

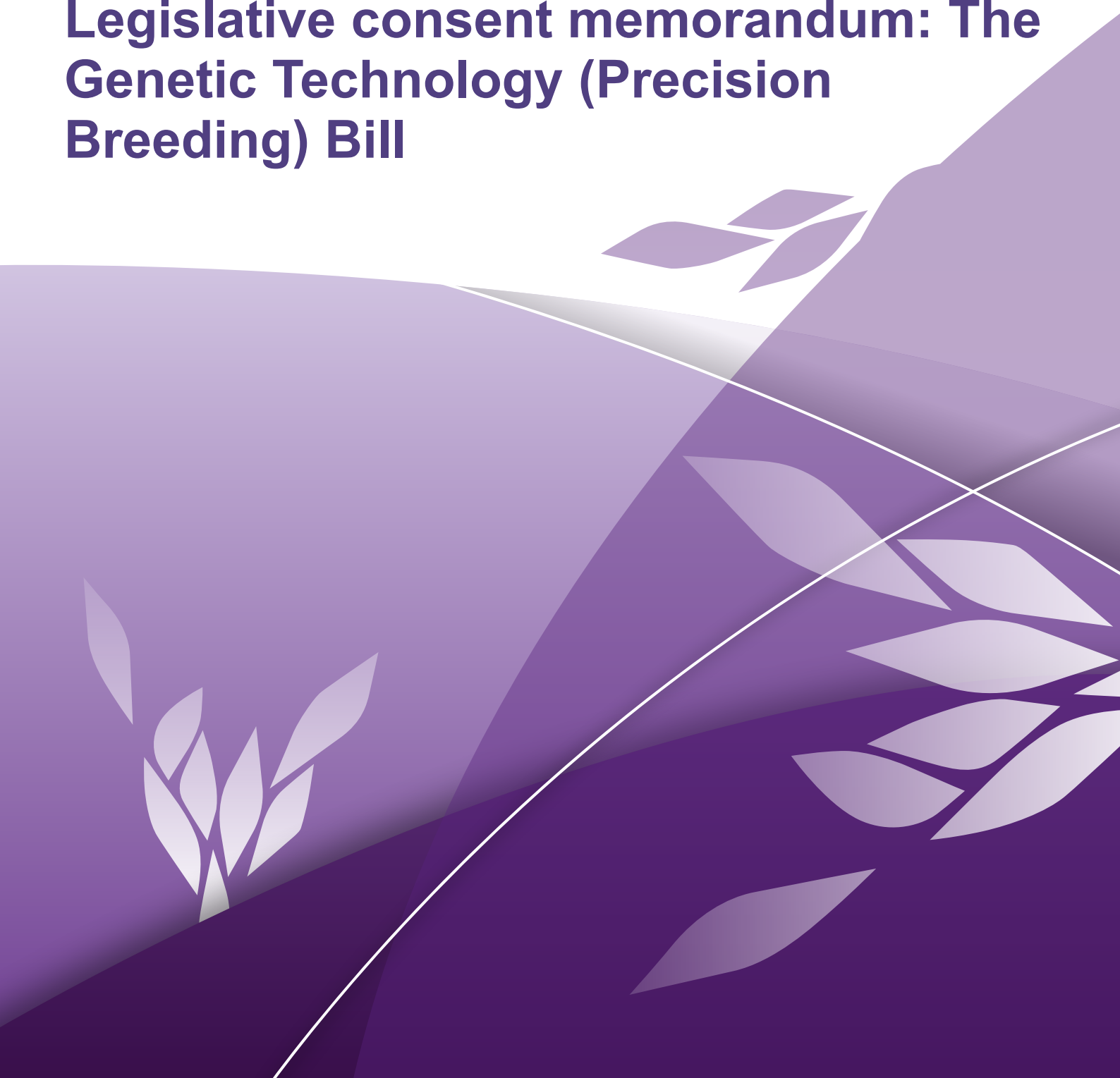


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## **Rural Affairs, Islands and Natural Environment Committee**

# **Legislative consent memorandum: The Genetic Technology (Precision Breeding) Bill**



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# Rural Affairs, Islands and Natural Environment Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs and Islands.



[rural.committee@parliament.scot](mailto:rural.committee@parliament.scot)

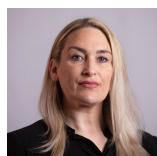
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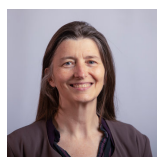
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**Mercedes Villalba**  
Scottish Labour

# Genetic Technology (Precision Breeding) Bill

1. The [Genetic Technology \(Precision Breeding\) Bill](#) was introduced in the House of Commons on 25 May 2022.
2. The LCM states the purpose of the Bill is to “remove the plants and animals produced using modern biotechnologies, and the food and feed derived from them, from genetically modified organisms (GMO) regulations if every feature of its genome could have occurred naturally or been produced by traditional methods”.
3. Further information about the Bill is available in a [House of Commons Library briefing](#).

# Legislative consent memorandum

4. The [legislative consent memorandum](#) (LCM) was lodged on 12 December 2022.
5. The LCM states the substantive provisions of the Bill do not relate to Scotland or the Scottish Parliament's legislative competence.
6. The LCM states that the only provision which relates to Scotland and the Scottish Parliament's legislative competence is clause 42. Clause 42 would provide the Secretary of State with the power to make "supplementary, incidental or consequential provision in connection with any provision of or made under this Act" (Clause 42(1)). The LCM also sets out three further powers which relate to Scotland, but which do not require the consent of the Scottish Parliament.
7. The LCM states the Scottish Ministers do not recommend consent to the Bill as clause 42 would permit the Secretary of State to amend devolved legislation related to the substantive purpose of the Bill. In particular, the LCM states the Bill "undermines devolution" because—
  - ” As currently drafted, there is no requirement for Scottish Ministers to consent to secondary legislation relating to Scotland made under this power. Also there is unlikely to be any opportunity for the Scottish Parliament to scrutinise regulations made under this power where they contain devolved provision. This is therefore a constitutional impingement which represents an erosion of devolved competence.
8. The LCM also states the 2021 DEFRA consultation on the regulation of genetic technologies in England did not set out that powers would be taken that extend to Scotland. It also states that there would be no financial implications resulting from the Bill.
9. The [Minister for the Environment and Land Reform wrote to the Committee on 10 January](#) to draw members' attention to the likely impacts of this Bill on Scotland as result of the UK Internal Market Act 2020.

## Committee consideration

10. The Committee issued a call for views on the LCM and received 11 responses. The [responses are available on the Committee's webpages](#).
11. The Committee considered the LCM on 25 January 2023, when it took evidence from the Minister for Environment and Land Reform and Scottish Government officials.



## Conclusion

12. The Committee agreed with the Scottish Government's position to not recommend consent to the Bill.
13. The Committee also agreed it was disappointed that UK legislation would give the Secretary of State regulation-making powers in the Scottish Parliament's legislative competence without also requiring consultation with Scottish Ministers in advance. The Committee notes this means there would not be the opportunity for the Scottish Parliament to scrutinise the proposed use of these regulation-making powers.

