

**ANIMAL EXPERIMENTS (SCIENTIFIC PROCEDURES)
ACT**

Principal Act

Act. No. 1999-03

Commencement
Assent

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Animal Experiments (Scientific Procedures)

ANIMAL EXPERIMENTS (SCIENTIFIC PROCEDURES) ACT 1999

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AN ACT TO TRANSPOSE INTO THE LAW OF GIBRALTAR COUNCIL DIRECTIVE 86/609/EEC ON THE APPROXIMATION OF LAWS, REGULATIONS AND ADMINISTRATIVE PROVISIONS OF THE MEMBER STATES REGARDING THE PROTECTION OF ANIMALS USED FOR EXPERIMENTAL AND OTHER SCIENTIFIC PURPOSES AND TO PROHIBIT PUBLIC DISPLAYS OF REGULATED PROCEDURES AND THE USE OF NEUROMUSCULAR BLOCKING AGENTS IN THE COURSE OF SUCH PROCEDURES.

PRELIMINARY.

Title

1. This Act may be cited as the Animal Experiments (Scientific Procedures) Act 1999.

Interpretation

2. In this Act—

“designated”, in relation to an establishment, means designated by a certificate under section 8 or 9;

“the Minister” means the minister charged with responsibility for the environment;

“personal licence” means a licence granted under section 6;

“place” includes a place within the seaward limits of the territorial waters of Gibraltar, including any vessel other than a ship which is not a British ship;

“project licence” means a licence granted under section 7;

“protected animal” has the meaning given in section 3 but subject to any Regulations under subsection (3) of that section;

“regulated procedure” has the meaning given in section 4.

Protected animals.

3.(1) Subject to the provisions of this section, “a protected animal” for the purposes of this Act means any living vertebrate other than man and includes any invertebrate of the species *Octopus vulgaris* from the stage of its development when it becomes capable of independent feeding.

(2) Any such vertebrate in its foetal, larval or embryonic form is a protected animal only from the stage of its development when—

- (a) in the case of a mammal, bird or reptile, half the gestation or incubation period for the relevant species has elapsed; and
- (b) in any other case, it becomes capable of independent feeding.

(3) The Minister may by regulations—

- (a) extend the definition of protected animal so as to include invertebrates of any description;
- (b) alter the stage of development specified in sub-section (2);
- (c) make provision in lieu of sub-section (2) as respects any animal which becomes a protected animal by virtue of a regulation under paragraph (a).

(4) For the purposes of this section an animal shall be regarded as continuing to live until the permanent cessation of circulation or the destruction of its brain.

(5) In this section “vertebrate” means any animal of the Sub-phylum Vertebrata of the Phylum Chordata and “invertebrate” means any animal not of that Sub-phylum.

Regulated procedures.

4.(1) Subject to the provisions of this section, “a regulated procedure” for the purposes of this Act means any experimental or other scientific procedure applied to a protected animal which may have the effect of causing that animal pain, suffering, distress or lasting harm.

(2) An experimental or other scientific procedure applied to an animal is also a regulated procedure if—

- (a) it is part of a series or combination of such procedures (whether the same or different) applied to the same animal; and
- (b) the series or combination may have the effect mentioned in sub-section (1); and
- (c) the animal is a protected animal throughout the series or combination or in the course of it attains the stage of its development when it becomes such an animal.

(3) Anything done for the purpose of, or liable to result in, the birth or hatching of a protected animal is also a regulated procedure if it may as respects that animal have the effect mentioned in sub-section (1).

(4) In determining whether any procedure may have the effect mentioned in sub-section (1) the use of an anaesthetic or analgesic, decerebration and any other procedure for rendering an animal insentient shall be disregarded; and the administration of an anaesthetic or analgesic to a protected animal, or decerebration or any other such procedure applied to such an animal, for the purposes of any experimental or other scientific procedure shall itself be a regulated procedure.

(5) The ringing, tagging or marking of an animal, or the application of any other humane procedure for the sole purpose of enabling an animal to be identified, is not a regulated procedure if it causes only momentary pain or distress and no lasting harm.

