

Animal Welfare (Sentience) Bill [HL]

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 2

VISCOUNT TRENCHARD
LORD HOWARD OF RISING

17 Page 1, line 9, leave out “or has been”

LORD HOWARD OF RISING
BARONESS FLEET
LORD HAMILTON OF EPSOM
LORD TREES

18 Page 1, line 9, leave out “or implemented”

Member’s explanatory statement

This amendment rules out policies which were established in the past, or are currently being lawfully implemented, and confines the Committee to consideration of policy in the making.

LORD MOYLAN
BARONESS DEECH
LORD MANCROFT

19 Page 1, line 9, after “implemented,” insert “other than a policy intended to advance the understanding of medical science,”

Member’s explanatory statement

This amendment helps to ensure that the Committee’s work will not impede the advancement of medical science.

BARONESS JONES OF MOULSECOOMB
BARONESS FOOKES

20 Page 1, line 10, leave out “may” and insert “must”

Clause 2 - continued

LORD ETHELTON
VISCOUNT TRENCHARD

21 Page 1, line 11, at end insert –
“(1A) The Committee may not report on established government policy.”

22 Page 1, line 11, at end insert –
“(1A) The Committee must obtain the consent of the Secretary of State before undertaking work to produce a report.”

LORD HOWARD OF RISING
BARONESS FLEET
LORD HAMILTON OF EPSOM
LORD TREES

23 Page 1, line 12, leave out “, or has had,”

Member’s explanatory statement
This amendment rules out past policies.

LORD HOWARD OF RISING
BARONESS MEYER

24 Page 1, line 13, leave out “all”

Member’s explanatory statement
This amendment probes why "all" is added to intensify normal "due regard".

LORD HOWARD OF RISING
VISCOUNT TRENCHARD
BARONESS MEYER

25 Page 1, line 13, leave out “adverse”

Member’s explanatory statement
This amendment allows the Committee to consider positive impact on welfare of other animals, for example in the control of vermin.

LORD MOYLAN
VISCOUNT TRENCHARD
LORD HAMILTON OF EPSOM

26 Page 1, line 14, leave out “as sentient beings”

Member’s explanatory statement
This amendment allows the Committee to take account of all aspects of animal welfare, without express regard to sentience.

BARONESS JONES OF MOULSECOOMB
BARONESS FOOKES
LORD TREES

- 27 Page 1, line 14, at end insert –
“(2A) The report must state whether in the view of the Committee the question in subsection (2) is to be answered –
(a) in the affirmative, or
(b) in the negative.”

LORD MOYLAN
VISCOUNT TRENCHARD
LORD HAMILTON OF EPSOM

- 28 Page 1, line 16, at end insert “, but such recommendations may only be made after the report referred to in subsection (1) has been published in an academic journal following peer review.”

Member’s explanatory statement

This amendment aims to ensure the academic robustness of the Committee’s work.

LORD HOWARD OF RISING
THE EARL OF SHREWSBURY
BARONESS FLEET
LORD HAMILTON OF EPSOM

- 29 Page 1, line 17, leave out “or implementation”

Member’s explanatory statement

This amendment rules out policies which were established in the past, or are currently being lawfully implemented, and confines the Committee to consideration of policy in the making.

LORD HOWARD OF RISING
BARONESS MEYER

- 30 Page 1, line 18, leave out “all”

Member’s explanatory statement

This amendment probes why "all" is added to intensify normal "due regard".

LORD ETHERTON
VISCOUNT TRENCHARD

- 31 Page 1, line 18, leave out from third “the” to end of line 20 and insert “welfare requirements of animals, since animals are sentient beings, while respecting legislative or administrative provisions and customs relating to religious rites, cultural traditions and regional heritage.”

LORD HOWARD OF RISING
VISCOUNT TRENCHARD
BARONESS MEYER

- 32 Page 1, line 19, leave out “adverse”

Member's explanatory statement

This amendment allows the Committee to consider positive impact on welfare of other animals, e.g. in control of vermin.

LORD MOYLAN

33 Page 1, line 19, leave out “as sentient beings”

Member's explanatory statement

This amendment is a consequence of the amendment to page 1, line 14 in the name of Lord Moylan.

LORD HOWARD OF RISING
THE EARL OF SHREWSBURY
LORD HAMILTON OF EPSOM
BARONESS MEYER

34 Page 1, line 20, at end insert –

“(4A) The Committee may only produce a report under subsection (1) in relation to future policy under consideration.

