

Status: Point in time view as at 01/01/2013.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 3. (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 3

CONDITIONS IN PROJECT LICENCES

17. A project licence must include a condition requiring the holder to ensure that the specified programme of work does not involve the application of any regulated procedure to which there is a scientifically satisfactory alternative method or testing strategy not entailing the use of a protected animal.
18. (1) A project licence must include a condition requiring the holder to ensure that the regulated procedures applied as part of the specified programme of work are those which to the greatest extent meet the following requirements—
 - (a) use the minimum number of animals;
 - (b) involve animals with the lowest capacity to experience pain, suffering, distress or lasting harm;
 - (c) cause the least pain, suffering, distress or lasting harm;
 - (d) are most likely to provide satisfactory results.
- (2) A project licence must include a condition requiring the holder to ensure that the regulated procedures applied as part of the specified programme of work are designed so as—
 - (a) to result in the death of as few protected animals as possible; and
 - (b) to reduce to the minimum possible the duration and intensity of suffering caused to those animals that die and, as far as possible, ensure a painless death.
19. A project licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that any person who applies regulated procedures as part of the specified programme of work does so under supervision until the person has demonstrated the requisite competence.
20. A project licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that a regulated procedure is not applied to an animal as part of a specified programme of work if the procedure may cause the animal severe pain, suffering or distress that is likely to be long-lasting and cannot be ameliorated.

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21. A project licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that where a regulated procedure is being applied to an animal as part of the specified programme of work, any unnecessary pain, suffering, distress or lasting harm that is being caused to the animal is stopped.
22. A project licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that where a regulated procedure is applied to an animal as part of the specified programme of work—
 - (a) death as the end point of the procedure is avoided as far as possible and is replaced by an early and humane end point;
 - (b) as soon as the purpose of the procedure has been achieved, the procedure is stopped and appropriate action is taken to minimise the suffering of the animal.
23. (1) A project licence must include a condition requiring the holder to ensure that where a regulated procedure has been applied to an animal as part of the specified programme of work a suitably qualified person classifies the severity of the procedure as “non-recovery”, “mild”, “moderate” or “severe” using the criteria in Annex 8 of the Animals Directive.
(2) For the purposes of this paragraph, a series of regulated procedures applied to an animal for a particular purpose is to be treated as constituting a single regulated procedure.
24. (1) A project licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that where a series of regulated procedures are applied to an animal for a particular purpose the animal is killed at the end of the series unless a veterinary surgeon or other competent person has determined that the animal is not suffering and is not likely to suffer adverse effects.
(2) For the purposes of this paragraph a series of regulated procedures is to be treated as ending when no further observations are to be made for the purposes of the series.
25. (1) Subject to sub-paragraph (3), a project licence must include—
 - (a) a condition to the effect that a stray animal of a domestic species must not be subjected to a regulated procedure as part of the specified programme of work;
 - (b) a condition to the effect that a feral animal of a domestic species must not be subjected to a regulated procedure as part of the specified programme of work;
 - (c) a condition to the effect that an animal taken from the wild must not be subjected to a regulated procedure as part of the specified programme of work;
 - (d) a condition to the effect that a marmoset must not be subjected to a regulated procedure as part of the specified programme of work unless it is the offspring of marmosets bred in captivity or it has been obtained from a self-sustaining colony of marmosets;
 - (e) a condition to the effect that an animal of a description specified in Schedule 2 must not be subjected to a regulated procedure as part of the specified programme of work unless it has been bred for use in regulated procedures.
(2) A project licence may include an exemption from the condition mentioned in sub-paragraph (1)(b) in relation to a particular domestic species (“the exempted species”); but such an exemption may be included only if the Secretary of State is satisfied

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- that there is scientific justification to the effect that the purposes of the specified programme of work can be achieved only by the application of regulated procedures to feral animals of the exempted species and that the specified programme of work consists of a study which is essential—
- (a) to protect the health or welfare of animals of the exempted species; or
 - (b) to avoid a serious threat to human or animal health or the environment.
- (3) A project licence is not required to include a condition mentioned in sub-paragraph (1)(c), (d) or (e) if the Secretary of State is satisfied that there is scientific justification to the effect that compliance with the condition would prevent the purposes of the programme of work specified in the licence from being achieved.
- (4) A project licence that permits the application of regulated procedures to animals taken from the wild must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring—
- (a) that the animals taken from the wild are captured by a competent person using a method which does not cause the animal avoidable pain, suffering, distress or lasting harm;
 - (b) that an animal taken from the wild which is found to be injured or in poor health is not subjected to a regulated procedure unless and until—
 - (i) it has been examined by a veterinary surgeon or other competent person; and
 - (ii) action has been taken to minimise the suffering of the animal.
- (5) But a project licence that permits the application of regulated procedures to animals taken from the wild is not required to include conditions for the purpose of ensuring the matter mentioned in sub-paragraph (4)(b)(ii) if the Secretary of State is satisfied that there is scientific justification to the effect that compliance with any such conditions would prevent the purposes of the programme of work specified in the licence from being achieved.
- (6) For the purposes of sub-paragraph (1)(d) a colony of animals is a “self-sustaining colony” if—
- (a) the colony is kept in captivity in a way that ensures the animals are accustomed to humans;
 - (b) the colony consists only of animals that have been bred in captivity; and
 - (c) the colony is sustained only by animals being bred within the colony or animals being sourced from other colonies that meet paragraphs (a) and (b).
26. (1) A project licence must include such conditions as the Secretary of State considers appropriate to ensure that regulated procedures are not applied to an animal as part of the specified programme of work if the data to be obtained from the application of those procedures is already available in a Member State and has been obtained there by procedures which satisfy any relevant regulatory requirements of the EU.
- (2) A project licence may include exemptions from the conditions included in it by virtue of sub-paragraph (1) if the Secretary of State considers the exemptions are justified for the protection of public health, safety or the environment.
27. A project 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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28. A project licence must include a condition to the effect that if the holder becomes aware of a failure to comply with any of the other conditions of the licence the holder must—
- (a) take appropriate steps to rectify the failure (if it is capable of being rectified); and
 - (b) keep a record of the steps taken.]

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