(6) Killing a protected animal is a regulated procedure only if it is killed for experimental or other scientific use, the place where it is killed is a designated establishment and the method employed is not one appropriate to the animal under Schedule 1.

(7) In this section references to a scientific procedure do not include references to any recognised veterinary, agricultural or animal husbandry practice.

(8) Schedule 1 may be amended by regulation made by the Minister.

PERSONAL AND PROJECT LICENCES.

Prohibition of unlicensed procedures.

5. No person shall apply a regulated procedure to an animal unless—
- (a) he holds a personal licence qualifying him to apply a regulated procedure of that description to an animal of that description;
 - (b) the procedure is applied as part of a programme of work specified in a project licence authorising the application, as part of that programme, of a regulated procedure of that description to an animal of that description; and
 - (c) the place where the procedure is carried out is a place specified in the personal licence and the project licence.

Personal licences.

6.(1) A personal licence is a licence granted by the Minister qualifying the holder to apply specified regulated procedures to animals of specified descriptions at a specified place or specified places.

(2) An application for a personal licence shall be made to the Minister in such form and shall be supported by such information as he may reasonably require.

(3) Except where the Minister dispenses with the requirements of this sub-section any such application shall be endorsed by a person who—

- (a) is himself the holder of a personal licence; and
- (b) has knowledge of the biological or other relevant qualifications and of the training, experience and character of the applicant;

and the person endorsing an application shall, if practicable, be a person occupying a position of authority at a place where the applicant is to be authorised by the licence to carry out the procedures specified in it.

(4) No personal licence shall be granted to a person under the age of eighteen.

(5) The Minister 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.

(6) A personal licence shall continue in force until revoked but the Minister shall review each personal licence granted by him at intervals not exceeding five years and may for that purpose require the holder to furnish him with such information as he may reasonably require.

Project licences.

7.(1) A project licence is a licence granted by the Minister specifying a programme of work and authorising the application, as part of that programme, of specified regulated procedures to animals of specified descriptions at a specified place or specified places.

(2) A project licence shall not be granted except to a person who undertakes overall responsibility for the programme to be specified in the licence.

(3) A project licence shall not be granted for any programme unless the Minister is satisfied that it is undertaken for one or more of the following purposes—

- (a) the prevention (whether by the testing of any product or otherwise) or the diagnosis or treatment of disease, ill-health or abnormality, or their effects, in man, animals or plants;
- (b) the assessment, detection, regulation or modification of physiological conditions in man, animals or plants;
- (c) the protection of the natural environment in the interests of the health or welfare of man or animals;
- (d) the advancement of knowledge in biological or behavioural sciences;
- (e) education or training otherwise than in schools;
- (f) forensic enquiries;
- (g) the breeding of animals for experimental or other scientific use.

(4) In determining whether and on what terms to grant a project licence the Minister shall weigh the likely adverse effects on the animals concerned against the benefit likely to accrue as a result of the programme to be specified in the licence.

(5) The Minister 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 neuro-physiological sensitivity, cause the least pain, suffering, distress or lasting harm, and are most likely to produce satisfactory results.

(6) The Minister shall not grant a project licence authorising the use of cats, dogs, primates or equidae unless he is satisfied that animals of no other species are suitable for the purposes of the programme to be specified in the

licence or that it is not practicable to obtain animals of any other species that are suitable for those purposes.

(7) Unless revoked and subject to sub-section (8), a project licence shall continue in force for such period as is specified in the licence and may be renewed for further periods but (without prejudice to the grant of a new licence in respect of the programme in question) no such licence shall be in force for more than five years in all.

(8) A project licence shall terminate on the death of the holder but if—

- (a) the holder of a certificate under section 8 in respect of a place specified in the licence; or
- (b) where by virtue of sub-section (2) of that section the licence does not specify a place in respect of which there is such a certificate, the holder of a personal licence engaged on the programme in question;

notifies the Minister of the holder's death within seven days of its coming to his knowledge the licence shall, unless the Minister otherwise directs, continue in force until the end of the period of twenty-eight days beginning with the date of the notification.

DESIGNATED ESTABLISHMENTS.

Scientific procedure establishments.

