

Wales and the Genetic Technology Act

What DEFRA Didn't Tell You

January 2025

The Genetic Technology (Precision Breeding) Act became law in March 2023. It establishes an exemption for certain genetically modified organisms (GMOs) produced using gene editing technologies. In the Act these are referred to as “precision-bred organisms” or PBOs, even though it defines them as the products of genetic modification processes.

This law, which applies solely to England, significantly simplifies the process for authorising the testing and marketing of PBOs compared to conventional GMO regulations. However, agriculture is a devolved matter in the UK, meaning Wales, Scotland and Northern Ireland retain authority over such policies within their borders.

Wales has been opposed to the Act from the outset, on the grounds that it removes consumer choice, complicates enforcement of Welsh GMO laws, and threatens trade relationships, particularly with the EU.

It has [stated](#) that it is not planning to introduce similar legislation. However, the UK Government has asserted that through the UK Internal Market Act (UKIMA), the sale of so called “precision-bred” products which are legal in England cannot be prevented in Wales. There is, however, a lack of clarity over this, given that Wales is not a signatory to UKIMA.

The Welsh Government has [argued](#) that since

the Act “*makes provision in relation to Wales for a purpose which is within the legislative competence of the Senedd*”, Senedd consent is required. The UK Government [did not agree](#) and passed the Bill without its consent.

Wales’ objections to the Genetic Technology Act are wide-ranging and include:

- **Inadequate Engagement from the UK Government** Welsh officials and ministers have criticised the UK Government for inadequate consultation before the Bill’s introduction. Julie James, Minister for Climate Change, stated in June 2022 that “*there has been [no meaningful engagement](#) by UK Ministers at a Ministerial level,*” with Welsh officials presented only “*limited detail*” about the Bill’s likely impacts on Wales.
- **Detrimental Impacts on Devolution** In December 2022 the Welsh Government laid a [Legislative Consent Memorandum \(LCM\)](#) - a document prepared by the Welsh Government when the UK Parliament seeks to legislate on devolved matters which outlines the Senedd’s position. The LCM argued that the Bill undermines devolved authority, stating: “*The effect of the Bill, by virtue of the UK Internal Market Act, is that Welsh law relating to GM will be irrelevant for certain precision bred organisms moved into Wales from England.*”

■ **Consumer Right to Choose** The LCM also [states](#) that “[t]he Bill does not require precision-bred organisms to be labelled as such. This means Welsh consumers purchasing precision-bred organisms and food derived from them will not necessarily know what they are purchasing. The Welsh Government wants to protect Welsh consumers’ rights to choose whether to purchase food products which contain precision bred ingredients.”

■ **Challenges in Enforcement of Welsh Legislation** The Welsh Government has also [argued](#) that without a labelling or traceability requirement, its ability to monitor, control or prevent the marketing of precision bred organisms and products in Wales “is greatly limited”. It also makes it practically challenging to enforce Welsh Regulations, where they apply.

■ **Trade Implications** The Welsh Government has expressed concern over the potential impact on trade, particularly with the EU, where PBOs are treated as GMOs. Divergence from EU standards could hinder Welsh exports to European markets.

■ **Over-reliance on Secondary Legislation** The Act relies heavily on secondary legislation, particularly regarding precision-bred animals, making it difficult for Wales to fully assess its potential impact. The Welsh Government has [criticised this approach](#) for undermining scrutiny and transparency.

Senedd’s refusal of consent

In its LCM, the Welsh Government argued that the Genetic Technologies Act falls within the legislative competence of the Senedd and therefore required its consent under the terms of the Sewel Convention.

The Sewel Convention, which came into force in 1999, applies when the UK Parliament wants

to legislate on a matter within the devolved competence of the Scottish Parliament, the Welsh Senedd or the Northern Ireland Assembly.

Under the terms of the Convention, the UK Parliament [will “not normally” do so](#) without the relevant devolved institution having passed a legislative consent motion. The Convention applies when an Act of the UK parliament:

- Changes the law in a devolved area of competence.
- Alters the legislative competence of a devolved legislature.
- Alters the executive competence of devolved ministers or departments.

