

## Response from the Royal Society of Biology to Environment, Food and Rural Affairs Select Committee inquiry on the Animal Welfare (Sentience) Bill

July 2021

*The Royal Society of Biology (RSB) is a single unified voice, representing a diverse membership of individuals, learned societies and other organisations. Our world-leading biosciences sector contributes strongly to the economy, and to society. We are committed to ensuring that we provide Government and other policymakers, including funders of biological education and research, with a distinct point of access to authoritative, independent, and evidence-based opinion, representative of the widest range of bioscience disciplines.*

*The Biotechnology and Biological Sciences Research Council (BBSRC), Medical Research Council (MRC), and the Natural Environment Research Council (NERC) have reviewed this response. Collectively, the three councils, on behalf of UK Research and Innovation (UKRI), are in support of this response's content.*

The RSB welcomes the Environment, Food and Rural Affairs Select Committee inquiry on the Government's new Animal Welfare (Sentience) Bill and the creation of a new Animal Sentience Committee. The RSB has long championed the importance of animal welfare in the context of animal research, biosecurity, One Health<sup>1, 2</sup> and the protection and restoration of biodiversity. All of these policy areas demand that we safeguard the health and welfare of domestic and wild animal populations.

In 2018, we responded to the Defra consultation on the original draft Animal Welfare (Recognition of Sentience) Bill and we write now to highlight several elements of that response for your consideration, where our recommendations bear relevance to your present inquiry. We have also considered the novel clauses in the new Animal Welfare (Sentience) Bill and highlight areas of uncertainty, which could lead to unintended consequences.

### Summary

- We fully support the Government's commitment to strengthen animal welfare in the UK, however, we raise points for further scrutiny in our detailed response below.
- Sentience is an active subject of study in animal welfare science, but there is debate around whether one should base definitions of animal welfare and related policy

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<sup>1</sup> "One Health is a collaborative, multi-sectoral, and transdisciplinary approach — working at the local, regional, national, and global levels — with the goal of achieving optimal health outcomes recognizing the interconnection between people, animals, plants, and their shared environment", Centers for Disease Control and Prevention.  
<https://www.cdc.gov/onehealth/basics/index.html>

<sup>2</sup> One Health, World Organisation for Animal Health. <https://www.oie.int/en/what-we-do/global-initiatives/one-health/>

decisions on the assessment of sentience *per se*, thus, there are potential pitfalls of adopting the common language definition of sentience for the purpose of the Bill.

- The approach proposed by this Bill seems at odds with the Government's own policy. We encourage the EFRA Committee to question if all other relevant delivery models for access to advice on animal sentience and potential impacts of policy making on the welfare of animals have been considered, before proposing a new public body.
- There remains a lack of clarity regarding the powers, mandate, role and remit (which could be complex and extensive), composition (membership/ expertise/ appointment process), methods of working (e.g. Terms of Reference, including on interaction with Government), and available resources of the proposed Animal Sentience Committee, including distinction from existing related public bodies.
- We agree that a statutory duty should be placed on Ministers to respond to the proposed Animal Sentience Committee's reports in a way that makes Ministerial decisions transparent and accountable to Parliament. Any disagreement should be debated and resolved in Parliament, avoiding recourse to judicial reviews, which may have an inhibitory effect on policy making.
- Further guidance is needed to understand the full scope and broader impacts of the Bill, and how it will harmonise with other existing statutes.
- By analogy with other relevant Acts, such as ASPA 1986, we recommend the adoption of the notion of 'protected animals', which will require clarity in the definitions of which animals will be included in the scope of the Bill, and on what grounds they will be included. On the basis of our proposed criteria for the inclusion of protected animals, the inclusion of only postnatal forms of vertebrate species in the present Bill does not go far enough. Additionally, the accumulating evidence of complex behavioural responses of decapod crustaceans may warrant additional protection for these invertebrates.

### **Detailed response to the inquiry on the Animal Welfare (Sentience) Bill:**

#### **1. Will the Animal Welfare (Sentience) Bill ensure that animal sentience is properly taken into account in both new and existing Government policy in England?**

- 1.1. The notion of sentience in non-human animals, focusing primarily on the experience of pain and suffering, has contributed to the expanded legal protection of animals and has been explicitly or implicitly incorporated in existing UK statutes (e.g. the Animal Welfare Act (AWA) 2006<sup>3</sup> and the Animals (Scientific Procedures) Act (ASPA) 1986<sup>4</sup>). In 2018, we warned the Government about the potential pitfalls of adopting the

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<sup>3</sup> Animal Welfare Act 2006, Section 1 – Animals to which the Act applies. Available at: <https://www.legislation.gov.uk/ukpga/2006/45/section/1>. Explanatory notes to Section 1: The Act will apply only to vertebrate animals, as these are currently the only demonstrably sentient animals. However, section 1(3) makes provision for the appropriate national authority to extend the Act to cover invertebrates in the future if they are satisfied on the basis of scientific evidence that these too are capable of experiencing pain or suffering.