8.(1) Subject to sub-section (2), no place shall be specified in a project licence unless it is a place designated by a certificate issued by the Minister under this section as a scientific procedure establishment.

(2) Sub-section (1) shall not apply in any case in which it appears to the Minister that the programme or procedures authorised by the licence require him to specify a different place.

(3) An application for a certificate in respect of a scientific procedure establishment shall be made to the Minister in such form and shall be supported by such information as he may reasonably require.

(4) A certificate shall not be issued under this section—

- (a) except to a person occupying a position of authority at the establishment in question; and

- (b) unless the application nominates for inclusion in the certificate pursuant to sub-section (5) a person or persons appearing to the Minister to be suitable for that purpose.

(5) A certificate under this section shall specify–

- (a) a person to be responsible for the day-to-day care of the protected animals kept for experimental or other scientific purposes at the establishment; and
- (b) a veterinary surgeon or other suitably qualified person to provide advice on their health and welfare;

and the same person may, if the Minister thinks fit, be specified under both paragraphs of this sub-section.

(6) If it appears to any person specified in a certificate pursuant to sub-section (5) that the health or welfare of any such animal as is mentioned in that sub-section gives rise to concern he shall–

- (a) notify the person holding a personal licence who is in charge of the animal; or
- (b) if there is no such person or it is not practicable to notify him, take steps to ensure that the animal is cared for and, if it is necessary for it to be killed, that it is killed by a method which is appropriate under Schedule 1 or approved by the Minister.

(7) In any case to which sub-section (6) applies the person specified in the certificate pursuant to paragraph (a) of sub-section (5) may also notify the person (if different) specified pursuant to paragraph (b) of that sub-section; and the person specified pursuant to either paragraph of that sub-section may also notify one of the inspectors under this Act.

(8) A certificate under this section shall continue in force until revoked.

Breeding and supplying establishments.

9.(1) A person shall not at any place breed for use in regulated procedures (whether there or elsewhere) protected animals of a description specified in Schedule 2 unless that place is designated by a certificate issued by the Minister under this section as a breeding establishment.

(2) A person shall not in any place keep any such protected animals which have not been bred there but are to be supplied for use elsewhere in regulated procedures – unless that place is designated by a certificate issued by the Minister under this section as a supplying establishment.

(3) An application for a certificate in respect of a breeding or supplying establishment shall be made to the Minister in such form and shall be supported by such information as he may reasonably require.

(4) A certificate shall not be issued under this section unless the application nominates for inclusion in the certificate pursuant to sub-section (5) a person or persons appearing to the Minister to be suitable for that purpose.

(5) A certificate under this section shall specify—

- (a) a person to be responsible for the day-to-day care of the animals bred or kept for breeding at the establishment or, as the case may be, kept there for the purpose of being supplied for use in regulated procedures; and
- (b) a veterinary surgeon or other suitably qualified person to provide advice on their health and welfare;

and the same person may, if the Minister thinks fit, be specified under both paragraphs of this sub-section.

(6) If it appears to any person specified in a certificate pursuant to sub-section (5) that the health or welfare of any such animal as is mentioned in that sub-section gives rise to concern he shall take steps to ensure that it is cared for and, if it is necessary for it to be killed, that it is killed by a method appropriate under Schedule 1 or approved by the Minister.

(7) In any case to which sub-section (6) applies the person specified in the certificate pursuant to paragraph (a) of sub-section (5) may also notify the person (if different) specified pursuant to paragraph (b) of that sub-section; and the person specified pursuant to either paragraph of that sub-section may also notify one of the inspectors appointed under this Act.

(8) A certificate under this section shall continue in force until revoked.

(9) Schedule 2 to this Act may be amended by regulations made by the Minister.

Fees.

10. The holder of a certificate issued under section 8 or 9 shall pay such periodical fees to the Minister as may be prescribed in accordance with regulations made by him.

LICENCES AND DESIGNATION CERTIFICATES: GENERAL PROVISIONS.

Consultation.

11.(1) Before granting a licence or issuing a certificate under this Act the Minister shall consult one of the inspectors appointed under this Act and may also consult an independent assessor or the Animal Procedures Committee established by this Act.

