

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

## Public Bill Committee

### ANIMAL WELFARE (SENTIENCE) BILL [*LORDS*]

*Thursday 10 February 2022*

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#### CONTENTS

Programme motion agreed to.  
Written evidence (Reporting to the House) motion agreed to.  
CLAUSES 1 TO 6 agreed to, one with an amendment.  
New clause considered.  
Bill, as amended, to be reported.  
Written evidence reported to the House.

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**not later than**

**Sunday 13 February 2022**

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**The Committee consisted of the following Members:***Chairs:* † SIR CHARLES WALKER, HANNAH BARDELL

- |   |   |
|---|---|
| † Aiken, Nickie ( <i>Cities of London and Westminster</i> ) (Con)   | † McCarthy, Kerry ( <i>Bristol East</i> ) (Lab)                           |
| † Atherton, Sarah ( <i>Wrexham</i> ) (Con)  | Moore, Robbie ( <i>Keighley</i> ) (Con)                                   |
| † Bowie, Andrew ( <i>West Aberdeenshire and Kincardine</i> ) (Con)  | † Morris, Grahame ( <i>Easington</i> ) (Lab)                              |
| † Brock, Deidre ( <i>Edinburgh North and Leith</i> ) (SNP)  | † Sunderland, James ( <i>Bracknell</i> ) (Con)                            |
| † Churchill, Jo ( <i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i> ) | † Tolhurst, Kelly ( <i>Rochester and Strood</i> ) (Con)                   |
| † Daly, James ( <i>Bury North</i> ) (Con)   | Vaz, Valerie ( <i>Walsall South</i> ) (Lab)                               |
| † Evennett, Sir David ( <i>Bexleyheath and Crayford</i> ) (Con)   | † Wheeler, Mrs Heather ( <i>Parliamentary Secretary, Cabinet Office</i> ) |
| † Glindon, Mary ( <i>North Tyneside</i> ) (Lab)   | † Zeichner, Daniel ( <i>Cambridge</i> ) (Lab)                             |
| † Jones, Ruth ( <i>Newport West</i> ) (Lab)   | Sarah Ioannou, Seb Newman, <i>Committee Clerks</i>                        |
|   | † <b>attended the Committee</b>   |

## Public Bill Committee

Thursday 10 February 2022

[SIR CHARLES WALKER *in the Chair*]

### Animal Welfare (Sentience) Bill [Lords]

11.30 am

**The Chair:** Colleagues, before we begin, I have a few preliminary reminders for the Committee. Please switch electronic devices to silent. No food or drink is permitted during sittings of this Committee, except for the water provided.

We will first consider the programme motion on the amendment paper. We will then consider a motion to enable the reporting of written evidence for publication. In view of the time available and that all of you have flights and trains to catch, I hope we can take these matters without debate.

*Ordered,*

That—

(1) the Committee shall (in addition to its first meeting at 11.30 am on Thursday 10 February) meet at 2.00 pm on Thursday 10 February;

(2) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 10 February.—(*Jo Churchill.*)

*Resolved,*

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—(*Jo Churchill.*)

**The Chair:** We now begin line-by-line consideration of the Bill. The selection list for today's sitting is available in the room. Members wishing to press an amendment or new clause to a Division should indicate when speaking to it whether that is what they wish to do.

#### Clause 1

##### ANIMAL SENTIENCE COMMITTEE

*Question proposed,* That the clause stand part of the Bill.

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Jo Churchill):** It is a pleasure to serve under your chairmanship, Sir Charles. The clause requires the Government to create and maintain the Animal Sentience Committee. The committee will be at the core of the Bill's targeted, proportionate and timely mechanism for holding the Government to account on the consideration of animal welfare.

On Second Reading, it was asked why the committee needs to be established in legislation and why the Animal Welfare Committee could not fulfil the function outlined in the Bill. The fundamental purpose of the Animal Sentience Committee is to support Parliament's scrutiny of the Government's policy decision-making process. The committee is not there to advise or make decisions for Ministers. Instead, it will perform a valuable role in encouraging us to make sure we have properly considered the effect of policy on the welfare of animals. Creating the committee and placing it on a statutory footing is

the best way of ensuring that the Bill's recognition of animal sentience is given meaningful but proportionate effect.

**Grahame Morris (Easington) (Lab):** I think the Committee is at one in wanting to ensure that we have adequate protections for animals. That has been supported in the petitions and the written evidence. Will the Minister clarify one point on human-relevant science? I am involved with the all-party parliamentary group on human-relevant science, which was established to ensure that alternatives are provided to testing on live animals, particularly in vitro, using cell cultures and so on. Does that fall within the purview of the Bill?

**Jo Churchill:** The point of the new committee is not to make value judgments. It is to scrutinise legislation to ensure that all due regard is taken of the welfare of animals. Such decisions are for the committee to determine, supported by the secretariat.

Creating the committee on a statutory footing will mean that it must act within the legal parameters set by the Bill. The Bill is clear that the committee has no power to make value judgments—these decisions are for Ministers. At the same time, the obligation placed on Ministers to respond to the committee's report is essential for transparency and for the scrutiny of the Government's policy decision making. Ministers do not have to accept the committee's findings and recommendations, but they have an obligation under the Bill to respond to them promptly and openly.

**Kerry McCarthy (Bristol East) (Lab):** The written evidence submitted by the Conservative Animal Welfare Foundation asks about membership of the committee and notes

"the importance of using a wide range of leading animal sentience experts".

It also wants affiliations to, and past involvement with, non-governmental organisations to be made transparent, and states that previous involvement with NGOs should not be a barrier to membership. Does the Minister accept all the recommendations from the Conservative Animal Welfare Foundation?

**Jo Churchill:** I refer the hon. Lady to the terms of reference, which lay out that the Secretary of State will request that those who are on the committee will be from a broad spectrum. We will ensure that we have the chance to make use of the best expertise in order to advise Ministers, but we will not be overly prescriptive. However, the final arbiter of that will be the Secretary of State.

It is not possible to impose an obligation on Ministers without first establishing a committee in statute. A legislative basis for the committee will therefore help to ensure it is effective while ensuring that it is tightly defined. As outlined on pages 5 and 19 to 21 in the terms of reference, we want the Animal Sentience Committee to have a constructive relationship with the Animal Welfare Committee, while recognising that they have different functions: the Animal Welfare Committee will sit in an advisory capacity, while the Animal Sentience Committee will sit in a scrutinising capacity. It is important to remember that the two committees have very distinct roles.

**Nickie Aiken** (Cities of London and Westminster) (Con): I welcome the Bill and am very proud to be sitting on this Public Bill Committee. The Bill is proportionate, timely and targeted. It is important, because the public believe passionately in animal welfare. Does my hon. Friend the Minister agree that their justified outpouring of revulsion at the recent video of the West Ham footballer Kurt Zouma suggests that the Royal Society for the Prevention of Cruelty to Animals should consider inviting him to animal welfare training in order to prove animal sentience?

**Jo Churchill:** I thank my hon. Friend for her intervention, and I join her in being appalled at what we have seen. I agree that the public care greatly about animal welfare, but the Bill is science led and we are looking at the evidence base. It is for other bodies to choose the direction in which they might take restorative action so that people can learn and be called to account for their behaviour.

The Animal Welfare Committee is a well-respected source of advice on animal welfare issues, but it is not designed to assess policy. Allowing committees to specialise in their separate functions, and ensuring that those who sit on them have the expertise, is the best way to ensure that the objectives are delivered well. I urge that clause 1 stand part of the Bill.

**The Chair:** Deidre Brock has caught my eye.

**Deidre Brock** (Edinburgh North and Leith) (SNP): Thank you, Sir Charles. I appreciate your calling me this early in the debate.

I will just say a few words, because clearly the Bill applies only to England. We have our own measures, as animal welfare is devolved to Scotland, but it might be useful for colleagues to hear a little more about the work of the Scottish Animal Welfare Commission, on which the English committee is partly modelled. The Scottish Government often act on the scientific and ethical advice provided by the commission, which was established in 2020. Sensible and pragmatic solutions to policy issues, such as beaver reintroduction and management of deer, have been taken forward following the commission's advice. The commission has welcomed and contributed to legislation on penalties for animal welfare offences and the licensing of activities involving animals, and a review of the trade and importation of exotic pets is also under way. If England's Animal Sentience Committee is to be similarly effective, there should be mechanisms to ensure that its scrutiny of policy-making processes is taken seriously by the Government.

The Secretary of State was keen to stress that the committee's reports will not bind the Government to any particular course of action—we have heard the same from the Minister today—and that Ministers will be free to determine the right balance between animal welfare and other considerations. While it could be argued that that is appropriate and, perhaps, understandable, it is important that Ministers fully engage with the committee's assessments, as the Scottish Government have done by incorporating many of SAWC's recommendations into legislation.

