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Report Stage: Monday 14 March 2022

Animal Welfare (Sentience) Bill [Lords], As Amended

(Amendment Paper)

This document lists all amendments tabled to the Animal Welfare (Sentience) Bill [Lords]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Speaker's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

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To move the following Clause—

“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 invite 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

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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 an updated Animal Sentience Strategy at the start of each parliament.”

Member’s explanatory statement

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.

Deidre Brock

NC2

To move the following Clause—

“Report on the use of sentient animals in Ministry of Defence exercises

- (1) The Animal Sentience Committee shall produce a report under section 2 on the

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adverse effects on the welfare of animals of their use by the Ministry of Defence.

- (2) The report shall cover use of animals as defined by this Act in section 5 (1).
- (3) The report shall cover use of animals by the Ministry of Defence in—
 - (a) military exercises,
 - (b) military engagements, and
 - (c) experiments by the Defence Science and Technology Laboratory under the Animals (Scientific Procedures) Act 1986.
- (4) This report shall include recommendations for future government action under section 2 (3) and (4)."

Member's explanatory statement

This new clause requires the Animal Sentience Committee to produce a report on the use of sentient animals in scientific experiments and military exercises by the Ministry of Defence and its executive agency the Defence Science and Technology Laboratory.

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Deidre Brock

NC3

To move the following Clause—

“Report on the use of sentient animals in animal experimentation in government policy

- (1) The Animal Sentience Committee shall produce a report under section 2 on the adverse effects on the welfare of animals of government policy on experimentation on animals.
- (2) The report shall cover both animal experimentation where alternative (non-animal based) methods of testing exist, and where no alternative exists.
- (3) The report shall cover—
 - (a) medical testing,
 - (b) cosmetics testing, and
 - (c) weapons testing.
- (4) This report shall include recommendations for future government action under section 2 (3) and (4).”

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Greg Smith

NC4

To move the following Clause—

“Animal Welfare Strategy

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

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

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(7) Ministers and departments must provide the Committee with any information the Committee reasonably requests to enable it to carry out its function.”

Member’s explanatory statement

This new clause would ensure that there is a clear strategy setting out how the animal welfare implications of policies in formulation or implementation are to be incorporated in the process of developing, deciding and implementing those policies. This would ensure that the same process applied across all departments.

Tim Farron

NC5

To move the following Clause—

“Report on the impact of government policy on river pollution on sentient animals

The Animal Sentience Committee shall produce a report on the impact of government policy on river pollution on sentient animals.

(1) The annual report must include—

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- (a) the number of sentient animals killed or injured as a result of polluted rivers.
 - (b) a description of the actions of water companies to guarantee the protection of sentient animals.
 - (c) an assessment of the effect of government policy on (a) and (b).
- (2) The first annual report on the impact of polluted rivers on sentient animals may relate to any 12 month period that includes the day on which this section comes into force.
- (3) The annual report must be published and laid before Parliament within 4 months of the last day of the period to which the report relates."

Member's explanatory statement

This new clause would require the Animal Sentience Committee to produce a report on the impact of polluted rivers on sentient animals.

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To move the following Clause—

“Report on the impact of trade agreements on sentient animals

The Animal Sentience Committee must produce an annual report on the adverse effects on the welfare of animals of UK trade agreements.

- (1) The annual report must cover how the UK government has taken the sentience of animals into account when establishing new trade deals.
- (2) The first annual report on the impact of trade agreements on sentient animals may relate to any 12 month period that includes the day on which this section comes into force.
- (3) The annual report must be published and laid before Parliament within 4 months of the last day of the period to which the report relates.”

Member’s explanatory statement

This new clause would require the Animal Sentience Committee to produce a report on the

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impact of UK trade agreements on sentient animals.

Greg Smith **8**

Clause 1, page 1, line 3, after “must” insert “by regulations”

Member’s explanatory statement

This amendment would require the Animal Sentience Committee to be established by regulations.