(2) Where the Minister proposes to consult an independent assessor he shall notify the applicant of that fact, and in selecting the assessor he shall have regard to any representation made by the applicant.

Conditions.

12.(1) Subject to the provisions of this section, a licence or certificate under this Act may contain such conditions as the Minister thinks fit.

(2) The conditions of a personal licence shall include—

- (a) a condition to the effect that the holder shall take precautions to prevent or reduce to the minimum consistent with the purposes of the authorised procedures any pain, distress or discomfort to the animals to which those procedures may be applied; and
- (b) an inviolable termination condition, that is to say, a condition specifying circumstances in which a protected animal which is being or has been subjected to a regulated procedure must in every case be immediately killed by a method appropriate to the animal under Schedule 1 or by such other method as may be authorised by the licence.

(3) Without prejudice to subsection (2)(a), the conditions of a personal licence shall include such conditions as the Minister considers appropriate to ensure that the authorised procedures are carried out in accordance with Article 8 of Council Directive No. 86/609/EEC, the text of which is set out in Schedule 3 to this Act.

(4) The conditions of a project licence shall, unless the Minister considers that an exception is justified, include a condition to the effect—

- (a) that no cat or dog shall be used under the licence unless it has been bred at and obtained from a designated breeding establishment; and
- (b) that no other protected animal of a description specified in Schedule 2 shall be used under the licence unless it has been bred at a designated breeding establishment or obtained from a designated supplying establishment; and

- (c) that no vertebrate of an endangered species shall be used under the licence; and
- (d) that no protected animal taken from the wild shall be used under the licence;

but no exception shall be made from the condition required by paragraph (a) or (d) unless the Minister is satisfied that no animal suitable for the purpose of the programme specified in the licence can be obtained in accordance with that condition and no exception shall be made from the condition required by paragraph (c) unless the Minister is satisfied that the use of animals of the species in question will be in conformity with the Council Regulation and that the purposes of the programme of work specified in the licence are either research aimed at preservation of the species in question or essential bio-medical purposes where the species in question exceptionally proves to be the only one suitable for those purposes.

(5) In subsection (4)–

“endangered species” means a species listed in Appendix 1 of the Convention on International Trade in Endangered Species of Fauna and Flora (which is set out in Annex A to the Council Regulation) or in Annex C.1 to the Council Regulation; and

“essential bio-medical purposes” has the same meaning as in Council Directive No. 86/609/EEC, and in subsection (4) and this subsection “the Council Regulation” means Council Regulation (EEC) No. 3626/82 as amended by Commission Regulation (EEC) No. 869/88 and Commission Regulation (EEC) No. 1970/92.

(6) 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 Minister to the setting free of the animal.

(7) The Minister shall not give his consent to the setting free of an animal in pursuance of a condition included in a project licence under subsection (6) unless he is satisfied–

- (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.

(8) The conditions of a project licence shall include such conditions as the Minister 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 (16)).

(9) If the conditions of a personal licence permit the holder to use assistants to perform, under his direction, tasks not requiring technical knowledge nothing done by an assistant in accordance with such a condition shall constitute a contravention of section 5.

(10) The conditions of a certificate issued under section 8 shall include a condition prohibiting the killing otherwise than by a method which is appropriate under Schedule 1 or approved by the Minister of any protected animal kept at the establishment for experimental or other scientific purposes but not subjected to a regulated procedure or required to be killed by virtue of section 17; and the conditions of a certificate issued under section 9 shall include a condition prohibiting the killing otherwise than by such a method of an animal of a description specified in Schedule 2 which is bred or kept for breeding or, as the case may be, kept at the establishment for the purposes of being supplied for use in regulated procedures but not used, or supplied for use, for that purpose.

(11) The conditions of a certificate issued under section 8 shall include such conditions as the Minister 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.

(12) The conditions of a certificate issued under section 8 or 9 shall include conditions requiring the holder of the certificate—

- (a) to secure that a person competent to kill animals in the manner specified by conditions imposed in accordance with subsection (10) will be available to do so; and
- (b) to keep records as respects the source and disposal of and otherwise relating to the animals kept at the establishment for experimental or other scientific purposes or, as the case may be, bred or kept for breeding there or kept there for the purposes of being supplied for use in regulated procedures.