I would like to highlight the Scottish Government's plans, following SAWC's recommendations, to introduce legislation to end the harmful practice of setting glue

traps—a particularly revolting form of animal abuse. The Scottish Government intend to ban the sale and use of glue traps. However, implications arising from the United Kingdom Internal Market Act 2020 present an obstacle, despite animal welfare being a devolved area.

The UK Government have backed the Glue Traps (Offences) Bill, which would ban the use of glue traps by the public in England, except by licensed professionals. However, some stakeholders remain concerned that the licensing regime is too weak and would allow continued liberal use of glue traps. The new market access regime whereby goods sold in one part of the UK—

**The Chair:** Order. This is really straying outside the scope of the Bill.

**Deidre Brock:** I am just trying to give an example of where—

**The Chair:** You are, but as Chair of the Committee I must say that it has to be relevant to this Bill. We are not here to talk about a market access Bill. We are talking about the Bill in front of us.

**Deidre Brock:** Okay, Sir Charles. Further to that, the Scottish Government hope to work through those issues, but it demonstrates how that Act can undermine devolution.

In closing, I commend those who have written in with their views, raising distressing issues such as puppy farming and unregulated microchipping and very sad cases of animal abuse. We hope that the Bill will go some way to address those issues. I also commend submissions from organisations such as the RSPCA, which, in particular, impressed me as adopting a very measured but rigorous approach to the Bill.

**Daniel Zeichner** (Cambridge) (Lab): It is a pleasure to serve under your chairmanship, Sir Charles, and to be able to address the issues in the Bill. I have to say, we have already strayed on to other areas. As I walked into the Committee Room this morning, I saw that the notice on the door has the wrong wording, which rather sums up this Government's muddled approach to animal welfare. Many people get confused by the various pieces of legislation, with Friday mornings spent discussing each other's pet animals and so on.

My concern about clause 1 relates to exactly what it says: it sets up a committee. It does not enshrine sentience in law. That is the key point. The Government had the opportunity to put sentience into law when my hon. Friend the Member for Bristol East and other Members across the House tabled a very sensible amendment to the European Union (Withdrawal) Act 2018. I hope that the Minister will address that. The hon. Member for Cities of London and Westminster briefly referenced that poor cat. I am not sure what the status of sentience is in our law at the moment. Perhaps the Minister could address that. The hiatus over the past two years has left us in a curious position.

In the sense that it is better than nothing, we welcome the Bill. However, it is pretty close to nothing. As the Minister said, the committee has no power to make value judgments. She might as well have paused in the middle of that sentence—the committee has no power. It is a talking shop.

[Daniel Zeichner]

We will support the Bill in so far as it goes. However, let us be clear: it is a complete betrayal of the Conservatives' promise to pursue animal welfare issues. We do it; they talk about it.

**The Chair:** Before I call the Minister to respond, Ms McCarthy has caught my eye.

**Kerry McCarthy:** I totally agree with my hon. Friend the Member for Cambridge on the Front Bench. The hon. Member for Brighton, Pavilion (Caroline Lucas) tabled that amendment, which I seconded, to the European Union (Withdrawal) Act. I lose track of what year it was, but I think it was late 2018. We have been doing this an awful long time.

We have discussed this on the Environment, Food and Rural Affairs Committee. I also proposed a ten-minute rule Bill. The hon. Member for Macclesfield (David Rutley), who was on the Department for Environment, Food and Rural Affairs team at the time, told me that the Department wanted to legislate but that it was just looking for the right legislative vehicle. That is why I came up with my ten-minute rule Bill: "Here you are, you just need to back this."

It was disappointing that the first three Government Back Benchers to speak on Second Reading of the Animal Welfare (Sentience) Bill were very much against it and the doors it might open. Let us be frank: that was because they fear a cracking down on blood sports and hunting and shooting. That is why we do not have a comprehensive animal welfare Bill, and that is why we have all these little bits of legislation that are doing the rounds at the moment. The Government do not want scope to bring one in. That is what setting up a committee with limited powers is about. If we did truly recognise sentience in law, we would be questioning driven grouse shooting and all the loopholes allowing foxhunting to proceed. The Bill is a paper exercise that will do little to improve animal welfare.

11.45 am

**Jo Churchill:** To respond to the hon. Member for Edinburgh North and Leith, it is important that Ministers take the report seriously. That is why this small Bill places on us a duty to report formally. There is a time limit for reporting formally. The committee will have the freedom to choose how it looks at how Government policy affects animals, and that reporting mechanism is what the Bill is about. That is important.

The hon. Member for Cambridge also spoke. The EFRA Committee said that there was a need for us to carefully draft the Bill. It was formerly drafted in 2017. Judicially reviewing it across the piece would mean that the committee would no longer be able to perform its function, which is to give the Minister they need in order to make a judgment, while being cognisant of all the other things that Ministers have to take into account.

I am sure that we will come on to the definition of sentience when we debate amendment 6, tabled by the hon. Member for Bristol East. I gently say, however, that it is not necessary to define sentience in statute in order for the Bill to work. If we accept that animals are sentient, we also accept the principle, supported by the Bill, that their needs must be properly considered in

Government decision making. Providing anything more complex than that would tie the hands of the committee and make it a paper exercise—which is not what it is—so there is little reason to do that. Keeping it in this more open form means that it can look across Government.

*Question put and agreed to.*

*Clause 1 accordingly ordered to stand part of the Bill.*

## Clause 2

### REPORTS OF THE COMMITTEE

**Kerry McCarthy:** I beg to move amendment 5, in clause 2, page 1, line 13, leave out "adverse".

*This amendment would change the prescriptive wording of the question clause 2 requires the Animal Sentience Committee (ASC) to consider, which allows that only "adverse effects" should be considered, and would enable the ASC to be free to consider positive effects which may otherwise be overlooked.*

I hope to deal with this amendment pretty quickly. As I said on Second Reading, I do not subscribe to the idea that this country is wonderful on animal welfare. Would action have been taken against a very well-known footballer for kicking his cat had he not videoed himself doing so? There are far too many examples of people with aggressive dogs. Everywhere we see examples of people treating them badly and training them to be angry, aggressive and dangerous creatures. It is clear that the RSPCA does not have the teeth—that is not a pun—to address this. We will later discuss farm animal welfare, where there are many examples of how we could do better.

The amendment would remove the word "adverse" from clause 2. As it stands, the Animal Sentience Committee can only consider the adverse effects of legislation or whatever is put in front of it. I understand that, and I understand that this is meant to be about raising the bar and making sure that future legislation does not worsen animal welfare, but I do not think there would be anything lost if it considered all the effects, rather than just the adverse effects. If the committee were to say of legislation that came before it, "We actually think this is good for improving animal welfare", where is the harm in that? That would set down a marker to do better in other respects. If that were flagged up, other Departments—and even other Governments in devolved Administrations or, indeed, our former EU partners—might think that it had consequences for them.

The committee should be able to identify the positive effects as well as the adverse effects. Any positive effects would strengthen the case for the legislation. If the Government were having trouble getting their Back Benchers to support a Bill, I would hope that if the Animal Sentience Committee said that it was good for animal welfare, that would strengthen support for it.

The amendment is supported by groups such as Compassion in World Farming. As I have said, animal welfare really is the big forgotten element. We talk about pets—I lose track of how many debates we have about puppies, for example. It is good to be nice to puppies, but far more animals live on farms than live as pets, and I would welcome any move to try to improve their welfare, too.

**Jo Churchill:** I thank the hon. Lady for the amendment. The Animal Sentience Committee is there to improve transparency in policy making. The committee's ultimate

success will be felt in ongoing improvements to the way the Government make decisions affecting animals, and seeing improvements is the hon. Lady's underlying argument. We agree that sentience is about both the positive and negative experiences that animals might have. Clearly, an adverse effect of a policy would include aspects that restrict positive experiences.

I thank the hon. Lady for her comments, but I think the issue is one of drafting, not of misunderstanding. By way of explanation, the committee would be free to assess policy decision making for its consideration of adverse effects. A nice explanation would be in the area of nutrition for pets, for example. Whereas the negative outcomes of poor nutrition are obvious, the positive outcomes, such as ability to play, cannot be realised if pets suffer from poor nutrition. The committee is not required to limit its consideration purely to the adverse effect. By definition, it will consider both sides, but it is not necessary, for the avoidance of doubt, that the point that positive effects can be considered is reinforced in the committee's draft terms of reference.

I sympathise with the sentiment behind the amendment, but I do not think it is necessary. I agree with the hon. Lady's point that good exemplars may well be a stimulus to others to behave.

