

Genetic Technology (Precision Breeding) Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 1

LORD BENYON

Clause 1, page 1, line 11, leave out from “genome” to end of line 14 and insert “that results from the application of modern biotechnology could have resulted from traditional processes, whether or not in conjunction with selection techniques, alone,”

Member's explanatory statement

This amendment would limit the test in clause 1(2)(c) to features of a precision bred organism's genome that result from the application of modern biotechnology and would require them to be capable of resulting just from traditional processes (whether or not in conjunction with selection techniques).

LORD BENYON

Clause 1, page 1, line 14, at end insert “and

- (d) its genome does not contain any feature that results from the application of any artificial modification technique other than modern biotechnology.”

Member's explanatory statement

This amendment would introduce a new requirement to ensure that the genome of a precision bred organism could not contain features that result from artificial modification techniques that are not modern biotechnology within the meaning of the Bill.

LORD BENYON

Clause 1, page 2, line 3, leave out subsection (6)

Member's explanatory statement

This amendment would omit clause 1(6), which defines “natural transformation”. It is consequential on the Minister's first amendment to clause 1 which would remove clause 1(2)(c)(ii).

LORD KREBS

Clause 1, page 2, line 5, leave out “functional protein” and insert “change in the phenotype”

Member's explanatory statement

This amendment tightens the restrictions on any residual exogenous DNA that might result from gene editing.

LORD BENYON

Clause 1, page 2, line 25, at end insert –

“(7A) An “artificial modification technique” means any technique by which genes or other genetic material can be artificially modified within the meaning of Part 6 of the Environmental Protection Act 1990 (as it has effect from time to time).”

Member's explanatory statement

This amendment would define artificial modification techniques in line with Part 6 of the Environmental Protection Act 1990 (which deals with genetically modified organisms).

LORD BENYON

Clause 1, page 2, line 26, leave out “an organism is” and insert “genes or other genetic material are”

Member's explanatory statement

This amendment is a technical amendment so that subsection (8) reflects the language of the definition of “artificially modified” in the Genetically Modified Organisms (Deliberate Release) Regulations 2002, which is expressed in relation to genes or other genetic material, rather than the organisms. It would not make a substantive change.

LORD BENYON

Clause 1, page 2, line 35, at end insert –

“(10) An organism to which subsection (11) applies does not fail to be precision bred merely because it does not meet the condition in subsection (2)(d).”

(11) This subsection applies to an organism which, for the purposes of Part 6 of the Environmental Protection Act 1990, is to be taken not to be a genetically modified organism by virtue of –

- (a) paragraph (3) of the regulation referred to in subsection (8)(a), or
- (b) regulations under subsection (4C) of section 106 of that Act.”

Member's explanatory statement

This amendment would ensure that an organism will not fail to be a precision bred organism by reason only of the new test introduced by the Minister's second amendment to clause 1 if it is to be taken not to be a genetically modified organism by virtue of the provisions referred to in subsection (11)(a) and (b).

Clause 3

BARONESS HAYMAN OF ULLOCK
BARONESS PARMINTER

Clause 3, page 3, line 24, after “unless” insert “, in relation to a precision bred animal, the date condition in section (*Entry into force of provisions relating to animals*) has been met, and unless”

Member's explanatory statement

This amendment would prevent a precision bred animal from being released unless the date condition in a later Clause in the name of Baroness Hayman of Ullock has been met. Taken collectively, these amendments would ensure a phasing in of the animal provisions in the Bill.

Clause 4

LORD BENYON

Clause 4, page 4, line 24, leave out “this section” and insert “subsection (1)(b)”

Member's explanatory statement

This amendment is consequential on the Minister's next amendment to clause 4.

LORD BENYON

Clause 4, page 4, line 24, at end insert—

“(7) Regulations under subsection (3) are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would provide for regulations under clause 4(3) to be subject to the affirmative procedure.

Clause 6

LORD BENYON

Clause 6, page 5, line 31, leave out “negative” and insert “affirmative”

Member's explanatory statement

This amendment would provide for regulations under clause 6(2) to be subject to the affirmative procedure.

Clause 11

LORD BENYON

Clause 11, page 8, line 24, at end insert –

“(9A) Regulations under subsection (5) are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would provide for regulations under clause 11(5) to be subject to the affirmative procedure.

LORD BENYON

Clause 11, page 8, line 25, leave out “this section” and insert “subsection (9)”

Member's explanatory statement

This amendment is consequential on the Minister's previous amendment to clause 11.

