

Environment, Food and Rural Affairs Committee

Oral evidence: Animal Welfare (Sentience) Bill inquiry, HC 277

Monday 19 July 2021

Ordered by the House of Commons to be published on 19 July 2021.

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Members present: Neil Parish (Chair); Geraint Davies; Dave Doogan; Rosie Duffield; Dr Neil Hudson; Robbie Moore; Mrs Sheryll Murray.

Questions 1 - 69

Witnesses

I: Dr Jonathan Birch, Associate Professor, Centre for Philosophy of Natural and Social Science, London School of Economics; Tim Bonner, Chief Executive, Countryside Alliance; Dr Penny Hawkins, Head, Animals in Science Department, Advocacy and Policy Directorate, Royal Society for the Prevention of Cruelty to Animals.

II: Dr Steven McCulloch, Senior Lecturer in Human-Animal Studies, University of Winchester; Dr Nick Palmer, Head, Compassion in World Farming UK; Dr Mike Radford OBE, Reader in Animal Welfare Law and UK Constitutional Law, University of Aberdeen.

Written evidence from witnesses:

- [London School of Economics](#)
- [Countryside Alliance](#)
- [University of Winchester](#)



Examination of witnesses

Witnesses: Dr Jonathan Birch, Tim Bonner and Dr Penny Hawkins.

Q1 **Chair:** Welcome to the EFRA Select Committee. We are looking at the sentience Bill and legislation. Our first panel of witnesses is Dr Jonathan Birch, Tim Bonner and Dr Penny Hawkins. Would you like to introduce yourselves for the record, please?

Dr Hawkins: Good afternoon, everybody. I am Penny Hawkins and I am the head of the RSPCA's animals in science department, which is part of the society's directorate of advocacy on policy.

Tim Bonner: I am Tim Bonner, chief executive of the Countryside Alliance.

Dr Birch: Good afternoon, everyone. I am Jonathan Birch, an associate professor at the London School of Economics. I am the principal investigator on the Foundations of Animal Sentience project.

Q2 **Chair:** Welcome. This is our first session on the sentience Bill and the first question is a fairly broad one. Can you briefly outline your understanding of the term "animal sentience" and how the sentience of an animal is determined scientifically? I am not going to give that one straight to Tim. Dr Jonathan Birch, would you like to have a go at that, please?

Dr Birch: That is a broad question. Sentience is the capacity to have feelings. This can include feelings of pain, pleasure, joy, sadness, comfort, discomfort, hunger, thirst and warmth. There are two things to note about that. First, it is not just about pain—it is the capacity to have feelings—but of course feelings of pain and suffering have a particular ethical significance and thus a particular significance for animal welfare law. The second thing to note is that it is just the capacity to have feelings. It is not the capacity to reflect on one's feelings, or the capacity to understand the feelings of others. Those are more sophisticated capacities. Sentience is just about having these feelings.

How do we look for it scientifically? Of course, we cannot directly observe the feelings of other animals, but we can look at a battery of cognitive, behavioural and neuroscientific indicators of sentience. In this area, pain has been particularly important, and rightly so, because of its special significance for animal welfare law. Lists of indicators of pains have been developed that look at the sorts of manifestations pain is likely to have in creatures that feel it.

It is partly about looking at the neural pathways and looking for the presence of nociceptors, integrative brain regions and connections between them. A nociceptor is a specialised receptor for noxious stimuli. It is partly also about looking for behaviour. For example, is there behaviour such that, if an animal is injured, it will develop a lasting aversion to the place where it received the injury? Can that then be



modified by something like a local anaesthetic or an analgesic, so that the animal no longer seems to be experiencing the pain? Even more striking evidence would be if the animal learns to prefer the places at which it can access the anaesthesia or analgesia when it has been injured.

I will not give a full account, but I have given you a general sense of the sorts of indicators we can look for to develop a robust scientific case for sentience.

Q3 Chair: When you have an animal or being that shows less reaction to light, heat or whatever, how is it possible to actually judge what sort of pain they feel? The trouble with this Bill in some ways is it is very broad. We are trying to draw together what it actually means.

Dr Birch: Writing a list of criteria for sentience into the law would not be a particularly good idea. I thought at one time that might be a good idea, but on reflection I do not think it is. That is a matter of subtle scientific judgment that might change as the science develops. The science in this area has been developing quite rapidly.

The criteria that were drawn up to address this issue when the changes to the Animals (Scientific Procedures) Act were made in 1993 are not the best criteria now. We can improve on them, and in 10 or 20 years' time we could probably improve on the criteria we use today. It is very important that these judgments are made by the best scientific criteria, but I would not suggest that a way to clarify this particular Bill would be to try to write specific criteria into it, if that is clear.

Chair: That is quite clear.

Dr Hawkins: I will be very brief because the RSPCA completely supports Jonathan's definition of sentience. It has to include the capacity to have positive and negative experiences, such as pleasure, pain and distress. We are particularly supportive of the criteria that Jonathan's team have set out for ascribing the potential for sentience to animals. We completely support the very robust scientific basis for his team's conclusions. We also agree that it does not make sense to have sentience on the face of the law, for all the reasons Jonathan has said. To conclude, we totally support Jonathan's response.

Q4 Chair: I have a second part of my question, which I will put to Tim. You can answer the first part as well, Tim, and then Jonathan and Penny can comment on this second part. To what extent do you think Government policy already takes animal sentience into account?

Tim Bonner: I am not going to disagree with much more learned people on the issue of sentience and what it is. Sentience is a fact. It is not a theory or a principle. As we have heard, it is a fact that science is developing around. I would entirely agree with the previous witnesses on that.



In relation to how Government and Parliament have dealt with the sentience issue before, if an animal is not sentient it is difficult to see why you would protect its welfare. The principle of protecting animal welfare is based on the fact that we understand and accept that animals are sentient. That has been the case for very nearly 200 years in legislation that has been passed by Parliament. We must not get too hung up on the idea that this is about defining which animals are sentient and what sentience is.

The real nub and impact of the Bill and legislation is not so much around the issue of which animals are sentient or whether animals are sentient. I do not think any of us are going to argue against that. It is how the welfare of those sentient animals is then considered by Government as they move forward. That is the controversial area for us, rather than the issue of sentience itself.

Q5 Chair: Going back to Jonathan and Penny on this part, to what extent do you think Government policy already takes into account animal sentience? Would you both like to make a comment on that, please?

Dr Hawkins: The welfare of animals is not fully enshrined in law. The Animal Welfare Act only applies to kept animals and to vertebrates. At the moment, there is no mechanism for reviewing policy-making processes to ensure that welfare is taken into account and that a harm-benefit analysis is undertaken, setting aside the Animals (Scientific Procedures) Act of course, which is a very good example of how a process like that can work.

The Government's election manifesto pledged to bring in new laws on animal sentience, which I think is a kind of tacit admission that not enough is being done. As we all know, it replaces the recognition of animal sentience in the policy process, which fell out of UK law when the Brexit transition process ended in January 2021. This needs to be replaced, the shortfall needs to be made up and there needs to be a mechanism for examining the policy making process, which is something quite different from what the Animal Welfare Act does and what all the other committees do.

We are not alone in this. The British Veterinary Association submission also makes the same points: that there is a place for a duty on public authorities to consider animal welfare when formulating policies. This is what the Bill would do.

Dr Birch: To be clear, I have not campaigned for or against this Bill, but it seems to me to be a good idea and an important mechanism for ensuring public confidence that Ministers are taking sentience into account. Presumably they often do, but it is a question of ensuring there is a mechanism so that the public can be confident that that is happening. I take it that the aim of this Bill is to do that.

Q6 Geraint Davies: How can animal sentience be treated seriously if we



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have just agreed a deal with Australia that allows farmers there to basically shear off the backside of sheep to avoid flystrike, causing enormous pain? If that is the precedent that is legal and is banned by international treaties, what hope is there to have a meaningful animal sentience Act? Perhaps I should start with Penny, as she mentioned the EU. We would have been stopped from being allowed to have this Australian deal had we still been in the EU, because of the suffering of sheep.

Dr Hawkins: Yes, exactly. That is why it is so important to scrutinise this law, to make sure it can make a difference for animals. As we all know, article 13 of the treaty of Lisbon itself had get-out clauses that allowed cruelty to animals to be performed if there was a cultural reason, for example. It is absolutely critical to make sure that this Bill finally includes enough detail to safeguard against these kinds of animal cruelties being legitimised through trade deals.

To turn it around, the RSPCA understands that being recognised as sentient does not guarantee you freedom from inhumane treatment. We would be very naive if we thought that. Without recognition of sentience, the bar is so low, there is very little course to have any kind of protection for these animals, so you have to start somewhere. A recognition of sentience and a requirement to pay due regard to the welfare of sentient animals is a start.

Q7 **Geraint Davies:** Do you not feel that, once we have the treaty agreed and it is in law that we can import these sheep that have been so cruelly treated, we have big problems with the Bill?

Dr Hawkins: As I understand it, the Bill requires an animal sentience committee, which will scrutinise Government policy across the whole range of policy areas. That will include policy on animal imports and trade deals. The proper outcome should be that, if the ASC scrutinises Government policy and finds that Government have not paid due regard to the welfare of sentient animals by allowing the import of sheep who have been mulesed, that is how it is supposed to work. Things ought to change. The policy ought to be changed.

Q8 **Geraint Davies:** Tim Bonner, do you have any thoughts about the Australian trade deal, which basically inhumanely shears the backside of sheep to stop flystrike?

Tim Bonner: In broad terms from our submissions, we would be very much in agreement with the RSPCA. There is an absolute lack of clarity over the role, scope and range of the animal sentience committee. This is the critical point in this discussion, and we do not know. Under questioning in the House of Lords, Ministers gave a range of answers. They have essentially said that the committee will set its own boundaries to a large extent.