**Kerry McCarthy:** I just do not understand, from what the Minister has said, why the Bill cannot say "effects". She seems to be saying that the committee would look at positive effects—all effects and adverse effects—so I do not understand why the word "adverse" has to be there, based on what she has just said.

**Jo Churchill:** With respect, this is about semantics. It is a matter of drafting, as I have said, and not about misunderstanding. It is simply not necessary to include anything other than that.

*Question put, That the amendment be made.*

*The Committee divided: Ayes 5, Noes 9.*

#### Division No. 1]

##### AYES

Glendon, Mary	Morris, Grahame
Jones, Ruth	
McCarthy, Kerry	Zeichner, Daniel

##### NOES

Aiken, Nickie	Evennett, rh Sir David
Atherton, Sarah	Sunderland, James
Bowie, Andrew	Tolhurst, Kelly
Churchill, Jo	
Daly, James	Wheeler, Mrs Heather

*Question accordingly negated.*

**Ruth Jones** (Newport West) (Lab): I beg to move amendment 2, in clause 2, page 1, line 20, at end insert—

"(4A) In preparing its reports, the Animal Sentience Committee may consult or request information from government departments and other public bodies.

(4B) Public bodies and government departments must cooperate with requests from the Animal Sentience Committee under paragraph (4A)."

*This amendment would require Government departments to respond constructively to requests for information from the Animal Sentience Committee.*

It is a pleasure to serve under your chairmanship, Sir Charles, and to move amendment 2 to this important piece of legislation. I wish the hon. Member for Cities of London and Westminster a belated happy birthday for last week, especially since she was born in Wales and us Welsh sisters have to stick together—a little plea there.

I rise to move the amendment in the names of the shadow Secretary of State, my hon. Friend the Member for Oldham West and Royton (Jim McMahon), and my hon. Friends the Members for Leeds North West (Alex Sobel), for North Tyneside, for Cambridge, for Plymouth, Sutton and Devonport (Luke Pollard), and for Bristol East. I thank House staff, the teams supporting us as Members, the Clerks and the Public Bill Office in particular for their work helping us to get here today. It is important to say that at the beginning because we tend to forget at the end, and it is important to note their work.

As we discuss another important piece of legislation in the form of the Animal Welfare (Sentience) Bill—not the sentencing Bill as it says on the door—it is important for us to think about the scope and reach of our actions and the effectiveness of legislation that passes through the House. That is why we are moving amendment 2 and will press it to a vote. The Bill is one of a number of major pieces of animal welfare legislation that either has gone through the House, is before the House or will come back before us in the weeks ahead.

In short, amendment 2 would require Departments to respond constructively to requests for information from the Animal Sentience Committee. That is important to ensure the committee receives the information it needs to prepare its reports.

My hon. Friend the Member for Plymouth, Sutton and Devonport was an excellent and energetic shadow Secretary of State, and I enjoyed working with him. Amendment 2 is very much a reflection of the points he raised during Second Reading on 18 January 2022. In his excellent speech, he quite reasonably suggested that a large Department that has been historically removed from animal welfare issues could feel empowered to ignore committee requests for information, and it could do so because there is currently no legally binding obligation on Departments to engage with the committee. That is why the amendment is so important and would be a welcome addition to the Bill.

I am sure the Minister would want to ensure the Animal Sentience Committee, in the words of the Environment, Food and Rural Affairs Committee, is not "toothless"—sorry, I get told off for my pronunciation. I urge the Minister to let Labour help her. Amendment 2 provides the perfect opportunity to ensure the Bill is not a toothless piece of legislation and that the Animal Sentience Committee is a body that will deliver. The hon. Member for Tiverton and Honiton (Neil Parish), who chairs the Select Committee, is right to want a strong Bill and a strong Animal Sentience Committee. We all eagerly await to hear what the Minister thinks about that. I agree with the EFRA Committee that we want the Bill to be strong. We want the scope and reach of the committee to be strong, and the amendment would do exactly that. Does the Minister agree with us?

In preparing to move amendment 2, I caught sight of the written evidence from the campaigners Better Deal for Animals, and I ask the Minister to take a moment to

[Ruth Jones]

reflect on it and in doing so, to give her support to amendment 2. The evidence makes the point that “the Bill does have a weakness. The delegation of animal sentience responsibilities to the ASC, a body adjacent to rather than part of Government, creates the risk that the ASC (and with it, animal sentience issues) could be effectively ignored by decision makers. This risk was highlighted in the letter from the Chair of the EFRA Select Committee to the Secretary of State for Environment, Food and Rural Affairs ahead of second reading in the Commons, which warned that ‘the ASC risks becoming simply another toothless Whitehall committee whose reports gather dust, while critical issues of animal welfare within policy-making go largely unaddressed.’”

It says that while the terms of reference

“provide some assurance that the ASC will have the independence and powers it needs to do its job, amendments to the face of the Bill would go further in ensuring that the ASC and its work is closely tied into government operations and Parliamentary business, to such an extent as to make it difficult to ignore.”

I hope the Minister will accept the amendment.

12 noon

As we consider the amendment, we need to think about what Compassion in World Farming said:

“Compassion continues to feel that the Bill provides a satisfactory implementation of the commitment to maintain a commitment to full regard for animal sentience in policy development after Brexit, and we welcome the fact that the Government has sought to go beyond a bare statement to establishing a mechanism to monitor its ongoing commitment. The draft terms of reference successfully clarified a number of the issues raised in the Lords, and we hope that the Bill will complete its passage without delay, leading to a successful launch of the Committee later this year and reinstating the official recognition of animal sentience in the formulation and implementation of policy.”

I share much of that view, and it is why the Labour party supports the Bill.

The amendment would ensure that the Bill is fit for purpose as it works its way through to passage without delay. As the Minister will recall, Labour Members spoke proudly in favour of the Bill—indeed, support for the Bill was stronger on this side of the House than among some Conservative Members—so I hope that the Government will meet us half way and accept the amendment in the spirit in which it is intended.

Although the amendment was tabled by the Labour party, we are not the only ones who want to see the issues that it covers put into practice. Indeed, I was interested to read the thoughts of Dr Steven McCulloch, senior lecturer in animal studies at the University of Winchester’s Centre for Animal Welfare, who remarked:

“Aside from the power to produce a report, there are no further powers provided for in the Bill. In order to conduct the three functions”

of

“animal welfare impact assessments, ethical review, Government scrutiny,”

the Animal Sentience Committee

“would require access to certain information. This information would include...advance notice of any policies that might impact sentient species...relevant documents related to the potential impacts”

of the above,

“access to the minister(s) and civil servant(s) that are leading on such policies, and...access to documents and other sources of information relating to how the Government has gone about paying ‘all due regard’ to animal welfare in policy making.”

In the light of those words, I suspect that Dr McCulloch would look favourably on the amendment, and I hope that the Minister will, too.

The Minister’s noble Friend Lord Moylan gave a curious speech in their Lordships’ House. He said:

“I was once on the Zambezi and had the opportunity to observe the crocodiles. These are largely placid animals that sit basking in the sun but, when hungry, they can move with terrifying rapidity and can kill very rapidly indeed. The person I was with, who knew about crocodiles, said—and I will stand corrected by the noble Lord, Lord Trees, if I have got any of this wrong, of course—that the brain of a crocodile is a very small thing. The size of a pea was suggested to me, and that there was no capacity within the brain at all, neurologically, for a function that allowed for any memory. The consoling thought that was offered to me was that, since a crocodile cannot remember anything, if it did eat me, it was not personal.”

He went on:

“We are about to enact a Bill—we are close to passing it through our House—without limitation that, as I understand it, declares a crocodile to be a sentient creature; that is, a creature that can experience pleasure and pain, and science is prayed in aid to support this. I take the crocodile simply as an example, there are other creatures with brains almost as small as a crocodile and probably even smaller that are being covered and in scope of this Bill. The difficulty of this is, they have very limited functions, partly because the size of the brain simply limits the functions that they can actually have.”

Amendment 2 is so important because, as Lord Moylan continued,

“No one doubts, as a matter of science, that a crocodile, as I say taken as an example, will respond in a certain way if a sufficiently strong stimulus is applied to it. That is a neurological reaction explicable by the movement of chemicals and electrons through the nervous system and in what passes for the crocodile’s brain. What we are being asked to do here goes way beyond that. How can this be extended scientifically—not by analogy, not by empathy, but scientifically—to include the concept of pain in a crocodile as we understand pain.”—[*Official Report, House of Lords*, 6 December 2021; Vol. 816, c. 1735.]

That is more than enough from the noble Lord.