Clause 12

BARONESS JONES OF WHITCHURCH
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Clause 12, page 8, line 30, at end insert –

- “(za) whether the welfare advisory body is satisfied that the notifier has a record of acting in a manner which is consistent with the requirements applicable to the notifier which are laid out in –
- (i) the Human Fertilisation and Embryology Act 1990,
 - (ii) the Animal Welfare Act 2006, and
 - (iii) any other enactment which the welfare advisory body deems relevant,”

Member's explanatory statement

This amendment makes clear that in addition to considering information submitted by the notifier, the welfare advisory body should satisfy itself that the notifier has a record of acting in a manner which is consistent with research and animal welfare requirements outlined in various other Acts of Parliament.

BARONESS JONES OF WHITCHURCH
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Clause 12, page 8, line 39, after “paragraphs” insert “(za),”

Member's explanatory statement

This amendment is consequential on a previous amendment in the name of Baroness Jones of Whitchurch, and ensures the welfare advisory body provides reasons for any advice offered to the Secretary of State under that amendment.

After Clause 12

BARONESS JONES OF WHITCHURCH

After Clause 12, insert the following new Clause—

“Additional factors to be considered in relation to a precision bred animal marketing authorisation

- (1) When producing a report under section 12, the welfare advisory body may choose to consider the factors listed in subsection (3).
- (2) In the event that a report of the welfare advisory body does not consider the factors listed in subsection (3), the Secretary of State must do so prior to making a decision under section 13(1) regarding the issuing of a precision bred animal marketing authorisation.
- (3) The additional factors to be considered in relation to a precision bred animal marketing authorisation are—
 - (a) whether the precision bred traits will have a direct or indirect adverse effect on the health or welfare of the relevant animal or its qualifying progeny,
 - (b) whether the relevant animal or its qualifying progeny are likely to experience pain, suffering or lasting harm arising from or connected with precision bred traits that aim to produce increased yields, faster growth or any other increase in productivity, and
 - (c) 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 health or welfare.”

Member's explanatory statement

This new Clause would introduce a small number of additional animal welfare factors to be considered by the welfare advisory body or Secretary of State prior to the granting of a precision bred animal marketing authorisation.

Clause 18

LORD BENYON

Clause 18, page 13, line 16, at end insert—

“(6A) Regulations under subsection (1) are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would provide for regulations under clause 18(1) to be subject to the affirmative procedure.

LORD BENYON

Clause 18, page 13, line 17, leave out “this section” and insert “subsection (6)”

Member's explanatory statement

This amendment is consequential on the Minister's previous amendment to clause 18.

Clause 22

LORD BENYON

Clause 22, page 15, line 27, leave out “negative” and insert “affirmative”

Member's explanatory statement

This amendment would provide for regulations under clause 22(3) to be subject to the affirmative procedure.

After Clause 47

BARONESS HAYMAN OF ULLOCK
BARONESS PARMINTER

After Clause 47, insert the following new Clause –

“Entry into force of provisions relating to animals

- (1) The Secretary of State may not make regulations using powers contained in Parts 2 to 4 of this Act unless the date condition has been met and the guidance and evidence condition has been met.
- (2) The date condition is that, in relation to farm animals, the date is no earlier than 1 January 2026, and, in relation to other animals, the date is no earlier than 1 January 2028.
- (3) The guidance and evidence condition is that the Secretary of State has laid before each House of Parliament a statement confirming that, in the Secretary of State's view –
 - (a) all necessary guidance for persons making applications under sections 6 and 11 has been published, and
 - (b) scientific evidence supports the extension of those application processes to animals.
- (4) The Secretary of State may, by regulations, amend the dates listed in subsection (2) if the requirement under subsection (3) is met before the dates originally stated in subsection (2).
- (5) Regulations under subsection (4) are subject to the affirmative procedure.”

Member's explanatory statement

This new Clause would prevent regulations that bring into force the ability to release and market precision bred animals from being made before specified dates. Before commencing the relevant provisions, the Secretary of State would have to lay a statement confirming that (1) relevant guidance has been published, and (2) they are satisfied that their approach is supported by scientific evidence. The timetable could be accelerated should scientific opinion support this.

Clause 48

BARONESS HAYMAN OF ULLOCK
BARONESS PARMINTER

Clause 48, page 30, line 25, after “regulations” insert “relating to plants”

Member's explanatory statement

This amendment is consequential on a new Clause in the name of Baroness Hayman of Ullock. It makes clear that the regulation-making powers under Parts 2 to 4 of the Bill which come into force on the day the Act is passed only apply in relation to plants.

BARONESS HAYMAN OF ULLOCK
BARONESS PARMINTER

Clause 48, page 30, line 25, at end insert –

“(aa) so far as necessary to enable the exercise of any power to make regulations relating to animals, in accordance with the date condition and guidance and evidence condition set out in section (*Entry into force of provisions relating to animals*);”

Member's explanatory statement

This amendment is consequential on a new Clause in the name of Baroness Hayman of Ullock. It makes clear that the regulation-making powers under Parts 2 to 4 of the Bill which relate to animals may only be exercised once the conditions in the new Clause have been met.

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