PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT FOOD AND FEED (REGULATED PRODUCTS) (AMENDMENT, REVOCATION, CONSEQUENTIAL AND TRANSITIONAL PROVISION) REGULATIONS 2025

Tuesday 4 March 2025

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not later than

Saturday 8 March 2025

The Committee consisted of the following Members:

Chair: Sir John Hayes

† Bennett, Alison *(Mid Sussex)* (LD)
† Brown-Fuller, Jess *(Chichester)* (LD)
† Burton-Sampson, David *(Southend West and Leigh)* (Lab)
† Caliskan, Nesil *(Barking)* (Lab)
† Costigan, Deirdre *(Ealing Southall)* (Lab)
† Cox, Pam *(Colchester)* (Lab)
† Dalton, Ashley *(Parliamentary Under-Secretary of State for Health and Social Care)*
† Gardner, Dr Allison *(Stoke-on-Trent South)* (Lab)
Hunt, Jeremy *(Godalming and Ash)* (Con)
† Johnson, Dr Caroline *(Sleaford and North Hykeham)* (Con)
† Leishman, Brian *(Alloa and Grangemouth)* (Lab)
† Mohamed, Abtisam *(Sheffield Central)* (Lab)
† Naish, James *(Rushcliffe)* (Lab)
† Owatemi, Taiwo *(Lord Commissioner of His Majesty's Treasury)*
† Poynton, Gregor *(Livingston)* (Lab)
† Thomas, Bradley *(Bromsgrove)* (Con)
† Timothy, Nick *(West Suffolk)* (Con)

Noorjehan Piperdy, *Committee Clerk*

† attended the Committee

Third Delegated Legislation Committee

Tuesday 4 March 2025

[Sir John Hayes *in the Chair*]

Draft Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025

9.25 am

The Parliamentary Under-Secretary of State for Health and Social Care (Ashley Dalton): I beg to move,

That the Committee has considered the draft Food and Feed (Regulated Products) (Amendment, Revocation, Consequential and Transitional Provision) Regulations 2025.

It is a pleasure to serve under your chairmanship, Sir John. The statutory instrument, which was laid before the House on 29 January, uses powers conferred by the Retained EU Law (Revocation and Reform) Act 2023 to propose two reforms to existing regulations for the market authorisation process for regulated food and feed products in Great Britain. First, it removes the requirements for the periodic renewal of authorisations for three regulated product regimes. Secondly, it allows authorisations to come into effect following a ministerial decision based on evidence-based safety assessment advice. Those authorisations will then be published in an official register or list, rather than being prescribed by statutory instrument. These reforms form part of the Government's mission to kick-start economic growth by increasing investment, driving up productivity and tackling regulatory barriers.

The UK food industry is worth £245 billion in consumer spending, and exports over £20 billion annually. The industry is driving innovation, and nowhere is that truer than for regulated products. Regulated products are food and feed products that need to be assessed for safety before they can be lawfully sold. They include novel foods at the cutting edge of research—for example, in the UK's growing engineering biology sector, where emerging technology is being used to produce new and innovative foods.

That innovation and growth across the food sector will drive increasing demand for regulated product authorisations, and we therefore need to modernise the market authorisation service. As the regulators, the Food Standards Agency and Food Standards Scotland assess applications for regulated products and provide recommendations to Ministers across Great Britain on whether those products should be authorised.

We need proportionate and effective regulation to support innovation and investment in the UK food industry, while continuing to maintain safety and consumer trust. This SI will help to modernise the food and feed regulatory process by removing requirements that are unnecessary for food safety. Currently, certain products that have already been authorised for sale must be reauthorised every 10 years. The SI will remove that requirement; instead, the regulators will carry out safety reviews when new evidence emerges, and most of these products have many years of safe use. The reforms will result in a more efficient regulatory service, where the FSA and FSS are able to focus on detailed reviews of products that potentially pose the most risk, instead of continually reassessing products that have consistently demonstrated safe use.

The reforms build on the regulators' existing powers to request information from businesses for review. The regulatory framework will remain comprehensive and adaptive, enabling the regulators to respond swiftly and effectively to emerging risks. Where necessary, approvals can be modified, suspended or revoked.