- (4B) The Committee’s remit does not include any power to review or recommend –
- (a) the repeal, or amendment, of any existing law;
 - (b) any change in the implementation of any existing law.”

Member's explanatory statement

This amendment attempts to limit the Committee's remit.

THE EARL OF KINNOULL
LORD HANNAN OF KINGSCLERE

35 Page 1, line 20, at end insert –

“(4A) Recommendations made by the Committee must respect legislative or administrative provisions and customs relating in particular to religious rites, cultural traditions and regional heritage.”

Member's explanatory statement

This amendment seeks to place a duty on the Committee to have regard to the balancing factors included in the Lisbon Treaty, Article 13 of Title II, to which the UK was a party before Brexit.

THE EARL OF CAITHNESS

35A Page 1, line 20, at end insert –

- “(4A) Recommendations under subsection (3) must not be detrimental to –
- (a) conservation,
 - (b) biodiversity,
 - (c) crop protection, or
 - (d) human health.”

LORD HOWARD OF RISING
BARONESS MEYER

36 Page 2, line 3, leave out subsection (6)

Member's explanatory statement

This amendment probes why this does not cover devolved administrations.

LORD ETHELTON
VISCOUNT TRENCHARD

- 37 Page 2, line 3, leave out “government of the United Kingdom” and insert “Department for Environment, Food and Rural Affairs”

THE EARL OF CAITHNESS
VISCOUNT TRENCHARD
LORD HAMILTON OF EPSOM

- 38 Page 2, line 15, at end insert –

“(8) In producing a report under this section, the Animal Sentience Committee must consult the Department for Environment, Food and Rural Affairs’ Animal Welfare Committee and publish a note in the report of the Animal Welfare Committee’s opinion and advice on the recommendations contained in the report.”

Member's explanatory statement

This amendment addresses the relationship between the new Animal Sentience Committee and the existing Animal Welfare Committee. It aims to ensure that the two committees communicate and that the expert view of the Animal Welfare Committee is included in any published report by the Animal Sentience Committee.

After Clause 2

BARONESS HAYMAN OF ULLOCK
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 39 Insert the following new Clause –

“Duty to inform the Committee

- (1) A Minister of the Crown must inform the Animal Sentience Committee, in a timely manner, of the formulation of any policy which is within the remit of the Committee.
- (2) A policy is within the remit of the Committee where it can reasonably be expected to have a significant effect on the welfare of animals, taking into account –
 - (a) the duration of possible effects;
 - (b) the severity of possible effects;
 - (c) the number of animals that can be reasonably expected to be affected.”

Member's explanatory statement

This would put a duty on Government Ministers to inform the Committee, in a timely manner, of relevant policy development.

VISCOUNT TRENCHARD
 BARONESS MALLALIEU
 LORD HAMILTON OF EPSOM

40 Insert the following new Clause—

“Programme of work and budget

- (1) The Animal Sentience Committee must obtain the approval of the Secretary of State in relation to its annual programme of work, and its annual budget which must be commensurate with the work programme.
- (2) The Secretary of State must provide the Committee with such resources as are necessary to meet the budget.”

Clause 3

BARONESS JONES OF MOULSECOOMB
 BARONESS FOOKES
 LORD TREES

41 Page 2, line 17, leave out “2” and insert “2(2A)(b)”

LORD MOYLAN

42 Page 2, line 21, at end insert “in the peer-reviewed academic journal referred to in section 2(3)”

Member’s explanatory statement

This amendment helps to ensure that the Secretary of State is responding to robust scientific findings.

LORD MANCROFT

43 Page 2, line 21, at end insert—

- “(3) The response must contain the views of other expert committees, such as the Animal Welfare Committee, and, where they disagree with the views of the Animal Sentience Committee, the Secretary of State must state which view the Government supports and the reasons for making that decision.”

Member’s explanatory statement

The purpose of this amendment is to ensure that the Secretary of State’s response to the Animal Sentience Committee report must include the views of other expert committees that have published a view, and, if in conflict, the Secretary of State must state which committee’s view the Government agrees with and reasons why.

44 Page 2, line 21, at end insert—

- “(3) The response must contain, in instances in which the question in section 2(2) is answered negatively, what steps, if any, the government will take for the purpose of section 2(4).”