(13) The conditions of a certificate issued under section 8 or 9 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 (12)(b);
- (b) that before it is weaned, every dog, cat or primate in the establishment not falling within paragraph (c) 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.

(14) The conditions of a certificate issued under section 8 or 9 shall include such conditions relating to the general care and accommodation of protected animals bred, kept or used at the establishment as the Minister considers appropriate in order to ensure—

- (a) that the environment, housing, freedom of movement, food, water and care provided to each such animal are appropriate for the animal's health and well-being;
- (b) that any restrictions on the extent to which each such animal can satisfy its physiological and ethological needs are kept to the absolute minimum;

- (c) that the environmental conditions in which such animals are bred, kept or used are checked daily;
- (d) that the well-being and state of health of such animals are monitored by a suitably qualified person in order to prevent pain or avoidable suffering, distress or lasting harm; and
- (e) that arrangements are made to ensure that any defect or suffering discovered is eliminated as quickly as possible.

(15) When considering what the conditions are appropriate to ensure the matter specified in subsection (14)(a) and (b) the Minister shall have regard to the guidance in Annex II to Council Directive No. 86/609/EEC.

(16) The conditions of a certificate issued under section 8 or 9 shall include such conditions as the Minister considers appropriate to ensure that any animal kept alive after being subjected to a series of regulated procedures will continue to be kept at the establishment under the supervision of a veterinary surgeon or other suitably qualified person unless it is moved to another designated establishment or a veterinary surgeon certifies that it will not suffer if it ceases to be kept at a designated establishment.

(17) Breach of a condition in a licence or certificate shall not invalidate the licence or certificate but shall be a ground for its variation or revocation.

Variation and revocation.

13. A licence or certificate may be varied or revoked by the Minister—

- (a) on the ground mentioned in section 12(17);
- (b) in any other case in which it appears to the Minister appropriate to do so; or
- (c) at the request of the holder.

Right to make representations.

14.(1) Where the Minister proposes—

- (a) to refuse a licence or certificate under this Act; or
- (b) to vary or revoke such a licence or certificate otherwise than at the request of the holder,

he shall serve on the applicant or the holder a notice of his intention to do so.

(2) The notice shall state the reasons for which the Minister proposes to act and give particulars of the rights conferred by sub-section (3).

(3) A person on whom a notice is served under sub-section (1) may make written representations and, if desired, oral representations to a person appointed for that purpose by the Minister if before such date as is specified in the notice (not being less than twenty-eight days after the date of service) he notifies the Minister of his wish to do so.

(4) The holder of a licence or certificate who is dissatisfied with any condition contained in it may, if he notifies the Minister of his wish to do so, make written representations and, if desired, oral representations to a person appointed for that purpose by the Minister but the making of such representations shall not affect the operation of any condition unless and until it is varied under section 13.

(5) The person appointed to receive any representations under this section shall be—

- (a) a person who holds in Gibraltar or has held judicial office in Gibraltar or the United Kingdom; or
- (b) a member of the Bar or a solicitor of the Supreme Court of at least seven years standing in either case;

(6) The Minister may, if he thinks fit, appoint a person with scientific or other appropriate qualifications to assist the person appointed under sub-section (5) to receive the representations in his consideration of them.

(7) The person appointed to receive any such representations shall after considering them make a report to the Minister and the Minister shall furnish a copy of the report to the person who made the representations and take it into account in deciding whether to refuse the application or to vary or revoke the licence or certificate, as the case may be.

(8) The Minister may make regulations with respect to the procedures to be followed in the making and consideration of representations under this section, including provision requiring any such representations to be made within a specified time.

(9) A notice under sub-section (1) may be served either personally or by post.

Suspension in cases of urgency.

15.(1) If it appears to the Minister to be urgently necessary for the welfare of any protected animal that a licence or certificate under this Act should

cease to have effect forthwith he shall by notice served on the holder suspend its operation for a period not exceeding three months.

