



# Animals (Scientific Procedures) Act 1986

## 1986 CHAPTER 14

### *Miscellaneous and supplementary*

#### **21 Guidance, codes of practice and statistics**

- (1) The Secretary of State shall publish information to serve as guidance with respect to the manner in which he proposes to exercise his power to grant licences and certificates under this Act and with respect to the conditions which he proposes to include in such licences and certificates.
- (3) The Secretary of State shall consult the Animal Procedures Committee before publishing or altering any information under subsection (1) above or issuing, approving, altering or approving any alteration in any code issued or approved under subsection (2) above.
- (4) A failure on the part of any person to comply with any provision of a code issued or approved under subsection (2) above shall not of itself render that person liable to criminal or civil proceedings but—
  - (a) any such code shall be admissible in evidence in any such proceedings; and
  - (b) if any of its provisions appears to the court conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.
- (5) The Secretary of State shall lay before Parliament—
  - (a) copies of any information published or code issued by him under subsection (1) or (2) above and of any alteration made by him in any such information or code; and
  - (b) copies of any code approved by him under subsection (2) above and of any alteration approved by him in any such code;

and if either House of Parliament passes a resolution requiring the information, code or alteration mentioned in paragraph (a) above, or the approval mentioned in paragraph (b) above, to be withdrawn the Secretary of State shall withdraw it accordingly ; and where he withdraws information published or a code issued by him or his approval of a code he shall publish information or issue or approve a code, as the

case may be, in substitution for the information or code previously published, issued or approved.

- (6) No resolution shall be passed by either House under subsection (5) above in respect of any information, code or alteration after the end of the period of forty days beginning with the day on which a copy of the information, code or alteration was laid before that House; but for the purposes of this subsection no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (7) The Secretary of State shall in each year publish and lay before Parliament such information as he considers appropriate with respect to the use of protected animals in the previous year for experimental or other scientific purposes.

## 22 Penalties for contraventions

- (1) Any person who contravenes section 3 above shall be guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both ;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.
- (2) Any person who, being the holder of a project licence—
- (a) procures or knowingly permits a person under his control to carry out a regulated procedure otherwise than as part of the programme specified in the licence ; or
  - (b) procures or knowingly permits a person under his control to carry out a regulated procedure otherwise than in accordance with that person's personal licence,
- shall be guilty of an offence and liable to the penalties specified in subsection (1) above.
- (3) Any person who—
- (a) contravenes section 7(1) or (2), 14, 15, 16 or 17 above; or
  - (b) fails to comply with a requirement imposed on him under section 18(3) above,
- shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the fourth level on the standard scale or to both.
- (4) A person shall not be guilty of an offence under section 3 or 17(a) above by reason only that he acted without the authority of a project licence if he shows that he reasonably believed, after making due enquiry, that he had such authority.
- (5) A person guilty of an offence under section 1 of the Protection of Animals Act 1911 or section 1 of the Protection of Animals (Scotland) Act 1912 in respect of an animal at a designated establishment shall be liable to the penalties specified in subsection (1) above.

## 23 False statements

- (1) A person is guilty of an offence if for the purpose of obtaining or assisting another person to obtain a licence or certificate under this Act he furnishes information which

he knows to be false or misleading in a material particular or recklessly furnishes information which is false or misleading in a material particular.

- (2) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the fourth level on the standard scale or to both.

## **24 Protection of confidential information**

- (1) A person is guilty of an offence if otherwise than for the purpose of discharging his functions under this Act he discloses any information which has been obtained by him in the exercise of those functions and which he knows or has reasonable grounds for believing to have been given in confidence.
- (2) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both ;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both.

## **25 Powers of entry**

- (1) If a justice of the peace or in Scotland a sheriff is satisfied by information on oath that there are reasonable grounds for believing that an offence under this Act has been or is being committed at any place, he may issue a warrant authorising a constable to enter that place if need be by such force as is reasonably necessary, to search it and to require any person found there to give his name and address.
- (2) A warrant under this section may authorise a constable to be accompanied by an inspector appointed under this Act and shall require him to be accompanied by such an inspector if the place in question is a designated establishment.
- (3) Any person who—
- (a) intentionally obstructs a constable or inspector in the exercise of his powers under this section ; or
  - (b) refuses on demand to give his name and address or gives a false name or address,

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the fourth level on the standard scale or to both.

## **26 Prosecutions**

- (1) No proceedings for—
- (a) an offence under this Act; or
  - (b) an offence under section 1 of the Protection of Animals Act 1911 which is alleged to have been committed in respect of an animal at a designated establishment,
- shall be brought in England and Wales except by or with the consent of the Director of Public Prosecutions.

