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OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

GENETIC TECHNOLOGY (PRECISION BREEDING) BILL

Sixth Sitting

Tuesday 5 July 2022

(Afternoon)

CONTENTS

CLAUSES 6 TO 25 agreed to.
Adjourned till Thursday 7 July at half-past Eleven o'clock.
Written evidence reported to the House.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 9 July 2022

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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)
 † Churchill, Jo (*Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs*)
 † 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)
 † Shelbrooke, Alec (*Elmet and Rothwell*) (Con)
 † Zeichner, Daniel (*Cambridge*) (Lab)

Huw Yardley, Abi Samuels, *Committee Clerks*

† **attended the Committee**

Public Bill Committee

Tuesday 5 July 2022

(Afternoon)

[ESTHER McVEY *in the Chair*]

Genetic Technology (Precision Breeding) Bill

Clause 6

APPLICATION FOR PRECISION BRED CONFIRMATION

2 pm

Daniel Zeichner (Cambridge) (Lab): I beg to move amendment 11, in clause 6, page 5, line 31, leave out “negative” and insert “affirmative”.

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

Clause stand part.

Clause 7 stand part.

Clause 8 stand part.

Amendment 31, in clause 9, page 6 line 33, at end insert—

“(iii) safeguarding the health and welfare of those animals that are no longer deemed to be precision bred;”.

This amendment would require regulations conferring power on the Secretary of State to revoke a precision bred confirmation relating to an organism to include provision to safeguard the health and welfare of any animals which would as a consequence of such a revocation no longer be deemed precision bred.

Amendment 12, in clause 9, page 7, line 9, leave out “negative” and insert “affirmative”.

Clause 9 stand part.

Daniel Zeichner: It is a pleasure to have you in the Chair again, Ms McVey, as we continue this interesting discussion. You were part of the evidence sessions.

We come to a series of clauses about precision bred confirmation, and we have a number of amendments that largely relate to how Parliament scrutinises the secondary legislation. As we argued this morning, we think that far too much is being pushed off into secondary legislation. Even within that, too much of the secondary legislation is subject to the negative procedure, so it will go through without any scrutiny. I will not repeat the broad points about why we think that is not the way to do it, as they are familiar to most people.

Clause 6 concerns the applications for precision bred confirmation. The Government will be given powers to make secondary legislation that prescribes the form and content of a marketing notice and the information that is to accompany one. It is really important that the advisory committee, the welfare body and the Secretary of State have all the information they need to come to an informed decision on both the release and the marketing of precision bred organisms. Frankly, I am not comfortable—and I do not think many others will be—giving the Government a blank cheque to determine what information must be provided. I understand that it needs further consideration and thought, but it seems to us to be too significant an issue not to merit proper scrutiny in this House. Amendment 11 simply tweaks it to make the clause subject to the affirmative, rather than the negative, procedure.

Clause 9 allows for the revocation of a precision bred confirmation. Again, that is a very important matter, and I have a series of questions, which I touched on in the discussion before lunch, about how these decisions are arrived at. What triggers them? What is the information? What is the process? As one begins to think it through, one can see that there is really not a lot of detail in the Bill as it stands. It is not clear to me, and I hope the Minister can go through in detail some examples of how all this might work.

If the Government are no longer satisfied that a precision bred organism is indeed precision bred—perhaps it has become apparent through some complaint or some new science that it does utilise genetic modification technologies, which require a higher level of regulation, or perhaps some adverse impacts have come to light—we appreciate that they would need to be able to revoke an authorisation, and we support that, but I cannot quite see in the real world how that situation arises. It would be really helpful for me and, I am sure, others if the Minister could walk us through an actual example. In what circumstances would that happen? Does the Minister anticipate that there will be challenges, and that the Government might lose and therefore have to step back? In that case, it is right to have a procedure for dealing with this. It would be useful to know quite what the thinking was behind it. We need proper scrutiny of some of these powers, and amendment 12 would make the clause subject to the affirmative procedure to ensure proper scrutiny takes place.

When a precision bred confirmation is revoked, even though we cannot entirely envisage how it will work, it is important that the Secretary of State has a process to safeguard the health and welfare of those animals—we are talking about animals in this case—that are no longer deemed to be precision bred. We took advice from Compassion in World Farming on this, which gave evidence in the evidence sessions. It says that where that is the case, it will be because the organism has either been mischaracterised or the genome is no longer stable, which, in their view, may create health and welfare risks. Again, I would welcome the Minister’s comments on whether that is that situation is envisaged. That raises the question of what to do with the creatures that have been created through this process and how to bring the breeding of the line back under the appropriate regulations.

What I am saying about this amendment goes right back to the beginning, when we were nervous about embarking on the animal route without knowing more detail. As one begins to look at the detail in the Bill for dealing with some of these issues, without knowing the wider thinking, wider background and wider regulatory framework, it is quite hard to comment on the potential unintended consequences and how they might be dealt with. The reason that this matters to all of us is that animal welfare matters. I hardly need remind the Minister of her Government’s 2019 manifesto commitment, which I helpfully have before me:

“High standards of animal welfare are one of the hallmarks of a civilised society. We have a long tradition of protecting animals in this country, often many years before others follow. Under a Conservative Government, that will continue”

—well, quite. We fully endorse that. In the spirit of that commitment, I hope that the Government will welcome amendment 31, which would require the regulations that make provision for the procedure to be followed if

the Secretary of State proposes to revoke a precision bred confirmation to include provisions to safeguard the health and welfare of any animals that are no longer deemed to be precision bred.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jo Churchill): It is a pleasure to serve under your chairmanship, Ms McVey. Amendment 11 would provide for further parliamentary scrutiny on the marketing notice. The amendment is not necessary, as this power cannot be used to deliver a substantive change in policy; it is merely to prescribe details that are technical and administrative in nature, such as the form of the marketing notice or the information that must accompany that notice. I worry that what the hon. Member for Cambridge is seeking is because these regulations are as yet not in place. We have gone over the fact that we will look to work with experts and stakeholders and so on in order to ensure that we have the right guidelines so that we can move forward.

The criteria for defining a precision bred organism is set out in the Bill. We will continue to seek expert, independent advice on the technical details before any regulations are brought before Parliament. It is appropriate for the technical detail which demonstrates how the given organism meets these criteria to be specified in regulations and for such regulations to follow the negative procedure, as there may be an appropriate time for them to be added to.

In amendment 31, the hon. Gentleman proposes placing a duty on the Secretary of State when revoking a precision bred animal confirmation to safeguard the health and welfare of animals. All vertebrate animals are already protected by extensive animal health and welfare legislation, including the Animal Welfare Act 2006, which makes it an offence either to cause any captive animal unnecessary suffering or to fail to provide for the welfare needs of the animal. The Welfare of Farmed Animals (England) Regulations 2007 include specific requirements to protect animals when bred or kept, prohibiting breeding procedures that “cause, or are likely to cause, suffering or injury”.

The regulations further state that:

“Animals may only be kept for farming purposes if it can reasonably be expected, on the basis of their genotype or phenotype, that they can be kept without any detrimental effect on their health or welfare.”

The protections provided by these regulations would apply to an animal where a precision bred confirmation relating to that animal had been revoked. Those welfare requirements cover all animals. With those protections already in place, we see no need for anything further and I urge the hon. Member to withdraw the amendment.

On amendment 12, I stand by what I have said before on the use of parliamentary time. The key proposition that a precision bred confirmation should be capable of being revoked is set out in the Bill.

Clause 9 sets out a pathway by which a precision bred confirmation may be revoked. It is a criminal offence to market genetically modified organisms without prior consent, and we believe that companies will continue to be incredibly careful to avoid mistakes. However, to provide a belt-and-braces measure, in the unlikely event that a GMO goes through the procedures under this Bill and is marketed as a precision bred organism, the clause

establishes a transparent process for dealing with such an eventuality. That is important for consumer confidence and transparency.

Clause 9(4) addresses conferring additional functions on the Advisory Committee on Releases to the Environment. The ability to seek scientific advice on any relevant new information that comes to light will be an important component part of this process. The clause states that we will need the help of outside experts to ensure that we move forward appropriately.

Daniel Zeichner: I am afraid that I am still not entirely convinced, for a number of reasons, going back to some of the points I made just before we broke for lunch. There seems to be a closed, narrow group of people making these decisions. What ACRE—this group of eminent people—is being asked to do is to make a judgment on whether something that has been submitted to them is a PBO.

Following our discussions on the Genetically Modified Organisms (Deliberate Release) (Amendment) (England) Regulations 2022 a few months ago, ACRE released guidance on how the process would be approached. The guidance is quite technical, to put it mildly, and it is thoughtful and nuanced, and has quite a lot of caveats. Obviously, the guidance is not before us today, but it is relevant, because it is what ACRE will consider—there are no additional terms of reference being introduced in these clauses. There will not be a simple, clear-cut process and that probably explains why the Government have introduced this method for revoking confirmations, because more science and more evidence can come to light.

My worry is that it feels like a discussion between a very small group of people. If we are trying to address the question of public confidence, which is key, it does not seem to give the degree of reassurance that people seek. If one were being kind and generous to the Government, as obviously I would be, one way to provide that reassurance might be to bring forward secondary legislation so that it is discussed, rather than just being passed without discussion, as we know many statutory instruments are all the time. We think it is worth looking more closely at the procedure and making the secondary legislation subject to the affirmative, rather than the negative, procedure.

Although the Minister did respond to my invitation to give us an example, I am still not really very clear quite how it would happen. What happens to the animals—we are talking about animals here rather than plants—in those circumstances? I appreciate that there are existing protections, but the question is whether any additional protections are needed given the new set of procedures available, and how that should be handled. That seems to be worthy of further interrogation.

2.15 pm

I say no more than that. I see no need to divide the Committee on the amendments. I am happy to withdraw them, but the conversation has been useful and I hope that the Government will think about some of the things as they bring forward their proposals. The more one looks at the measure, the more potential issues arise. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 6 ordered to stand part of the Bill.

Clauses 7 to 9 ordered to stand part of the Bill.