Given this, and its other concerns, when the Senedd voted on the draft Genetic Technology Bill on 17 January 2023, it refused consent it, by a vote of 36 to 15.

However, the Sewel convention is not legally binding. The UK Government did not seek Senedd’s consent and the Act was passed without it. This disregard for devolved competency has heightened tensions over devolution. A report by the Welsh Government on intergovernmental relations (2021–2023) highlighted broader frustrations, stating:

“Late engagement from Bill teams in UK Government, alongside unwillingness to share information and drafting, are symptoms of a disregard for the legitimate interest the Welsh Government and Senedd have in UK legislation which touches on devolved issues.”

Welsh public opinion

Public sentiment in Wales appears aligned with the Welsh Government’s position. A [2021 survey](#) by Unchecked UK found that 73% of Welsh voters opposed any weakening of GM

regulations, reflecting broader scepticism about genetic modification. Additionally, [FSA research in 2022](#) found that Welsh participants were concerned about the potential disadvantage to Welsh farmers compared to their English counterparts, who could adopt precision-bred crops.

Businesses, particularly in the grain sector, have expressed reservations about using or producing precision-bred products due to regulatory uncertainty and reputational risks.

A [2024 UK Government report](#) on the operation of the UK Internal Market found that stakeholders feared accusations of using undeclared gene-edited (precision-bred) products, even if legally permissible. Many businesses indicated they would avoid producing PBOs until regulatory and consumer landscapes stabilised.

The UK Internal Market Act (UKIMA)

The UKIMA, enacted in 2020, governs the UK's internal market post-Brexit and ensures that goods legal in one part of the UK can be sold in others. This principle of mutual recognition underpins the UK Government's stance that precision-bred organisms approved in England can be sold in Wales.

However, the Welsh Government has always been opposed to the UKIMA. In 2022 the Senedd sought a [judicial review](#) against the UKIMA, but the Supreme Court ruled the challenge premature, as it lacked a specific piece of Senedd legislation to test against the Act.

However, the Welsh Government has indicated it may wish to pursue this further in the future. A complication for proponents of the Genetic Technology Act is that UKIMA does not apply to processing after sale. The Food Standards Agency (FSA) has [confirmed](#) that “any Precision

Bred food/feed which is sold in Wales under UKIMA market access principles would, if further processed there, be subject to legislation regulating Genetically Modified Organisms (GMOs).”

For example, precision-bred whole wheat grain produced in England could be sold in Wales without labelling. But if that wheat undergoes further processing in Wales, for instance if it is milled into a bag of flour, it could not be used by a baker to make into bread for sale to the public unless it was approved in accordance with the [Genetically Modified Organisms \(Deliberate Release\) \(Wales\) Regulations 2002](#). These regulations include labelling requirements.

Future prospects

The Genetic Technology (Precision Breeding) Act remains a contentious issue in Wales, symbolising broader disputes over devolution and governance.

The Welsh Government's opposition reflects a commitment to maintaining control over devolved policy areas and prioritising consumer rights, environmental standards, and trade relationships. However, the lack of clarity over UKIMA's application to gene-edited products highlights the challenges of post-Brexit governance in the UK.

Wales is the most closely linked to Westminster of the devolved nations - Wales was granted devolved powers later and to a lesser extent than Scotland, and the UK Food Standards Agency regulates both England and Wales. Wales has historically been fairly close to England in terms of agricultural policy and, crucially, does not have as much budgetary provision to fight the Act.

However, there are signs that the balance of power is shifting. Whilst the Welsh Government

has not indicated its intentions for future action in relation to the Act, there are increasing calls from the country for more devolved powers.

In January 2024, the Welsh Independent Commission on the Constitutional Future of Wales [recommended](#) strengthening the devolution settlement to address such disputes. Proposals included requiring devolved consent by law for UK legislation affecting devolved areas.

More information

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