

GENETIC TECHNOLOGY (PRECISION BREEDING) BILL

EXPLANATORY NOTES ON LORDS

AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Lords Amendments to the Genetic Technology (Precision Breeding) Bill as brought from the House of Lords on Thursday 2 February 2023 and published in the Commons as Bill 242.
- 2 These Explanatory Notes have been prepared by the Department for Environment, Food and Rural Affairs in order to assist the reader of the Bill and the Lords amendments, and to help inform debate on the Lords amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Lords amendments themselves, refer to HL Bill 95, the Bill as first printed for the Lords.
- 4 These Explanatory Notes need to be read in conjunction with the Lords amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Lords amendments.
- 5 Lords Amendments 1 to 17 were tabled in the name of the Minister.

Commentary on Lords amendments

Lords Amendments to Clause 1: Precision bred organism

Lords Amendment 1

- 6 Lords Amendment 1 removes Clause 1(2)(c)(ii) so that the test for genetic features of a precision bred organism is limited to those which could have arisen by traditional processes as set out in Clause 1(7). It also further limits the test in Clause 1(2)(c) so that it only applies to genetic features produced using a modern biotechnology (whether or not in conjunction with selection techniques).

Lords Amendment 2

- 7 Lords Amendment 2 inserts a new subsection, Clause 1(2)(d). It provides that a precision bred organism may not contain genetic features that result from artificial modification techniques other than modern biotechnology as defined in clause 1(3).

Lords Amendment 3

- 8 Lords Amendment 3 removes Clause 1(6), which limited genetic features that were acceptable in a precision bred organism to those which arose as a result of ‘Natural Transformation’.

Lords Amendment 4

- 9 Lords Amendment 4 provides for a new subsection that defines artificial modification in line with Part 6 of the Environmental Protection Act 1990 (which deals with genetically modified organisms). It is consequential on amendment 2.

Lords Amendment 5

- 10 Lords Amendment 5 is a minor and technical amendment that alters Clause 1(8) so that reference to artificial modification techniques relates to “genes or other genetic material” instead of to “organisms”. This ensures that the clause reflects the language in the Genetically Modified (Deliberate Release) Regulations 2002, to which it relates.

Lords Amendment 6

- 11 Lords Amendment 6 provides for two new subsections that ensure an organism does not fail to be a precision bred organism by reason only of it having features which have been introduced using artificial modification technique, where these techniques are specifically exempt from being genetically modified by virtue of provisions in the Genetically Modified (Deliberate Release) Regulations 2002.

Lords Amendments to Clause 4: Release of precision bred organism: notification requirements

Lords Amendment 7

- 12 Lords Amendment 7 is consequential on Lords Amendment 8 (see next paragraph) and will ensure that regulations under clause 4(1)(b) (to make provisions for any minimum period prescribed by regulations for release notices) remain subject to the negative procedure.

Lords Amendment 8

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- 13 Lords Amendment 8 provides for regulations under Clause 4(3) to be subject to the affirmative procedure. This will increase the level of Parliamentary scrutiny when the powers are used to prescribe the information that must be provided to the Secretary of State by a person who wishes to release a precision bred organism.

Lords Amendments to Clause 6: Application for precision bred confirmation

Lords Amendment 9

- 14 Lords Amendment 9 provides for regulations under Clause 6(2) to be subject to the affirmative procedure. This will increase the level of Parliamentary scrutiny when the powers are used to prescribe the information that must be provided to the Secretary of State by a person who wishes to market a precision bred organism.

Lords Amendments to Clause 11: Application for precision bred animal marketing authorisation

Lords Amendment 10

- 15 Lords Amendment 10 provides for regulations under Clause 11(5) to be subject to the affirmative procedure. This will increase the level of Parliamentary scrutiny when the powers are used to prescribe the regulatory measures designed to safeguard animal welfare.

Lords Amendment 11

- 16 Lords Amendment 11 is consequential on the previous amendment to Clause 11 and will ensure that regulations under clause 11(9) (prescribing circumstances in which an application for a precision bred authorisation in relation to a relevant animal may be made) remain subject to the negative procedure.

Lords Amendments to Clause 18: Precision breeding register

Lords Amendment 12

- 17 Lords Amendment 12 provides for regulations under Clause 18(1) to be subject to the affirmative procedure. This will increase scrutiny when powers are used to prescribe information that must be included in the precision breeding register.

Lords Amendment 13

- 18 Lords Amendment 13 is consequential on the previous amendment to Clause 18 and will ensure that regulations under clause 18(6) (to make provision for the keeping of the register) remain subject to the negative procedure.

Lords Amendments to Clause 21: Meaning of “Part 2 obligation”

Lords Amendment 14

- 19 Lords Amendment 14 makes clear that the reference to a relevant obligation in Clause 21(3)(a) is to a Part 2 obligation.

Lords Amendments to Clause 22: Advisory bodies

Lords Amendment 15

- 20 Lords Amendment 15 provides for regulations under Clause 22(3) to be subject to the affirmative procedure. This will increase scrutiny when powers are used to prescribe the designation of the animal welfare advisory body.

Lords Amendments to Clause 29: Meaning of “Part 3 obligation”

Lords Amendment 16

- 21 Lords Amendment 16 makes clear that the reference to a relevant obligation in Clause 29(4)(a) is to a Part 3 obligation.

Lords Amendments to Clause 44: Interpretation

Lords Amendment 17

- 22 Lords Amendment 17 inserts a reminder into the definition of “notifier” (which is defined in relation to a marketing notice) that where a different person applies for a precision bred animal marketing authorisation, the meaning can be modified by regulations under Clause 11(9) in relation to the application and the authorisation.

Financial Implications

- 23 There are no financial implications related to the Lords Amendments.

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