Clause 10

MEANING OF “RELEVANT ANIMAL”

Daniel Zeichner: I beg to move amendment 33, in clause 10, page 7, line 12, leave out—

“means an animal which is a vertebrate”

and insert—

“has the meaning given by section 5 of the Animal Welfare (Sentience) Act 2022”.

This amendment would make the definition of animal from the Animal Welfare (Sentience) Act 2022 the relevant definition, rather than that from the Animal Welfare Act 2006.

The Chair: With this it will be convenient to discuss amendment 34, in clause 10, page 7, line 13, leave out subsections (2), (3) and (4).

This amendment, which is consequential on Amendment 33, would remove the provision to extend the definition of “animal” to include (further) invertebrates, which would instead be provided by section 5 of the Animal Welfare (Sentience) Act 2022.

Daniel Zeichner: The amendments in this group are relatively straightforward, the Committee will be glad to hear. We are interested in looking at the relationship between the Bill and the Animal Welfare (Sentience) Act 2022, which some of us were involved in, discussing it in this very room only a few months ago. To our joint delight, it received Royal Assent in April.

The Act defines “animal” as

“any vertebrate other than homo sapiens...any cephalopod mollusc, and...any decapod crustacean”.

Members may remember the debate about the definition, which was based on a Government amendment, if I recall, after a report commissioned by them to review the scientific evidence for the sentience of cephalopod molluscs and decapod crustaceans. The London School of Economics published that review in November last year, after which the Government made their amendment to the animal sentience Bill to reflect the most up-to-date understanding. Despite that, however, clause 10 of this Bill defines animals only as vertebrates.

There are all kinds of exciting jokes that one can make about vertebrates and all the rest of it, but I shall resist that today. We also note that the clause does not exclude homo sapiens explicitly. Basically, our issue is about trying to align the definitions with the most recent piece of legislation to have gone through the House.

The clause also makes provision for the Bill’s definition to be extended to include invertebrates if the Animal Welfare Act 2006 is extended to include them. It therefore seems to pose rather a strange system involving two different definitions of “animal” in law: one from the 2006 legislation and the other from the very recent legislation. We still seem to be waiting to get our definitions in line.

As an aside, given that the Government’s aim of the Animal Welfare (Sentience) Act was to recognise the sentience of animals in law, we are slightly surprised that the Animal Welfare Act has not been extended to reflect the Government’s latest stance. Regardless of that, it seems that the Bill should use the most up to date definition, that is why we have tabled amendment 33, and we think that amendment 34 is consequential on

that, to replace the definition of animal in the Bill to the one from the 2022 Act. It is possible that it was mistake—that happens—or an accidental oversight, which we think could be rectified if the Government were to accept the amendment. If not, it would be useful to hear the Government’s explanation, and I invite the Minister to give it.

Jo Churchill: The hon. Gentleman proposes that we change the substance of the definition of relevant animal from that in 2006 Act to the more recent definition in the 2022 Act. Although we do not feel that the amendment is necessary, I am really grateful for the opportunity to put down on record our reasons for that.

Clause 10 defines relevant animal as a vertebrate for the purpose of welfare protection measures in clauses 11 to 15. That is line with the definition of animal in the 2006 Act—the core legislation that establishes the practical rules for individuals and businesses that handle, keep and care for animals in this country. For that reason, it is the right definition to apply.

It is worth noting that the definition of animal in the 2022 Act sets out what type of animals the animal sentience committee can consider when carrying out its work, but it does automatically not extend the definition of animal in the 2006 Act. We totally accept that it will be more than likely appropriate to broaden that definition so it is important to note that in clause 10 we allow a provision for regulations to be made to extend the definition of relevant animal, if the definition of animal in the Animal Welfare Act 2006 is extended to include invertebrates of any description. Any amending regulations that extend that definition would be subject to the affirmative procedure in the House, and therefore subject to debate and approval by both Houses before being made.

I assure the hon. Gentleman that the Government, like the Opposition, were very pleased that the sentience Bill received Royal Assent, but the next step is to carefully consider the implications of extending the 2006 Act to include cephalopod molluscs and decapod crustaceans because that will include implications for how they are caught and handled, treated and transported. The Government are working constructively with industry and stakeholders on this issue; I assure the hon. Gentleman of that.

I understand the point made by the hon. Gentleman but the appropriate definition of animal is that which sits in the 2006 Act, although I agree that the extension of that definition is in process. It is not correct, however, to say that the definition in the 2022 Act would sit appropriately in this legislation for the reasons I have cited.

Daniel Zeichner: I am grateful for the explanation, although I am not entirely sure that I am convinced by it. It seems to me to be a slightly curious way of proceeding. At the end of it, I am not entirely sure whether it means that cephalopods and decapods are protected under the Bill or not—possibly not, as it stands. I understand why the new regulations have practical implications, particularly for the fishing sector, and why they need to be thought through carefully. I can see why there might be complications, although that is more to do with the animal sentience Act than it is to do with the Bill.

We will come back in a moment to the question of the relationship between the animal sentience Act and the Bill. It is an interesting one, because it goes to the heart of the concern that we on the Labour Benches have: that the various structures that are in place to make decisions, give expert advice, and so on may no longer be quite right. During the evidence session, we heard the suggestion that there may well be people within Departments who are already thinking along those lines and looking at ways in which those structures may be updated. That, of course, creates some difficulties for us, because we are looking at the legislation as it stands today. I do not want to sound like a broken record, but that is the problem with trying to second-guess the thinking of the Government when they are so vague on some of these animal welfare issues.

There is considerable interest in the whole question about cephalopods and decapods, and we think it would be more consistent to have a unified approach. On that basis, I am afraid we will test the opinion of the Committee by pressing amendment 33 to a vote, although we will not feel the need to move amendment 34.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 4]

AYES

Glendon, Mary
Green, Kate

McCarthy, Kerry
Zeichner, Daniel

NOES

Bowie, Andrew
Churchill, Jo
Clarke-Smith, Brendan
Duguid, David
Fletcher, Katherine

Howell, John
Jenkinson, Mark
Johnson, Gareth
Jones, Fay
Shelbrooke, rh Alec

Question accordingly negated.

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

Jo Churchill: As discussed, clause 10 defines a relevant animal as a vertebrate for the purposes of the welfare protection measures in clauses 11 to 15. That is in line with the definition of an animal in the Animal Welfare Act 2006, which is the core legislation that establishes the practical rules for individuals and businesses that keep, handle, or care for animals in this country. I commend the clause to the Committee.

Daniel Zeichner: I will be brief, given that we have just discussed the amendments. I stand by the comments we have already made, but I am grateful that regulations made under subsection (2) of the clause will be subject to the affirmative procedure. We will doubtless be back here on another day, discussing this issue again.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Clause 11

APPLICATION FOR PRECISION BRED ANIMAL MARKETING
AUTHORISATION

Daniel Zeichner: I beg to move amendment 13, in clause 11, page 8, line 25, leave out “negative” and insert “affirmative”.

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

Clause stand part.

Amendment 4, in clause 12, page 8, line 28, at end insert—

“(1A) The welfare advisory body must carry out an assessment of the likely impact of any precision bred trait referred to in the application on the health and welfare of the relevant animal and its qualifying progeny.

(1B) In carrying out an assessment under subsection (2) the welfare advisory body must consider—

(a) scientific expertise on the health and welfare of animals with similar traits (whether or not resulting from the application of modern biotechnology) to those of the animal in respect of which an application for a precision bred animal marketing authorisation has been made;

(b) the animal welfare declaration provided by the notifier under subsection (3) of section 11 and the assessment, explanation and information provided under subsection (4) of section 11; and

(c) any other matter it considers appropriate.”

Amendment 5, in clause 12, page 8, line 28, at end insert—

“(1A) Where the purpose of a precision bred trait referred to in the application includes achieving fast growth, high yields or any other increase in productivity, the welfare advisory body must in preparing a report under subsection (2)—

(a) consider whether animals or their progeny with similar traits resulting from selective breeding or traditional processes have experienced pain, suffering or lasting harm arising from or connected with fast growth, high yields or any other increase in productivity, and

(b) assess whether the relevant animal and its qualifying progeny are also likely to experience pain, suffering or lasting harm arising from or connected with fast growth, high yields or any other increase in productivity.”

Amendment 6, in clause 12, page 8, line 28, at end insert—

“(1A) In preparing a report under subsection (2) the welfare advisory body must consider whether the precision bred traits may facilitate the keeping of the relevant animal or its qualifying progeny in conditions that may have an adverse effect on animal welfare.”

Amendment 7, in clause 12, page 8, line 30, at end insert—

“(za) the likely impact of the precision bred traits on the health and welfare of the relevant animal and its qualifying progeny,

(zb) whether the relevant animal and its qualifying progeny are likely to experience pain, suffering or lasting harm arising from or connected with fast growth, high yields or any other increase in productivity,

(zc) whether the precision bred traits may facilitate the keeping of the relevant animal or its qualifying progeny in conditions that are likely to have an adverse effect on animal welfare.”

Amendment 35, in clause 12, page 8, line 40, at end insert—

“(d) whether the health or welfare of the parents, grandparents or great grandparents of the qualifying progeny of the relevant animal may reasonably be expected to be adversely affected by the precision bred trait.”

This amendment would require the welfare advisory body to report on the likely effects of a precision bred trait on breeding stock.

Amendment 36, in clause 12, page 8, line 40, at end insert—

“(2A) In its report under subsection (2) the welfare advisory body must take into account direct and indirect effects and intended and unintended effects of the precision bred trait on the health and welfare of—

- (a) the relevant animal and its qualifying progeny, and
- (b) the parents, grandparents or great grandparents of the qualifying progeny.”

This amendment would require the welfare advisory body to take into account direct and indirect, and both intended and unintended, effects of the precision bred trait on the animal and its qualifying progeny and on breeding stock.

Clause 12 stand part.

Amendment 8, in clause 13, page 9, line 20, at end insert—

“(za) that the precision bred traits will not have an adverse effect on the health or welfare of the relevant animal or its qualifying progeny,

(zb) that the precision bred traits will not facilitate the keeping of the relevant animal or its qualifying progeny in conditions that are likely to have an adverse effect on animal welfare,

(zc) that any precision bred trait could not reasonably have been achieved by means that do not involve modification of the genome of the animal.”

