

Animal Welfare (Sentience) Bill: Briefing for consideration of Commons amendments Better Deal for Animals Coalition (BDFA)



This briefing has been prepared by Better Deal for Animals (BDFA)¹, a coalition of over 50 animal protection groups in the UK, who joined forces in 2017 to campaign for a strong law that recognises animal sentience. Five years on, we are nearly there. Ahead of consideration of Commons amendments to the Animal Welfare (Sentience) Bill on 07.04.22 we ask you to:

Progress the Bill swiftly towards Royal Assent

Commons report stage of the Bill did not result in any amendments being made to the Bill through division, although the Government did accept one amendment to clause 2², Commons amendment 1.³ The amendment places a duty on the Animal Sentience Committee (ASC) to ensure that its recommendations 'respect legislative or administrative provisions and customs' relating to religious rites, cultural traditions and regional heritage. The acceptance of this amendment has led to Bill's return to the House of Lords.

BDFA did not support the amendment at report stage, as we did not feel it was necessary. Clause 3 of the Bill and the proposed Terms of Reference⁴ for the ASC makes it clear that ministers will be able to disregard ASC conclusions if they do not agree with them or feel that other factors (including socio-economic, religious or cultural factors) override animal sentience considerations. This already achieves the necessary balancing of those factors with consideration for religious rites, cultural traditions and regional heritage that amendment 2 is concerned with. The ASC will advise, ministers will decide.

Given that the Bill already ensures consideration of non-welfare factors, Commons amendment 1 represents an unnecessary duplication of safeguards. Although the amendment is unnecessary, **we do not believe that there is a need to seek its removal**. The most important action peers who champion

¹ <https://www.wcl.org.uk/better-deal-for-animals.asp>

² [https://hansard.parliament.uk/commons/2022-03-14/debates/AFFC9F8D-F3B7-4DD7-877B-F36620B67362/AnimalWelfare\(Sentience\)Bill\(Lords\)](https://hansard.parliament.uk/commons/2022-03-14/debates/AFFC9F8D-F3B7-4DD7-877B-F36620B67362/AnimalWelfare(Sentience)Bill(Lords))

³ <https://bills.parliament.uk/publications/45733/documents/1596>

⁴ <https://depositedpapers.parliament.uk/depositedpaper/2283872/details>

animal welfare can take is to vote to accept the Bill as amended by the Commons, to ensure it passes with expedience.

The Bill remains a positive piece of legislation (see more below), which represents a significant step forward for animal welfare in the UK. It is important that it receives Royal Assent this parliamentary session, having been introduced in May 2021 (and been promised for some years before that⁵). The recognition of animal sentience in UK law is already overdue and we ask that peers committed to animal welfare vote to pass the Sentience Bill as amended by the Commons, paving the way for the swift granting of Royal Assent.

The current text of Sentience Bill will improve animal welfare

The capacity for animals to both suffer and have good lives has been understood for centuries. This understanding has now been confirmed by strong evidence; modern science has confirmed that most animal species can feel pain, pleasure, joy, sadness, comfort, discomfort, hunger, thirst and warmth.⁶ This capacity to have feelings is known as sentience.

The establishment of the facts of animal sentience requires a policy reaction. Policy making requires a mechanism whereby the ability of animals to have positive and negative emotions can be formally considered in the development and implementation of policies affecting them. The duties under Article 13 of the Treaty on the Functioning of the EU (TFEU) used to provide such a mechanism. However, following the departure of the UK from the EU in January 2021, those duties no longer apply under UK law. As a result, for the past year there has been no legal requirement for the welfare of animals as sentient beings to be formally considered in the UK Government's policy processes.

The Animal Welfare (Sentience) Bill fills this gap and will ensure that impacts on the welfare of animals as sentient beings will be considered within UK Government policy making once again.

The Bill will deliver three key outcomes:

1. Legal recognition of the sentience (capacity to experience feelings and/or emotions, both positive and negative) of all vertebrate animals, decapod crustaceans and cephalopods.
2. The establishment of an Animal Sentience Committee (ASC), with licence to scrutinise the extent to which the Government is considering the ways in which any and all policies may impact the welfare of animals.
3. The introduction of a duty, whenever the ASC produces a report, for the Minister relevant to the policy area to lay a response before Parliament.

The scope of the Animal Sentience Committee represents an improvement on the EU's Article 13 duties. The ASC will have the ability to consider impacts on the welfare of animals as sentient beings across the whole range of UK Government policy, with the exception of fiscal policy. This also improves on the Article 13 duties, which applied to only prescribed policy areas. The expanded range of policy areas where welfare will be a consideration, as a result of the Animal Welfare (Sentience) Bill, marks a genuine enhancement of UK animal welfare policy compared to previous EU policy.

⁵ <https://www.wcl.org.uk/the-animal-welfare-sentience-bill.asp>

⁶ See evidence to EFRA Select Committee on the Bill, from Dr Jonathan Birch of LSE
<https://committees.parliament.uk/oralevidence/2611/pdf/>

The Government's November 2021 decision to add cephalopods and decapod crustacean to the scope of the Bill, as groups of animals possessing sentience, is also welcome. We are grateful to all peers who worked to secure this outcome, which the swift passage of the Bill to Royal Assent will help to cement.

Conclusion

BDFA expresses our strong support for the Animal Sentience Bill, which (even with Commons amendment 1 added to it) delivers on manifesto and government commitments that there would be no loss of legal protections for animals following the UK's departure from the EU. The legislation replaces and improves upon the duty to consider sentience that applied when the UK was a member of the EU.

There is a democratic imperative to swiftly progress this step forward for animal welfare. New legislation to recognise animal sentience in UK law was contained in the 2019 Manifestos of every major party. Polling shows consistently [high levels of support for the Bill](#), and for [wider improvements to animal welfare](#), applying across all demographics

We ask that you fulfil the democratic promises made on sentience, vote for the current text on 07.04.22 and send the Bill on for Royal Assent.

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