I want the Bill to be effective and snappy—to continue with the crocodile inspiration. I know that crocodiles in the Zambezi would be supportive of amendment 2, and that is why it would be a welcome addition to the Bill. I urge the Minister to join us in our support for the amendment. Let us make the Bill fit for purpose.

**Daniel Zeichner:** It is a pleasure to follow my hon Friend, who made an important set of points about this amendment. I would like to move from crocodiles to pigs because, frankly, what is happening across the fields of the country is ghastly. While there may be questions over the size of a crocodile’s brain, I think we all know that pigs are intelligent creatures.

My point in raising that is that, with this amendment, a range of Government Departments would be driven to have to respond in a crisis like this. It has an awful effect on the people having to kill pigs in fields—we think possibly some 35,000 so far. I must also say, there was a dreadful response from DEFRA to a written question from the shadow Secretary of State, my hon. Friend the Member for Oldham West and Royton, just on DEFRA’s basic knowledge of the numbers—“We don’t know; we don’t ask”.

A much stronger piece of legislation like this, driving the committee, would have forced Government Departments to have actually acted. I notice that the



Minister did not respond to my earlier question about the current situation of sentience. We in the Opposition all know that pigs are sentient, but the hiatus in the legal setup means that it is very hard to hold the Government to account for the awful set of circumstances that are unfolding.

**Jo Churchill:** I agree that this is an important piece of legislation and, like the hon. Member for Newport West, I hope it will go forward in a timely way. I thank the EFRA Committee for the work that it has done in helping to guide us in ensuring that the Bill is as precise as it is. It is important to understand that there are two duties here.

The hon. Lady argued that the Animal Sentience Committee needs the power to compel Government Departments and public bodies to provide any information that the committee requests. While I would agree that it is key for the committee to have the necessary information to do its job, placing an additional duty on Departments to provide the committee with documents would just create additional grounds for judicial reviews. If a Department or public body was seen not to fully comply with the requests made by the Animal Sentience Committee, there would be grounds for a challenge.

The Bill has been carefully considered and worded to give meaningful effect to the principle of animal sentience without getting tied up in legal challenges. We want the committee to focus on current and future policy. Its aim is to improve transparency in decision making and in the policy-making process. The committee will build on and improve the evidence base, which I have referred to, that informs Government policy.

**Ruth Jones:** The Minister talks about the evidence base, but how can the committee develop an evidence base if it submits a request to another Department, but that Department sees fit to ignore it?

**Jo Churchill:** I will come on to that in my answer because, arguably, the one thing the committee does have up its sleeve is the ability to name and shame if it is not responded to. That is the key thing to keep there.

The scope of the Bill covers all central Government policy decisions, from formulation to implementation. It aims to support the policy-making decision process, rather than operational decisions made by public bodies outside of those Departments. We have kept the scope to Ministerial Departments because we want the committee to focus its scrutiny on the key policy decisions affecting animal welfare.

That is why, as set out in the terms of reference, which the hon. Lady referred to, the committee's secretariat will assist in raising awareness of the committee's role and in forming an overview of relevant policy decisions. That work has already started in the Department to ensure that other Departments, at an official level, are ready, and there, to establish effective communication—which arguably was the underlying ask of the amendment—with the Committee. Guidance will also be provided to Departments on their responsibilities under the Bill. We believe that to be the most effective way in which to ensure that the committee has all the information that it needs to do its role. There are two powers in the Bill, not just one: we establish the committee and, crucially, that responsibility on a Minister—the duty to reply.

I am sure that Governments will provide the committee with relevant information, if requested, and if the committee struggles to engage with a particular Department or to receive information, it will be free to highlight that in its response. Ministers will then have their duty to respond to those reports. I am confident that no Minister will want their Department to be highlighted as unco-operative in the area of animal welfare. I therefore believe that the Bill, and the functions and the powers that it confers on the Animal Sentience Committee, are sufficient as drafted.

**Ruth Jones:** I thank the Minister for her comments. We are still not satisfied, so we will press the amendment to a vote.

*Question put, That the amendment be made.*

*The Committee divided: Ayes 5, Noes 9.*

#### Division No. 2]

#### AYES

Glindon, Mary	Morris, Grahame
Jones, Ruth	
McCarthy, Kerry	Zeichner, Daniel

#### NOES

Aiken, Nickie	Evennett, rh Sir David
Atherton, Sarah	Sunderland, James
Bowie, Andrew	Tolhurst, Kelly
Churchill, Jo	Wheeler, Mrs Heather
Daly, James	

*Question accordingly negatived.*

**Ruth Jones:** I beg to move amendment 4, in clause 2, page 2, line 15, at end insert—

“(8) The Secretary of State must, within one year of the commencement of this Act, set out a timetabled plan for the extension of Animal Sentience Committee scope to any other public bodies deemed relevant.”

*This amendment would require the Secretary of State to consider extending the Animal Sentience Committee to public bodies.*

The amendment is in the name of the shadow Secretary of State, my hon. Friend the Member for Oldham West and Royton, my right hon. Friends the Members for Hayes and Harlington (John McDonnell) and for Kingston upon Hull North (Dame Diana Johnson), and my hon. Friends the Members for Leeds North West, for North Tyneside, for Cambridge, for Plymouth, Sutton and Devonport (Luke Pollard), for Bristol East, for Hornsey and Wood Green (Catherine West), for Canterbury (Rosie Duffield), and for Denton and Reddish (Andrew Gwynne), and my hon. Friend the Labour Member for Bury South (Christian Wakeford), among others listed on the amendment paper.

The amendment is self-explanatory, but I will take the opportunity to speak to it briefly and, I hope, to persuade Conservative colleagues in Committee to support it. I gently remind the Minister that the Bill has the support of the Opposition, but we want to make it even better, stronger and go further. Like the excellent amendment 3, which will be moved by my hon. Friend the Member for Cambridge, amendment 4 proposes a realistic and pragmatic addition to the Bill. All things being equal, it should be welcomed by all colleagues in Committee.

[Ruth Jones]

The amendment would require the Secretary of State to consider extending the scope of the Animal Sentience Committee to public bodies. My hon. Friend the Member for Plymouth, Sutton and Devonport is no longer on the Bill Committee—we all wish him well in his new role—but I wish to quote him. In a strong speech on Second Reading, he said,

“on scope, I know that Ministers want the Bill to apply first to Government Departments—to the main Departments of State—but there is a strong case for Ministers to set out how they would accelerate its roll-out to apply it to non-departmental public bodies. For instance, I find it hard to justify the idea that the Bill will apply to the Department for Work and Pensions before it applies to Natural England and the Environment Agency. That does not make much sense, so I would be grateful if the Minister could set out the timetable for applying the Bill to every single non-departmental public body, and particularly to all the bodies in DEFRA...to ensure that they are within the scope of the Animal Sentience Committee.”—[*Official Report*, 18 January 2022; Vol. 707, c. 255.]

How could anyone disagree with that?

The Minister would do us all a favour by making it clear that extending the Animal Sentience Committee to public bodies would be really effective. If she will not support the amendment, I hope she will explain why. The amendment would bring some common sense to the Bill, and it would make for a joined-up approach that will deliver real results. That is what the Bill must be about—it must be about results, delivery and making the committee fit for purpose.

12.15 pm

In its excellent submission to the EFRA Committee, the RSPCA said:

“The Bill is novel and important because, for the first time in the UK, it requires an animal welfare impact assessment to be undertaken by Government Ministries when making policy. Such a system already exists in New Zealand and the Netherlands; establishing this in the UK is an important step for animal welfare, restoring this country’s position as a world leader in this area. A balancing exercise already exists for many environmental considerations, such as the protection of endangered species within the planning process.”

I thank the RSPCA for its report and submission, for all the work it does in standing up for animal welfare and supporting the Bill, and for delivering for our animals and wildlife for so many years. I note that Her Majesty the Queen is patron of the RSPCA. In the week that Her Majesty marks her accession to the throne, I know that hon. Members, in considering amendment 4, will want to send her our appreciation and thanks for a lifetime of service.

I want the Minister to know that amendment 4 would help her to meet the aims and objectives of the Bill. We are charting a new course, which is why many Opposition Members are confused that some Government Members do not welcome the Bill. We are making history, and we have the chance to set an example now and in the months and years ahead. By extending the remit of the new Animal Sentience Committee to public bodies, we would be delivering a sensible and coherent plan to maintain and protect the sentience of animals in all parts of our national life. My hon. Friend the Member for Bristol East, from whom I know we will hear more later, has form on this issue. Back in 2020, she moved her excellent ten-minute rule Bill attempting

to put sentience into law while at the same time covering public bodies. Once again, she was ahead of the curve.

