confer a delegated power on the Government to make provision to require the Food Standards Agency to establish and maintain a public register containing information regarding information concerning food and feed marketing authorisations. I have already said many times why I think access to information is important, and will help give confidence to consumers and those farming in ways that require separation from those using gene edited organisms.

We also think the register could be helpful in tackling some of the devolution issues that were referred to in the evidence sessions. The central provisions of the Bill apply to England only, but the Welsh and Scottish Governments were consulted at very late stages. Both Governments have raised concerns that the mutual recognition principle of the United Kingdom Internal Market Act 2020 will mean that it will be possible to legally place precision bred food on the Welsh and Scottish markets even if the Welsh and Scottish Governments choose not to adopt the changes contained in the Bill, which obviously presents a challenge. It is for the Government to resolve that challenge, but I would have certainly liked to have seen them consult the devolved Administrations earlier and in a more constructive manner.

However, in the absence of a solution to that problem, while precision bred products will be able to be legally placed on the market in Scotland and Wales, I imagine that some supermarkets and shops may decide that they want to operate within the spirit of Scottish and Welsh legislation and not stock precision bred products on their shelves, as is their right. The register of foods authorised for sale may help companies address that conundrum—certainly, without it, it is hard to see how they could do so without setting up very expensive parallel production systems, which might simply not be practical in many cases. In other words, a chain of unintended consequences might follow, which I do not think anyone would wish to see.

As I said on Second Reading, in the modern world, consumers increasingly want more information about the products they are buying. We can see that reflected in the market, such as the rise of environmental information on product labels. We will discuss labelling later when we debate one of our new clauses, but as I anticipate that that new clause might not be adopted by the Government, the register will be the only source of information for consumers and businesses looking to gain information on these products. As such, it is a pretty key provision of the Bill.

In our evidence sessions, Professor May of the Food Standards Agency said:

> "The idea behind the register is to have a public awareness of the products that are going through this pathway and are ultimately out on the market, in a similar way to the public registration of foods at the moment…My view as a scientist is that this should be the same for precision breeding. We should have a register that says, 'Here is a product that has been considered. We have looked at it; it hasn't rocked up without any kind of due diligence around it.' It is there in the public domain for people to see what process it has gone through and be reassured that those products have had some level of scrutiny."—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee,* 28 June 2022; c. 24, Q40.]

That is absolutely right. He continued,

> "there will be some consumers who have strong views on this, and they may or may not wish to purchase something accordingly. It is important that the information is available for them, so that they can pause if they want to and find out. Even if most people do not, it is available, should they wish to do so."—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee,* 28 June 2022; c. 24-25, Q41.]

Again, that seems absolutely right to me.

The FSA clearly thinks there is a strong basis for establishing the register, as borne out by the evidence it has seen. Despite that, clause 27 only makes the register a possibility, rather than a certainty; it is a provision that the Government may take up, but not one that they must take up. As we go around this perpetual loop again—I have forgotten how many Bills have given rise to this discussion—perhaps the Minister can explain exactly why she thinks the wording should only be

"may", rather than "must". With the number of key provisions that are being put not only into secondary legislation, but into secondary legislation that the Government are not even bound to introduce, there is a risk that some people looking at the Bill could say that there is a gap between the safeguards that are being promised and the reality that is being delivered.

I am sure the Minister will be affronted by such a suggestion, but as ever, salvation is at hand. Amendments 23, 24 and 25 would amend each subsection of clause 27 so that the Government must engage the provisions contained therein, rather than may. We think the register is a key element of the Bill, especially considering the Government's stance on labelling, and so there must be a strong commitment within the Bill itself.

Deidre Brock (Edinburgh North and Leith) (SNP): This will be a short contribution. The hon. Gentleman referred to the Scottish and Welsh Governments' views on the situation. He will be aware that clause 27 just talks about the Food Standards Agency and the Secretary of State, and does not cover Food Standards Scotland, Scottish Ministers or indeed Welsh Ministers. With that in mind, I hope he will look carefully at new clause 9 and my amendment 37, which is coming up, because they will neatly address the problems he referred to.

Victoria Prentis: I completely agree that it is vital that this Bill should grant the necessary power that will enable regulations to be made to allow the FSA to ensure trust in food, as I said earlier. In addition to a proportionate framework for the regulation of PBOs, it is important that consumer confidence is assured. We feel that a transparent public register for precision bred food and feed will do just that.

On the "may" and "must" point, I apologise; I thought we had been through this so many times that the hon. Member for Cambridge would not want me to say it again. It is rather like the conversations we can have with members of our families, when they say, "Please be quiet. You've told us that 3,000 times already!" Perhaps that is only me.

Daniel Zeichner: I feel suitably chastised.

Victoria Prentis: I am very happy to explain the role, as I am many other things—not fighting with one's younger sister, for example.

The role of the FSA is enshrined in law. Its purpose is to provide food safety and consumer confidence. In our view, "must" is therefore not necessary. We are working with the FSA on this, and it has a role and a duty to provide consumer confidence, which is why we are completely assured that it will maintain this register, as it maintains other registers and keeps them regularly updated. To that end, members of the Committee may be reassured by the evidence of Professor Robin May, which the hon. Gentleman referred to. The professor spoke at length about the need for transparency within the register and how it will provide consumers with the information they need. We feel that is very important.

The FSA is committed to food safety. It is equally committed, as was explained in evidence, to using these powers in a proportionate way that both supports innovation and protects consumers. We are convinced it will deliver a food and feed register that gives consumers the information they need. We therefore do not feel that the amendments are necessary.

On clause 27, we feel that genetic technologies such as precision breeding present opportunities for innovation. Setting out a clear framework for the regulation of precision bred organisms will help ensure that we maintain that really important public trust. The clause will introduce powers that will provide transparency for consumers, the industry and enforcement bodies through the establishment of the public register. In addition to the register, which will be established under clause 18, the food and feed register will give extra clarity about PBOs are being used in food production.

The international market for PBOs is growing quickly, and countries recognise the need to align their regulatory frameworks. Establishing a register will be seen as a positive step by our international trade partners, who are keen to see that we are open for business and ready to accept imports of precision bred crops in this market. As the hon. Gentleman knows, we rely on a certain amount of agricultural food and feed imports, and we hope the Bill will facilitate trade with large exporters such as Argentina, Brazil, Canada, the US and Australia, which already have established regulatory frameworks.

We will come to the point made by the hon. Member for Edinburgh North and Leith later when we discuss new clause 9. The register will make clear the nation in which the authorisations apply. Authorisations, including on the register, will be indicated as enforced in England only. However, the UKIM Act 2020 means that market access principles will apply for PBO goods produced in or imported into England that can be lawfully sold here. That will allow those goods to be sold on the Scottish and Welsh markets. This clause will grant the power required to allow the FSA to establish a register that will give the required transparency.

Daniel Zeichner: Normally I find myself generally reassured by the Minister, but on this occasion, as a consequence of her comments, I am less so.

Victoria Prentis: Oh dear!

Daniel Zeichner: Indeed. I am afraid that however many times she tells me about "may" and "must", I am still not convinced. On a day when trust in politics is pretty central to a public conversation, she will be unsurprised to find that the Opposition are not entirely convinced.

On a separate point about growing trade with some of the countries that the Minister noted, I am not sure I am reassured about the standards of some of those countries or that we want to import more from them—particularly precision bred food or that subject to standards that may be different from our own. That opens up a whole series of issues. The Opposition are clear that we want to grow and produce more here, and we do not want to be moving towards importing more from other countries that are producing to standards different from our own. Far from being reassured, I will go away and look very closely at what has been said, because it rather confirms a direction of travel that the Opposition are not comfortable with.

[Daniel Zeichner]

On that basis and in the spirit of not wanting to take too much time from the Committee, I beg to ask leave to withdraw amendments 24 and 25, but I will press amendment 23 to a Division.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 8.

Division No. 14]

AYES

Glindon, Mary	Zeichner, Daniel
McCarthy, Kerry	

NOES

Bowie, Andrew	Howell, John
Clarke-Smith, Brendan	Johnson, Gareth
Duguid, David	Jones, Fay
Fletcher, Katherine	Prentis, Victoria

Question accordingly negatived.

Clause 27 ordered to stand part of the Bill.

Clause 28

MONITORING AND INSPECTION OF PART 3 OBLIGATIONS

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider the following:

Clause 29 stand part.

Clause 30 stand part.

Victoria Prentis: Briefly, the Bill has so far introduced provision to ensure that PBOs will be subject to pre-market assessments that are proportionate to the level of risk posed. However, the role of the regulator does not stop with authorisation, and measures must be put in place to ensure compliance with any conditions that are imposed on the marketing of these products. It is essential that enforcement bodies have the appropriate powers to monitor compliance and investigate suspected failures to comply.

Question put and agreed to.

Clause 28 accordingly ordered to stand part of the Bill.

Clauses 29 and 30 ordered to stand part of the Bill.

Clause 31

MEANING OF "RELEVANT BREACH" ETC

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider the following:

Clause 32 stand part.

Clause 33 stand part.

Clause 34 stand part.

Clause 35 stand part.

Clause 36 stand part.

Clause 37 stand part.

Clause 38 stand part.

Victoria Prentis: Very briefly, these clauses cover the enforcement measures in the Bill. They provide powers for "relevant breach" and "relevant obligation" and they define those terms. They provide powers to make regulations on enforcement, set out the powers for regulations to provide compliance notices and set out provisions that must be included in regulations and stop notices. They also set out provisions that must be included in regulations that provide for monetary penalty notices and in respect of enforcement notices, and they enable enforcement notices to be issued to provide for reviews and appeals. They address how the new regulatory regime might recover the costs incurred of dealing with non-compliance. I commend all eight clauses to the Committee.

2.30 pm

Deidre Brock: I want to ask the Minister about something that the hon. Member for Bury St Edmunds (Jo Churchill) said the other day on the meaning of a relevant breach. I do not expect the Minister to be able to provide me with an answer straight away, but I would be grateful if she could write to the Committee or give us further information on that matter. The previous Minister reassured us that precision bred organisms may not contain exogenous DNA, so the question was: would the release of an organism that still contains exogenous DNA, or any kind of DNA, constitute a relevant breach? If we could get an understanding of that at some stage, I would appreciate it.

