Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1998 No.

ANIMALS

Animals (Scientific Procedures) Act 1986 (Amendment) Regulations 1998

Made - - - -	*1998*
Coming into force - -	*1998*

The Secretary of State, being a Minister designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to measures relating to the protection of animals used for experimental and other scientific purposes, in exercise of the powers conferred on him by that section, hereby makes the following Regulations, a draft of which has been approved by a resolution of each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Animals (Scientific Procedures) Act 1986 (Amendment) Regulations 1998 and shall come into force 28 days after the day on which they are made.

Amendment of the Animals (Scientific Procedures) Act 1986

2. The amendments made by the Schedule to these Regulations shall have effect.

Home Office
1998

One of Her Majesty's Principal Secretaries of State

(**1**) S.I.1993/595.
(**2**) 1972 c. 68.

SCHEDULE

Regulation 2

AMENDMENTS TO THE ANIMALS (SCIENTIFIC PROCEDURES) ACT 1986

1. The Animals (Scientific Procedures) Act 1986(**3**) shall be amended as follows.

2. In section 4 (personal licences), after subsection (4) there shall be inserted—

"(4A) The Secretary of State shall not grant a personal licence to a person unless he is satisfied that the person—

(a) has appropriate education and training (including instruction in a relevant scientific discipline) for the purpose of applying the regulated procedures to be specified in the licence; and

(b) is competent to apply those procedures in accordance with the conditions which are to be included in the licence and to handle and take care of laboratory animals.".

3. In section 5 (project licences), for subsection (5) there shall be substituted—

"(5) The Secretary of State shall not grant a project licence unless he is satisfied—

(a) that the purpose of the programme to be specified in the licence cannot be achieved satisfactorily by any other reasonably practicable method not entailing the use of protected animals; and

(b) that the regulated procedures to be used are those which use the minimum number of animals, involve animals with the lowest degree of neurophysiological sensitivity, cause the least pain, suffering, distress or lasting harm, and are most likely to produce satisfactory results.".

4.—(1) Section 10 (conditions) shall be amended as follows.

(2) After subsection (2) there shall be inserted—

"(2A) Without prejudice to subsection (2)(a) above, the conditions of a personal licence shall include such conditions as the Secretary of State considers appropriate to ensure that the authorised procedures are carried out in accordance with Article 8 of Council Directive No.86/609/EEC(**4**), the text of which is set out in Schedule 2A to this Act.".

(3) In subsection (3)—

(a) after paragraph (c)(**5**) there shall be inserted—

"and

(d) that no protected animal taken from the wild shall be used under the licence;";

(b) after the words "paragraph (a)" there shall be inserted the words "or (d)".

(4) After subsection (3A)(**6**) there shall be inserted—

"(3B) Where a project licence authorises the setting free of a protected animal in the course of a series of regulated procedures, that licence shall include a condition requiring the prior consent of the Secretary of State to the setting free of the animal.

(3C) The Secretary of State shall not give his consent to the setting free of an animal in pursuance of a condition included in a project licence under subsection (3B) above unless he is satisfied—

(**3**) 1986 c. 14.
(**4**) OJ No. L358, 18.12.86, p.1.
(**5**) Sub-paragraph (c) was inserted by S.I. 1993/2102.
(**6**) Subsection (3A) was inserted by S.I. 1993/2102.

(a) that the maximum possible care has been taken to safeguard the animal's well-being;

(b) that the animal's state of health allows it to be set free; and

(c) that the setting free of the animal poses no danger to public health or the environment.

(3D) The conditions of a project licence shall include such conditions as the Secretary of State considers appropriate to ensure—

(a) that where a protected animal has been subjected to a series of regulated procedures for a particular purpose, at the conclusion of the series a veterinary surgeon or, if none is available, another suitably qualified person determines whether the animal should be killed or kept alive;

(b) that, if that person considers that it is likely to remain in lasting pain or distress, the animal is killed by a method appropriate to the animal under Schedule 1 to this Act, or by such other method as may be authorised by the personal licence of the person by whom the animal is killed; and

(c) that where the animal is to be kept alive, it is kept at a designated establishment (subject to subsection (6D) below).".

(5) After subsection (5) there shall be inserted—

"(5A) The conditions of a certificate issued under section 6 above shall include such conditions as the Secretary of State considers appropriate to ensure—

(a) that sufficient trained staff are provided at the establishment; and

(b) that the persons who take care of protected animals at the establishment and those who supervise such persons have appropriate education and training.".

(6) After subsection (6), there shall be inserted—

"(6A) The conditions of a certificate issued under section 6 or 7 above shall, if the certificate permits dogs, cats or primates to be kept or bred at the establishment in question, include conditions requiring the holder of the certificate to ensure—

(a) that particulars of the identity and origin of each dog, cat or primate kept or bred at the establishment are entered in the records referred to in subsection (6)(b) above;

(b) that before it is weaned, every dog, cat or primate in the establishment not falling within paragraph (c) below is provided with an individual identification mark in the least painful manner possible;

(c) that where a dog, cat or primate is transferred from one establishment to another before it is weaned and it is not practicable to mark it beforehand, the records kept by the establishment receiving the animal identify that animal's mother until the animal is provided with an individual identification mark; and

(d) that any unmarked dog, cat or primate which is taken into the establishment after being weaned is provided as soon as possible thereafter with an individual identification mark.

(6B) The conditions of a certificate issued under section 6 or 7 above shall include such conditions relating to the general care and accommodation of protected animals bred, kept or used at the establishment as the Secretary of State considers appropriate in order to ensure—

(a) that the environment, housing, freedom of movement, food, water and care provided for each such animal are appropriate for the animal's health and well-being;