

Animal Welfare (Sentience) Bill [HL]

AMENDMENTS TO BE MOVED ON REPORT

Clause 1

LORD MANCROFT
LORD MARLAND

Page 1, line 4, at end insert –

- “(1A) The function of the Committee is to determine whether, in the process of formulating policy, it is satisfied the Government is having, or has had, all due regard to the ways in which the policy might have an adverse effect on the welfare of animals as sentient beings.
- (1B) It is not the function of the Committee to comment on the policy decisions of Ministers or to recommend future policy or changes to existing policy.
- (1C) It is for Ministers to take into account any other considerations of public interest, including economic, cultural and religious considerations, as well as the impact on different species, in the formulation and implementation of any policy.
- (1D) Schedule 1 has effect.”

Member’s explanatory statement

This would clarify the Committee’s role and make clear the Committee is limited to commenting on process. It also makes explicit that Ministers should take into account any other public interest considerations. It gives effect to Schedule 1, which sets out the Committee’s role and function.

Page 1, line 5, leave out subsection (2)

Page 1, line 6, leave out subsection (3)

Page 1, line 7, at end insert –

- “(4) No person may be appointed a member of the Committee unless they have confirmed that they –
- (a) are not affiliated to an organisation promoting animal rights;
 - (b) are not a member of an organisation promoting animal rights;

Clause 1 - continued

- (c) are not currently employed and have never been employed by or been a consultant of an organisation promoting animal rights;
- (d) are not in receipt of, nor have ever been in receipt of, payments or funding, whether directly or indirectly, from an organisation promoting animal rights.”

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

Page 1, line 14, at end insert –

“(2A) The report must state whether in the view of the Committee the question in subsection (2) has been answered in the affirmative or in the negative.”

VISCOUNT RIDLEY

Leave out Clause 1 and insert the following new Clause –

“Animal Sentience Committee

- (1) A Cabinet Committee within the Cabinet Office, called the Animal Sentience Committee, will be established and maintained.
- (2) The function of the Committee will be to determine whether in the process of formulating and implementing policy it is satisfied that Ministers of State and the departments of state are having, or have had, all due regard to the ways in which the policy might have an adverse effect on the welfare of animals as sentient beings.”

Member’s explanatory statement

This amendment is intended to reduce conflict over membership by creating an internal committee of the Cabinet Office.

After Clause 1

VISCOUNT RIDLEY

Insert the following new Clause –

“Animal Welfare Strategy

- (1) The Cabinet Office Animal Sentience Committee must publish and lay before Parliament an animal welfare strategy within 12 months of the passing of this Act.
- (2) The animal welfare strategy must set out the process by which government departments and Ministers are to ensure that in the formulation or implementation of policy all due regard has been had to any adverse welfare consequences for the welfare of animals as sentient beings.
- (3) Each department must notify the Committee of any policy under consideration where there is a reasonable likelihood that it would have an adverse impact on the welfare of animals.

After Clause 1 - continued

- (4) Where the Committee is of the view that in the process of formulating or implementing policy a department has not complied, or is not complying, with the process set out in the strategy and therefore may not be having, or has not had, all due regard to animal welfare, the Committee can make recommendations to that department or request an explanation from the relevant minister. Any recommendations or explanation must be made in writing and published.
- (5) Recommendations and explanations need not be published if they concern a matter of national security or commercially sensitive information.
- (6) Failure to comply with the process set out in the strategy, will not automatically be taken as a failure to have had all due regard to animal welfare, if the Minister can demonstrate that they have met the objective of having had all due regard by other means.
- (7) Ministers and departments must provide the Committee with any information the Committee reasonably requests to enable it to carry out its function.”

Member’s explanatory statement

This amendment would ensure that there is a clear strategy setting out how the animal welfare implications of policies in formulation or implementation are to be incorporated in the process of developing, deciding and implementing those policies. This would ensure that the same process applied across all departments. The amendment is to be understood together with the the amendment to replace Clause 1, in the name of Viscount Ridley.

Clause 2**VISCOUNT RIDLEY**

Leave out Clause 2 and insert—

“Reports of the Committee

- (1) The Committee must submit an annual report to Parliament setting out whether it is satisfied that all due regard has been had to animal welfare, in accordance with the Animal Welfare Strategy. The report is to be published and laid before Parliament.
- (2) The report must state in the affirmative or negative whether it is satisfied that each department of state has complied with the Animal Welfare Strategy.
- (3) The Committee may produce interim reports relating to individual departments and policy areas under consideration, at any time, including making recommendations, where it considers it is necessary to ensure compliance with the animal welfare strategy for the purpose set out in section 1(2).”

Member’s explanatory statement

This largely replicates the existing Bill but takes account of the Animal Welfare Strategy, while still allowing the Committee to play a role where it feels that there has been a failure of process in compliance with the Strategy at a stage before a policy decision has been made. This should ensure that, in most instances, by the time a policy is decided that the Committee is satisfied that all due regard to animal welfare has been had.

Clause 3

LORD MANCROFT
LORD MARLAND

Page 2, line 17, after “2,” insert “where the committee has found the question in section 2(2) to have been answered in the negative,”

Member’s explanatory statement

This amendment would require the Minister to respond only where the Committee has found that there was some defect in process that means the minister may not have had all due regard to the ways in which the policy might have an adverse effect on the welfare of animals as sentient beings.