Q9 **Chair:** Sorry to interrupt, Tim. We are going to discuss the sentience committee in a minute, but your general points are well made. Is there



anything else you want to say, other than about the committee itself?

Tim Bonner: That is the route through which any Government policy will be considered.

Q10 **Geraint Davies:** Would you not agree that, once it is established in international law, and international treaties trump domestic law, we do not have a leg to stand on? Now we have signed this, unfortunately, whatever we say in this Committee, these sheep will continue to be inhumanely treated unless Australia decides unilaterally not to do it.

Tim Bonner: In the context of this discussion, I can only answer that question in relation to the role of the committee. That is the process of it.

Q11 **Geraint Davies:** Jonathan Birch, this is a critical question about whether this whole hearing is a waste of time, in a sense. If international law, through international treaties, says we can treat sheep in this way—cutting their backsides off, basically, to stop flystrike—what hope is there for having anything meaningful?

Dr Birch: It is a fair question. Oversight of trade deals for their animal welfare impacts is extremely important. It is unclear whether the animal sentience committee will be able to do that effectively, because quite a lot of the details are unclear at the moment

Q12 **Dr Hudson:** You have mentioned that this Bill is going to be quite far-reaching and wide in its scope. Penny, in one of your answers you touched on where we were a couple of years ago, when European law was not being transferred over—article 13 from the Lisbon treaty. We are where we are now. I declare an interest in that I am a veterinary surgeon, so I am keen for animal welfare and sentience to be covered suitably in legislation. In retrospect, if article 13 had been transferred from European legislation, would that be enough for us to adequately recognise sentience in our domestic law, or do we need this Bill?

Dr Hawkins: We still need this Bill and an animal sentience committee in order to ensure that this kind of policy-making process is adequately harmonised across all Government Departments. This is something completely new. It is going to take time to devise the kind of animal welfare impact assessments that will be necessary and for the animal sentience committee to set out its expectations of different Ministries with respect to paying due regard to the welfare of sentient animals and doing this sort of harm-benefit analysis. Without some sort of centralised proper mechanism, with multiple stakeholder and expertise input, you will never be able to achieve harmonisation and clarity as to what is expected and what should happen.

Q13 **Dr Hudson:** Jonathan, do you concur with that?

Dr Birch: I agree that the proposed sentience Bill seems like an improvement on the Lisbon treaty. That clause in the Lisbon treaty was always extremely vague. As far as I know, the question of its scope was never even settled. It just talked about animals, so in theory it applied to



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microscopic animals. In practice, this has no consequences because, in general, that clause in the Lisbon treaty did not really have clear and direct consequences.

A key advantage of this sentience Bill is that it really does something. It does not solve any animal welfare problem by itself, but by creating this accountability mechanism, it does something.

Q14 **Dr Hudson:** If it had been transferred, both of you feel that, potentially, we would have needed something else. We would need the sentience committee to put clarity and definitions in. The situation that we have not passed over was not satisfactory, so we are moving in the right direction, although it is going to be a very complex journey that we take.

Dr Hawkins: Yes. I would completely agree with that. It is really critical to ensure that the animal sentience committee is appropriately composed, with appropriate powers, and that it listens to stakeholders and is an iterative process, not a sudden shock for anyone.

Dr Hudson: We are going to get on to the committee later.

Q15 **Mrs Murray:** Should the scope of the Bill be expanded beyond non-human vertebrates? Tim, can I come to you first?

Tim Bonner: You can, but I am not sure I am the best-qualified witness to answer the question. In fact, I am very confident I am the worst-qualified witness. I am sure Jonathan and Penny will be better. To keep it very short indeed, if the evidence is there, it should be. There should be no limit, other than on the basis of science. I would note that there is a certain misnomer in this. Dr Hudson talked just a moment ago about the committee defining things. Under this Bill, it would be for the Secretary of State to decide whether animals were sentient and for Parliament to support or reject that proposal, not for the sentience committee, strangely.

Dr Hawkins: I will be brief and then hand over to Jonathan, because his team has done so much work on this. The RSPCA believes that cephalopods, which are cuttlefish, squid and octopuses, and decapod crustaceans, which are crabs, lobsters and crayfish, should be included in the Bill.

There is an anomaly because cephalopod use in laboratory experiments has been regulated for some time now, so there was already recognition that they were sentient. If you look at the scientific literature, there is ample evidence that decapod crustaceans are sentient. Their use in scientific procedures is regulated in other countries. Also, these species come under animal welfare legislation in other countries. We believe they should be on the face of the legislation as of now. I will hand over to Jonathan for more detail.

Dr Birch: As Penny mentioned, I am an author of a report for Defra about this issue. That report has not yet been published, so I am



speaking here in a personal capacity. My personal views on this are set out in the written evidence that I submitted to the Committee as well. I think there is a very clear case for including cephalopod molluscs and decapod crustaceans within the scope of animal welfare law in the UK. That should not just stop with the sentience Bill, but should be rolled out to other pieces of legislation, such as the Animal Welfare Act.

The evidence is particularly strong for octopuses—it is really very strong indeed. Because you have substantial evidence right across the cephalopod molluscs and the decapod crustaceans, those are appropriate categories to be using in the law. It is a sensible and proportionate step. You do not want to extend the scope to all invertebrates, because that is far too broad. Even the category of crustacean is exceptionally broad. The category of decapod crustacean and cephalopod mollusc is a really sensible and proportionate way to be extending protection to the invertebrates where the evidence is strongest.

Q16 Mrs Murray: How should we decide which animals are covered by the Bill, where evidence is inconclusive on whether a species is sentient? Could you go a little further and say how we should categorise any that we do include?

Dr Birch: There is a sense in which the evidence is always inconclusive, because we cannot directly observe animals feeling pain. Nonetheless, you can get very strong evidence building up of the type I described earlier, and that is definitely the situation we are in with octopuses.

Penaeid shrimp are quite a good example here—they are farmed commercially as king prawns. There is very little evidence in that case, but you are then faced with a choice. Are you going to write an exclusion into law so that we protect these decapods and these ones and these ones, but not these ones because they have not been studied very much? Are you simply going to be prepared to make a somewhat precautionary generalisation and say, “We are not going wild here. We are not going for all crustaceans, but we will give the benefit of the doubt to these very little-studied penaeid shrimps.”? That sort of step is a very sensible compromise between two extremes.

It would be too extreme to be completely precautionary and not discriminate at all between any animals, because then you would end up with completely unworkable legislation, but nor do we want to be insisting on evidence that is specific to that species before we protect that species, because we have never done that with vertebrates. It is consistent with what we do with vertebrates and a common sense kind of precautionary thinking to be willing to protect animals like penaeid shrimps, even when the evidence there is really very thin.

Q17 Mrs Murray: Before I bring in Penny and Tim, I will press you a little further. Do you think that we ought to be looking at ways in which you can humanely harvest these species without causing pain? I am thinking, for instance, about lobsters and squids. You could almost get to a stage



where you say, “When you bring them to the surface, you are basically causing them pain,” and we could end up with a fishing industry that was non-existent. Where do you think you would draw the line?

Dr Birch: Any measure that is brought in has to be proportionate. You get the scope right by basing it on the scientific evidence and then you look for measures that are proportionate to the identified risks. Again speaking in a personal capacity, some of the ways in which decapods are slaughtered on land are extreme methods that are gratuitous. Throwing an animal into a pot of boiling water is gratuitous when there are ways to kill it much more quickly and professionally than that. It would be entirely proportionate to look for ways to eliminate that sort of gratuitous infliction of suffering.

When you are talking about what is happening on fishing vessels out at sea, the measures have to be constrained by what is actually feasible to implement on those vessels. I am sure that will be the case. There is a lot of balancing that has to be done and a lot of thinking about proportionality. The main thing is that we are thinking about the issues and trying to work out what measures can be taken and what further research needs to be done.

Q18 **Mrs Murray:** Penny, do you have any views on that?

Dr Hawkins: Yes, I do. With respect to where evidence is inconclusive for particular species, again this would be a task, in the long term, for the animal sentience committee to tackle. It should have membership that includes expertise in, say, animal neurophysiology—people who are able to keep up with the literature and convey this to the rest of the committee. Then the committee would be able to keep pace with the science and ensure that it was making proposals that were broadly acceptable to the general public.

With respect to what happens on fishing vessels, it is my understanding that, among fishers, there is already a pretty good awareness that they have to take care of these animals in order to be able to land a viable catch. It is my understanding that actually there are probably just a few small changes in practice that would enable them to comply with requirements relating to welfare. I also understand that there are a number of global seafood assurances in progress that relate to environmental impact, slavery and animal welfare—all of the issues that are currently troubling the fishing industry. The larger changes will have to occur once these animals have left the fishers.

As I am sure you have seen, there are products in development such as the Crustastun and various electronic stunning devices. They cost money, but it has been demonstrated—for example thinking about higher welfare food labelling like RSPCA Assured—that, on the whole, people are prepared to pay more money if it means that animals have been more humanely treated. I am quite indebted to Crustacean Compassion for a lot of this information. They have done the maths and shown me the



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calculations. It certainly looks viable. As Jonathan says, if the alternative is sentient animals being killed in these quite barbaric ways, it is worth the investment and it is eminently doable.

Tim Bonner: I would only add to that that the critical point is that, when the Secretary of State decides that an animal is sentient or not, we are then saying that we have to consider its welfare. Exactly as Jonathan has said, if there is gratuitous cruelty and there are practical methods that can be applied that will protect the welfare of those animals, that is exactly what we should be doing.

