

Status: Point in time view as at 01/01/2013.

Changes to legislation: There are currently no known outstanding effects for the Animals (Scientific Procedures) Act 1986, PART 1. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 2C

CONDITIONS IN LICENCES

Textual Amendments

- F1** Sch. 2C inserted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), 10(2), **Sch. 2** (with Sch. 3)

PART 1

CONDITIONS IN SECTION 2C LICENCES

1. A section 2C licence must include a condition requiring the holder to ensure that the activities carried on at the place specified in the licence are carried on in a manner that is consistent with the principles of replacement, reduction and refinement.
2. (1) A section 2C licence must include conditions requiring the holder to keep a register for the purposes of section 15A(1)(c) which—
 - (a) contains the names of persons who are competent to kill protected animals; and
 - (b) specifies in relation to each person named the description of animal that the person is competent to kill and the methods of killing that the person is competent to use to kill that description of animal.
- (2) A section 2C licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring—
 - (a) that a person is not registered in the register kept by the holder unless the person has been adequately educated and trained in the killing of animals;
 - (b) that a person who is so registered is supervised when killing animals at the place specified in the licence until he or she has demonstrated the requisite competence;
 - (c) that at all times the number of persons who are so registered and are present at the place specified in the licence is sufficient to enable any protected animal being kept at that place that needs to be killed to be killed expeditiously.
3. A section 2C licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that the Secretary of State—
 - (a) is notified if any changes become necessary to the persons specified in the licence by virtue of subsection (5) of section 2C;
 - (b) is notified of any changes falling within subsection (10) of that section.
4. (1) A section 2C licence must include such conditions as the Secretary of State considers appropriate for ensuring that the installations and equipment at the place specified in the licence are suitable for—

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- (a) the species of protected animals kept at that place; and
 - (b) the regulated procedures, if any, carried out at that place.
 - (2) For the purposes of sub-paragraph (1)(b), the installations and equipment at a place specified in a section 2C licence are suitable for the regulated procedures carried out at that place only if the design, construction and method of functioning of the installations and equipment enable the regulated procedures to be performed in a manner that—
 - (a) provides reliable results;
 - (b) uses the minimum number of animals; and
 - (c) causes the minimum degree of pain, suffering, distress and lasting harm to the animals used.
 - (3) The conditions included in a licence by virtue of this paragraph must be such as to ensure that any applicable standard in Annex 3 of the Animals Directive concerning installations and equipment is met.
 - (4) For the purposes of sub-paragraph (3) a standard set out in Annex 3 of the Animals Directive is not to be treated as being an applicable standard if the Annex specifies a date from which the standard is to have effect and that date has not been reached.
5. A section 2C licence must include such conditions as the Secretary of State considers appropriate to ensure—
 - (a) that sufficient staff are provided at the place specified in the licence to care for the protected animals kept at that place;
 - (b) that the staff are adequately educated and trained before they perform any function relating to the care of those protected animals;
 - (c) that the staff are supervised when performing any such function until they have demonstrated the requisite competence.
6.
 - (1) A section 2C licence must include a condition requiring the holder to establish and maintain a body (to be known as an “Animal Welfare and Ethical Review Body”) which—
 - (a) consists of the persons mentioned in sub-paragraph (2) and such other persons as are determined in accordance with the licence; and
 - (b) carries out the tasks mentioned in paragraphs (a) to (e) of Article 27.1 of the Animals Directive and such other advisory and reviewing tasks as are specified in the licence.
 - (2) The persons referred to in sub-paragraph (1)(a) are—
 - (a) the persons specified in the section 2C licence in pursuance of paragraphs (a) and (b) of section 2C(5); and
 - (b) in a case where the section 2C licence authorises the holder to carry on an undertaking that involves the applying of regulated procedures to protected animals, a person with such scientific credentials as are specified in the licence.
 - (3) A section 2C licence must include a condition requiring the holder to ensure that whenever the Animal Welfare and Ethical Review Body established by the holder provides advice a record is made of the advice and of any decisions taken in response to the advice.

