



Environment, Food and Rural Affairs Committee

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From the Chair of the Committee

Rt Hon George Eustice MP
Secretary of State for Environment, Food and Rural Affairs
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Secretary of State

Animal Welfare (Sentience) Bill

Following the Government's announcement that the Animal Welfare (Sentience) Bill will have its Second Reading in the Commons on 18 January, I am writing to highlight the key findings from our inquiry into the Bill for your consideration and to inform the House.

The Bill will create the Animal Sentience Committee (ASC) whose members are to be appointed by you. The ASC may publish reports on Government policies (both existing and new) that examine whether the government is having all due regard to the ways in which the policy might have an adverse effect on the welfare of animals as sentient beings. The Government is required to publish a written statement responding to reports by the ASC within three months of their publication.

The Bill replaces the draft animal sentience legislation that was put forward by the Government in December 2017, which our predecessor Committee said introduced "a degree of legal unpredictability" due to its "vagueness and ambiguity". This, it feared, could have meant that almost any Government policy or announcement would be open to judicial review to determine whether "sufficient, but ill-determined 'regard' had been given to the welfare needs of animals". We welcome the improvements that have been made since the 2017 draft legislation, particularly the requirement for Ministers to respond to the ASC's reports which should reduce the risk of vexatious judicial review.

The new ASC will play a vital role ensuring that the Government takes account of the welfare of sentient animals when formulating policy. However, having the right people on the Committee with a depth of expertise in animal welfare and related scientific knowledge will be essential if it is to produce high quality reports that do justice to these important issues. Equally importantly, its Chair and members will need to be operationally independent from Government and able to command respect across Whitehall. It must also have sufficient powers and resources to undertake its work.

Beyond stating that the Secretary of State shall appoint the members of the ASC "on such terms" as they may determine, the Bill is silent on the membership and composition of the Committee, as well as how it will operate. While the draft terms of reference for the ASC – which were placed in the Lords Library on 5 January – are a welcome step in the right direction, they still leave unanswered several concerns that witnesses raised with us during our inquiry:

- **Whether members of the ASC will have enough time to do their work.** The draft terms of reference propose that there will be "between 8-12 Committee



members” working on a part-time basis “for 15-20 days per year”; this includes “attending meetings, visits, drafting or preparation work”. The Chair of the ASC will also be part-time and need only commit to 20 days a year in the role. Given the sheer breadth of Government policies that the ASC might be expected to review, and the need to influence policy development in a timely manner, it is not clear whether this allows sufficient time, which could also deter high-calibre candidates from applying to become ASC members. **I ask that you commit to reviewing the time commitment of members of the ASC after its first year in operation and to increasing their hours if necessary.**

- **The ability to publish a strategy and an annual report.** Witnesses were clear that allowing the ASC to publish a strategy and an annual report would improve transparency and inform all Government departments of what will be expected of them when considering animal sentience in their policy development. **I would be grateful if you could confirm that the ASC will be able to publish a strategy and an annual report without requiring approval from Defra or any other part of Government.**
- **Whether the Committee will have sufficient powers to do its job.** Witnesses were concerned about whether the ASC would have sufficient powers and authority to gather information from departments, and how it would be notified during the policy formulation process in a timely fashion. Otherwise, the ASC risks becoming simply another toothless Whitehall committee whose reports gather dust, while critical issues of animal welfare within policy-making go largely unaddressed. **During the debate on the Bill, I ask that you set out how you will ensure the ASC is able to gather the information it needs to do its job and how Defra will support the ASC to ensure its reports are taken seriously by other departments.** As a minimum, Ministers’ responses to ASC reports must be produced promptly, and must fully address any concerns raised by the ASC and explain any instances where the ASC’s advice has not been accepted.

I am publishing this letter on our website. In addition, we have already published some fifty written submissions, as well as the transcripts of our evidence sessions with experts in the fields of animal welfare and sentience, and with Lord Benyon which we hope will assist Members wishing to contribute to the debate.

Yours Sincerely

Neil Parish MP
Chair of the Committee