Victoria Prentis: As I am not absolutely certain about that conversation the other day, with your leave, Mr Stringer, we will write to the hon. Lady on this occasion.

Question put and agreed to.

Clause 31 accordingly ordered to stand part of the Bill.

Clauses 32 to 38 ordered to stand part of the Bill.

Clause 39

FEES

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Clause 40 stand part.

Clause 41 stand part.

Clause 42 stand part.

Victoria Prentis: This group covers administrative clauses regarding fees and notices, provisions to allow PBOs not to be treated as GMOs under the Environmental Protection Act 1990, and subsequent necessary powers. I reassure the Committee that we do not intend to charge fees initially in order to incentivise innovation and investment in PBOs, but we will keep that under review. If fees are introduced later, they will be set at a cost recovery level. I commend the clauses to the Committee.

Daniel Zeichner: I would like to speak briefly on clause 42, as it contains one of those notorious Henry VIII clauses, which need to be considered carefully. The clause concerns powers to make consequential provisions. Subsection (2) says,

"Regulations under this section may modify legislation."

We have had this debate many times before about the procedural and technical elements of the Bill, which are thin and constitute poor legislative practice in general, because many of the key provisions are not properly spelled out in the Bill. As we have said, many of the secondary powers are merely optional.

Clause 42 is problematic because it gives Ministers the power to change and amend primary legislation without having to go through the normal scrutiny processes. This is a familiar argument, but it bears repeating—not least because the Minister today will be well aware of the issue and would, no doubt, berate me if I made such a proposal. These clauses shift power away from Parliament towards the Executive, so they clearly need to be strongly justified.

I understand that some elements of the Bill would amend primary legislation in an administrative way, but I still think it is right that the Minister should justify her use of this subsection, given that it would give her Government wide, sweeping powers, which could also be applied in a non-administrative way. It is a question worth addressing.

It is also a question the Government will have to answer when the Bill comes to the Lords. The Delegated Powers and Regulatory Reform Committee will consider whether any of the Bill's provisions inappropriately delegate legislative power, and the Government will have to provide the Committee a memorandum identifying the purpose of each delegation, providing the justification for leaving the matter to delegated legislation and explaining why the proposed level of parliamentary control is thought to be appropriate.

I am sure the Minister will be pleased to know that I have looked at the memo from the Department to the Delegated Powers and Regulatory Reform Committee, which I suspect the Minister may read out in a moment. I was not entirely convinced by the previous Minister's arguments on these points. Given that the Lords Committee pays particular attention to any proposal in the Bill that uses a Henry VIII clause, because of the way it shifts power, I hope she will be able to provide me with further justification while we in the Commons have the opportunity to scrutinise the Bill.

Victoria Prentis: I completely understand the hon. Gentleman's feelings about Henry VIII clauses. I think it is right that they are used judiciously and carefully.

To turn to clause 42 specifically, precision bred organisms are currently regulated by many GM legislative instruments that will need amending to reflect the changes made by the Bill. They will in the main be very technical amendments that will merely reflect the changes that we make if the Bill is passed. There are also references to GM organisms in numerous legislative instruments that will need adjusting, for the same reason. Other parts of law are passed, and GM references feature in many different forms of our legislative framework. The power in clause 42 enables the Government to make reasonable, proportionate and technical amendments. In that light, I urge that the clause stand part of the Bill.

Question put and agreed to.

Clause 39 accordingly ordered to stand part of the Bill.

Clauses 40 to 42 ordered to stand part of the Bill.

Clause 43

REGULATIONS

Daniel Zeichner: I beg to move amendment 26, in clause 43, page 28, line 6, at end insert—

"(7) Regulations under this Act must be made in accordance with—

(a) the environmental principles set out in section 17(5) of the Environment Act 2021, and

(b) Article 391 (Non-regression from levels of protection) of the Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the European Union and the European Atomic Energy Community, of the other part, done at Brussels and London on 30 December 2020."

The Chair: With this it will be convenient to discuss amendment 27, in clause 43, page 28, line 6, at end insert—

"(7) No regulations may be made under this Act unless—

(a) a policy statement on environmental principles has been laid before Parliament under section 18(6) of the Environment Act 2021, and

(b) section 19 of the Environment Act 2021 is in force."

This amendment would prevent the exercise of any powers granted by the Bill until the Government's policy statement on environmental principles has been finalised and Ministers are under a statutory duty to have due regard to it.

Daniel Zeichner: Some Members may have found the previous conversations slightly dry.

Victoria Prentis: Never!

Daniel Zeichner: However, now we are getting to some really interesting points. We have tabled two amendments that would insert additional subsections into clause 43 with regard to the environmental principles of the Environment Act 2021 and the non-regression principle laid out in the 2020 trade and co-operation agreement between the United Kingdom of Great Britain and Northern Ireland and the European Union. Veterans of the Environment Act proceedings will recall extensive discussion of those issues, and I suspect that one or two Government Members will rise to the defence of the trade and co-operation agreement, particularly the non-regression clauses.

This is quite technical, but it is important because it is about upholding the standards that we have committed to in both domestic legislation and international agreements. It is about upholding the promises that we have made. Arguably, it is one of the reasons why the previous Minister is not here today. These are serious issues and, as she put it, a

"jocular self-serving approach is bound to have its limitations."

How right she was. Our amendments highlight some of those limitations.

The first of these relates to the Environment Act 2021 and specifically the Government's obligations under sections 17 to 19. Section 17 states:

"The Secretary of State must prepare a policy statement on environmental principles"

[Daniel Zeichner]

to be interpreted and applied in the making of Government policy. Section 17(5) lays out a definition of "environmental principles", which include

"the principle that environmental protection should be integrated into the making of policies…the principle of preventative action to avert environmental damage…the precautionary principle, so far as relating to the environment…the principle that environmental damage should as a priority be rectified at source, and…the polluter pays principle."

Some Members will recall extensive discussion in the Environment Act proceedings as to exactly what that meant.

Section 18 details the timeframe for the policy statement, and section 19 details the obligations that Ministers are under once the statement is finalised. Section 19(1) states:

"A Minister of the Crown must, when making policy, have due regard to the policy statement on environmental principles currently in effect."

The problem is that the Government have yet to finalise the statement. A draft was published in May 2022, but we are yet to have a response from the Secretary of State, or the final version of the policy statement. Sadly, the Minister who issued the press release about the statement, the hon. Member for Taunton Deane (Rebecca Pow), is no longer in her place, either.

The Environment Act was heralded by the Government as "World-leading"—remember that? The Prime Minister hailed it as the most ambitious environmental programme of any country on earth, neatly timing Royal Assent to the Bill with the COP26 summit hosted in Glasgow. However, a raft of policies in this sphere and specifically in the Department for Environment, Food and Rural Affairs have been brought forward that will have significant impacts on the environment, before the Government have fulfilled their obligations under the Environment Act.

The Government cannot have it both ways. They cannot hail the success of their environmental legislation, while failing to follow through on it or deliver on its aims and failing to hold themselves accountable in their creation of policy to the obligations that were set out. Great claims have been made, but they are not being followed through.

Amendment 26 would help the Government out. It would ensure that regulations under the Bill are made in accordance with the environmental principles set out in section 17(5) of the Environment Act. Amendment 27 would ensure that no regulations may be made under the Bill unless the policy statement has been finalised and laid before Parliament, and Ministers are under an obligation to pay due regard to it. I look forward to enthusiastic support from those on the Government Benches to furthering the aims of their own legislation.

Amendment 26 concerns article 391 of the trade and co-operation agreement between the UK and the EU, which was agreed in December 2020—I am sure the Minister remembers it well. Chapter 7 of the TCA covers environment and climate, and defines environmental levels of protection as

"the levels of protection provided overall in a Party's law"—

that refers to the parties to the agreement, before anyone gets any ideas—

"which have the purpose of protecting the environment including the prevention of a danger to human life or health from environmental impacts".

The TCA then lists some specific examples, some of which would concern this Bill. Those include:

"the protection and preservation of the aquatic environment"

and

"the management of impacts on the environment from agricultural or food production".

Each party in the agreement—the EU and the UK—committed to

"the principle that environmental protection should be integrated into the making of policies",

as well as to "the precautionary approach" and

"the principle that environmental damage should as a priority be rectified at source".

Article 391 of the TCA sets out the rules on non-regression from these levels of environmental protection. It allows

"each Party…to determine the environmental levels of protection and climate level of protection it deems appropriate and to adopt or modify its law and policies in a manner consistent with each Party's international commitments".

However, the TCA also aims to prevent either party from weakening environmental legislation below the levels in place at the end of the transition period:

"A Party shall not weaken or reduce, in a manner affecting trade or investment between the Parties, its environmental levels of protection or its climate level of protection below the levels that are in place at the end of the transition period, including by failing to effectively enforce its environmental law or climate level of protection."

I am not a lawyer, although the Minister is, as I have often pointed out, but it seems to me that the non-regression rules allow the UK to argue that it is allowed to change its regulation on precision breeding to create the new category we are discussing, that it can do so safely and that there is an environmental case for doing so. However, while we may argue that, some may equally argue—we heard this in the evidence sessions—that doing so poses environmental risks. Although the Bill attempts to manage those, and we broadly agree they could be managed, the safeguards should be strengthened. My point is that there are potential grounds for disagreement.

It also seems that the EU could make a determination on how the UK has moved, carry out an assessment itself on the balance of risks and benefits, and make a judgment on whether we have adhered to the non-regression rule. Given that we trade with the EU extensively, and this element of the TCA explicitly references impacts on trade, I hope the Minister will be able to explain the Government's assessment of how the Bill will interact with the TCA, whether parity is maintained and whether there will be any trade repercussions as a result.

