

APPEAL:

**IN THE FIRST-TIER TRIBUNAL
(GENERAL REGULATORY CHAMBER)**

BETWEEN:

Appellant

And

THE INFORMATION COMMISSIONER

First Respondent

And

THE HOME OFFICE

Second Respondent

**EXHIBITS TO OPEN WITNESS STATEMENT OF
WILLIAM REYNOLDS DATED 09 JULY 2024**

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Animals (Scientific Procedures) Act 1986

1986 CHAPTER 14

An Act to make new provision for the protection of animals used for experimental or other scientific purposes

[20th May 1986]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows

Preliminary

1 Protected animals

(1) Subject to the provisions of this section, "a protected animal" for the purposes of this Act means any living vertebrate other than man [and any living cephalopod].

(2) Any such vertebrate in its foetal, larval or embryonic form is a protected animal only from the stage of its development when—

- (a) in the case of a mammal, bird or reptile, [two-thirds of] the gestation or incubation period for the relevant species has elapsed; and
- (b) in any other case, it becomes capable of independent feeding.

[(2A) Any living cephalopod in its embryonic form is not a protected animal.]

(3) The Secretary of State may by order—

- (a) extend the definition of protected animal so as to include [any description of invertebrates other than cephalopods];
- (b) alter the stage of development specified in subsection (2) above.
- (c) make provision in lieu of subsection (2) above as respects any animal which becomes a protected animal by virtue of an order under paragraph (a) above.

(4) For the purposes of this section an animal shall be regarded as continuing to live until the permanent cessation of circulation or the destruction of its brain.

(5) In this section "vertebrate" means any animal of the Sub-phylum Vertebrata of the Phylum Chordata and "invertebrate" means any animal not of that Sub-phylum.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (1): words “and any living cephalopod” in square brackets inserted by SI 2012/3039, regs 2, 3(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (2): in para (a) words “two-thirds of” in square brackets substituted by SI 2012/3039, regs 2, 3(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (2A): inserted by SI 2012/3039, regs 2, 3(c).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): in para (a) words “any description of invertebrates other than cephalopods” in square brackets substituted by SI 2012/3039, regs 2, 3(d).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Subordinate Legislation

Animals (Scientific Procedures) Act (Amendment) Order 1993, SI 1993/2103 (made under sub-ss (3)(a), (c)).

2 Regulated Procedures

(1) Subject to the provisions of this section, “a regulated procedure” for the purposes of this Act means any [procedure applied to a protected animal for a qualifying purpose which may have the effect of causing the animal a level of pain, suffering, distress or lasting harm equivalent to, or higher than, that caused by the introduction of a needle in accordance with good veterinary practice].

[(1A) A procedure is applied to an animal for “a qualifying purpose” if—

- (a) it is applied for an experimental or other scientific purpose (whether or not the outcome of the procedure is known); or
- (b) it is applied for an educational purpose.]

(2) [A procedure applied to an animal for a qualifying purpose] is also a regulated procedure if—

- (a) it is part of a series or combination of . . . procedures (whether the same or different) applied to the same animal; and
- [(ab) each of the other procedures in the series or combination is applied for a qualifying purpose; and]
- (b) the series or combination may have the effect mentioned in subsection (1) above; and
 - (c) the animal is a protected animal throughout the series or combination or in the course of it attains the stage of its development when it becomes such an animal.

[(2A) A procedure applied to an animal for a qualifying purpose is also a regulated procedure if—

- (a) at the time the procedure is applied the animal has not attained the stage of its development when it is a protected animal;
- (b) the animal is to be allowed to live until after it attains that stage of its

development; and

- (c) the procedure is likely to have the effect mentioned in subsection (1) after the animal attains that stage (whether or not it is also likely to have that effect before the animal attains that stage).]

(3) Anything done for the purpose of, or liable to result in, the birth or hatching of a protected animal is also a regulated procedure if it may as respects that animal have the effect mentioned in subsection (1) above.

[(3A) The modification of an animal's genes is a regulated procedure if—

- (a) the animal is a protected animal and the modification may have the effect mentioned in subsection (1); or
- (b) the animal is to be allowed to live until after it attains the stage of its development when it is a protected animal and the modification may have the effect mentioned in subsection (1) after it has attained that stage (whether or not it is also likely to have that effect before the animal attains that stage).

(3B) The breeding of an animal is a regulated procedure if—

- (a) the animal is bred from an animal whose genes have mutated or been modified or from a descendant of an animal whose genes have mutated or been modified;
- (b) the animal is to be allowed to live until after it has attained the stage of its development when it is a protected animal; and
- (c) after the animal has attained that stage the animal may experience pain, suffering, distress or lasting harm of a level mentioned in subsection (1) by reason of the mutation or modification referred to in paragraph (a).

(3C) For the purposes of subsections (3A) and (3B), references to the modification of an animal's genes include the modification before the animal comes into being of any genetic material by virtue of which it comes into being.]

(4) In determining whether any procedure may have the effect mentioned in subsection (1) above the use of an anaesthetic or analgesic, decerebration and any other procedure for rendering an animal insentient shall be disregarded; and the administration of an anaesthetic or analgesic to a protected animal, or decerebration or any other such procedure applied to such an animal, for the purposes of any experimental or other scientific procedure shall itself be a regulated procedure.

(5) . . .

[(6) . . .]

[(7) Killing a protected animal is a regulated procedure only if—

- (a) it is killed for experimental or other scientific use;
- (b) the place where it is killed is—
 - (i) a place that is specified in a licence granted under section 2C,or

- (ii) a place that is specified in a project licence by virtue of section 5(3), and
 - (c) the method employed to kill the animal is not—
 - (i) a method that is appropriate to that description of animal under Schedule 1, or
 - (ii) in a case within paragraph (b)(i), a method that is specified as being appropriate to that description of animal in the licence granted under section 2C.
- (8) Notwithstanding anything in this section, the following are not regulated procedures—
- (a) non-experimental agricultural practices;
 - (b) non-experimental clinical veterinary practices;
 - (c) practices undertaken for the purposes of recognised animal husbandry;
 - (d) the administration of any substance or article to an animal for research purposes in accordance with an animal test certificate granted under the Veterinary Medicines Regulations 2011 [or the Veterinary Medicines Regulations 2013];
 - (e) the ringing, tagging or marking of an animal, or the application of any other humane procedure for the primary purpose of enabling an animal to be identified, provided that it causes only momentary pain or distress (or none at all) and no lasting harm.
- (8A) References in this section to “a procedure” include both invasive and non-invasive procedures.]
- (9) Schedule 1 to this Act may be amended by orders made by the Secretary of State.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (1): words from “procedure applied to” to “good veterinary practice” in square brackets substituted by SI 2012/3039, regs 2, 4(1), (2).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (1A): inserted by SI 2012/3039, regs 2, 4(1), (3).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (2): words “A procedure applied to an animal for a qualifying purpose” in square brackets substituted by SI 2012/3039, regs 2, 4(1), (4)(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (2): in para (a) word omitted repealed by SI 2012/3039, regs 2, 4(1), (4)(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional

- provisions see reg 42, Sch 3 thereto.
- Sub-s (2): para (ab) inserted by SI 2012/3039, regs 2, 4(1), (4)(c).
Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.
- Sub-s (2A): inserted by SI 2012/3039, regs 2, 4(1), (5).
Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.
- Sub-ss (3A)–(3C): inserted by SI 2012/3039, regs 2, 4(1), (6).
Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.
- Sub-ss (5), (6): repealed by SI 2012/3039, regs 2, 4(1), (7).
Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.
- Sub-s (6): substituted by SI 2006/2407, reg 44(3), Sch 9, Pt 1, para 6.
Date in force: 1 October 2006: see SI 2006/2407, reg 1.
- Sub-ss (7), (8), (8A): substituted, for sub-ss (7), (8) as originally enacted, by SI 2012/3039, regs 2, 4(1), (8).
Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.
- Sub-s (8): in sub-para (d) words "or the Veterinary Medicines Regulations 2013" in square brackets inserted by the Medicines and Medical Devices Act 2021, s 14(2).
Date in force: 11 April 2021: see the Medicines and Medical Devices Act 2021, s 50(2)(c).

Subordinate Legislation

Animals (Scientific Procedures) Act 1986 (Appropriate Methods of Humane Killing) Order 1996, SI 1996/3278.

[2A Principles of replacement, reduction and refinement]

[(1) The Secretary of State must exercise his or her functions under this Act with a view to ensuring compliance with the principles of replacement, reduction and refinement.

(2) For the purposes of this Act—

- (a) the principle of replacement is the principle that, wherever possible, a scientifically satisfactory method or testing strategy not entailing the use of protected animals must be used instead of a regulated procedure;
- (b) the principle of reduction is the principle that whenever a programme of work involving the use of protected animals is carried out the number of protected animals used must be reduced to a minimum without compromising the objectives of the programme;
- (c) the principle of refinement is the principle that the breeding, accommodation and care of protected animals and the methods used in regulated procedures applied to such animals must be refined so as to eliminate or reduce to the minimum any possible pain, suffering, distress or lasting harm to those animals.]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 5.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[Licensing of undertakings]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 6.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[2B Prohibition of unlicensed undertakings]

[(1) A person must not, whether for profit or otherwise, carry on at any place an undertaking which involves one or more of the activities mentioned in subsection (2) unless the person is authorised to do so by a licence under section 2C.

(2) The activities are—

- (a) the applying of regulated procedures to protected animals;
- (b) the breeding of relevant protected animals with a view to—
 - (i) their use in regulated procedures, or
 - (ii) the use of their tissues or organs for scientific purposes,or the breeding of protected animals (other than relevant protected animals) primarily for purposes within sub-paragraph (i) or (ii);
- (c) the keeping of relevant protected animals which have been bred elsewhere and are to be supplied with a view to—
 - (i) their use elsewhere in regulated procedures, or
 - (ii) the use elsewhere of their tissues or organs for scientific purposes.

(3) In this section “relevant protected animal” means a protected animal of a description specified in Schedule 2 to this Act.]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 6.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[2C Licensing of undertakings]

[(1) A licence under this section is a licence granted by the Secretary of State which authorises the holder to carry on at a specified place an undertaking which involves the activities mentioned in subsection (2) of section 2B or such of those activities as are specified in the licence.

(2) The Secretary of State may grant a licence under this section only if satisfied that the person who is to be the holder and the place that is to be specified are in compliance with the requirements of [this Act].

(3) An application for a licence under this section shall be made to the Secretary of State in such form and shall be supported by such information as the Secretary of State may reasonably require.

(4) A licence under this section shall not be granted unless the application nominates for inclusion in the licence pursuant to subsection (5) persons appearing to the Secretary of State to be suitable for that purpose.

(5) A licence under this section shall specify—

- (a) a person to be responsible for overseeing the welfare and care of the animals kept at the place specified in the licence;
- (b) a veterinary surgeon with expertise in laboratory animal medicine, or other suitably qualified person, to provide advice on the welfare and treatment of those animals;
- (c) a person to be responsible for ensuring that the persons dealing with those animals have access to any information they need about the species concerned;
- (d) a person to be responsible for ensuring that the persons dealing with those animals are adequately educated and trained and are supervised until they have demonstrated the requisite competence; and
- (e) a person to be responsible for ensuring that the conditions of the licence are complied with.

(6) If the Secretary of State thinks fit, the same person may be specified under two or more of the paragraphs of subsection (5).

(7) If it appears to any person specified in a licence pursuant to paragraph (a) or (b) of subsection (5) that the health or welfare of any animal kept at the place specified in the licence gives rise to concern, that person shall—

- (a) notify the person holding a personal licence who is in charge of the animal; or
- (b) if there is no such person or it is not practicable to notify that person, take steps to ensure that the animal is cared for and, if it is necessary for it to be killed, that it is killed in accordance with section 15A (manner in which protected animals are to be killed).

(8) In any case to which subsection (7) applies the person specified in the licence pursuant to paragraph (a) of subsection (5) may also notify the person (if different) specified pursuant to paragraph (b) of that subsection; and the person specified pursuant to either paragraph of that subsection may also notify one of the inspectors appointed under this Act.

(9) A licence under this section shall continue in force until revoked.

(10) Where—

- (a) there has been or is to be a significant change to the structure or function of the place specified in a licence under this section, and
- (b) the change may have a negative effect on animal welfare,

the Secretary of State shall vary the licence as appropriate (or if necessary revoke it).]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 6.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.
Sub-s (2): words “this Act” in square brackets substituted by SI 2019/72, reg 2(1), (2).
Date in force: this amendment has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)–(5)): see SI 2019/72, reg 1.

Personal and project licences

3 Prohibition of unlicensed procedures

No person shall [personally] apply a regulated procedure to an animal unless—

- (a) he holds a personal licence qualifying him to apply a regulated procedure of that description to an animal of that description;
- (b) the procedure is applied as part of a programme of work specified in a project licence authorising the application, as part of that programme, of a regulated procedure of that description to an animal of that description; and
- (c) the place where the procedure is carried out is a place specified in . . . the project licence.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Word “personally” in square brackets inserted by SI 2012/3039, regs 2, 7(1), (2).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

In para (c) words omitted repealed by SI 2012/3039, regs 2, 7(1), (3).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

4 Personal licences

(1) A personal licence is a licence granted by the Secretary of State qualifying the holder [personally to apply regulated procedures of specified descriptions] to animals of specified descriptions . . .

(2) An application for a personal licence shall be made to the Secretary of State in such form and shall be supported by such information as he may reasonably require.

(3) Except where the Secretary of State dispenses with the requirements of this subsection any such application shall be endorsed by a person who—

- [(a) is for the time being specified in a relevant section 2C licence by virtue of section 2C(5)(d);]
- (b) has knowledge of the [education,] training, experience and character of the applicant;

....

[(3A) For the purposes of subsection (3)(a), a section 2C licence is “relevant” if it authorises the holder to carry on an undertaking which involves the applying of regulated procedures to protected animals.]

(4) No personal licence shall be granted to a person under the age of eighteen.

[(4A) The Secretary of State shall not grant a personal licence to a person unless he is satisfied that the person—

- (a) has appropriate education and training . . . for the purpose of applying the regulated procedures [that the licence would qualify the person to apply]; and
- (b) is competent to apply those procedures in accordance with the conditions which are to be included in the licence and to handle and take care of laboratory animals.]

(5) A personal licence shall continue in force until revoked but the Secretary of State shall review each personal licence granted by him at intervals not exceeding five years and may for that purpose require the holder to furnish him with such information as he may reasonably require.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (1): words “personally to apply regulated procedures of specified descriptions” in square brackets substituted by SI 2012/3039, regs 2, 8(1), (2)(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (1): words omitted repealed by SI 2012/3039, regs 2, 8(1), (2)(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): para (a) substituted by SI 2012/3039, regs 2, 8(1), (3)(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): in para (b) word “education,” in square brackets substituted by SI 2012/3039, regs 2, 8(1), (3)(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): words omitted repealed by SI 2012/3039, regs 2, 8(1), (3)(c).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3A): inserted by SI 2012/3039, regs 2, 8(1), (4).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (4A): inserted by SI 1998/1974, reg 2, Schedule, para 2.

Date in force: 5 September 1998: see SI 1998/1974, reg 1.

Sub-s (4A): in para (a) words omitted repealed by SI 2012/3039, regs 2, 8(1), (5)(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional

provisions see reg 42, Sch 3 thereto.
Sub-s (4A): in para (a) words “that the licence would qualify the person to apply” in square brackets substituted by SI 2012/3039, regs 2, 8(1), (5)(b).
Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[5 Project licences: general]

[(1) A project licence is a licence granted by the Secretary of State which specifies a programme of work and authorises the application, as part of that programme, of specified regulated procedures to animals of specified descriptions at a specified place or specified places.

(2) A place may not be specified in a project licence unless it is a place at which a person is authorised by a section 2C licence to carry on an undertaking involving the applying of regulated procedures to protected animals.

(3) But subsection (2) does not apply in any case in which it appears to the Secretary of State, on the basis of a scientific justification, that the programme or procedures authorised by the project licence require a different place to be specified.

(4) In the circumstances set out in Article 40.4 of the Animals Directive, a project licence may specify a programme of work which consists of multiple generic projects.]

NOTES

Amendment

Sections 5, 5A-5G substituted, for s 5 as originally enacted, by SI 2012/3039, regs 2, 9(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[5A Application for a project licence]

[(1) An application for a project licence must—

- (a) specify the programme of work the applicant wishes to be specified in the project licence;
- (b) specify the regulated procedures, the descriptions of animal and the place or places the applicant wishes to be specified in the project licence;
- (c) include information on the matters set out in Annex 6 of the Animals Directive;
- (d) include such other information as the Secretary of State may reasonably require; and
- (e) be accompanied by a project summary.

(2) A project summary is a statement, in non-technical language, which (subject to subsection (3)(a))—

- (a) describes the proposed programme of work and states the objectives of the programme, the predicted harm and benefits of the programme and the number and types of animal to be used in the programme;
- (b) demonstrates that the proposed programme of work would be carried out in

compliance with the principles of replacement, reduction and refinement.