Greg Smith **3**

Clause 1, page 1, line 5, at end insert—

“(1A) The function of the Committee is to determine whether, in the process of formulating policy, it is satisfied the Government is having, or has had, all due regard to the ways in which the policy might have an adverse effect on the welfare of animals as sentient beings.

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(1B) It is not the function of the Committee to—

(a) comment on the policy decisions of Ministers or to recommend future policy or changes to existing policy, or

(b) consider other considerations of public interest, including economic, cultural and religious considerations, or impacts on different species, in the formulation and implementation of any policy.

(1C) Schedule 1 makes provision for the Committee's membership and powers; and other aspects of the Committee's work."

Member's explanatory statement

This amendment clarifies the Committee's role and makes clear the Committee is limited to commenting on process. It makes explicit that Ministers should take into account any other public interest considerations. It also gives effect to NS1, which sets out the structure, membership criteria and operation of the Committee.

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Greg Smith

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Clause 1, page 2, line 1, leave out subsections (2) and (3) and insert—

“(2) The regulations must set out—

(a) details of how the Animal Sentience Committee is to be composed, and

(b) its terms of reference.

(3) Regulations under this section must be made by statutory instrument.

(4) Regulations under this section may not be made unless a draft statutory instrument has been laid before, and approved by resolution of each House of Parliament.”

Member’s explanatory statement

This amendment would ensure the Animal Sentience Committee looked at policies under consideration, or proposed, not policies that have already been decided.

Greg Smith

4

Clause 1, page 2, line 1, leave out subsection (2)

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Member's explanatory statement

This amendment is consequential on Amendment 3.

Greg Smith **5**

Clause 1, page 2, line 3, leave out subsection (3)

Member's explanatory statement

This amendment is consequential on NS1.

Greg Smith **6**

Clause 1, page 2, line 5, at end insert—

“(4) No person may be appointed as a member of the Committee unless they have confirmed that they—

(a) are not a member of, or affiliated to an organisation promoting animal rights;

(b) are not employed and have never been employed by or been a consultant of an organisation promoting animal rights; and

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(c) are not in receipt of, nor have ever been in receipt of, direct or indirect payments or funding, from an organisation promoting animal rights.”

Member’s explanatory statement

The amendment would ensure that a person may not be appointed a member of the Committee without confirming that they are not and have never been a member of or affiliated to an organisation promoting animal rights, nor are or have been in receipt of funding from such an organisation.

Greg Smith

7

Clause 1, page 2, line 5, at end insert—

“(1A) In appointing members, the Secretary of State shall have all due regard to the need for the Committee to possess appropriate expertise and experience, to include animal behaviour, animal welfare, neurophysiology, veterinary science, law, and public administration. The Secretary of State may not appoint a

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person as a member of the Committee if the person is—

- (a) a member of the House of Commons,
- (b) a member of the House of Lords,
- (c) a member of the Scottish Parliament,
- (d) a member of Senedd Cymru,
- (e) a member of the Northern Ireland Assembly,
- (f) a councillor of a local authority.
- (g) is an employee, former employee, or is a consultant or former consultant to, a charity or campaigning organisation concerned with animal welfare or animal rights, or is or has been in receipt of any payments or funding from such a charity or organisation, whether directly or indirectly.

(1B) Appointments shall be subject to regulation by the Office of the Commissioner for Public Appointments.”

Member’s explanatory statement

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This amendment would clarify the range of expertise of the membership of the Committee and preclude certain categories of person. This is an alternative to Amendment 6 and uses the same wording as that found in NS1.

Greg Smith

21

Page 2, line 6, leave out Clause 2 and insert—

"Reports of the Committee

- (1) The Committee must lay before Parliament an annual report setting out whether it is satisfied that all due regard has been had to animal welfare, in accordance with the Animal Welfare Strategy. The report is to be published and laid before Parliament.
- (2) The report must state in the affirmative or negative whether it is satisfied that each department of state has complied with the Animal Welfare Strategy.