Member’s explanatory statement

The Secretary of State must include in the response what actions the government will take in instances that the Animal Sentience Committee has found the government has not had due regard for the welfare of animals as sentient beings in policy making.

After Clause 3

BARONESS HAYMAN OF ULLOCK
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

45 Insert the following new Clause –

“Duty to prepare an Animal Sentience Strategy

- (1) The Secretary of State must prepare an Animal Sentience Strategy as set out in subsections (2) and (3).
- (2) The Strategy must set out how Her Majesty’s Government plans to have regard to animal sentience including plans to –
 - (a) commission and respond to Animal Sentience Committee reports,
 - (b) require animal welfare impact assessments, and
 - (c) commission any necessary independent research.
- (3) The Strategy must set out upcoming policies that the Secretary of State may ask the Animal Sentience Committee to review.
- (4) The Secretary of State must publish an annual statement on progress on the Animal Sentience Strategy.
- (5) An annual statement under subsection (4) must include a summary of changes in policy or implementation that have occurred in response to an Animal Sentience Committee report over the past year.
- (6) A Minister of the Crown must request parliamentary time for debate on the annual statement in each House of Parliament.
- (7) The Secretary of State must publish a revised Animal Sentience Strategy at the start of each parliamentary session.”

BARONESS YOUNG OF OLD SCONE
BARONESS HAYMAN OF ULLOCK

46 Insert the following new Clause –

“Annual reports

- (1) As soon as reasonably practicable after the end of each financial year, the Committee must submit to both Houses of Parliament an annual report on the exercise of the Committee’s functions during the year.
- (2) The annual report must include –
 - (a) a statement of the policies on which the Committee has reported under section 2 during the year;
 - (b) an overview of the implementation of animal sentience requirements across government;
 - (c) a statement of the other activities the Committee has undertaken during the year in the exercise of its functions.”

47 Insert the following new Clause –

“Powers of the Committee

- (1) To support the exercise of its functions under this Act the Committee may –
 - (a) call witnesses,

After Clause 3 - continued

- (b) commission research, and
 - (c) request access to relevant information and documentation from government departments.
- (2) A Minister of the Crown must co-operate with the Committee, and give it such reasonable assistance as it requests, including the provision of information, in connection with the exercise of its functions under this Act.”

Clause 5

LORD MOYLAN
LORD HAMILTON OF EPSOM

48 Page 2, line 32, leave out “vertebrate” and insert “mammal”

Member’s explanatory statement

This amendment limits the application of the Bill to mammals.

BARONESS HAYMAN OF ULLOCK
LORD RANDALL OF UXBRIDGE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

49 Page 2, line 32, at end insert “, any member of the class Cephalopoda and any member of the order Decapoda”

LORD ROBATHAN
VISCOUNT TRENCHARD
THE EARL OF CAITHNESS

50 Page 2, line 32, at end insert “which is –

- (a) of a kind which is commonly domesticated in the British Islands,
- (b) under the control of man whether on a permanent or temporary basis,
or
- (c) not living in a wild state.”

Member’s explanatory statement

This amendment includes the provision in section 2 of the Animal Welfare Act 2006 and seeks to limit the scope to those animals in the control of man, so that the Committee is excluded from making recommendations for people to be responsible for wild animals outside their control.

BARONESS JONES OF MOULSECOOMB
BARONESS FOOKES

51 Page 2, line 32, at end insert “and any cephalopod or decapod;
“policy” means any proposed or decided course of action by or on behalf of a Minister in the exercise of their statutory or common law powers.”

LORD MOYLAN

52 Page 2, line 32, at end insert “and fish”

Member's explanatory statement

This probing amendment seeks to establish the Government's view of the likely consequences of the Bill for fishing and angling.

53 Page 2, line 32, at end insert “and birds”

Member's explanatory statement

This probing amendment seeks to establish the Government's view of the likely consequences of the Bill for the shooting of birds for sport.

VISCOUNT TRENCHARD

54 Page 2, line 32, at end insert –

“(1A) In this Act “sentience” means the capacity to have feelings, including pain and pleasure, and implies a level of conscious awareness.”

BARONESS JONES OF MOULSECOOMB
BARONESS FOOKES

55 Page 2, line 32, at end insert –

“(1A) Nothing in this Act applies to an animal while it is in its foetal or embryonic form, except in relation to an animal to which sections 1 (protected animals) and 2 (regulated procedures) of the Animals (Scientific Procedures) Act 1986 as amended apply.”