This amendment would prevent the Secretary of State issuing a precision bred animal marketing authorisation unless satisfied on the health or welfare effects listed and that the precision bred trait could not reasonably have been achieved by means that do not involve modification of the genome of the animal.

Clause 13 stand part.

Daniel Zeichner: We have quite a complicated set of amendments and clauses before us, so I will try to take them in turn—*[Interruption.]*

The Chair: Order. Can we keep the noise down?

Daniel Zeichner: The measures all refer to the animal legislation, which, as we said at the beginning, we are not convinced was sufficiently developed. Nevertheless, we have some detail here so it is worth looking closely at what is proposed. Unfortunately, a lot is, again, left to secondary legislation under the negative procedure; given the likely interest in this topic, which I have mentioned often today, that gives us cause for concern.

2.30 pm

Clause 11 concerns applications for precision bred animal marketing authorisations. Among the clause’s provisions is some pretty thinly laid out information about the associated requirements. A person who wishes to put a precision bred organism to market will have to apply to the Secretary of State for permission, and their application must include

“a declaration that the notifier does not expect the health or welfare of the relevant animal or its qualifying progeny to be adversely affected...by any precision bred trait”.

Ignoring for now the fact that, in our view, the Bill does not define what it considers to be adverse effects—I will come to that later—that is clearly pretty important to animal welfare.

The clause also states that an application for marketing authorisation “must be accompanied” by an animal welfare risk assessment, an

“an explanation of the steps that the notifier has taken to identify” any risks, and any other required information. That is all fine, but Committee members will remember some

of the points made in the evidence sessions about the findings of the Nuffield Council on Bioethics’ public dialogue in respect of the public’s concern about genetic editing being applied to animals. Similarly, Professor Sarah Hartley spoke persuasively about the importance of getting the regulation right on this issue.

It is concerning that the clause contains such key provisions on animal welfare but the precise form and content of the information to be provided is left to secondary legislation. I still have several questions and, given the fact that, as I mentioned earlier, the Government have not taken the opportunity to publish draft statutory instruments and have not included detailed information on the provisions in the impact assessment, we are trying to proceed without knowing much detail.

Ultimately, the applications will be considered by the welfare advisory body, but it is not at all clear how that body will make its decisions, what its terms of reference will be and, frankly, who will serve on it. That is rather important. It is not clear what evidence the body’s decisions will be based on. We have already gone around the loop in respect of who the appropriate people are a few times today; I say gently to the Minister that in my experience as shadow Minister it is sometimes pretty painful to try to find out from the outside about some of the detailed questions in respect of how decisions are arrived at.

Let me give the example of the issue relating to neonicotinoids a few months ago. It was a very important decision, with considerable public interest and the same kind of set-up, with expert committees meeting, and there was an issue as to whether the advice was in the public domain. I think it took a freedom of information request from an advocacy organisation to get the advice. The Secretary of State was entitled to take his decision on the basis of that advice, but it was very hard for people to see what it was.

The point is that it seems to me that the Government are creating a similarly obscure set of processes that will take us down the road to the same difficulties, because it will be hard for the wider public or those who are particularly interested in such issues to get to the root of how decisions are made and on what basis. In the end, the problem with that is that it feeds public mistrust, because if people cannot see how the decision is made and on what basis, people will jump to conclusions that may well not be justified. The Government should be a bit more confident about these processes. We know that there is always an element of judgment in such decisions, and trade-offs, but if that happens without the information being shared with other people, people will inevitably be suspicious. That is why we are concerned about the process.

I shall move on. Clause 12 lays out further details on the reports that the welfare advisory body will be required to make in its consideration of an application for a precision bred animal marketing authorisation. It states that the welfare advisory body will have to determine whether the notifier, in its animal welfare declaration, has paid regard to the risks to an animal due to a precision bred trait, and whether the notifier has taken reasonable steps to assess those risks. All those things

are fine, but they are all loaded phrases. Depending on how those things are phrased, any judgment made in reaching a decision will be different.

The Opposition do not think there is nearly enough detail in there, and that is why we have tabled a number of amendments. We are trying to set out through our amendments some of the processes and frameworks that we think the Government should have set out. It may be that the Government will do that, but we are not going to have an opportunity to test that.

Amendment 4 would require the welfare advisory body to undertake its own assessment of the potential impact of a precision bred trait on the health and welfare of an animal and its qualifying progeny. Part of the problem here is that without knowing much about what this body will be and what resources will be available to it, there is a concern that all it is doing is taking a proposal, written by an applicant, and making a judgment on the basis of what it has been told. It may well be that it would need to check some of the evidence presented to it.

This goes back to the questions we were discussing earlier around how much trust and good faith there is. In an ideal world, everybody would be making a submission and it would all be perfect—there would be no attempt to hide anything. However, I am not convinced that is what happens in the real world. People, quite understandably, want to get their application through, so they will present it in the best possible way. The new body needs to be able to interrogate that properly.

This is not always a benign world. It has come to my attention that some of the major players in this space are no longer entirely run from the UK. Some of them are Chinese-owned; I make no comment other than to point out that that fact clearly bothers some Members of this House in other contexts. We have to ask whether we are entirely sure that the evidence presented to the Committee can be taken at face value. If we want to interrogate that more thoroughly, how would we do that? We do not have any answers in the Bill as it stands. It is only right that we point that out.

Amendment 5 would require the advisory body to assess the welfare impact on animals where a precision bred trait is developed with the aim of achieving fast growth, high yields or other increased in productivity. That refers back to a discussion my hon. Friend the Member for Bristol East had earlier; we know through traditional selective breeding that we have produced creatures that are highly efficient and effective in terms of food production, but there are genuine concerns about the welfare characteristics of some of the poultry and cows. The question is: if we can take it further and further, how far do we go? We think it is reasonable that the body should be able to assess that welfare impact as well. It is not clear to us that this would be part of the process. I am sure there are other safeguards in place that will allow that to happen, but we think that it would be better to include that in the Bill.

Amendment 7 effectively adds to that. Amendment 35 requires the welfare advisory body to consider welfare impacts on breeding stock. That is a further ramification; if we begin to develop animals in certain kinds of ways, I am advised that it can have an impact on breeding

stock. With all those amendments, we are drawing out that there are potentially unforeseen and possibly unintended consequences to such developments, which we think should be addressed properly.

Amendment 36 requires the welfare advisory body to consider direct and indirect intended and unintended impacts in all these circumstances. It will probably not come as a surprise to hear that we have been informed in our thinking on these issues by Compassion in World Farming. I take its concerns seriously. It has highlighted that the Bill only really considers the impacts on health and welfare of the precision bred animal and its progeny, but it argues that the experience of selective breeding shows that altering an animal's traits might have an unexpected impact on the health and welfare of the breeding flocks that produce future generations of the animal. In its view, those should be safeguarded too, and I rather agree.

In addition, many of the effects of selective breeding, as I have outlined, have been unintended. They include the susceptibility of hens bred for high egg yields to bone fractures and, indirectly, the inability of male turkeys bred to achieve heavy weights and a high proportion of breast meat to mate naturally. What we are saying—this is borne out a bit by the excellent work of the Nuffield Council on Bioethics—is that the system we have created through traditional selective breeding poses a range of problems and challenges. This technology could exacerbate those issues, and therefore we need to look at it carefully.

Finally, clause 13 concerns the issue of precision bred animal marketing authorisation. We would amend the Bill to tidy up that section with amendment 8, which specifies that the Secretary of State can issue precision bred marketing authorisation only if satisfied that there will be no adverse health or welfare impacts on the animal.

I am afraid that there are rather a lot of amendments relating to a number of clauses. We do not intend to divide on all of them, although on some of them I would be interested to hear the Minister's response before we get into that particular set of complications.

Jo Churchill: I thank the hon. Gentleman, because animal welfare is close to all our hearts. It is something that this Government—indeed, any Government—need to be cognisant of, and I am proud that we have a strong record of supporting and improving it. With the animal health and welfare pathway, we have laid out where we intend to go further.

I will take the eight amendments in turn. The hon. Gentleman will not be surprised to hear that I do not feel that amendment 13 is necessary. The purpose of this part of the Bill is to create the regulatory framework for the approval of marketing authorisations for precision bred animals. I assure all Members that we propose to work closely with the industry, expert groups, scientific advisers, non-governmental organisations and all other stakeholders on the development of that technical detail. I think the hon. Gentleman would agree that it is important that all those voices are heard, and that we work on that technical detail with everyone.

For the animal welfare declaration, that will include setting out metrics and the evidence that is necessary to accompany it. As part of that work, we will commission—indeed, we are commissioning—further evidence through

[Jo Churchill]

independent research, and we will draw on our animal welfare advisory board. Once the technical details are designed, they will be set out in secondary legislation and guidance will be provided. They will benefit from co-design with those expertise and stakeholders. That is important to ensure we get this right.

We want to enable, rather than hamper, innovation while ensuring that animal welfare requirements are fully regarded and adhered to. We believe the amendment to clause 11 is not needed because it would cover only administrative and technical details. I hope the hon. Gentleman feels reassured that, in order to get to the right conclusion, we are trying to do this openly and transparently with all those who need to have their voices heard.

In essence, the clause signals to science and innovators, who are at the forefront, that the Government support the adoption of beneficial modern technologies and that they should have confidence moving forward. However, we recognise that as well as enabling innovation to keep pace with new and beneficial technologies, we must continue to uphold the high standards of animal welfare.

2.45 pm

Clause 11 explains the application process for precision bred animal marketing authorisations, which will be required, in addition to the precision-bred confirmation, which we have already debated when we considered clauses 6 to 9. It is a crucial part of the Bill, as it sets out a new framework for the new system, to ensure that the health and welfare impacts on animals from precision breeding are assessed by a body of operationally independent subject experts—the welfare advisory body—before animals can be marketed.