When we recognise an animal is sentient, we are not saying that we are inferring rights for that animal, which would absolutely cut across any practicalities or ongoing activities. We would consider that, but it is about balance, as Jonathan said. The critical point throughout this discussion is finding the balance between protecting welfare and allowing practical activities to continue.

Q19 **Geraint Davies:** Jonathan mentioned that there are ways of avoiding gratuitous cruelty—for instance boiling lobsters. How do you cook a lobster without inflicting pain?

Dr Birch: It is very difficult to be sure you are not inflicting pain. Let us put it that way. There is a need for more research in this area to develop methods of humane slaughter that are reliably fast. There are certainly methods that are more humane than throwing it into boiling water. It takes between two and three minutes for the animal to die, in horrendous circumstances. Professional chefs very often use methods called splitting for lobsters and spiking for crabs that kill the animal in 10 to 15 seconds at most. That is still perhaps not as quick as one might ideally like, but it is much quicker than live boiling.

To some extent, regulation in this area would be aimed at enforcing existing best practice. As far as we know, skilled, trained chefs in this area already use relatively humane slaughter methods, not gratuitously cruel methods.

Q20 **Geraint Davies:** You just chop a lobster in half and then boil it. Is that basically the way you do it?

Dr Birch: It is a skilled technique, but yes. It involves severing the chain of ganglia along the length of the lobster.

Q21 **Geraint Davies:** Penny, on the same thing I asked before in a sense, if we can develop more humane ways of treating non-vertebrates, whether they are fish, lobsters, crabs or whatever, and we have already signed up to trade deals where they do not, do we have a bit of a problem on the other side of the deal, or is it just a matter of us voluntarily doing a better job than other people?

Dr Hawkins: The committee would advise on the policy processes that were relevant to the imports of those animals. If the committee found



that due regard had not been paid, it would report accordingly and something would have to happen.

Chair: That leads us neatly on to Neil Hudson's question, which is exactly on the sentience committee and its remit.

Q22 **Dr Hudson:** We have touched on the sentience committee in previous answers. Do you feel that the model of the animal sentience committee that has been articulated is an appropriate way to ensure that sentience is properly reflected in the development of Government policy?

Dr Hawkins: As we said, looking at the current draft of the Bill, the problem is it has very little to go on other than the name of the committee. An ASC will be a very useful tool, but it has to have the right kind of membership. That includes people with expertise in animal behaviour, animal welfare, neurophysiology, as I have mentioned, veterinary science, ethics, law and public administration. It is a very particular kind of skillset that is not found on any of the other committees that currently advise on animal welfare.

It would also be helpful to have a lay member. The RSPCA would like to see that and so would the Royal Society of Biology. It would also need somebody with knowledge of policy formulation. Provided that there is an appropriate range of competencies, expertise and perspectives, it could do an extremely good job.

Thinking about whether or not it should be a committee, it is really difficult to think about how you could achieve that kind of advice without a multi-expertise committee. I do not think there is any one individual human being who is such a polymath that they would be able to advise on policy process right across all the different Government Departments.

I have also heard some concerns about potential membership of the committee. I have heard concerns about animal rights agendas. I would really like to make the point that, when I sat on the Animals in Science Committee, there was also a member of staff at PETA on that committee. We both sat as individuals; we both had it made it very clear to us that we were expected to abide by the Nolan principles and we had to demonstrate that we completely understood and agreed with what the committee was formulated to do. We brought a great deal to that committee—in fact, we were both asked to serve more than one term. Animal experiments are still conducted in the UK. It was not the job of the committee to stop animal experiments and that was not what we sought to do.

It is really important to make sure that the ASC is not just a closed shop and that it includes a whole spread of experience, expertise and perspectives, as I have said. That would be the best way to ensure clarity and consistency across all Government Departments. If it was constituted like this, took the opportunity to listen to the views of stakeholders and consult widely with Ministers to ensure that everybody knew what was



expected, this could be an extremely good way to ensure the welfare of sentient animals is taken into account in policy.

Q23 Dr Hudson: That is very helpful. Can I now pass that question on to Jonathan? In your answer, could you also answer the second part of my question? What are your thoughts on the committee? Do you think that will work? When the committee is then constituted, do you feel it will be sufficiently powerful and independent to get the job done? You can have the world experts on that committee, but will it have the teeth to be able to get the job done and hold Ministers to account to say, "Policy needs to be affected"? That is the tension between decision making. If you could crack that nut, we would appreciate it, Jonathan.

Dr Birch: I am not sure I can. As I understand it, the Bill at the moment creates this committee that can then produce a report, to which Ministers are forced to respond. That is the attempt at giving it teeth: that a response has to be produced. The committee, in effect, can make an issue out of something if it feels as though Ministers have not been paying due regard to animal sentience.

That is not very much in the way of teeth, but then, as you say, there are fundamental limits on the sort of teeth we might want to give to expert committees in the first place. It is a dilemma for decision makers to resolve.

My own view on this is that I like to see democratic input to decisions of this type. I am a fan of things like citizens' assemblies, for example, along the lines of things like the Climate Assembly UK. It seems to me that there is plenty of room for that sort of innovation in the area of animal welfare and animal sentience, which I think is not currently part of the plan, but perhaps should be.

Q24 Dr Hudson: That is very helpful. I will open up a line of questioning that Geraint started. We have the Trade and Agriculture Commission set up by Government that has produced a series of recommendations. Then it is up to the Government to respond to those recommendations. Whether they do or do not is something that this particular Committee has taken a very close interest in. Do we run the risk that we could have the same again—that we set up an expert committee but the Government carry on regardless?

Tim Bonner: This comes back to the role of the committee. As we understand it at the moment, the role of the committee is to consider whether the Minister has taken account of the welfare of sentient animals as they are developing policy. As we understand it, it is not to opine on whether it was the right decision. It only comes from the perspective of animal welfare, which is of course a critical perspective that we are all interested in.

Every decision that a Minister is making that has an impact on animal welfare will also have impacts on other factors—normally people. An



example I know that some of the animal welfare organisations have been using is the building of a power station—displacing animals from a woodland and perhaps having to cull them. That is a balanced question that a Minister will have to be addressing all the time. The committee itself will only be considering whether the Minister has taken due regard of animal welfare. On balance, the Minister may take another decision, but be brought forward to answer a question as to why it was made and possibly, if we move into the world of opinion, whether it was the right decision to make. We see this as particularly unbalanced and concerning.

I come back to this point that was covered earlier about whether this is the right way of doing it. Many of us have been involved in rural politics for many years. The issue of rural proofing has been kicking around for 20 years—it is about whether impacts and differential impacts of policy on rural people are considered. The Minister has told us that that does not need a committee. In the House of Lords, when he was questioned on the comparison between the issue of animal welfare and the issue of rural proofing, he said that rural people do not need that and that can be delivered through culture change, essentially, whereas with animals we need a statutory committee.

The balance here is the critical thing. There needs to be a lot more clarity about what this committee does. We believe that there are better ways of delivering. Of course, we have the declaratory statement about the welfare of sentient animals, but there are a number of other ways of dealing with this. If we are interested in democracy, one of those would be to have select committees looking at the delivery of Departments and animal welfare. That is definitely an option that we think the Government should be considering.

Q25 Dr Hudson: That is very helpful. That leads me on to the final part of my question, directed to Penny now. Does the Bill need to include additional powers to support animal welfare—for instance, a requirement for a Government-wide animal sentience strategy?

Dr Hawkins: Yes. article 13 of the Lisbon treaty placed a direct legal obligation to have regard for sentience. As it stands, the Bill does not. The RSPCA believes that the Secretary of State should publish a sentience strategy at the beginning of each parliamentary session. There is a bit of a precedent for this with the New Zealand National Animal Welfare Advisory Committee, which a lot of us have been looking to as a potential model. It publishes a prioritisation framework to make clear how it prioritises the decision making as to the policies it will look at, and it publishes an annual work programme, so it is open and transparent and everybody knows what it is doing.

The strategy could set out how Ministers, with the support of the ASC—it is really important to regard the ASC as a resource rather than a threat—plan to have all due regard to the welfare of sentient animals, and which upcoming policies may be in scope, for example, so there is a clear annual work programme. Then the Secretary of State could report to



Parliament annually on the strategy and its progress, with a summary of the policies and any changes that had occurred as a result of the ASC's deliberations. That would be accountability on the one hand; and on the other, it would also provide a measure of the true impact of the ASC. Clearly, these committees have to have impact, as we were saying; otherwise, there is really little point. It needs to be able to demonstrate that within a strategy.

Dr Hudson: Thank you; that is very helpful.

Q26 **Rosie Duffield:** Thank you, panellists. This has been really interesting so far. We have touched on a couple of these things, but I want to drill down on this. How do you think the interpretation of the requirement to have all due regard will change when considering impacts on animals with different levels of sentience? We have already talked about cephalopods. Do you think that the lack of total evidence or the lack of knowledge in that area might lead to that being downgraded when it comes to them?

Dr Birch: That is a very important question. In a way, it is a question for the committee itself to address, when it exists. All we can say at this time is what our personal opinions are on the general issue. As I suggested earlier, a key concept in this area is proportionality. One needs to make sure that, whatever policy is being formulated, it takes account of animals' interests in a proportionate way.

Proportionality is itself a tricky notion to articulate. In essence, it is about identifying what the major risks are to welfare and making sure that the steps to manage those risks are doing enough, that they are adequate, not generating new risks that are just as bad as the original ones, not excessive, and not needlessly imposing costs on producers.

Those principles can be applied across the board to all animals. It is certainly the case that, with mammals and chickens and long-domesticated farmed animals, we have much more evidence about what their welfare needs actually are. It is much easier to have evidence-based interventions to increase their welfare. When it comes to cephalopods and decapods, we are often not in that situation. We are often faced with quite substantial evidence gaps about what their welfare needs actually are.

