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GOVERNMENT FAILED TO FULLY ASSESS THE CONSEQUENCES OF GENE-EDITING DEREGULATION

A High Court legal challenge led by advocacy group Beyond GM has found that the Government failed to understand the significant consequences – for farmers, businesses, consumers and the organic sector – of removing transparency and labelling for gene-edited crops and foods

Quick summary

The government's controversial new 'light touch' gene editing rules have been thrown into chaos after a High Court judgment ruled that government advisors gave the Farming Minister incorrect advice about his own legal powers. This led to a failure to investigate the real consequences of removing longstanding safeguards on gene-edited (so called 'precision bred', or PBO) organisms. Pushing the Regulations through on this basis was irrational and unlawful and, according to the judgment, had the Minister been given reliable information, he might have made fundamentally different decisions, particularly around mandatory labelling of PBOs as they pass through the farming and food supply chains.

The judgment notes that the absence of mandatory labelling and traceability within the Regulations places additional significant burdens on organic and non-organic supply chains, making it more difficult and costly for farmers, food businesses and consumers who seek to avoid genetically modified crops and foods derived from them, as well as for those who wish to export food and other agricultural products to the EU.

The judgment also has far-reaching implications for the realignment between the UK and EU as part of the forthcoming SPS negotiations. If the government can achieve its proposed 'carve out' of the precision breeding Regulations, the UK farming and food businesses will suffer because proposed new EU rules on gene editing are still more stringent in several areas than those that apply in England. If the carve out is not possible, the UK regime will have to be revised to align with the EU rules.

According to lead claimants in the judicial review, Beyond GM, the judgement means that, for these and other reasons, the current regulatory framework, trumpeted by industry as pioneering, is in effect transitional and temporary and will likely need to be reconsidered.

Full story and notes below

Full story

Beyond GM¹ and its co-claimants have welcomed today's High Court judgment on the Genetic Technology (Precision Breeding) Regulations 2025.²

The Court found that the government did not investigate fully the consequences of its decision to deregulate gene-edited (so called 'precision bred', or PBO) organisms³ before removing longstanding safeguards relating to transparency, traceability, labelling and regulatory oversight.

In particular, the Court found that the Defra Farming Minister⁴ was wrongly advised about the scope of his legal powers⁵ by his advisors and so "pressed ahead" with a regime lacking transparency based on an incorrect understanding of the powers available to him under the legislation. This was uncovered in documents that were only released as a result of Beyond GM's legal case. The decisions made by the Minister and based on this wrong advice, were found to be irrational and unlawful. The judge concluded that had the Minister understood his powers correctly, he would have considered a materially different range of options and a fundamentally different regulatory approach might reasonably have been adopted.

Indeed, under pressure from the judicial review, evidence disclosed in Court also showed that government has already conceded that PBO seeds should be labelled as such – though it has refused to go further to ensure labelling at all stages including on supermarket shelves.

The Court also recognised that the absence of mandatory labelling and traceability places additional significant burdens on organic⁶ and non-organic supply chains, making it more difficult and costly for farmers, food businesses and consumers that seek to avoid genetically modified products, as well as for all exporters of agricultural products that seek to export to the EU.

The Court accepted that the consequences of removing the tools necessary for supply chain transparency are real (if not impossible to overcome) and that – because of the Minister's wrong legal understanding – they were not adequately considered before the Regulations were introduced.

In addition to making it more difficult and costly for consumers and others to avoid PBOs, the new Regulations specifically prohibit the Secretary of State from applying any test to PBOs that would not apply to ordinary food. The Court judgment highlights that this effectively undermines Defra's own capacity for oversight. It points out, however, that the Food Standards Agency still retains important independent powers to seek information and undertake fuller assessments – even as the Regulations prevent the Secretary of State from doing so. This reinforces the Food Standards Agency's

responsibility as an independent regulator and, according to Beyond GM, serves as a pointed reminder that the Agency's statutory duties are, or should be, distinct from Defra's policy objectives.

The Court also recognised – importantly and for the first time in case law – that organic farming is not merely a technical standard or certification scheme. For many, it represents a distinct and fundamental set of values, principles and professional commitments which the Regulations make much more difficult to maintain.

Pat Thomas, Director of [Beyond GM](#), said:

"This is a significant judgment and we are grateful to the Court for bringing clarity to a range of issues that have remained either hidden or disputed throughout the passage of the Genetic Technology Act and Regulations. This case was never about whether gene editing technology is good or bad. It was about whether the government had followed careful procedures and fully investigated the consequences of removing labelling and end-to-end traceability for genetically modified PBOs, and whether Parliament, stakeholders and the public were being given an accurate picture of the options available. Today's judgment suggests they were not."

