

*These notes refer to the Animal Welfare Act 2006 (c.45)
which received Royal Assent on 8 November 2006*

ANIMAL WELFARE ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

General

Section 58: Scientific research

212. Scientific procedures on animals are governed by the Animals (Scientific Procedures) Act 1986 (“ASPA”), which makes provision for the licensing of people, projects and places where research is carried out on animals. Nothing in this Act applies to anything lawfully done under that Act.
213. *Subsection (2)* provides that powers of entry conferred by this Act do not apply in relation to places designated under sections 6 and 7 of ASPA. The only exception to this is the power of entry to inspect farming premises. Some ASPA premises are ‘dual purpose’; they operate both as designated premises, and also as farms. The power under section 28(2) to inspect farm premises will only be exercisable in relation to animals which are reasonably believed to be bred or kept for farming purposes i.e. the power will not extend to those animals on the premises which are being bred, kept or used for experimental or scientific purposes.
214. *Subsection (3)* provides that section 9 of the Act (duty to ensure welfare) does not apply to animals at a designated place which are kept for use in regulated procedures, or which have been bred for such a use, or which are kept for breeding offspring to be used in regulated procedures.
215. *Section 9* of this Act does apply to any animals that are at a designated place but which are not covered by ASPA, whether because they are of a type that is not listed in the schedules to ASPA or because they are not being used in connection with the scientific research covered by the ASPA licence.