

**EXPLANATORY MEMORANDUM TO**  
**THE ANIMALS (SCIENTIFIC PROCEDURES) ACT 1986 (FEES) ORDER 2013**

**2013 No. 509**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 This order revokes S.I. 2012/3050 and amends the terminology used for charging fees because as a result of implementation of Directive 2010/63 and the consequent amendments to the Animals (Scientific Procedures) Act 1986, it has been necessary to amend some of the definitions in the fees order (S.I. 2000/480). The Order does not change the fee structure or raise the fees; it merely brings the definitions into line with the changes made to the Animals (Scientific Procedures) Act 1986.

3. **Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]**

3.1 This Order revokes and replaces S.I. 2012/3050 which was found by the JCSI to be of doubtful vires. The relevant JCSI report was the ‘Seventeenth Report of Session 2012’.

4. **Legislative Context**

4.1 The Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012 amend the Animals (Scientific Procedures) Act 1986 to transpose European Directive 2010/63/EU on the protection of animals used for scientific purposes. The power to charge fees in the Animals Scientific Procedures Act 1986 was amended by regulation 26 (3) (minor and consequential amendments) of the 2012 regulations to change some of the terminology in relation to charging fees to bring it into line with new terminology following transposition of European Directive 2010/63/EU. This is the first time that the amended section 8 of the Animals Scientific Procedures Act 1986 has been used.

5. **Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 Prior to recent amendment the Animals Scientific Procedures Act 1986 allowed the Secretary of State to charge fees to holders of certificates of designated premises but following the amendments the Secretary of State is permitted to charge fees to a section 2C licence holder. The change from Certificates of Designation to section 2C licences requires the Animals (Scientific Procedures) Act 1986 (Fees) Order 2000 to be replaced with a new order reflecting these changes so that fees can continue to be charged.

7.2 This instrument does not amend any other instruments and so there are no plans for consolidation.

## **8. Consultation outcome**

8.1 This Order was not consulted but it arises in the context of transposition of Directive 2010/63/EU which was consulted on. A public consultation on the options for transposition was launched on 13 June 2011 and closed on 5 September 2011. Responses were received from over 13000 individuals and 98 organisations. No comments were received on the requirement for fees.

## **9. Guidance**

9.1 There is no specific guidance on the provision to charge fees however Initial guidance on the implementation of the amended legislation was published on 19 December 2012, which explained the change in licence structure on which the provision to charge fees is based. Full draft guidance was published for consultation on 29 January 2013.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies because no change is proposed to the fee structure, to the level of fees, or to the basis on which the fees are calculated.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation applies to small business.

## **12. Monitoring & review**

12.1 The fee structure and level of fees is reviewed annually.

### **13. Contact**

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Email: [Martin.Walsh@homeoffice.gsi.gov.uk](mailto:Martin.Walsh@homeoffice.gsi.gov.uk), can answer any queries regarding the instrument.