Extending the ASC to cover public bodies is something that the campaign organisation Better Deal for Animals strongly argued for in 2019. It stands to reason that the Animal Sentience Committee should be able to consider whether a public body that regularly has an impact on animals has taken welfare into account in its decision making, which is why I have tabled amendment 4. Let us take Natural England as an example of why the amendment is important. When Natural England decides on contentious issues such as licensing the shooting of game birds, the welfare of those birds as sentient beings should be a factor in its consideration. The amendment would ensure that the ASC is able to scrutinise whether the welfare of the game birds has been taken into consideration. The Minister will see that the wording of amendment 4 is intended to be helpful. It gives a year for the Minister to provide the timetable for the extension of the committee’s scope to other public bodies, so there is time to prepare.

Finally, I want to say a word about the British Veterinary Association. In advance of this morning’s sitting, I read the BVA’s policy statement on the recognition of animals as sentient beings with great interest. It says:

“Recognising animals as sentient beings provides the basis for our moral concern for the welfare of animals. Animals are living beings with the capacity to have feelings, including pain and pleasure, so they should be legally protected. This is an important issue for the veterinary profession.”

The statement continues:

“BVA supports placing a duty to consider animal welfare on public authorities when formulating and implementing policies in line with the duty that exists within Article 13 of the TFEU. This duty should be inclusive of wild animals, animals used in laboratories, sport and recreation, farm animals, Equidae, companion animals, and animals kept as part of zoological collections. This duty on public authorities would complement the duties placed on individuals by the UK’s Animal Welfare Acts.”

The BVA is correct, and the amendment will give effect to its thoughts and those of many campaigners who welcome the Bill and want to see it strengthened. We would be giving effect to our collective moral concern for animals, and I urge the Minister and all her colleagues to support the amendment.

**Jo Churchill:** I thank the hon. Member for Newport West for her co-operation; I know that she is merely trying to assist. At this point, I would like to associate myself with her comments on Her Majesty the Queen.

I am grateful for the opportunity to discuss the Animal Sentience Committee’s scope and public bodies, because we gave a great deal of consideration to both the scope and appropriateness. We expect the committee to focus on Government policy decisions that could have a significant impact on animal welfare. As we have previously indicated, that is expected to be in the region of six individual policy decisions per year. Given the breadth of government, the committee will need to be selective in what it scrutinises. It is unlikely that these kinds of decisions will be made outside ministerial Departments, because the vast majority of policy decisions with a significant bearing on animal welfare will be made within the Departments themselves.

The Bill is designed to create timely, proportionate and targeted mechanisms for holding Ministers to account. By their nature, and relative to core Departments, non-departmental public bodies operate at arm's length from Ministers. Extending this committee's remit beyond central Government Departments would not be targeted and so would not be in line with the aims of what we are trying to achieve. By the same token, we will not ask the committee to scrutinise policy decisions that may be made at local authority level, for example, because that would impose an unnecessary workload on the committee and, arguably, on our hard-working local authorities. It is unclear who would then answer in Parliament to any reports that came forward—that might be issued by, say, a local authority or a body—because Ministers cannot answer for a report and decisions that they did not make. For those reasons, the Government consider that the current scope of the Bill is the right one.

**Ruth Jones:** Given the NGOs' comments and encouragement to the Opposition to lay this amendment, we will push it to a vote.

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 5, Noes 9.

### Division No. 3]

#### AYES

Glendon, Mary  
Jones, Ruth  
McCarthy, Kerry

Morris, Grahame  
Zeichner, Daniel

#### NOES

Aiken, Nickie  
Atherton, Sarah  
Bowie, Andrew  
Churchill, Jo  
Daly, James

Evennett, rh Sir David  
Sunderland, James  
Tolhurst, Kelly  
Wheeler, Mrs Heather

*Question accordingly negated.*

*Question proposed,* That the clause stand part of the Bill.

**Jo Churchill:** Clause 2 tasks the Animal Sentience Committee with publishing reports that give its opinion on whether, or to what extent, Ministers have had all due regard to the needs of animals as sentient beings when formulating and implementing Government policy. The clause allows the committee to include recommendations on how this might be done in the future development of a policy in question. Lastly, the clause requires that the committee's reports are published.

These measures sit at the heart of our proposals to create a proportionate and timely accountability mechanism that rests with Parliament, rather than the courts. The committee will have the powers to publish reports—importantly, including critical reports—on the Government policy decision-making process. However, the committee's powers are well defined so as to ensure that it complements that decision-making process by giving additional evidence. The clause and the wider Bill do not authorise the committee to dictate or advocate a particular policy position, or critique how a Minister might decide to balance competing policy considerations. Ministers will continue to decide the appropriate balance between animal welfare and other important considerations when making decisions.

In the event that a committee report was critical of Government performance, Parliament would be able to consider the report and the Government's written response that must be laid before Parliament within three months of the report's publication. After considering them, the decision would rest with hon. Members in this House and noble Lords in the other place on whether to make further inquiries on the subject using the mechanisms available.

*Question put and agreed to.*

*Clause 2 accordingly ordered to stand part of the Bill.*

### Clause 3

#### RESPONSE TO REPORTS

**Daniel Zeichner:** I beg to move amendment 3, in clause 3, page 2, line 27, at end insert—

“(4) A Minister of the Crown must make a motion in each House of Parliament in relation to each response to a report from the Animal Sentience Committee laid before Parliament under paragraph (1).”.

*This amendment would require the Minister to give an oral response to Animal Sentience Committee reports, creating an opportunity for parliamentary scrutiny of report recommendations and the Government's response.*

Clause 3 requires the Secretary of State to lay a response to reports produced by the Animal Sentience Committee before Parliament within three months of a report's publication, as the Minister has outlined. We absolutely accept that it is right that the Secretary of State should be tasked with that responsibility. The reports will consider, as laid out in clause 2(2),

“whether, or to what extent, the government is having, or has had, all due regard to the ways in which the policy might have an adverse effect”—

despite our attempts—

“on the welfare of animals as sentient beings.”

The committee may, therefore, criticise the Government's policy-making processes. I noticed that the Minister acknowledged the possibility that the Government could be criticised in some circumstances, and I welcome that possibility. The committee could applaud the Government, or provide recommendations for improvements.

It is right that the Secretary of State responds to the findings. Where shortcomings have been identified, the Government absolutely should explain what went wrong; where there are recommendations, the Government must inform the House of their response. However, those of us who have been here a little while know how the House works. There are many opportunities for things to be made not exactly immediately obvious to the wider world, or even to Members of the House.

I have not been in Parliament that long, but I remember consideration of the Agriculture Bill. There was a lengthy discussion on the food security report. The matter went to the House of Lords. There was an argument about when the report should be produced—every three years, or annually, or every five years, and all the rest of it. Lo and behold, the Government produced that report on the very last day that they were permitted to do so, just before Christmas—as Governments do, of course—when people were rushing to get their planes and trains. It was a massive report of 300 pages, and obviously there was little opportunity just before Christmas for the wider world to consider it properly. What were the opportunities to consider that report? We found that it

[Daniel Zeichner]

took a Westminster Hall debate, with a Minister reluctantly responding to criticisms at the end of the debate. The fact that the Secretary of State said one thing on one occasion and the Minister, when challenged, said something else, shows that there was not really any great opportunity for scrutiny.

This is a governance question. We know that, in the real world, a lot of this does not work. Given that some of the responses will be written, we know that there will not be much opportunity for scrutiny. We in the Opposition think that animal welfare and the humane treatment of animals is too important to fall into that trap and we think that, without an opportunity for the House to properly scrutinise and discuss reports, the Committee's findings will simply not be given the attention they merit.

The amendment would require a Minister to make a motion in both Houses of Parliament, which would provide a genuine opportunity for parliamentary scrutiny. For the committee to have any heft, the Government cannot simply disregard its reports if they are politically or otherwise inconvenient. We think that it is right that "all due regard" be given to a range of factors and that the Government must explain how they have weighed up the competing demands.

We fully acknowledge that there are competing demands. This is not simple stuff. We also absolutely accept that the Bill does not change any existing legislation; it simply specifies that the Government must give "all due regard" to the ways in which policy may impact the welfare of animals. What we have heard from the discussions in the other place, and on Second Reading, is that that is open to a considerable amount of interpretation. It is right that both Houses debate and discuss the extent to which they believe "all due regard" has been met. I would think the Government would welcome the amendment, since it would actually give them further opportunity on their media grid to drip out some good news stories about the wonderful things they are doing. Actually, we think the opposite is the case. We do not think they want genuine scrutiny. The amendment could attract some interesting cross-party support as we goes forward.

12.30 pm

**Grahame Morris:** My hon. Friend is making an excellent point, Mr Walker. I believe, Sir Charles, that you were part of the Procedure Committee which created opportunities for Commons Select Committees to make statements and answer questions in the House, which is a welcome development. The amendment is sensible, as are all of the suggestions from the Opposition Front Bench. I hope the Minister will give it sympathetic consideration; I think there is a lot to commend it.