- (3) A project summary must not contain—
- (a) any information of a confidential nature or any information the publication of which may lead to the infringement of any person's intellectual property rights;
 - (b) names or addresses or any other information from which the identity of the applicant or any other person can be ascertained.
- (4) If the Secretary of State receives an incomplete or incorrect application for a project licence the Secretary of State must, as soon as practicable, inform the applicant of the following matters—
- (a) the fact that the application is incomplete or incorrect;
 - (b) the additional information that needs to be provided by the applicant to complete or correct the application; and
 - (c) the fact that the period mentioned in subsection (7) will not begin until the Secretary of State has received the additional information.
- (5) Subsections (6) to (9) apply if the Secretary of State receives a complete and correct application for a project licence or receives information from an applicant that completes or corrects an application for a project licence.
- (6) The Secretary of State must as soon as practicable—
- (a) acknowledge receipt of the application or (as the case may be) receipt of the information; and
 - (b) inform the applicant of the effect of subsections (7) to (9).
- (7) Within the period of 40 working days beginning with the day on which the Secretary of State receives the application or (as the case may be) the information, the Secretary of State must—
- (a) grant a project licence to the applicant (in the terms specified in the application under subsection (1)(a) and (b) or in those terms with such modifications as the Secretary of State thinks appropriate); or
 - (b) serve on the applicant a notice under section 12(1) indicating the Secretary of State's intention to refuse the project licence.
- (8) On one occasion within the period mentioned in subsection (7), the Secretary of State may by notice to the applicant extend the period by up to 15 working days.
- (9) The Secretary of State may exercise the power in subsection (8) only if, and to the extent that, the Secretary of State considers its exercise is justified by the complexity or multi-disciplinary nature of the proposed programme of work.]

NOTES

Amendment

Sections 5, 5A-5G substituted, for s 5 as originally enacted, by SI 2012/3039, regs 2, 9(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional

provisions see reg 42, Sch 3 thereto.

[5B Determining an application: evaluation of the programme of work]

[(1) A project licence must not be granted unless the Secretary of State has carried out in accordance with this section a favourable evaluation of the programme of work to be specified in the licence.

(2) For this purpose, the evaluation of a programme of work is favourable only if it verifies—

- (a) that carrying out the programme of work is justified from a scientific or educational point of view or is required by law;
- (b) that the purposes of the programme of work justify the use of protected animals; and
- (c) that the programme of work is designed so as to enable the regulated procedures applied as part of it to be applied in the most humane and environmentally sensitive manner possible.

(3) In carrying out the evaluation of a programme of work the Secretary of State must—

- (a) evaluate the objectives of the programme of work and its predicted scientific benefits or educational value;
- (b) assess the compliance of the programme of work with the principles of replacement, reduction and refinement;
- (c) classify as “non-recovery”, “mild”, “moderate” or “severe” the likely severity of each regulated procedure that would be applied as part of the programme of work;
- (d) carry out a harm-benefit analysis of the programme of work to assess whether the harm that would be caused to protected animals in terms of suffering, pain and distress is justified by the expected outcome, taking into account ethical considerations and the expected benefit to human beings, animals or the environment;
- (e) assess any scientific justification which is relevant (by virtue of sections 5(3), 15A(7) or 17(2), paragraphs 1(4), 2(4) or 3(3) of Schedule 2B or paragraph 25(2), (3) or (5) of Schedule 2C) to the question of whether or on what terms a project licence may be granted in respect of the programme of work;
- (f) assess whether there is any justification for an exemption under paragraph 26(2) of Schedule 2C;
- (g) assess whether carrying out the programme of work would give rise to any scientific reason for an exemption under paragraph 11(5) of Schedule 2C;
- (h) determine, on the assumption that a project licence is granted in respect of the programme of work, whether and (if so) when the programme should be retrospectively assessed under section 5F.

(4) In carrying out the evaluation of a programme of work the Secretary of State must consider—

- (a) expertise in the area of science for which it is intended that protected animals will be used (including expertise in the application of the principles of replacement, reduction and refinement when working in that area of science);
 - (b) expertise in experimental design (including expertise in statistics where appropriate);
 - (c) expertise in veterinary practice in laboratory animal science or, where appropriate, expertise in wildlife veterinary practice;
 - (d) expertise in animal husbandry and care in relation to the species of protected animals that are intended to be used.
- (5) For the purposes of subsection (3)(c) a series of regulated procedures applied to an animal for a particular purpose is to be treated as constituting a single regulated procedure.
- (6) When classifying the likely severity of a regulated procedure under subsection (3)(c) the Secretary of State must use the criteria in Annex 8 of the Animals Directive.
- (7) The Secretary of State must determine that a programme of work should be retrospectively assessed under section 5F if the programme would involve—
- (a) the application of regulated procedures to primates; or
 - (b) the application of regulated procedures the likely severity of which has been classified under section (3)(c) as “severe”.
- (8) The evaluation of a programme of work must be carried out with a degree of detail appropriate for the type of programme and must be carried out in an impartial manner.
- (9) The Secretary of State must publish information as to the process by which he proposes to evaluate programmes of work under this section.]

NOTES

Amendment

Sections 5, 5A–5G substituted, for s 5 as originally enacted, by SI 2012/3039, regs 2, 9(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[5C Determining an application: further provision]

- [(1) A project licence must not be granted except to a person who undertakes responsibility for the overall implementation of the programme of work to be specified in the licence.
- (2) A project licence must not be granted to a person unless the Secretary of State has verified that—
- (a) the person has received instruction in a scientific discipline relevant to the programme of work to be specified in the licence;
 - (b) the person has specific knowledge relating to the species of animal that is to be subjected to regulated procedures as part of that programme of work; and
 - (c) the person has appropriate education and training for the purpose of designing

programmes of work involving the application of regulated procedures.

(3) A project licence must not be granted unless the Secretary of State has verified that the programme of work to be specified in the licence is to be carried out for one of the following purposes—

- (a) basic research;
- (b) translational or applied research with one of the following aims—
 - (i) the avoidance, prevention, diagnosis or treatment of disease, ill-health or other abnormality, or their effects, in man, animals or plants;
 - (ii) the assessment, detection, regulation or modification of physiological conditions in man, animals or plants; or
 - (iii) the improvement of the welfare of animals or of the production conditions for animals reared for agricultural purposes;
- (c) the development, manufacture or testing of the quality, effectiveness and safety of drugs, foodstuffs and feed-stuffs or any other substances or products, with one of the aims mentioned in paragraph (b);
- (d) the protection of the natural environment in the interests of the health or welfare of man or animals;
- (e) research aimed at preserving the species of animal subjected to regulated procedures as part of the programme of work;
- (f) higher education or training for the acquisition, maintenance or improvement of vocational skills;
- (g) forensic inquiries.

(4) Schedule 2B (which requires the Secretary of State to verify that additional conditions are met before granting a project licence that would authorise the use of endangered animals, primates, cats, dogs or equidae) has effect.

(5) The Secretary of State must not grant a project licence that would authorise the application of regulated procedures to great apes.]

NOTES

Amendment

Sections 5, 5A–5G substituted, for s 5 as originally enacted, by SI 2012/3039, regs 2, 9(1).

Date in force: 1 January 2013; see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[5D Granting a project licence]

[(1) This section applies where a project licence is granted in relation to a programme of work.

(2) The project licence must—

- (a) specify the name of the person to whom the licence is granted; and

- (b) contain a statement that the person is responsible for the overall implementation of the programme of work and for ensuring that the programme is carried out in compliance with the conditions of the licence.
- (3) The project licence must specify the name of any person who at the time the project licence is granted holds a section 2C licence granted in respect of a place specified in the project licence.
- (4) The project licence must state how the Secretary of State classified the likely severity of each of the regulated procedures specified in the licence (see section 5B(3)(c)).
- (5) The project licence must state what determination the Secretary of State made as to whether and, if so, when the programme of work should be retrospectively assessed under section 5F (see section 5B(3)(h)).
- (6) The Secretary of State must publish a copy of the project summary that accompanied the application for the project licence.
- (7) But before doing so the Secretary of State must alter the copy so that—
- (a) it states what determination the Secretary of State made as to whether and when the programme of work should be retrospectively assessed under section 5F; and
 - (b) it includes such additional information as the Secretary of State thinks appropriate in order to assist a person who reads the summary.]

NOTES

Amendment

Sections 5, 5A-5G substituted, for s 5 as originally enacted, by SI 2012/3039, regs 2, 9(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[5E Duration of a project licence and further evaluation etc]

- [(1) Unless revoked and subject to the following provisions of this section, a project licence shall continue in force for such period as is specified in the licence and may be renewed for further periods but (without prejudice to the grant of a new licence in respect of the programme in question) no such licence shall be in force for more than five years in all.
- (2) A project licence shall terminate on the death of the holder unless a qualifying person notifies the Secretary of State of the death within seven days of becoming aware of it.
- (3) Where the Secretary of State receives a notification under subsection (2) the project licence shall, unless the Secretary of State otherwise directs, continue in force until the end of the period of 28 days beginning with the date of the notification.
- (4) For the purposes of subsection (2), a person is a “qualifying person” in relation to a project licence if—
- (a) the person is the holder of a section 2C licence granted in respect of a place specified in the project licence; or
 - (b) in a case where the project licence does not specify a place in respect of which there is a section 2C licence, the person is the holder of a personal licence who

was engaged on the programme in question.

(5) A project licence may not be varied or renewed unless the Secretary of State has carried out a further favourable evaluation of the relevant programme of work; and for this purpose section 5B applies with any necessary modifications.

(6) The Secretary of State must establish and publish conditions which he or she will take into account in determining whether to vary or renew a project licence.]

NOTES

Amendment

Sections 5, 5A-5G substituted, for s 5 as originally enacted, by SI 2012/3039, regs 2, 9(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[5F Retrospective assessment of programme of work]

[(1) This section applies where—

- (a) a project licence is granted in respect of a programme of work; and
- (b) the Secretary of State made a determination under section 5B(3)(h) that the programme of work should be retrospectively assessed under this section.

(2) At the time determined by the Secretary of State under section 5B(3)(h), the Secretary of State must assess the following matters—

- (a) whether the programme of work has been carried out;
- (b) whether the objectives of the programme of work have been achieved;
- (c) the amount of harm caused to animals by the carrying out of the programme of work (including the number of animals subjected to regulated procedures as part of the programme of work, the species of animals subjected to those procedures and the severity of those procedures); and
- (d) whether any lessons can be learnt from the programme of work which may contribute to the further implementation of the principles of replacement, reduction and refinement.

(3) Following the assessment the Secretary of State must—

- (a) alter the copy of the relevant project summary published under section 5D(6) so that it includes a report on the assessment; and
- (b) publish the copy as altered.

(4) The Secretary of State may by notice require the holder or former holder of the licence to provide the Secretary of State with specified information, or information of a specified kind, for the purpose of enabling the Secretary of State to assess the matters mentioned in subsection (2).

(5) Information required to be provided by a notice under subsection (4) must be provided within such period as may be specified.]

NOTES

Amendment

Sections 5, 5A-5G substituted, for s 5 as originally enacted, by SI 2012/3039, regs 2, 9(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[5G Documents to be kept by Secretary of State]

[(1) Where a person applies for a project licence the Secretary of State must keep the documents specified in subsection (2) at least until the end of the period of three years beginning immediately after—

- (a) the expiry of the project licence (if the application for the licence is successful); or
- (b) (if not) the period mentioned in section 5A(7), taking into account any extension of that period under section 5A(8).

(2) The documents referred to above are—

- (a) the application for the licence and the documents submitted in support of it;
- (b) documents setting out the results of the evaluation carried out under section 5B and of any evaluation carried out under section 5E(5);
- (c) the project licence itself, or the notice (served under section 12(1)(a)) of intention to refuse the application for the licence;
- (d) documents containing information provided for the purposes of any assessment under section 5F;
- (e) documents setting out the results of any such assessment (if completed before the end of the three-year period mentioned in subsection (1)); and
- (f) any other documents prepared or received by the Secretary of State in relation to the licence which the Secretary of State considers should be kept.

(3) If section 5F applies in relation to a project licence and the assessment under that section is not completed until after the end of the three-year period mentioned in subsection (1), the Secretary of State must keep the documents specified in subsection (2)(a), (b), (c), (d) and (f) until the assessment is completed.]

NOTES

Amendment

Sections 5, 5A-5G substituted, for s 5 as originally enacted, by SI 2012/3039, regs 2, 9(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

...

NOTES

Amendment

Repealed by SI 2012/3039, regs 2, 26(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

6 . . .

. . .

NOTES

Amendment

Repealed by SI 2012/3039, regs 2, 26(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

7 . . .

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NOTES

Amendment

Repealed by SI 2012/3039, regs 2, 26(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[Licences: general provisions]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 26(2).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

8 Fees

The holder of a [section 2C licence] shall pay such periodical fees to the Secretary of State as may be prescribed by or determined in accordance with an order made by him.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Words “section 2C licence” in square brackets substituted by SI 2012/3039, regs 2, 26(3).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Subordinate Legislation

Animals (Scientific Procedures) Act 1986 (Fees) Order 2024, SI 2024/362.

. . .

NOTES

Amendment

Repealed by SI 2012/3039, regs 2, 26(4).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional

provisions see reg 42, Sch 3 thereto.

9 Consultation

(1) Before granting a [section 2C licence or a project licence] 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 Committee for the Protection of Animals Used for Scientific Purposes] established by this Act.

[(1A) Before granting a personal licence under this Act the Secretary of State may consult one of those inspectors, an independent assessor or that Committee.]

(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.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (1): words “section 2C licence or a project licence” in square brackets substituted by SI 2012/3039, regs 2, 26(5)(a)(i).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (1): words “the Committee for the Protection of Animals Used for Scientific Purposes” in square brackets substituted by SI 2012/3039, regs 2, 26(5)(a)(ii).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (1A): inserted by SI 2012/3039, regs 2, 26(5)(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[10 Conditions]

[(1) Schedule 2C makes provision as to the conditions that must be included in a licence granted under this Act.

(2) A licence granted under this Act may include such other conditions as the Secretary of State thinks fit.

(3) Breach of a condition in a licence does not invalidate the licence; but as to the consequences of a breach, see section 11 (failure to comply with licence conditions etc).

(4) If a personal licence includes a condition permitting the holder to use assistants to perform, under the holder’s direction, tasks not requiring technical knowledge, nothing done by an assistant in accordance with the condition contravenes section 3.]

NOTES

Amendment

Substituted by SI 2012/3039, regs 2, 10(1).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional

provisions see reg 42, Sch 3 thereto.

[11 Failure to comply with licence conditions etc]

[(1) Subsections (2) to (5) apply where it appears to the Secretary of State that the holder of a licence under this Act is failing or has failed to comply with—

- (a) a condition of the licence, or
- (b) a provision of this Act.

(2) The Secretary of State may issue the holder of the licence with a notice (“a compliance notice”) which—

- (a) specifies the condition or provision that the Secretary of State considers the holder is failing or has failed to comply with;
- (b) specifies the action the Secretary of State considers should be taken by the holder to ensure that the failure is not continued or repeated;
- (c) specifies any action the Secretary of State considers should be taken by the holder to eliminate or reduce any consequences of the failure;
- (d) requires the holder to take that action within such time as is specified in the notice; and
- (e) explains the effect of subsection (3).

(3) If a compliance notice has been issued and it appears to the Secretary of State that the holder of the licence has failed to comply with it, the Secretary of State may revoke the licence (unless the compliance notice has been withdrawn, or the notice has been varied and the holder is in compliance with the notice as varied).

(4) If it appears to the Secretary of State that—

- (a) remedial action needs to be taken to safeguard the welfare of protected animals for the time being kept by or on behalf of the holder of the licence, and
- (b) the holder of the licence is not willing or able to take that action,

the Secretary of State may take that action (whether or not a compliance notice has already been issued).

(5) If the Secretary of State does not act under subsection (2) or (4) the Secretary of State may suspend, revoke or vary the licence.

(6) A licence under this Act may also be suspended, revoked or varied by the Secretary of State in any case in which it appears to the Secretary of State that it is appropriate to do so or at the request of the holder.

(7) A reference in this section to suspending a licence is a reference to suspending the operation of the licence either for a specified period or until further notice.]

NOTES

Amendment

Substituted by SI 2012/3039, regs 2, 11.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

12 Right to make representations

[(1) Where the Secretary of State proposes—

- (a) to refuse a licence under this Act;
- (b) to revoke or vary a licence under this Act otherwise than at the request of the holder; or
- (c) to suspend a licence, otherwise than at the request of the holder, under section 11,

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 . . . 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) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis;]
- (b) an advocate or solicitor in Scotland of at least [5] years' standing; or
- (c) a member of the Bar of Northern Ireland or [solicitor of the Court of Judicature of Northern Ireland] of at least [5] 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 [revoke, suspend or vary the licence], as the case may be.

[(6A) Where subsection (1)(c) applies and the suspension is for a specified period of twelve months or less, this section has effect as if—

- (a) in subsection (3), for the words “may make written representations and, if desired, oral representations to a person appointed for that purpose by the Secretary of State” there were substituted “may make written representations to the Secretary of State”; and
- (b) subsections (5) and (6) were omitted.]

(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.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (1): substituted by SI 2012/3039, regs 2, 12(1), (2).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (4): words omitted repealed by SI 2012/3039, regs 2, 12(1), (3).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (5): paras (a)–(c) substituted by the Courts and Legal Services Act 1990, s 71(2), Sch 10, para 66.

Sub-s (5): para (a) further substituted by the Tribunals, Courts and Enforcement Act 2007, s 50, Sch 10, Pt 1, para 18(1), (2).

Date in force: 21 July 2008: see SI 2008/1653, art 2(d); for transitional provisions see arts 3, 4 thereof.

Sub-s (5): in para (b) reference to “5” in square brackets substituted by the Tribunals, Courts and Enforcement Act 2007, s 50, Sch 10, Pt 1, para 18(1), (3).

Date in force: 21 July 2008: see SI 2008/1653, art 2(d); for transitional provisions see arts 3, 4 thereof.

Sub-s (5): in para (c) words “solicitor of the Court of Judicature of Northern Ireland” in square brackets substituted by the Constitutional Reform Act 2005, s 59(5), Sch 11, Pt 3, para 5.

Date in force: 1 October 2009: see SI 2009/1604, art 2(d).

Sub-s (5): in para (c) reference to “5” in square brackets substituted by the Tribunals, Courts and Enforcement Act 2007, s 50, Sch 10, Pt 1, para 18(1), (3).

