
STATUTORY INSTRUMENTS

2012 No. 3039

**The Animals (Scientific Procedures)
Act 1986 Amendment Regulations 2012**

Manner in which protected animals are to be killed

15. After section 15 insert—

“15A Manner in which protected animals are to be killed

(1) Subject to subsections (8) and (9), a person must not intentionally kill a relevant protected animal unless—

- (a) the person kills the animal in a place that is specified in a section 2C licence;
- (b) the person kills the animal using an appropriate method; and
- (c) the person is registered in a register kept by the holder of the section 2C licence (in compliance with a condition included in the licence by virtue of paragraph 2 of Schedule 2C) as being competent to kill animals of that description using that method.

(2) An animal is killed using an appropriate method if—

- (a) the method used is one that is appropriate to that description of animal under Schedule 1; or
- (b) the method used is one that is specified as being appropriate to that description of animal in the section 2C licence granted in respect of the place where the animal is killed.

(3) An animal is also killed using an appropriate method if—

- (a) the animal is being or has been subjected to a regulated procedure as part of a programme of work specified in a project licence; and
- (b) the animal is killed using a method that is specified as being appropriate to that description of animal in the project licence.

(4) An animal is also killed using an appropriate method if—

- (a) the animal is being or has been used in an agricultural research project the aim of which requires animals to be kept in similar conditions to those in which commercial farm animals are kept;
- (b) the animal is killed in a way that complies with Article 4 of Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing; and
- (c) the process of killing is completed by one of the methods listed in sub-paragraphs (a) to (e) of paragraph 1 of Schedule 1.

(5) An animal is also killed using an appropriate method if—

- (a) the method is applied to the animal while it is unconscious;
- (b) the animal does not subsequently regain consciousness; and

(c) the process of killing is completed by one of the methods listed in sub-paragraphs (a) to (e) of paragraph 1 of Schedule 1.

(6) A section 2C licence may specify a method of killing as being appropriate to a description of animal only if the Secretary of State is satisfied, on the basis of scientific evidence, that the method is at least as humane as one of the methods of killing that are appropriate to that description of animal under Schedule 1.

(7) A project licence may specify a method of killing as being appropriate to a description of animal only if the Secretary of State is satisfied, on the basis of a scientific justification, that the purposes of the programme of work specified in the licence cannot be achieved if a method of killing that is appropriate to that description of animal under Schedule 1 is required to be used.

(8) A person may kill an animal in a place not specified in a section 2C licence if—

- (a) the place is specified in a project licence in reliance on section 5(3);
- (b) the animal is being or has been subjected to a regulated procedure at that place as part of a programme of work specified in that licence; and
- (c) that licence specifies a section 2C licence for the purposes of this subsection.

Where this exception applies, the reference in subsection (1)(c) or (2)(b) to the section 2C licence mentioned there shall be read as a reference to the section 2C licence specified as mentioned in paragraph (c) above.

(9) A person may kill an animal otherwise than in accordance with subsection (1) if it is necessary for the animal to be killed as a matter of urgency for animal welfare, public health, public security or environmental reasons.

(10) Where a person applies a regulated procedure to a protected animal and the procedure causes the animal to die, the person is not to be treated for the purposes of this section as having intentionally killed the animal (even if the death of the animal was the likely outcome of the procedure).

(11) In this section “relevant protected animal” means a protected animal which—

- (a) is being or has been used in a regulated procedure;
- (b) is being or has been kept for use in a regulated procedure;
- (c) has been bred for use in a regulated procedure; or
- (d) is being or has been kept for the purpose of being supplied for use in a regulated procedure.

(12) A protected animal that is killed in a place specified in a section 2C licence for the use of its tissues or organs for scientific purposes shall also be treated as a relevant protected animal for the purposes of this section.”