

SCHEDULE

AMENDMENTS TO THE ANIMALS (SCIENTIFIC PROCEDURES) ACT 1986

- 4.—(1) Section 10 (conditions) shall be amended as follows.
- (2) After subsection (2) there shall be inserted—
- “(2A) Without prejudice to subsection (2)(a) above, the conditions of a personal licence shall include such conditions as the Secretary of State considers appropriate to ensure that the authorised procedures are carried out in accordance with Article 8 of Council Directive No.86/609/EEC(1), the text of which is set out in Schedule 2A to this Act.”.
- (3) In subsection (3)—
- (a) after paragraph (c)(2) there shall be inserted—
- “and
- (d) that no protected animal taken from the wild shall be used under the licence;”;
- (b) after the words “paragraph (a)” there shall be inserted the words “or (d)”.
- (4) After subsection (3A)(3) there shall be inserted—
- “(3B) Where a project licence authorises the setting free of a protected animal in the course of a series of regulated procedures, that licence shall include a condition requiring the prior consent of the Secretary of State to the setting free of the animal.
- (3C) The Secretary of State shall not give his consent to the setting free of an animal in pursuance of a condition included in a project licence under subsection (3B) above unless he is satisfied—
- (a) that the maximum possible care has been taken to safeguard the animal’s well-being;
- (b) that the animal’s state of health allows it to be set free; and
- (c) that the setting free of the animal poses no danger to public health or the environment.
- (3D) The conditions of a project licence shall include such conditions as the Secretary of State considers appropriate to ensure—
- (a) that where a protected animal has been subjected to a series of regulated procedures for a particular purpose, at the conclusion of the series a veterinary surgeon or, if none is available, another suitably qualified person determines whether the animal should be killed or kept alive;
- (b) that, if that person considers that it is likely to remain in lasting pain or distress, the animal is 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 personal licence of the person by whom the animal is killed; and
- (c) that where the animal is to be kept alive, it is kept at a designated establishment (subject to subsection (6D) below).”.
- (5) After subsection (5) there shall be inserted—
- “(5A) The conditions of a certificate issued under section 6 above shall include such conditions as the Secretary of State considers appropriate to ensure—
- (a) that sufficient trained staff are provided at the establishment; and

(1) OJ No. L358, 18.12.86, p.1.

(2) Sub-paragraph (c) was inserted by S.I.1993/2102.

(3) Subsection (3A) was inserted by S.I. 1993/2102.

- (b) that the persons who take care of protected animals at the establishment and those who supervise such persons have appropriate education and training.”.

(6) After subsection (6), there shall be inserted—

“(6A) The conditions of a certificate issued under section 6 or 7 above shall, if the certificate permits dogs, cats or primates to be kept or bred at the establishment in question, include conditions requiring the holder of the certificate to ensure—

- (a) that particulars of the identity and origin of each dog, cat or primate kept or bred at the establishment are entered in the records referred to in subsection (6)(b) above;
- (b) that before it is weaned, every dog, cat or primate in the establishment not falling within paragraph (c) below is provided with an individual identification mark in the least painful manner possible;
- (c) that where a dog, cat or primate is transferred from one establishment to another before it is weaned and it is not practicable to mark it beforehand, the records kept by the establishment receiving the animal identify that animal’s mother until the animal is provided with an individual identification mark; and
- (d) that any unmarked dog, cat or primate which is taken into the establishment after being weaned is provided as soon as possible thereafter with an individual identification mark.

(6B) The conditions of a certificate issued under section 6 or 7 above shall include such conditions relating to the general care and accommodation of protected animals bred, kept or used at the establishment as the Secretary of State considers appropriate in order to ensure—

- (a) that the environment, housing, freedom of movement, food, water and care provided for each such animal are appropriate for the animal’s health and well-being;
- (b) that any restrictions on the extent to which each such animal can satisfy its physiological and ethological needs are kept to the absolute minimum;
- (c) that the environmental conditions in which such animals are bred, kept or used are checked daily;
- (d) that the well-being and state of health of such animals are monitored by a suitably qualified person in order to prevent pain or avoidable suffering, distress or lasting harm; and
- (e) that arrangements are made to ensure that any defect or suffering discovered is eliminated as quickly as possible.

(6C) When considering what conditions are appropriate to ensure the matters specified in subsection (6B)(a) and (b) above, the Secretary of State shall have regard to the guidance in Annex II to Council Directive No. [86/609/EEC](#).

(6D) The conditions of a certificate issued under section 6 or 7 above shall include such conditions as the Secretary of State considers appropriate to ensure that any animal kept alive after being subjected to a series of regulated procedures will continue to be kept at the establishment under the supervision of a veterinary surgeon or other suitably qualified person unless it is moved to another designated establishment or a veterinary surgeon certifies that it will not suffer if it ceases to be kept at a designated establishment.”.