Date in force: 21 July 2008: see SI 2008/1653, art 2(d); for transitional provisions see arts 3, 4 thereof.

Sub-s (6): words “revoke, suspend or vary the licence” in square brackets substituted by SI 2012/3039, regs 2, 12(1), (4).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (6A): inserted by SI 2012/3039, regs 2, 12(1), (5).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Subordinate Legislation

Animals (Scientific Procedures) (Procedure for Representations) Rules 1986, SI 1986/1911 (made under sub-s (7)).

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 . . . 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 . . . 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 . . . 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.

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

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (1): words omitted repealed by SI 2012/3039, regs 2, 26(6).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (2): words omitted repealed by SI 2012/3039, regs 2, 26(6).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[13A Duty to ensure welfare of animals not adversely affected by revocation or suspension]

[Where the Secretary of State revokes or suspends a licence under this Act, the Secretary of State must take steps to ensure that the revocation or suspension does not have an adverse effect on the welfare of the protected animals for the time being kept by or on behalf of the holder of the licence.]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 13.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2).

Additional controls

[14 Re-use of protected animals]

[(1) A protected animal that has been subjected to one or more regulated procedures must not be used for a further regulated procedure unless the Secretary of State has consented to such further use and the following conditions are met.

(2) The first condition is that—

- (a) the actual severity of the regulated procedure, or each of the regulated procedures, previously applied to the animal has been classified in accordance with conditions included in a project licence by virtue of paragraph 23 of Schedule 2C, and
- (b) in a case where more than one regulated procedure has previously been applied to the animal, the actual severity of no more than one of those procedures has been classified as “severe”.

(3) The second condition is that a veterinary surgeon with knowledge of the lifetime experience of the animal has advised that the animal’s general state of health and well-being has been fully restored following the application of the previous procedure or procedures.

(4) The third condition is that—

- (a) the further procedure is to be applied as part of a programme of work specified in a project licence; and
- (b) the likely severity of the further procedure was classified by the Secretary of State under section 5B(3)(c) as “non-recovery”, “mild” or “moderate”.

(5) For the purposes of subsection (1), the consent of the Secretary of State may relate to the specific animal concerned or may relate to animals used in specified procedures or specified circumstances.

(6) But in the case of an animal that has been subjected to a regulated procedure the actual severity of which has been classified as “severe”, the consent of the Secretary of State must relate to the specific animal concerned and the Secretary of State may give consent only if—

- (a) the Secretary of State has consulted a veterinary surgeon who has examined the animal about whether consent should be given; and
- (b) the Secretary of State is satisfied that there are exceptional circumstances that justify the animal being used for the further regulated procedure.

(7) For the purposes of this section, a series of regulated procedures applied to an animal for a particular purpose is to be treated as constituting a single regulated procedure.]

NOTES

Amendment

Substituted by SI 2012/3039, regs 2, 14.

Date in force (for certain purposes): 19 December 2012: see SI 2012/3039, reg 1(3)(a); for transitional provisions see reg 42, Sch 3 thereto.

Date in force (for remaining purposes): 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

15 Killing animals at conclusion of regulated procedures

- (1) Where a protected animal—
- (a) has been subjected to a series of regulated procedures for a particular purpose; and
 - (b) at the conclusion of the series is suffering or likely to suffer adverse effects [as a result of being subjected to the series],

the person who applied those procedures, or the last of them, shall [ensure that the animal is immediately killed in accordance with section 15A].

- (2) Subsection (1) above is without prejudice to any condition of a project licence requiring an animal to be killed at the conclusion of a regulated procedure in circumstances other than those mentioned in that subsection.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (1): in para (b) words “as a result of being subjected to the series” in square brackets inserted by SI 2012/3039, regs 2, 26(7)(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (1): words “ensure that the animal is immediately killed in accordance with section 15A” in square brackets substituted by SI 2012/3039, regs 2, 26(7)(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[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.]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 15.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

16 Prohibition of public displays

(1) No person shall carry out any regulated procedure as an exhibition to the general public or carry out any such procedure which is shown live on television for general reception.

(2) No person shall publish a notice or advertisement announcing the carrying out of any regulated procedure in a manner than would contravene subsection (1) above.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

[17 Neuromuscular blocking agents]

[(1) A person must not use a neuromuscular blocking agent in the course of a regulated procedure unless—

- (a) the person is expressly authorised to do so by the personal licence and the project licence under which the procedure is carried out; and
- (b) the agent is used in combination with such level of anaesthesia or analgesia as is determined in accordance with the project licence.

(2) The Secretary of State must not grant a project licence that authorises the use of a neuromuscular blocking agent unless 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 without the use of such an agent.]

NOTES

Amendment

Substituted by SI 2012/3039, regs 2, 17.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[17A Setting free and re-homing protected animals]

[(1) A person who holds a licence under this Act must not set free a relevant protected animal, or permit any person acting on their behalf to do so, unless—

- (a) the Secretary of State has consented to the setting free of the animal; or
- (b) the animal is set free during the course of a series of regulated procedures.

(2) A person who holds a licence under this Act must not re-home a relevant protected animal, or permit any person acting on their behalf to do so, unless the Secretary of State has consented to the re-homing of the animal.

(3) The Secretary of State must not consent to the setting free or re-homing of a relevant protected animal unless satisfied—

- (a) that the animal's state of health allows it to be set free or re-homed;
- (b) that the setting free or re-homing of the animal poses no danger to public health, animal health or the environment;
- (c) that there is an adequate scheme in place for ensuring the socialisation of the animal upon being set free or re-homed; and
- (d) that other appropriate measures have been taken to safeguard the animal's well-being upon being set free or re-homed.

(4) The Secretary of State must not consent to the setting free of a relevant protected animal which has been taken from the wild unless the Secretary of State is also satisfied that the animal has undergone a programme of rehabilitation or that it would be inappropriate for the animal to be required to undergo such a programme.

(5) For the purposes of this section—

- (a) "relevant protected animal" has the same meaning as in section 15A(11);
- (b) a reference to a person who holds a licence under this Act includes a reference to a person who held a licence under this Act which is no longer in force;
- (c) an animal is not to be treated as being "re-homed" if it is moved to live in a place which is for the time being specified in a section 2C licence.]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 18.

Date in force (for certain purposes): 19 December 2012: see SI 2012/3039, reg 1(3)(b).

Date in force (for remaining purposes): 1 January 2013: see SI 2012/3039, reg 1(2).

The inspectorate and the committee

18 Inspectors

(1) The Secretary of State shall, with the consent of the Treasury as to numbers and remuneration, appoint as inspectors for the purposes of this Act persons having such medical or veterinary qualifications as he thinks requisite.

(2) It shall be the duty of an inspector—

(a) to advise the Secretary of State on applications for [licences under this Act], on requests for their variation or revocation and on their periodical review;

[(b) to comply with any direction given by the Secretary of State under subsection (2A)].

[(2A) The Secretary of State may give a direction to an inspector which—

(a) specifies the holder of a licence under this Act;

(b) requires the inspector to visit the place specified in the licence, or in the case of a personal licence such places as the inspector considers appropriate, for the purpose of determining whether the holder is complying with the provisions of this Act and the conditions of the licence;

(c) requires the inspector to provide a report to the Secretary of State on the holder's compliance with those provisions and conditions; and

(d) in a case where the inspector considers that the holder has failed or is failing to comply with any of those provisions or conditions, requires the inspector to include within the report advice as to the action to be taken by the Secretary of State.

(2B) A direction under subsection (2A) may require visits carried out in pursuance of the direction to be carried out without notice to the holder of the licence concerned.

(2C) In determining the frequency with which a direction under subsection (2A) should be given in respect of the holder of a licence, the Secretary of State must take into account—

(a) the record of the holder in complying with the provisions of this Act and the conditions of the licence;

(b) any information suggesting that the holder has failed or is failing to comply with any of those provisions or conditions; and

(c) in the case of a holder of a section 2C licence—

(i) the number and the species of protected animals kept at the place specified in the licence; and

(ii) the number and the type of regulated procedures, if any, carried out at that place.

(2D) The Secretary of State must seek to ensure that during the course of any year—

- (a) a direction is given under subsection (2A) in respect of one third of the persons who hold section 2C licences that authorise the carrying on of an undertaking involving the applying of regulated procedures to protected animals;
- (b) a direction is given under subsection (2A) in respect of each person who holds a section 2C licence and keeps non-human primates at the place specified in the licence.

(2E) Any report provided to the Secretary of State by virtue of subsection (2A)(c) must be kept by the Secretary of State for a period of at least five years.]

(3) If an inspector considers that a protected animal is undergoing excessive suffering he may require it to be immediately killed [in accordance with section 15A].

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (2): in para (a) words “licences under this Act” in square brackets substituted by SI 2012/3039, regs 2, 19(1), (2)(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (2): para (b) substituted, for paras (b)–(e) as originally enacted, by SI 2012/3039, regs 2, 19(1), (2)(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-ss (2A)–(2E): inserted by SI 2012/3039, regs 2, 19(1), (3).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): words “in accordance with section 15A” in square brackets substituted by SI 2012/3039, regs 2, 26(8).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[19 The Committee for the Protection of Animals Used for Scientific Purposes]

[(1) There is to be a committee to be known as the Committee for the Protection of Animals Used for Scientific Purposes.

(2) The Committee is to consist of a chair and other members appointed by the Secretary of State.

(3) Members of the Committee are to be appointed for such periods as the Secretary of State may determine.

(4) A person may resign as a member of the Committee or as its chair by notice in writing to the Secretary of State.

(5) The Secretary of State may terminate the appointment of a member if satisfied that—

- (a) for a period of six months beginning not more than nine months previously the member has, without the consent of the other members, failed to attend the meetings of the Committee;
 - (b) the member is an undischarged bankrupt or has made an arrangement with his or her creditors;
 - (c) the member is for any reason incapable of acting as a member; or
 - (d) the member has been convicted of such a criminal offence, or the member's conduct has been such, that it is not in the Secretary of State's opinion fitting that the member should remain a member.
- (6) The Secretary of State may make payments to the chair by way of remuneration and may make payments to the chair and the other members in respect of expenses incurred by them in the performance of their duties.
- (7) The Secretary of State may also defray any other expenses of the Committee.]

NOTES

Amendment

Substituted by SI 2012/3039, regs 2, 20.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[20 Functions of the Committee]

[(1) The Committee must provide advice to the Secretary of State and the Animal Welfare and Ethical Review Bodies on such matters relating to the acquisition, breeding, accommodation, care and use of protected animals as the Committee may determine or as may be referred to the Committee by the Secretary of State.

(2) In its consideration of any matter the Committee shall have regard both to the legitimate requirements of science and industry and to the protection of animals against avoidable suffering and unnecessary use in scientific procedures.

(3) The Committee must take such steps as it considers appropriate to ensure the sharing of best practice in relation to the acquisition, breeding, accommodation, care and use of protected animals.

(4) . . .

(5) The Secretary of State may provide the Committee with such information as the Committee requests for the purpose of enabling the Committee to exercise its duties under this section.

(6) In this section—

“the Animal Welfare and Ethical Review Bodies” means the bodies established and maintained in pursuance of conditions included in section 2C licences by virtue of paragraph 6 of Schedule 2C;

. . .]

NOTES

Amendment

Substituted by SI 2012/3039, regs 2, 20.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (4): repealed by SI 2019/72, reg 2(1), (3)(a).

Date in force: this repeal has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)-(5)): see SI 2019/72, reg 1.

Sub-s (6): definition “the foreign committees” (omitted) repealed by SI 2019/72, reg 2(1), (3)(b).

Date in force: this repeal has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)-(5)): see SI 2019/72, reg 1.

Miscellaneous and supplementary

[20A Sharing of organs and tissues]

[The Secretary of State must take such steps as he or she considers appropriate to facilitate the establishment of programmes for the sharing of the organs and tissues of killed animals with persons who wish to use the organs and tissues for scientific purposes.]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 21.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[20B Alternative strategies]

[(1) The Secretary of State must support the development and validation of alternative strategies.

(2) In particular, the Secretary of State must—

(a) . . .

(b) . . .

(c) take such . . . steps as the Secretary of State considers appropriate to encourage research into alternative strategies;

(d) ensure the promotion of, and dissemination of information about, alternative strategies.

(3) The Secretary of State may make grants to any person concerned with the development, promotion or validation of alternative strategies.

(4) “Alternative strategies” means scientific methods and testing strategies which do not use protected animals, or which (compared to existing scientific methods and testing strategies) use fewer protected animals or reduce the pain, suffering, distress or lasting harm caused to protected animals.]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 22.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (2): paras (a), (b) repealed by SI 2019/72, reg 2(1), (4)(a).

Date in force: this repeal has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)–(5)): see SI 2019/72, reg 1.

Sub-s (2): in para (c) word omitted repealed by SI 2019/72, reg 2(1), (4)(b).

Date in force: this repeal has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)–(5)): see SI 2019/72, reg 1.

21 Guidance [and codes of practice]

(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 . . . under this Act and with respect to the conditions which he proposes to include in such licences . . .

(2) The Secretary of State shall issue codes of practice as to the care of protected animals and their use for regulated procedures and may approve such codes issued by other persons.

(3) The Secretary of State shall consult the [Committee for the Protection of Animals Used for Scientific Purposes] 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) . . .

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Section heading: words “and codes of practice” in square brackets substituted by SI 2012/3039, regs 2, 26(9)(a).

Date in force: 1 January 2015: see SI 2012/3039, reg 1(4); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (1): words omitted repealed by SI 2012/3039, regs 2, 26(9)(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): words “Committee for the Protection of Animals Used for Scientific Purposes” in square brackets substituted by SI 2012/3039, regs 2, 26(9)(c).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (7): repealed by SI 2012/3039, regs 2, 26(9)(d).

Date in force: 1 January 2015: see SI 2012/3039, reg 1(4); for transitional provisions see reg 42, Sch 3 thereto.

[21A Statistics and reporting]

[(1) In each year, beginning with the year 2015, the Secretary of State must by 10 November—

- (a) collect and publish statistical information on the use of protected animals in regulated procedures during the previous year;
- (b) lay that information before Parliament; . . .
- (c)

(2) The statistical information must include information—

- (a) on the actual severity of the regulated procedures, and
- (b) on the origin and the species of any primates used in regulated procedures.

(3) . . .

(4) . . .]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 23.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (1): para (c) and word omitted immediately preceding it repealed by SI 2019/72,

reg 2(1), (5)(a).

Date in force: this repeal has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)–(5)): see SI 2019/72, reg 1.

Sub-ss (3), (4): repealed by SI 2019/72, reg 2(1), (5)(a).

Date in force: this repeal has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)–(5)): see SI 2019/72, reg 1.

22 Penalties for contraventions

[(A1) Any person who carries on an undertaking involving the applying of regulated procedures to protected animals in contravention of section 2B 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 in England and Wales, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum or to both;
- (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or to both.]

(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—

- [(za) contravenes section 2B otherwise than by carrying on an undertaking involving the applying of regulated procedures to protected animals;
- (zb) fails to comply with a notice under section 5F(4);]
- (a) contravenes section . . . 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.

[(3A) Any person who contravenes section 15A or 17A above shall be guilty of an offence and liable on summary conviction—

- (a) in England and Wales, to imprisonment for a term not exceeding 51 weeks or to a fine not exceeding the fifth level on the standard scale or to both;
- (b) in Scotland or Northern Ireland, to imprisonment for a term not exceeding three months or to a fine not exceeding the fifth level on the standard scale or to both.]

(4) A person shall not be guilty of an offence under section 3 or [17] 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.

[(4A) A person who kills an animal in contravention of section 15A above shall not be guilty of an offence by virtue of subsection (3A) above if the person shows that he did not know and had no reason to believe that the animal was a relevant protected animal (within the meaning of section 15A).]

(5) A person guilty of an offence under [any of sections 4, 5, 6(1) and (2), 7 and 8 of the Animal Welfare Act 2006] . . . in respect of an animal at a [place specified in a section 2C licence] shall be liable to the penalties specified in subsection (1) above [(rather than any penalty by way of imprisonment or fine provided for in those Acts)].

[(5A) A person guilty of an offence under sections 28C or 28F(16) of the Animal Health Act 1981 (c 22), or sections 19 to 24, 25(7), 29 or 40(11) of the Animal Health and Welfare (Scotland) Act 2006 (asp 11), in respect of an animal at a [place specified in a section 2C licence] shall be liable to the penalties specified in subsection (1) above.]

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (A1): inserted by SI 2012/3039, regs 2, 24(1), (2).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see regs 24(6)(a), 42, Sch 3 thereto.

Sub-s (3): paras (za), (zb) inserted by SI 2012/3039, regs 2, 24(1), (3)(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): in para (a) words omitted repealed by SI 2012/3039, regs 2, 24(1), (3)(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): words “to imprisonment for a term not exceeding three months or” in italics repealed, in relation to England and Wales, by the Criminal Justice Act 2003, s 332, Sch 37, Pt 9.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Sub-s (3): words “or to both” in italics repealed, in relation to England and Wales, by the Criminal Justice Act 2003, s 332, Sch 37, Pt 9.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Sub-s (3A): inserted by SI 2012/3039, regs 2, 24(1), (4).
 Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see regs 24(6)(b), 42, Sch 3 thereto.

Sub-s (4): reference to “17” in square brackets substituted by SI 2012/3039, regs 2, 26(10)(a).
 Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (4A): inserted by SI 2012/3039, regs 2, 24(1), (5).
 Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (5): words “any of sections 4, 5, 6(1) and (2), 7 and 8 of the Animal Welfare Act 2006” in square brackets substituted by the Animal Welfare Act 2006, s 64, Sch 3, para 12(1)(a).
 Date in force (in relation to Wales): 27 March 2007: see SI 2007/1030, art 2(1)(j), (l).
 Date in force (in relation to England): 6 April 2007: see SI 2007/499, art 2(2)(l).