**Daniel Zeichner:** I am grateful to my hon. Friend. By definition, all Opposition Front-Bench amendments are sensible—I will tell you the ones that are not later. My hon. Friend, too, brings great experience on this, and he makes an important point. Those of us who have gradually begun to understand parliamentary procedure over the process of being here know that he is right; proper consideration of Select Committee reports in the Chamber does make a real difference. That is what we are trying to get at with the amendment.

I hope, despite the nature of this debate, that Ministers will go away and think about this point. We have noticed that there are very real differences of opinion on the Conservative Benches on this issue. I think the amendment would give voice to some of the staunch critics of the Bill. I do not think some of them understand it entirely, but I think it might settle some of their concerns if they knew they had the opportunity to raise them in this way. As the Better Deal for Animals coalition said in their briefing to parliamentarians:

"Criticisms of the Bill during its passage to date appear to have been based on a misunderstanding of the role of the Animal Sentience Committee."

Members will be surprised to hear that I am on the side of the Minister on this point, because I agree that it should be reiterated that the new Committee will not have the power to amend or bring about new legislation. It cannot compel the Government to take any particular course of action. I understand the points the Minister is making, and I am not sure that everyone who has taken part in this debate has fully appreciated that.

The amendment would provide an opportunity for Members of both Houses to provide input and scrutinise the Government's success in weighing up competing demands and, crucially, their success in considering the sentience of animals. For the Bill to have any real impact, we believe that Members must have a proper opportunity to scrutinise the Government's response to the Animal Sentience Committee's reports. Going back to my opening points, this could so easily be just another committee. Unless it has power, it will not work, and that would mean that sentience had not been carried across in the way that many people believed it to have been.

The amendment would only strengthen and further the claimed aims of the Bill. If the Government oppose it, I have to say that they will reveal their true intent.

**Jo Churchill:** I thank the hon. Member for Cambridge for raising the matter of responses to the Animal Sentience Committee report with the amendment. I agree that the committee's report warrants parliamentary attention. That is why Ministers will be required to lay a written response before Parliament within three months of a report's publication. This is central to the targeted, timely and proportionate mechanism we are seeking to establish. However, the hon. Member will not be surprised to hear that I do not believe it would be proportionate to clog up the parliamentary timetable with an automatic debate on every single report.

Hon. Members and noble Lords in the other place should decide for themselves the extent to which each report needs more discussion. They will have the usual means at their disposal to bring in Ministers to answer questions: parliamentary questions, Select Committee hearings, Westminster Hall debates and business questions. The EFRA Committee, when looking at this particular subject, asked my noble Friend Lord Benyon to come in front of it, in order to probe him more. We should also allow for the possibility that the committee, in some of its reports, may be satisfied that the Department in question has had all due regard to animal welfare and as such makes no recommendations. I am sure that Ministers would be delighted, as the hon. Member for Cambridge slightly alluded to, to have the platform to speak about such success on the Floor of the House, but I gently say that that is not the best use of parliamentary time.

**Daniel Zeichner:** That was pretty much the answer I expected, but I gently observe that, in a couple of years' time, when the position is reversed, I suspect the Minister might not think that it clogs up the parliamentary timetable to challenge the Government.

*Question put, That the amendment be made.*

*The Committee divided: Ayes 5, Noes 9.*

#### Division No. 4]

#### AYES

Glendon, Mary  
Jones, Ruth  
McCarthy, Kerry

Morris, Grahame  
Zeichner, Daniel

#### NOES

Aiken, Nickie  
Atherton, Sarah  
Bowie, Andrew  
Churchill, Jo  
Daly, James

Evennett, rh Sir David  
Sunderland, James  
Tolhurst, Kelly  
Wheeler, Mrs Heather

*Question accordingly negated.*

*Question proposed, That the clause stand part of the Bill.*

**Jo Churchill:** The clause requires a Minister whose Department has been subject to an Animal Sentience Committee report to lay a written report before Parliament. The response must be submitted within three months of the publication of the report, excluding periods in which Parliament is not sitting. This will give weight to the committee reports. Ministers will not be able to ignore them. There may be occasions when Ministers do not agree with the findings and recommendations of the committee. The clause gives those Ministers the opportunity to explain their views and the reasons therein. If Members or peers are dissatisfied with the Minister's explanation, they have the usual means at their disposal to pursue their concerns, as we discussed.

**Kerry McCarthy:** I have a genuine question about the timing of introducing legislation. I think we all know that the Dangerous Dogs Act 1991 was rushed in and is imperfect. There is obviously much to be said for taking time and seeking advice. I am concerned that the Government will propose something, then the committee has to look at it, then the Secretary of State has three months to reply. If the Government were seeking to legislate or change policy quite quickly, could this mechanism be used to drag things out far longer than they should be?

**Jo Churchill:** I would say no. The formulation and thought process of legislation feels like it takes considerable time, as we all know. This mechanism would not, in any circumstance I can envisage, be used to slow down the passage of anything.

Crucially, the committee supports Parliament's scrutiny of Ministers without creating an undue risk of legal challenge. We learned from the EFRA Committee's valuable feedback on the earlier version of the Bill how this is the case. Our approach means that Ministers will be accountable to Parliament, as is right and proper, and not to the courts. We feel that this creates a balanced, timely, proportionate accountability mechanism, allowing

Ministers to make their own judgments on the best policy decisions to take and giving Parliament the opportunity to scrutinise those issues based on expert advice that comes forward, hence the reason for the committee.

*Question put and agreed to.*

*Clause 3 accordingly ordered to stand part of the Bill.*

#### Clause 4

#### INFORMATION

*Question proposed, That the clause stand part of the Bill.*

**Jo Churchill:** The clause provides for the inclusion of the Animal Sentience Committee in the list of organisations subject to the provisions of the Public Records Act 1958 and the Freedom of Information Act 2000. The Animal Sentience Committee is designed to support Parliament in scrutinising the policy decision making, and it is therefore right that the committee is transparent and accountable in the way that it operates.

We have sought to balance the transparency of the committee with its effectiveness by ensuring that Government Departments can disclose information to it at early stages of policy decision making. The same checks and balances apply to the disclosure of sensitive information via the committee as to the Department with which it will work. The committee will receive dedicated secretariat support from my Department, which will assist in processing any of those Freedom of Information Act requests.

In addition to the transparency provisions in the Bill, we will ensure that the committee's supporting documents and the minutes of the meeting are published online to aid that transparency and scrutiny.

*Question put and agreed to.*

*Clause 4 accordingly ordered to stand part of the Bill.*

#### Clause 5

#### INTERPRETATION

**Kerry McCarthy:** I beg to move amendment 6, in clause 5, page 3, line 9, at end insert—

“(6) For the purposes of section 2 (2) in this Act, “sentient beings” means a being capable of sentience, where “sentience” means the capacity to have feelings, including pain, pleasure, hunger, thirst, warmth, joy, comfort and excitement.”

*This amendment would insert a definition of sentience into the Bill for purposes of reference, based on the definition included in research commissioned by the Department of Environment, Food and Rural Affairs entitled “Review of the Evidence of Sentience in Cephalopod Molluscs and Decapod Crustaceans”.*

The amendment would basically insert a definition of “sentient beings”, which is the phrase used in the legislation. That definition, as I have put it, is:

“‘sentient beings’ means a being capable of sentience, where ‘sentience’ means the capacity to have feelings, including pain, pleasure, hunger, thirst, warmth, joy, comfort and excitement.”

I know that other definitions might be proposed, but that definition was lifted from London School of Economics research entitled “Review of the Evidence of Sentience in Cephalopod Molluscs and Decapod Crustaceans”, which was commissioned by DEFRA and was part of the discussions about whether they should be included in the legislation. I am very pleased that they are now included. That is the definition that I have used.

[Kerry McCarthy]

The Minister said in speaking to clause 1 stand part that it was not usual to include definitions in the Bill, but in my experience, it is pretty common. The “Interpretation” clause states:

“In this Act ‘animal’ means”,

and goes on to define what an animal is, and it also defines “vertebrate” and “invertebrate” by referring to the Animal Welfare Act 2006, so I think it is quite common to include definitions. On Second Reading, some quite spurious points were made, and from my recollection of the Environment, Food and Rural Affairs Committee, when we talked about sentience, people threw around slightly silly things. I think it would be helpful to have a definition in the Bill, and I cannot quite see what the argument against that would be.

A definition of “sentience” would give the Animal Sentience Committee an official reference point when considering the effects of legislation, and that is a good framework to work within. Without a definition, justifying decisions could prove problematic. A definition would shorten the process because the committee would not have to argue about whether an issue related to animal sentience.