(2) If during that period a notice of proposed variation or revocation of the licence or certificate is served under section 14 but at the end of that period—

- (a) the time for notifying the Minister under sub-section (3) of that section has not expired; or
- (b) representations are to be or are being made in accordance with that sub-section; or
- (c) such representations have been made but the Minister has not received or has not completed his consideration of the report of the person to whom the representations were made;

he may by notice served on the holder further suspend the licence or certificate until he is able to decide whether to vary or revoke it but no further suspension shall be for longer than three months at a time.

(3) A notice under this section may be served personally or by post.

ADDITIONAL CONTROLS.

Re-use of protected animals.

16.(1) Where—

- (a) a protected animal has been subjected to a series of regulated procedures for a particular purpose; and
- (b) any of those procedures has caused severe pain or distress to that animal,

that animal shall not be used for any further regulated procedures which will entail severe pain or distress.

(2) Where a protected animal has been subjected to a series of regulated procedures for a particular purpose and has been given a general anaesthetic for any of those procedures and been allowed to recover consciousness, that animal shall not be used for any further regulated procedures unless the Minister has given his consent to such further use and—

- (a) the procedure, or each procedure, for which the anaesthetic was given consisted only of surgical preparation essential for a subsequent procedure; or

- (b) the anaesthetic was administered solely to immobilise the animal; or
- (c) the animal will be under general anaesthesia throughout the further procedures and will not be allowed to recover consciousness.

(3) Without prejudice to subsections (1) and (2), where a protected animal has been subjected to a series of regulated procedures for a particular purpose it shall not be used for any further regulated procedures except with the consent of the Minister.

(4) Any consent for the purposes of this section may relate to a specified animal or to animals used in specified procedures or specified circumstances.

Killing animals at conclusion of regulated procedures.

17.(1) Where a protected animal—

- (a) has been subjected to a series of regulated procedures for a particular purpose; and
- (b) at the conclusion of the series is suffering or likely to suffer adverse effects,

the person who applied those procedures, or the last of them, shall cause the animal to be immediately killed by a method appropriate to the animal under Schedule 1 or by such other method as may be authorised by the personal licence of the person by whom the animal is killed.

(2) Subsection (1) is without prejudice to any condition of a project licence requiring an animal to be killed at the conclusion of a regulated procedure in circumstances other than those mentioned in that subsection.

Prohibition of public displays.

18.(1) No person shall carry out any regulated procedure as an exhibition to the general public or carry out any such procedure which is shown live on television for general reception.

(2) No person shall publish a notice or advertisement announcing the carrying out of any regulated procedure in a manner that would contravene sub-section (1).

Neuromuscular blocking agents.

19. No person shall in the course of a regulated procedure—

- (a) use any neuromuscular blocking agent unless expressly authorised to do so by the personal and project licences under which the procedure is carried out; or
- (b) use any such agent instead of an anaesthetic.

THE INSPECTORATE AND THE COMMITTEE.

Inspectors.

20.(1) The Minister shall, appoint an inspector for the purposes of this Act from amongst persons having such medical or veterinary qualifications as he thinks requisite.

(2) It shall be the duty of an inspector—

- (a) to advise the Minister on applications for personal and project licences, on requests for their variation or revocation and on their periodical review;
- (b) to advise him on applications for certificates under this Act and on requests for their variation or revocation;
- (c) to visit places where regulated procedures are carried out for the purpose of determining whether those procedures are authorised by the requisite licences and whether the conditions of those licences are being complied with;
- (d) to visit designated establishments for the purpose of determining whether the conditions of the certificates in respect of those establishments are being complied with;
- (e) to report to the Minister any case in which any provision of this Act or any condition of a licence or certificate under this Act has not been or is not being complied with and to advise him on the action to be taken in any such case.

(3) If an inspector considers that a protected animal is undergoing excessive suffering he may require it to be immediately killed by a method appropriate to the animal under Schedule 1 or by such other method as may be authorised by any personal licence held by the person to whom the requirement is addressed.

The Animal Procedures Committee.

21.(1) There shall be a committee to be known as the Animal Procedures Committee.

(2) The Committee shall consist of a chairman and at least four other members appointed by the Minister.

(3) Of the members other than the chairman—

(a) at least one shall have such a qualification as is mentioned in sub-section (4); and

(b) at least one shall be a barrister or solicitor.