We can still identify major risks. As I suggested earlier, there are gratuitous extreme slaughter methods, where the animal takes between two and three minutes to die. This is a risk that is very easily identified and very proportionately managed. To me, that should be the key concept, rather than trying to quantify the level of sentience. There would be no principled way to put animals on a single sliding scale. We can talk about variation along many dimensions, but I do not think we can have a single sliding scale, or quantify, or say, "This animal is sentient to degree 8. This one is degree 7," et cetera. I do not think that would be the way to go.



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Dr Hawkins: I completely agree with that. It is important to ensure that all relevant considerations have been taken into account, which requires a comprehensive understanding of all the likely harms to sentient animals that will affect their welfare. This is often very badly done.

People tend to think of harms to animals in terms of whether an animal has been damaged, killed or displaced. It is useful to an extent, because obviously any one of those things will be extremely unpleasant. If a wild animal is displaced, often they are as good as dead anyway. There is a whole raft of other impacts on animals that we have talked about, like anxiety and stress, for example. There are also positive experiences that animals can have, which is missing from the Bill. It is also important to look for opportunities to improve positive welfare.

I agree that trying to impose any sort of hierarchy and think, "If we hurt a fish instead of a fox, that is a better thing," is fallacious. It is more important to think about the potential harms that animals can experience and how each of these can be mitigated. That is paying due regard to animal welfare. Again, that is kind of analogous to the process within the Animals (Scientific Procedures) Act. You think about each animal's lifetime experience in terms of what they will experience, not what is being done to them, and then you try to gain a picture of how that animal's welfare will be affected and think about how you can ameliorate harms and improve welfare. That is paying due regard. I do not think it has to be that complex. You just have to show that you have thought about this.

Q27 **Rosie Duffield:** Tim, would you agree?

Tim Bonner: I wanted to look more broadly at this definition of "all due regard" and the practical impacts of how that is defined and how that will affect ministerial decision making. If the Bill stays as it is, especially in the initial period—and we have been told by Ministers that the committee will essentially define itself how it considers "all due regard"—a Minister making a decision will be almost unable to decide whether they have met the criteria.

We have the potential for critical reports being laid in front of Parliament. There is the strange question that we have not really addressed yet of who answers that. If you are a Minister in the Department for Transport and there is a critical report saying you have not paid all due regard, it seems to be the Secretary of State for Defra who is going to answer that question. There is a lot of confusion around that as well.

There is a real potential here for a chilling effect on ministerial decision making, because they will not know where the balance is, the balance that we have talked about, the proportionality. Without that clarity, this is a piece of legalisation that threatens to create confusion, create cost and possibly push towards bad decision making, especially in this initial period until, potentially, there is a clear definition and Ministers know on what basis they are being asked to take all due regard.



It is not our preferred route to delivering the oversight of animal welfare. If the Government are going to push forward with this animal sentience committee, they must more clearly define its role and make up. At the moment, we know almost nothing. I think we are all in agreement on this. We know almost nothing about how it will actually work.

Rosie Duffield: That is brilliant. Thank you very much, all of you. That negates the need for the next bit of the question, because you have all answered really fully.

Q28 **Chair:** Before we leave this one, Jonathan, I like your idea that we need to be quite flexible about how we work out exactly what is sentience and how we have due regard to it. The problem I have with it at the minute it is going to become quite legal and legalistic. Surely, at that stage, you are going to have to have some sort of scientific definition. This is what worries me about the whole strategy here. Is it going to land up with a lot of legal challenge over what sentience is and is not? I like your very relaxed way of dealing with it, but I am not convinced that in the end it will land up there. Are you certain we can make your ideas stick, or, by its very nature, as time goes on, will the lawyers get more and more involved with it?

Dr Birch: I am not a legal expert myself, so I would not want to claim expertise in that area. It would be helpful if the animal sentience committee that is created by the Bill is explicitly given in law the power to define sentience and set appropriate criteria for it. That may help.

Q29 **Chair:** It may need, on a sentience committee, I suspect, not only having expertise on what is and is not a sentient being, but also some legal advice. It is the very nature of Government and Bills. This will lead on to the next question, when you are going to perhaps judicially review or whatever. You have a relaxed view of it and I think you are right, but others will say, "We need to scientifically prove whether this particular animal, this being, is sentient and how much it feels." I am a bit worried that it is going to land up being very messy; that is all.

We have one especially lined up for you now, Tim. The previous animal sentience Bill in 2017 was criticised for opening Ministers to the threat of judicial review. Are you satisfied that the new Bill mitigates these risks?

Tim Bonner: I am not a legal expert. You are going to be talking to people who have a much better idea of this in a moment. From our perspective, it is really important to understand that we see Ministers saying that this piece of legislation would not bring any additional prospect of judicial review. The fact is, we all know that Ministers have a position they have to take. They have to be able to defend their decisions as rational. They have to be able to defend process.

If the animal sentience committee takes the view that a Minister has not taken all due regard to the welfare of animals when making a decision, or, as is certainly suggested by some of the ministerial responses in the House of Lords, starts to opine on whether a decision is the right one or



not—that is not what the Bill suggests, but there has been suggestion this would be there—I cannot believe that that is not going to be ammunition for the launch of judicial review or evidence for that. We are not in the same place as we were when the Bill met criticism the last time we saw it, but we think there is still a clear opportunity for judicial activism off the back of decisions from an animal sentience committee.

Q30 Chair: However laudable it is to make sure that a sentient animal feels as little pain as possible or no pain at all, if you take planning applications and others, people will go to enormous lengths to make sure they oppose them. It could be that they are genuinely concerned about the sentient animals. It is not just going to be Defra, you see; it is going to be cross-Government, so it is going to be Ministers for Transport, it is going to be everything. That is the bit that worries me. However laudable it might be, is it going to just mean a lot of things landing up in court? I know you are not a lawyer, and I will ask the other panel and Jonathan and Penny to make a comment, but that is the bit that worries me. Do you want to comment further, Tim?

Tim Bonner: No, I would agree with that. It will be interesting to hear your next evidence session as well.

Q31 Chair: Yes, indeed. I do not know whether, Jonathan or Penny, you would like to add to that at all.

Dr Hawkins: I was looking up the Institute for Government analysis report on judicial review. Apparently, most are against the Home Office, relating to immigration and asylum claims. There are actually very few judicial reviews that relate to animal issues and the number of cases of judicial review is not increasing. Most are either dismissed or reach a settlement. The Government actually win 85% of the time.

In this report, a former policy maker is quoted as saying that, in the cases where the Government have lost, it tends to be because they have done something wrong or badly. I do not think you can expect to never have a judicial review. You cannot expect any policy to be perfect or always perfectly implemented. The take-home message from this report is that better legal advice is needed when policies are being drawn up. The ASC will be helpful in ensuring that policies are more robust and that there is an appropriate level of detail in legislation, so that rules and expectations are clear to all. That minimises the risk of judicial review. The fear of judicial review should not be used to hamstring a law that will benefit very large numbers of animals without justification.

Q32 Chair: That is a fair point. Do you have any last comments, Jonathan?

Dr Birch: I agree. As I understand it, the original draft of the Bill created a duty on Ministers to pay due regard to animal sentience, creating this concern about judicial review. The current draft is intended to solve that problem by no longer creating that duty; instead, there is this committee, and the Minister's duty is the fairly minor one of responding to Parliament when the committee produces a report. I am not a legal expert but I do



not see, on the face of it, why that would lead to a huge problem with judicial reviews. It seems to solve the problem, as far as I can tell.

Q33 **Chair:** I suspect it will bring quite a lot of parliamentary debate, but that will be good, to be scrutinised in that way rather than probably by the courts. If you are right, the Bill is drafted now in a better way. Are there any last comments?

Tim Bonner: As it is drafted, this Bill raises a different problem—a fundamentally different problem from the problem of judicial review. It raises a problem of a committee whose powers and scope are completely undefined, roaming across Government, taking a view of ministerial decisions on the basis of only one factor. It may well be an improvement on the last one, but it could not be much worse. There needs to be consideration of whether this is the best way of delivering both the oversight and the declaratory intent of protecting the welfare of sentient animals. There would see to be a lot of different ways of skinning this cat, to use a not particularly welfare-friendly phrase. We are concerned that, in its current form, this committee is not the right way of delivering that.

Chair: I thought we would get something slightly more controversial out of you eventually, Tim. You have that on record. Penny, Jonathan and Tim, if there are any last things that you think about afterwards that you would like to add, please let us have it in writing. Can I thank Jonathan, Penny and Tim very much for a very good evidence session? It is an interesting Bill, one that could do a lot of good if it is brought about in the right way, hence we are here scrutinising it this afternoon. Thanks to all three of you.

Examination of witnesses

Witnesses: Dr Steven McCulloch, Dr Nick Palmer and Dr Mike Radford OBE.

Q34 **Chair:** Would you like to introduce yourselves briefly for the record, please?

Dr McCulloch: Hello. My name is Dr Steven McCulloch. I am a veterinary surgeon and senior lecturer in human-animal studies at the Centre for Animal Welfare in the University of Winchester. I am a European veterinary specialist in animal welfare science, ethics and law.

Dr Palmer: Hello. I am head of Compassion in World Farming UK. I was previously, for 13 years, a Member of Parliament. For part of that time, I was a deputy chair of the All-Party Parliamentary Group for Animal Welfare.

Dr Radford: Good afternoon. I am Mike Radford. I am reader in animal welfare law and UK constitutional law in the University of Aberdeen. I have worked in the area of animal welfare law and policy for 30 years. Among other things, although I speak in a personal capacity today, I am a member of the Scottish Animal Welfare Commission.



