

Rural Affairs, Islands and Natural Environment Committee

2nd Meeting, 2023 (Session 6), Wednesday, 25 January

Genetic Technology (Precision Breeding) Bill LCM

Introduction

1. This paper supports the Committee’s consideration of the [legislative consent memorandum \(LCM\) for the Genetic Technology \(Precision Breeding\) Bill](#).
2. Information about the LCM process is set out in paper 3. Members’ attention is drawn to the information provided about the timetable for parliamentary consideration of LCMs—

“For any views expressed by the Scottish Parliament to be considered during the passage of the Bill in the UK Parliament, the lead committee must conclude its considerations before the last amending stage (report stage in the second house). It is best practice, however, for the lead committee to report ahead of the last amending stage in the first house, where possible.”

3. The last amending stage (report stage in the second house) is being held on 25 January.

Genetic Technology (Precision Breeding) Bill

4. The Genetic Technology (Precision Breeding) Bill was introduced in the House of Commons on 25 May 2022. [Further information about the Bill is available in a House of Commons Library briefing](#).
5. 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”.

Legislative consent memorandum

6. The LCM was lodged on 12 December 2022. Members will note Standing Orders provides that an LCM should be lodged “normally no later than 2 weeks after introduction” (Rule 9B.3).
7. The LCM states the substantive provisions of the Bill do not relate to Scotland or the Scottish Parliament’s legislative competence.
8. 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.
9. 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.”
10. 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.
11. 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

12. The [Committee issued a call for views](#) to run between 16 and 23 January 2023. Members will be provided with responses in advance of this meeting.
13. The Committee is required to consider the LCM and report its views to the Scottish Parliament.

For decision

14. Members are invited to—
 - Consider the LCM (agenda item 4); and
 - Discuss how it wishes to report on the LCM (agenda item 7)

**Rural Affairs, Islands and Natural Environment Committee clerks
January 2023**