Sub-s (5): words omitted repealed by SSI 2006/536, art 2(1), Sch 1, para 11(1), (2).
 Date in force: 3 November 2006: see SSI 2006/536, art 1.

Sub-s (5): words “place specified in a section 2C licence” in square brackets substituted by SI 2012/3039, regs 2, 26(10)(b).
 Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (5): words “(rather than any penalty by way of imprisonment or fine provided for in those Acts)” in square brackets inserted by the Animal Welfare Act 2006, s 64, Sch 3, para 12(1)(b).
 Date in force (in relation to Wales): 27 March 2007: see SI 2007/1030, art 2(1)(j), (l).
 Date in force (in relation to England): 6 April 2007: see SI 2007/499, art 2(2)(l).

Sub-s (5A): inserted, in relation to Scotland, by SSI 2006/536, art 2(1), Sch 1, para 11(1), (3).
 Date in force: 3 November 2006: see SSI 2006/536, art 1.

Sub-s (5A): words “place specified in a section 2C licence” in square brackets substituted by SI 2012/3039, regs 2, 26(10)(c).
 Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

See Further

See further, in relation to summary offences no longer punishable with imprisonment: the Criminal Justice Act 2003, s 280(1), Sch 25, para 83.

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 . . . 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.*

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (1): words omitted repealed by SI 2012/3039, regs 2, 26(11).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (2): words “to imprisonment for a term not exceeding three months or” in italics repealed, in relation to England and Wales, by the Criminal Justice Act 2003, s 332, Sch 37, Pt 9.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

Sub-s (2): words “or to both” in italics repealed, in relation to England and Wales, by the Criminal Justice Act 2003, s 332, Sch 37, Pt 9.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

See Further

See further, in relation to summary offences no longer punishable with imprisonment: the Criminal Justice Act 2003, s 280(1), Sch 25, para 83.

24 Protection of confidential information

(1) A person is guilty of an offence if otherwise than for the purposes 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.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

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 [subsection (1)] 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 [place specified in a section 2C licence].

[(2A) If a justice of the peace or in Scotland a sheriff is satisfied by information on oath that—

- (a) the Secretary of State has power to take action under section 11(4) or is under a duty to take steps under section 13A, and
- (b) entry to a particular place is needed for that purpose,

the justice or sheriff may issue a warrant authorising specified officers of the Secretary of State to enter that place for that purpose, if need be using such force as is reasonably necessary to secure entry.

(2B) A warrant under subsection (2A) must require the specified officers to be accompanied by a constable and by an inspector appointed under this Act.]

(3) Any person who—

- (a) intentionally obstructs a constable or inspector in the exercise of his powers under this section; . . .

[(aa) intentionally obstructs a person specified in a warrant issued under subsection (2A) in the exercise of a power under section 11(4) or a duty under section 13A; 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.*

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (2): words “subsection (1)” in square brackets substituted by SI 2012/3039, regs 2, 25(1), (2).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (2): words “place specified in a section 2C licence” in square brackets substituted by SI 2012/3039, regs 2, 26(12).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-ss (2A), (2B): inserted by SI 2012/3039, regs 2, 25(1), (3).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): in para (a) word omitted repealed by SI 2012/3039, regs 2, 25(1), (4).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): para (aa) inserted by SI 2012/3039, regs 2, 25(1), (4).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (3): words “to imprisonment for a term not exceeding three months or” in italics repealed, in relation to England and Wales, by the Criminal Justice Act 2003, s 332, Sch 37, Pt 9.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).
Sub-s (3): words “or to both” in italics repealed, in relation to England and Wales, by the Criminal Justice Act 2003, s 332, Sch 37, Pt 9.

Date in force: to be appointed: see the Criminal Justice Act 2003, s 336(3).

See Further

See further, in relation to summary offences no longer punishable with imprisonment: the Criminal Justice Act 2003, s 280(1), Sch 25, para 83.

26 Prosecutions

(1) No proceedings for—

- (a) an offence under this Act; or
- (b) an offence under [any of sections 4, 5, 6(1) and (2) and 7 to 9 of the Animal Welfare Act 2006] which is alleged to have been committed in respect of an animal at a [place specified in a section 2C licence],

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 136 of the Criminal Procedure (Scotland) Act 1995], 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.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (1): in para (b) words “any of sections 4, 5, 6(1) and (2) and 7 to 9 of the Animal Welfare Act 2006” in square brackets substituted by the Animal Welfare Act 2006, s 64, Sch 3, para 12(2).

Date in force (in relation to Wales): 27 March 2007: see SI 2007/1030, art 2(1)(j), (l).

Date in force (in relation to England): 6 April 2007: see SI 2007/499, art 2(2)(l).

Sub-s (1): in para (b) words “place specified in a section 2C licence” in square brackets substituted by SI 2012/3039, regs 2, 26(13).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (4): words in square brackets substituted by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995, s 5, Sch 4, para 59.

Transfer of Functions

By virtue of the Scotland Act 1998, s 44(1)(c), the Lord Advocate ceased, on 20 May 1999 (see SI 1998/3178), to be a Minister of the Crown and became a member of the Scottish Executive. Accordingly, certain functions of the Lord Advocate are transferred to the Secretary of State (or as the case may be the Secretary of State for Scotland), or the Advocate General for Scotland: see the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999, SI 1999/678 and the Transfer of Functions (Lord Advocate and Advocate General for Scotland) Order 1999, SI 1999/679.

27 Repeal, consequential amendments and transitional provisions

(1) . . .

(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) . . .

(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.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (1): repeals the Cruelty to Animals Act 1876.

Sub-s (3): repealed in relation to England and Wales by SI 2018/486, reg 25, Sch 9, para 9 and relation to Scotland by SSI 2022/195, art 3, Sch 2, para 1.

Date in force (in relation to England and Wales): 1 October 2018: see SI 2018/486, reg 1(1)(b).

Date in force (in relation to Scotland): 8 June 2022: see SSI 2022/195, art 1(2).

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.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

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(4)] or advice under section 20(1) may be given to either of them.
 - (4) In . . . section 21 above—
 - (a) for the references to Parliament or either House of Parliament there shall be substituted references to [the Northern Ireland 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.
- [[4A] In section 21A(1) above for the reference to Parliament there shall be substituted a reference to the Northern Ireland Assembly.]
- [[5] In section 22(5) above for the reference to sections 4, 5, 6(1) and (2), 7 and 8 of the Animal Welfare Act 2006 there shall be substituted a reference to [sections 4, 5, 6(1) and (2), 7 and 8 of the Welfare of Animals Act (Northern Ireland) 2011].
- (5A) In section 26(1)(b) above for the reference to sections 4, 5, 6(1) and (2) and 7 to 9 of the Animal Welfare Act 2006 there shall be substituted a reference to [sections 4, 5, 6(1) and (2) and 7 to 9 of the Welfare of Animals Act (Northern Ireland) 2011].]
- [[6] In section 25 above for the references to information on oath there shall be substituted references 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.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see the Animals (Scientific Procedures) (1986 Act) (Commencement No 1) Order (Northern Ireland) 1986, SR 1986/364, art 2, Schedule.

Amendment

Sub-s (3): reference to "19(4)" in square brackets substituted by SI 2012/3039, regs 2, 26(15)(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (4): words omitted repealed by SI 2012/3039, regs 2, 26(15)(b)(i).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (4): in para (a) word "the Northern Ireland Assembly" in square brackets substituted by SI 2012/3039, regs 2, 26(15)(b)(ii).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-s (4A): inserted by SI 2012/3039, regs 2, 26(5)(c).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Sub-ss (5), (5A): substituted, for sub-s (5), by the Animal Welfare Act 2006, s 64, Sch 3, para 12(3).

Date in force (in relation to Wales): 27 March 2007: see SI 2007/1030, art 2(1)(j), (l).

Date in force (in relation to England): 6 April 2007: see SI 2007/499, art 2(2)(l).

Sub-s (5): words "sections 4, 5, 6(1) and (2), 7 and 8 of the Welfare of Animals Act (Northern Ireland) 2011" in square brackets substituted by the Welfare of Animals Act (Northern Ireland) 2011, s 57(1), Sch 4, para 3(a).

Date in force: 11 July 2011: see the Welfare of Animals (2011 Act) (Commencement and Transitional Provisions No 1) Order (Northern Ireland) 2011, SR 2011/245, art 2, Sch 1.

Sub-s (5A): words "sections 4, 5, 6(1) and (2) and 7 to 9 of the Welfare of Animals Act (Northern Ireland) 2011" in square brackets substituted by the Welfare of Animals Act (Northern Ireland) 2011, s 57(1), Sch 4, para 3(b).

Date in force: 11 July 2011: see the Welfare of Animals (2011 Act)

(Commencement and Transitional Provisions No 1) Order (Northern Ireland) 2011, SR 2011/245, art 2, Sch 1.

Sub-s (6): substituted by SI 2012/3039, regs 2, 26(5)(d).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Modification

The Northern Ireland Act 1998 makes new provision for the government of Northern Ireland for the purpose of implementing the Belfast Agreement (the agreement reached at multi-party talks on Northern Ireland and set out in Command Paper 3883). As a consequence of that Act, any reference in this section to the Parliament of Northern Ireland or the Assembly established under the Northern Ireland Assembly Act 1973, s 1, certain office-holders and Ministers, and any legislative act and certain financial dealings thereof, shall, for the period specified, be construed in accordance with Sch 12, paras 1–11 to the 1998 Act.

30 Short title, interpretation and commencement

(1) This Act may be cited as the Animals (Scientific Procedures) Act 1986.

(2) In this Act—

["the Animals Directive" means Directive 2010/63/EU of the European Parliament and of the Council on the protection of animals used for scientific purposes;]

...

"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;

["section 2C licence" means a licence granted under section 2C].

[(2A) Any reference in this Act to an Annex of the Animals Directive is a reference to the Annex as amended from time to time.]

(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.

NOTES

Initial Commencement

To be appointed

To be appointed: see sub-s (3) above.

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Sub-s (2): definition "the Animals Directive" inserted by SI 2012/3039, regs 2, 26(16)(a)(ii).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.
 Sub-s (2): definition “designated” (omitted) repealed by SI 2012/3039, regs 2, 26(16)(a)(i).
 Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.
 Sub-s (2): definition “section 2C licence” inserted by SI 2012/3039, regs 2, 26(16)(a)(ii).
 Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.
 Sub-s (2A): inserted by SI 2012/3039, regs 2, 26(16)(b).
 Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Subordinate Legislation

Animals (Scientific Procedures) Act (Commencement) Order 1986, SI 1986/2088 (made under sub-s (3)).
 Animals (Scientific Procedures) Act (Commencement No 2) Order 1989, SI 1989/2306 (made under sub-s (3)).

**SCHEDULE 1
 STANDARD METHODS OF HUMANE KILLING**

[Sections 2 and 15A]

NOTES

Amendment

Cross-reference: substituted by SI 2012/3039, regs 2, 26(17).
 Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[1

. . . The methods of humane killing listed in Tables A and B below are appropriate for the animals listed in the corresponding entries in those tables only if the process of killing is completed by one of the methods listed in sub-paragraphs (a) to (f) below:

- (a) confirmation of permanent cessation of the circulation
- (b) destruction of the brain
- (c) dislocation of the neck
- (d) exsanguination
- (e) confirming the onset of *rigor mortis*
- (f) instantaneous destruction of the body in a macerator.

2

. . .

[3

- (1) A requirement in Table A for prior use of a sedative or anaesthetic—

- (a) is subject to sub-paragraph (2); and
- (b) is not to be read as prohibiting the prior use of sedative or anaesthetic in any cases where it is not required by that Table.

(2) Nothing in this Schedule requires or permits the prior use of sedative or anaesthetic where the distress likely to be caused by administering it is greater than the distress likely to be caused by using the appropriate method of killing without sedative or anaesthetic.]

A	Methods for animals other than foetal, larval and embryonic forms	Animals for which appropriate
	1 Overdose of an anaesthetic using a route and an anaesthetic agent appropriate for the size and species of animal	All animals
	2 Exposure to carbon dioxide gas in a rising concentration	[Birds and Rodents up to 1.5 kg (but not neonatal rodents)]
	3 Dislocation of the neck [(with the prior use of a sedative or anaesthetic in the case of rodents and rabbits over 150 g and birds over 250 g)]	Rodents up to 500g Rabbits up to 1 kg [Birds up to 1 kg]
	4 Concussion of the brain by striking the cranium	Rodents and Rabbits up to 1kg Birds up to 250g Amphibians and reptiles (with destruction of the brain before the return of consciousness) up to 1 kg Fishes (with destruction of the brain before the return of consciousness)
	5 One of the recognised methods of slaughter set out below which is appropriate to the animal and is performed by a registered veterinary surgeon, or, in the case of the methods described in paragraph (ii) below, performed by [the holder of a certificate of competence or	Ungulates

licence granted under the Welfare of Animals at the Time of Killing (England) Regulations 2015 or the Welfare of Animals at the Time of Killing (Wales) Regulations 2014, or a certificate of competence granted under the Welfare of Animals at the Time of Killing (Scotland) Regulations 2012—

- (i) Destruction] of the brain by free bullet [using appropriate rifles, guns and ammunition], or
- (ii) captive bolt . . . or electrical stunning followed by destruction of the brain or exsanguination before return of consciousness

B	Methods for foetal, larval and embryonic forms	Animals for which appropriate
	1 Overdose of an anaesthetic using a route and anaesthetic agent appropriate for the size, stage of development and species of animal	All animals
	2 Refrigeration, or disruption of membranes, or maceration in apparatus approved under appropriate slaughter legislation, or exposure to carbon dioxide in near 100% concentration until they are dead	Birds, Reptiles
	3 Cooling of foetuses followed by immersion in cold tissue fixative	Mice, Rats and Rabbits
	4 Decapitation	Mammals and Birds up to 50g.]

NOTES

**Initial Commencement
To be appointed**

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Substituted by SI 1996/3278, art 2, Schedule.

Para 1: words omitted repealed by SI 2012/3039, regs 2, 16(1), (2).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Para 2: repealed by SI 2012/3039, regs 2, 16(1), (2).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Para 3: inserted by SI 2012/3039, regs 2, 16(1), (3).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Table A: in item 2 in column 2 words “Birds and Rodents up to 1.5 kg (but not neonatal rodents)” in square brackets substituted by SI 2012/3039, regs 2, 16(1), (4)(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Table A: in item 3 in column 1 words from “(with the prior” to “over 250 g)” in square brackets inserted by SI 2012/3039, regs 2, 16(1), (4)(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Table A: in item 3 in column 2 words “Birds up to 1 kg” in square brackets substituted by SI 2012/3039, regs 2, 16(1), (4)(c).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Table A: in item 5 in column 1 words from “or a certificate” to “Time of Killing (Wales) Regulations 2014” in square brackets inserted, in relation to Wales, by SI 2014/2124, reg 2(3).

Date in force: 5 September 2014: see SI 2014/2124, reg 1(c).

Table A: in item 5 in column 1 words from “the holder of” to “Welfare of Animals at the Time of Killing (Scotland) Regulations 2012— (i) Destruction” in square brackets substituted by SI 2015/1782, reg 43, Sch 6, para 3.

Date in force: 5 November 2015: see SI 2015/1782, reg 1(4).

Table A: in item 5 in column 1 in para (i) words “using appropriate rifles, guns and ammunition” in square brackets inserted by SI 2012/3039, regs 2, 16(1), (4)(d).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Table A: in item 5 in column 1 in para (ii) word omitted repealed by SI 2012/3039, regs 2, 16(1), (4)(d).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[SCHEDULE 2

ANIMALS THAT ARE “RELEVANT PROTECTED ANIMALS” FOR THE PURPOSES OF SECTION 2B]

NOTES

Amendment

Schedule heading: substituted by SI 2012/3039, regs 2, 26(18)(a).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[Section 2B]

NOTES

Amendment

Cross-reference: substituted by SI 2012/3039, regs 2, 26(18)(b).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[Any mouse of the species *Mus musculus*]

[Any rat of the species *Rattus norvegicus*]

Guinea-pig

[Any hamster of the species *Mesocricetus auratus* or *Cricetulus griseus*]

[Any rabbit of the species *Oryctolagus cuniculus*]

Dog

Cat

Primate

[Any bird of the species *Coturnix coturnix* (quail).]

[Ferret

[Any gerbil of the species *Meriones unguiculatus*]

Pig, if genetically modified

Sheep, if genetically modified]

[Any frog of the species *Xenopus laevis*, *Xenopus tropicalis*, *Rana temporaria* or *Rana pipiens*

Zebra fish]

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1990: see SI 1989/2306, art 2, Schedule.

Amendment

Entry "Any mouse of the species *Mus musculus*" substituted by SI 2012/3039, regs 2, 26(18)(c).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Entry "Any rat of the species *Rattus norvegicus*" substituted by SI 2012/3039, regs 2, 26(18)(d).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Entry "Any hamster of the species *Mesocricetus auratus* or *Cricetulus griseus*"

substituted by SI 2012/3039, regs 2, 26(18)(e).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Entry "Any rabbit of the species *Oryctolagus cuniculus*" substituted by SI 2012/3039, regs 2, 26(18)(f).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Entry "Any bird of the species *Coturnix coturnix* (quail)." inserted by SI 1993/2103, art 4.

Entries beginning "Ferret", "Gerbil", "Pig" and "Sheep" inserted by SI 1998/1674, art 2.

Date in force: 1 January 1999: see SI 1998/1674, art 1(2).