- (2) Summary proceedings for an offence under this Act may (without prejudice to any jurisdiction exercisable apart from this subsection) be taken against any person at any place at which he is for the time being.
- (3) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980, an information relating to an offence under this Act which is triable by a magistrates' court in England and Wales may be so tried if it is laid at any time within three years after the commission of the offence and within six months after the date on which evidence sufficient in the opinion of the Director of Public Prosecutions to justify the proceedings comes to his knowledge.
- (4) Notwithstanding anything in section 331 of the Criminal Procedure (Scotland) Act 1975, summary proceedings for an offence under this Act may be commenced in Scotland at any time within three years after the commission of the offence and within six months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge; and subsection (3) of that section shall apply for the purposes of this subsection as it applies for the purposes of that section.
- (5) For the purposes of subsections (3) and (4) above a certificate of the Director of Public Prosecutions or, as the case may be, the Lord Advocate as to the date on which such evidence as is there mentioned came to his knowledge shall be conclusive evidence of that fact.

## **27 Repeal, consequential amendments and transitional provisions**

- (1) The Cruelty to Animals Act 1876 is hereby repealed.
- (2) The enactments mentioned in Schedule 3 to this Act shall have effect with the amendments there specified, being amendments consequential on the provisions of this Act.
- (3) The Breeding of Dogs Act 1973 shall not apply to the breeding of dogs for use in regulated procedures if they are bred at a designated breeding establishment.
- (4) Schedule 4 to this Act shall have effect with respect to the transitional matters there mentioned.
- (5) The Secretary of State may by order make such further transitional provisions as he considers necessary or expedient.

## **28 Orders**

- (1) Any power of the Secretary of State to make an order under this Act shall be exercisable by statutory instrument.
- (2) A statutory instrument containing an order under any of the foregoing provisions of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **29 Application to Northern Ireland**

- (1) This Act applies to Northern Ireland with the following modifications.

- (2) For any reference to the Secretary of State in any provision of this Act except sections 19 and 20(1) there shall be substituted a reference to the Department of Health and Social Services for Northern Ireland; and for the reference in section 18(1) above to the Treasury there shall be substituted a reference to the Department of Finance and Personnel for Northern Ireland.
- (3) The functions of the Secretary of State under sections 19 and 20(1) shall be exercisable by him jointly with the Department of Health and Social Services for Northern Ireland; and any notice under section 19(6) or advice under section 20(1) may be given to either of them.
- (4) In section 20(5) above for the reference to Parliament there shall be substituted a reference to the Northern Ireland Assembly ; and in section 21 above—
  - (a) for the references to Parliament or either House of Parliament there shall be substituted references to the Assembly;
  - (b) in subsection (5) after the word " if " there shall be inserted the words " within the statutory period (within the meaning of the Interpretation Act (Northern Ireland) 1954) " ; and
  - (c) subsection (6) shall be omitted.
- (5) In sections 22(5) and 26(1)(b) above for the references to section 1 of the Protection of Animals Act 1911 there shall be substituted references to sections 13 and 14 of the Welfare of Animals Act (Northern Ireland) 1972.
- (6) In section 25(1) above for the reference to information on oath there shall be substituted a reference to a complaint on oath.
- (7) In section 26 above
  - (a) in subsections (1) and (3) for the words " England and Wales " there shall be substituted the words " Northern Ireland " ;
  - (b) in subsections (1), (3) and (5) for the references to the Director of Public Prosecutions there shall be substituted references to the Director of Public Prosecutions for Northern Ireland ; and
  - (c) in subsection (3) for the reference to section 127(1) of the Magistrates' Courts Act 1980 there shall be substituted a reference to Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981.
- (8) In section 27(3) above for the reference to the Breeding of Dogs Act 1973 there shall be substituted a reference to Articles 12,13 and 43 of the Dogs (Northern Ireland) Order 1983.
- (9) Section 28 above shall not apply and any order made by the Department of Health and Social Services for Northern Ireland under this Act shall be a statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 and shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

### **30 Short title, interpretation and commencement**

- (1) This Act may be cited as the Animals (Scientific Procedures) Act 1986.
- (2) In this Act—

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

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" designated ", in relation to an establishment, means designated by a certificate under section 6 or 7 above ;

" personal licence " means a licence granted under section 4. above;

" place " includes any place within the seaward limits of the territorial waters of the United Kingdom, including any vessel other than a ship which is not a British ship ;

" project licence " means a licence granted under section 5. above;

" protected animal" has the meaning given in section 1 above but subject to any order under subsection (3) of that section;

" regulated procedure " has the meaning given in section 2 above.

- (3) This Act shall come into force on such date as the Secretary of State may by order appoint; and different dates may be appointed for different provisions or different purposes.