The other day, I quoted the impact assessment on the economic consequences of the EU taking a different view, and I want to go back to that. Although the text was printed in *Hansard*, I am not sure that I presented those details with quite the force I should have done. Paragraphs 144 to 146 of the impact assessment, on page 48, in the section "Assessment of likely EU response", are frankly staggering. The Government appear to be prepared to concede that, if there were a disagreement, our markets—our exports to the EU—would in effect be closed. Paragraph 146 states:

"Approximately 55% of all crop-related food exports from the UK are to the EU…And so, it would be difficult to replace EU demand"—

you're telling me it would be difficult! It goes on:

"Therefore, there is a possibility for a portion of the £8.56 billion worth of crop-related exports to the EU to decrease".

But most staggeringly of all, that is followed by an attitude of, "Well, never mind," as the impact assessment continues:

"Nonetheless, this represents only 2.5% of our annual total value of exported goods and 5.4% of our annual value of exported goods to the EU. And so, even if UK crop-related food exports are maximally impacted, the overall impact on the UK balance of trade is minimal."

I find that absolutely staggering and, on behalf of the food and agriculture sector, I invite the Minister to dissociate herself from that aspect of the impact assessment. The impact assessment has a lot of interesting stuff in it, but I suspect a lot of it was not read as closely as it should have been.

2.45 pm

We will not press both amendments to a vote, although we may press one of them, but I do ask those questions of the Minister. We want a strong and effective new regulatory system for precision bred organisms—a system that the world will follow and that will enable us to trade with our closest partners. Throughout the progress of the Bill, I have been sceptical that it will create such a regulatory system, and this issue is one reason why we are concerned.

Victoria Prentis: I have listened with interest to the points made by the hon. Gentleman. It is not necessary to put either amendment in the Bill, and I will do my best to reassure him as to why that is the case.

The scientific advice is clear that precision breeding poses no greater risk to the environment than traditional breeding. Section 19 of the Environment Act 2021 provides that Ministers must have due regard to the policy statement on environmental principles. DEFRA has already published and laid that statement before Parliament for debate. I understand that that is the draft version, but we have made it clear that our intention is to publish the final version in autumn this year. Therefore, by the time regulations are made under this Bill, the final version of the policy statement will have been laid before Parliament, and section 19 will be in force. It is therefore unnecessary to make a provision that will be meaningless by the time the Bill comes into force.

However, to provide more assurances, let me add that one of the five principles—the precautionary principle—was touched on in the evidence sessions, including by the hon. Gentleman, and I believe that many of the experts are satisfied that it is being met. They include Professor Jim Dunwell, the chair of the Advisory Committee on Releases to the Environment; Dr Alan Tinch; and Professor Gideon Henderson. To quote Gideon,

"the Bill we are putting forward now is precautionary—it follows the guidelines of the precautionary principle. We are not leaping in with both feet, but we are moving in stepwise motion."—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee,* 30 June 2022; c. 89, Q145.]

In line with the requirements of section 20 of the Environment Act, we have reviewed whether the Bill reduces existing environmental protections. Based on the scientific advice from the independent scientific committee ACRE, our assessment is that the provisions do not have the effect of weakening environmental protections. We published that statement when the Bill was introduced.

I listened carefully to what the hon. Member for Cambridge said about the TCA. The scientific advice is clear that precision breeding poses no greater risk to the environment than traditional breeding, and we therefore believe that the Bill is consistent with our non-regression commitment to the EU. Indeed, the EU is consulting on its own new regulatory framework for precision bred plants. The TCA aims to prevent either party from weakening their environmental protections below the levels that were in place at the end of the transition period. Article 391 states:

"The Parties…shall not weaken or reduce, in a manner affecting trade or investment…environmental levels of protection".

Katherine Fletcher (South Ribble) (Con): I am listening to a really good debate. Does the Minister agree that the Bill gives us the opportunity to strengthen our environmental protections, not just to maintain the status quo? It is a great leap forward.

Victoria Prentis: The Government certainly believe that there are real environmental benefits to allowing carefully regulated precision breeding that enjoys public trust, and we are keen to realise those benefits. Although I am sorry that my hon. Friend the Member for Bury St Edmunds (Jo Churchill) is no longer in position, I was pleased to take over the Committee stage of the Bill because, as Farming Minister, I have long taken a close interest in it. I am very excited, for example, by the reduction in pesticide use that may be brought about really quite quickly if we pass the Bill and crack on with appropriate precision breeding. I do not think it is necessary or appropriate for regulations to be made subject to amendments 26 and 27.

Kerry McCarthy (Bristol East) (Lab): Two things concern me. First, we know that the Secretary of State has repeatedly expressed doubt about the precautionary principle, suggesting that it is implemented in too strong a fashion and that he wants to row back from that. Secondly, in 2017 we were promised these environmental principles imminently. Now, in 2022, we have a draft statement. That suggests that the Government are not keen to get these principles into law and to implement them; rather, they are doing everything they can to drag their feet. Does the Minister not realise why I have concerns about that?

The Chair: Order. If Members wish to make interventions, they should be brief. If they want to make longer interventions, they should try to catch my eye and make a speech.

Victoria Prentis: I understand the hon. Lady's reservations but I do not share them. The Government have moved as fast as they can, with substantive and lengthy environmentally friendly legislation, much of which the hon. Member for Cambridge and I have discussed at considerable length in Committee and otherwise.

I am proud of the Government's record on environmental protection. The passing of the Agriculture Act 2020 and the Fisheries Act 2020 will put us on a much more sustainable level in both those industries, in terms of how we apportion public subsidy and how farmers and fishermen grow and fish the food we are proud to enjoy.

[Victoria Prentis]

I am proud of our recent work in the food strategy, where we set out as a Government policy goal the level of self-sufficiency we enjoy at the moment. All that must be read under the overarching protections in the Environment Act 2021, which was also passed by this Government. I am proud of our record.

I will move briefly to clause 43, which provides for the parliamentary procedures to be used when making regulations under the Bill. The clause allows for transitional, transitory or saving provision to be made to ensure a smooth transition from existing arrangements to new ones. That is necessary, because these are complicated pieces of legislation. To reassure hon. Members, I will give one example. Consequential regulations under clause 42 might make provision for entries in the GMO register concerning any qualifying higher plants grown in field trials. Under the changes recently introduced by the Genetically Modified Organisms (Deliberate Release) (Amendment) (England) Regulations 2022, those can then be copied across to the PBO register, which we will have established under clause 18. I therefore beg to move that clause 43 stand part.

The Chair: Order. Just to be clear. We will move to clause 43 stand part later.

Victoria Prentis: I am so sorry.

The Chair: It is okay. You have made your points, Minister. If any other Members wish to speak on clause 43, that will come later.

Daniel Zeichner: What the Minister said was very interesting, not least because one of the questions we have puzzled over is whether qualifying higher plants fit into this structure. We are beginning to see that it is as a consequence of some of these powers, which are, to put it mildly, obscure. As I commented the other day, it is quite hard to discern the overall structure of this legislation, given how little is in the Bill, so I found her comments quite helpful.

We will not pursue amendment 26, which concerns the trade and co-operation agreement, today. I am sure the matters in that amendment will roll on inexorably—they are complicated. The basic point is that different people can interpret things differently, and that gives the possibility of challenge. That is the problem. I fear we will be locked into these kinds of problems for a long time to come, sadly, and we will need to rely on good will and co-operation with our neighbours, which is important.

My hon. Friend the Member for Bristol East made a very strong set of points on the question of the environmental principles and the link to the precautionary principle. Of course, this debate has been ongoing for a long time. I do not think it is unfair to point out that the Secretary of State sees this—a diminution of the precautionary principle—as a Brexit opportunity. Labour does not agree with that, and we have sought at every opportunity to tease their position out of the Government, but frankly they are saying one thing and doing another.

However, that is a debate that can be conducted another day. Environmental lawyers are looking closely at all of this. It is a complicated area, to put it mildly. I dare say it will be contested and probably determined elsewhere. In the meantime, we will continue to point out that gap. On that basis, I will not press amendment 26, but I would like to put amendment 27 to a vote. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 27, in clause 43, page 28, line 6, at end insert—

"(7) No regulations may be made under this Act unless—

(a) a policy statement on environmental principles has been laid before Parliament under section 18(6) of the Environment Act 2021, and

(b) section 19 of the Environment Act 2021 is in force." *—(Daniel Zeichner.)*

This amendment would prevent the exercise of any powers granted by the Bill until the Government's policy statement on environmental principles has been finalised and Ministers are under a statutory duty to have due regard to it.

Question put, That the amendment be made.

The Committee divided: Ayes 3, Noes 8.

Division No. 15]

AYES

Glindon, Mary	Zeichner, Daniel
McCarthy, Kerry	

NOES

Bowie, Andrew	Howell, John
Clarke-Smith, Brendan	Johnson, Gareth
Duguid, David	Jones, Fay
Fletcher, Katherine	Prentis, Victoria

Question accordingly negatived.

Clause 43 ordered to stand part of the Bill.

Clauses 44 to 47 ordered to stand part of the Bill.

Clause 48

SHORT TITLE AND COMMENCEMENT

Daniel Zeichner: I beg to move amendment 3, in clause 48, page 30, line 18, at end insert—

"(3A) Regulations under subsection (3)(b) may not appoint a day on which any of sections 11 to 15 is to come into force unless the welfare advisory body has advised the Secretary of State that it is satisfied that regulations made under Part 2 establish a proper process to ensure that the health and welfare of animals, and their qualifying progeny, in respect of which a precision bred animal marketing authorisation is made will not be adversely affected by any precision bred trait."

This amendment would prevent regulations being made on precision bred animals until the welfare advisory body is satisfied that animal health and welfare will be ensured.

I would like to speak briefly on this amendment, which concerns the extent and application of the sea areas. On Second Reading, I raised the fact that there are legitimately held and differing views within the different Administrations in the UK. It is fair to say that the devolved Administrations were not happy with the way this had been handled so far; I suggested that

"the Government should tread carefully."—[*Official Report*, 15 June 2022; Vol. 716, c. 382.]