We do not expect to implement these measures quickly. The technical and administrative details of this new system will be carefully developed with stakeholder input. As a result, we intend that the provisions of this Bill relating to the marketing of relevant animals will be brought into force after those relating to precision-bred plants.

Clause 11 further explains that the application to obtain a precision bred animal marketing authorisation is made to the Secretary of State, and it must be accompanied by an animal welfare declaration. This will be a declaration, with supporting evidence, stating that the notifier does not expect the health or welfare of the relevant animal or its qualifying progeny to be adversely affected by any precision bred trait. That is why it is important to be broad in that discussion, because I take on board the points of the hon. Member for Cambridge. The Secretary of State must refer the welfare declaration and all the required accompanying information to the welfare advisory body, unless he has decided not to issue a precision-bred confirmation in relation to the animal.

Clause 11 also sets out the framework for information required in the application for a precision bred marketing authorisation. These administrative requirements will be set out in secondary legislation later. The clause also allows for regulation using the negative procedure to set out when a person other than the notifier can apply for a precision bred marketing authorisation for a precision

bred animal. To give the hon. Gentleman an example, if some research was seen to be good research but the company became insolvent or something, the clause would then allow for somebody else to become the notified person.

I turn to the group of amendments—4, 5, 6, 7, 35 and 36—that go to the heart of clause 12 and the perceived potential impacts. I will take those amendments as a group.

Amendment 4 proposes that the welfare advisory body complete its own assessment of the risks of the likely impact of any precision bred trait referred to in the application on the health and welfare of the relevant animal and the qualifying progeny.

In amendments 5, 6, 7, 35 and 36, there are proposals for further detail on the information that must be considered by the welfare advisory body when producing its report for the Secretary of State. The suggestions included relate to the technical details on certain traits of the animals that the advisory body would be required to consider.

Clause 12(2)(b) already sets out that the advisory body's body must consider

“whether the notifier has taken reasonable steps to identify those traits”—

that is, their precision-bred traits—

“and risks”—

that is, the related risks—

“and has made an appropriate assessment of those risks”.

The Bill enables the advisory body to request further information from the notifier within a reasonable timeframe if the advisory body does not feel that it has had sufficient information, or that it has not been included with the application.

Moreover, if the welfare advisory body considers that the notifier has not had sufficient regard for the risk or has not made an appropriate assessment, that would then be reflected in its report to the Secretary of State, who can decide to reject the application. The safeguards are there. We consider that this is the most suitable approach, ensuring that the Secretary of State has the right information on which an application for a marketing authorisation can be assessed without incurring lengthy delays to the assessment process and the unnecessary duplication of effort, which is particularly relevant for smaller organisations.

Furthermore, the members of the welfare advisory body will have sufficient scientific expertise on health and welfare to be able to understand and assess whether the notifier has correctly identified the precision bred traits and the health and welfare risks.

The welfare declaration process requires notifiers to submit health and welfare information in response to prescribed questions and metrics—those I referred to earlier. Notifiers will not be able simply to decide for themselves what welfare evidence they want to submit.

As I noted earlier, all vertebrate animals are already protected by extensive animal health and welfare legislation. Indeed, animals may be kept for farming purposes only if it is expected that they can be kept without any detrimental effect on their health and welfare. The Bill works alongside that existing legislation to enable responsible innovation. There will be no relaxation of current animal welfare standards; indeed, a rigorous framework will be put around them.

I think that we all understand that breeders will want to ensure that animals produced using that technology have high health and welfare from the outset. We will ensure that that happens through checks and balances in the legislation. I acknowledge the concerns about the potential for precision bred animals to be affected, including those that can sometimes arise from traditional breeding—the hon. Member for Cambridge gave some examples. I contend, however, that precision breeding is a way of developing new traits, and is therefore not, in and of itself, a negative process.

I understand the hon. Gentleman's concerns, and I assure him and others that the powers in the Bill set out a framework to safeguard animal welfare in precision bred animals. As I have said—it is important that I repeat it—we want to work closely with a range of experts and others to further develop the technical details of the criteria and metrics for the animal welfare declaration, and the evidence that will be required to accompany it. We will set out those details in secondary legislation and guidance.

The amendments are not needed because clause 12 already requires the advisory body to report to the Secretary of State on whether the notifier, when making their animal welfare declaration, has had regard to health and welfare risks to the animal or its progeny that could reasonably be expected to result from its precision bred traits. The advisory body's report must consider whether the notifier has taken reasonable steps to identify the animal's precision bred traits and any related risks, and has made an appropriate assessment of those risks.

In line with previous responses, we intend to engage further with stakeholders, including scientific experts, animal welfare organisations and the industry, to ensure that the technical details required for all relevant animals are appropriate. We want the Bill to be durable, and that is exactly the type of detail that we would want to include in the secondary legislation and guidance. I urge the hon. Gentleman to withdraw his amendments, because I anticipate that more information will be readily available as we proceed.

Amendment 8 proposes to alleviate concerns about the risk to animal welfare associated with precision breeding. We agree that safeguarding animal welfare is vital, and I know that the intentions behind the amendment are honourable. The suggestions represent issues that must be explored further as we develop technical details of the system for safeguarding welfare in precision bred animals. We do not consider, however, that proposed new paragraphs 13(1)(za) and (zb) are necessary, because clause 13 will ensure that the Secretary of State needs to be satisfied with the declaration before issuing a precision bred animal marketing authorisation.

The declaration and supporting evidence, which is built by consultation with others, must state that the notifier does not expect the health and welfare of the relevant animal or its qualifying progeny to be adversely affected. The welfare declaration and all required accompanying information must be referred to a functionally independent welfare advisory body, which will report its conclusions to the Secretary of State. Those steps provide for a rigorous but proportionate basis for the Secretary of State's decision to be made before marketing authorisations are issued.

Furthermore, the power in clause 25 allows us to set out in regulations what constitutes an adverse effect on health and welfare, including any parameters that are needed to assess it. That will be based on the principle that precision bred animals can be kept in conditions that satisfy the existing requirements on the keeping of animals. Those requirements are set out in 2006 Act and the Welfare of Farmed Animals (England) Regulations 2007, to which we have referred frequently today.

We do not consider it appropriate to include the proposed new paragraph (zc), which relates to any precision trait that could not reasonably have been achieved by means that do not involve modification of the genome of the animal through precision breeding. For example, that would in effect remove the potential to develop the welfare benefits of disease resistance that could be achieved through precision breeding.

I completely understand the intentions of the hon. Member for Cambridge, but we have welfare legislation in place, and the Bill is intended to work alongside that and to enable responsible innovation. We will ensure that we work alongside all the experts and stakeholders previously mentioned to make sure that we get this right. *[Interruption.]* He looks slightly sceptical, and I understand that I am asking for his trust, but we are looking to those other stakeholders to help us build the technical details that can give both him and the broader public that reassurance.

Kerry McCarthy (Bristol East) (Lab): The Minister has gone into a lot of detail already as to why she does not support Labour's amendments. I am not sure that I will be able to change her mind or whether she has another speech put to one side in case I make such a compelling argument—I suspect not—but I will get it on the record anyway.

My starting point is that I was rather concerned about how often she mentioned regulation, further consideration, talking to stakeholders and all those things that are yet to be configured. Actually, we have time to get the Bill right, to get things on the face of it and not to rush into it, rather than having such reliance on secondary legislation. We have made that point already and will, no doubt, continue to do so as we go through the Bill. However, it is a major concern.

I want to say once again for the record that I see that there are positives that could result from gene editing of animals. I am not totally against that. We have talked about improving resistance to disease, resistance to heat and the ability to breed selectively by gender. For example, 29 million male chicks are killed each year in the UK—in the UK it is by gassing, but in other countries it is maceration, which is a pretty horrible process by which they go along a conveyor belt and end up in a grinder that shreds them to bits—so we could avoid that. Interestingly, although people are keen to talk about how we are ahead of the field in animal welfare, parts of Germany have banned culling of male chicks, France has put a bit of money into it, and Germany introduced a ban at the start of the year. It is now all in-ovo testing, so editing the gene might be a quicker and cheaper way of doing it. However, let us not pin all our hopes on this Bill. That is something we could be doing without gene editing. I am surprised that we are not following France and Germany's lead.

[Kerry McCarthy]

Another advantage we heard about is avoiding the need for dehorning, by preventing the growth of horns. That is all very good stuff, but we also heard about concerns, including the increased yields in particular. That is something that I would be very concerned about. Peter Stevenson from Compassion in World Farming said:

“The science about the detrimental impact of selective breeding on just about every main farm species is utterly clear.”—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee*, 30 June 2022; c. 101, Q163.]

As my hon. Friend the Member for Cambridge said, some of the things that I have mentioned in the course of debate I will mention again in a moment.

The National Farmers Union said that the Bill is not the place to consider animal welfare and positive or negative outcomes in that respect, because we have legislation such as the Animal Welfare Act and the farm animal welfare codes. I have already made clear my doubts about the effectiveness of that. Some of the witnesses that we heard from argued very convincingly that the existing animal welfare regime does not offer enough protections. Peter Stevenson also said that

“it is vital that there is something in this Bill to protect animal welfare, because the current legislation...has really very little on breeding, which is why we have all these problems.”—[*Official Report, Genetic Technology (Precision Breeding) Public Bill Committee*, 30 June 2022; c. 108, Q173.]

I have already mentioned the secondary legislation. Amendment 13 is very important, because if applications are being made for the marketing of gene edited animal products, we need oversight of the related regulations. Otherwise there is a risk of a lax regulatory regime that lets applicants mark their own homework.

3 pm

I noted the Minister said that the welfare advisory body could request extra information and decide whether the notifier had taken due account of the risk, and that it would be expert enough to know that. I also note that the welfare advisory body would also be told what metrics to include. However, the Minister went on to say how those arrangements would be set out in regulations, and that is of concern to me. At the very least, those arrangements should be subject to affirmative statutory instruments, rather than negative SIs, as set out in the Bill.

The role of the welfare advisory body needs to be fundamentally strengthened. As things stand, the onus is on the people who make the application. Compassion in World Farming notes:

“The way it is written puts the applicant in the driving seat—playing the lead role in determining which welfare risks will receive primary consideration.”