Entry "Any gerbil of the species *Meriones unguiculatus*" substituted by SI 2012/3039, regs 2, 26(18)(g).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Entries "Any frog of the species *Xenopus laevis*, *Xenopus tropicalis*, *Rana temporaria* or *Rana pipiens*" and "Zebra fish" inserted by SI 2012/3039, regs 2, 26(18)(h).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[SCHEDULE 2A ...]

NOTES

Amendment

Inserted by SI 1998/1974, reg 2, Schedule, para 6.

Date in force: 5 September 1998: see SI 1998/1974, reg 1.

Repealed by SI 2012/3039, regs 2, 26(19).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[. . .]

NOTES

Amendment

Inserted by SI 1998/1974, reg 2, Schedule, para 6.

Date in force: 5 September 1998: see SI 1998/1974, reg 1.

Repealed by SI 2012/3039, regs 2, 26(19).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[1]

NOTES

Amendment

Inserted by SI 1998/1974, reg 2, Schedule, para 6.

Date in force: 5 September 1998: see SI 1998/1974, reg 1.

Repealed by SI 2012/3039, regs 2, 26(19).

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[SCHEDULE 2B ADDITIONAL CONDITIONS FOR THE GRANT OF CERTAIN PROJECT LICENCES]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 9(2), Sch 1.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[Section 5C(4)]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 9(2), Sch 1.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[Project licences authorising the use of endangered primates

1

(1) A project licence that would authorise the application of regulated procedures to endangered primates must not be granted unless the Secretary of State has verified that the following conditions are met—

- (a) Condition 1 or 2; and
- (b) Condition 3.

(2) Condition 1 is that the programme of work to be specified in the licence is to be carried out—

- (a) for the purpose mentioned in paragraph (b)(i) or (c) of section 5C(3); and
- (b) for the purpose of the avoidance, prevention, diagnosis or treatment of debilitating or potentially life-threatening clinical conditions in man.

(3) Condition 2 is that the programme of work to be specified in the licence is to be carried out for the purpose mentioned in paragraph (e) of section 5C(3).

(4) Condition 3 is that there is scientific justification to the effect that the purpose of the programme of work to be specified in the licence cannot be achieved by the use of animals which—

- (a) are not primates; and
- (b) are not of a species listed in Annex A to the Council Regulation.

Project licences authorising the use of non-endangered primates

2

(1) A project licence that would authorise the application of regulated procedures to non-endangered primates must not be granted unless the Secretary of State has verified that the following conditions are met—

- (a) Condition 4 or 5; and
- (b) Condition 6.

(2) Condition 4 is that the programme of work to be specified in the licence is to be carried out—

- (a) for the purpose mentioned in paragraph (b)(i) or (c) of section 5C(3); and
- (b) for the purpose of the avoidance, prevention, diagnosis or treatment of debilitating or potentially life-threatening clinical conditions in man.

(3) Condition 5 is that the programme of work to be specified in the licence is to be carried out for the purpose mentioned in paragraph (a) or (e) of section 5C(3).

(4) Condition 6 is that there is scientific justification to the effect that the purpose of the programme of work to be specified in the licence cannot be achieved by the use of animals which are not primates.

Project licences authorising the use of endangered animals that are not primates

3

(1) A project licence that would authorise the application of regulated procedures to endangered animals other than primates must not be granted unless the Secretary of State has verified that conditions 7 and 8 are met.

(2) Condition 7 is that the programme of work to be specified in the licence is to be carried out for a purpose mentioned in paragraph (b)(i), (c) or (e) of section 5C(3).

(3) Condition 8 is that there is scientific justification to the effect the purpose of the programme of work to be specified in the licence cannot be achieved by the use of animals which are not of a species listed in Annex A to the Council Regulation.

Project licences authorising the use of cats, dogs and equidae

4

(1) A project licence that would authorise the application of regulated procedures to cats, dogs or equidae must not be granted unless the Secretary of State has verified that Condition 9 is met.

(2) Condition 9 is that the purpose of the programme of work to be specified in the licence can be achieved—

- (a) only by the use of cats, dogs or equidae; or
- (b) only by the use of cats, dogs, equidae and other animals which it is not practicable to obtain.

Interpretation

5

In this Schedule—

“the Council Regulation” means Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein;

“debilitating clinical condition” means a condition which causes a reduction in a

person's normal physical or psychological ability to function;

“endangered animal” means an animal of a species which—

- (a) is listed in Annex A to the Council Regulation; and
- (b) is not within the scope of Article 7(1) of that Regulation;

and “endangered primate” and “non-endangered primate” are to be construed accordingly.]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 9(2), Sch 1.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[SCHEDULE 2C CONDITIONS IN LICENCES]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 10(2), Sch 2.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[Section 10(1)]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 10(2), Sch 2.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[Part 1 Conditions in Section 2C Licences]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 10(2), Sch 2.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[1

A section 2C licence must include a condition requiring the holder to ensure that the activities carried on at the place specified in the licence are carried on in a manner that is consistent with the principles of replacement, reduction and refinement.

2

(1) A section 2C licence must include conditions requiring the holder to keep a register for the purposes of section 15A(1)(c) which—

- (a) contains the names of persons who are competent to kill protected animals; and

- (b) specifies in relation to each person named the description of animal that the person is competent to kill and the methods of killing that the person is competent to use to kill that description of animal.

(2) A section 2C licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring—

- (a) that a person is not registered in the register kept by the holder unless the person has been adequately educated and trained in the killing of animals;
- (b) that a person who is so registered is supervised when killing animals at the place specified in the licence until he or she has demonstrated the requisite competence;
- (c) that at all times the number of persons who are so registered and are present at the place specified in the licence is sufficient to enable any protected animal being kept at that place that needs to be killed to be killed expeditiously.

3

A section 2C licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that the Secretary of State—

- (a) is notified if any changes become necessary to the persons specified in the licence by virtue of subsection (5) of section 2C;
- (b) is notified of any changes falling within subsection (10) of that section.

4

(1) A section 2C licence must include such conditions as the Secretary of State considers appropriate for ensuring that the installations and equipment at the place specified in the licence are suitable for—

- (a) the species of protected animals kept at that place; and
- (b) the regulated procedures, if any, carried out at that place.

(2) For the purposes of sub-paragraph (1)(b), the installations and equipment at a place specified in a section 2C licence are suitable for the regulated procedures carried out at that place only if the design, construction and method of functioning of the installations and equipment enable the regulated procedures to be performed in a manner that—

- (a) provides reliable results;
- (b) uses the minimum number of animals; and
- (c) causes the minimum degree of pain, suffering, distress and lasting harm to the animals used.

(3) The conditions included in a licence by virtue of this paragraph must be such as to ensure that any applicable standard in Annex 3 of the Animals Directive concerning installations and equipment is met.

(4) For the purposes of sub-paragraph (3) a standard set out in Annex 3 of the Animals Directive is not to be treated as being an applicable standard if the Annex specifies a date from which the standard is to have effect and that date has not been reached.

5

A section 2C licence must include such conditions as the Secretary of State considers appropriate to ensure—

- (a) that sufficient staff are provided at the place specified in the licence to care for the protected animals kept at that place;
- (b) that the staff are adequately educated and trained before they perform any function relating to the care of those protected animals;
- (c) that the staff are supervised when performing any such function until they have demonstrated the requisite competence.

6

(1) A section 2C licence must include a condition requiring the holder to establish and maintain a body (to be known as an “Animal Welfare and Ethical Review Body”) which—

- (a) consists of the persons mentioned in sub-paragraph (2) and such other persons as are determined in accordance with the licence; and
- (b) carries out the tasks mentioned in paragraphs (a) to (e) of Article 27.1 of the Animals Directive and such other advisory and reviewing tasks as are specified in the licence.

(2) The persons referred to in sub-paragraph (1)(a) are—

- (a) the persons specified in the section 2C licence in pursuance of paragraphs (a) and (b) of section 2C(5); and
- (b) in a case where the section 2C licence authorises the holder to carry on an undertaking that involves the applying of regulated procedures to protected animals, a person with such scientific credentials as are specified in the licence.

(3) A section 2C licence must include a condition requiring the holder to ensure that whenever the Animal Welfare and Ethical Review Body established by the holder provides advice a record is made of the advice and of any decisions taken in response to the advice.

(4) A section 2C licence must include a condition requiring the holder to ensure that any such records are kept for a period of three years and are supplied to the Secretary of State upon request.

7

A section 2C licence which authorises the holder to carry on an undertaking which involves the activity mentioned in section 2B(2)(b) must include such conditions as the Secretary of State considers appropriate to ensure that primates are not bred at the place specified in the licence unless the holder of the licence has in place a strategy for increasing the proportion of primates bred from primates bred in captivity.

8

A section 2C licence must include conditions requiring the holder—

- (a) to maintain records of the information mentioned in paragraphs (a) to (g) of Article 30.1 of the Animals Directive;

- (b) to retain any such record for a period determined in accordance with the licence (being a period of at least five years); and
- (c) to make any such record that is being retained available to the Secretary of State upon request.

9

- (1) A section 2C licence must include conditions requiring the holder to ensure—
 - (a) that if a dog, cat or non-human primate is bred at the place specified in the licence an individual history file is established in relation to the animal as soon as is reasonably practicable after its birth;
 - (b) that if a dog, cat or non-human primate is transferred to the place specified in the licence an individual history file is established in relation to the animal as soon as is reasonably practicable after its transfer (unless the animal is transferred from a place specified in another section 2C licence and an individual history file previously established in relation to the animal is provided in accordance with conditions included in that other licence by virtue of paragraph (c));
 - (c) that if a dog, cat or non-human primate kept at the place specified in the licence is transferred to a place specified in another section 2C licence, the individual history file kept in relation to the animal is provided to the holder of that other licence;
 - (d) that if a dog, cat or non-human primate kept at the place specified in the licence is re-homed otherwise than at a place specified in another section 2C licence, the person with whom the animal is re-homed is provided with a copy of any veterinary and social information about the animal that is included in the individual history file kept in relation to the animal;
 - (e) that if a dog, cat or non-human primate kept at the place specified in the licence dies at that place, is set free from that place or is re-homed otherwise than at a place specified in another section 2C licence, the individual history file for the animal is kept for a period of three years following the death, setting free or re-homing;
 - (g) that where an individual history file is being kept by virtue of this paragraph, the information included within it is kept up to date;
 - (h) that where an individual history file is being kept by virtue of this paragraph, a copy of it is provided to the Secretary of State upon request.
- (2) An “individual history file” is a file kept in relation to a dog, cat or non-human primate which contains the following—
 - (a) particulars of the animal’s identity;
 - (b) particulars of the animal’s date and place of birth (if known);
 - (c) a statement as to whether the animal was bred for use in regulated procedures;
 - (d) any relevant reproductive, veterinary and social information about the animal;
 - (e) a record of the programmes of work, if any, which have involved the use of the animal in regulated procedures; and

- (f) in the case of a primate, a statement as to whether the animal is the offspring of primates bred in captivity.

10

- (1) A section 2C licence must include conditions requiring the holder to ensure—
 - (a) that before any unmarked dog, cat or non-human primate is weaned at the place specified in the licence the animal is provided with a permanent individual identification mark;
 - (b) that before any unmarked dog, cat or non-human primate that has not been weaned is transferred from the place specified in the licence to a place specified in another section 2C licence, the animal is provided with a permanent individual identification mark unless it would not be reasonably practicable to do so;
 - (c) that where an unmarked dog, cat or non-human primate that has not been weaned is transferred to the place specified in the licence from a place specified in another section 2C licence, a record of the animal's mother is kept until the animal is provided with a permanent individual identification mark;
 - (d) that where an unmarked dog, cat or non-human primate is taken into the place specified in the licence after being weaned it is provided as soon as is reasonably practicable with a permanent individual identification mark.
- (2) A section 2C licence must include a condition requiring the holder to ensure that where a dog, cat or primate at the place specified in the licence is provided with a permanent individual identification mark it is provided in the least painful manner possible.
- (3) A section 2C licence must include a condition requiring the holder to comply with any request made by the Secretary of State for an explanation of why any dog, cat or primate at the place specified in the licence has not been provided with a permanent individual identification mark.
- (4) In this paragraph references to an "unmarked" animal are to an animal that has not been provided with a permanent individual identification mark.

11

- (1) A section 2C licence must include such conditions relating to the general care and accommodation of protected animals kept at the place specified in the licence as the Secretary of State considers appropriate to ensure—
 - (a) that the environment, housing, freedom of movement, food, water and care provided for each such animal is appropriate for the animal's health and well-being;
 - (b) that the conditions under which any such animal is transported are appropriate for the animal's health and well-being;
 - (c) that any restrictions on the extent to which each such animal can satisfy its physiological and ethological needs are kept to the absolute minimum;
 - (d) that the environmental conditions in which such animals are kept are checked daily;
 - (e) that the well-being and state of health of such animals is monitored by a suitably

qualified person in order to prevent pain or avoidable suffering, distress or lasting harm; and

- (f) that arrangements are made to ensure that any defect discovered and any avoidable pain, suffering, distress or lasting harm discovered is eliminated as quickly as possible.

(2) The conditions included in a section 2C licence under sub-paragraph (1) must include conditions which ensure that at least the following standards are met—

- (a) any applicable standard concerning the care and accommodation of animals which is set out in Annex 3 of the Animals Directive;
- (b) any additional or higher standard concerning the care and accommodation of animals which is set out in any code of practice issued or approved under section 21 that was in force on 9 November 2010.

(3) For the purposes of sub-paragraph (2) a standard set out in Annex 3 of the Animals Directive is not to be treated as being an “applicable standard” if the Annex specifies a date from which the standard is to have effect and that date has not been reached.

(4) The conditions included in a section 2C licence by virtue of sub-paragraph (1)(a) and (2) do not have effect in so far as compliance with them would—

- (a) prevent the carrying out of a programme of work specified in a project licence; or
- (b) prevent the objectives of a programme of work specified in a project licence from being achieved.

(5) A section 2C licence may include other exemptions from the conditions included in it by virtue of sub-paragraph (1)(a) and (2) if the Secretary of State is satisfied that the exemptions are necessary for scientific, animal welfare or animal health reasons.

12

A section 2C licence must include conditions requiring the holder to give any necessary assistance to—

- (a) inspectors carrying out visits by virtue of section 18(2A)(b); . . .
- (b) . . .]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 10(2), Sch 2.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Para 12: sub-para (b) and word omitted immediately preceding it repealed by SI 2019/72, reg 2(1), (6)(a).

Date in force: this repeal has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)–(5)): see SI 2019/72, reg 1.

[Part 2 Conditions in Personal Licences]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 10(2), Sch 2.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[13

A personal licence must include a condition requiring the holder to act at all times in a manner that is consistent with the principles of replacement, reduction and refinement.

14

A personal licence must include—

- (a) a condition to the effect that the holder must not apply a regulated procedure to an animal if the procedure may cause the animal severe pain, suffering or distress that is likely to be long-lasting and cannot be ameliorated;
- (b) a condition to the effect that the holder must not apply a regulated procedure to an animal unless the holder has taken precautions to prevent or reduce to the minimum consistent with the purposes of the procedure any pain, suffering, distress or discomfort that may be caused to the animal;
- (c) a condition to the effect that where the holder is applying a regulated procedure to an animal the holder must ensure that any unnecessary pain, suffering, distress or lasting harm that is being caused to the animal is stopped;
- (d) a condition to the effect that where the holder is applying or has applied a regulated procedure which is causing the animal severe pain, suffering or distress the holder must take steps to ameliorate that pain, suffering or distress;
- (e) a condition requiring the holder to ensure that where the holder applies a regulated procedure death as the end-point of the procedure is avoided as far as possible and is replaced by an early and humane end-point;
- (f) a condition to the effect that where the holder is applying or has applied a regulated procedure to an animal and the animal is in severe pain, suffering or distress which is likely to be long-lasting and cannot be ameliorated, the holder must ensure that the animal is immediately killed in accordance with section 15A.

15

(1) A personal licence must include a condition to the effect that the holder may apply a regulated procedure without the use of general or local anaesthesia only if the holder is satisfied that—

- (a) the procedure will not inflict serious injuries capable of causing severe pain; and
- (b) the use of general or local anaesthesia would be more traumatic to the animal than the procedure itself or would frustrate the purposes of the procedure.

(2) A personal licence must include a condition to the effect that the holder must use analgesia or another appropriate method to ensure that the pain, suffering and distress caused by regulated procedures are kept to a minimum.

(3) A personal licence must include a condition to the effect that if the holder applies a regulated procedure to an animal with the use of general or local anaesthesia the holder must, unless it would frustrate the purpose of the procedure, use such analgesics or other pain-relieving methods as may be necessary to reduce any pain that the animal may experience once the anaesthesia wears off.

16

A personal licence must include conditions requiring the holder to give any necessary assistance to—

- (a) inspectors carrying out visits by virtue of section 18(2A)(b); . . .
- (b)]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 10(2), Sch 2.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

Para 16: sub-para (b) and word omitted immediately preceding it repealed by SI 2019/72, reg 2(1), (6)(b).

Date in force: this repeal has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)–(5)): see SI 2019/72, reg 1.

[Part 3 Conditions in Project Licences]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 10(2), Sch 2.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional provisions see reg 42, Sch 3 thereto.

[17

A project licence must include a condition requiring the holder to ensure that the specified programme of work does not involve the application of any regulated procedure to which there is a scientifically satisfactory alternative method or testing strategy not entailing the use of a protected animal.

18

(1) A project licence must include a condition requiring the holder to ensure that the regulated procedures applied as part of the specified programme of work are those which to the greatest extent meet the following requirements—

- (a) use the minimum number of animals;
- (b) involve animals with the lowest capacity to experience pain, suffering, distress or lasting harm;
- (c) cause the least pain, suffering, distress or lasting harm;
- (d) are most likely to provide satisfactory results.