As I have said today, the regulation of genetically edited organisms is a devolved matter. The central divisions of the Bill apply to England only, but the Welsh and Scottish Governments were consulted at a late stage. Based on evidence I heard in this Committee, it is clear that the frustrations with the Government's approach to co-operation with the devolved Administrations are ongoing. I am disappointed that the Government did not consult the Welsh and Scottish Governments earlier, as I said before, and that they have not laid out more detail, in either the explanatory notes or the impact assessment accompanying the Bill, as to the precise impact it will have on Wales and Scotland and any proposed mechanisms moving forward.

The Opposition have tabled a new clause on labelling, and we have already raised a point about how some of the information-sharing provisions in the Bill could be strengthened to facilitate supply chain tracking and coexistence. I hope that the Minister will say more about the Government's discussions with the devolved Administrations and the plans they have.

3 pm

Victoria Prentis: Are we speaking only to amendment 3? I thank the hon. Gentleman for tabling the amendment. I can assure him that the Government are committed to appointing a welfare advisory body that will provide expert scientific advice to the Secretary of State, as set out in clause 22. We want to ensure that the body will be functionally independent and that it will provide scientific advice. We are committed to appointing a body with the most suitable expertise for the role. We will work closely with existing animal welfare experts, such as the Animal Welfare Committee, to ensure that there is a rigorous and proportionate system to safeguard animal welfare.

Daniel Zeichner: In responding to the Minister's excellent contribution, I should explain that what I said previously relates to clause 47 and so can be ignored—I managed to speak to completely the wrong clause, which of course happens late in the day.

Victoria Prentis: I was a bit confused.

Daniel Zeichner: I am not surprised. I will try to find my way back to the right clause.

Amendment 3 is relatively straightforward. It would prevent regulations being made on precision bred animals until the welfare advisory body is satisfied that animal health and welfare will be ensured. I have previously cited evidence in which DEFRA itself admits that the elements of the Bill relating to animals that are delegated to secondary legislation are not yet fully investigated or prepared. Sadly, we have been unsuccessful in removing the animals from the scope of the Bill. In the absence of that, we have tabled a series of amendments that would provide a check and balance on any secondary legislation, especially given that some of it will be subject to the negative procedure.

The Government have emphasised that the welfare advisory body provided for in the Bill will be composed of experts in their field. The Opposition think that it seems sensible for the body also to play a role in determining the effectiveness of the Government's proposal on animals, and that is what the amendment seeks to achieve.

I am conscious that I am responding to the Minister. I heard what she said. I do not entirely agree, but given that I have not explained it very well, we will let this one pass. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Deidre Brock: I beg to move amendment 37, in clause 48, page 30, line 20, at end insert—

"(5A) Regulations may not be made under or by virtue of this section unless a common framework agreement relating to the release and marketing of, and risk assessments relating to, precision bred plants and animals, and the marketing of food and feed produced from such plants and animals, has been agreed between a Minister of the Crown, the Scottish Government and the Welsh Government.

(5B) "Common framework agreement" has the meaning given by section 10(4) of the United Kingdom Internal Market Act 2020."

This amendment would prevent the operative parts of this Bill coming into force until a common framework agreement on the regulation of precision breeding had been agreed between the UK Government and the Scottish and Welsh Governments.

The Chair: With this it will be convenient to discuss new clause 9— *Power of the Scottish Parliament to legislate on the marketing of precision bred organisms*—

'(1) Schedule 1 of the United Kingdom Internal Market Act 2020 is amended as follows.

(2) After paragraph 11 insert—

"Marketing of precision bred organisms

11A The United Kingdom market access principles do not apply to (and sections 2(3) and 5(3) do not affect the operation of) any Act of the Scottish Parliament, or any subordinate legislation made under or by virtue of such an Act, relating to the marketing of—

(a) precision bred organisms, or

(b) food or feed produced from precision bred organisms."'

Deidre Brock: As has been stated, this is English legislation. As I said on Second Reading, the regulation of genetically modified organisms is a devolved matter—no ifs, no buts. That has been clear from the responses from the Welsh and Scottish Governments. The Scottish Government have been clear in their opposition to the UK Government's moves on this. They do not presently intend to amend the GMO regulatory regime in Scotland to remove categories of products currently regulated as GMOs while they sensibly await the outcome of the EU's consultation on whether some gene-edited organisms will be excluded from the GM definition. No one in Scotland wants to see further barriers to trade with our largest trading partner, but as the hon. Member for Cambridge mentioned, there are clear indications in the impact statement that that is a very likely outcome of having different approaches. It should be further noted—we have not really discussed this to any great extent—that the EU is currently considering only plant-based GEOs, not animals.

The potential impact of the Bill on Scotland through the United Kingdom Internal Market Act 2020, as referred to by the Minister, must be recognised. If the

[Deidre Brock]

Scottish Parliament did not ultimately decide to allow gene edited organisms to be sold, Scotland would still be prevented under the Act from stopping those products being sold in our shops. That, of course, is exactly the kind of scenario that the Scottish National party warned against when the legislation was forced through this place.

As the UK Government's own impact assessment for the Bill acknowledges, removing gene edited products from England's regulatory regime for GMOs would mean divergence from the current EU approach. As such, it would have implications for compliance, costs and future trade. New trade barriers could also come in the form of checks and certification requirements on UK food exports entering the EU's single market, which could affect not only products exported to the EU that contain precision bred plant material, but those in the same product categories that do not—something that, again, emphasises the importance of labelling and traceability, which I will address a little later.

The Scottish Government have made it clear that they intend to stay aligned with EU regulation as far as possible and practicable. The UK Government's refusal to commit to dynamic alignment with the EU has already led to significant trade impacts and costs for Scottish businesses. For example, Scottish businesses have written to the UK Government on numerous occasions regarding the losses to the multimillion-pound Scottish seed potato industry from being unable to access the EU export market, yet there has been very little progress in re-establishing that trade. There are many other examples I could mention. We do not want to erect further barriers to our largest market, so we are waiting to see the position as the EU progresses its review, including its consultation.

If the EU retains its current opposition to gene editing, there are concerns about, for example, the export of Scottish salmon—a huge export product to Europe, and particularly to France. It has been suggested that products might be considered on a product-by-product basis, but there is little detail for us to scrutinise that and to examine potential costs and logistics challenges. In the meantime, the SNP Scottish Government, and indeed the Welsh Government, simply insist that the devolution settlement is respected.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): Nobody disputes that it is within the devolved competencies for the Scottish Government to determine genetic modification in Scotland, but if the European Union did change—we heard in evidence that it is considering doing so, and one of the worries of some of the people who gave evidence was that the UK would be left behind if we did not remove the legislation now—would the SNP be prepared to consider accepting the Bill and working with the UK Government, so that we stick together?

Deidre Brock: That is exactly why the Scottish Government intend to wait for the outcome of the consultation, and why we would like to see the UK Government doing similarly. I would point to the New Zealand Government, who undertook a really extensive consultation with stakeholders, consumers and citizens generally. Ultimately, they chose to continue to include gene edited organisms within their definitions of genetically modified organisms. The outcomes are by no means guaranteed, and I think the precautionary principle should be applied here as well.

New clause 9 would amend the United Kingdom Internal Market Act to ensure that the Scottish Parliament's authority to legislate in the marketing of precision bred organisms is upheld. Similarly, amendment 37 would prevent the operative parts of the Bill coming into force until a common framework agreement on precision breeding has been agreed between the UK Government and the Scottish and Welsh Governments.

I would be really grateful if the Minister—I appreciate that she is very new to her post—could offer an explanation for why common framework procedures prior to the Bill's introduction were not followed before it was introduced. As the Minister will know, the Scottish and Welsh Governments repeatedly requested sight of the draft Bill, but it was introduced to Parliament before that happened. That is simply not the action of a Government who respect devolved Governments, and I would be grateful if the Minister also provided an explanation for that.

Victoria Prentis: On amendment 37, the regulation of GMOs is, as we have heard, a devolved matter. We have invited the Scottish Government and the Welsh Government to join us in bringing forward the Bill. If they took up our offer, it would provide confidence to investors who are looking to support Scottish and Welsh research into precision breeding.

A common framework covering GMO marketing and cultivation was within scope of the common frameworks programme, but all four Administrations agreed that a common framework was not required because the administration and co-ordination of this policy area was provided for through existing inter-governmental arrangements under the GMO concordat. If the DAs were in agreement, we would be willing to revisit that analysis and look again at whether the GMO concordat and the intergovernmental arrangements for which it provides are sufficient for intergovernmental working, and, where relevant, to manage divergence in the regulation of genetic technologies. I would be delighted to take that work further if it is of interest to the DAs.

In addition to engagement between DEFRA and DA genetic technology officials, it is worth noting that precision breeding policy interacts with four of the provisional common frameworks. Engagement among respective officials is also ongoing through the relevant framework fora in those four areas.

As the Committee heard from Professor Bruce Whitelaw of the Roslin Institute, and as has been presented to the Welsh Government and the Scottish Government by the National Farmers Union—I have read the evidence it gave—the provisions in the Bill apply substantively to England, but they have the potential to bring benefits across the UK.

We have introduced the Bill to ensure that we keep up to date with the latest science, and to remove the limitations placed on us by outdated regulation that has not kept pace with scientific development. Amendment 37 would put us at further risk of falling behind other countries, which the NFU was concerned about in the evidence sessions. We will continue to engage with the DAs to

address the concerns that they have raised, but I encourage the hon. Lady to embrace the opportunity that the Bill presents to unlock the benefits of scientific research and development and ensure that the UK continues to invest in innovation in the agri-food industry and reap the wider potential benefits from it.

New clause 9 would exclude legislation passed by the Scottish Parliament relating to the marketing of precision bred organisms, and regulations made by the Scottish Government under that legislation, in scope of the UK Internet Market Act 2020 market access principles. There is an established process for considering exclusions to the application of the UKIM market access principles in the common framework areas. That process has been agreed by the UK Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive. The UK Government are fully committed to common frameworks and to taking forward discussions with the Governments of Scotland, Wales and Northern Ireland on the interaction between the proposals in the Bill and UKIM.

As we heard from Dr Ferrier of the NFU, it will be at least five years before products come on to the markets for farmers and growers. We hope that consumers across the whole of the UK will be able to benefit from the research into precision bred plants and animals that the Bill will enable. We therefore urge the hon. Lady to withdraw the amendment so as not to pre-empt the outcome of those discussions.