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- (3) The Committee may produce interim reports relating to individual departments and policy areas under consideration, at any time, including making recommendations, where it considers it is necessary to ensure compliance with the animal welfare strategy for the purpose set out in section 1(2)."

Member's explanatory statement

This amendment largely replicates the existing Bill but takes account of the Animal Welfare Strategy, while still allowing the Committee to play a role where it feels that there has been a failure of process in compliance with the Strategy at a stage before a policy decision has been made.

Greg Smith

10

Clause 2, page 2, line 7, leave out "or has been"

Member's explanatory statement

This amendment would ensure the Animal Sentience Committee looked at policies under

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consideration, or proposed, not policies that have already been decided.

Greg Smith

12

Clause 2, page 2, line 8, leave out “or implemented”

Member’s explanatory statement

This amendment would ensure that the Committee is focused on the process of deciding policy and not the implementation of that policy. It would also ensure the Committee did not look at past policy decisions being implemented.

Greg Smith

13

Clause 2, page 2, line 9, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would require the Animal Sentience Committee to report on all government policy across departments.

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Greg Smith **11**

Clause 2, page 2, line 12, leave out “or has had”

Member’s explanatory statement

See the explanatory statement for Amendment 10.

Greg Smith **14**

Clause 2, page 2, line 14, at end insert—

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

Member’s explanatory statement

This amendment would require the Committee to state clearly whether in deciding any policy the minister had, or had not, had full regard to the implications of that policy on animal welfare.

Sir Geoffrey Clifton-Brown **2**

Clause 2, page 2, line 23, at end insert—

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

Member’s explanatory statement

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

Greg Smith

16

Clause 2, page 3, line 17, at end insert—

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

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Member's explanatory statement

This amendment requires the Committee to consult the Department of Environment, Food and Rural Affairs' Animal Welfare Committee on its reports and include a report of its opinions and advice.

Greg Smith

22

Page 3, line 18, leave out Clause 3 and insert—

"Response to reports

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

Member's explanatory statement

This amendment is consequential to the animal welfare strategy amendments and ensures that

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ministers must explain to Parliament any failure to comply with the Animal Welfare Strategy identified by the Committee.

Greg Smith

15

Clause 3, page 3, line 20, after "2," insert "where the committee has found the question in section 2(2) to have been answered in the negative,"

Member's explanatory statement

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

Greg Smith

17

Clause 3, page 3, line 24, at end insert—

"(3) The response must contain the views of other expert committees, such as the Animal Welfare Committee, and, where they disagree with the views of the

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Animal Sentience Committee, the Secretary of State must state which view the Government supports and the reasons for making that decision.”

Member’s explanatory statement

This amendment would ensure that the Secretary of State’s response to the Animal Sentience Committee report includes the views of other expert committees, and, if in conflict, the Secretary of State must state with which committee’s view the Government agrees and give the reasons.

Ruth Jones

1

Clause 3, page 4, line 3, 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).”

Member’s explanatory statement

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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.

Greg Smith

18

Clause 5, page 4, line 19, at end insert—

““Policy” means any proposal or decided course of action by or on behalf of a minister in the exercise of their statutory or common law powers. Policy does not include the decisions of ministers not to act, including changing an existing policy or law.”

Member's explanatory statement

This amendment provides a definition of policy for the purposes of the Animal Sentience Committee.

Greg Smith

19

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Clause 5, page 4, line 19, at end insert—

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

Member’s explanatory statement

This amendment ensures consistency with existing legislation.

Greg Smith

20

Clause 5, page 4, line 24, at end insert—

“(2A) The power under subsection (2) may only be exercised if the Secretary of State is satisfied, on the basis of scientific evidence, that animals of the kind concerned are sentient, and the Secretary of State lays a report before Parliament setting out the scientific basis for determining that the species concerned is sentient.”