(2) A project licence must include a condition requiring the holder to ensure that the regulated procedures applied as part of the specified programme of work are designed so as—

- (a) to result in the death of as few protected animals as possible; and
- (b) to reduce to the minimum possible the duration and intensity of suffering caused to those animals that die and, as far as possible, ensure a painless death.

19

A project licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that any person who applies regulated procedures as part of the specified programme of work does so under supervision until the person has demonstrated the requisite competence.

20

A project licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that a regulated procedure is not applied to an animal as part of a specified programme of work if the procedure may cause the animal severe pain, suffering or distress that is likely to be long-lasting and cannot be ameliorated.

21

A project licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that where a regulated procedure is being applied to an animal as part of the specified programme of work, any unnecessary pain, suffering, distress or lasting harm that is being caused to the animal is stopped.

22

A project licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that where a regulated procedure is applied to an animal as part of the specified programme of work—

- (a) death as the end point of the procedure is avoided as far as possible and is replaced by an early and humane end point;
- (b) as soon as the purpose of the procedure has been achieved, the procedure is stopped and appropriate action is taken to minimise the suffering of the animal.

23

(1) A project licence must include a condition requiring the holder to ensure that where a regulated procedure has been applied to an animal as part of the specified programme of work a suitably qualified person classifies the severity of the procedure as “non-recovery”, “mild”, “moderate” or “severe” using the criteria in Annex 8 of the Animals Directive.

(2) For the purposes of this paragraph, a series of regulated procedures applied to an animal for a particular purpose is to be treated as constituting a single regulated procedure.

24

(1) A project licence must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring that where a series of regulated procedures are

applied to an animal for a particular purpose the animal is killed at the end of the series unless a veterinary surgeon or other competent person has determined that the animal is not suffering and is not likely to suffer adverse effects.

(2) For the purposes of this paragraph a series of regulated procedures is to be treated as ending when no further observations are to be made for the purposes of the series.

25

(1) Subject to sub-paragraph (3), a project licence must include—

- (a) a condition to the effect that a stray animal of a domestic species must not be subjected to a regulated procedure as part of the specified programme of work;
- (b) a condition to the effect that a feral animal of a domestic species must not be subjected to a regulated procedure as part of the specified programme of work;
- (c) a condition to the effect that an animal taken from the wild must not be subjected to a regulated procedure as part of the specified programme of work;
- (d) a condition to the effect that a marmoset must not be subjected to a regulated procedure as part of the specified programme of work unless it is the offspring of marmosets bred in captivity or it has been obtained from a self-sustaining colony of marmosets;
- (e) a condition to the effect that an animal of a description specified in Schedule 2 must not be subjected to a regulated procedure as part of the specified programme of work unless it has been bred for use in regulated procedures.

(2) A project licence may include an exemption from the condition mentioned in sub-paragraph (1)(b) in relation to a particular domestic species (“the exempted species”); but such an exemption may be included only if the Secretary of State is satisfied that there is scientific justification to the effect that the purposes of the specified programme of work can be achieved only by the application of regulated procedures to feral animals of the exempted species and that the specified programme of work consists of a study which is essential—

- (a) to protect the health or welfare of animals of the exempted species; or
- (b) to avoid a serious threat to human or animal health or the environment.

(3) A project licence is not required to include a condition mentioned in sub-paragraph (1)(c), (d) or (e) if the Secretary of State is satisfied that there is scientific justification to the effect that compliance with the condition would prevent the purposes of the programme of work specified in the licence from being achieved.

(4) A project licence that permits the application of regulated procedures to animals taken from the wild must include such conditions as the Secretary of State considers appropriate for the purpose of ensuring—

- (a) that the animals taken from the wild are captured by a competent person using a method which does not cause the animal avoidable pain, suffering, distress or lasting harm;
- (b) that an animal taken from the wild which is found to be injured or in poor health is not subjected to a regulated procedure unless and until—

(i) it has been examined by a veterinary surgeon or other competent person; and

(ii) action has been taken to minimise the suffering of the animal.

(5) But a project licence that permits the application of regulated procedures to animals taken from the wild is not required to include conditions for the purpose of ensuring the matter mentioned in sub-paragraph (4)(b)(ii) if the Secretary of State is satisfied that there is scientific justification to the effect that compliance with any such conditions would prevent the purposes of the programme of work specified in the licence from being achieved.

(6) For the purposes of sub-paragraph (1)(d) a colony of animals is a “self-sustaining colony” if—

(a) the colony is kept in captivity in a way that ensures the animals are accustomed to humans;

(b) the colony consists only of animals that have been bred in captivity; and

(c) the colony is sustained only by animals being bred within the colony or animals being sourced from other colonies that meet paragraphs (a) and (b).

26

(1) A project licence must include such conditions as the Secretary of State considers appropriate to ensure that regulated procedures are not applied to an animal as part of the specified programme of work if the data to be obtained from the application of those procedures is already available . . . and has been obtained . . . by procedures which satisfy any relevant regulatory requirements . . .

(2) A project licence may include exemptions from the conditions included in it by virtue of sub-paragraph (1) if the Secretary of State considers the exemptions are justified for the protection of public health, safety or the environment.

27

A project licence must include conditions requiring the holder to give any necessary assistance to—

(a) inspectors carrying out visits by virtue of section 18(2A)(b); . . .

(b) . . .

28

A project licence must include a condition to the effect that if the holder becomes aware of a failure to comply with any of the other conditions of the licence the holder must—

(a) take appropriate steps to rectify the failure (if it is capable of being rectified); and

(b) keep a record of the steps taken.]

NOTES

Amendment

Inserted by SI 2012/3039, regs 2, 10(2), Sch 2.

Date in force: 1 January 2013: see SI 2012/3039, reg 1(2); for transitional

provisions see reg 42, Sch 3 thereto.

Para 26: in sub-para (1) words omitted repealed by SI 2019/72, reg 2(1), (6)(c).

Date in force: this repeal has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)-(5)): see SI 2019/72, reg 1.

Para 27: sub-para (b) and word omitted immediately preceding it repealed by SI 2019/72, reg 2(1), (6)(d).

Date in force: this repeal has effect from IP completion day (as defined in the European Union (Withdrawal Agreement) Act 2020, s 39(1)-(5)): see SI 2019/72, reg 1.

SCHEDULE 3 CONSEQUENTIAL AMENDMENTS

Section 27(2)

1

...

2

...

3

In paragraph 1 of Schedule 1 to the Protection of Animals (Anaesthetists) Act 1954 for the words “Any experiment duly authorised under the Cruelty to Animals Act 1876” there shall be substituted the words “Any procedure duly authorised under the Animals (Scientific Procedures) Act 1986”.

4

In section 12 of the Pests Act 1954 for the words “any experiment duly authorised under the Cruelty to Animals Act 1876” there shall be substituted the words “any procedure duly authorised under the Animals (Scientific Procedures) Act 1986”.

5

In section 19(4)(a) of the Veterinary Surgeons Act 1966 for the words “any experiment duly authorised under the Cruelty to Animals Act 1876” there shall be substituted the words “any procedure duly authorised under the Animals (Scientific Procedures) Act 1986”.

6

In section 1(2A)(b) of the Slaughter of Poultry Act 1967 for the words “an experiment in respect of which restrictions are imposed by the Cruelty to Animals Act 1876, being an experiment performed subject to any restrictions so imposed” there shall be substituted the words “a procedure duly authorised under the Animals (Scientific Procedures) Act 1986”.

7

...

8

In sections 1(2) and 15(a) of, and paragraph 1 of Schedule 1 to, the Welfare of Animals Act (Northern Ireland) 1972 for the words “the Cruelty to Animals Act 1876” there shall be substituted the words “the Animals (Scientific Procedures) Act 1986”.

9

...

10

In section 5(4) of the Dangerous and Wild Animals Act 1976 for the words “registered pursuant to the Cruelty to Animals Act 1876 for the purposes of performing experiments” there shall be substituted the words “which is a designated establishment within the meaning of the Animals (Scientific Procedures) Act 1986”.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

Amendment

Para 1: repealed by the Animal Welfare Act 2006, s 65, Sch 4.

Date in force (in relation to Wales): 27 March 2007: see SI 2007/1030, art 2(1)(m).

Date in force (in relation to England): 6 April 2007: see SI 2007/499, art 2(2)(m).

Para 2: repealed by SSI 2006/536, art 2(3), Sch 3.

Date in force: 3 November 2006: see SSI 2006/536, art 1.

Para 7: repealed in relation to England and Wales by the Animal Welfare Act 2006, s 65, Sch 4 and in relation to Scotland by SSI 2006/536, art 2(3), Sch 3.

Date in force (in relation to Scotland): 3 November 2006: see SSI 2006/536, art 1.

Date in force (in relation to Wales): 27 March 2007: see SI 2007/1030, art 2(1)(m).

Date in force (in relation to England): 6 April 2007: see SI 2007/499, art 2(2)(m).

Para 8: repealed by Welfare of Animals Act (Northern Ireland) 2011, s 57(2), Sch 5.

Date in force: to be appointed: see Welfare of Animals Act (Northern Ireland) 2011, s 59.

Para 9: repealed by the Protection of Badgers Act 1992, s 15(2), Schedule.

SCHEDULE 4 TRANSITIONAL PROVISIONS

Section 27(4)

Existing licences

1

Any licence which immediately before the coming into force of section 3 of this Act is in force under the Cruelty to Animals Act 1876 (in this Schedule referred to as “the previous Act”) shall until such date as it would have expired under that Act be treated for the purposes of this Act as if it were a personal licence.

Current experiments

2

(1) Subject to sub-paragraph (2) below, any experiment or series of experiments which is lawfully in progress under the previous Act immediately before the coming into force of section 3 of this Act shall be treated for the purposes of this Act as authorised by a project licence.

(2) The Secretary of State may direct that sub-paragraph (1) above shall cease to have effect on such date as he may specify; and different dates may be specified in relation to different cases.

Existing certificates

3

A person shall not by virtue of paragraphs 1 or 2 above be entitled to do anything which would have been unlawful under the previous Act without such a certificate as is mentioned in paragraph (2) or (3) of the proviso to section 3 of that Act or in section 5 of that Act unless immediately before the coming into force of section 3 of this Act he holds the appropriate certificate under that Act.

Registered premises

4

Until such date as the Secretary of State may direct there shall be treated as a designated scientific procedure establishment for the purposes of this Act any place registered under the previous Act or approved by the Secretary of State.

Inspectors

5

Any person who at the coming into force of section 18 of this Act holds office as an inspector under the previous Act shall be treated for the purposes of this Act as an inspector appointed under that section.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 30(3).

Appointment

Appointment: 1 January 1987: see SI 1986/2088, art 2, Schedule.

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The Bristol University animal researcher who drove around with a bomb

When the bomb exploded, a 13-month-old boy was injured - but police said it could have been much worse

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 The car was severely damaged in the explosion

It turned out unsuspecting Dr Max Headley drove around the city for two days with a sophisticated but faulty car bomb underneath his vehicle.

Little did he expect that [animal rights fanatics had placed an explosive on his car](#), as well as in the car belonging to a veterinary surgeon in Wiltshire.

Then, on Sunday, June 10, the bomb fell off and exploded as he was driving along Cotham Road, injuring a 13-month-old boy who was on the pavement.

LOADING

 **Archive image of a police cordon in Bristol following the 1990 animal rights bombing** (Image: Reach/ Bristol Post)

Dr Headley, a [Bristol University](#) animal researcher, was able to jump to safety from his car after the bomb exploded two or three feet away from the handbrake mounting, as the [Herald Scotland reports](#).

Police said they believed the bomb had been planted on his car on the Tuesday night or Wednesday morning, at the same time a bomb destroyed the car belonging to a veterinary surgeon in Wiltshire.

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Mrs Margaret Baskerville was also able to jump to safety when the device went off as she was driving off from her village home near Salisbury.

"Both vets were in charge of animal welfare at their institutes and neither were doing animal experiments," said David Morton in [the New Scientist](#), spokesman for the British Veterinary Association (BVA) on animal experiments and professor of bio medical ethics at the University of Bristol.

LOADING

Local historian and editor of the Post's Bristol Times section Eugene Byrne was around at the time of the bombing and remembers it well.

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He said: "At that time, Bristol was a major centre of animal rights activism.

"Lots of people here were hunt saboteurs and many were also opposed to the use of animals in medical research, and Bristol University was a major target for them.

"Shops in Bristol were also the target of crude firebombing attempts. One of the people behind this, Barry Horne, was later imprisoned, though there is no evidence he had anything to do with the 1990 bomb."

LOADING

James Cupper, the father of the injured boy

The box-like device was first spotted under the veterinary physiologist's car on the Wednesday morning by a neighbour who initially thought it was a car attachment.

Detective Superintendent Peter Beardon told reporters that Dr Headley drove his car in and around Bristol on Wednesday and Thursday that week.

Nevertheless, he did not use it again then until the Sunday morning, when the bomb exploded as he drove up Cotham Road towards Bristol University.

LOADING

DS Peter Beardon investigated the crime

Mr Beardon said: "If this bomb had gone off at 8.30am outside a city school we could have had an horrific incident. If it was intended to go off on Wednesday many, many people could have been injured."

The detectives gave details of the device as police carried out a reconstruction with a similar car near the doctor's home in Edgumbe Road, Redland, which is about a mile from the blast scene.

The bomb probably contained plastic explosive, a battery, a timer device and a tilt switch, said Mr Beardon.

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It was likely to have been attached by a heavy-duty magnet which could have been fitted in seconds, he continued. However, for some reason, a connection had not been made and the device failed to go off initially.

Police later found an imprint of a container on the road surface near the car. "It is probably because the box fell off that his life was saved, probably going off two to three feet behind him," he added.

It was a sophisticated device and showed the lengths that people, who claimed to be interested in animals, were prepared to go to kill, said Mr Beardon.

LOADING

The detective showed reporters a large blue metal cash box and said security guard Jason Fleetwood, a near neighbour of the doctor, had identified it as being similar to the device he had seen under the car.

He told the police of his suspicions on Saturday, but they failed to speak to Dr Headley and did not know he was an animal researcher.

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At the time, detectives admitted that they blundered in failing to follow up Mr Fleetwood's information more fully and promptly.

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The then deputy chief constable for [Avon and Somerset Police](#) John Harland said he had apologised personally to Dr Headley and to Mr Jim Cupper and his wife Sarah, whose son John was hit by flying shrapnel.

At the time, animal rights groups including the RSPCA condemned the two recent attacks and urged people "to help us catch the fanatics who are discrediting our hard work".

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Animal welfare

🕒 This article is more than 10 years old

Animal rights campaigner convicted of Huntingdon Life Sciences conspiracy

Debbie Vincent says she has been made a scapegoat and criticises the Metropolitan police's use of an undercover officer

Steven Morris

Fri 28 Mar 2014 19.43 GMT

An animal rights campaigner convicted of taking part in a conspiracy to blackmail the research company [Huntingdon Life Sciences](#) (HLS) told the Guardian she is a "scapegoat" targeted because detectives cannot catch the "real culprits" who have terrorised the company and its suppliers.

Debbie Vincent, who faces up to 14 years in prison when she is sentenced next month, insisted she is a lawful and peaceful campaigner who had been found guilty of "nebulous" charges that are increasingly being used to clamp down on legitimate protest against vivisection.

In her only interview since her conviction, Vincent also criticised the way the Metropolitan police counter-terrorism command, SO15, planted an undercover police officer in meetings she had with healthcare company Novartis over its relationship with Cambridgeshire-based HLS.

Vincent freely admits she carried out work for Stop Huntingdon Animal Cruelty (Shac), which has long fought to close down the HLS animal testing laboratories. But she maintains she had never taken part in acts of terror. She said: "I have been persecuted by the police. I am a public, lawful campaigner. I am being scapegoated because the police have not been able to catch or identify many of the real culprits."

During her trial at Winchester crown court the prosecution gave a string of examples of crimes carried out against HLS suppliers and customers on continental Europe, ranging from sending incendiary devices to falsely accusing staff of being paedophiles and even digging up the urn of the mother of a senior executive at Novartis. It claimed one of Shac's main tactics was to publish the names of possible targets, laying them open to illegal acts of intimidation and violence by extremists.

The prosecution accepted that Vincent, 52, had not herself committed direct action offences, but the jury clearly believed she was part of a wider conspiracy that enabled crimes to take place. Vincent denied the suggestion that she was a leader of Shac, arguing her work there was just part of her campaigning. For years she has travelled around the UK taking part in demonstrations and helping out at animal rescue shelters and other charities. Vincent said: "I do strongly believe that all I did was be involved in lawful campaigning against HLS."

She said the use of conspiracy laws was having a "chilling effect" on campaigning. It meant, she claimed, that legitimate protesters could be convicted just because they had links to those who carried out attacks.

She said: "A conspiracy is nebulous and hard to grasp. The issues go further than me and could affect countless campaigners and protesters across the UK."

Vincent, who is based in Bristol, is angry at what she sees as a smear campaign by rightwing media, who she believes used her sexuality against her.

The Daily Mail and Telegraph made much of the angle that Vincent left the army after military police found women's clothing among the young soldier's belongings and has undergone gender reassignment. In its headline, the Mail branded Vincent the "Sex-change soldier who became an animal rights terror commander". The Telegraph dubbed Vincent in its headline: "The boy who grew up to be a woman of terror."

But the depictions of Vincent in the court and in the media do not tally with the woman who emerges in dozens of letters from people who have provided references to her legal team. Farmers, vets, bosses of animal shelters and leaders of community projects spoke of a gentle, peaceful woman who was kind to both animals and humans. One read: "I have never known her act without honesty or integrity and believe her motive for all she does are in the interest of justice and the greater good."

The Met called Vincent's conviction a "significant milestone in a long-running, proactive investigation into criminal activity across Europe".