Deidre Brock: It is kind of the UK Government to want to bring benefit to all of the devolved nations of the UK—a very benevolent approach that I am sure everyone appreciates—but this area is devolved and we should have full control over it.

David Duguid (Banff and Buchan) (Con): I just want to clarify, should we be surprised that the United Kingdom Government are interested in the rural interests of every nation in the United Kingdom?

3.15 pm

Deidre Brock: I am actually very interested in rural interests, as the hon. Gentleman knows, and I am very concerned about the impact on trade with the EU, which is the UK's largest trading partner, and the impact, potentially, on farmers. The Minister mentioned that it will be five years before commercial benefits can be felt—at least; we were hearing anywhere up to 11 years—so why the rush? Why push this through when we potentially could really impact our trade with Europe?

I do not wish to sound rude about it at all, because I respect the Minister hugely, and particularly the way she has stepped up this afternoon—excellent effort. Given that it sounds as if there is likely to be some movement in discussions on the GMO concordat, perhaps I could arrange a meeting with her, before Report, to discuss that further and get a clearer understanding of what is entailed within those discussions. I would appreciate that very much.

Victoria Prentis *indicated assent.*

Deidre Brock: The Minister is nodding her head, so I assume that is acceptable. Given that, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 48 ordered to stand part of the Bill.

New Clause 1

LABELLING

"(1) A person must not—

(a) market a precision bred organism, or

(b) place food and feed produced from precision bred organisms on the market

unless labelled in accordance with regulations made by the Secretary of State under this section.

(2) Regulations under this section must ensure that the labelling referred to in subsection (1) provides sufficient information to support informed consumer choice, having regard in particular to—

(a) nutritional content,

(b) the potential presence of allergens or other substances which may cause adverse human health impacts, and

(c) the environmental impact of the product.

(3) Before making regulations under this section, the Secretary of State must—

(a) consult representatives of—

(i) consumers,

(ii) food producers,

(iii) suppliers,

(iv) retailers,

(v) growers and farmers,

(vi) the organic sector,

(vii) other persons likely to be affected by the regulations, and

(viii) any other persons the Secretary of State considers appropriate; and

(b) seek the advice of the Food Standards Agency on the information to be required to be provided on labelling.

(4) Section 30 (Interpretation of Part 3) has effect for the purposes of this section as it has effect for the purposes of Part 3." *—(Daniel Zeichner.)*

This new clause would require the Secretary of State to make regulations about the labelling of precision bred organisms and food and feed products made from them.

Brought up, and read the First time.

Daniel Zeichner: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 10—*Labelling of food or feed produced by precision bred animals*—

"(1) Food or feed produced from a precision bred animal or its progeny that is placed on the market must be labelled to inform prospective purchasers that it has been produced from a precision bred animal or its progeny.

(2) The labelling required under subsection (1) must be in easily visible and clearly legible type and, where packaging is used, it must be placed on the front outer surface of the packaging.

(3) Regulations must lay down the labelling terms to be used to meet the requirements of subsection (1).

(4) Regulations under this section are subject to the affirmative procedure."

Daniel Zeichner: I have been referring to new clause 1 throughout the Bill's passage through Committee. Labour has been clear that we regard labelling as an important part of this new regulatory framework, and it is sadly not really referenced in the Bill, although it is discussed and then dismissed in the impact statement.

The Bill will create a new type of food product on supermarket shelves: the precision bred organism. As I said earlier, it is clear that there is a trend towards consumers wanting more information about their food—what it contains, where it comes from and its environmental

[Daniel Zeichner]

impact, which are all important. As I am sure the Minister now knows, and will be tired of hearing, Labour will buy, make and sell more in Britain. How could one do that without knowing how our food is made and where it comes from?

Our new clause 1 would require the Government to introduce regulations to ensure that precision bred food and feed is labelled to provide

"sufficient information to support informed consumer choice, having regard in particular to—

(a) nutritional content,

(b) the potential presence of allergens or other substances which may cause adverse human health impacts, and

(c) the environmental impact of the product."

It would also require the Secretary of State to consult stakeholder groups before pursuing that and to seek the advice of the Food Standards Agency.

The Government have said time and again that they support nutritional labelling to inform consumers of any allergens or if the nutritional content of a food is changed from its natural state. They must put that in the legislation and make it a commitment in the Bill. We have also heard about the issues of co-existence with other production systems and supply chain tracing, and how the legislation might have an impact on the organic sector. It is important that it is properly consulted, so that whatever labelling regime the Government introduces, it allows for different types of food production to co-exist.

The only information the Government have divulged in writing regarding labelling is their opposition to it, in the impact assessment, based on the costs it could incur for businesses. However in the impact assessment they have not actually calculated the costs and benefits of labelling, so I am unsure how they came to that judgment. Perhaps the Minister can tell us. Indeed, in that part of the impact assessment, around pages 40 and 41, it is interesting that, in paragraph 114, the Government notes that

"maintaining a labelling and tracing system could also have wider benefits, most notably, improved consumer confidence in food products potentially adding value across the food supply chain."

Well, absolutely.

The impact assessment also states:

"Given uncertainties, as set out above, we have not monetised the estimated annual cost of a labelling and tracing system to business."

That was identified by the Regulatory Policy Committee, which in its report—which, I have to say, categorised the Bill as "not fit for purpose"—stated:

"The traceability and labelling costs, the primary benefit for the preferred option and which differentiates the two regulatory options considered, is not quantified. As this is the main difference between the two regulatory options, the Department needs to provide some quantification of the scale of the potential impact from this change."

I would be grateful if the Minister commented on what is, frankly, a pretty damning assessment. I appreciate that she is new to this area and that it may not be possible for her to do so today, but a written assurance that those serious issues will be addressed would be welcome at a later stage.

Further to that, in its written evidence to the Committee, the Nuffield Council on Bioethics noted that the Government's present stance on labelling

"runs contrary to the findings of many public engagement initiatives that have broached this question... in this context, not labelling amounts to the withholding of information about consumer preferences".

Katherine Fletcher: In the oral evidence sessions, we heard about not only the costs of implementation but the practical challenge with labelling precision bred organisms, which is that they are scientifically and practically indistinguishable from traditionally bred organisms—that is, the ones that we have, know and love day-to-day. I note that the hon. Gentleman has not touched on a mechanism for how that labelling could be executed. The only practical way that we could know for certain whether a crop, for example, was precision bred would be to insert exogenous DNA for the purpose of labelling, which clearly goes against the spirit of some of the other debates we have had.

Daniel Zeichner: The hon. Lady raises a series of interesting and important points. I do not disagree with what she has said, other than to say that I think it is possible—this came through in some of the evidence as well—to maintain traceability throughout the process if we are careful about how we do it, but we have to set up systems to do so. It is clear from the impact assessment that the Government have thought about this issue, and our view is that to maintain the necessary public confidence it is absolutely right for it to be considered carefully. As such, our new clause would put the structure in place for that discussion to happen. If the hon. Lady looks carefully at what the new clause actually says, she will see that.

I was about to make exactly the same point as the hon. Lady: we understand the challenges that labelling may pose. However, as was said in the impact assessment, the significant benefit it would bring in terms of public trust and supporting consumer choice may well be worth having. Our view is that the Government have not given sufficient thought to the matter nor evaluated it sufficiently, as is admitted in the impact assessment. Our new clause 1 would require them to undertake further consultation on labelling and then introduce an appropriate system.

Victoria Prentis: I know that labelling has been raised as a concern by Committee members and others, and I understand that the new clauses intend to provide information to consumers, so I will try to provide some reassurances on that point.

The Bill is based on the science, and the science tells us that precision bred organisms are equivalent to, and pose no greater risk than, their traditionally bred counterparts. We have received advice from independent scientific experts and heard from many witnesses who considered labelling to be unnecessary in the case of precision breeding. Dr Helen Ferrier of the NFU agreed that it would be "misleading" to consumers to require a compulsory label, as there is no scientific difference. Dr Richard Harrison said,

"I do not think there is any scientific rationale to have additional labelling criteria for gene-edited products, because they are fundamentally indistinguishable from nature."—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee,* 28 June 2022; c. 63, Q103.]

The Bill is consistent with the science, but also with the approach taken by many international partners around the world that have already legislated in this way. We do not think it is necessary to label based on the technology used.

Much of the proposed new clause is already covered by existing food legislation—in particular, regulation 1169/2011 on the provision of food information to consumers. We know that there are exciting developments to improve the nutritional content of some food, but consumers will want to know of any nutritional or allergen composition that might affect them.

Regulations on the provision of food information to consumers already adequately cover nutritional and allergen labelling, and that does not change because the product is derived from a precision bred organism. We therefore do not think it is necessary to include additional provisions in the Bill. We will respond to the further information that the RPC requests in an enactment 1A, to be brought forwards towards the end of the Bill's passage through Parliament.

Daniel Zeichner: I listened closely to the Minister and am wondering what an enactment 1A means and when it will happen.

Victoria Prentis: You are going to find out.

Daniel Zeichner: I would rather find out sooner rather than later.

Victoria Prentis: Sorry, an enactment IA—impact assessment.

Daniel Zeichner: I am not sure I am totally reassured by that. I would be grateful if the Minister could write to us at some point about how the Government are addressing those criticisms.

Victoria Prentis: In the RPC?

Daniel Zeichner: Yes. In a way, we are going round in circles. We entirely understand the scientific arguments, but the question is how we maintain consumer confidence. The Food Standards Agency's work shows that the public want to know. We believe the public have a right to know, and the question is how that might be done. The most recent advice from the FSA, which I cited earlier, shows that it has been thinking hard about that and may be able to draw distinctions between different types of product coming on to the market. That suggests to me that there is the possibility to provide more consumer information.

I suspect there is a wider debate about labelling, because we want to ensure that the information that we offer to consumers is not so overloaded in so many different areas that it is hard to interpret. That is a legitimate debate, and I am sure we will pursue it. We think it is important that this option remains under consideration in the Bill, and for that reason I want to press new clause 1 to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 8.