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Q35 **Chair:** I suspect you were itching to come in on one or two questions in the previous panel. We will get on to those again with you all. Is there a need for an Animal Welfare (Sentience) Bill to achieve the Government's aim? Is it necessary? Where is it?

Dr Radford: The Government have a commitment to do something about animal sentience, and clearly they wish to fulfil that commitment. I do not agree with Tim in the previous session saying there are several other ways that this could be approached. article 13 of the treaty on the functioning of the European Union imposes the duty on Governments. Clause 1 of the previous Bill, as was mentioned in the previous session, imposed a direct legal duty on Ministers. That opened the problem of judicial review.

The idea of the committee is actually quite a neat one. The Bill is another issue, but the concept of the committee is quite clever. First, it shields Ministers from judicial review, because there is no direct duty placed on them, so far as the substance of policy is concerned. Secondly, it is constitutionally correct, in that it imposes political accountability, rather than legal accountability. The model is actually rather a good one. The issue is the drafting of the Bill.

Q36 **Chair:** Also, the issue will be getting the committee membership right, in order to get the right balance. I know it is easy for me to sit here and say that.

Dr Radford: Yes. The problem here is that Government have committed to doing something, and someone somewhere along the line has come up with the ASC, but then it has not really been thought through in any greater detail, for reasons that are not clear. It is important that it is better defined in legislation, not only so that everybody knows the score, what it should be doing and so on and so forth, but also to protect the Ministers from judicial review. If it is all within the discretion of the Minister to decide to who should be on it and what it should be doing, that opens up the possibility of him or her being reviewed.

Also, it is important to be absolutely clear, even in the relatively threadbare terms of the Bill, what the committee can and cannot do. It cannot pass comment on the merits of a policy. It cannot pass comment on the weight that a Minister attaches to animal welfare in coming to their policy decision. Those matters remain political issues for Ministers to determine and be accountable to Parliament on. That is exactly the position as it is at the moment.

Q37 **Chair:** Before I move on to our other witnesses, do you see this animal sentience committee fitting alongside the existing Government animal welfare committees? Is it going to be something quite separate? What is your view?

Dr Radford: It is different, but it will work in conjunction. What makes it different is it is a committee charged with reviewing the process of policy formulation and implementation. The other committees exist to advise



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Ministers on what policy should be. This committee does not do that. If it did roam beyond its legal powers, it would be subject to judicial review.

To take the issue of which animals are sentient, the Bill does not define sentience. The enabling power that provides the Secretary of State with the ability to add additional types of animals beyond vertebrates does not make the point that the Secretary of State is saying whether these are or are not sentient. If a Minister decides not to include a type of animal in the Bill, it is not the same as the Minister saying that animal is not sentient.

Chair: There were some good points made there.

Dr McCulloch: It is important to put the issue we are discussing today in context. In my view, the replacement of article 13 and the need for an animal sentience committee and sentience legislation is one of the most serious issues in public policy.

To put it on the record, in the UK we raise and slaughter around 1 billion—over 1 billion now—land-farmed animals each year, most of which are chickens. We consume around 4 billion to 5 billion marine animals, not necessary all sentient. Many of them will be on the boundary related to the debate about crustaceans, but many of them certainly will be sentient. We keep 10 million cats and 10 million dogs. There are countless wild animals, probably well over 10 billion, not to mention horses and other types of animals. This is a fundamentally important area. That is the first point I would like to make.

In terms of whether there is a need for an animal sentience committee, the question is how UK Government policy making currently accounts for the interests of sentient species. This was, effectively, my research question in my doctoral thesis a few years ago. It may surprise people, because the UK is a global leader in animal welfare and many people have referred to that in the Lords and other debates, to learn that actually the UK policy-making process in a number of ways excludes and undervalues the interests of sentient animals. That is what this Bill is for.

I will give you one example of how that is done. The Treasury Green Book, which all of you will be familiar with—the central Government guidance on appraisal and evaluation—was updated in 2020 and runs to 152 pages. To quote the book, it is the central book on “how to appraise policies, programmes and projects” in central Government. It essentially provides advice. If you search within that book, you will not find one mention of “animal”. You will not find one mention of “animal welfare” or “animal sentience”. In many other ways, which I will not go into, animals are excluded in policy making.

There is parliamentary scrutiny. There are consultations, like we are taking part in now, but it is patchy and there is no systematic mechanism like animal welfare impact assessment and ethical appraisal, which I will talk about later. To summarise, based on the massive impacts that



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Government have on a vast array of sentient species and the current situation where they are undervalued or excluded, there is absolutely a need for fully implemented sentience legislation.

Chair: There were some good points there.

Dr Palmer: To some extent, we are in danger of overthinking what the Government are doing here. The Government are responding to concerns, whether rightly or wrongly, around the act of Brexit and the assurance given by article 13 of animal welfare being properly considered. To meet that concern, they gave a commitment that they would have a Bill to recognise animal sentience. They are setting up the committee to enable a well-respected body to question whether proper regard has been given where appropriate. That is really all it does.

From my point of view and from the point of view of many in the animal welfare sector, that will be helpful, but one should not overstate it. It is not going to be able to change policy or to campaign on policy. It is not an NGO. It simply makes sure that the interests of animals are not overlooked. To some extent, that is a risk that can arise in areas where the involvement of animals is less obvious, so when we are discussing the construction of HS2, for instance. If I were a Minister responsible for that, it might not spontaneously occur to me that various badger setts were being disrupted or biodiversity was an issue. I would hope that the committee would contact me at a fairly early stage to say, "We would be grateful to know whether you are going to cover this."

One should not think of it in terms of Chinese walls—that they do not talk to each other. In a sensible arrangement, with sensible members, you will have a free flow of contact. To take up one of the points raised in the earlier session, if a Minister is not sure what he or she needs to do in order to meet the requirement for regard, it would be reasonable to contact the chair of the ASC and have a chat. As you know, that is not unusual in the context of other committees.

Q38 **Chair:** You raise a good point there. The final part of my question is about whether, in practice, the creation of an animal sentience committee will increase the importance Ministers place on animal welfare policy. That is probably exactly what you are saying, is it not?

Dr Palmer: Yes. It will make sure that animal welfare does not fall through the cracks. Something like animal experimentation is such an obvious point that the issue will have been considered. As we know, there is extensive legislation on the area. In areas where it is not so obvious, it will be useful to have a committee that draws attention to the need to think about these things.

Q39 **Geraint Davies:** I want to ask about the tricky situation of balancing animal welfare with respect for religious rights, cultural divisions and regional heritage. What issue does the absence of any similar provisions in the Bill create?



Dr McCulloch: I mentioned earlier that there are numerous mechanisms whereby sentient animals are actually excluded in policy making. One of those areas is that we do not assess in a systematic way the empirical impacts on animals of policy options. One of the other ways is that, for various reasons and current cultures in policy making, ethics as a serious discipline is taken out of policy making.

If you look at Government Departments and Defra, you will find lots of lawyers, scientists and economists. You will do very well to find anyone with genuine expertise in ethics. Animal health and welfare policy—BSE, salmonella in eggs, foot and mouth disease, badger culling and many other examples, including religious slaughter, which you mentioned—is highly controversial, and the biggest postbag for MPs in Defra often. I believe that is because of the lack of systematic appreciation of the inherent moral dimension in animal health and welfare policy.

This was recognised some time ago in biomedical ethics, with issues like abortion and xenotransplantation it was recognised that science could not answer all the questions. The Nuffield Council on Bioethics is a very good example of an advisory body. It is a charitable body that advises Government and society on ethical issues. It is not a question that can be answered in simple terms, but there is definitely a lack of rigorous ethical analysis in how Parliament often scrutinises these issues.

Just to follow on from what Nick was saying earlier, a lot of the higher-profile issues, such as religious slaughter, are actually debated an awful lot in Parliament and elsewhere. Other issues go under the radar. I do not think I have seen many, if any, systematic ethical analyses of religious slaughter, and that is possibly one of the reasons why it is such a polarised issue.

Q40 **Geraint Davies:** In a nutshell, is there a case for the rights of animals to trump religious rights?

Dr McCulloch: Is there a case in my view? Religious slaughter is an issue that is so important, and there has been an awful lot of debate within Parliament already about this issue, and no doubt it will continue. That would very much be a question for Parliament to decide. The likes of the British Veterinary Association are opposed to religious slaughter, as are many animal welfare NGOs. The function of this animal sentience committee would really be to ensure that the Government are taking account of animal interests in policy making and the Minister was in some sense weighting these issues.

In my view, religious slaughter would not be an issue that the animal sentience committee would be very focused on. I would like the animal committee to be focused on areas where far higher numbers of animals are actually affected—for example, the rearing of chickens and the problems related to the genetic selection.



There are huge issues in conventional slaughter, and issues like wildlife. We do not actually have an advisory body on wildlife. We have a different set of duties on wildlife in Government and in society. I would argue that we do not have specific laws to protect wildlife. By "wildlife", I am thinking about the indiscriminate poisoning of rats using inhumane methods.

Q41 Geraint Davies: I will turn to Nick Palmer. It is good to see you again, Nick. Would you like to make a few comments about how to balance the rights of animals, sentient beings, with religious rights and concerns?

Dr Palmer: It is good to see you too. This is an area where the impact of the ASC will probably be relatively limited because the issue of the relative importance of religious tradition and animal welfare has been intensely debated already. It would be surprising if a Minister reviewing policy in this area had not given serious thought to animal welfare. It is hard to phrase the issue without bringing that up. It might not produce a dramatic change. I will have my own opinion and my organisation will have its own opinion, but the ASC would simply have the right to say, "Have you given all due regard to this issue?" It is then a political question for the Minister and Parliament, to whom the Minister reports, to judge whether that balance has been struck correctly. That is a political function. I would not see the ASC as fulfilling that. The ASC would ensure that it is given proper consideration and not just skated over.