<sup>4</sup> Animals (Scientific Procedures) Act 1986, Section 2 - Regulated procedures. Available at: <https://www.legislation.gov.uk/ukpga/1986/14/section/2>. Regulated procedures, Section 2.1 Subject to the provisions of this section, "a regulated procedure" for the purposes of this Act means any procedure applied to a protected animal for a qualifying purpose which may have the effect of causing the animal a level of pain, suffering, distress or lasting harm equivalent to, or higher than, that caused by the introduction of a needle in accordance with good veterinary practice.

common language definition of sentience for the purpose of the Bill and in view of possible judicial reviews of Ministerial decisions<sup>5</sup>. Alternative criteria were suggested for the protection of animals that better align with existing statutes<sup>6</sup> (see also answer to question 5), which should be informed by up-to-date scientific evidence and expert consultation.

1.2. The scientific investigation of sentience is a fascinating and evolving field of research<sup>7,8</sup> that requires a complex assessment of multiple lines of evidence<sup>9, 10, 11</sup>. We provided a very short summary of aspects of animal biology that are important in the study of sentience in our 2018 response to Defra<sup>12</sup>, in which we also discussed why a focus on pain and suffering is an important component<sup>13</sup>, given our more developed understanding of pain relative to other emotional states in animals and its relevance for animal welfare. However, there are further considerations to add. The question of what non-human animals feel and the conscious dimension of feelings is one of the most difficult questions in biology<sup>14</sup>, for which scientific methods and knowledge are still lacking<sup>15</sup>. However, we appreciate it has an important ethical relevance in decisions about the legal protection of animals. Empathy, imagination and the use of language endow humans with the ability to ask what it is like to be another sentient being<sup>16</sup>. These remarkable faculties may contribute to our bond with animals and can motivate us to consider and study them. However, if these faculties are not tempered by careful and sustained scientific examination of animal biology and behaviour, they could also lead us astray down the path of anthropomorphism. In which case, even well-meaning initiatives, unless they are grounded in research and evidence, can prove ineffectual, inappropriate or even dangerous to animal welfare. Sentience is an active subject of study<sup>17</sup> in animal welfare science, but there is debate around whether one should base definitions of animal welfare, welfare management strategies and therefore policy decisions on the assessment of sentience *per se*<sup>18, 19</sup>.

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<sup>5</sup> The Royal Society of Biology (2018). Response to the Department for Environment, Food and Rural Affairs' consultation on the draft Animal Welfare (Sentencing and Recognition of Sentience) Bill. Available at: [https://www.rsb.org.uk/images/RSB\\_response\\_Defra\\_draft\\_Animal\\_Welfare\\_Sentencing\\_and\\_Recognition\\_of\\_Sentience\\_Bill.pdf](https://www.rsb.org.uk/images/RSB_response_Defra_draft_Animal_Welfare_Sentencing_and_Recognition_of_Sentience_Bill.pdf). Please see paragraphs 1.3, 2.1, 2.2, 7.1, 7.2 and 7.4.

<sup>6</sup> The Royal Society of Biology (2018), op. cit., paragraphs 3.1, 3.2 and 7.3.

<sup>7</sup> Harnad, S., 2016. Animal sentience: The other-minds problem. *Animal Sentience: An Interdisciplinary Journal on Animal Feeling*, 1(1), p.1

<sup>8</sup> Adolphs, R. and Anderson, D.J., 2018. *The neuroscience of emotion: A new synthesis*. Princeton University Press.

<sup>9</sup> Sneddon, L.U. et al., 2014. Defining and assessing animal pain. *Animal Behaviour*, 97, pp. 207-208.

<https://doi.org/10.1016/j.anbehav.2014.09.007>.

<sup>10</sup> Paul, E.S., Harding, E.J. and Mendl, M., 2005. Measuring emotional processes in animals: the utility of a cognitive approach. *Neuroscience & Biobehavioral Reviews*, 29(3), pp.469-491.