Division No. 16]

AYES

Glindon, Mary	Zeichner, Daniel
McCarthy, Kerry	

NOES

Bowie, Andrew	Howell, John
Clarke-Smith, Brendan	Johnson, Gareth
Duguid, David	Jones, Fay
Fletcher, Katherine	Prentis, Victoria

Question accordingly negatived.

New Clause 2

RELEASE AND MARKETING OF PRECISION BRED ANIMALS

"A person may not give a release notice to the Secretary of State in relation to the release of a precision bred animal (see section 4(1)(a)), and no precision bred animal marketing authorisation may be issued (see section 13(1)), until—

(a) at least 12 months has passed since the date of the establishment of the Animal Sentience Committee under section 1 of the Animal Welfare (Sentience) Act 2022, and

(b) at least 6 months has passed since the date on which the Animal Sentience Committee has made to the Secretary of State a report on the provisions of this Act."—*(Daniel Zeichner.)*

This new clause would delay the release of precision bred animals for at least 12 months after the Animal Sentience Committee established under the Animal Welfare (Sentience) Act 2022 has been established and at least 6 months after the Committee has reported on the impact of the Act on animal welfare.

Brought up, and read the First time.

Daniel Zeichner: I beg to move, That the clause be read a Second time.

New clause 2 is another of our attempts to make the introduction of the Bill's provisions on animals contingent on DEFRA and the Government undertaking the work that we think they need to do before they are ready to bring forward serious and detailed proposals on this issue. The Animal Welfare (Sentience) Act 2022—I suspect there are veterans of its passage here—enshrined the recognition of the sentience of animals into law and established an Animal Sentience Committee whose role is to consider

"whether, or to what extent, the government is having, or has had, all due regard to the ways in which the policy might have an adverse effect on the welfare of animals as sentient beings."

As I understand it, the Animal Sentience Committee is yet to be established. Perhaps the Minister can provide a timeline for that, because we cannot find any commencement information on it.

The 2022 Act was introduced as part of the Government's action plan for animal welfare, which they made a lot of and said was the "first of a kind". The Government made big promises and indicated that the Act was a defining piece of legislation to promote the health and welfare of animals. My question to the Minister is: why did the Government not wait for the Animal Sentience Committee to be established and have time to report on the Bill before introducing it? If they really wanted to recognise the sentience of animals, they would prioritise

[Daniel Zeichner]

the committee's establishment before pressing ahead with legislation that will have a real and significant impact.

3.30 pm

We have heard repeatedly, during the evidence sessions and in the discussions since, that the elements of the Bill regarding animals will take at least two to three years to be developed, even though—we have been round this quite a few times now—there is nothing in the Bill to ensure that happens. I still think we are considering these changes in the wrong order and that the provisions should have been brought before the House only after they had been fully considered.

As a consequence, we have tabled new clause 2, which would prevent the release and sale of precision bred animals until at least 12 months have passed since the establishment of the Animal Sentience Committee under section 1 of the 2022 Act, and at least six months have passed since the date on which the Animal Sentience Committee has made the Secretary of State a report on the provisions of the Act.

The Chair: Before I call the Minister to respond, I should say that I sense there is some confusion among Members about new clause 10. The place to discuss new clause 10 was in the previous debate. The vote on it is at the end because the new clauses are taken in order. I will ask the proposer of new clause 10 whether she wished to move it at that stage. If the hon. Member for Edinburgh North and Leith wants clarification, I am happy to give it to her.

Deidre Brock: I am a little confused, because new clause 10 was grouped with new clause 1 and I thought I would be speaking at the same time as the hon. Member for Cambridge. Forgive me.

The Chair: The debate on new clause 10 should have taken place when new clause 1 was moved. I read out "with which it will be convenient to discuss new clause 10". The vote on it comes in the order of the new clauses.

Deidre Brock: Given the confusion, I will withdraw any suggestion of a vote.

The Chair: It is my job to keep order and try to make sure that hon. Members ask the Government what they want and make whatever points they want to make. When we come to vote on it, although it will not be completely orderly, if the hon. Lady wishes to make a small number of comments, I will allow it.

Deidre Brock: Thank you very much.

The Chair: I hope that is clear.

Deidre Brock: Very clear.

Victoria Prentis: The 2022 Act received Royal Assent in April, and work is now under way to establish the Animal Sentience Committee by the end of this year. Applications to the committee have now closed and we are proceeding with the next steps. We very much hope to have the committee up and running by the end of this year. Given that, as the hon. Gentleman said, it will be some years before precision bred animals are anticipated to be released or brought to market, delaying the provisions for 12 months from the date on which the Animal Sentience Committee is established is unnecessary. We fully expect the committee to be established much more than 12 months prior to the first precision bred animals being released or brought to market.

The Government were clear during the passage of the sentience legislation that we would not dictate the Animal Sentience Committee's work plan. It will be for the committee, once established, to decide which policy decisions it wants to scrutinise, and its expert members will be best placed to know where they can add value to the animal welfare debate. It would be contrary to that important principle if this Bill was used to mandate the committee to produce a report before the provisions in the Bill can be commenced. I therefore urge the hon. Member to withdraw his new clause.

Daniel Zeichner: There is nothing in the new clause to mandate the Animal Sentience Committee to do anything; it would give the committee the opportunity to make a report, should it wish. I would be surprised if it did not wish to do so. The problem is the wider question of the framework of protections, which is clearly under discussion and under review in general. It is now quite a complicated web, and we want to make sure that the new element—the Animal Sentience Committee, which we strongly support—fits in an appropriate manner.

This goes back to the points we made at the start of the Bill Committee, when we questioned why the Government are so determined to include animals in this legislation at this stage when there are so many reasons not to, not least the Government's own reasons, given that they say it will be some years before the process moves forward. It would be better to separate animals out; we stand by that point and the new clause is a further example of why that would be sensible. I hear what the Minister says, but we will have a vote on it anyway.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 8.

Division No. 17]

AYES

Glindon, Mary	Zeichner, Daniel
McCarthy, Kerry	

NOES

Bowie, Andrew	Howell, John
Clarke-Smith, Brendan	Johnson, Gareth
Duguid, David	Jones, Fay
Fletcher, Katherine	Prentis, Victoria

Question accordingly negatived.

New Clause 3

GENETIC TECHNOLOGY AUTHORITY

"(1) There is to be a body corporate called the Genetic Technology Authority.

(2) The Authority is to consist of—

(a) a chairman and deputy chairman, and

(b) such number of other members as the Secretary of State appoints.

(3) Schedule [Genetic Technology Authority: supplementary provisions] (which deals with the membership of the Authority, etc.) has effect."

Brought up, and read a Second time.

Daniel Zeichner: I beg to move, That the clause be read a Second time.

The Chair: With this, it will be convenient to consider the following:

New Clause 4—*Accounts and audit—*

"(1) The Authority must keep proper accounts and proper records in relation to the accounts and must prepare for each accounting year a statement of accounts.

(2) The annual statement of accounts must comply with any direction given by the Secretary of State, with the approval of the Treasury, as to the information to be contained in the statement, the way in which the information is to be presented or the methods and principles according to which the statement is to be prepared.

(3) Not later than five months after the end of an accounting year, the Authority must send a copy of the statement of accounts for that year to the Secretary of State and to the Comptroller and Auditor General.

(4) The Comptroller and Auditor General must examine, certify and report on every statement of accounts received under subsection (3) above and must lay a copy of the statement and of the report before each House of Parliament.

(5) The Secretary of State and the Comptroller and Auditor General may inspect any records relating to the accounts.

(6) In this section "accounting year" means the period beginning with the day when the Authority is established and ending with the following 31st March, or any later period of twelve months ending with the 31st March."

New Clause 5—*Reports to Secretary of State—*

"(1) The Authority must prepare and send to the Secretary of State an annual report as soon as practicable after the end of the period of twelve months for which it is prepared.

(2) A report prepared under this section for any period must deal with the activities of the Authority in the period and the activities the Authority proposes to undertake in the succeeding period of twelve months.

(3) The Secretary of State must lay before each House of Parliament a copy of every report received under this section."

New clause 6—*General functions of the Authority—*

"(1) The Authority must—

(a) keep under review information about the use of genetic technology in plants and animals and any subsequent development of genetic technology and advise the Secretary of State about those matters,

(b) publicise the services provided to the public by the Authority or provided in pursuance of release notification requirements or marketing authorisations under this Act,

(c) provide, to such extent as it considers appropriate, a code of practice, advice and information for persons to whom release notification requirements or marketing authorisations under this Act apply

(d) maintain a statement of the general principles which it considers should be followed—

(i) in the carrying-on of activities governed by this Act, and

(ii) in the carrying-out of its functions in relation to such activities,

(e) promote, in relation to activities governed by this Act, compliance with—

(i) requirements imposed by or under this Act, and

(ii) the Authority's code of practice

(f) perform such other functions as may be specified in regulations.

(2) The Authority may, if it thinks fit, charge a fee for any advice provided under subsection (1)(c)."

New Clause 7—*Duties in relation to carrying out its functions—*

"(1) The Authority must carry out its functions effectively, efficiently and economically.

(2) In carrying out its functions, the Authority must, so far as relevant, have regard to the principles of best regulatory practice (including the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed)."

New Clause 8—*Power to delegate and establish committees—*

"(1) The Authority may delegate a function to a committee, to a member or to staff.

(2) The Authority may establish such committees or sub-committees as it thinks fit (whether to advise the Authority or to exercise a function delegated to it by the Authority).

(3) The members of the committees or sub-committees may include persons who are not members of the Authority.

(4) Subsection (1) has effect subject to any enactment requiring a decision to be taken by members of the Authority or by a committee consisting of members of the Authority."

New Schedule 1—*Genetic Technology Authority: Supplementary Provisions—*

"Status and capacity

1 The Authority is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property is not to be regarded as property of, or property held on behalf of, the Crown.

2 The Authority has power to do anything which is calculated to facilitate the discharge of its functions, or is incidental or conducive to their discharge, except the power to borrow money.

Expenses

3 The Secretary of State may, with the consent of the Treasury, pay the Authority out of money provided by Parliament such sums as he thinks fit towards its expenses.