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- (4) A section 2C licence must include a condition requiring the holder to ensure that any such records are kept for a period of three years and are supplied to the Secretary of State upon request.
7. A section 2C licence which authorises the holder to carry on an undertaking which involves the activity mentioned in section 2B(2)(b) must include such conditions as the Secretary of State considers appropriate to ensure that primates are not bred at the place specified in the licence unless the holder of the licence has in place a strategy for increasing the proportion of primates bred from primates bred in captivity.
8. A section 2C licence must include conditions requiring the holder—
- (a) to maintain records of the information mentioned in paragraphs (a) to (g) of Article 30.1 of the Animals Directive;
 - (b) to retain any such record for a period determined in accordance with the licence (being a period of at least five years); and
 - (c) to make any such record that is being retained available to the Secretary of State upon request.
9. (1) A section 2C licence must include conditions requiring the holder to ensure—
- (a) that if a dog, cat or non-human primate is bred at the place specified in the licence an individual history file is established in relation to the animal as soon as is reasonably practicable after its birth;
 - (b) that if a dog, cat or non-human primate is transferred to the place specified in the licence an individual history file is established in relation to the animal as soon as is reasonably practicable after its transfer (unless the animal is transferred from a place specified in another section 2C licence and an individual history file previously established in relation to the animal is provided in accordance with conditions included in that other licence by virtue of paragraph (c));
 - (c) that if a dog, cat or non-human primate kept at the place specified in the licence is transferred to a place specified in another section 2C licence, the individual history file kept in relation to the animal is provided to the holder of that other licence;
 - (d) that if a dog, cat or non-human primate kept at the place specified in the licence is re-homed otherwise than at a place specified in another section 2C licence, the person with whom the animal is re-homed is provided with a copy of any veterinary and social information about the animal that is included in the individual history file kept in relation to the animal;
 - (e) that if a dog, cat or non-human primate kept at the place specified in the licence dies at that place, is set free from that place or is re-homed otherwise than at a place specified in another section 2C licence, the individual history file for the animal is kept for a period of three years following the death, setting free or re-homing;
 - (g) that where an individual history file is being kept by virtue of this paragraph, the information included within it is kept up to date;
 - (h) that where an individual history file is being kept by virtue of this paragraph, a copy of it is provided to the Secretary of State upon request.
- (2) An “individual history file” is a file kept in relation to a dog, cat or non-human primate which contains the following—
- (a) particulars of the animal’s identity;

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- (b) particulars of the animal's date and place of birth (if known);
 - (c) a statement as to whether the animal was bred for use in regulated procedures;
 - (d) any relevant reproductive, veterinary and social information about the animal;
 - (e) a record of the programmes of work, if any, which have involved the use of the animal in regulated procedures; and
 - (f) in the case of a primate, a statement as to whether the animal is the offspring of primates bred in captivity.
10. (1) A section 2C licence must include conditions requiring the holder to ensure—
- (a) that before any unmarked dog, cat or non-human primate is weaned at the place specified in the licence the animal is provided with a permanent individual identification mark;
 - (b) that before any unmarked dog, cat or non-human primate that has not been weaned is transferred from the place specified in the licence to a place specified in another section 2C licence, the animal is provided with a permanent individual identification mark unless it would not be reasonably practicable to do so;
 - (c) that where an unmarked dog, cat or non-human primate that has not been weaned is transferred to the place specified in the licence from a place specified in another section 2C licence, a record of the animal's mother is kept until the animal is provided with a permanent individual identification mark;
 - (d) that where an unmarked dog, cat or non-human primate is taken into the place specified in the licence after being weaned it is provided as soon as is reasonably practicable with a permanent individual identification mark.
- (2) A section 2C licence must include a condition requiring the holder to ensure that where a dog, cat or primate at the place specified in the licence is provided with a permanent individual identification mark it is provided in the least painful manner possible.
- (3) A section 2C licence must include a condition requiring the holder to comply with any request made by the Secretary of State for an explanation of why any dog, cat or primate at the place specified in the licence has not been provided with a permanent individual identification mark.
- (4) In this paragraph references to an "unmarked" animal are to an animal that has not been provided with a permanent individual identification mark.
11. (1) A section 2C licence must include such conditions relating to the general care and accommodation of protected animals kept at the place specified in the licence as the Secretary of State considers appropriate to ensure—
- (a) that the environment, housing, freedom of movement, food, water and care provided for each such animal is appropriate for the animal's health and well-being;
 - (b) that the conditions under which any such animal is transported are appropriate for the animal's health and well-being;
 - (c) that any restrictions on the extent to which each such animal can satisfy its physiological and ethological needs are kept to the absolute minimum;
 - (d) that the environmental conditions in which such animals are kept are checked daily;

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- (e) that the well-being and state of health of such animals is monitored by a suitably qualified person in order to prevent pain or avoidable suffering, distress or lasting harm; and
 - (f) that arrangements are made to ensure that any defect discovered and any avoidable pain, suffering, distress or lasting harm discovered is eliminated as quickly as possible.
 - (2) The conditions included in a section 2C licence under sub-paragraph (1) must include conditions which ensure that at least the following standards are met—
 - (a) any applicable standard concerning the care and accommodation of animals which is set out in Annex 3 of the Animals Directive;
 - (b) any additional or higher standard concerning the care and accommodation of animals which is set out in any code of practice issued or approved under section 21 that was in force on 9 November 2010.
 - (3) For the purposes of sub-paragraph (2) a standard set out in Annex 3 of the Animals Directive is not to be treated as being an “applicable standard” if the Annex specifies a date from which the standard is to have effect and that date has not been reached.
 - (4) The conditions included in a section 2C licence by virtue of sub-paragraph (1)(a) and (2) do not have effect in so far as compliance with them would—
 - (a) prevent the carrying out of a programme of work specified in a project licence; or
 - (b) prevent the objectives of a programme of work specified in a project licence from being achieved.
 - (5) A section 2C licence may include other exemptions from the conditions included in it by virtue of sub-paragraph (1)(a) and (2) if the Secretary of State is satisfied that the exemptions are necessary for scientific, animal welfare or animal health reasons.
12. A section 2C licence must include conditions requiring the holder to give any necessary assistance to—
- (a) inspectors carrying out visits by virtue of section 18(2A)(b); and
 - (b) experts of the European Commission carrying out duties under Article 35 of the Animals Directive.]

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