

Initial thoughts on the Animal Sentience Committee's report on legislative compliance and enforcement

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Please note this article was accepted prior to the release of the UK Government's 'Animal Welfare Strategy for England' in December 2025 and the Animal Sentience Committee's letter on the impact of definitions of animals in law in February 2026.

In February 2025 the Animal Sentience Committee (ASC) published a report regarding legislative compliance with, and enforcement of, a range of existing animal welfare laws. We feel this is the most comprehensive report they have issued to date insofar as it addresses regulations relating to a wide range of animals, including companion animals, wild animals, animals used in both farming and in scientific procedures, and those kept on licensed premises.¹ It is extensive in its evaluation of how existing rules are applied across these areas, addressing inter alia the training of animal welfare inspectors, issues concerning the availability of data concerning enforcement, codes of practice, enforcement gaps and potential changes in the enforcement landscape.

The report calls for a 'wholesale review of the enforcement of animal welfare legislation' to improve or enhance the consistency and effectiveness of enforcement practices, something the ASC felt was necessary to maintain public trust in the present system.² It also offers almost two pages of bullet-point suggestions as to how the problems

they identify might be remedied,³ either during the review itself or by policymakers in the period between the issuing of this report and the recommended review taking place.⁴ We believe the holistic and comprehensive viewpoint adopted by the ASC here is a notable change from the narrow focus of previous reports on specific policy issues. It shows the ASC is willing to engage in systemic critique, and we believe that this is to be welcomed. The purpose of this brief essay is to lay out our initial thoughts on the report and its findings – both in terms of its positive contributions, and what we feel may be missed opportunities.

Opportunities taken

The ASC's engagement with systemic problems around enforcement comes at a time when the issue is also being considered by other NGOs and public bodies. A prominent example can be found in a recent report from the Chartered Trading Standards Institute (CTSI), which both outlines the role they play in the enforcement of existing rules and highlights the issues they face in doing so.⁵ Animal Equality and the Animal Law Foundation have also published a comprehensive joint report in which they identify similar issues as the CTSI.⁶ The ASC's report thus appears to be timely, and has enabled these problems to be presented alongside adjacent concerns for the first time. An example here could be resourcing issues connected to the fact

3 Though a pdf version of the report is not available, should one save the webpage to a pdf the list of points for consideration is almost two pages long.

4 Animal Sentience Committee report on the due regard to animal welfare (n 2) 'ASC Conclusions'

5 2 Examples they identify include, inter alia: enforcement gaps in current legislation; difficulties when working with the multiple bodies charged with enforcement; the cost of enforcement; and significant court backlogs. See Chartered Trading Standards Institute, (Tackling) Animal Harm (1 May 2025) <<https://www.tradingstandards.uk/media/3181842/tackling-animal-harmfinal.pdf>> accessed 15 May 2025

6 The Animal Law Foundation and Animal Equality, The Enforcement Problem: The Case for Stronger Enforcement of Farmed Animal Protection Laws in the United Kingdom (October 2022) <https://static1.squarespace.com/static/63257c5fe37f66705b2bcf79/t/635ebfd2e1936e1e0cdb2b54/1667153886551/Report_The-Enforcement-Problem-in-the-UK+%281%29.pdf> accessed 8 May 2025

1 The focus on animals in science is somewhat surprising, and an important addition given the lack of detailed consideration given elsewhere – for example, Department for Environment, Food & Rural Affairs, Action Plan for Animal Welfare Policy Paper, (12 May 2021) <<https://www.gov.uk/government/publications/action-plan-for-animal-welfare/action-plan-for-animal-welfare>> accessed 15 May 2025

2 Animal Sentience Committee report on the due regard to animal welfare – legislative compliance and enforcement (24 February 2025) 'ASC Conclusions' <<https://www.gov.uk/government/publications/animal-sentience-committee-report-on-the-due-regard-to-animal-welfare-legislative-compliance-and-enforcement/animal-sentience-committee-report-on-the-due-regard-to-animal-welfare-legislative-compliance-and-enforcement>> (accessed 21 April 2025)

that the RSPCA, who at present play a leading role in enforcement and prosecutions, have recently announced that they are exploring the possibility of handing this responsibility over to the CPS.⁷ We feel that, by collating these and other concerns into a single report, the ASC may make them and the connections between them more visible to policy makers. The report is therefore to be commended for bringing a new level of prominence and coherence to what are well documented problems.

Some of the recommendations made by the ASC to address these problems – such as a more centralised body overseeing all enforcement, more (and better) training for inspectors and better resourcing for animal welfare enforcement – are also similar to those made in the aforementioned reports.⁸ More distinct and radical recommendations, such as the licensing of farm businesses and compulsory inspections, also build on work previously done by NGOs.⁹ We found the authors' comparison with the licencing regime in place for animals used in scientific procedures, in which licencing fees received by the Animals in Science Regulation Unit (ASRU) are used to help fund enforcement, to be a pragmatic solution that could be implemented in any future licensing of farm businesses.¹⁰ We are encouraged that the ASC is either aware of, or is independently reaching the same conclusions as, these organisations.