<sup>11</sup> Keynote talk on 'Scientific Advances in the Study of Animal Welfare' by Dr Matthew Leach at the annual Animal Science Meeting 2017. Available at <https://www.rsb.org.uk/policy/groups-and-committees/asg/asg-membership/animal-science-meetings/animal-science-meeting-2017-report>

<sup>12</sup> The Royal Society of Biology (2018), op. cit., Appendix 1 - Sentience in non-human animals, a short note on the problem of definition, pp. 11-12.

<sup>13</sup> Bateson, P. 1991. Assessment of pain in animals. *Animal Behaviour*, 42, pp. 827-839.

<sup>14</sup> Chalmers, D.J., 1995. Facing up to the problem of consciousness. *Journal of consciousness studies*, 2(3), pp.200-219.

<sup>15</sup> Dawkins, M., 2015. Animal welfare and the paradox of animal consciousness. *Advances in the Study of Behavior*, 47, pp.5-38.

<sup>16</sup> Nagel, T. 1974. 'What is it like to be a bat?' in Hofstadter, D.R. and Dennett, D.C., 1981. *The mind's I: Fantasies and reflections on self and soul*. Basic Books, a division of HarperCollins Publishers.

<sup>17</sup> Birch, J., Schnell, A.K. and Clayton, N.S., 2020. Dimensions of animal consciousness. *Trends in cognitive sciences*, 24 (10), pp. 789-801.

<sup>18</sup> Dawkins 2015, op. cit.

<sup>19</sup> Dawkins, M.S. 2017. Animal welfare with and without consciousness. *Journal of Zoology*, Volume 301, Issue 1, pages 1–10

<sup>20</sup>. That said, we fully support the Government's commitment to strengthen animal welfare in the UK and yet we would like to raise some questions about this Bill.

- 1.3. There remains a lack of clarity regarding the powers and remit of the Animal Sentience Committee and further guidance is needed to understand the broader impacts of the Bill. We previously noted that “the (2018) Bill – with its general, over-arching policy commitments – must explicitly refer to and harmonise with” other existing statutes and it must “ensure that all regulated work under existing Acts can continue, recognising the high level of welfare consideration currently applied”<sup>21</sup>. “Exemptions granted by other Acts, such as ASPA, 1986<sup>22</sup> or the Veterinary Surgeons Act, 1966<sup>23</sup>” need to be safeguarded.
- 1.4. If it is the Animal Sentience Committee's role to scan and review all Government policy areas, then given the breadth of its proposed remit and the duty to deliver timely and effective advice, further information about the allocation of resources, funding, staff and ways of working must be known before an informed judgement about its proposed role and likely impact can be given. We will comment further in answer to question 2 about the Animal Sentience Committee's proposed role and recommended interactions with other advisory public bodies and wider stakeholders.
- 1.5. When discussing clause 1(1) of the 2018 draft Bill<sup>24</sup>, we proposed that the scope of ‘animal welfare needs’ was on ‘animals under human control and for which a responsible person can be identified’<sup>25</sup>. Animal welfare science and ethics have traditionally focused on the intentional use of animals, especially in food production and biomedical science<sup>26</sup>. Conversely, the scope of this Bill seems to go further, including wild animal populations, and there could be merit in applying animal welfare science and ethics more broadly. However, one must be aware of the scale and intricacies of the problem at hand. The impacts of policies and ministerial decisions on the welfare of animals can be extensive. Most (if not all) human activities have impacts on other animals and a useful categorization in the context of animal welfare and ethics has been suggested by Fraser and MacRae (2011) as: 1) ‘keeping animals’, e.g. farmed or companion animals; 2) ‘deliberate harms to animals’, e.g. toxicological testing in animals, pest management, hunting, trapping and fishing; 3) ‘causing unintended harms to animals’, e.g. through crop production, transportation, night-time lighting, and many other human activities; 4) ‘harming animals indirectly by disturbing ecological systems and the processes of nature’, e.g. by destroying habitat,

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<sup>20</sup> Arlinghaus, R., Cowx, I.G., Key, B., Diggles, B.K., Schwab, A., Cooke, S.J., Skiftesvik, A.B. and Browman, H.I., 2020. Pragmatic animal welfare is independent of feelings. *Science* (New York, NY), 370 (6513), p.180.

<sup>21</sup> The Royal Society of Biology (2018), op. cit., paragraphs 5.1.