Q42 Geraint Davies: Would you accept that we could make massive progress in reducing the aggregate amount of animal suffering by leaving some of the religious difficulties to one side and really picking the low-hanging fruit first, preventing ourselves doing a lot of work by getting too obsessed with the religious dimension?

Dr Palmer: As you say, and as was previously said by Steve, the committee might well want to prioritise the areas where most animals were affected and the greatest suffering occurred. I can imagine it addressing more than one thing at a time. It is quite likely over time that the issue will come up, but it is unlikely to come up in a way that is entirely new, whereas the ASC may bring up issues which, up to now, people have not really thought of in terms of animal welfare. The real breakthroughs may happen in those areas where Ministers may say, "I had not thought of that. We will take appropriate action."

One point I would make is that we are comparing here with article 13, and in the Lords' debate several people commented on the fact that there were differences and that the article 13 has those restrictions excluding cultural and religious traditions. To some extent, that reflects practices that do not happen in Britain, like bull fighting. To some extent, these are areas where the public would like us as a society to keep an eye on the issue and to give proper consideration to animal welfare. They might feel that the right balance is currently struck, or they might feel that changes are needed. It is reasonable that the question is asked.



Q43 **Geraint Davies:** Do you think it is realistic for us to have better standards in animal welfare while striking trade agreements with countries that perhaps do not, like Australia chopping off the behinds of sheep to avoid flystrike? We end up eating sheep that have been inhumanely treated, while the Welsh lambs or whatever are properly treated.

Dr Palmer: No. In my opinion and in the opinion of my organisation, the Australia agreement is a worrying precedent, if it has been correctly reported. It will have the effect of undermining British farmers and standards in this country. That said, the ASC will only be able to ask the question. Trade Ministers have been quoted as saying that the OIE has confirmed that Australia has very high standards. This is actually factually wrong. The OIE does not make statements on national standards. The fact that they made that mistake suggests that they have not necessarily given it a great deal of thought. It is understandable. If you are a Trade Minister, you are not constantly thinking about welfare.

It would be a useful exercise for an ASC to say, "You are making these statements that are not quite right. Can you assure us and Parliament that you have paid full regard to animal welfare in drawing up this trade agreement?" That would go beyond the somewhat generalised reassurances that we are given at the moment.

Q44 **Geraint Davies:** Mike, do you have any comments to make about the balance between animal welfare and religious rights, and how the ASC should consider religious imperatives, or whether it should not, as is the current situation?

Dr Radford: Its role is not to consider religious rights. Its role is to satisfy itself that Ministers have taken account of animal welfare. It is important to distinguish between two different types of policies. There is policy where Ministers already have the power and discretion to alter policy, and there are policies that require legislation to change. Anything that is lawful at the moment, such as religious slaughter, shooting, angling and hunting with hounds, will require legislation if the situation is to change. The ASC makes no difference to that at all. It is down to Parliament today, and it will be down to Parliament in the future.

The ASC would have an influence in opening up the decision making process and the considerations that Ministers are taking into account. As I have already said, the ASC will have no role in commenting on the weight that Ministers give to competing interests. It will have no role in assessing or commenting on the merits of a policy. It is entirely about process.

Q45 **Geraint Davies:** Can the ASC try to influence or effectively influence trade agreements, particularly the ones that have already been signed that treat sheep horrifically?

Dr Radford: Again, the ultimate influence that the ASC will have is by shining a light on the policy-making process and bringing that to the



attention of Parliament. That is constitutionally correct because Ministers are accountable to Parliament. How effective the ASC's role is thereafter is frankly down to you guys, because it depends entirely on how Parliament responds.

That raises a question, and this would not be in the legislation, because it is a matter of parliamentary procedure. There has been talk of Ministers maybe being accountable to this Committee, but of course this Committee only covers Defra. Parliament is going to have to look at this and see how it responds. Should there be a new joint committee? Should there be a new committee of the Lords or the Commons? There could be something like the Environmental Audit Committee, which spans across Whitehall. It is not just the legislation; it is how you people at Westminster respond to it.

Q46 Geraint Davies: I know you say it is down to us guys, but unfortunately the reality is that international trade treaties trump domestic law, and international trade treaties are made outside Parliament by Ministers who just sign them off and they come back. We have ended up with a situation where we cannot change the Australian trade deal even though they are slicing the backsides off sheep. We have a bit of a problem, do you not think?

Dr Radford: There may be a problem, but it is clearly not the ASC's problem, because it would be completely out of order for it to be able to trump Government trade deals. Nick raised a particular example with the justification that the Government have currently given—that the OIE agrees with—and the ASC could say, "We do not think that simply relying on one international organisation's view amounts to taking all due regard. In future we will expect Ministers to be much more robust and rigorous in the evidence they take into account." That would be reported back to Parliament, and then it would be down to Parliament to attempt to follow that through.

Chair: You raise a really good point about who is going to scrutinise if it is road transport. Who actually scrutinises all of this? It is not up to this Committee to do that directly, but somebody will need to do it. It is a very good point made and something that we will try to deal with in our report.

Q47 Rosie Duffield: Dr Radford, you pretty much just answered all the questions I had in my head about the trade problems. Thank you very much for that. That was a brilliant answer. I will report all of that back to my team, because we get so many emails on this.

Steven, we get so many emails on animal welfare, particularly in Kent, because we have the ports, live animal export issues and things like that. I know Dr Radford's answer was basically, "It is up to you guys. Get on with it," which we know we have to do, but do you feel that we can reassure our constituents, now we do not have those EU protections post Brexit, that we are going to be able to get adequate protections,



particularly around animal sentience, into this new Bill? Is that your expert opinion, given all that you know about how we get there?

Dr McCulloch: That is the important question. The objective of the Bill is to replace article 13, but, particularly to avoid JR, as was mentioned earlier, the duties have been put on to minor duties for the Government: establishing a committee that produces a report, and then the Government respond to the report. The really big thing that is missing here is about how Government will actually pay all due regard to animal welfare. Simply having an animal sentience committee to scrutinise it is missing the biggest and most important part of the jigsaw.

To pay all due regard to animal welfare, somebody has to actually look at the impacts on animal welfare. Just to tie in Geraint's line of questioning earlier about trade deals, do we know how many sheep we would import with poorer welfare from Australia? Have the Government looked at that? I very much doubt they have; if they have, it has not been reported. In a similar way, I estimated that importing 1% of chickens we consume from the US would probably result in importing poorer-welfare chickens.

Although the UK is a leader in animal welfare—this relates to a point I made earlier—when you actually look at the nitty-gritty of Government policy making, the impacts on animals are not looked at in any systematic way, at least not in all cases. Even in something so controversial as trade policy, we do not really know; nobody is quantifying. In all other policy areas, we want quantification and monetisation. This is not done in animal welfare policy, or it has certainly not been done as much as it could be. That is the first part.

I would probably have a different view from Mike Radford on the second part. The Minister does need some input in terms of ethical appraisal. That might come from the ASC or from elsewhere. This has been a real issue that has been neglected. The Minister has before him or her the animal welfare impacts, as well as impacts on other sectors and parties, but they still need a systematic and proper way of looking at how to weigh those various factors—how we weigh trade against animal welfare, for instance. In other policy areas, like medicine, it has been realised that these issues need input from experts in ethics. Expertise in ethics has been excluded from government policy making.

Incidentally, as a last point, you will find that those who are opposed to including animal welfare seriously will always downgrade ethics to subjective opinion or views, or being emotive, emotivism and so on. We need to bring that back. A really good submission in this inquiry is from Oxford Uehiro. It is worth having a look at that for the importance of ethics in animal health and welfare policy making.

Q48 **Rosie Duffield:** Nick, do you want to add anything from the Compassion in World Farming view?



Dr Palmer: This Bill will go a certain way. You can say to your constituents that you welcome the prospect that the committee is able to challenge Ministers on whether they have given due regard. You probably will also want to say that it will then be the job of MPs of all parties to take up the challenge. If the ASC were to write to a Minister to say that it felt that a statement was needed, it would be very important that the statement did not just disappear into the House of Commons Library but that MPs like yourself would be ready to take it up and challenge whether it was adequate.

Q49 **Dave Doogan:** I would invite witnesses to give brief answers. Some of this has been touched on to some extent before, but to what extent does the Animal Welfare (Sentience) Bill remove or reduce the risk of judicial review? That was a particular concern for the 2017 draft Bill. So far as it does do that, at what cost does it do that?

Dr Radford: It substantially reduces the risk of a judicial review of Ministers because, unlike clause 1 of the 2017 Bill, it does not put any direct legal duty on them. It introduces this review committee to shine a light on the policy-making process, to make it more transparent and more accountable as to what factors are being taken into account.

Having said that, the lack of detail in the Bill gives rise to risk of judicial review; that is both judicial review of the Minister in appointing members to the committee and judicial review of the committee itself, because, as a statutory body, it will be susceptible to judicial review. The vaguer the legislations, the greater the chance that the remit, modus operandi, and membership of the committee will be tested in the court to try to establish what it is.

Sorry to keep passing the buck, but it is really down to you to ensure that the legislation is suitably detailed that it answers the questions. This whole saga has been very peculiar. It was odd the first time round. This is the legislative equivalent of crowdfunding. The Department has a proposition but not the wherewithal to deliver. It puts it on the internet and says, "Has anybody got any ideas and any contributions?"