A further practical consideration identified by the ASC is the importance of accurate, publicly available data to visible and accountable enforcement, and the longstanding issues connected to its availability. For example, Defra do not readily release any statistics relating to enforcement of the Animal Welfare Act 2006 or any other legislation that falls

7 Department for Food and Rural Affairs, Animal Sentience Committee Report on the due regard to animal welfare – legislative compliance and enforcement (24 February 2025) '4: Changes within the Enforcement Landscape' <<https://www.gov.uk/government/publications/animal-sentience-committee-report-on-the-due-regard-to-animal-welfare-legislative-compliance-and-enforcement/animal-sentience-committee-report-on-the-due-regard-to-animal-welfare-legislative-compliance-and-enforcement>> accessed 15 May 2025

8 See (n 5) and (n 6)

9 Animal Equality, The Enforcement Solution (February 2023) <https://animalequality.org.uk/app/uploads/2023/02/The_Enforcement_Solution_Report.pdf> accessed 20 May 2025

10 We are unable to ascertain whether the ASC considered alternative solutions in reaching this recommendation, such as a recent report of the Social Market Foundation which argued that better enforcement of existing regulations would be preferable to the introduction of a licensing regime. See Social Market Foundation, Taking Responsibility: How the Government can Improve Enforcement of Farmed Animal Welfare Laws (21 October 2024) <<https://www.smf.co.uk/wp-content/uploads/2024/10/Taking-responsibility-Oct-2024.pdf>> accessed 15 May 2025

under their remit. The only way to gather this information at present would be to issue separate Freedom of Information Requests to all relevant local authorities, which is an extensive and potentially prohibitively expensive exercise. The ASC note this problem is exacerbated by the fact that multiple bodies are involved in the enforcement of various regulatory regimes, meaning there is 'no "complete chain" of monitoring/enforcement events in any context'.¹¹ We welcome their drawing attention to the fact that this makes it incredibly difficult to appreciate how successful enforcement measures are in practice.

Opportunities missed

As we noted in the introduction to this essay, the report calls for a 'wholesale review of the enforcement of animal welfare legislation' followed by two pages of suggestions as to how the problems identified might be remedied. The breadth of these recommendations, some of which we have explored above, is a testament to the expertise and thoroughness of the report's authors, and they should be commended for offering them. But given this call for a wholesale review to maintain public trust in the system, it might come as a surprise to the reader that the report still concluded that 'due regard to animal welfare has been given in policy decisions'.¹² We have previously suggested that the Animal Welfare (Sentience) Act 2022 appears to have given the ASC significant discretion to interpret the threshold that needs to be passed for 'due regard' to have been paid,¹³ and that where this bar is set would emerge in time. We are disappointed then that the only way we can reconcile what we see as an extremely critical and comprehensive report with its conclusion that 'due regard' has still been paid is to conclude that the bar appears to have been set low. This may not come as a surprise; that 'due regard' leaves room for decision makers to conclude that other factors outweigh animal interests was presented to the House of Lords as a point of reassurance during the Act's passage through Parliament,¹⁴ and this also appears to be where analogous EU legislation has set its threshold.¹⁵ There may be strong pragmatic reasons for

11 Animal Sentience Committee report on the due regard to animal welfare (n 2) '1.3: Data Availability'

12 *ibid* 'ASC Conclusions'

13 Rachel Dunn and Joshua Jowitt, 'The Animal Sentience Committee: Evolution or Revolution in the Recognition of Animal Sentience in the UK' in Jane Kotzmann and Marcelo Rodriguez Ferrer (eds) *The Legal Recognition of Animal Sentience* (Hart 2024) 218

14 Lord Benyon emphasised the term should be interpreted to allow 'reasonable and proportionate' balance with human interests, without expanding on what this means. See Hansard HL Deb Vol 812, cols 1947 – 48 (16 June 2021)

15 Charlotte E Blattner, 'The Recognition of Animal Sentience by the Law' (2019) 9 *Journal of Animal Ethics* 121;



this, but we cannot help but feel disappointed that a more substantial reading of the term has not been adopted. Now a precedent has been set, the opportunity may have been lost.

We also feel that the report's recommendations for specific actions could have been more fully laid out. For example, though we welcome the report's recommendation that an amendment be made to the requirement that local authorities are required to provide 'bed and board' to animals seized under s.18 of the Animal Welfare Act 2006 due to potential resourcing issues with regards to livestock and zoo animals, we note that the recommendation did not specifically address how the legislation ought to be amended to address the ASC's concerns, nor how this would be resourced.¹⁶ Neither did the report draw comparisons with other jurisdictions in either its identification of problems of enforcement, or specific points it raised for policy makers to consider when addressing them. Again, there may be good reasons as to why comparisons or specific recommendations were not offered – the ASC may be conscious of treading too far into these

policy considerations, particularly where issues of resource allocation may be better addressed through the democratic process. But non-engagement with these points may also be due to a gap in the expertise of the ASC connected to the fact that, at the time of writing, there are no members who are either practicing or academic lawyers – a potential blind spot we have previously identified.¹⁷ Whatever the reason for this reluctance, we again cannot help but see this as an opportunity missed; we believe that the ability to offer substantive suggestions for legislative reform is within the remit of the ASC, and are disappointed these were not offered.

Despite these criticisms, on balance we think this report is a welcome development from the ASC. This holistic engagement with a range of issues connected to legislative compliance and enforcement of existing animal welfare legislation is something that NGOs and academics have long been arguing for and we believe that, by collating them in one place, this report will raise the prominence of these issues. In this regard the report has given the ASC the opportunity to show both its own expertise and its engagement with, and willingness to learn from, a broad range of stakeholders, and the recommendations offered show their willing-

Debbie Legge, 'Key Animal Law Across Europe' in Andrew Knight, Clive Phillips and Paula Sparks (eds), *Routledge Handbook of Animal Welfare* (Routledge 2022)

¹⁶ Animal Sentience Committee report on the due regard to animal welfare (n 2) '1.1: Inconsistency in Monitoring and Enforcement' and 'ASC Conclusions'

¹⁷ Dunn and Jowitt (n 13) 219 – 220

ness to suggest far-reaching and sometimes radical reforms to ensure that existing regulations are capable of functioning properly. After all, legislation is only effective when enforced. Otherwise, it is merely words on paper.