



Genetic Technology (Precision Breeding) Act 2023

2023 CHAPTER 6

PART 3

FOOD AND FEED PRODUCED FROM PRECISION BRED ORGANISMS

26 Regulation of food and feed produced from precision bred organisms

- (1) Regulations may make provision for regulating the placing on the market in England of food and feed produced from precision bred organisms.
- (2) Regulations under subsection (1) may, in particular—
 - (a) prohibit any person from placing food or feed produced from a precision bred organism on the market in England except in accordance with a marketing authorisation issued by the Secretary of State under the regulations in relation to the organism, and
 - (b) impose requirements for the purpose of securing traceability in relation to food or feed produced from precision bred organisms that is placed on the market in England.
- (3) Regulations made by virtue of subsection (2)(a) may, in particular, prescribe requirements that must be satisfied in order for the Secretary of State to issue a food and feed marketing authorisation in relation to a precision bred organism which may include requirements—
 - (a) that the precision bred organism—
 - (i) is a marketable precision bred organism, or
 - (ii) is the qualifying progeny of a marketable precision bred organism;
 - (b) for securing that—
 - (i) any food or feed produced from the organism and covered by the authorisation will not have adverse effects on human or animal health;
 - (ii) the way in which any such food or feed will be placed on the market will not mislead consumers;

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- (iii) the production of any such food or feed will not have adverse effects on the environment;
 - (iv) consuming any such food or feed in place of other food or feed that it might reasonably be expected to replace will not be nutritionally disadvantageous to humans or animals.
- (4) Regulations made by virtue of subsection (2)(a) may also make provision, in particular—
- (a) about the procedure for determining applications for food and feed marketing authorisations;
 - (b) for food and feed marketing authorisations to be issued subject to conditions and limitations;
 - (c) for varying or cancelling conditions or limitations that apply to food and feed marketing authorisations, or imposing new ones;
 - (d) about revocation of food and feed marketing authorisations;
 - (e) about publication of information relating to applications for food and feed marketing authorisations.
- (5) In subsection (4), references to applications for food and feed marketing authorisations include references to applications to vary or cancel conditions or limitations that apply to marketing authorisations.
- (6) Provision that may be made by virtue of subsection (4) includes provision conferring functions on the Food Standards Agency, which may include provision—
- (a) for requiring the Food Standards Agency, in carrying out a function conferred by the regulations—
 - (i) to obtain advice or information from, or consult, persons of prescribed descriptions;
 - (ii) to carry out risk assessments;
 - (b) relating to any risk assessment required by the regulations.
- (7) Regulations which, by virtue of subsection (6)(a)(i), impose an obligation on any person other than the Food Standards Agency may provide that the obligation is not a Part 3 obligation (see section 29).
- (8) Regulations made by virtue of subsection (2)(a)—
- (a) may prescribe who is authorised to place food and feed on the market by virtue of a food and feed marketing authorisation, which may, in particular, be—
 - (i) only the person who applied for the authorisation,
 - (ii) any person, or
 - (iii) any person of a prescribed description, and
 - (b) may provide for any provision made by virtue of paragraph (a) to be subject, in the case of a particular food and feed marketing authorisation, to any limitation to which the authorisation is subject.
- (9) Regulations under this section are subject to the affirmative procedure.

27 Food and feed marketing authorisations: register

- (1) Regulations may make provision for requiring the Food Standards Agency to establish and maintain a public register containing prescribed particulars relating to food and feed marketing authorisations (the “food and feed register”).

- (2) Regulations under subsection (1) may provide for information provided to the Secretary of State or the Food Standards Agency in connection with food and feed marketing authorisations or applications for them, or with applications to vary or cancel conditions or limitations, to be included in the food and feed register.
- (3) The particulars prescribed under subsection (1) in relation to a food and feed marketing authorisation may include, in particular, particulars of any confirmation or authorisation issued under Part 2 that may be required in connection with the authorisation by virtue of section 26(3)(a).
- (4) Regulations under subsection (1) are subject to the affirmative procedure.