Some of the reasons that the Minister has given for not having more detail simply do not stand up to scrutiny. With all respect to him, he was arguing in committee in the Lords that he was against having specific terms of office in case a report had not been completed and a key member's term of office came to an end, or what would have happened about renewal during the pandemic. All it needs is a word like "normally" put in and that covers it. It is out of kilter with any other statutory committee. All you have to do is look at the regulations for the Scottish Animal Welfare Commission to see the model.

Q50 **Dave Doogan:** That is excellent, thank you. Steven or Nick, did you want to add anything to that first part?



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Dr Palmer: Yes, thank you. In a way, this is my specialist subject. As head of Compassion in World Farming, I was responsible for the judicial review we took against the Scottish Government on the issue of live exports. That ultimately was resolved because the Scottish Government decided that they will end live exports.

I will say that it was an extraordinarily difficult decision to take because the costs of judicial review are potentially enormous. You end up paying all your costs and all the Government's costs. Compassion in World Farming has done it four times in 50 years, so we really hesitate to do it.

When Defra ran into the objections of this committee and of many others so that the original draft would lead to any number of judicial reviews, it consulted widely. My contribution was to suggest something like what we are seeing. Ideally, we would like the Minister to have judicial responsibility and to be able to take a JR, but as a former politician I recognise that Ministers will not want to worry about having a JR every month or two.

What I argued, and what I think the Government have listened to, is that the responsibility should be political rather than legal. It is quite possible that if the ASC challenges a Minister on whether they have given special regard to animals, that it will be embarrassing for the Minister, that the Minister will get Urgent Questions, Adjournment debates and all kinds of political issues, but that is the bread and butter of Ministers. They do that all the time. It is not unreasonable for them to have to do it. The structure of the Bill prevents a judicial review being taken against them unless they do the fairly minimal things that are expected, which are purely to set up the committee and then report to Parliament if challenged.

The one thing I would say where I perhaps disagree with Mike is that the more you stuff into the Bill about what everybody involved has to do, the more scope you give for a judicial review. If you keep it simple and say that, if challenged, the Minister has to report to Parliament, and the committee has the power to challenge the minister, that is very straightforward; it is quite difficult to challenge judicially. If, in addition, you pack it with details about exactly who has to be on the committee, what their qualifications have to be and half a dozen other issues, then possibly my learned friends will take more of an interest.

Q51 **Dave Doogan:** There needs to be a happy medium between a scant and scarce piece of legislation and an overly detailed piece of legislation. Is it not really the case that whichever spectrum you are at the end of is neither here nor there? It is about getting balanced and operationally sound legislation.

Dr Palmer: I agree.

Dr McCulloch: I am not a legal expert. I am a veterinary surgeon who then did a PhD thesis in how Government account for the interests of



sentient animals and who now works in a multidisciplinary area focused on policy. It seems to me that JR has a very important function in a constitutional democracy. In broader political terms, JR is very controversial at the moment, with the recent Bill. I completely understand why there was a big focus on JR with the 2017 sentience Bill, but there is a bit of a danger here that it is being used to significantly weaken and argue against the necessity of a Bill and so on, not within this Committee but in wider circles.

JR has a fundamental role in holding an overbearing Executive or Government to account, and that is absolutely critical in a parliamentary democracy, especially with first past the post with a strong majority, which is exactly the situation that we have right now. The way I see it is that Parliament is passing the legislation, and Parliament should want at least the possibility of JR if the Government are not paying all due regard to animal welfare. That said, Parliament should be the arena for political debate and scrutiny, but I just want to put on record that JR has an important purpose.

This Bill has been drafted to absolutely minimise the risk of JR. I agree with Mike that it would be good to have a bit more detail for this and other reasons about the committee, but I fear that the Bill has been weakened such that there is no direct duty now on the Government to have all due regard to animal welfare in the formulation of policy related to animal welfare. That is a concern for me because, in that context at least, it is a watering down of article 13.

Dr Radford: Just for the record, it is down to Parliament to hold an overbearing Government to account, not the courts. The role of the courts in judicial review is to decide whether or not a public body has acted lawfully.

Chair: You are right, Mike, but it is more difficult to hold a majority Government to account in this place than a minority or a small majority Government, I can promise you, having experienced all of these over the last 10 or 11 years. Dave, can you finish off your question? I am conscious that these are really good questions and answers but we are taking rather a long time here at the moment.

Q52 **Dave Doogan:** Just brief answers are fine on this particular point. It relates to whether or not it is significant that the ASC will consider how Government policy has had “all due regard” to the welfare of animals as sentient beings, rather than simply “regard” or “due regard”. As has been pointed out by my colleagues on the Committee, there is a tremendous interest in this from ordinary people and constituents who are very seized of the issue but would like to understand, scant as it is, what an important detail that is within the proposed legislation. Could we have your take on that briefly?

Dr McCulloch: First of all, the term “regard” comes from the French verb “regarder”—I will not try to pronounce it with a French accent—which



means “to look at”. The way Government look at policy is using impact assessments, so for me, it entails some form of impact assessment. It is a really important point that there was a lot of discussion about the weakness of article 13 and being symbolic and so on in a previous inquiry. The reason for that was precisely that article 13 was not properly implemented in the UK, and probably in all of the member states. Hopefully, we have moved on from article 13 just being symbolic, but it was the duty of member state Governments to implement article 13, and that is what we are doing now.

In my view, “full regard” means “to look at fully”, so is a stronger obligation than “all due regard”. My understanding is that parliamentary legal draftspeople preferred “all due regard”, because there is precedent in law. That is all that I would say on that.

Dr Palmer: I would largely agree with Steve. “Due regard” would mean that Ministers would have to show that they have at least had some sort of account of it. “All due regard” is a higher threshold, where they are going to be under a duty to demonstrate that they have not necessarily looked at it forensically but, going back to the example of the Australian trade deal, it would not be sufficient simply to cite one source. Significantly more evidence and information would be necessary, if the ASC was doing its job.

Q53 **Dave Doogan:** Mike, do you concur, from a legal perspective, with Steven’s assessment that this is accepted legal terminology in terms of “all due regard” versus “due regard” or just “regard”?

Dr Radford: It is used in legislation. It is not a term of art as such, so it does not have a specific meaning. Clearly, in the ordinary interpretation of language, “all due regard” is a higher threshold than just “have regard”. If the Chair has regard that this session should end at a certain time, but he keeps it going because he wants to, despite your other commitments, he has had regard but has just ignored it. If it was “all due regard”, he would have to go into it in rather greater detail.

Q54 **Dave Doogan:** Indeed, but even with “all due regard”, there is still room for subjectivity.

Dr Radford: Yes.

Dr Palmer: I agree with my colleagues. They have it right. We would ideally have preferred “full regard”. “All due regard” is a reasonable replacement. If it was downgraded to “due regard”, voters who were reassured that article 13 would be fully replaced would feel a little bit let down. That said, Ministers should not really be afraid of “all due regard”. It would be a very uncomfortable Minister who attempted to defend a policy on the basis that they had given due regard to it and did not need to give all due regard to it. In practice, we would not do that.

Chair: Taking due regard of the time, we need to speed up a bit, please.



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Q55 **Dr Hudson:** With all due regard to time, we now enter the quickfire round. Should the Government be required to publish an animal sentience strategy?

Dr Radford: I see no reason against it. It should be the Government that do it, not the ASC.

Dr McCulloch: If you look at the Bill as it stands, there is nothing really tying the Government, represented by Defra, together with the ASC and how it will operate. The purpose of the animal sentience strategy is really for the Government to communicate to the ASC, "These are the policies on our agenda that might impact sentient animals", and also for the Government to say, "This is how we are going to pay all due regard to animals and what mechanisms we are going to use." It makes perfect sense to me and to many in the animal welfare community to have an animal sentience strategy.

Dr Palmer: It would be helpful. The Government have recently published an animal welfare strategy, which was widely welcomed, but a number of the points in it are time-limited; in two or three years' time, it will look a bit dated, so it is entirely reasonable that, once a year, they should give an update. That would be helpful.

Q56 **Dr Hudson:** On the remit of the animal sentience committee, should the Bill give responsibility to this committee to determine, for instance, which invertebrates are sentient?

Dr Palmer: It would be helpful for the ASC to be able to bring in expert advice on this. While I would favour bringing in shellfish and so on, I would not pretend to be an expert here, and it would be sensible to be able to bring that in.

Q57 **Dr Hudson:** If it calls in that expert opinion, should the committee have the ability to determine which animals are sentient?

Dr Palmer: In my opinion, the ultimate decision should still be political, so the ASC should be able to recommend to the Minister that additional animals should be regarded as sentient. It would then be rather surprising if the Minister said, "I do not care. I am not going to do it." Just as a matter of constitutional appropriateness, it would be better if the decision was taken by the Minister and approved by Parliament.

Q58 **Dr Hudson:** In a similar analogy to the JCVI recommending to Ministers what they do with the vaccine strategy.

Dr Palmer: Yes, very similar.

Q59 **Dr McCulloch:** This question can be highlighted by something that I would see as self-evident, which is that the biggest case of policy failure in sentience policy would be having an animal sentience committee and this process where Government are looking at the impacts of their policy on sentient animals, but for some reason—probably because of the way the Bill and the Act are written—the structure and the process do not look



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at excluding potentially hundreds or thousands of sentient species, and millions of sentient individual animals. We could all agree that that would be a big case of policy failure.

The issue is that the science on sentience is developing and developing, and we have had the situation that I have just outlined with the Animal Welfare Bill, where, even with the ministerial capacity to add additional species if they were persuaded by scientific evidence, we have had the scientific evidence for 10 or 15 years. My view, at least in an ideal world, is that it should be the committee of experts on sentience advising Government, "These are the animals we consider sentient," and the Government therefore making policy, taking those species into consideration. That make sense.