(4) The qualifications referred to in sub-section (3)(a) are full registration as a medical practitioner, qualification as a veterinary surgeon or qualifications or experience in a biological subject approved by the Minister as relevant to the work of the Committee.

(5) Members of the Committee shall be appointed for such periods as the Minister may determine but no such period shall exceed four years.

(6) The chairman and any member may resign by notice in writing to the Minister.

(7) The Minister may terminate the appointment of a member if he is satisfied that—

(a) he has failed to attend two consecutive meetings of the Committee;

(b) he is by reason of physical or mental illness, or for any other reason, incapable of carrying out his duties; or

(c) he has been convicted of such a criminal offence, or his conduct has been such, that it is not in the Minister's opinion fitting that he should remain a member.

(8) The Minister may re-imburse the chairman and members of the Committee in respect of expenses by way of remuneration incurred by them in the performance of their duties.

Functions of the Committee.

22.(1) It shall be the duty of the Animal Procedures Committee to advise the Minister on such matters concerned with this Act and his functions under it as the Committee may determine or as may be referred to the Committee by the Minister.

(2) In its consideration of any matter the Committee shall have regard both to the legitimate requirements of science and industry and to the protection of animals against avoidable suffering and unnecessary use in scientific procedures.

(3) The Committee may promote research relevant to its functions and may obtain advice or assistance from other persons with knowledge or experience appearing to the Committee to be relevant to those functions.

(4) The Committee shall in each year make a report on its activities to the Minister.

MISCELLANEOUS AND SUPPLEMENTARY.

Guidance, codes of practice and statistics.

23.(1) The Minister shall publish information to serve as guidance with respect to the manner in which he proposes to exercise his power to grant licences and certificates under this Act and with respect to the conditions which he proposes to include in such licences and certificates.

(2) The Minister shall issue codes of practice as to the care of protected animals and their use for regulated procedures and may approve such codes issued by other persons.

(3) The Minister shall consult the Animal Procedures Committee before publishing or altering any information under sub-section (1) or issuing, approving, altering or approving any alteration in any code issued or approved under sub-section (2).

(4) A failure on the part of any person to comply with any provision of a code issued or approved under sub-section (2) shall not of itself render that person liable to criminal or civil proceedings but—

- (a) any such code shall be admissible in evidence in any such proceedings; and
- (b) if any of its provisions appears to the court conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

Penalties for contraventions.

24.(1) Any person who contravenes section 5 shall be guilty of an offence and liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding level 5 on the standard scale or to both.
- (2) Any person who, being the holder of a project licence—
 - (a) procures or knowingly permits a person under his control to carry out a regulated procedure otherwise than as part of the programme specified in the licence; or
 - (b) procures or knowingly permits a person under his control to carry out a regulated procedure otherwise than in accordance with that person's personal licence;

shall be guilty of an offence and liable to the penalties specified in subsection (1).

- (3) Any person who—
 - (a) contravenes section 9(1) or (2), 16, 17, 18 or 19; or
 - (b) fails to comply with a requirement imposed on him under section 20(3);

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level four on the standard scale or to both.

(4) A person shall not be guilty of an offence under section 5 or 19(a) by reason only that he acted without the authority of a project licence if he shows that he reasonably believed, after making due enquiry, that he had such authority.

False statements.

25.(1) A person is guilty of an offence if for the purpose of obtaining or assisting another person to obtain a licence or certificate under this Act he furnishes information which he knows to be false or misleading in a material particular or recklessly furnishes information which is false or misleading in a material particular.

(2) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level four on the standard scale or to both.

Protection of confidential information.

26.(1) A person is guilty of an offence if otherwise than for the purpose of discharging his functions under this Act he discloses any information which has been obtained by him in the exercise of those functions and which he knows or has reasonable grounds for believing to have been given in confidence.

- (2) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both;
 - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale.

Powers of entry.

27.(1) If the Stipendiary Magistrate is satisfied by information on oath that there are reasonable grounds for believing that an offence under this Act has been or is being committed at any place, he may issue a warrant authorising a police officer to enter that place if need be by such force as is reasonably necessary, to search it and to require any person found there to give his name and address.