The FSA and FSS have earned the trust of the public through their rigorous approach to risk analysis, and food safety will continue to be a priority. The reforms will improve efficiency, while maintaining robust safety standards. There are 481 applications currently in the service. Around 100 are renewals, and almost 500 additional renewals are expected in the next three years. It is essential that we modernise the system. Removing set renewal periods will allow a more targeted approach to regulation.

The second part of the reforms will allow authorisations to come into force following ministerial decision and to be published in an official public register or list, rather than being prescribed by statutory instrument. That will enable new products to be brought to market more quickly, without compromising consumer safety. That approach aligns with other UK regulators' authorisation processes for similarly regulated products, such as veterinary medicines and pesticides.

The FSA and FSS provide technical and scientific scrutiny through skilled and experienced staff and expert independent scientific advisory committees. They assess individual applications and provide safety assessments, which they use to develop risk management advice and recommendations for subsequent ministerial decisions. That process squarely aligns with internationally recognised principles. The FSA and FSS will continue to publish authorisation decisions and risk assessments in line with their commitments to transparency.

The FSA has a statutory obligation to consult, and the reforms do not change the consultation mechanisms that are used as part of the authorisation process for regulated products. Authorisations will continue to be subject to public scrutiny. When developing these proposals, the FSA and FSS engaged extensively with industry and consumer stakeholder groups. That included a public consultation, and the reforms have received substantial support.

This is an opportunity to deliver reforms that prioritise both efficiency and safety in the market authorisation service. The FSA and FSS will be able to focus resources on new and innovative products, which may require more input when seeking access to the market. I therefore ask hon. Members to support the reforms in this instrument, which will create a more efficient service that manages the level of risk in a proportionate way, without compromising the UK's high food and feed safety standards. I commend the regulations to the Committee.

9.31 am

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): It is a pleasure to serve under your chairmanship, Sir John. As the Minister said, the regulations use a Brexit freedom to deregulate, and I welcome the fact that the Government are choosing to use that opportunity to reduce the amount of regulation that may be unnecessary.

I was also pleased to hear the shadow Minister talking about the economic benefits—*[Laughter.]* I am sorry; it is early in the morning. The Minister talked about the benefits, including financial benefits, that our great food industry provides to this country. As a farmer's wife, I am very familiar with those, and I would encourage hon. Members—particularly Government Members—to go to the farmers' protest and rally in Downing Street and Whitehall after the Committee this morning. They will be able to get a pancake and some of our other great British food, and also to learn about what the Government are doing to the farming industry and why that is important.

The first of the two changes in the regulations removes the requirement for 10-yearly renewals of authorisations for feed additives, genetically modified organisms and smoke flavourings, aligning the regimes with those for regulated food and feed products that do not require renewal. The second change eliminates the need for secondary legislation to bring the initial authorisations into effect, allowing them to be enacted following a ministerial decision and to be published in an official register.

That will certainly make the process more efficient and more effective, but I am interested to understand the Minister's views on the level of oversight that can be provided. If I heard her correctly, she talked about approving 500 renewals over the next three years. Given the many other significant demands on her time, can she guarantee that those renewals will be given the scrutiny and oversight required?

The FSA and FSS will continue to assess products at the initial application stage and will maintain their powers to review authorised products if new evidence of risks emerges. The Minister talked about reviews, but what mechanism will trigger them? How will those organisations know that the risks are there if they are not doing regular reviews?

The Minister talked about how applications will work in Great Britain, but can she tell us more about what regulatory framework will be available in Northern Ireland. How does she see trade between GB and NI working, given the difference on either side of the Irish sea?

In summary, we do not plan to divide the Committee on the regulations, because we recognise their benefits, but we are keen to understand how the Minister feels that Parliament—and she herself—will be able to keep track of the various changes she will be making.

9.35 am

Alison Bennett (Mid Sussex) (LD): It is a pleasure to serve under your chairmanship, Sir John, and I welcome the Minister to her place. The Liberal Democrats welcome this simplified process. There are strong advantages to it, and it will help to make sure that we deliver the food we need. However, that cannot come at the cost of safety, so I would like to put a couple of questions to the Minister.