I worry that sentience is sometimes seen as being just about feeling pain. Obviously, a lot of animal welfare discussions are about cruelty to animals, and that is what the public tend to focus on most, but as I have said, feeling pleasure comes back to the idea of the positive effects of things. We know from debates about caged birds and sow crates, or just about the way farm animals are kept, that animals—particularly intelligent animals such as pigs—need stimulation. It is actually very cruel to keep them somewhere where they cannot exhibit their natural behaviour.

Defining “sentience” would make it clear that the legislation is not just about stopping animals suffering pain. It is an apolitical expert decision, sourced from Government-commissioned research. The Government accepted that research when agreeing to include crustaceans, molluscs and so on in the Bill. The amendment would help the Bill and make it a better piece of legislation. I am interested to hear why the Minister does not agree.

12.45 pm

**Jo Churchill:** I thank the hon. Member for Bristol East for moving the amendment, by which she asks the important question of why we are not putting in a fixed definition of “sentience”. I reiterate that this is about the positive and the negative.

Our scientific understanding of sentience has come a long way in recent years—the hon. Lady referred to the LSE report—and will continue to evolve. The Government approach will be led by the science. We therefore decided that we would not include a fixed definition of “sentience” in the Bill because, in the course of time, it will become out of date. As I said, for the Bill to work, it is not necessary to define “sentience” in statute. If we accept that those animals are sentient, we accept the principle supported by the Bill that their welfare needs should be properly considered in Government policy decision making, so there is no need to increase the complexity.

This is the nub of the matter: if the Animal Sentience Committee wishes to adopt a working definition of “sentience”, it will be absolutely free to do so. One of

the first acts of the Scottish Animal Welfare Commission—a similar body, to which the hon. Member for Edinburgh North and Leith alluded earlier—was to prepare its own working definition of “sentience”. So, should the committee wish to do the same, that would be a discussion for the experts to have, rather than for us in Government. I do not think that any of us would say that we are experts in defining; it is for the committee to choose.

**Deidre Brock:** I thank the Minister for mentioning the SAWC’s definition of “sentience”. She is correct that that happened in the early days after its formation. Will she require that of the committee? Will that be something to be discussed and required of the committee when it sits in future?

**Jo Churchill:** I may be wrong, but I do not think that the Scottish Government determined that that should be one of the SAWC’s first acts. I reiterate: it should be for the committee to decide whether it wishes to do the same and to have a working definition. The whole tenor of the Bill is to be future-proofed.

**Grahame Morris** *rose*—

**The Chair:** Order. Had you sat down, Minister?

**Jo Churchill:** I apologise, I did not see the hon. Gentleman.

**Grahame Morris:** I was caught on the horns of a dilemma there, because the Minister was answering the earlier intervention. I apologise if I missed this in the explanatory notes, but do we have any information on the composition of the committee, on the nature of the people, individuals or expert opinions who will make up the committee?

**Jo Churchill:** I refer the hon. Gentleman to the terms of reference. We do not want to be overly prescriptive about its make-up, nor do we want to be over-prescriptive in case, for example, experts were to come from the devolved nations. This is an expert committee to give sound scientific advice on which Ministers will make a decision. That is referred to clearly in the terms of reference.

**Kerry McCarthy:** That is an illogical argument. If we were to follow that through, there would be no point having amended the Bill to incorporate the recommendations of the report. It would have been easy to say, “The committee are the experts, they can decide whether molluscs and crustaceans are sentient beings.” We put things in legislation to steer the agenda of the committee. That is the very point.

I worry that the committee will be open to challenge. We saw misinformed hostility from many quarters on Second Reading, and I would have thought that the Government could solidify the fact that the committee is there to look at things other than just overt instances of animal cruelty. It would really help the experts on the committee to do their job if we were to define sentience in the Bill, so I will press the amendment to a vote.

**The Chair:** And we will get to that, but before we do, I think the official Opposition would like to comment briefly.

**Ruth Jones:** Thank you, Sir Charles. I rise in support of my hon. Friend the Member for Bristol East, who made an excellent speech that clearly and articulately explained how important the definition is and why the amendment is so important. The definition is the key to understanding the whole Bill and how the committee will work. I vividly remember the proceedings on the Environment Bill, when we were told, “Don’t worry; the explanatory notes will explain all.” However, that is not the same as legislation. Explanatory notes are separate, which is why the Opposition are so keen to have the definition enshrined in the legislation. That is why we will press the amendment to a vote.

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 5, Noes 9.

#### Division No. 5]

#### AYES

Glendon, Mary  
Jones, Ruth  
McCarthy, Kerry

Morris, Grahame  
Zeichner, Daniel

#### NOES

Aiken, Nickie  
Atherton, Sarah  
Bowie, Andrew  
Churchill, Jo  
Daly, James

Evennett, rh Sir David  
Sunderland, James  
Tolhurst, Kelly  
Wheeler, Mrs Heather

*Question accordingly negated.*

**Grahame Morris:** On a point of order, Sir Charles. I am sorry if I am asking an obvious question, but when the hon. Member for Edinburgh North and Leith says “no vote”, is that recorded as a positive abstention?

**The Chair:** It is recorded as exactly what it is. The hon. Lady could say “abstention”, for example, but it is not recorded. It does not appear in the record.

Thank you, Mr Morris, for the point of order—it was a genuine point of order and required an answer. That was actually the first one I have had in 11 years, so thank you, Ms Brock, as well.

*Question proposed,* That the clause stand part of the Bill.

**Jo Churchill:** The clause sets out what types of animals are covered by the provisions of the Bill and are thus subject to consideration by the Animal Sentience Committee. It covers any vertebrate other than homo sapiens. The science is clear that vertebrate animals—those with a spine—can experience pain and suffering.

Furthermore, in 2020, my Department commissioned an independent review of the available scientific evidence on sentience in decapod crustaceans, such as crabs and lobsters, and in the cephalopod class, which includes octopus, cuttlefish and squid. There has been much scientific interest in the sentience of such creatures for a number of years, because they are unusual among invertebrates in having complex nervous systems—one of the prerequisites of sentience. The review considered some 300 pieces of research, applying a robust set of criteria to reach its conclusions. On publishing the review’s findings last October, we accepted its central

recommendation that, given the strong evidence of such creatures’ sentience, they should be included in the legislation.

We tabled an amendment to the clause in the other place, and we are pleased that it enjoyed cross-party support. However, we know that there is new scientific evidence emerging all the time, which is why we have sought to future-proof the Bill with a delegated power for Ministers to add species to the definition of animals by regulations, using an affirmative statutory instrument. Such a measure would be based on scientific evidence that particular species of invertebrates are sentient.

We have no plans to use the delegated power in the near future. The sentience of decapods and cephalopods was the subject of considerable scientific research over many years, and we are not expecting compelling evidence on other species to emerge overnight. However, it is important to be able to keep the Bill’s scope up to date, in line with scientific developments.

Ministers will not be able to amend the Bill’s scope on a whim. Regulations laid under the delegated power would be subject to parliamentary approval via the affirmative procedure, and Parliament would rightly expect more compelling scientific evidence to be brought forward to justify any extension. If it were not convinced, Parliament would be able to vote down the regulations.

The clause therefore sets the scope of the Bill to cover creatures for which there is strong scientific evidence of sentience, and it includes a delegated power to keep the scope up to date with emerging evidence, subject to sensible checks and balances.

*Question put and agreed to.*

*Clause 5 accordingly ordered to stand part of the Bill.*

#### Clause 6

##### EXTENT, COMMENCEMENT AND SHORT TITLE

*Amendment made:* 1, in clause 6, page 3, line 16, leave out subsection (5).—(Jo Churchill.)

*This amendment removes the privilege amendment inserted in the Lords.*

*Question proposed,* That the clause, as amended, stand part of the Bill.

**Jo Churchill:** The clause sets out the territorial extent and the commencement provisions for the Bill following Royal Assent. Clause 2(6) provides that the Animal Sentience Committee may only issue reports on policy decisions of the UK Government. That means that the committee may issue a report on any policy for which UK Government Ministers are responsible. The committee cannot issue a report on any policy that relates to a legislative provision falling within a devolved competence. Animal welfare policy is devolved. The Bill’s provisions will come into force on such days as the Secretary of State may, by regulations made by statutory instrument, appoint.

*Question put and agreed to.*

*Clause 6, as amended, accordingly ordered to stand part of the Bill.*

#### New Clause 1

##### DUTY TO PREPARE AN ANIMAL SENTIENCE STRATEGY

“(1) The Secretary of State must prepare an Animal Sentience Strategy.