It said that the investigation, which was led by SO15, established that Vincent had acted as a representative of Shac and had been involved in blackmail campaigns. Vincent will be sentenced on 17 April.

Drug giant Novartis welcomed the verdict against Vincent. It said: "Novartis will continue to work closely with law enforcement agencies and the courts to support investigations and help tackle animal rights extremism. To ensure the safety of our associates Novartis acted with the direction and support of the Metropolitan police throughout the investigation."

But Vincent told the Guardian: "In some ways I'm really not surprised I was found guilty as I don't believe anyone can get justice when faced with a political conspiracy charge and the huge resources of the state and multinationals against me. I will always have hope and will continue to try to make the world a better place to all."

A Met spokesperson said: "We secured a conviction in a major blackmail case following evidence given by an undercover officer at court. Debbie Vincent was part of a group of animal rights extremists with a track record for using violence, harassment and intimidation to prevent companies from going about their legitimate business.

"During her trial the deployment of an undercover officer during this investigation was disclosed in court and the officer concerned gave evidence during the trial. The deployment was appropriately authorised and managed by senior officers. This case demonstrates the value of undercover policing and the way we operate within legislation to provide evidence in court."

🕒 This article is more than **18 years old**

Jail for animal rights extremists who stole body of elderly woman from her grave

- Gang's campaign of terror against guinea pig farm
- Threats to kill owner's friends and employees

Steven Morris, David Ward and Riazat Butt

Fri 12 May 2006 00.04 BST

Three animal rights extremists involved in the theft of the body of an elderly woman from her grave were yesterday jailed for 12 years each in what is seen by police and prosecutors as a groundbreaking case.

The militants, including a vicar's son and a psychiatric nurse, led what they called a "holocaust" against a farm which bred guinea pigs for medical research. Jon Ablewhite, John Smith and Kerry Whitburn pursued a six-year hate campaign against Darley Oaks farm in Newchurch, Staffordshire. Whitburn's girlfriend, Josephine Mayo, was sentenced to four years for a lesser part in the campaign.

Almost 100 people connected to the farm were targeted. Explosive devices were sent to some, mail threatening to kill and maim to others. There were attacks on homes, cars and businesses. The relentless campaign culminated in the theft of the body of Gladys Hammond, a close relative of the Hall family who ran the farm, from her grave in October 2004.

For months, activists taunted the Halls, telling them the body would be returned if they closed the farm. The body was found only last week in woodland after Smith told the authorities where it was.

Sentencing the men, Judge Michael Pert described them as wicked and a danger to society. He said: "You assumed the right to dictate which lawful activities you would permit and which you would not. You sought to enforce your views not by lawful protest but by subjecting wholly innocent citizens to a campaign of terror."

Police welcomed the sentence. Detective Chief Inspector Nick Baker, who led the inquiry, said: "I hope the sentence sends a strong message to those tempted to engage in such extremism. Your cowardly tactics will not be tolerated. You will be caught and prosecuted to the full extent of the law."

The four pleaded guilty to conspiracy to blackmail - the first time such a charge has been used successfully against animal rights extremists.

At yesterday's sentencing hearing, Anthony Glass QC, prosecuting, described a "prolonged and vicious attack" against the Hall family, their relatives, friends and contacts. It began in 1999, when members of the protest group Save the Newchurch Guinea Pigs began to turn up at the Halls' farm with placards comparing their operation to a Nazi concentration camp. In September 1999, more than 600 guinea pigs were "liberated" in a raid.

The activists conducted painstaking research - helped by a mole at the DVLA - to trace anyone connected with the family and terrorise them. They threatened a cleaner who worked for them, leaving fake explosive devices outside her home and throwing paint bombs through her windows. They wrote threatening to attack her unless she stopped working for the Halls. "We're tooled up and ready, are you?" they wrote in one letter. The extremists left a doll with a knife in its chest and pins in its head outside the house of a farm labourer and spelled out his name in shotgun cartridges. Some of the hate mail was signed the Animal Liberation Front, others the Animal Rights Militia.

The extremists turned their attention to a business that collected milk from the Halls' dairy herd and, after searching the bins of one of its executives, found he had an embarrassing medical condition and published details on a website.

The fanatics threatened a family firm that supplied the Halls, and vowed to go after other members of the female darts team to which one of the bosses belonged.

But the most outrageous incident was stealing Mrs Hammond's body from the churchyard at Yoxall, Staffordshire, in October 2004. The activists wrote to the Halls telling them they could get the body back if they shut the farm. "This is a serious offer," they wrote. The blackmailers ensured the Halls knew they had the body by mentioning a toy left in the coffin.

In March 2005, Staffordshire police appeared on the BBC's Crimewatch programme asking the authors of anonymous letters sent to the Halls to prove they had the body. As soon as the programme ended, Smith drove Ablewhite and Whitburn to Brakenhurst Wood, close to Darley Oaks farm. Police were tailing them. They stopped them early in the morning and found a collapsible spade, head torch, balaclava and camouflage clothing in the car. On a mobile phone at Smith's home, they found a text message sent that morning. It read: "Flies hoverin [sic], cld be a while".

Police raided the homes of Ablewhite, 36, Smith, 39, Whitburn, 36, and Mayo, 38, in the West Midlands and Manchester. They found mobile phone and computer records which proved their part in the campaign.

Darley Oaks farm was forced to shut in January. Christopher Hall, one of the principal owners, said his family had felt "under siege" for years.

Mrs Hammond's daughter, Janet Palmer, told the court the theft of her mother's body was a "gruesome and alien thing to do", an act of "terrorism".

Gang members

Jon Ablewhite

Age: 36

12 years' jail

Son of a vicar. Studied social history and English at university. Worked with people with disabilities and as a peace activist. Won the title of "supply teacher of the year". Previously jailed for attack on the house of a brother of the MD of Huntingdon Life Sciences.

John Smith

Age: 39

2 years' jail

Born in London. After leaving school went to work for an animal shelter and got involved in the animal rights movement. Living in Hastings when the campaign began and moved to Wolverhampton to join in. Previous convictions for assault and criminal damage.

Kerry Whitburn

Age: 36

12 years' jail

Had a troubled upbringing and was bullied as a youngster. Left school aged 16 and became a petty criminal before qualifying as a psychiatric nurse. Previous convictions connected to his activism include harassment, criminal damage and public order offences.

Josephine Mayo

Age: 38

Four years' jail

Her defence argued she was a fringe player. But she admitted buying petrol which was used in an explosive device planted outside the house of a relative of the Halls. A shop worker and Whitburn's girlfriend. No previous convictions.



Home Office

Official - Sensitive

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Via e-mail: icocasework@ico.org.uk

18 January 2023

Your ref: IC-177442-Q4D0
Our ref: 69559

Dear Helen,

Freedom of Information Act 2000 -

Thank you for your email and letter of 13 December 2022 concerning a complaint the Information Commissioner has received regarding the Home Office's handling of a Freedom of Information request by

By way of background, on 24 March 2022, following earlier correspondence, [REDACTED] made the following request for information under FOIA:

- *"1. I would like to query the response to my question 2 that the Home Office does not hold information as to the classification of Establishments. [...]"*
- **2. Per my question 3 please can I request a list of licenced establishments under ASPA 1986 that are public authorities for the purpose of FOIA 2000 i.e. include government departments, local authorities, the NHS, state schools, Universities and police forces.**
- *3. For questions 2-3 please can you state the date that the information was prepared at".*

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The Home Office responded providing some of the information in scope of the request, citing s.38(1) (Health and Safety) in respect of the information in scope for Part 2 of the request.

At Internal Review, the Home Office reviewed the handling of Part 2, and provided clarification to [redacted] that s.38(1)(a) and (b) applied to the information in scope.

You have now stated that [redacted] wishes to challenge the application of s.38(1)(a) and (b) to withhold the information, namely the list of Animals (Scientific Procedures) Act 1986 (ASPA) licenced establishments.

As requested, the withheld information is attached. This list, or any part of it, must not be shared outside the ICO or reproduced in any subsequent Decision Notice.

You have asked specific questions, I will answer them in turn.

Section 38 – Health and Safety

- 1. Please explain why disclosure of that information would endanger, or be likely to endanger, the physical or mental health of any individual or would or would be likely to endanger the safety of any individual?***

Please ensure that you provide evidence which demonstrates a clear link between disclosure of the information that has actually been requested and any endangerment to an individual which may occur?

ICO guidance sets out that the focus of s.38 of the FOI Act is for information that might pose a risk, if disclosed, and provides the following example: “*sites of controversial scientific research where disclosure could lead to sabotage and therefore there would be risks to the physical safety of staff*”¹. The ICO’s guidance example is identical to the case at hand.

Through the Home Office releasing the requested information it will identify establishments as being licensed under the Animals (Scientific Procedures) Act 1986 (ASPA) and therefore as organisations that carry out scientific procedures on animals or breed animals for that purpose. Scientific work involving animals is highly controversial and staff working at sites using animals have been and continue to be targeted for abuse and intimidation. Release of this information *is likely* to present a very real risk to the health & safety of individuals working at these establishments.

It should be noted that individual organisations may or may not choose to voluntarily publish information on their work. However, the Home Office must maintain an appropriate and consistent position as to not identify whether establishments are licensed under ASPA. Establishments have an expectation that their information will not be shared by the Home Office.

The public identification of licensed establishments has led to targeting by extremists prepared to break the law, intimidate, abuse and cause criminal damage. There is a real

¹ <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/section-38-health-and-safety/>

Official - Sensitive

evidenced risk to the physical and mental health and safety of individuals associated with licensed establishments.

The risk to health and safety is evidenced in a recent and ongoing example of an organisation licensed under ASPA having to seek police protection and a court injunction due to the threat to the safety of their staff. Individual workers at the site have been followed and targeted for intimidation and abuse, including at their own homes.

Between July 2021 and July 2022, 43 individuals have been arrested for 50 offences. The most common reasons for arrests are harassment, intimidation of persons connected with animal research organisation, obstruction of highway, criminal damage, assault on police and common assault. This activity has continued and in December 2022 a break in at a site resulted in the theft of animals and multiple arrests (14) by police.

There is clear evidence that organisations and individuals involved in animal research have been targeted and their health and safety put at risk.

We draw the Commissioner's attention to a previous Decision Notice on the same issue - FS50082472. [Freedom of Information Act 2000 \(Section 50\) \(ico.org.uk\)](https://ico.org.uk). The Home Office was asked for details of the establishments in Scotland that were designated as places where licensed scientific procedures using animals were conducted. The Home Office withheld the information under s.38(1)(a) and (b), as well as s.40 as some names were involved in that case. Similar arguments were provided to the Information Commissioner who agreed s.38 was engaged and upheld the Home Office's position.

2. Please confirm which threshold of likelihood the Home Office is relying on in this case, i.e. the lower threshold that disclosure 'would be likely' to have a prejudicial effect or the higher threshold that disclosure 'would' have a prejudicial effect?

The disclosure 'would be likely' to have a prejudicial effect – there is a real risk to health and safety from the release of this information, as evidenced by the examples cited above.

Public interest test

3. What public interest arguments in favour of disclosing the information were taken into account?

The Home Office always works with a presumption to openness and transparency and recognises that there is significant public interest in enabling access to information about the use of animals in science. There is also specific public interest in enabling access to information about establishments licensed under ASPA. The Home Office provides transparency about the implementation of ASPA in Great Britain through publishing detailed annual statistics, annual reports detailing the regulation of the use of animals in science including compliance cases, as well as non-technical summaries of all programmes of work carried out under ASPA².

² <https://www.gov.uk/government/collections/animals-in-science-regulation-unit>

4. What public interest arguments in favour of maintaining the exemption were taken into account?

The disclosure of the list of licensed establishments under ASPA is likely to endanger the health or safety of individuals. This is because there is a risk of harm to individuals associated with those organisations licensed under ASPA when information relating to the topic of this request, which is an emotive issue, is put in the public domain.

There is a very great public interest in not exposing individuals, specifically members of staff working at these organisations, who are going about their lawful jobs, to threats of intimidation and physical violence.

There is a further public interest in ensuring that the work carried out at these institutions can be conducted effectively. By exposing individuals working in this area to greater risk it is likely that fewer people will be prepared to work in this field and this important work will not be conducted. This would be detrimental to the public interest.

5. Please explain why you consider that on balance the public interest in maintaining the exemption outweighs that in disclosing the withheld information?

Please include details of any particular weighting exercise that has been carried out. Please ensure that your submissions focus on the content of the information that has actually been withheld rather than simply being generic public interest arguments.

The disclosure of these establishments presents a very real risk of harm to individuals involved with these establishments, including their families. We believe there is therefore a very clear public interest in protecting against this risk and withholding this information.

As noted by the Commissioner in Decision Notice FS50082472 “the Commissioner believes that the increased likelihood of risk to the health and safety of any individual is, of itself, a powerful public interest argument against disclosure. There is evidence that individuals working in animal research face a real risk to their health and safety. It is therefore difficult to envisage public interest arguments so strong that they would justify the disclosure of information whose release would, or would be likely, to endanger any individual.”

We believe the public interest test in this case falls clearly in favour of withholding the information.

I hope this answers all your questions. Should you wish to discuss or need anything else please do not hesitate to contact me.

Yours sincerely,


Information Rights Manager

1. Videos posted on 24 May 2024:
<https://www.facebook.com/campbeagleofficial/videos/2239169753101059>: 30 minutes long, Shows a protestor destroying a banner on gate saying 'thriving dogs bred here for human and animal health'.

<https://www.facebook.com/campbeagleofficial/videos/1350901809201953->: Protestor being spoken to by police.
2. Videos posted on 25 May 2024:
<https://www.facebook.com/jamie.cooke.792/videos/976019590407760/?idornity=335868216113110>: Shows speech by individual previously arrested and discussing HC injunction.

https://www.facebook.com/watch/live/?ref=watch_permalink&v=422747797354394: Road closed with estimated 350 protesters.

<https://www.facebook.com/thecampbeagleUK/videos/1025660369119279>: Police presence required at protest
3. Videos posted on 8 June 2024:
<https://www.facebook.com/campbeagleofficial/videos/1116866746053545> and
https://www.facebook.com/watch/live/?ref=watch_permalink&v=474576135146247 and
https://www.facebook.com/watch/live/?ref=watch_permalink&v=1947903085627313 and
<https://www.facebook.com/events/986424196214599/?ref=newsfeed>.

UNOFFENSIVE ANIMAL

Defend Direct Action



AUGUST 3, 2022 BY **UNOFFENSIVEADMIN**

ACTIVISTS SMASH WINDOWS AT LAB ANIMAL TRANSPORTER IMPEX'S MAIN DEPOT.

25th July, Thrapston UK.

Impex, a known transport company for laboratory animals around Europe, was visited

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Free The MBR Beagles originally found the scene during a morning demo the day after:

“Public’s anger at Impex in the not so Cosy Nook Activists arriving at Impex, Couriers of Cruelty, were met with a real sight for sore eyes this morning.

Windows have been smashed and daubed with paint in an act of defiance.

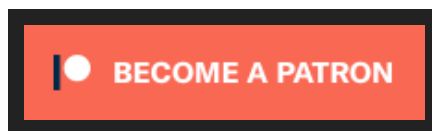
The secret’s out Russell, everyone knows what you get up to now and it seems that decent people just aren’t prepared to put up with it.”

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 **HIT REPORT**

One Reply to “ACTIVISTS SMASH WINDOWS AT LAB ANIMAL
TRANSPORTER IMPEX’S MAIN DEPOT.”



B. F. Burger

AUGUST 15, 2022 AT 11:51 AM

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UNOFFENSIVE ANIMAL

Defend Direct Action



JANUARY 28, 2022 BY UNOFFENSIVEADMIN

ANIMAL COURIER IMPEX OWNER CONFRONTED AT HOME

18th January, Thrapston UK.

Received anonymously via email:

“Whilst a demo was being held on Tuesday 18th January at Impex Services International
We now accept Bitcoin and Monero as donation methods! Please visit
"Support Us" page to find out how.

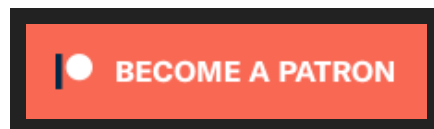
Thanks to the £80k Porsche he drives with personalised number plate R55 RPM his large house was easy to find behind electric security gates on Toll Bar Road. Despite pressing the buzzer it appeared Russell felt a little shy so activists jumped the gate and walked up to his front door to tell him his vile business transporting animals to their deaths is not welcome in Thrapston and never will be.

Once at the door neither Russell nor wife Amy would answer but instead tried to hide inside, activists held up signs and set off smoke grenades and made sure they both felt some intimidation for what they put animals through every single day in order for them to live their privileged lifestyle.

If you're reading this Russel, we will not stop until Impex closes down for good, the high life is over, it's time to close down your disgusting business once for all. "



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25 Replies to “ANIMAL COURIER IMPEX OWNER CONFRONTED AT HOME”



Carrie Holliman

JANUARY 28, 2022 AT 8:08 AM

Excellent day. Fully supported by local residents who hate him. In fact it was them who were extremely vocal as to where he lives, drinks etc. I believe there was even a local stand off in the pub when he went in for his evening pint.



Bill Evans wright

JANUARY 28, 2022 AT 6:27 PM

Nice to know he his not the most popular guy in the village , and a big thank you to all those who show there dislike to him he deserves all he gets .



Anitawheeler

JANUARY 29, 2022 AT 6:37 PM

Made my day to see this you all will be beaten



Anita Wheeler

JANUARY 28, 2022 AT 2:08 PM

Good on you wish I could help.