VISCOUNT TRENCHARD

56 Page 2, line 33, leave out subsections (2) to (4)

LORD MOYLAN

57 Page 2, line 34, leave out “invertebrates of any description” and insert “cephalopods and decapod crustaceans”

Member's explanatory statement

This amendment limits the Secretary of State's power to designate invertebrate animals as sentient to the class of animals most likely to be qualify as such.

BARONESS JONES OF MOULSECOOMB
BARONESS FOOKES

58 Page 2, line 35, at end insert “or extend the application of this Act to an animal from such earlier stage of its development as may be specified in the regulations.”

LORD MANCROFT

59 Page 2, line 35, at end insert “, provided that the Secretary of State lays a report before Parliament setting out the scientific basis for determining that the species concerned is sentient.”

Member's explanatory statement

This amendment requires the Secretary of State to publish the scientific evidence for determining that an invertebrate is sentient.

BARONESS JONES OF MOULSECOOMB
BARONESS FOOKES

60 Page 2, line 36, at end insert—

“(3A) The power under subsection (2) may only be exercised if the Secretary of State is satisfied, on the basis of scientific evidence, that animals of the kind concerned are sentient.”

61 [*Withdrawn*]

After Clause 6

BARONESS JONES OF MOULSECOOMB
BARONESS FOOKES

62 Insert the following new Schedule—

“ESTABLISHMENT OF THE ANIMAL SENTIENCE COMMITTEE

Appointment of members

- 1 (1) The Committee is to consist of—
 - (a) a member appointed by the Secretary of State to Chair the Committee, and
 - (b) at least 8 but no more than 11 other members appointed by the Secretary of State.
- (2) In appointing members, the Secretary of State must have due regard to the need for the Committee to possess appropriate expertise and experience in—
 - (a) animal behaviour,
 - (b) animal welfare,
 - (c) neurophysiology,
 - (d) veterinary science,
 - (e) ethics,
 - (f) law, and
 - (g) public administration.
- (3) A member is appointed for a period not exceeding 4 years, as the Secretary of State determines.
- (4) The Secretary of State may reappoint as a member of the Committee a person who is, or has been, a member; but a member shall not normally be reappointed consecutively for more than two terms of office.
- (5) The Secretary of State may not appoint a person as a member of the Committee if the person is—
 - (a) a member of the House of Commons,
 - (b) a member of the House of Lords,
 - (c) a member of the Scottish Parliament,
 - (d) a member of Senedd Cymru,
 - (e) a member of the Northern Ireland Assembly,
 - (f) a councillor of a local authority.

General powers

- 2 (1) The Committee may do anything which appears to it—
 - (a) to be necessary or expedient for the purpose of, or in connection with, the performance of its function, or

After Clause 6 - continued

- (b) to be otherwise conducive to the performance of its function.
- (2) The foregoing includes, but is not limited to, requesting from the government such information and material as it considers necessary.
- (3) So far as is reasonable and practicable, the government must comply with any such request; if the government declines such a request it must provide to the Committee its reasons for doing so in writing.
- (4) In the event that the Committee considers the government has failed to meet the duty in paragraph 2(3) it may make reference to this in any report produced in accordance with section 2 of this Act.
- (5) It is for the Committee to identify those policies which in its view might have an adverse effect on the welfare of animals as sentient beings.
- (6) Without prejudice to the foregoing, the government must take reasonable steps to advise the Committee of its intention to formulate or implement any policy which might have an adverse effect on the welfare of animals as sentient beings.
- (7) If, in producing a report under section 2 of this Act, the Committee considers it to be desirable that the government receives further guidance on how animal welfare might be improved in relation to the relevant policy, it may refer the matter to an appropriate committee established for the purpose of providing such advice to ministers.
- (8) The Committee may invite to attend its meetings on either a permanent or temporary basis any person appointed to chair a body established by—
 - (a) the UK Government,
 - (b) the Scottish Government,
 - (c) the Welsh Government, or
 - (d) the Northern Ireland Executive,to provide advice on the welfare or protection of animals.
- (9) Persons attending in such an ex officio capacity may not participate in any decisions of the Committee.”

Animal Welfare (Sentience) Bill [HL]

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
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15 July 2021