Julia Eriksen, solicitor at [Leigh Day](#), representing Beyond GM, said:

"Our clients have long raised concerns about the potential issues the new Regulations pose by removing traceability safeguards in the food chain. Today's judgment makes clear that the Secretary of State handled the issue of tracing PBOs in an unlawful way, and prioritised commercial interests over concerns raised about the impact on the organic sector, consumers, and trade within the UK and EU. The Court also helpfully clarified the role of the Food Standards Agency in testing PBOs to ensure people and the environment are safe. We welcome the Court's findings, and the recognition of the value of the organic and non-GMO food sectors."

The claimants believe the judgment raises serious questions⁷ about government and industry's repeated characterisation of the Regulations as inevitable, settled and groundbreaking. The ruling exposes a different reality: that the framework underpinning them was rushed and is substantially incomplete.

Amongst the elements of the system that remain incomplete are a pending overhaul of the National Plant Varieties List and how PBO varieties will be represented within that.⁸ While the Court case did put pressure on the government to commit to labelling PBO seeds, this has not been enacted yet.⁹ In addition, international trade implications, devolved nation defiance,¹⁰ the absence of meaningful coexistence measures and government assurances that PBOs will be 'carved out' of any realignment agreement between the UK and the EU remain unresolved.¹¹

Pat Thomas said:

*"After years of claims that these Regulations were pioneering and rock-solid, the two-day hearing in the High Court and the subsequent Court judgment have exposed that much of the framework remains incomplete, effectively transitional and therefore subject to change. The government chose speed over rigour. It prioritised reducing burdens on biotech developers before investigating fully the consequences for everyone else. Today's judgment highlights the cost of those choices and makes clear that the concerns of the public, farmers, food businesses and organic sector are legitimate, deserve full consideration and should be reflected in the Regulations."*¹

In the coming weeks the Court will consider what needs to happen with the Regulations in the light of this judgment. Further announcements regarding the next steps will be made in due course.

The full judgement can be accessed [here](#).

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More information

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Notes for Editors

1 Advocacy group Beyond GM is the UK's leading independent voice on genetic technologies in food, farming and environment. Co-claimants included two organic farmers and an ethical consumer.

2 The Genetic Technology (Precision Breeding) Regulations were signed into law on 13 May 2025 and became operational on 13 November 2025. They were made under the Genetic Technology (Precision Breeding) Act 2023. They apply only in England.

3 Gene editing/precision breeding is, scientifically, a technique of genetic modification and, therefore produces genetically modified organisms (GMOs). The judgment makes clear that **a)** existing organic Regulations in the UK and internationally classify these organisms as GMOs; **b)** under the existing under the Seeds (National Lists of Varieties) Regulations 2001, PBOs are also considered GMOs and **c)** in Scotland and Wales PBOs are also considered GMOs. The Act and Regulations remove these GMOs from the existing GMO legislation on the contested and hypothetical basis that they "could have" occurred through conventional breeding, and create a newer light touch regulatory regime, which was the focus of the judicial review. Editors should note that neither the Regulations nor the guidance that supports them requires a precedent as proof of the "could have" occurred status.

4 The Farming Minister at the time the Regulations were signed into law was Daniel Zeichner MP

5 The judgement variously refers to the ways the Minister was given "erroneous" and "incorrect" information, was "wrongly advised" and "misdirected" by officials.

6 Since PBOs are legally GMOs under organic legislation, operators are required by law to take all reasonable steps to keep them out of the supply chain.

7 Although not part of the case, during the passage of the Act and Regulations multiple governmental scrutiny committees raised similar issues to those in the judicial review including the [Regulatory Policy Committee](#), the [Delegated Powers and Regulatory Reform Committee](#), the [Constitution Committee](#) and the [European Scrutiny Committee](#) and the [Secondary Legislation Scrutiny Committee](#).

8 In addition, English PBOs can't be sold in the UK or into the EU until they pass all the tests for the National Variety list and are added to that list. This process can take years.

9 Labelling PBO seeds will require a new regulation.

10 Scotland and Wales have rejected the Genetic Technology (Precision Breeding) Act and its Regulations; Northern Ireland is aligned with EU rules.

11 The EU has proposed, but not yet voted on, a new gene editing regulation. This new regime won't be operational until 2028 and includes several elements that are more stringent than the English regime. If the proposed "carve out" does not happen UK will be obliged to align with these.

12 The judgment explicitly states: "He [the Minister] prioritised the interests of commercial innovators (and the consequential economic benefits of attracting investment into England) notwithstanding the concerns of, and impact on, the organic sector, consumers, and trade with the European Union and with other parts of the United Kingdom." In addition, **a**) the judgement highlights that the Explanatory Notes to the 2023 Act state the Act was intended "to reduce the regulatory burden and financial barriers in place for researchers and commercial breeders using precision breeding technologies; **b**) internal government documents and submissions referenced in the judgment highlight the aim to create a "competitive advantage" for UK science and small businesses, drawing investment, expertise and innovation into the UK; and **c**) the judgment also records that industry stakeholders signalled that mandatory food labelling for PBOs would "deter investment, raise costs to consumers and result in a disadvantage internationally".