Instead, we need the welfare advisory body to be put in the lead. It goes on to say:

“The Bill must require the advisory body to carry out its own independent far-reaching investigations into the possible welfare risk. It should not be fettered by just what the applicant has said.”

I appreciate that the Minister has said that the welfare advisory body could ask extra questions, require more information and so on, but we all know when regulatory bodies are under time constraints, under-resourced and have an awful lot to get through. I would feel far more

comfortable if the welfare advisory body’s primary role was to make the assessments rather than just to respond to what other people tell them. I do not know whether the Minister can give further assurances that that body would indeed be able to investigate.

It is not just about having the powers to do investigate, but having the resources. On paper the Environment Agency has a huge number of powers and can do all sorts of things, but in practice it does very little of what it is charged to do. I am concerned that the welfare advisory body would operate in the same manner.

Amendment 4 would give the welfare advisory body the power to make the welfare assessments and, crucially, to do so with reference to expert scientific advice that takes into account similar traits in other animals. That is a much stronger approach than that proposed.

The issue of yield was raised in our evidence sessions, and I referred to it on Second Reading. We already know how much suffering the explicit aim of increasing yield and speeding up growth has caused to animals through natural breeding techniques. Chickens now grow over twice as quickly as they did 60 years ago, and are bred to be so heavy that they cannot support their own weight, breaking their legs, and living a short life of agony. The same could be said of stock on turkey farms where the birds are bred to be absolutely enormous. Chickens often suffer from cardiovascular diseases, and are bred to produce 300 eggs a year, compared with 20 a year, which was the yield from the wild birds from which they descend. That also makes chickens vulnerable to bone fractures. They are simply not meant to yield so much, and have been designed to do something that is a million miles removed from their natural state. That has all been done through natural breeding techniques, but it is questionable whether they should be forced into that state.

In the past 40 years, the milk yield of cows has more than doubled to around 22 litres a day. That is obviously far more than cows would naturally produce if they were just feeding their calves. There are issues with mastitis for a start, and cows are becoming infertile extremely quickly as a result of intensive milking. In the wild, a cow’s natural life cycle would be about 20 years, but when raised under intensive farming conditions, it is three or four years. All of that has happened through natural breeding techniques but that is incompatible with good animal welfare, because we are literally squeezing as much as we can out of an animal. Its life is massively shortened because of how it is treated. With gene editing, I am concerned about whether we are expecting to increase yield beyond 22 litres a day. What exactly are we expecting to get out of cows?

Katherine Fletcher (South Ribble) (Con): I am listening hard to the hon. Lady’s speech and I wholeheartedly agree with her about some of the welfare issues she has described. Does she agree, however, that the Bill offers the opportunity to solve some of the problems that she has identified? The problem with natural breeding is that we effectively chuck everything up in the air, and then it comes back together with one part from the mum and one from the dad. That means that when we select for improved production, we cannot also make sure that we are selecting for health and fitness. We are stuck with the selection—for example, we may select for a dog whose face gets smaller and smaller. I understand

what the hon. Lady is saying about making sure that we do not use gene editing just to target individual production methods, but does she share my excitement that the Bill offers the opportunity to fix some of the inherent deficits that traditional breeding has imposed on animals—animals that I know many farmers work with every day, and love?

Kerry McCarthy: My concern is that that is not spelled out in the Bill, and it goes back to our argument about the public benefit. I would be far more comfortable if the Bill spelled out what the hon. Lady has described and made it clear that that is what it is designed to achieve. The ongoing welfare of the animal should be one of the factors to be taken into account when deciding whether to approve applications. The Bill is not clear about that. Market forces being what they are, some people will want to use the Bill as an opportunity to increase yields.

Katherine Fletcher: I understand that the hon. Lady is leery about market consequences, and we should always have a good look at them. Some of the welfare issues that we think of as distressing also have a financial cost attached to them—increased vets' charges; increased housing requirements; and increased vets' visits. Would the hon. Lady risk throwing the baby out with the bathwater by being specific about the Bill, because a happy, healthy animal that is productive and fecund is an economic positive for the individuals who seek to farm them?

Kerry McCarthy: One might think so, but consider the lifespan of cows and that fact that they become infertile pretty quickly. One would think that logic would suggest that a farmer would want a cow that they did not literally milk for everything, and that lived a longer, healthier and fertile life. That is not what happens on some farms. Some farmers view the economic advantage to them as getting as much out of a cow as possible in its shorter lifespan. We want to encourage best practice, and I am not casting aspersions on farmers who want to do the right thing, but we know that big market forces are at work, particularly in chicken production. In fact, wherever products are sold in bulk and consumed in vast quantities, some players in that market will not have animal welfare in mind.

I am conscious of time, so to conclude, amendment 7 calls for welfare reports to be submitted to the Secretary of State to consider whether yields would be increased and whether that would lead to suffering. That goes to the nub of the issue. I will not repeat what I said earlier, but if the development of gene editing led to the phase out of some of the diseases that affect animal welfare, I would like more reassurances about what that would mean for increased density and animals kept in cramped conditions, and so on. If we have a stronger animal, that might mean that it is thought they can withstand such treatment.

I think the welfare provisions are too weak, and far too much is being left to regulations and consideration at some point in the future. The Bill should have been put on hold while we made more inquiries and gathered more information. That would have meant that we were discussing a fully rounded Bill, and that we knew what we were likely to get from it.

Jo Churchill: I am content to note those points.

Daniel Zeichner: We have had an excellent discussion of the issues and, as always, I find myself in agreement with much of what my hon. Friend the Member for Bristol East has said, not least because she has agreed with me.

There was a lot in the Minister's opening remarks, and I will go away and study them closely. Part of the problem is that a lot of the what the Minister said is not in the Bill, and this has been a problem throughout. She said that clauses 11 and 12 were crucial because they set up the new regulatory framework, but that that was not expected to be done quickly, because time would be spent on it. That is good and welcome, but, frankly, in the awful situation where another Minister potentially was in place, there is nothing in the Bill to ensure that that original assurance would hold good. As far as I can see, that framework could be established rather quickly if we pass the Bill as it is written.

When we discuss matters when considering secondary legislation, it may be that many of the things that we have raised will be covered, but there are no guarantees, which is why we have tabled the amendments. That is the problem, and why it is our responsibility to lay down some thoughts as to what the framework should be. Perhaps we will help to set some of thinking going forward, and if that is the case, even though I do not anticipate that the amendments will be agreed to, they may help to contribute to setting out the type of framework that we would like.

I very much agree with my hon. Friend the Member for Bristol East that the proposed framework still looks rather weak. The Minister spoke of the advisory body being able to request further information, and that is good and proper, but I think it may need to be able to do more than that. If we have the opportunity to discuss the matter further, I suspect this type of question will come up: what are the actual powers available to the body? I do not think I have yet heard anybody talk about the composition of the animal welfare body, but that it is quite important, because it could be quite a narrow group of experts. There is nothing wrong with that but, as I have said before, people drawn from the same set of people almost inevitably tend to end up thinking the same kind of things. I think the public would quite like some other voices involved in the decisions.

I agree that, ultimately, matters must go to the Secretary of State for decision, so that there is a chain of accountability, but we all know that in reality the earlier processes are quite significant. We will come to our suggestions about how matters should be considered when we discuss the new clauses. People have suggested that the other models should be followed, such as that of the Human Fertilisation and Embryology Authority. My understanding is that at times the latter has had a wider membership and remit than originally set. Such a possibility would give people confidence about the work of the animal welfare body as we go into a brave new world, because it is just that: we have fantastic opportunities.

The Minister said that some of our comments suggested that we see the Bill as a negative; we do not. We see it as offering huge opportunities, if done in the right way and with the right safeguards, so that people have confidence that any application is made for the right purpose. We are not that far apart, but it is quite hard to work out from the Bill how everything will look a few

[Daniel Zeichner]

years down the line. The worry is that if the Bill is approved unamended, there will nothing to stop matters proceeding rather quickly without the appropriate safeguards. The Opposition would be irresponsible were we not to make that point and to challenge, and that is what we will continue to do.

We have quite a complicated set of clauses and amendments ahead of us, and perhaps we will take them one by one, if that is all right with you, Ms McVey.

The Chair: Absolutely. To confirm, would you like to withdraw this amendment or to press it to a vote?

Daniel Zeichner: I am happy to beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 11 ordered to stand part of the Bill.

Clause 12

REPORT BY WELFARE ADVISORY BODY

3.15 pm

Amendment proposed: 4, in clause 12, page 8, line 28, at end insert—

“(1A) The welfare advisory body must carry out an assessment of the likely impact of any precision bred trait referred to in the application on the health and welfare of the relevant animal and its qualifying progeny.

(1B) In carrying out an assessment under subsection (2) the welfare advisory body must consider—

(a) scientific expertise on the health and welfare of animals with similar traits (whether or not resulting from the application of modern biotechnology) to those of the animal in respect of which an application for a precision bred animal marketing authorisation has been made;

(b) the animal welfare declaration provided by the notifier under subsection (3) of section 11 and the assessment, explanation and information provided under subsection (4) of section 11; and

(c) any other matter it considers appropriate.”—
(Daniel Zeichner.)

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 5]

AYES

Glendon, Mary
Green, Kate

McCarthy, Kerry
Zeichner, Daniel

NOES

Bowie, Andrew
Churchill, Jo
Clarke-Smith, Brendan
Duguid, David
Fletcher, Katherine

Howell, John
Jenkinson, Mark
Johnson, Gareth
Jones, Fay
Shelbrooke, rh Alec

Question accordingly negated.

Amendment proposed: 5, in clause 12, page 8, line 28, at end insert—

“(1A) Where the purpose of a precision bred trait referred to in the application includes achieving fast growth, high yields or any other increase in productivity, the welfare advisory body must in preparing a report under subsection (2)—

(a) consider whether animals or their progeny with similar traits resulting from selective breeding or traditional processes have experienced pain, suffering or lasting harm arising from or connected with fast growth, high yields or any other increase in productivity, and

(b) assess whether the relevant animal and its qualifying progeny are also likely to experience pain, suffering or lasting harm arising from or connected with fast growth, high yields or any other increase in productivity.”—(Daniel Zeichner.)