Effort needs to be made across Government to improve the reporting of any concerning new data or revelations. That is why we have long called for a duty of candour and for an office of the whistleblower. What assurances can the Government provide that ongoing monitoring will be as effective as possible so that, if a long-term negative effect is present years after a product's introduction, it can be identified and addressed? And do the Government believe that any measures need to be taken to strengthen the ongoing work of the FSA and the FSS?

9.36 am

Ashley Dalton: I thank hon. Members for their valuable contributions to the debate. Removing renewals and statutory instrument requirements will not lower food and feed safety or standards.

On scrutiny, removing SI requirements for authorisations will not change the FSA's or the FSS's robust risk analysis and public consultation process. Public consultations will remain open to all for scrutiny, and recommendations to Ministers for all authorisations of products will take those responses into account.

The shadow Minister asked how Ministers will be able to keep track of decisions. Of course, whether decisions come under this new proposal or the existing process, they will need to be assessed. Under this new process, Ministers can take advice from the FSA and the FSS, and we will then lay those decisions in the public register. If we did not bring this proposal forward, everybody would be involved in multiple SIs, which I am sure the shadow Minister will agree is a far more onerous process.

In response to concerns about divergence with Northern Ireland, our priority is to ensure that Northern Irish consumers benefit from the same robust public health protections as the rest of the UK, while also facilitating the smooth movement of goods to consumers. The robust system of controls that applies across the UK enables all consumers to trust that the food they buy and eat is safe and is what it says it is. Any differences in approach are managed through the relevant common frameworks.

As has been stated, the current requirement for renewals applies only to three regulated product regimes: feed additives, food or feed containing, consisting of or produced from genetically modified organisms, and smoke flavourings. No other regulated products, including novel foods and food additives, have this requirement at the moment. These reforms introduce a consistent, proportionate and evidence-based approach.

The FSA and FSS will focus on horizon scanning and risk assessment so that they can respond to new safety evidence as it emerges. We are not going to ask businesses to bring their products routinely for review. However, if there are any changes in a product's make-up, or it comes to light that the product has any new impacts, that will trigger the FSA and the FSS to look into those.

Dr Johnson: I did not quite understand the Minister's point regarding Northern Ireland. At the moment, under the new regulations, it is clear what will be done in Great Britain to approve new products. However, if a new product has been produced in another part of the United Kingdom—that is, Northern Ireland—how will it be assessed? How will products that have been assessed under the system in GB be able to be sold in Northern Ireland? Will they require further investigation?

Ashley Dalton: Businesses in Northern Ireland that develop new regulated products and wish to place them on the market in the EU must apply to the EU for authorisation—that is all within the Windsor framework,

[Ashley Dalton]

and the reforms in this SI do not affect the operation of the Windsor framework in any way. Regulated products that are approved in Great Britain can be placed on the Northern Ireland market if moved via the Northern Ireland retail movement scheme. I think that that answers the question.

To return to the safety concerns, by carrying out horizon scanning and risk assessment, the FSA and the FSS will consistently provide insights into whether already authorised products are safe to remain on the market, instead of working arbitrarily to renew authorisations on fixed timetables. The burden on industry and the public sector of having a comprehensive review for all products, even if there is no evidence to suggest that a review is needed, will be removed. We are looking for an evidence-based review system to help focus resources on new and innovative products and on where there may be problems.

The reforms build on existing powers under which the FSA and the FSS can request information for review, and it is in the interests of businesses to proactively provide it. The reforms ensure that the regulatory framework remains comprehensive and adaptive, and enables regulators to respond swiftly and effectively to the emerging risks we have discussed. Where necessary, approvals can be modified, suspended or revoked if a safety concern is identified.

The FSA and FSS, along with the independent scientific advisory committees, have the expertise to assess all applications for authorisation. Ministers must provide reasoning if they disagree with the advice from the FSA and FSS when making authorisation decisions. So there are appropriate tools and resources to allow hon. Members and the public to scrutinise regulated product applications and authorisations. The reforms will speed up the process, use resources more productively, efficiently and effectively, and align with other UK regulatory systems.

In summary, the reforms will remove requirements for the periodic renewal of authorisations for the three regulated product regimes I mentioned, and will allow authorisations to come into effect following ministerial decisions. The changes will streamline the process, allow regulators to keep pace with innovation, and support economic growth without compromising consumer safety. I am grateful for all the contributions today.

Question put and agreed to.

9.43 am

Committee rose.