(2) The Strategy under paragraph (1) must set out how Her Majesty's Government plans to have regard to animal sentience including plans to—

- (a) respond to Animal Sentience Committee reports,
- (b) require animal welfare impact assessments, and
- (c) commission independent research.

(3) The Strategy must set out 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 last 12 months.

(6) A Minister of the Crown must make a motion in each House of Parliament in relation to the annual statement.

(7) The Secretary of State must publish a revised Animal Sentience Strategy at the start of each parliament.—(*Daniel Zeichner.*)

*This new clause would place a duty on the Secretary of State to produce an animal sentience strategy, and to provide an annual update to Parliament on progress against it.*

*Brought up, and read the First time.*

**Daniel Zeichner:** I beg to move, That the clause be read a Second time.

The new clause is tabled in my name and those of many of my colleagues. In many ways, I will go back to where I started, by referring to the comments by my colleague in the other place, Baroness Hayman. She explained very lucidly that the Bill in its current form provides

“a weaker set of responsibilities”

than provided for in EU law and

“effectively outsources the bulk of animal sentience responsibility to the committee, which can make recommendations to decision-makers but sits outside the decision-making process.”—[*Official Report, House of Lords, 6 July 2021; Vol. 813, c. GC285.*]

That is an important point, which we have already referenced, and I believe that it should be heard loud and clear—put up in lights, in fact. The Conservatives have weakened the law on animal sentience. [*Interruption.*] They may not like it, but it is the truth.

Now, there is a solution—there is salvation, and I am going to offer it. The amendment tabled by Labour in the other place goes some way towards rectifying that problem. Again, as Baroness Hayman explained,

“Article 13 imposed a direct legal obligation on the EU and its member states to pay full regard to animal sentience. It was a direct responsibility on decision-makers, in the form of government Ministers.”—[*Official Report, House of Lords, 6 July 2021; Vol. 813, c. GC284.*]

I have already described how the Bill is weakened by the requirement for the Secretary of State to provide written responses to Animal Sentience Committee reports rather than oral responses. The Government chose not to take that opportunity.

The Bill places indirect responsibilities on Ministers; they must simply establish and maintain a committee and lay written responses, rather than assuming direct responsibilities on these matters, which is what we would like to see. This is clearly an inadequate replacement for the duties and responsibilities enshrined in article 13 of the treaty on the functioning of the European Union, and that is what we seek to address through the new clause.

The new clause would place a duty on the Secretary of State to produce an animal sentience strategy and to provide annual updates to Parliament on progress against it. It would significantly improve the Bill by increasing the left given to the Animal Sentience Committee and ensuring that its work does not, as I fear it might, end up being merely symbolic.

1 pm

If the Government cared as deeply about animal sentience as they claim, they would join us in setting out this fully formed strategy. Not only would a strategy provide guidance and direction for the Animal Sentience Committee, as my hon. and good Friend the Member for Bristol East suggests, but the committee would hold Ministers to account much more robustly than the Bill currently provides for. Under the current weak proposals, the Government “respond” to the committee's reports, and in those responses, all they can do is express contentions or commitments to future policy formulation and implementation. As I have already spelled out, there is no mechanism for Parliament to hold the Government to account in this respect. Annual reporting on an overarching strategy, progress against which could be debated properly in Parliament, would at least provide for that.

As I mentioned, we are aware that some Government Members are critical of the Bill. I suspect that they were not invited by the Whips to join this Committee, but they are still out there. I hope that, on Report, they might notice and be attracted by some of our propositions. Annual reporting would provide opportunities for parliamentarians to evaluate the effectiveness and impact of the Animal Sentience Committee and to debate the issues more widely.

I think we can all agree that these are complicated and intricate matters; they are sensitive and important as well. We are talking about the ability to feel pain and pleasure, joy and sorrow. It is therefore of the utmost importance that the most up-to-date scientific findings are incorporated in the Government's decisions. Much of the confusion could be avoided if the Government were able to commission more independent research in this area, and the new clause would strengthen that ability. I encourage Government Members to think seriously about supporting our amendment.

**Jo Churchill:** I say gently to the hon. Gentleman, whom I thank for proposing new clause 1, that while I agree that the Bill should be science-led, he will not be surprised that I disagree entirely that we are watering down anything. Given that we are robustly discussing animal sentience, how seriously the issue is taken in this place could not be plainer to the outside world.

I understand why the hon. Gentleman might want to require the Secretary of State to publish an animal sentience strategy and undertake the actions associated with it, but the Bill underpins the action plan for animal welfare published in May last year. Of course the Government want the new committee to perform its role to the best of its ability, and we will work with Members to ensure that it does just that, but the independence of that committee is vital. A strategy in which Ministers set out policies that they want the committee to consider would limit its ability to set its own agenda. It is vital to make sure that the committee



is led by science and by experts, and that it has its own ability to define sentience, if it wishes to, and to set its own agenda.

The committee's reports will be publicly available and will provide a record of policies that it has considered. As is usual, the committee will be subject to the Freedom of Information Act and the Public Records Act, as laid out in clause 4. Rather than prescribe a list of tasks for the committee, we want to ensure that it can shape its role in an independent manner, and that its influence in highlighting the impact on animal welfare of key policy decisions is maximised and determined by its own evaluation of where it could add value. DEFRA will support the committee in identifying such opportunities, but it is important that experts have that scope.

We do not propose to require Government Departments to produce animal welfare impact assessments, but my Department is committed to working with its counterparts across the Government to develop the right tools to assess the effect of policy decisions on animal welfare so that there is a cohesive look at that matter. Departments will have good reason to engage with the process as that will help to prevent the committee from producing negative reports, as well as aiding learning across the Government. The Bill as drafted, alongside the action plan for animal welfare, will achieve many of the intentions of the new clause while retaining the committee's flexibility and discretion to focus on the areas that it deems most important.

**Daniel Zeichner:** I will respond briefly, as you would encourage me to do, Sir Charles.

I listened closely to the Minister's response, and while I struggled with some of the civil service gobbledegook, I think she said that some of the things that we are looking to achieve will happen, which we welcome. In the end, however, I can come to no conclusion but that this is a weak proposition. I have asked the Minister three times why the Government did not choose to bring across the stronger version of the legislation—goodness me, they brought plenty of other legislation across—but that has not been explained, and there must be a reason. The Minister also has not been able to answer the question of where sentience currently stands, so the only conclusion we can come to is that the Bill needs to be beefed up and made much stronger. I can assure you, Sir Charles, that in a couple of years' time, it will be.

*Question put, That the clause be read a Second time.*

*The Committee divided: Ayes 5, Noes 9.*

#### Division No. 6]

#### AYES

Glendon, Mary  
Jones, Ruth  
McCarthy, Kerry

Morris, Grahame  
Zeichner, Daniel

#### NOES

Aiken, Nickie	Evennett, rh Sir David
Atherton, Sarah	Sunderland, James
Bowie, Andrew	Tolhurst, Kelly
Churchill, Jo	Wheeler, Mrs Heather
Daly, James	

*Question accordingly negated.*

*Question proposed, That the Chair do report the Bill, as amended, to the House.*

**The Chair:** I just want to tell new colleagues what the Clerk's note reads: "At this point, Members may wish to raise bogus points of order or debate the Question in order to raise issues concerning proceedings of the Bill, to thank officials, etc. This is permissible within reason as long as the final Question on report is put and agreed to."

Would anyone like to say nice things about officials? I will thank my Clerk, the *Hansard* writers and, of course, the Doorkeepers for their outstanding service.

**Nickie Aiken:** May I share your sentiments, Sir Charles, and say thank you to our parliamentary staff here and across the estate?

**Jo Churchill:** I add my voice to that, but I would also like to thank my Bill team and members of my private office, who are nothing but always by my side, for which I thank them.

**Deidre Brock:** Many thanks to the Clerks and the Doorkeepers, and to *Hansard* for taking down our words today.

**The Chair:** And, I suspect, last but not least—shadow Minister Ruth Jones.

**Ruth Jones:** Thank you, Sir Charles; I am not going to miss this opportunity.

I echo the thanks that have been given, and I would also like to place on record our thanks to our staff. The Bill has been interestingly timetabled, and we have been working under pressure, so it has been useful to have our staff so on board. I also thank you, Sir Charles, for your excellent chairing.

**The Chair:** Thank you very much.

*Question put and agreed to.*

*Bill, as amended, accordingly to be reported.*

1.9 pm

*Committee rose.*

**Written evidence reported to the House**

AWSB01 RSPCA

AWSB02 Compassion in World Farming

AWSB03 Better Deal for Animals coalition

AWSB04 Crustacean Compassion

AWSB05 Game &amp; Wildlife Conservation Trust

AWSB06 Conservative Animal Welfare Foundation