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 6]

AYES

Glendon, Mary
Green, Kate

McCarthy, Kerry
Zeichner, Daniel

NOES

Bowie, Andrew
Churchill, Jo
Clarke-Smith, Brendan
Duguid, David
Fletcher, Katherine

Howell, John
Jenkinson, Mark
Johnson, Gareth
Jones, Fay
Shelbrooke, rh Alec

Question accordingly negated.

Amendment proposed: 35, in clause 12, page 8 line 40, at end insert—

“(d) whether the health or welfare of the parents, grandparents or great grandparents of the qualifying progeny of the relevant animal may reasonably be expected to be adversely affected by the precision bred trait.”—(Daniel Zeichner.)

This amendment would require the welfare advisory body to report on the likely effects of a precision bred trait on breeding stock.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 7]

AYES

Glendon, Mary
Green, Kate

McCarthy, Kerry
Zeichner, Daniel

NOES

Bowie, Andrew
Churchill, Jo
Clarke-Smith, Brendan
Duguid, David
Fletcher, Katherine

Howell, John
Jenkinson, Mark
Johnson, Gareth
Jones, Fay
Shelbrooke, rh Alec

Question accordingly negated.

Clauses 12 and 13 ordered to stand part of the Bill.

Clause 14

PRECISION BRED ANIMAL MARKETING AUTHORISATIONS:
REPORTING OBLIGATIONS

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

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

Amendment 14, in clause 15, page 10, line 42, leave out “negative” and insert “affirmative”.

Clause 15 stand part.

Jo Churchill: Clause 14 sets out the reporting obligations that will apply once a precision bred animal marketing authorisation has been issued. Although the provisions in the Bill are intended to prevent adverse welfare outcomes in precision bred animals, we consider it prudent to have a monitoring function in place during the early stages of the marketing of precision bred animals in England. The Bill will provide for the ability to place a time-limited and proportionate duty on breeders and developers to monitor animals and their offspring for any significant adverse health and welfare outcomes that can be linked to the new trait, and to report any such outcome to DEFRA.

The clause sets out that regulations may make provision to require the notifier, or any other specified person, to provide information to the Secretary of State about the welfare of the relevant animal and its qualifying progeny. If the relevant animal is supplied to another person, the notifier may be required to take steps to collect health and welfare information, or enable it to be collected from the other person. Regulations may set requirements on the information that must be collected, including, for example, specific time periods for reporting, and technical requirements for the types of information to be provided.

Daniel Zeichner: We are now getting to the Bill’s more administrative details, about which we have fewer concerns.

Clause 14 concerns the reporting obligations for precision bred animal marketing authorisations. Clause 15 concerns the suspension and revocation of precision bred animal marketing authorisations. In many ways, what I am about to say is similar to what I have said before about those things. I am glad that reporting obligations are included in the Bill, especially those that relate to animal welfare and to potential unintended consequences. It is right that those processes be monitored and reported on.

The suspension and revocation of authorisations concerning animals appears to be an area where greater scrutiny of secondary legislation would be beneficial. The clause confers powers on the Government to introduce secondary legislation, with provisions to suspend or revoke precision bred animal marketing authorisations where the Secretary of State receives information regarding the health and welfare of the animal concerned, and where they believe the health or welfare of an animal is likely to be adversely affected. It also contains provisions for those decisions to be publicly announced and shared. That raises the question of who is doing the monitoring and how, and it would be helpful if the Minister said a little more about that.

At the risk of being endlessly repetitive, it would be better for the secondary legislation to be subject to the affirmative procedure, rather than the negative. That is the force of amendment 14. As we have said frequently, the House should be able to scrutinise the Government’s proposals, especially as they have been decidedly vague so far. These things do matter, because they concern the potential pain and suffering of sentient beings.

Jo Churchill: I thank the hon. Member for tabling the amendment. Clause 15 allows for provision to be made in regulation for the circumstances in which a precision bred animal marketing authorisation may be revoked or suspended, and to set out the procedure to follow in such cases. The affirmative procedure would not be a meaningful use of parliamentary time. The power to make regulations for the circumstances in which an authorisation may be revoked or suspended is, in effect, a power to specify more details of those circumstances, but the circumstances are already set out in the Bill and cannot be changed. Given the content of the regulations made under clause 15, the negative procedure is a better fit.

We, like the Opposition, are committed to animal welfare and want the Bill’s provisions to be backed by proportionate and workable measures to safeguard animal welfare. Clause 15 enables the Secretary of State to make regulations, using the negative procedure, to suspend or revoke a precision bred animal marketing authorisation in certain circumstances. The requirement to provide a welfare declaration before an animal welfare marketing authorisation is granted will ensure the proper evaluation of known risks. The clause provides further reassurance that Government will have the power to act should there be adverse effects.

Daniel Zeichner: I hear the Minister and in some ways I am comforted, but clause 15(3) states:

“Regulations under this section may confer a function on the welfare advisory body.”

What on earth does “may confer a function” mean? That seems extraordinarily wide, and it is not unreasonable that something so wide should come back to this place for a discussion.

Jo Churchill: It is important that the Animal Welfare Committee has the space to look at such things. The clause covers scenarios in which new information shows that animal welfare may be affected contrary to the assessment conducted when the authorisation was issued. In such cases, the welfare declaration no longer holds, so it may be appropriate that the Secretary of State revokes an authorisation in the interests of animal welfare. If the Secretary of State receives new information on animal health or welfare, he may consider it appropriate to suspend the marketing authorisation while information is properly considered. If the Secretary of State has not received the health and welfare information that he needs because the developer has failed to report it under clause 14, it may be appropriate that he suspend the authorisation pending investigation, or revoke it if there are concerns. In both scenarios, we set out to protect animal welfare as strongly as we can.

Clause 15 also sets out that the regulations may allow bespoke reporting requirements in particular cases. That flexibility is essential to ensure that any obligations placed on businesses are minimised proportionately to risk. Good practice indicates that breeders and developers will already carry out health and welfare monitoring as part of their breeding programmes. We want to work with stakeholders to ensure that that element of the new measures works in practice and is proportionate before it is introduced.

Question put and agreed to.

Clause 14 accordingly ordered to stand part of the Bill.

Clause 15 ordered to stand part of the Bill.

Clause 16

REVIEWS AND APPEALS RELATING TO PART 2

3.30 pm

Daniel Zeichner: I beg to move amendment 15, in clause 16, page 11, line 30, leave out “negative” and insert “affirmative”.

The Chair: With this it will be convenient to discuss clause stand part.

Daniel Zeichner: The clause is about reviews and appeals relating to part 2. We heard about the relative power in the industry from some of the witnesses. There are some very big organisations, and hopefully some smaller enterprises coming forward that are able to operate in the sector. We want a system that is fair to all. We want to make sure that the appeals system does not disproportionately benefit, possibly unintentionally, those who have the most resource to make the system work for them.

The clause begins to lay out what an appeals system under the Bill might look like, but once again the fine detail is left to secondary legislation. We want to be able to see and scrutinise any delegated powers in the area, and that is what amendment 15, which is similar to a number of the other amendments, would do. It is an important clause, and I am interested to hear what the Minister has to say about it.

Jo Churchill: As the hon. Member laid out, the amendment seeks further parliamentary scrutiny of the reviews and appeals conferred by part 2. He will not be surprised to hear that I do not feel the amendment is necessary. What it proposes would not, in our view, be a meaningful use of time. I want to assure hon. Members that the power does not signal a change in policy, as all key substantive requirements of the review and appeal processes are set out in the Bill. Therefore, it is appropriate for the regulations to be subject to the negative procedure. We are committed to bringing in appropriate safeguards to ensure that decisions affecting a person’s ability to market a precision bred organism are correct, and to provide for an appropriate and efficient mechanism to challenge decisions. To achieve that, the clause requires regulations to provide for a mechanism for reviews and appeals. That mechanism can be used if the appellant considers that certain decisions made by the Secretary of State were based on an error of fact, wrong in law or unreasonable.

The clause covers decisions not to issue a precision bred confirmation or a precision bred animal marketing authorisation, to revoke a precision bred confirmation, or to revoke or suspend a precision bred animal marketing authorisation. It aims to deal with such issues in a sensible fashion. Having a review mechanism allows the Secretary of State to review the decision and to uphold or reverse it in a quick and cost-effective manner, without the need for legal proceedings. A subsequent right to appeal to the first-tier tribunal ensures that, where the appellant is not satisfied with the outcome of the review, said person can ask an independent tribunal to adjudicate.

Daniel Zeichner: I hear what the Minister says. I am still nervous about this. It is striking that a lot in the Bill is on the appeal and challenge processes, but without

the earlier detail—which would make it easier to envisage how things work—to explain how we might get to that point in the process. I worry that that will benefit those with the resources to use the system effectively to make their case in a way that others might not. That is sufficient to say that we would want to see this again, rather than just let it go through under the negative procedure. We will therefore proceed to a vote on this one.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 8]**AYES**

Glendon, Mary
Green, Kate

McCarthy, Kerry
Zeichner, Daniel

NOES

Bowie, Andrew
Churchill, Jo
Clarke-Smith, Brendan
Duguid, David
Fletcher, Katherine

Howell, John
Jenkinson, Mark
Johnson, Gareth
Jones, Fay
Shelbrooke, rh Alec

Question accordingly negated.

Clause 16 ordered to stand part of the Bill.

Clause 17RESTRICTIONS ON IMPORTATION AND ACQUISITION OF
PRECISION BRED ORGANISMS IN ENGLAND

Daniel Zeichner: I beg to move amendment 19, in clause 17, page 11, line 34, leave out “may” and insert “must”.

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

Amendment 16, in clause 17, page 12, line 22, leave out “negative” and insert “affirmative”.

Clause stand part.

