



# 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.

#### **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 pre cautions 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.
- (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 at 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 ;

but no exception shall be made from the condition required by paragraph (a) 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.

- (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 1 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.
- (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.
- (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.

## **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.

## **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.
- (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 a barrister, solicitor or advocate of at least seven 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.

### **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,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.

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*Status: This is the original version (as it was originally enacted).*

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(3) A notice under this section may be served personally or by post.