<sup>22</sup> Exemptions for domestic and wild animals in scientific procedures as specified by The Animals (Scientific Procedures) Act 1986, Schedule 2, Paragraph 25. Available at

<https://www.legislation.gov.uk/uksi/2012/3039/schedule/2/made#text%3Dexempted%20species>

<sup>23</sup> Exemption to Section 19 Restriction of practice of veterinary surgery by unqualified persons, subsection 1 for any procedure duly authorised under the Animals (Scientific Procedures) Act 1986. Available at

<https://www.legislation.gov.uk/ukpga/1966/36/crossheading/restriction-of-practice-of-veterinary-surgery>

<sup>24</sup> Animal Welfare (Sentencing and Recognition of Sentience) Bill, 2018. Clause 1(1) - Ministers of the Crown must have regard to the welfare needs of animals as sentient beings in formulating and implementing government policy. Available at:

<https://www.gov.uk/government/publications/draft-animal-welfare-sentencing-and-recognition-of-sentience-bill-2017>

<sup>25</sup> The Royal Society of Biology (2018), op. cit., paragraphs 4.2. “Scope of ‘animal welfare needs’: this definition should apply to animals under human control and for which a responsible person can be identified. These could include farmed animals, companion animals, and wild animals when they are caught and kept under human control (certain gamebirds released in the wild for shooting, wild caught animals moved to enclosures, animals in public exhibits)”.

<sup>26</sup> Fraser, D. and MacRae, A.M., (2011). Four types of activities that affect animals: implications for animal welfare science and animal ethics philosophy. *Animal Welfare*, 20 (4), pp. 581-590.

introducing foreign species, and causing pollution and climate change. These different activities raise different ethical and animal welfare challenges and will require different strategies for defining, monitoring and mitigating the impacts on animal welfare as part of policy making. The welfare impacts could be systemic and affect several different species interacting within an ecosystem. We would expect that the Animal Sentience Committee should be equipped with the appropriate expertise and capacity to deal with what can be a formidable task. It will be particularly challenging for type 3 and 4 activities where an expansion of the data available to experts will be necessary. Animal welfare and conservation science can act synergistically<sup>27, 28, 29</sup>, if scientific evidence is considered within the appropriate decision making framework. As an example, the growing importance of ecological restoration and re-wilding, including through the re-introduction of locally extinct species<sup>30</sup> or the use of advanced reproductive and genetic technologies for extinct species<sup>31</sup>, will raise animal welfare questions, which the Committee might be called to advise on. We still know too little about the impacts of type 3 and 4 activities on animal welfare. Further scientific investigation may reveal the extent of the impacts and provide solutions for mitigations. The ethical challenge will be to synthesize recommendations that include harms to animal welfare, which are often unintentional and unrecognized, alongside concerns for biodiversity and ecosystem conservation and human interests. It is important to stress that the strong public support for tackling the biodiversity and climate crises may encourage politicians to take the animal welfare impacts of policy making more seriously.

- 1.6. There has been a significant shift in wording from the original draft Bill to the present one. The original focus was for Ministers to have ‘regard to the welfare need of animals’, which was perhaps too vague, while the Animal Sentience Committee should now consider whether a ‘policy might have an adverse effect on the welfare of animals’. This formulation might ignore the potential for having a positive effect on animal welfare and prevent the Committee from suggesting measures that would enhance welfare above and beyond what might be common practice or the current legal minimum. In 2018, we commented on the five needs for protected animals under the Animal Welfare Act 2006 and the linked ‘five freedoms’, developed by the Farm Animal Welfare Council (FAWC), as a good basis for ensuring welfare<sup>32</sup>. In addition to this, another important animal welfare principle developed by FAWC is that “an animal kept in full compliance with the law should have a life worth living”<sup>33</sup>. Within this framework, it is not enough to simply avoid unnecessary suffering and provide for

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<sup>27</sup> Fraser, D., 2010. Toward a synthesis of conservation and animal welfare science. *Animal Welfare*, 19(2), pp. 121-124. <https://www.ingentaconnect.com/content/ufaw/aw/2010/00000019/00000002/art00001>

<sup>28</sup> Lynch, K.E. and Blumstein, D.T., 2020. Hidden ethical costs of conservation. *Science* (New York, NY), 370(6513), pp.179-180. DOI: 10.1126/science.abe2505

<sup>29</sup> Hampton, J.O et al. 2020. Animal welfare science aids conservation. *Science* (New York, NY), 370(6513), pp. 180-181. <https://doi.org/10.1126/science.abe2171>

<sup>30</sup> Fauconier, G. 2021. The lynx effect. *The Biologist*, 68(2), pp.10-11. <https://thebiologist.rsb.org.uk/biologist-features/the-lynx-effect-2>

<sup>31</sup> Professor William Holt from the University of Sheffield and the Smithsonian Conservation Biology Institute’s Center for Species Survival presented a talk to the RSB Animal Science Group meeting on 19 September 2019 titled ‘Environmental and welfare aspects of using genetic technologies for endangered and extinct species’. If you are interested in a write-up of the talk please write to [alessandro.coatti@rsb.org.uk](mailto:alessandro.coatti@rsb.org.uk).