Daniel Zeichner: This part of the Bill deals with risk assessments and the restriction of importation and acquisition of precision bred organisms in England. I am interested to hear what the Minister has to say. Given our debate on the very concept of the category and the fact that there are other, similar categories, some interesting questions are raised about who will determine it and how it will work with the other categories established in other jurisdictions. In itself, that is an interesting question.

For the purpose of the amendments, we note that the clause states that regulations “may” make provision to require a person to carry out environmental risk assessments. This is for veterans of the Environment Bill discussions, who will know that we had many “may” or “must” amendments, and long discussion as to whether that was reasonable. The clause, quite reasonably, gives the Government discretion on whether regulations happen at all, sooner or later. I understand why Government might want that discretion, but it poses the question why the provision is here and, if it is important, why it is not being implemented quickly. I will seek the Minister’s guidance on thinking behind it.

We can see why that matters, so one of our amendments is to turn “may” into “must”, and the other—guess what—is on the issue of the negative or the affirmative procedure. We think that is important too. It raises all the questions of what we think is reasonable for people here to do and for people elsewhere to do, and the relationship between them, while not putting our own people at a disadvantage. It is familiar ground in some ways for the wider arguments. We want to see it settled more precisely in the Bill and to have the opportunity to consider it again when the Government feel the time is right to bring a provision forward. I will listen closely to the Minister’s observations.

Deidre Brock (Edinburgh North and Leith) (SNP): I seek clarification from the Minister on a point arising from the clause. It is about whether the passing of the Bill will open the UK to gene edited organisms from other countries that have adopted such practices to a greater extent than has been the case up to now or, indeed, to the extent that there has been a case up to now. I am interested to hear the Minister.

Jo Churchill: I thank the hon. Member for Cambridge for introducing amendment 19, although he will not be surprised to hear that I do not think it is necessary. The clause contains the power to maintain the current risk assessment requirements that apply in relation to precision bred plants and animals that are imported or acquired for use in contained-use conditions, such as laboratories, glasshouses and animal-rearing facilities. The amendment is not needed because we want to maintain the proportionate science-based approach to the regulation that has enabled the UK’s research community to carry out world-class science under contained-use conditions, such as in laboratories.

The Government have been clear that we do not intend to make changes to the existing substantive policy position in relation to the contained-use regime, because it is agreed to be fine. The power in the clause allows the existing position to be maintained. The Secretary of State intends to make use of the power for this purpose; there is no need to require him to do so. Risk assessments are essential, and we want to make sure that we cover all the bases and maintain the status quo, rather than introduce a new arrangement.

The hon. Member for Edinburgh North and Leith asked about imports. If our regulatory environment is more proportionate, I expect that to encourage other scientists to base their research here and work with our scientists. The clause is about maintaining the status quo and not making changes to the policy on the contained-use regime.

Deidre Brock: Is the Minister saying that the clause relates only to organisms produced through scientific research, not to commercial production?

Jo Churchill: Through scientific research.

In amendment 16, the hon. Member for Cambridge proposes to provide for further parliamentary scrutiny of the provisions on environmental risk assessments that may be required before importing a precision bred organisation into England, or acquiring a precision bred organism that is in England. The amendment is not needed because, in the case of clause 17, the affirmative procedure would not be meaningful. I want to reassure

all hon. Members that this power does not signal a change in policy, but we think it appropriate to set out the relevant obligations in regulations. The corresponding provision in the Environmental Protection Act 1990 allows for the details of risk assessment to be set out in regulations, together with the exemption provisions. The regulations will be concerned primarily with the details of the nature of the risk assessment to be carried out, which makes them appropriate to be subject to the negative procedure. I urge the hon. Gentleman not to press his amendments.

On whether clause 17 should stand part of the Bill, I remind the Committee of the evidence we heard last week that precision bred plants and animals do not present a greater risk to human health or the environment than their conventional counterparts. As such, the Government do not intend to introduce additional risk assessment requirements for organisms of this type that are imported or acquired when they are released into the environment. Our approach is to maintain the proportionate science-based approach to regulation that has enabled the UK’s research community to carry out world-leading science under contained-use conditions, such as in laboratories. I think we all agree that we are exceptionally lucky to have such individuals across the UK. The powers in the clause will enable the Government to make regulations to maintain the risk assessment requirements that currently apply to precision bred organisms imported or acquired for contained use under the genetically modified organism legislation, from which they will be removed.

Daniel Zeichner: How interesting. Once again, it seems to me that the Minister’s explanation says a lot more than is in the Bill. The hon. Member for Edinburgh North and Leith raised a good point. As I read the clause, it does not seem to me to say what the Minister has just explained.

Deidre Brock: Having looked at the clause again, I am struggling to see where it specifies that it applies only to the importation of organisms that will be used in scientific research, or are the products of scientific research, and purely that and not for commercial use.

Daniel Zeichner: Absolutely. I suspect that the answer will probably come later in secondary legislation, which will clarify the matter. That is the ongoing problem that we have, because it is very hard to discern the answers from the Bill. There seems to be a logical problem in saying that the current situation will continue when we are introducing the notion of a precision bred organism. We can hardly be carrying forward the current framework when we are introducing something new. I understand the intention, as explained by the Minister, but it seems a long way from how the Bill is drafted. I still think that creates a logical problem in terms of who defines a precision bred organism from another jurisdiction, given that those other jurisdictions do not recognise the term and use a different one.

3.45 pm

A whole series of problems are wrapped up in the Bill, which I suppose the Government can solve simply by not enacting them. I suppose that that is the force of the “may”, rather than “must”. I struggle a little with this when we have such limited information to go on.

We have a sense that the issue is quite important given that we are bound by an international treaty—I can hardly finish the sentence without making the obvious point—that we signed, the Cartagena protocol. There will be issues of interpretation about the protocol when we issue a new category. If we are trying to work out how that will apply to goods as well as to the more limited category to which the Minister referred, we will need a lot more detail to ensure that any of it will work. On that basis, I suspect that we will vote on the amendment, although I will switch the amendments round. I beg to ask leave to withdraw amendment 19 and I will press amendment 16.

Amendment, by leave, withdrawn.

Amendment proposed: 16, in Clause 17, page 12, line 22, leave out “negative” and insert “affirmative”—(*Daniel Zeichner.*)

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 10.

Division No. 9]

AYES

Brock, Deidre	McCarthy, Kerry
Glendon, Mary	
Green, Kate	Zeichner, Daniel

NOES

Bowie, Andrew	Howell, John
Churchill, Jo	Jenkinson, Mark
Clarke-Smith, Brendan	Johnson, Gareth
Duguid, David	Jones, Fay
Fletcher, Katherine	Shelbrooke, rh Alec

Question accordingly negated.

Clause 17 ordered to stand part of the Bill.

Clause 18

PRECISION BREEDING REGISTER

Daniel Zeichner: I beg to move amendment 17, in Clause 18, page 13, line 16, leave out “negative” and insert “affirmative”

The Chair: With this it will be convenient to consider clause stand part.

Daniel Zeichner: As I made clear on Second Reading, it is absolutely clear that consumers want information about what they are eating and where it has come from. Excellent research by the Food Standards Agency has found that most consumers think it is appropriate to regulate gene edited foods differently from genetically modified foods, but that they want transparent labelling, reassurance about the thoroughness of regulation and safety assessments, and consideration of animal welfare impacts. I suspect that we will talk more about that as we proceed with our consideration of the Bill. We have already discussed the animal welfare impacts, but clause 18 includes some important points on this front.

The clause will establish a publicly available register of precision bred organisms, which we welcome, and lays out the sort of information that the register might

include, ranging from release notices to information provided by the welfare advisory body. However, the clause also states that the Secretary of State can disapply those requirements in the interests of commercial confidentiality, requiring only disclosure of the name of the notifier and a general description of the organism. Something tells me that quite a lot of applications will cite commercial confidentiality. Given the importance of transparent information to consumers, and the lack of any explicit labelling requirements in the Bill as it stands, the very least we need is a strong and publicly accessible register.

The importance of nutritional and allergen information was raised several times in our evidence sessions. Despite the Government giving a reassurance on nutritional labelling, these promises are not made in the Bill, so far as we can see, so the register is the only public source of information that is absolutely guaranteed within it. If a plant or animal has been gene edited so that its nutritional content differs from its natural content—we have talked repeatedly about tomatoes with high levels of vitamin D, for example—consumers might need to know about that. My constituent with a vitamin D allergy will need to know if she can no longer buy certain tomatoes. I pursued that with one or two witnesses in evidence, and we will come back to it.

Given that the register might be the only mechanism by which people can find that out, it is important that we consider more closely what it will contain and, in particular, how the commercial confidentiality provisions will work. If every application is subject to commercial confidentiality, the register really will not achieve the purpose that the Government have set out. However, as I tried to pursue with one or two witnesses, when we look at the impact assessment, we see that the purpose of the register is not so much to inform the public as to check whether more registrations are coming forward—in other words, to see whether the deregulatory intent behind the Bill has had an effect. We have not discussed that until now, but it seems rather different from what most of us understand the purpose of the register to be. There are issues with the register that we think will need to be revisited when it is introduced in secondary legislation. I suspect that the Minister will not agree and that the Committee will have to vote on this, but I will listen to her comments with interest.

Jo Churchill: I will not disappoint the hon. Gentleman, because I do not agree. The amendment is not needed, because in the context of clause 18 it would not be meaningful. This power does not warrant a change in policy, as all key substantive requirements in respect of the register are set out in the Bill, so it is appropriate for the regulations to be subject to the negative procedure.

However, I hope that the hon. Gentleman will find a little more light when I speak on clause stand part. In line with our commitment to transparency, clause 18 imposes a duty on the Secretary of State to maintain a new public register, which the hon. Gentleman welcomed in his comments. The register will include information on precision bred organisms that have been notified for release into the environment for research and development, as well as for marketing purposes. As we have discussed during the course of the day, those will have passed other frameworks in order to get to that point.

The register will contain information provided in notifications as well as further information, such as reports from the advisory committee and the welfare advisory body, enforcement notices and other information relating to precision bred organisms set out in this clause and prescribed in regulations. The register will provide transparency and assure the public that the Government have oversight of plants and animals developed using such techniques. The register will be kept electronically in a free and accessible form on gov.uk.