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Member's explanatory statement

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

Greg Smith

NS1

To move the following Schedule—

“The Animal Sentience Committee

Membership

- 1 (1) The Animal Sentience Committee is to consist of—
 - (a) a member appointed by the Secretary of State to chair the Committee, and
 - (b) at least 8 but no more than 11 other members appointed by the Secretary of State.
- (2) In appointing members, the Secretary of State shall have all due regard to the

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need for the Committee to possess appropriate expertise and experience, to include animal behaviour, animal welfare, neurophysiology, veterinary science, law, and public administration.

- (3) A member is appointed for such period not exceeding 4 years as the Secretary of State determines.
- (4) The Secretary of State may reappoint as a member of the Committee a person who is, or has been, a member. A member shall not normally be reappointed consecutively for more than two terms of office.
- (5) The Secretary of State may not appoint a person as a member of the Committee if the person is—
 - (a) a member of the House of Commons,
 - (b) a member of the House of Lords,
 - (c) a member of the Scottish Parliament,
 - (d) a member of Senedd Cymru,
 - (e) a member of the Northern Ireland Assembly,

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- (f) a councillor of a local authority,
- (g) an employee or former employee, or a consultant or former consultant to a charity or campaigning organisation concerned with animal welfare or animal rights, and
- (h) a person in receipt of, or previously in receipt of, any direct or indirect payments or funding from a charity or campaigning organisation concerned with animal welfare or animal rights.

General Powers

- 2 (1) The Committee may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its function as defined in section 1(2).
- (2) The foregoing includes, but is not limited to, requesting from the government such information and material as it considers necessary.
- (3) So far as is reasonable and practicable, the government shall comply with any

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request from the Committee under paragraph 2(2). If the government declines such a request it shall provide to the Committee its reasons for doing so in writing.

- (4) In the event that the Committee considers the government has failed to meet the duty in paragraph 2(3) it may make reference to this in any report produced in accordance with section 2 of this Act.
- (5) It shall be for the Committee to identify those policies which in its view might have an adverse effect on the welfare of animals as sentient beings.
- (6) Without prejudice to the foregoing, the government shall take reasonable steps to advise the Committee of its intention to formulate or implement any policy which might have an adverse effect on the welfare of animals as sentient beings.
- (7) If in producing a report under section 2 of this Act the Committee considers it to be desirable that the government receives further guidance on how animal welfare

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might be improved in relation to the relevant policy, it may refer the matter to an appropriate committee established for the purpose of providing such advice to ministers.

(8) The Committee may invite to attend its meetings on either a permanent or temporary basis any person appointed to chair a body established by the UK Government, the Scottish Government, the Welsh Government or the Northern Ireland Executive to provide advice on the welfare or protection of animals in relation to the process of the formulation and implementation of policy. Persons attending in such an ex officio capacity shall not participate in any decisions of the Committee.

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

Independence and transparency

3 (1) The Committee shall be independent and autonomous of any other body.

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

Expenses and resources

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

Early termination of membership

- 5 (1) A member of the Committee may resign by giving notice in writing to the Secretary of State.
- (2) The Secretary of State may, by giving notice to the member in writing, remove a member of the Committee if the Secretary of State considers that the member is—

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- (a) unable to perform the functions of a member, or
 - (b) unsuitable to continue as a member.
- (3) A person's membership of the Committee ends if the person becomes—
- (a) a member of the House of Commons,
 - (b) a member of the House of Lords,
 - (c) a member of the Scottish Parliament,
 - (d) a member of Senedd Cymru,
 - (e) a member of the Northern Ireland Assembly,
 - (f) a councillor of a local authority, and
 - (g) an employee of or a consultant to a charity or campaigning organisation concerned with animal welfare or animal rights, or receives any direct or indirect payment or funding from such a charity or organisation.

Sub-Committees

- 6 (1) The Committee may establish sub-committees.

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

Regulation of procedure

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

Validity of things done

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

Member’s explanatory statement

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This new schedule is consequential on Amendments 3, 4 and 5. It sets out a structure for the Committee, criteria for appointments and how it is to operate.

Order of the House

[18 January 2022]

That the following provisions shall apply to the Animal Welfare (Sentience) Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 10 February 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

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4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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