<sup>32</sup> The Royal Society of Biology (2018), op. cit, paragraphs 4.1-4.2

<sup>33</sup> The Royal Society of Biology (2018), op. cit, please see appendix 3 for a very brief summary of FAWC position on animal welfare from their 2009 report ‘Farm Animal Welfare in Great Britain: Past, Present and Future’. Available at <https://www.gov.uk/government/publications/fawc-report-on-farm-animal-welfare-in-great-britain-past-present-and-future>

the basic needs of the animals, but also to enhance, whenever possible, the positive experiences for which corroborating evidence exists - e.g. through certain wants<sup>34</sup>. A similar approach should be reflected in the way the Animal Sentience Committee plans to operate. Within their remit, the committee should be given more latitude to explore areas of policy where animal welfare improvements can be made, irrespective of whether a new ministerial decision poses novel threats to animal welfare.

1.7. We are also aware of the complexity of the harm-benefit analyses that the Committee might need to conduct to evaluate the impacts of proposed policies. Appropriate analysis will likely include evidence from animal welfare and conservation science, but there will also be interplay with economic, ethical and societal factors. Thus, the committee would absolutely need to include or have access to an appropriately broad base of interdisciplinary expertise and evidence. Benchmarking, boundaries and baselines may well be important to consider, though definition may also be complex, for example in a scenario where wild animals come under direct human control, the harms experienced by the animals in their ecosystem and during natural life patterns could provide a baseline or comparator for the harms caused by direct human intervention. However, this baseline in itself could be difficult to define, not least since many ecosystems are already impacted to some degree by human activity, with natural life patterns 'skewed' as a result. It would be the task of the Committee to reach a view about what is the overall acceptable level of suffering that can be allowed in the pursuit of benefits derived from that specific human activity.

## **2. Are there sufficient safeguards to ensure that the proposed Animal Sentience Committee will be (a) independent (b) have the necessary expertise and (c) have the necessary powers to be effective?**

2.1. The Bill does not contain sufficient detail about the membership, expertise and appointment process for us to answer this question satisfactorily. It would be helpful to know if the Animal Sentience Committee will be an executive non-departmental public body (NDPB) similar to the Committee on Climate Change<sup>35</sup> sponsored by BEIS, or an advisory NDPB such as the Animals in Science Committee<sup>36</sup> sponsored by the Home Office. This information will provide the context needed to discuss its independence and impartiality, accountability, effectiveness, appointments, staffing and the funds needed to operate<sup>37</sup>.

2.2. It is important to flag the need to coordinate the activities of the Animal Sentience Committee with other existing public bodies advising Ministers on animal welfare issues. Moreover, clear distinctions between their respective remits must exist to avoid a duplication or conflict of effort. We comment further on this under point 4. We

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<sup>34</sup> The Farmed Animal Welfare Committee (2009). Farm Animal Welfare in Great Britain: Past, Present and Future. Page 15: "Achievement of a life worth living requires provision of an animal's needs and certain wants, and care by all involved. Wants are those resources that an animal may not need to survive or to avoid developing abnormal behaviour, but nevertheless improve its quality of life. They may well stem from learned behaviours so that once an animal has become accustomed to their provision then withdrawal may lead to an adverse mental experience. They may also be innate such as space to play, to groom or engage in other normal behaviours. Giving an animal a life worth living therefore requires skilled and conscientious stockmanship above all else, together with good husbandry, considerate handling and transport, and humane slaughter". Available at: <https://www.gov.uk/government/publications/fawc-report-on-farm-animal-welfare-in-great-britain-past-present-and-future>

<sup>35</sup> <https://www.gov.uk/government/organisations/committee-on-climate-change>

<sup>36</sup> <https://www.gov.uk/government/organisations/animals-in-science-committee>

<sup>37</sup> The Cabinet Office, 2018. The Approvals Process for the Creation of New Arm's-Length Bodies: Guidance for Departments. Available at: <https://www.gov.uk/government/publications/the-approvals-process-for-the-creation-of-new-arms-length-bodies>

also flag that the approach proposed by this Bill seems at odds with the Government's own policy "that new (public) bodies should be set up only as a last resort" and "departments must consider all possible delivery models when exploring options for the provision of new services or functions"<sup>38</sup>. We encourage the EFRA Committee to question the Government by asking if all other relevant delivery models to get advice on animal sentience and potential impacts of policy making on the welfare of animals have been considered.