My proviso, though, is to say that this Bill is extremely important to be passed for the benefit of animals generally. If it is necessary, from a legal point of view, to state in the drafting the species or biological taxa of animals, so be it. If the latter is the case, an annual review needs to be set up every two or three years, where the Minister looks at bringing in more species.

Q60 **Dr Hudson:** That is really helpful. I have a final part to the question that I will throw to Mike as well, but do you have anything to add on the first part of the question?

Dr Radford: As the Bill stands, the role of the committee is exclusively about the process of policy making, not about the substance of policy. That is how I think it ought to be. That said, it is important to talk about the environment in which the committee will work. The Ministers have talked in terms of this committee having the power to roam Whitehall. For those of us of a certain age, the image that comes to mind is that of Monty Python and the Spanish inquisition.

If it is to work, it is going to have to be much more co-operative than that, with a conversation going on between Ministers, officials, parliamentarians, stakeholders and interested parties. One of the things that we have put forward in our submission is that the committee should not be in Defra's remit.

Q61 **Dr Hudson:** That comes on to my next question. Before we get on to that, I touched before on the committee having teeth. We have talked about the Trade and Agriculture Commission making recommendations and whether the Government then respond to those or follow that advice. If this committee advises Government and then the Government regard or disregard it, is it Parliament's role to then call the Government to account in that sense?

Dr Radford: Yes, it would then come down to a report, and it would be perfectly legitimate for the committee to say, in discussions with Ministers or officials, "We suggested X, Y and Z. X, Y and Z have not been followed, and, in our view, that amounts to a failure to have all due regard."



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Q62 **Dr Hudson:** There is a role for Select Committees such as ourselves in this process as well. If the EFRA Committee feels that the Government are not doing their job in that sense, we can call them to account as well.

Dr Radford: Yes.

Q63 **Dr Hudson:** Finally, Mike, you touched on this with your Monty Python analogy, but what would be the advantages and disadvantages of this sentence committee not being based in Defra but across Government, perhaps in the Cabinet Office?

Dr Radford: There are no disadvantages. The advantages are self-evident. First of all, it is clearly the case that Defra is going to be one of the committee's main focuses and, therefore, there is a potential conflict of interest there. In terms of its independence, it should be independent of any given Department.

Secondly, if it is to be taken seriously, it needs to have a particular status. The fact that it is a statutory committee feeds into that. The quality, calibre and status of its membership will play into that. Having it centred in the Cabinet Office would play into that as well.

Thirdly, and in some ways most importantly, it would enable this conversation. The Cabinet Office would act as the moderator between Departments and the committee. It would oil the wheels, because one of the things that has not been commented on is how aware other Departments are about this committee. If it is seen as a Defra committee, there is going to be a bit of a "Get your guns off our lawn" attitude to it, whereas the Cabinet Office seems to me the natural home for it.

Q64 **Chair:** Nick, you wanted to come back very briefly. Mike, you made some really good points there on it being in the Cabinet Office, because it is cross-departmental. You are absolutely right that we might want to put our tanks on many people's lawns, but we do not necessarily get away with it.

Dr Palmer: I will just give an alternative view. I think it is better off sitting in Defra. Defra is responsible for animal welfare, and it is appropriate that the Department is responsible, in the same way as the EFRA Committee itself is responsible in this area. If it is farmed out to the Cabinet Office, the motivation will be much lower. They will feel it is just another task to be ticked off. It is not clear whether the Animal Welfare Committee will also be moved over. If both committees are under Defra, Defra can define precisely how they work together.

Q65 **Chair:** You raise a really good point. There is a good argument to be had. If it remained in Defra, we would have to work out how it had a connection directly to the Cabinet Office, because it has to work cross-departmentally. You have both given us something to think about, so I would like to park that one. I will indulge you, Mike, but very quickly.



Dr Radford: There is another ASC. There are 26 letters in the alphabet and they have come up with the same three letters as the Animals in Science Committee. That is joined-up Government for you. The other ASC comes under the Home Office, not Defra, so there is already a disparity between Departments.

Chair: You also have the Food Standards Agency under the Department of Health due to the BSE crisis, so there are lots of things there. You have all given us some real food for thought. We will have to consider as a Committee what we put as our recommendations, so I thank you all for that evidence.

Talking about the independence and effectiveness of the animal sentience committee brings us on to the next question and Robbie, who is going to be even more quickfire.

Q66 **Robbie Moore:** Yes, absolutely, Chair, and coming all the way from Yorkshire, so even quicker. As the Chair has just indicated, I am going to ask a quick question about the composition of the committee and its support. Mike, I will come to you first. Do you think that the Bill will guarantee that the animal sentience committee will be independent and effective and have the necessary expertise?

Dr Radford: No, not as currently drafted. The Minister has undertaken to give the Lords a draft of the committee's terms of reference before report stage, and I assume that your Committee will want to have a look at those as well. They are going to be pretty fundamental to answering your question. The basis of those terms of reference should, it seems to me, be included in legislation.

Q67 **Robbie Moore:** As a quick follow-up, Mike, what lessons could be taken from comparable committees elsewhere on this?

Dr Radford: There is no comparable committee elsewhere, really, because most committees are advisory. This is a committee that does not, in itself, hold Ministers to account, but is a vehicle for Parliament to hold Ministers to account. There is no direct comparison, and an awful lot is going to turn on the membership.

My own view is that the preponderance of members should be experts in sentience. This should be a repository of expertise in sentience, because "all due regard" means, for example, keeping up to date with the literature as the science moves on, and it is moving on at pace. Individual Departments cannot necessarily have the expertise or the staffing to do that, so the committee needs to have a preponderance of experts in sentience and then some independent members. It certainly needs one or two members who have expertise at a high level in policy formulation and implementation, so that they understand the process.

Dr McCulloch: Going back to the previous question very briefly, Mike brings up some very good points. My concern would be that the degree of anthropocentrism and lack of concern about animals across some



Government Departments—I mentioned an example in the Treasury Green Book earlier—is so deep that I would be concerned about the prominence and importance of the committee, although I do accept that there are potentially conflicts of interest. That points to the animal sentience committee absolutely needing to be fully independent. There is the recent example of the Farm Animal Welfare Council being downgraded to a committee in the bonfire of the quangos in 2011. Wherever it is, it needs to be absolutely independent.

In terms of the expertise, my view is that there will be three functions of the animal sentience committee and how it relates to Government. These will be animal welfare impact assessment, ethical analysis and scrutiny. The expertise will need to track those three functions. I agree with Mike on lots of expertise on sentience, the science of sentience and animal welfare, but also expertise in animal health and welfare policy, law and ethics, and public policy and administration.

As I have alluded to, if this set-up is going to be effective, it needs processes like animal welfare impact assessment being internalised by Government, so that Government are paying all due regard to animal welfare in the formulation and implementation of policy.

Dr Palmer: The key point in appointing the membership should be to have people who are familiar both with animal welfare issues and with the parliamentary and ministerial process. You do not want an abstract body outside making pronouncements that are detached from political reality, and you do not want a committee of beard-stroking specialists who come up with unclear recommendations.

You want people who can work constructively with Government to achieve the best possible results. Whoever appoints the membership should do it in the mind that, to be successful, there needs to be a committee that has the knowledge, skill and courage to challenge when appropriate, but which does not try to beat Ministers over the head. They need to work with the grain.

It cannot be entirely independent, because then it is essentially a Government-funded NGO. What it needs to be is a body where the members are not in daily terror of being sacked every time they say something critical, but where the norm is that they can express their views and have due regard taken of them.

Q68 **Robbie Moore:** Just as a follow-up on that point, do you feel that, at the moment, the Bill guarantees that ability to be independent enough to achieve that or not?

Dr Palmer: A guarantee is not possible at this stage. However it is set up, it will be the job both of members and of Members of Parliament—and specifically of the EFRA Committee, if I may suggest it—to ensure that it is working in an optimal way. The way the Bill is currently phrased gives it a good chance of influencing Government. The aspect of the level



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of independence could be clarified but, ultimately, I see the committee working co-operatively rather than as an NGO that challenges from outside.

Q69 **Chair:** Nick, you are far too lenient on Ministers, dare I say. Our job is to hold them to account. This committee, the ASC, is going to be entirely in the hands of the Secretary of State of the day. Hopefully, we will get a good committee, but it will be very reliant on the Secretary of State of the day. Mike, you can have the last comment.

Dr Radford: I appreciate that we are coming towards the end and that there is not time to discuss this, but I just want to plant a question in your mind that you may wish to pursue with Ministers. That is that there needs to be greater clarity in the legislation over the meaning of the term "policy". I am not just being a pedantic lawyer. Clearly, it applies to where the Government are intending to change their position. If a Minister is asked, "Are the Government going to support a private Member's Bill on animal welfare?" and the Government say no, or if there is a PQ that asks, "Do you have any intention to change your policy on X?" and the Minister replies, "Not at the moment," does that constitute a policy? It goes to the heart of the remit of the committee.

Chair: You raise a really good point. All of you have been an excellent panel here this afternoon. You have not all agreed with one another but you have challenged each other quite wisely and given us something to get our teeth into and put into our report, hopefully. Can I thank you all very much, Steve, Nick and Mike, for your attendance this afternoon? Your evidence has been very valuable and, like I said, it has given us something to really get to work on. There is no doubt that there is still work to be done on this particular Bill and on setting up this particular committee, especially if it is going to be independent. How is it then going to be answerable to Parliament? Who in Parliament is then going to scrutinise it? We have gone through all of these in good detail this afternoon and we appreciate your evidence very much.

As I said to the last panel, if you go home and think, in a blinding flash, "There's something I should have said", then please come back to us in writing. Thank you all very much. Members, thank you very much for attending.