



# Animals (Scientific Procedures) Act 1986

## 1986 CHAPTER 14

### *Licences and designation certificates: general provisions*

#### **9 Consultation.**

- (1) Before granting a licence or issuing a certificate under this Act the Secretary of State 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 Secretary of State 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 representations made by the applicant.

#### **Extent Information**

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 29, see [s. 29\(1\)](#)

#### **10 Conditions.**

- (1) Subject to the provisions of this section, a licence or certificate under this Act may contain such conditions as the Secretary of State 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 to this Act or by such other method as may be authorised by the licence.

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[<sup>F1</sup>(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<sup>F2</sup>, the text of which is set out in Schedule 2A to this Act.]

(3) The conditions of a project licence shall, unless the Secretary of State 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 and obtained from a designated breeding establishment; and
- (b) that no other protected animal of a description specified in Schedule 2 to this Act shall be used under the licence unless it has been bred at a designated breeding establishment or obtained from a designated supplying establishment; [<sup>F3</sup>; and
- (c) that no vertebrate of an endangered species shall be used under the licence;]

[<sup>F4</sup>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) [<sup>F5</sup>or (d)] above unless the Secretary of State is satisfied that no animal suitable for the purpose of the programme specified in the licence can be obtained in accordance with that condition [<sup>F6</sup>and no exception shall be made from the condition required by paragraph (c) above unless the Secretary of State 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 the 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]

[<sup>F7</sup>(3A) In subsection (3) above—

“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<sup>F8</sup>, and in subsection (3) above and this subsection “the Council Regulation” means Council Regulation (EEC) No. 3626/82<sup>F9</sup> as amended by Commission Regulation (EEC) No. 869/88<sup>F10</sup> and Commission Regulation (EEC) No. 1970/92<sup>F11</sup>.]

[<sup>F12</sup>(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—

- (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.

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- (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).]
- (4) 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 3 above.
- (5) The conditions of a certificate issued under section 6 above shall include a condition prohibiting the killing otherwise than by a method which is appropriate under Schedule 1 to this Act or approved by the Secretary of State 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 15 below; and the conditions of a certificate issued under section 7 above shall include a condition prohibiting the killing otherwise than by such a method of an animal of a description specified in Schedule 2 to this Act 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.
- [<sup>F13</sup>(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) The conditions of a certificate issued under section 6 or 7 above 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 (5) above 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.
- [<sup>F14</sup>(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;

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- (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;
  - (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.
- (6C) When considering what conditions are appropriate to ensure the matters specified in subsection (6B)(a) and (b) above, the Secretary of State shall have regard to the guidance in Annex II to Council Directive No. [86/609/EEC](#).
- (6D) The conditions of a certificate issued under section 6 or 7 above shall include such conditions as the Secretary of State 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.]
- (7) 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.

#### **Extent Information**

**E2** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 29, see s. 29(1)

#### **Textual Amendments**

**F1** [S. 10\(2A\)](#) inserted (5.9.1998) by [S.I. 1998/1974](#), reg. 2, [Sch. para. 4\(2\)](#)

**F2** OJ No. L358, 18.12.86, p.1.

**F3** [S. 10\(3\)\(c\)](#) and word 'and' preceding it inserted (1.10.1993) by [S.I. 1993/2102](#), [reg. 2\(2\)\(a\)](#)

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- F4** S. 10(3)(d) and word preceding it inserted (5.9.1998) by S.I. 1998/1974, reg. 2, **Sch. para. 4(3)(a)**
- F5** Words in s. 10(3) inserted (5.9.1998) by S.I. 1998/1974, reg. 2, **sch. para. 4(3)(b)**
- F6** Words in s. 10(3) added (1.10.1993) by S.I. 1993/2102, **reg. 2(2)(b)**
- F7** S. 10(3A) inserted (1.10.1993) by S.I. 1993/2102, **reg. 2(3)**
- F8** OJ No. L358, 18.12.86, p.1.
- F9** OJ No. L384, 31.12.82, p.1.
- F10** OJ No. L087, 31.3.88, p.67.
- F11** OJ No. L201, 20.7.92, p.1.
- F12** S. 10(3B)-(3D) inserted (5.9.1998) by S.I. 1998/1974, reg. 2, **Sch. para. 4(4)**
- F13** S. 10(5A) inserted (5.9.1998) by S.I. 1998/1974, reg. 2, **Sch. para. 4(5)**
- F14** S. 10(6A)-(6D) inserted (5.9.1998) by S.I. 1998/1974, reg. 2, **Sch. para. 4(6)**

## 11 Variation and revocation.

A licence or certificate under this Act may be varied or revoked by the Secretary of State—

- (a) on the ground mentioned in section 10(7) above;
- (b) in any other case in which it appears to the Secretary of State appropriate to do so; or
- (c) at the request of the holder.

### Extent Information

- E3** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 29, see s. 29(1)

## 12 Right to make representations.

- (1) Where the Secretary of State 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 Secretary of State proposes to act and give particulars of the rights conferred by subsection (3) below.
- (3) A person on whom a notice is served under subsection (1) above may make written representations and, if desired, oral representations to a person appointed for that purpose by the Secretary of State 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 Secretary of State 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 Secretary of State of his wish to do so, make written representations and, if desired, oral representations to a person appointed for that purpose by the Secretary of State; but the making of such representations shall not affect the operation of any condition unless and until it is varied under section 11 above.

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- (5) The person appointed to receive any representations under this section shall be a person who holds or has held judicial office in the United Kingdom or
- [<sup>F15</sup>(a) a person who has a 7 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990;
- (b) an advocate or solicitor in Scotland of at least 7 years' standing; or
- (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years' standing,]
- and the Secretary of State may, if he thinks fit, appoint a person with scientific or other appropriate qualifications to assist the person receiving the representations in his consideration of them.
- (6) The person appointed to receive any such representations shall after considering them make a report to the Secretary of State; and the Secretary of State 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.
- (7) The Secretary of State may by order make rules with respect to the procedure 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.
- (8) A notice under subsection (1) above may be served either personally or by post.

#### Extent Information

**E4** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 29, see s. 29(1)

#### Textual Amendments

**F15** S. 2(5)(a)(b)(c) substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2)(5), [Sch. 10 para. 66](#)

### 13 Suspension in cases of urgency.

- (1) If it appears to the Secretary of State to be urgently necessary for the welfare of any protected animals 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 12 above but at the end of that period—
- (a) the time for notifying the Secretary of State under subsection (3) of that section has not expired; or
- (b) representations are to be or are being made in accordance with that subsection; or
- (c) such representations have been made but the Secretary of State has not received or has not completed his consideration of the report of the person to whom the representations were made,

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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.

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**Extent Information**

**E5** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 29, see s. 29(1)

**Status:**

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**Changes to legislation:**

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