Appointment of members

4 (1) All the members of the Authority (including the chairman and deputy chairman who must be appointed as such) must be appointed by the Secretary of State.

(2) The following persons are disqualified for being appointed as chairman or deputy chairman of the Authority—

(a) any person who is, or has been, concerned with the creation, release or marketing of plant or animal organisms, gametes or embryos created using genetic technology, and

(b) any person who is, or has been, directly concerned with commissioning or funding any research involving such creation, release or marketing, or who has actively participated in any decision to do so.

(3) The Secretary of State must secure that at least one-third but fewer than half of the other members of the Authority fall within sub-paragraph (2)(a) or (b), and that at least one member falls within each of paragraphs (a) and (b).

5 (1) A person ("P") is disqualified for being appointed as chairman, deputy chairman, or as any other member of the Authority if—

(a) P is the subject of a bankruptcy restrictions order,

(b) in the last five years P has been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and has had a qualifying sentence passed on P.

(2) For the purposes of sub-paragraph (1)(b), the date of conviction is to be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if

an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

(3) In sub-paragraph (1)(b), the reference to a qualifying sentence is to a sentence of imprisonment for a period of not less than three months (whether suspended or not) without the option of a fine.

Tenure of office

6 (1) Subject to the following provisions of this paragraph and paragraph 7, a person holds and vacates office as a member of the Authority in accordance with the terms of the person's appointment.

(2) A person may not be appointed as a member of the Authority for more than three years at a time.

(3) A member may at any time resign their office by giving notice to the Secretary of State.

(4) A person who ceases to be a member of the Authority is eligible for re-appointment (whether or not in the same capacity).

(5) A person holding office as chairman, deputy chairman or other member of the Authority is to cease to hold that office if the person becomes disqualified for appointment to it.

(6) If the Secretary of State is satisfied that a member of the Authority—

(a) has been absent from meetings of the Authority for six consecutive months or longer without the permission of the Authority, or

(b) is unable or unfit to discharge the person's functions as chairman, deputy chairman or other member, the Secretary of State may remove the member from office as chairman, deputy chairman or other member.

(7) The Secretary of State may suspend a member from office as chairman, deputy chairman or other member of the Authority if it appears to him that one of the conditions in paragraph (6) is or may be satisfied in relation to the member.

7 (1) This paragraph applies where the Secretary of State decides to suspend a member under paragraph 6(7).

(2) The Secretary of State must give notice to the member of the decision and the suspension takes effect on receipt by the member of the notice.

(3) A notice under subsection (2) is treated as being received by the member—

(a) in a case where it is delivered in person or left at the member's proper address, at the time at which it is delivered or left;

(b) in a case where it is sent by post to the member at that address, on the third day after the day on which it was posted.

(4) The initial period of suspension must not exceed 6 months.

(5) The Secretary of State may review the member's suspension at any time.

(6) The Secretary of State must review the member's suspension if requested in writing by the member to do so, but need not carry out a review less than 3 months after the beginning of the initial period of suspension.

(7) Following a review the Secretary of State may—

(a) revoke the suspension, or

(b) suspend the member for another period of not more than 6 months from the expiry of the current period.

(8) The Secretary of State must revoke the suspension if at any time—

(a) the Secretary of State decides that neither of the conditions mentioned in paragraph 5(5) is satisfied, or

(b) the Secretary of State decides that either of those conditions is satisfied but does not remove the member from office as chairman, deputy chairman or other member of the Authority.

Disqualification of members of Authority for House of Commons and Northern Ireland Assembly

8 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 and in Part II of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified) the following entry is inserted at the appropriate place in alphabetical order—

"The Genetic Technology Authority".

Remuneration and pensions of members

9 (1) The Authority may—

(a) pay to the chairman such remuneration, and

(b) pay or make provision for paying to or in respect of the chairman or any other member such pensions, allowances, fees, expenses or gratuities, as the Secretary of State may, with the approval of the Treasury, determine.

(2) Where a person ceases to be a member of the Authority otherwise than on the expiry of their term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Authority may make to that person a payment of such amount as the Secretary of State may, with the consent of the Treasury, determine.

Staff

10 (1) The Authority may appoint such employees as it thinks fit, upon such terms and conditions as the Authority, with the approval of the Secretary of State and the consent of the Treasury, may determine.

(2) The Authority must secure that any employee whose function is, or whose functions include, the inspection of premises is of such character, and is so qualified by training and experience, as to be a suitable person to perform that function.

(3) The Authority must, as regards such of its employees as with the approval of the Secretary of State it may determine, pay to or in respect of them such pensions, allowances or gratuities (including pensions, allowances or gratuities by way of compensation for loss of employment), or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

(4) If an employee of the Authority—

(a) is a participant in any pension scheme applicable to that employment, and

(b) becomes a member of the Authority, that employee may, if the Secretary of State so determines, be treated for the purposes of the pension scheme as if the employee's service as a member of the Authority were service as employee of the Authority, whether or not any benefits are to be payable to or in respect of the employee by virtue of paragraph 7 above.

Proceedings

11 (1) Subject to any provision of this Act, the Authority may regulate its own proceedings, and make such arrangements as it thinks appropriate for the discharge of its functions.

(2) The Authority may pay to the members of any committee or sub-committee such fees and allowances as the Secretary of State may, with the consent of the Treasury, determine.

12 (1) A member of the Authority who is in any way directly or indirectly interested in a release notification or marketing authorisation under this Act shall, as soon as possible after the relevant circumstances have come to the member's knowledge, disclose the nature of that interest to the Authority.

(2) Any disclosure under sub-paragraph (1) above must be recorded by the Authority.

(3) Except in such circumstances (if any) as may be determined by the Authority under paragraph 9(1) above, the member must not participate after the disclosure in any deliberation or decision of the Authority with respect to the release notification or marketing authorisation, and if the member does so the deliberation or decision is of no effect.

13 The validity of any proceedings of the Authority, or of any committee or sub-committee, is not affected by any vacancy among the members or by any defect in the appointment of a member.

Instruments

14 The fixing of the seal of the Authority must be authenticated by the signature of the chairman or deputy chairman of the Authority or some other member of the Authority authorised by the Authority to act for that purpose.

15 A document purporting to be duly executed under the seal of the Authority, or to be signed on the Authority's behalf, may be received in evidence and is deemed to be so executed or signed unless the contrary is proved.

Investigation by Parliamentary Commissioner

16 The Authority is subject to investigation by the Parliamentary Commissioner and accordingly, in Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the authorities subject to investigation under that Act), the following entry is inserted at the appropriate place in alphabetical order—

"Genetic Technology Authority"."

Daniel Zeichner: I am sure that hon. Members will be happy to know that the finishing line is in sight. However, I am afraid that between now and then there is actually what we think is an extremely important set of suggestions as to how the Bill could be strengthened, because these new clauses and new schedule would establish a genetic technology authority, whose purpose would be as per new clause 6.

Sharp-eyed members of the Committee may recognise the language used in our new clauses, because it is modelled on the legislation introduced to establish the Human Fertilisation and Embryology Authority, the body set up to oversee the use of gametes and embryos in fertility treatment and research. In practice, the new clauses consider many of the wider ethical questions that the topic of genetics throws up, and the practical application of the law based on their expert independent judgment. To some extent, this follows on from my previous comments about the broader landscape of how we regulate these issues.

Several of the stakeholders in this field have argued for, and/or alluded to in our evidence sessions, the establishment of a similar body for gene-editing technology. They include the Nuffield Centre on Bioethics, the Royal Society of Biology and the Royal Society.

The Nuffield Council on Bioethics has raised examples in its report of such ethical dilemmas that the Bill does not address. It says that

"we identified the need for further scrutiny and controls to ensure that animals are not bred in ways that diminish their inherent capacities to enjoy experiences that constitute a good life."

It also says:

"The case for such a body has only strengthened over time, as a result of developments in breeding practices and the prospect of new breeding technologies such as genome editing. It would ensure that the welfare of founder animals"—

breeding stock—

"would be properly evaluated."

The report concludes by saying:

"In the current governance architecture in England, there is no existing body with the appropriate powers and relationships to undertake this function".

That is a really important point. There is no existing body with the appropriate powers and relationships.

Likewise, I was very struck by the evidence from Dr Madeleine Campbell of the British Veterinary Association. She said there needs to be

"an independent body, with suitable expertise to understand and interrogate both the basic science and the animal welfare science, and to understand and explain the ethics around that...it needs to be able to look both proactively and retrospectively at data about the health and welfare of animals…It would be an independent oversight body—in my mind's eye, very analogous to the Human Fertilisation and Embryology Authority—that can take an independent look at the data and then make recommendations for policy changes in light of that data, as the science develops."—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee,* 30 June 2022; c. 102, Q164.]

She also made the point that the situation needs to be monitored over time, because sometimes things do not show up immediately, which is the way that the Bill is set up to analyse. As it stands, the Bill does not seem to make provision for that kind of long-term monitoring.

The editing of the DNA of living beings clearly raises many ethical and practical questions. Several have been discussed in this Bill Committee, ranging from intellectual property to animal welfare.

On intellectual property, the potential for the patenting of DNA has been raised. I found the evidence from Bill Angus, of Angus Wheat Consultants Ltd, very compelling. He said that he was

"worried about perhaps an agenda that this could be dominated by large multinationals, although one of the joys of wheat-breeding globally over the last 100-plus years has been the freedom to exchange germplasm. As soon as we start putting constraints on that, as soon as we start having people talking about ownership of genes and ownership of genetic material, or licensing genes that are already in the public domain, it starts to fill me with a great sense of foreboding."—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee,* 28 June 2022; c. 44, Q74.]

That is exactly the sort of issue a genetic technology authority could look at.

Mr Angus explained the current system for intellectual property with respect to conventionally bred plants, stating that

"company A produces a variety and he introduces a trait into that variety. In two years' time, once that variety has been added to the UK national list, another breeder can use that trait. That is the freedom to operate. It is really important that this is sustained and that people are not locked out of new developments. What may happen—this is an area I feel quite uncomfortable with—is that we may start to see larger organisations move the goalposts in terms of trying to stop other breeders from using genetic resources that have been developed."—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee,* 28 June 2022; c. 46, Q77.]