- 2.3. The Bill and related guidance could also provide more detail about how the Animal Sentience Committee will interact with Government departments in order to discharge its proposed duties. It could state the frequency of reporting to Parliament and importantly how it will communicate and engage with internal and external stakeholders. It should also better define the committee's mandate to review areas of policy and the criteria it will follow in deciding what reviews it will undertake, both prospective and retrospective<sup>39</sup>. Will its mandate be based on discretionary powers (it "may produce a report"<sup>40</sup>) or on clear statutory duties and well-defined terms of reference?
- 2.4. The expertise and composition of the Animal Sentience Committee will be essential to execute its mandate. Our 2018 response<sup>41</sup> suggested areas of biological research that are relevant to questions of animal sentience and the science of animal welfare. We would encourage participation of experts from other fields, such as law, ethics, veterinary science, economics and social sciences. The inclusion of lay members of the public or their consultation could be an important additional aspect to consider.
- 2.5. The income and powers of the Animal Sentience Committee should be commensurate with the tasks mandated by the Bill. There is no indication currently about how well resourced the Committee will be.
- 2.6. In our response to Defra in 2018, we discussed the level of regard to public interest when implementing policies on animals<sup>42</sup>. The development of policies on animal welfare requires involvement of many stakeholders given that "animal welfare is a complex, multi-faceted public policy issue that includes important scientific, ethical, economic and political dimensions"<sup>43</sup>. The committee will therefore need to engage with external stakeholders and gain the right access across Government to work effectively.

### **3. Are the proposed requirements on the Government to respond to an Animal Sentience Committee's report sufficient?**

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<sup>38</sup> UK Government. Public Bodies (Guidance). Available at: <https://www.gov.uk/guidance/public-bodies-reform>

<sup>39</sup> From the Bill (2021), clause 2(2) "The question is whether, or to what extent, the government **is having, or has had**, all due regard to the ways in which the policy might have an adverse effect on the welfare of animals as sentient beings"

<sup>40</sup> Animal Welfare (Sentience) Bill, 2021 (as introduced). Clause 2(1) – "When any government policy is being or has been formulated or implemented, the Animal Sentience Committee may produce a report containing its views on the question in subsection (2)". Available at: [https://publications.parliament.uk/pa/bills/lbill/58-02/004/5802004\\_en\\_2.html#pb1-l1g2](https://publications.parliament.uk/pa/bills/lbill/58-02/004/5802004_en_2.html#pb1-l1g2)

<sup>41</sup> The Royal Society of Biology, 2018, op. cit., appendix 1, pp. 11-12.

<sup>42</sup> The Royal Society of Biology, 2018, op. cit., paragraphs 6.1-6.4.

<sup>43</sup> Animal welfare at a glance by the World Organisation for Animal Health, available at [http://www.oie.int/fileadmin/Home/eng/Media\\_Center/docs/pdf/Fact\\_sheets/AW\\_EN.pdf](http://www.oie.int/fileadmin/Home/eng/Media_Center/docs/pdf/Fact_sheets/AW_EN.pdf)

- 3.1. We agree that a statutory duty should be placed on Ministers to respond to the Committee's reports in a way that makes Ministerial decisions transparent and accountable to Parliament.
- 3.2. Any disagreement should be debated and resolved in Parliament (including through the scrutiny role of its committees) avoiding recourse to judicial reviews, which may have an inhibitory effect on policy making, as we mentioned in our earlier response<sup>44</sup>. In this respect, it would be beneficial to know what measures Parliament can take, should a Minister fail to respond within the right timeframe<sup>45</sup> or if their response is found to be wanting by the Committee.

