Does the current regulation of assisted reproductive techniques in the UK safeguard animal welfare?

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Abstract

Reproductive medicine is one of the fastest developing fields of veterinary medicine. Regulation of veterinary-assisted reproductive technologies (ARTs) is currently divided between the Animals (Scientific Procedures) Act (1986), the Veterinary Surgeons Act (1966), and the Animal Welfare Act (2006). None of those pieces of legislation was purpose designed to protect the welfare of animals undergoing ARTs, either directly or by determining which veterinary ART procedures may or may not be performed. Consequently, due to the lack of reference to such procedures, the welfare protection aims of the legislation are sometimes ambiguous. It is therefore difficult to ascertain whether the aims of the legislation are being fulfilled but, in the opinion of this author, the legislation is anyway inadequate in scope, most particularly because it fails to provide a reporting function. It is unclear whether all or any veterinary ART procedures being undertaken on post-natal animals are associated with suffering. Some ARTs may cause discomfort, stress or pain: study or review of the welfare effects of these would be valuable. Any future review of the legislation regulating veterinary ARTs, be that an overall review or a review of one of the relevant statutes (for example the VSA), should take into account the interface between research and clinical medicine; the potentially welfare-compromising gaps between the Acts, the need to introduce reporting functions in order to build an evidence base, and the issue of veterinary specialisation and whether specialised techniques should be carried out only by those with specialist post-graduate qualifications.

Keywords: Animals (Scientific Procedures) Act, animal welfare, Animal Welfare Act, assisted reproduction, veterinary specialisation, Veterinary Surgeons Act

Introduction

In November 2012, the Farm Animal Welfare Committee (FAWC) published its Opinion on the welfare implications of breeding and breeding technologies in commercial livestock agriculture (FAWC 2012). Though the FAWC noted that the regulation of genetic material has not kept up with advances in biotechnology, it failed to address the broader question of whether the regulation of the entire, fast-developing field of veterinary-assisted reproductive technologies (ARTs) is adequately protecting animal welfare. This paper attempts to answer that subject by assessing first what the current regulation of ARTs aims to do to protect animal welfare and whether those aims are fulfilled, and secondly whether, even if the aims of current regulation are being fulfilled, they are adequate to protect animal welfare in the twenty-first century.

Assisted reproduction is the most tightly regulated area of human medicine, being governed by primary legislation in the form of the Human Embryology Act (1990, as amended) and by a statutory body (the Human Fertilisation and Embryology Authority). The underlying reason for the extraordinary level of regulation of assisted reproduction in human medicine is concern that the techniques which are being used potentially affect not only the individuals demanding treatment but also other potential and existing individuals, and society as a whole. Veterinary-assisted reproduction is regulated much less tightly than human-assisted reproduction, but at a level which is more consistent both with all other human medical specialities and with all areas of veterinary medicine. The purpose of this paper is not to argue that assisted veterinary reproduction deserves special regulatory consideration. Creation of human:animal admixed embryos does require special regulatory consideration, because of the impact which it has on society and on very essential moral questions, such as what qualifies a being to be considered human. However, that is already provided for in the HFE Act (2008, as amended). Rather, I hope to show that current regulation of ARTs fails to protect animal welfare adequately, and that the reasons for that failure are not particular to assisted reproduction but are rather associated with a more general lack of safeguards relating to training, specialisation and the legal framework of veterinary regulation, which also apply and ought also to be considered in relation to other veterinary specialities.

There are three main areas of concern about animal welfare and the regulation of veterinary-assisted reproductive technologies. The first is the technologies themselves.