28 Monitoring and inspection of Part 3 obligations

- (1) Regulations may make provision for designating one or more bodies within subsection (2) as enforcement authorities with functions of—
 - (a) monitoring compliance with Part 3 obligations, and
 - (b) investigating suspected failures to comply with Part 3 obligations.
- (2) A body is within this subsection if it—
 - (a) is established by or under any other Act, or
 - (b) otherwise exercises functions of a public nature.
- (3) Subject to subsection (4), regulations under this section may, in particular, make provision—
 - (a) conferring powers on enforcement authorities to appoint inspectors to carry out functions under the regulations;
 - (b) conferring functions on an inspector, including—
 - (i) powers of entry, inspection, examination, search and seizure;
 - (ii) powers to take copies of documents, photographs and samples;
 - (iii) powers to impose requirements;
 - (iv) powers to require the provision of information;
 - (c) for allowing inspectors, in carrying out their functions, to be accompanied by other persons;
 - (d) for treating matters as relevant breaches, including—
 - (i) obstructing an inspector;
 - (ii) providing false information to an inspector;
 - (iii) impersonating an inspector;
 - (e) for relief for inspectors from criminal or civil liability for acts done in good faith in the purported exercise of their functions;
 - (f) corresponding to, or applying (with or without modifications), any provision made by or under—
 - (i) the Food Safety Act 1990;
 - (ii) section 67 of the Agriculture Act 1970.
- (4) Regulations under this section—
 - (a) may not create criminal offences;
 - (b) may not authorise an inspector to enter a private dwelling without the consent of the occupier except in exercise of a warrant issued by a justice of the peace.

(5) Regulations under this section are subject to the affirmative procedure.

29 Meaning of “Part 3 obligation”

- (1) In this Act “Part 3 obligation” means any requirement, other than one within subsection (3), imposed—
- (a) by or under this Part, or
 - (b) by a compliance notice or stop notice issued in connection with a requirement imposed by or under this Part.
- (2) Part 3 obligations include, in particular—
- (a) where a food and feed marketing authorisation is subject to conditions, the obligation to comply with those conditions;
 - (b) any requirement imposed by an inspector in exercise of the inspector’s functions.
- (3) The following are not Part 3 obligations—
- (a) an obligation of the Secretary of State, the Food Standards Agency or an inspector;
 - (b) any obligation that is not a Part 3 obligation by virtue of provision made under section 26(7).
- (4) Regulations may provide for references to a failure to comply with a Part 3 obligation to include references to providing or recording information, or making a statement, that is false or misleading—
- (a) in purported compliance with a Part 3 obligation, or
 - (b) in connection with any application or review, or any proposal to suspend or revoke an authorisation or to vary, revoke or impose conditions or limitations, under this Part.
- (5) For the purposes of this section “requirement” includes “prohibition”.
- (6) Regulations under subsection (4) are subject to the affirmative procedure.

30 Interpretation of Part 3

- (1) In this Part—
- “feed” has the meaning given by Article 3(4) of the Food Regulation;
 - “food” has the same meaning as in the Food Regulation (see Article 2 of that Regulation);
 - “food and feed marketing authorisation” means a marketing authorisation issued under regulations under section 26 in relation to a precision bred organism;
 - “the Food Regulation” means Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;
 - “inspector” means a person appointed as such under regulations under section 28;

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“traceability”, in relation to food or feed produced from a precision bred organism, means the ability to trace and follow the organism and the food or feed through all stages of production, processing and distribution.

- (2) For the purposes of this Part, food or feed is produced “from” a precision bred organism if it contains or consists of, or is otherwise derived from, the precision bred organism.
- (3) References in this Part to food or feed being placed on the market are to be read in accordance with Article 3(8) of the Food Regulation.