#### **4. How does the proposed Animal Sentience Committee compare to similar bodies, such as the Scottish Animal Welfare Commission?**

- 4.1. The proposed Animal Sentience Committee appears to be tasked with duties that potentially overlap with other existing public bodies such as: the Animals in Science Committee<sup>46</sup>, sponsored by the Home Office; the Animal Welfare Committee<sup>47</sup>, which advises Defra ministers about animal welfare; and the Animal Health and Welfare Board for England<sup>48</sup>, responsible for setting the broad strategic policy framework for health and welfare matters relating to all kept animals in England.
- 4.2. By contrast to the Animal Sentience Committee, these other public bodies have clear mandates and terms of references, which specify their role, scope, membership, governance, performance and evaluation and interdepartmental arrangement.
- 4.3. However, in the process of developing a detailed governance and terms of reference for the Animal Sentience Committee, Government should provide a clear rationale and justification for what the Committee is tasked to achieve that other existing bodies are not already delivering. For example, the Animals in Science Committee already has a statutory duty under ASPA 1986 to advise the Home Office Minister about the welfare of protected animals used in scientific procedures. A clear definition of the respective remits for each of these bodies is paramount in order to avoid inefficiencies and undue friction in policy making.
- 4.4. In achieving that goal, Government might be able to identify areas of policy that need additional scrutiny in relation to animal sentience and welfare, which are not properly covered by other advisory bodies. This could be the role for the new Committee, or alternatively Government could expand the remit of existing advisory bodies to the Department of Environment, Food and Rural Affairs (Defra) to include these new policy areas.

#### **5. Is the Government correct to limit the scope of the Bill to vertebrate animals?**

- 5.1. We discussed this point in our 2018 response to Defra<sup>49</sup>. By analogy with other relevant Acts, such as ASPA 1986, we recommended the adoption of the notion of

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<sup>44</sup> The Royal Society of Biology 2018, op. cit., paragraphs 1.3.

<sup>45</sup> Animal Welfare (Sentience) Bill, 2021 (as introduced). Clause 3(1) – “The period is three months beginning with the day on which the Committee's report is published”. Available at: [https://publications.parliament.uk/pa/bills/lbill/58-02/004/5802004\\_en\\_2.html#pb1-l1g2](https://publications.parliament.uk/pa/bills/lbill/58-02/004/5802004_en_2.html#pb1-l1g2)

<sup>46</sup> <https://www.gov.uk/government/organisations/animals-in-science-committee>

<sup>47</sup> <https://www.gov.uk/government/groups/animal-welfare-committee-awc>

<sup>48</sup> <https://www.gov.uk/government/groups/animal-health-and-welfare-board-for-england-ahwbe>

<sup>49</sup> The Royal Society of Biology 2018, op. cit. paragraphs 3.1-3.4.



‘protected animals’: “the value of adopting this terminology is that it will require clarity in the definitions of which animals will be included and on what grounds they will be included”. “In addition, the list of ‘protected animals’ can be extended by the relevant authorities, after considering scientific evidence and receiving a variety of expert opinions”, which we were pleased to see adopted.

5.2. However, the inclusion of only postnatal forms of vertebrate species in the present Bill does not go far enough. Our proposed criteria for the inclusion of protected animals are:

- a. any living non-human vertebrate, including:
  - i. independently feeding embryonic and larval forms; and
  - ii. embryonic forms of a mammal, bird or reptile as from the last third of their normal gestational development or incubation<sup>50</sup>.
- b. any living cephalopod; (we provide further detail on this point in appendix 2 of our 2018 response)<sup>51</sup>.
- c. additional living members of species specified by the appropriate national authority (the Secretary of State) when satisfied that scientific evidence and expert input on evidence of pain, suffering, behavioural and neurological complexity warrants special protection under the Act.

5.3. We previously discussed the accumulating evidence of complex behavioural responses of decapod crustaceans to nociceptive stimuli, which may warrant additional protection for these invertebrates. In 2018, we recommended “convening a working group to review the evidence and inform a discussion and decision on their inclusion within the scope of this draft Bill” and we were pleased to see this suggestion taken up by Government. Since then, our Animal Science Group<sup>52</sup> has engaged with this topic further by taking part in the evidence gathering on the sentience in decapod crustaceans and cephalopod molluscs carried out by the Foundations of Animal Sentience project<sup>53</sup> and by organising a thematic discussion on ‘Pain and Welfare Assessment in Fish and Marine Invertebrates’<sup>54</sup>.