- (2) A warrant under this section—
- (a) may authorise a police officer to be accompanied by an inspector appointed under this Act; and
 - (b) shall require a police officer to be accompanied by such an inspector if the place in question is a designated establishment.
- (3) Any person who—
- (a) intentionally obstructs a police officer or inspector in the exercise of his powers under this section; or
 - (b) refuses on demand to give his name and address or gives a false name or address,

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding level four on the standard scale or to both.

Prosecutions.

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28. No proceedings for an offence under this Act shall be brought except by or with the consent of the Attorney-General.

SCHEDULE 1

Sections 4, 8, 9, 12, 17(1) and 20(3)

APPROPRIATE METHODS OF HUMANE KILLING

1. Subject to paragraph 2, the methods of humane killing listed in Tables A and B below are appropriate for the animals listed in the corresponding entries in those tables only if the process of killing is completed by one of the methods listed in sub-paragraphs (a) to (f):

- (a) confirmation of permanent cessation of the circulation
- (b) destruction of the brain
- (c) dislocation of the neck
- (d) exsanguination
- (e) confirming the onset of *rigor mortis*
- (f) instantaneous destruction of the body in a macerator.

2. Paragraph 1 does not apply in those cases where Table A specifies one of the methods listed in that paragraph as an appropriate method of humane killing.

A. Methods for animals other than foetal, larval and embryonic forms. Animals for which appropriate.

- | | |
|--|---|
| 1. Overdose of an anaesthetic using a route and an anaesthetic agent appropriate for the size and species of animal. | All animals. |
| 2. Exposure to carbon dioxide gas in a rising concentration. | Rodents, Rabbits and Birds up to 1.5kg. |
| 3. Dislocation of the neck. | Rodents up to 500g
Rabbits up to 1 kg
Birds up to 3kg. |
| 4. Concussion of the brain by striking the cranium. | Rodents and Rabbits up to 1 kg
Birds up to 250g
Amphibians and reptiles (with destruction of the brain before the |

return of consciousness) up to 1 kg
 Fishes (with destruction of the brain before the return of consciousness).

5. Destruction of the brain by free bullet performed by a registered veterinary surgeon. Ungulates.

B. Methods for foetal, larval and embryonic forms. Animals for which appropriate.

1. Overdose of an anaesthetic using a route and anaesthetic agent appropriate for the size, stage of development and species of animal. All animals.

2. Refrigeration, or disruption of membranes, or maceration in apparatus approved under appropriate slaughter legislation, or exposure to carbon dioxide in near 100% concentration until they are dead. Birds.
Reptiles.

Methods for foetal, larval and embryonic forms. Animals for which appropriate.

3. Cooling of foetuses followed by immersion in cold tissue fixative. Mice, Rats and Rabbits.

4. Decapitation. Mammals and Birds up to 50g.

SCHEDULE 2

Sections 9 and 12

**ANIMALS TO BE OBTAINED ONLY FROM DESIGNATED
BREEDING OR SUPPLYING ESTABLISHMENTS**

Mouse
Rat
Guinea-pig
Hamster
Rabbit
Dog
Cat
Primate
Any bird of the species *Coturnix coturnix* (quail).

SCHEDULE 3

Section 12(3)

Article 8 of Council Directive No. 86/609/EEC.

1. All experiments shall be carried out under general or local anaesthesia.
2. Paragraph 1 above does not apply when:
 - (a) anaesthesia is judged to be more traumatic to the animal than the experiment itself;
 - (b) anaesthesia is incompatible with the object of the experiment.
In such cases appropriate legislative and/or administrative measures shall be taken to ensure that no such experiment is carried out unnecessarily.

Anaesthesia should be used in the case of serious injuries which may cause severe pain.

3. If anaesthesia is not possible, analgesics or other appropriate methods should be used in order to ensure as far as possible that pain, suffering, distress or harm are limited and that in any event the animal is not subject to severe pain, distress or suffering.

4. Provided such action is compatible with the object of the experiment, an anaesthetised animal, which suffers considerable pain once the anaesthesia has worn off, shall be treated in good time with pain-relieving means or, if this is not possible, shall be immediately killed by a humane method.