The hon. Gentleman made a specific point about food, which we have touched on—Professor May's evidence was good. The hon. Gentleman will have noticed that the FSA has sent further information overnight. The product in the example that he gave would be subject to the FSA's procedure before the it arrived on the market, so it could be labelled to outline the health benefits for 2.5 billion people across the globe, while alerting constituents such as his, who might wish to steer away from it. On the basis that we are offering transparency, I urge the hon. Gentleman to withdraw his amendment, and I commend the clause to the Committee.

Daniel Zeichner: Once again, I hear the Minister's point, and again, the additional information from the Food Standards Agency, which I suspect we will look at more closely as we proceed, is helpful. It occasionally feels as if I am in a very large room with the lights off, holding a very small torch, and every now and then, I turn it on and can gradually discern part of the structure emerging. I have a feeling that the Minister has had the lights on the whole time. That is the problem: we are beginning, bit by bit, to get a sense of how the measures might work, but if we are trying to persuade the wider world about how the system will work, it would be better to turn the lights on at the beginning.

I still think there is some difficulty. Yes, we welcome the register, but I notice that the Minister did not address commercial confidentiality. I appreciate that that is not simple, but there is a danger that the register ends up being very limited indeed, and that would be disappointing. I would much rather have the opportunity to look at the matter again later as the secondary legislation comes through, because it is too important to go through without further consideration. On that basis, I will divide the Committee on the amendment.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 10]

AYES

Glendon, Mary
Green, Kate

McCarthy, Kerry
Zeichner, Daniel

NOES

Bowie, Andrew
Churchill, Jo
Clarke-Smith, Brendan
Duguid, David
Fletcher, Katherine

Howell, John
Jenkinson, Mark
Johnson, Gareth
Jones, Fay
Shelbrooke, rh Alec

Question accordingly negated.

Clause 18 ordered to stand part of the Bill.

Clause 19

INSPECTORS

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

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

Clause 20 stand part.

Clause 21 stand part.

4 pm

Jo Churchill: We come now to the clauses pertaining to monitoring and inspection. As no amendments have been tabled, I anticipate the Committee will assist me by passing this part of the Bill.

Clause 19 gives the Secretary of State the power to appoint inspectors to carry out enforcement of the obligations in part 2 of the Bill that relate to the release and marketing of precision bred organisms. The clause also contains the standard provision that protects inspectors from personal liability for actions taken in good faith in the purported exercise of their functions, while ensuring that the inspectorate remains accountable for its actions.

Under clause 20, the obligations created by the Bill will be backed by proportionate sanctions to encourage compliance. The Government want to provide inspectors with powers to inspect premises, gather evidence and to issue enforcement notices, stop notices and fines if they find evidence of non-compliance with the obligations imposed by the Bill and by delegated legislation made under the Bill.

The Government plan to use the same inspectorate that currently undertakes inspection and enforcement functions under part 6 of the Environmental Protection Act 1990, the Genetic Modification Inspectorate, to undertake inspection and enforcement functions in relation to the regulatory regime for precision bred organisms. Experts in other subject matters may need to be present at some inspections—for example, vets, where there is an inspection that relates to animals. We want to allow for the inspectors to be accompanied by such experts when an inspector considers it necessary.

We believe that the clause provides for an effective and proportionate inspection regime, with appropriate safeguards. For instance, the power of entry would be exercisable in relation to private dwellings only with the occupier's consent or a warrant. The inspectors will have powers to inspect and search premises, organisms and documents, to take photographs and copies and to take samples.

Clause 21 defines a “part 2 obligation”, a key term used in the Bill to describe obligations under part 2 that can be subject to enforcement through civil sanctions and to set the remits of inspectors' powers under the Bill and secondary legislation made under it. That will help developers and stakeholders better to understand their obligations under part 2, which can be subject to inspection and enforcement. Further, the clause allows regulations to treat the provision of false information in an application as a failure to comply with a part 2 obligation. That would enable inspectors to check whether false information has been provided and to issue enforcement notices if the evidence shows that it has.

Daniel Zeichner: It is interesting to note that suddenly we have a wealth of detail, but it is not entirely clear how that fits with some of previous bodies we have discussed. Is the regulator part of some new organisation that sits next to ACRE? Is it part of the welfare body, or is it something separate, again? We have some difficulty understanding exactly how all this fits together. It is quite interesting to look at the impact assessment of the number of applications that the Department anticipates. The spectrum outlined starts at zero over the next few years, which rather makes this a pointless exercise, frankly. We hope that the applications are not at that end of the spectrum. We believe that they will range from a medium position up to an upper band of, I believe, 18. I anticipate that with the animal aspects coming forward, possibly one would expect to see more applications. I believe that it is more oriented towards animal welfare aspects than to crop protection, but who knows? That is the truth.

It is quite hard to comment on the clauses, other than to say that the monitoring regime is welcome, and that the inspection regime is welcome. It is still a bit of a puzzle to see how it all fits together. We have no amendments tabled and no objection to the clauses, but we would like a better account of how the system fits together, not least because if we did have that, it would be much easier to explain to the public why they should have confidence in it. It is quite hard to explain that as the system emerges through this rather curious process.

Question put and agreed to.

Clause 19 accordingly ordered to stand part of the Bill.

Clauses 20 and 21 ordered to stand part of the Bill.

Clause 22

ADVISORY BODIES

Daniel Zeichner: I beg to move amendment 18, in clause 22, page 15, line 26, leave out “negative” and insert “affirmative”.

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

Clause stand part.

Clause 23 stand part.

Clause 24 stand part.

Amendment 20, in clause 25, page 16, line 19, leave out “may” and insert “must”.

Amendment 9, in clause 25, page 16, line 24, at end insert—

“(1A) In making regulations under this section the Secretary of State must consider (among other things) the possible direct or indirect adverse impact of precision breeding traits on the—

- (a) respiratory system,
- (b) cardiovascular system,
- (c) immune system,
- (d) bone strength,
- (e) mobility, and
- (f) ability to exhibit normal behaviour patterns

of precision bred animals and their qualifying progeny.”

Clause 25 stand part.

Daniel Zeichner: Amendment 18 is another that seeks to replace the negative procedure with the affirmative procedure. Much has been said about the advisory bodies in the Bill—that is the point we are reaching in the clauses. We understand—because it is outlined in clause 22(1), which contains a reference to the Environmental Protection Act 1990—that ACRE will be the advisory committee that considers whether precision bred organisms are indeed precision bred. We are familiar with ACRE, a senior member of which gave oral evidence.

As I hinted in my previous comments, however, the welfare advisory body that considers the impacts on animal welfare is much less clearly defined. The Bill allows for that body to be an existing committee or a new one. Much of the administrative set up of the Committee, and details on how it will operate, are—guess what?—being left to secondary legislation.

Had the Bill not been drafted in such haste, and had the Government determined those details, we would not have felt the need to table so many new clauses. This is a framework Bill. It is a far-from-satisfactory piece of legislation that, as I have just explained, makes it quite hard to work out how the whole system will function. In the light of the role that the welfare advisory body will play in making important considerations about the welfare, pain and health of animals that we now all agree are sentient beings, the provisions in clause 22 should be laid under the affirmative procedure, not the negative procedure. We have tabled amendment 18 to that effect.

I mentioned that I would come to the definition of “adverse effects”, which are referenced in clause 25 but are not laid out in full. That clause states simply that “regulations may prescribe” what is considered an adverse effect on the health or welfare of an animal. As this matter underpins the Bill, and given the ability of the welfare body to consider applications, I believe that that necessary requirement should be a “must” rather than a “may”. We have tabled amendment 20 to that effect.

Amendment 9 was tabled to give examples of what the Bill should consider when it comes to adverse welfare effects, such as the impact of precision breeding traits on the respiratory system, on the immune system and on the ability to exhibit normal behaviour patterns. There is a fairly familiar pattern in what we are seeking to achieve through our amendments, and I suspect that I know what the Minister’s answer will be.

Jo Churchill: I thank the hon. Gentleman for tabling amendment 18, but he will not be surprised to hear that I do not feel that it is necessary. In the case of the measures in clause 22, the affirmative procedure would be inappropriate. The identity of the welfare body will be of interest to Parliament. The appointment itself is a straightforward administrative matter, and it is therefore appropriate for the regulations to be subject to the negative procedure. I urge the hon. Gentleman to withdraw the amendment.

Daniel Zeichner: Almost inevitably, I disagree. The measures are of considerable significance and public interest, so I will press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 11]

AYES

Glindon, Mary	McCarthy, Kerry
Green, Kate	Zeichner, Daniel

NOES

Bowie, Andrew	Howell, John
Churchill, Jo	Jenkinson, Mark
Clarke-Smith, Brendan	Johnson, Gareth
Duguid, David	Jones, Fay
Fletcher, Katherine	Shelbrooke, rh Alec

Question accordingly negatived.

Clause 22 ordered to stand part of the Bill.

Clauses 23 and 24 ordered to stand part of the Bill.

Amendment proposed: 20, in clause 25, page 16, line 19, leave out “may” and insert “must”—(Daniel Zeichner.)

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 10.

Division No. 12]

AYES

Glindon, Mary	McCarthy, Kerry
Green, Kate	Zeichner, Daniel

NOES

Bowie, Andrew	Howell, John
Churchill, Jo	Jenkinson, Mark
Clarke-Smith, Brendan	Johnson, Gareth
Duguid, David	Jones, Fay
Fletcher, Katherine	Shelbrooke, rh Alec

Question accordingly negatived.

Clause 25 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned.—(Gareth Johnson.)

4.12 pm

Adjourned till Thursday 7 July at half-past Eleven o'clock.

Written evidence reported to the House

GTB11 Crustacean Compassion

GTB12 Dr Janet Cotter, Environmental Logos

GTB13 Organic Farmers & Growers CIC

GTB14 Soil Association

GTB15 GM Freeze

GTB16 Professor Martin Warren, on behalf of Quadram
Institute Bioscience