*The Society welcomes the Committee’s inquiry on the Animal Welfare (Sentience) Bill. We are pleased to offer these comments, which have been informed by consultation and input from a wide range of our individual members and Member Organisations across the biological disciplines (see Appendix\*). The RSB is pleased for this response to be publicly available.*

*For any queries, please contact the Science Policy Team at [policy@rsb.org.uk](mailto:policy@rsb.org.uk) and Senior Science Policy Officer Alessandro Coatti at [alessandro.coatti@rsb.org.uk](mailto:alessandro.coatti@rsb.org.uk)*

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<sup>50</sup> The Royal Society of Biology 2018, op. cit., appendix 2 - On the definition of protected animals and inclusion of species under the Bill: embryonic forms of protected animals. pp. 13.

<sup>51</sup> The Royal Society of Biology 2018, op. cit., appendix 2 - On the definition of protected animals and inclusion of species under the Bill: Consideration about the developmental stage of protected cephalopods under the draft Bill. pp. 13-14.

<sup>52</sup> The Animal Science Group (ASG) is a Special Interest Group (SIG) of the Royal Society of Biology, representing the broad spectrum of UK bodies actively involved in supporting, funding, or formulating policy on research involving animals. The ASG is chaired by Professor Dominic Wells FRSB and currently has 24 members and 4 observer organisations.

<https://www.rsb.org.uk/policy/groups-and-committees/asg>

<sup>53</sup> <https://www.lse.ac.uk/cpnss/research/ASENT>

<sup>54</sup> We are happy to provide a write-up of the survey submission to the Foundations of Animal Sentience project and the expert talk given by Dr Lynne Sneddon (University of Liverpool and University of Gothenburg) upon request by email to the ASG secretariat at [alessandro.coatti@rsb.org.uk](mailto:alessandro.coatti@rsb.org.uk).

## \*Appendix: Member Organisations of the Royal Society of Biology

### Full Organisational Members

Agriculture and Horticulture Development Board  
 Anatomical Society  
 Association for the Study of Animal Behaviour  
 Association of Applied Biologists  
 Association of Reproductive and Clinical Scientists (ARCS)  
 Biochemical Society  
 British Association for Lung Research  
 British Association for Psychopharmacology  
 British Biophysical Society  
 British Ecological Society  
 British Lichen Society  
 British Microcirculation and Vascular Biology Society  
 British Mycological Society  
 British Neuroscience Association  
 British Pharmacological Society  
 British Phycological Society  
 British Society for Cell Biology  
 British Society for Developmental Biology  
 British Society for Gene and Cell Therapy  
 British Society for Immunology  
 British Society for Matrix Biology  
 British Society for Neuroendocrinology  
 British Society for Parasitology  
 British Society for Plant Pathology  
 British Society for Proteome Research  
 British Society for Research on Ageing  
 British Society of Animal Science  
 British Society of Plant Breeders  
 British Society of Soil Science  
 British Society of Toxicological Pathology  
 British Toxicology Society  
 Daphne Jackson Trust  
 Fisheries Society of the British Isles  
 Fondazione Guido Bernardini  
 GARNet  
 Gatsby Plant Science Education Programme  
 Genetics Society  
 Heads of University Centres of Biomedical Science  
 Institute of Animal Technology  
 Laboratory Animal Science Association  
 Linnean Society of London  
 Microbiology Society

MONOGRAM – Cereal and Grasses Research Community  
 Network of Researchers on the Chemical Evolution of Life  
 Nutrition Society  
 Quekett Microscopical Club  
 Society for Applied Microbiology  
 Society for Experimental Biology  
 Society for Reproduction and Fertility  
 Society for the Study of Human Biology  
 South London Botanical Institute  
 The Field Studies Council  
 The Physiological Society  
 The Rosaceae Network  
 Tropical Agriculture Association  
 UK Brassica Research Community  
 UK Environmental Mutagen Society  
 University Bioscience Managers' Association  
 Zoological Society of London

### Supporting Organisational Members

Animal & Plant Health Agency (APHA)  
 Association of the British Pharmaceutical Industry (ABPI)  
 AstraZeneca  
 BioIndustry Association  
 Biotechnology and Biological Sciences Research Council (BBSRC)  
 British Science Association  
 Ethical Medicines Industry Group  
 Fera  
 Institute of Physics  
 Medical Research Council (MRC)  
 NNedPro Global Centre for Nutrition and Health  
 Northern Ireland Water  
 Porton Biopharma  
 Royal Society for Public Health  
 Severn Trent Water  
 Syngenta  
 Understanding Animal Research  
 United Kingdom Science Park Association  
 Wellcome Trust  
 Wessex Water  
 Wiley Blackwell