This topic is not covered in the Bill at all. I hope that is because the status quo will be maintained. Will the Minister tell us that today and explain the safeguards in place?

The point serves to highlight the importance of careful deliberation. Based on the evidence I heard from the previous Minister and from DEFRA officials, I am not convinced the requisite time has gone into making the necessary preparations for the Bill. We understand why the Government have moved in haste, but it is for political reasons. That does not make for good legislation or environmental safety.

Labour are pro science and pro innovation. We really want to be able to capitalise on the potential benefits of gene editing here in the UK and see that investment directed here. We need a strong regulatory framework—

[Daniel Zeichner]

stronger than what is provided in the Bill—and remain concerned that if we do not get this regulation, companies will decide not to set up their businesses here, to await others and consumers will be nervous. If that happens, far from speeding up the technology, the Bill would have the opposite effect. Doing it right matters; doing it quickly is not the same thing.

The Regulatory Policy Committee has also raised the cost to the system if consumer confidence is not achieved, saying:

"The Department presents the concerns that the public may have with gene edited products, as being driven by misinformation or worse...However, the IA should consider the relationship between public attitudes and public acceptance, with the former typically driving the latter. Consumer sentiment towards gene edited products has real cost implications, even if only as risk to the policy fully realising the benefits".

I am grateful to organisations such as Beyond GM, who have taught me much about how these technologies are regulated elsewhere in the world, and have highlighted aspects we may learn from.

Australia takes a principles-based approach, with regulations taking into account societal and environmental benefits. In Argentina, gene edited products are evaluated on a case-by-case basis, based on the characteristics of the gene edited products and their potential risks to human health, animals and the environment, as compared to the risks presented by their conventional counterparts. There are other models around the world.

Establishing a proper regulatory body that can look at these issues of consumer confidence, proportionality, environmental safety and the implementation of the legislation could address these issues and make the new system better for everyone. It would be better for the researchers and businesses working in this area, as they can have confidence in the regulatory system and its public acceptance, better for consumers, who will have the confidence to consider buying precision bred products based on informed choices, and better for the country as a whole, with the benefits of the Bill being realised while any potential environmental issues and risks are safeguarded against.

New clause 3 would establish such a body. New clause 4 provides detail of the accounts and auditing of the authority. New clause 5 sets out the annual reporting requirements of the authority. New clause 6 sets out the functions of the authority, which I have already referred to. New clause 7 sets out that the authority must carry out its functions effectively, efficiently and economically. New clause 8 allows the authority to delegate its functions to a committee or member of staff, and new schedule 1 lays out supplementary administrative provisions for the establishment of the authority. This seems to us to be a sensible, proportionate approach that strengthens the Bill and I commend it to the Minister.

3.45 pm

Victoria Prentis: I have listened very carefully to what the hon. Gentleman has said and let me give him an alternative solution. We have committed to consider wider regulatory reform of genetic technologies as part of our stepwise approach to developing a more proportionate governance framework in this area. This is a more appropriate context for discussions on an over-arching body, such as a genetic technologies authority, and it is consistent with a recommendation made by the Regulatory Horizons Council in its recent report.

The Bill has a narrower focus, and we know this is not in scope, but science is at the heart of the Bill, which is why I listened so carefully to the considered thoughts of the hon. Gentleman. The Secretary of State is required to make decisions based on the advice of expert committees. We intend ACRE to advise the Secretary of State on whether he should confirm the status of a precision bred organism. That is the committee that advises on genetically modified organisms.

ACRE's opinion formed the basis for our intervention in a pivotal European Court of Justice case in 2018 and for the consultation we held on the regulation of genetic technologies last year. More recently, it has published technical guidance on the distinction between a GMO and a precision bred organism, which is fundamental to this role. This is a complex and controversial area, as the hon. Gentleman acknowledges, and we can expect ACRE to be put under considerable scrutiny, rightly. However, I can assure the hon. Gentleman that the committee operates to the highest standards of impartiality and has the expertise to deal with the task in hand.

I thank the hon. Gentleman for his detailed considerations on this topic but establishing a new independent body is not necessary at this point and does not provide value for money when we have an established committee with a superb track record in this area. However, I acknowledge this is a topic that we are likely to come back to when we consider wider GM regulatory reform in the future.

With your leave, Mr Stringer, as I believe this is the last time I will speak in this Committee, may I do some thank yous, not least to you for coping with a new Minister halfway through the Bill proceedings and for keeping us in order?

I thank my hon. Friend the Member for Bury St Edmunds (Jo Churchill), whose work on the Bill and generally in the Department, on climate change and adaptation in particular, I really value, as I do her personal friendship and help to me over the time she has spent in DEFRA. I very much hope she will be back.

I thank the hon. Members for Cambridge and for Edinburgh North and Leith for their constructive help with the Bill. I would be delighted to discuss the points that arise from our deliberations with them at any point.

Specifically, I thank Laila Sedgwick, Fiona White, Janet Talling, Lizzie Bates, all the Bill team and my private office, who managed to brief me on the Bill so effectively in the few hours we have had available. I also thank the Bill Committee, our Whip—in particular, of course—and, indeed, the Government Whips Office, who have shown extraordinary grit over the past 12 hours. I thank everyone for their work on the Bill.

The Chair: Thank you for those kind words, which were of course completely out of order. I call Daniel Zeichner.

Daniel Zeichner: Thank you, Mr Stringer, and I shall seek to be out of order in a similar way. Before I do so, I will address the points made by the Minister.

There is a fundamental difference of opinion between the two sides of the Committee. Our view is that the Government are being far too deregulatory. We understand why they are doing what they are doing, but we think

that they would achieve their objectives more effectively by setting out a stronger regulatory framework. That is probably a fundamental difference of political philosophy, not to be resolved at this point.

I noted with interest the Minister's comments about possibly coming back to this issue of a wider authority if the Government have opportunity in time to look at the broader issue of genetic modification. I suggest that the better thing to do is to establish that wider body sooner rather than later, so that the overall framework can be established to give the kind of public and investor confidence that I believe is essential if we are to reap the benefits of the technology, while ensuring that the public have confidence that the environmental safeguards are in place.

I am disappointed, though not surprised, that the Minister has rejected our suggestion of a new body. One of the striking things about Parliament is that, often, when things are rejected, they reappear a bit further down the line. There is plenty of evidence to suggest that that would be the right thing to do. We will press for a vote on the new clause. I will not detain the Committee by having votes on the whole string of new clauses; we will make do with one on just new clause 3.

Briefly, however, I make my thanks to you, Mr Stringer, and your fellow Chairs. This has been a well-conducted discussion about a complicated set of issues. I have already expressed my commiserations to the previous Minister, who is not present today, and I congratulate the Minister who is, because it is a tough thing to be dropped into something like this at a very late stage.

I thank the Clerks in particular, Huw Yardley and Abi Samuels, who have done an amazing job in translating our sometimes half-formed ideas—perhaps they used CRISPR-Cas9 to edit them, although whether they managed to remove it again, I do not know. They have managed that with huge good humour and good will, often working rather late.

I thank my colleagues in my office, Rob Wakely and Milly Lynch, who do an amazing job. As Conservative Members may discover at some point in the future, it is quite tough being in opposition sometimes—not terribly well resourced—but I hope that we have done justice to a very complicated set of issues.

I thank colleagues across the Committee. Our debates have been constructive and positive. I particularly thank my hon. Friends and my Whip, and the SNP spokesperson, the hon. Member for Edinburgh North and Leith. The discussion has been carried out with good humour through difficult times. But I do want to go to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 3, Noes 7.

Division No. 18]

AYES

Glindon, Mary
McCarthy, Kerry
Zeichner, Daniel

NOES

Clarke-Smith, Brendan
Duguid, David
Fletcher, Katherine
Howell, John
Johnson, Gareth
Jones, Fay
Prentis, Victoria

Question accordingly negatived.

The Chair: Just so that we are clear, new clauses 4 to 8 and new schedule 1 fall, because they are consequential provisions. Does the hon. Member for Edinburgh North and Leith wish to press new clause 9 to a vote? We debated it with—

Deidre Brock: I said that I would not press new clause 9 but would have further discussions with the Minister. Thank you, Mr Stringer.

The Chair: New clause 9 is not moved. We now come to new clause 10, where I will allow the hon. Lady to say something if she wishes to do so.

Deidre Brock: That is much appreciated, Mr Stringer. I will be brief. I suspect that I have a very good idea of what the Minister would say, if she were to answer, because of her answers to the hon. Member for Cambridge, but I tabled new clause 10 because it would ensure that the sale of precision bred products came with appropriate labelling and traceability.

Having no requirement to label obstructs the enforcement of Scotland's devolved powers to regulate produce and impedes our intention to align, wherever possible, with the EU. By not requiring labelling of GMO products for sale in England, the UK Government make it much harder to filter products for sale to markets such as Europe. The new clause would therefore ensure clear and visible labelling on the front of the packaging of food or feed from a precision bred animal or its progeny.

We have heard from witnesses that it is scientifically possible to tell precision bred organisms from traditionally bred ones. Nevertheless, it has to be remembered that that is not a unanimous view, across all scientists. I am of the view that transparency and consumer choice are really important and that we need to recognise that citizens are crucial stakeholders in the food system. As we have heard, a recent survey showed that 84% of the public consider it important that all GE products introduced for sale in the UK be labelled as such and 63% of people consider it very important. A mere 8% do not consider it important. The public have a right to know how their food is produced, even if the changes in GE foods that come down the line could have occurred in crops naturally.

It is my belief and that of the Scottish Government that labelling is vital. I will revisit this point on Report. I think it is incredibly important and I want it to be on the record, and then I will perhaps have further discussions with Labour colleagues.

Bill to be reported, without amendment.

3.57 pm

Committee rose.

Written evidence reported to the House

GTB17 Professor Jonathan M E Statham FRCVS, Keele University, Harper & Keele Veterinary School

GTB18 Professor Julie Gray, Leverhulme Royal Society Senior Research Fellow, University of Sheffield