

## 1987 No. 2

## ANIMALS

**The Animals (Scientific Procedures) (Procedure For Representations) Rules (Northern Ireland) 1987**

*Made* . . . . . 8th January 1987

*Coming into operation* . . . . . 16th February 1987

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 12(7) of the Animals (Scientific Procedures) Act 1986(a) as adapted by section 29 of that Act and of all other powers enabling it in that behalf, hereby makes the following rules:—

*Citation and commencement*

1. These rules may be cited as the Animals (Scientific Procedures) (Procedure For Representations) Rules (Northern Ireland) 1987 and shall come into operation on 16th February 1987.

*Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these rules as it applies to a measure of the Northern Ireland Assembly.

(2) In these rules, the expression—

“the Act” means the Animals (Scientific Procedures) Act 1986;

“applicant” means an applicant for a licence or certificate under the Act or the holder of such a licence or certificate who wishes to make written or oral representation in respect of a proposal to refuse, vary or revoke such a licence or certificate or the inclusion of any condition in such a licence or certificate under section 12(3) or (4) of the Act;

“the Department” means the Department of Health and Social Services for Northern Ireland; and

“person appointed” means a person appointed to receive representations under section 12 of the Act.

*Notification of appointment*

3. Where the applicant has notified the Department of his wish to make representations under section 12(3) or (4) of the Act, the Department shall notify the applicant in writing of the name of the person appointed and of the address to which his written representations are to be sent.

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(a) 1986 c. 14

(b) 1954 c. 33 (N.I.)

*Documents*

4. The Department shall prepare a list of the documents which it considers relevant to the consideration of representations by the person appointed and shall send a copy of such list, together with a copy of each of the documents included in it, to the applicant with the notification sent in pursuance of rule 3, and to the person appointed.

*Time limit for written representations*

5. The applicant shall submit his written representations under section 12(3) or (4) of the Act to the person appointed not later than 21 days after the date on which, in pursuance of rule 3, the applicant is notified of the name of the person appointed, but the person appointed may, if he thinks fit, extend the period during which such representations are to be submitted to him.

*Notice of hearing of oral representations*

6.—(1) Where the applicant has notified the Department of his wish to make oral representations under section 12(3) or (4) of the Act, the Department shall give him at least 28 days' notice in writing of the date, time and place of the hearing by the person appointed.

(2) Such notice shall request the applicant to state whether he wishes the hearing to be in public.

(3) Such notice shall, where the documents sent in pursuance of rule 4 include a report by an inspector appointed under section 18 of the Act, invite the applicant to notify the Department whether he intends to dispute any fact contained in that report; and where the applicant has given the Department at least 7 days' notice of his intention to dispute any such fact, the inspector shall attend the hearing and the applicant shall be entitled to question him about any matter of fact contained in the report.

*Procedure at hearings of oral representations*

7.—(1) Subject to the provisions of the Act and the other provisions of these rules the person appointed shall, in his discretion, determine the procedure at the hearing of oral representations.

(2) The applicant may appear in person at such a hearing, or may be represented by any other person, and shall be entitled to call witnesses and to address the person appointed.

(3) If the applicant so requests, the hearing by the person appointed shall be in public.

*Postponement or adjournment*

8. The person appointed may, if he thinks fit, postpone or adjourn any hearing of oral representations pending before him, and shall give the applicant at least 14 days' notice of the date, time and place of the subsequent hearing.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 8th January 1987.

(L.S.)

Z. I. Davies

Under Secretary

## EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These rules prescribe the procedure to be followed in the making and consideration of representations under section 12 of the Animals (Scientific Procedures) Act 1986 as adapted by section 29 of that Act.

The main provisions of the Act, including section 12 and section 29, came into operation on 1st January 1987 by virtue of the Animals (Scientific Procedures) (1986 Act) (Commencement No. 1) Order (Northern Ireland) 1986 (S.R. 1986 No. 364 (C. 9)).

The rules—

- (a) apply to a person who has applied for or holds a personal or project licence or a certificate of designation of a scientific procedure, breeding or supplying establishment under the Act;
- (b) apply where—
  - (i) the Department of Health and Social Services for Northern Ireland has served notice on the person of its proposal to refuse such a licence or certificate; or to vary or revoke it otherwise than at the request of the holder; or
  - (ii) the holder is dissatisfied with any condition contained in such a licence or certificate;
- (c) prescribes the procedure to be followed when the person wishes to make representations in respect of such notice or condition to a legally qualified person appointed by the Department of Health and Social Services for Northern Ireland;
- (d) prescribes the procedure at hearings of oral representations.

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1987 No. 3

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.