VISCOUNT RIDLEY

Leave out Clause 3 and insert —

“Response to reports

- (1) The relevant Minister must lay before Parliament a response to the report, where a failure to comply with the Animal Welfare Strategy has been identified.
- (2) The response must be laid before Parliament within a period of three months from the day on which the Committee’s report is published.”

Member’s explanatory statement

This ensures that ministers must explain to Parliament any failure to comply with the Animal Welfare Strategy identified by the Committee. It would also mean, for example, that if the matter was a policy relating to the Department of Health then it would be the Health Secretary who responds.

Clause 5

LORD MANCROFT
LORD MARLAND

Page 2, line 32, at end insert —

“(1A) “Policy” means any proposal or decided course of action by or on behalf of a Minister in the exercise of their statutory or common law powers. Policy does not include the decisions of Ministers not do something, including changing an existing policy or law.”

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.”

Member’s explanatory statement

This ensures consistency with existing legislation.

LORD MANCROFT
LORD MARLAND
BARONESS MEYER

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.”

Member’s explanatory statement

This, as in the Animal Welfare Act 2006, seeks to ensure the power to extend the scope of sentience is soundly based on scientific evidence and does not result from a political motivation or personal preference.

Clause 6

THE EARL OF CAITHNESS
BARONESS MEYER

Page 3, line 5, at end insert –

“(3A) The Secretary of State must set up an independent committee of experts to report on the possible consequences of this Act.

(3B) The Secretary of State must publish a response to the report by the independent committee.

(3C) A Minister of the Crown must make arrangements to move a motion for debate on the report of the independent committee and the Government’s response to it in each House of Parliament.

(3D) Regulations under subsection (2) may not be made until the motion in subsection (3C) has been debated in each House of Parliament.”

After Clause 6

LORD MANCROFT
LORD MARLAND

Insert the following new Schedule –

“ANIMAL SENTIENCE COMMITTEE

The Animal Sentience Committee

- 1 (1) The Animal Sentience 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 all due regard to the need for the Committee to possess appropriate expertise and experience, to include animal behaviour, animal welfare, neurophysiology, veterinary science, law, and public administration.
- (3) A member is appointed for such period not exceeding 4 years as the Secretary of State determines.

After Clause 6 - continued

- (4) The Secretary of State may reappoint as a member of the Committee a person who is, or has been, a member. A member will 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,
 - (g) an employee or former employee of, or a consultant or former consultant to, a charity or campaigning organisation concerned with animal welfare or animal rights, or is or has been in receipt of any payments or funding from such a charity or organisation, whether directly or indirectly.

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 as defined in section 1(2), or
 - (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 the UK Government, the Scottish Government, the Welsh Government or the Northern Ireland Executive to provide advice on the welfare or protection of animals in relation to the process of the formulation and implementation of policy. Persons attending in such an ex officio capacity may not participate in any decisions of the Committee.

After Clause 6 - continued

- (9) The Committee must publish the name and qualifications of any person invited to provide advice to the Committee and publish any advice given.

Independence and transparency

- 3 (1) The Committee must be independent and autonomous of any other body.
- (2) Within six months of its establishment, the Committee must publish a memorandum setting out how it intends to carry out its function.
- (3) The memorandum is to be kept under review and may be amended from time to time as the Committee considers appropriate.
- (4) The memorandum must include guidance as to how the Committee expects Ministers to demonstrate they have had all due regard to the ways in which a policy might have an adverse effect on the welfare of animals as sentient beings.
- (5) Within 12 months of being established, and thereafter as soon as practicable after the end of each calendar year, the Committee must prepare and publish a report on the exercise of its functions during that year.
- (6) Such a report must be laid before Parliament.
- (7) It is for the Committee to determine the form and content of each report.

Expenses and resources

- 4 (1) Members of the Committee, and any members of sub-committees established under paragraph 6 who are not members of the Committee, are entitled to such expenses as the Secretary of State may determine.
- (2) The Government must provide the Committee with such staff and other resources as the Committee requires to carry out its function.
- (3) Staff serving the Committee must be based in the Cabinet Office and independent of any other Department of State.

Early termination of membership

- 5 (1) A member of the Committee may resign by giving notice in writing to the Secretary of State.
- (2) The Secretary of State may, by giving notice to the member in writing, remove a member of the Committee if the Secretary of State considers that the member is –
- (a) unable to perform the functions of a member, or
 - (b) unsuitable to continue as a member.
- (3) A person's membership of the Committee ends if the person becomes –
- (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,

After Clause 6 - continued

- (g) an employee of, or a consultant to, a charity or campaigning organisation concerned with animal welfare or animal rights, or receives any payments or funding from such a charity or organisation, whether directly or indirectly.

Sub-committees

- 6 (1) The Committee may establish sub-committees.
- (2) The membership of a sub-committee may include persons who are not members of the Committee but those persons are not entitled to vote at meetings.
- (3) The Committee must publish a list of the membership of any sub-committee where it includes persons who are not members of the Committee.

Regulation of procedure

- 7 The Committee may regulate its own procedure (including quorum) and that of any sub-committees.

Validity of things done

- 8 The validity of anything done by the Committee or its sub-committees is not affected by—
 - (a) a vacancy in membership,
 - (b) a defect in the appointment of a member,
 - (c) the disqualification of a person as a member after appointment.”

Member’s explanatory statement

This new Schedule is consequential on Lord Mancroft's first set of amendments. It sets out a structure for the Committee, criteria for appointments and how it is to operate.

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1 December 2021