Katrina

JANUARY 28, 2022 AT 4:09 PM

Yes I do not know how you sleep at night, these poor puppies being tortured for the sake



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J

JANUARY 28, 2022 AT 4:48 PM

Disgusting individual living in luxury earned from the suffering of animals. You deserve nothing.



Carolann Barlas

JANUARY 28, 2022 AT 4:48 PM

Hope he loses EVERYTHING he is a monster and how could his wife live with someone who thinks sending animals to be tortured and killed is ok. The greed of these people is disgusting



Alan miles

JANUARY 28, 2022 AT 5:28 PM

I salute you for confronting this monster trading in death.



Lorraine

JANUARY 28, 2022 AT 5:34 PM

Great stuff good work by the activists..hope the scumbag and his family lose everything how can anyone do this to defenceless trusting animals is beyond me i will never ever understand it..hope this vile human being is feeling scared like poor babies feel



Joanne

JANUARY 28, 2022 AT 5:34 PM

Blood money, Shame on you , do you have pets if so take a good look at them and see if you have any guilt for taking part in sending these poor animals who have no choice to Suffer Pain , Torture while you sit pretty in your big house and drive your posh car. It's Animal Abuse they are no different to any other animal that is under animal Abuse laws.

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Ejvor Berg

JANUARY 28, 2022 AT 5:48 PM

Fantastiskt bra gjort av er och ordsborna



Chris hall

JANUARY 28, 2022 AT 7:13 PM

Well done to you all, its time animal abusers were exposed!



Mark Stewart

JANUARY 28, 2022 AT 7:17 PM

Great work, thank you.



Dean hickling

JANUARY 28, 2022 AT 7:40 PM

Thank you activists for finding where this asshole lives I've put a nice message on his companies LinkedIn profile



Dean hickling

JANUARY 28, 2022 AT 7:42 PM

Thank you activists for finding where this asshole lives I've put a nice message on his companies LinkedIn profile about what he does transport to labs obviously got a thick skin asshole



Lucy

JANUARY 28, 2022 AT 8:19 PM

What a vile pair. Russell and Amy you are utter scumbags! Living the highlife whilst you taking innocent babies to their deaths. Times up guys

We now accept Bitcoin and Monero as donation methods! Please visit "Support Us" page to find out how.





Digz

JANUARY 29, 2022 AT 6:07 AM

Huge respect and gratitude for calling this ultra scummy, morally bankrupt animal exploiter out for his crimes. 🙏



Agnes

JANUARY 29, 2022 AT 6:07 AM

Wow
Brilliant thank you for everyone who was there!
I guess he's having a headache right now



Sabrina

JANUARY 29, 2022 AT 3:51 PM

Excelent! Well done!



Viv Hater

JANUARY 29, 2022 AT 4:01 PM

Neighbours want him gone! One has a Beagle they were horrified, seems this gruesome twosome also own a dog, how deplorable...pet one...kill thousands! Get gone scumbags spend your vile blood money on estate agents fees and plastic surgery hiding your identities!



Moira frew

JANUARY 30, 2022 AT 6:51 PM

Scum! Evil, vile people. Thank you activists, well done!



We now accept Bitcoin and Monero as donation methods! Please visit
"Support Us" page to find out how.

Disgusting individual that is part of a chain of other murderers , need to break the chain and stop this now , if just one of these links would step back they would gain so much respect and save all those little babies
I don't how such scum sleep at night



Mike Chamberlain

SEPTEMBER 10, 2022 AT 10:28 AM

These scum don't have a heart and soul please can anyone put there faces on here or Facebook or Twitter



Dee

DECEMBER 6, 2022 AT 1:15 PM

people are protesting this month on the Village Green, opposite 2 Toll Bar Road, protest commences Sunday 18th December, 10:30 am onwards. Will be a big turn out.
We have protested previously and receive a lot of support from the villagers who inform us of all kinds of further shocking things notorious Phil Morgan is said to be guilty of!



Charmaine Nash

DECEMBER 16, 2022 AT 9:15 AM

Great news about the demo, at Russell and Amy Morgans house. This Sunday 18th December. Vile pair of lowlife scum.



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"Support Us" page to find out how.

MBR Acres releases image of graffiti message

18th May 2022



MBR Acres released this image of graffiti spray painted on the home of a member of staff. *(Image: MBR ACRES)*



By Debbie Davies

huntspost

Editor

Dog breeding facility MBR Acres has today released this image of graffiti they say has been spray painted on the home of a staff member.

A spokesperson for the company said staff have been "shouted at and harassed daily" as they arrive and leave work by people outside the gates of the firm at Wyton.

"Dogs are raised especially to be used in research so they are healthy and happy in a lab environment, continued the spokesperson.

"They are kept in social groups in conditions that are strictly controlled and inspected by the Home Office.

The spokesperson added: "It seems strange to us that protesters would go to these lengths, all inspired by what they wrongly think the conditions inside MBR are like, or what they incorrectly believe happens in medical and veterinary research.

"Using animals in cosmetics testing was banned in the UK in 1998, and testing household cleaners was banned in 2010. Fewer than 10 dogs are used each year for testing chemicals, with the rest being used to test potential new medicines and treatments for humans and other animals. All of this information is freely available on the Home Office website.

"The vast majority of dogs in research are used to develop human and animal medicines, usually in mild experiments, and untold amounts of suffering has been treated or prevented as a direct result. Animals cannot be used if there is an alternative, by law. If an animal is used, it is because the regulatory authorities recognise that there is no non-animal way of doing the research. The campaigners are putting two and two together and getting five but, as their false claims are disproven, they simply pivot to a new myth.

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Protests continue at animal testing firm operating in Northamptonshire

Impex Services International have been targeted by activists from Free The MBR Beagles

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By [Tom Hitchenor](#) 05:00, 19 FEB 2022

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 **Animal protestors outside the site in Thrapston** (Image: Free The MBR Beagles)

Regular protests have been ongoing for a month against an animal testing firm operating in Northamptonshire.

Impex Services International is based at the Cosy Nook industrial estate in Thrapston.

It is a dedicated laboratory animal courier business that operates from an unmarked industrial unit in the small market town.

READ MORE: [For the latest Northants Live stories on Kettering, visit our dedicated local news channel](#)

Protests have been **[frequently staged at the site since January 18.](#)**

The activities of Impex came to light when a video exposé was published by campaign group Free The MBR Beagles in late January.

The video showed the vans of Impex travelling to laboratories across the country delivering animals.

The group claim that since the protests began, Impex have not travelled to Huntingdon to collect beagles for over forty days.

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This trip would usually take place on a weekly basis, according to activists, with Huntingdon beagle farm - MBR Acres - the original target of public protest since the summer of 2021.

It has [previously been reported that 2,000 beagles are kept at the site](#), before being shipped out in crates at 16 weeks old.

A Free The MBR Beagles spokesperson said: "We have been told that the managing director of Impex has not been home in weeks.

"Neighbours report that the lights at their home are not switched on in the evenings".

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Impex transport animals such as beagles from established breeding facilities and primates like macaques, which arrive by air at international airports.



 **Beagles are shipped around the UK** (Image: Free The MBR Beagles)

According to published statistics from the UK Government, in 2020 a total of 1.4 million procedures were carried out on animals in Great Britain.

This includes 4,340 experiments on dogs and 2,393 carried out on primates, with Impex the leading independent courier of these animals in the UK.

Section 38 – Health and safety

About this detailed guidance

This guidance discusses section 38, the health and safety exemption of FOIA in detail and is written for use by public authorities. Read it if you have questions not answered in the [Guide](#), or if you need a deeper understanding to help you apply this exemption in practice.

In detail

- What exemption is contained in section 38 of FOIA?
- How should we interpret the terms used in the exemption?
- How do we apply section 38(1)(a)?
- How do we apply section 38(1)(b)?
- How do we determine what is in the public domain?
- How do we apply the neither confirm nor deny provisions – section 38(2)?
- How do we consider the balance of the public interest?

What exemption is contained in section 38 of FOIA?

Section 38 states that:

“

(1) Information is exempt information if its disclosure under this Act would, or would be likely to-

(a) endanger the physical or mental health of any individual, or

(b) endanger the safety of any individual.

(2) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, have either of the effects mentioned in subsection (1).

Section 38 provides an exemption from disclosing information if it would endanger any individual (including the applicant, the supplier of the information or anyone else). The exemption does not necessarily deal with what are usually thought of as health and safety matters, such as establishing the cause of an accident.

Section 38(1)(a) focuses on endangerment to any individual's physical or mental health.

Section 38(1)(b) focuses on endangerment to the safety of any individual.

Section 38(2) provides an exemption from the duty to confirm or deny whether information is held if doing so would or would be likely to endanger the physical or mental health or safety of any individual.

These exemptions are subject to the public interest test.

How should we interpret the terms used in the exemption?


You need to consider whether the requested information would or would be likely to endanger the physical or mental health or safety of any individual. You also need to consider the degree of endangerment that is involved and whether it is significant enough to engage the exemption.

Information involving living individuals is covered by section 40 (personal information). The focus of section 38 is on other information that might pose a risk, if disclosed. This could be information about:

- sites of controversial scientific research where disclosure could lead to sabotage and therefore there would be risks to the physical safety of staff;
- someone who has died (and is therefore not covered by the personal information exemption) where disclosure might endanger the mental health of surviving relatives, particularly if they had been unaware of it;
- an issue where disclosure might have an adverse effect on public health (eg research into the safety of a particular medication);
- any plans or policies relating to the accommodation of individuals, or groups of individuals where disclosure could lead to them being threatened or harassed (eg asylum seekers, ex-offenders); or
- the identity of informers or undercover officers.



Example

In [Greg Callus v the Information Commissioner and the Home Office EA/2013/0159, \(6 May 2014\)](#)  the Tribunal decided that the names and ranks of the persons who held certain roles under the Regulation of Investigatory Powers Act (RIPA) 2000, on behalf of the police forces of England and Wales, was exempt information under section 38.

The Tribunal accepted that the disclosure of names may create “a risk of Single Points of Contact (SPoCs) being approached by criminals or others intent on undermining the effectiveness of the RIPA regime”.

Although they felt that there was less evidence to support the Home Office’s claim that such an approach may be accompanied by actual or threatened violence they said that:

“...the conclusion they feared, however, is one that would flow logically from initiating communications designed to corrupt the relevant official. It is therefore justifiable to regard it as a result that would be likely to flow from the disclosure of names and to conclude that the exemption is engaged.”


The Tribunal further concluded that the public interest in maintaining the exemption would again outweigh the public interest in disclosure, given the very limited public interest in disclosure and the risk of physical harm to individual SPoCs which may, for example, be caused by a refusal to co-operate.


In section 38 the word “endanger” is used rather than the word “prejudice”.

In light of the Tribunal decision below, the Commissioner has now concluded that the prejudice test that is used in many FOIA exemptions cannot simply be considered as a substitute for the word “endanger”.






Example

[Andrew Lownie v the Information Commissioner and The National Archives and The Foreign and Commonwealth Office EA/2017/0087 \(12 July 2018\)](#)  concerned a request for a closed file held by the TNA which was part of the collection relating to the Guy Burgess and Donald Maclean spy ring.

The TNA refused to disclose the requested information, relying on section 38(1) and section 24(1). In [FS50654519](#) , the Commissioner upheld the TNA’s refusal, agreeing that section 38(1) was engaged and that the public interest favoured non-disclosure. The Commissioner took the view that there was a risk of mental distress resulting from disclosure and that this risk was substantially more than remote.

During the Tribunal TNA/FCO argued that there is a real, significant and specific risk that disclosure of the contents of the vetting file would cause upset and distress to the family of the subject of the file and potentially more serious health symptoms. A consultant psychiatrist provided expert evidence but the Tribunal warned that the value of that evidence was limited by his inability to consult with any of the persons who might be affected.

The Tribunal considered the word “endanger” and whether the prejudice test used in other FOI exemptions could be substituted for it. [In PETA v IC & University of Oxford EA/2009/0076 \(13 April 2010\)](#)  the Tribunal had said, “All parties agreed that in the context of section 38 ‘endangering’ and ‘prejudicing’ came to the same thing and that consequently the Tribunal could read across the existing body of case law”. The Tribunal in [Lownie](#)  diverged from this opinion. During the course of its deliberations it rejected the Commissioner’s approach, preferring the view expressed in the [British Union for the Abolition of Vivisection V IC and Newcastle University, EA/2010/0064 \(11 November 2011\)](#)  where it was stated that Parliament had chosen to use the word “endanger” and did not refer either to “injury” or to “prejudice”:


“We note that the assimilation of ‘endanger’ to ‘prejudice’ in PETA was not a reasoned conclusion but was based on agreement between the three parties involved in that case. The ‘prejudice’ test is expressly included in a number of FOIA exemptions. In our view, if Parliament had intended s.38 to depend upon the same test as those other exemptions, it would have used the same language. It did not, but instead chose to use different language in s.38. We should follow the Parliamentary intention. In our view, attempting to assimilate the two tests merely muddies the waters. For the purposes of s.38 we must apply the words of s.38, not the words of different exemptions.”


The use of the phrase “any individual” in section 38 includes any specific individuals, any member of the public, or groups within society.

How do we apply section 38(1)(a)?

In order to engage this exemption you must demonstrate that there is a causal link between the endangerment and disclosure of the information.


You must also show that disclosure would or would be likely to have a detrimental effect on the physical or mental health of any individual. The effect cannot be trivial or insignificant. In the context of section 38, even if the risk falls short of being more probable than not, it needs to be such that there may very well be endangerment.

The Tribunal in [Lownie](#)  also considered the extent of distress necessary to engage section 38. The Tribunal gave an example of what it described as the muddying of the waters due to the assimilation of “endanger” to “prejudice”. In its view this had led to a misunderstanding of the phrase “would or would be likely to”. The Tribunal described the first part of the phrase ‘would’ as referring to something more likely than not or a greater than 50% probability. Referring to the ICO’s previous guidance, the Tribunal concluded that assimilating the prejudice test may have contributed to the second part of the phrase “would be likely to” being watered down to require only “a real and significant likelihood”. In the Tribunal’s judgment the “appropriate explanation of the degree of likelihood that is meant by ‘would be likely to’ in section 38” is based on previous

precedent. Their view was derived from [R\(Lord\) v Home Secretary \[2003\] EWCH 2073 \(Admin\)](#) . There needed to be “a very significant and weighty chance”, a “real risk” was not enough.



Example

However, the question of the degree of endangerment is not a straightforward one. For example, the [Upper Tribunal in Keane v \(1\) Information Commissioner \(2\) Home Office \(3\) MPS\[2016\] UKUT 0461 \(AAC\)](#) . The appeal had arisen from a First-tier Tribunal decision about whether certain information in a file in the National Archives which concerned the activities of paid informants against Irish secret societies 1890-1910 should be released under FOIA. The file contained their names.

Although it was the Upper Tribunal’s role only to make a judgment on whether the public interest balancing test had been carried out

by the First-tier Tribunal, it nevertheless expressed the following view:

“My concern in this regard is the evidential basis for the majority’s conclusion that section 38(1) was engaged. Obviously I did not hear the witnesses the Tribunal heard. However, I have read their open and closed evidence. I have also read (several times) the Tribunal’s account of their evidence. I am struggling to see any basis on which the Tribunal could properly reach a finding that disclosure **would** endanger the physical or mental health of any individual or endanger the safety of any individual. I am also in a similar difficulty in identifying any basis on which the Tribunal could be satisfied that disclosure **would be likely to** result in either type of harm. At best the majority’s findings would appear to justify a conclusion that disclosure **might just conceivably** lead to such a harm. Given that “likely to” in this context means a real and significant risk, albeit a risk that may well fall short of being more probable than not...the majority’s conclusion seems at best problematic.”

Endangering physical health usually means an adverse physical impact and often involves medical matters. This can relate to individuals or groups.



Example

A health authority is asked to disclose details of research that it has commissioned into the safety of a particular medication.

Disclosure could endanger physical health if the disclosure causes people to stop taking the medication.

The health authority should balance this against the overall public interest in disclosing the information to enable wider public debate about how health authorities ensure the safety of medicines that are prescribed to the public.

Endangering mental health implies that the disclosure of information might lead to a psychological disorder or make mental illness worse. This means that it must have a greater impact than causing upset and distress.

You may find it difficult to demonstrate a danger to mental health without obtaining an expert opinion confirming that the disclosure of the information would be likely to endanger the mental health of the applicant or any other individual. However, the ICO considers that clinical evidence of a psychiatric condition is not always necessary.



Example

The Tribunal in [Lownie](#) rejected the Commissioner's position that the necessary probability of "distress" to living relatives would be sufficient to meet the requirements of section 38, finding that:

"Whilst distress can be a trigger leading to mental ill-health, we do not consider that distress in itself should be equated with mental ill-health for the purposes of s.38. A healthy or unhealthy person may experience distress without suffering any, or any additional mental ill-health" (paragraph 49).

The Tribunal stated that a risk was not the same as a specific danger. In finding that the degree of probability was insufficient, the Tribunal judged that section 38 was not engaged, despite dismissing the appeal on other grounds.

Establishing a causal link that demonstrates a degree of endangerment that is sufficient to engage the exemption can require you to make a complex assessment of the evidence.



Example

[Transport for London v Information Commissioner and Neil Hood EA/2018/0234 \(1 August 2019\)](#) considered an appeal where TFL had disclosed relevant information but withheld details of "person under a train" incidents split by individual stations. "Person under a train" incidents include a high percentage of suicides.

The Commissioner had decided that the section 38 exemption was not engaged because the causal link between potential disclosure and a "very significant and

weighty chance” of endangerment had not been made.

The Tribunal disagreed. Having concluded that section 38 was engaged because there was a risk of suicide should the information be disclosed, the Tribunal considered the public interest. Its decision was that the public interest in transparency was “clearly outweighed by the significant harms caused by the risk of an increase in suicide attempts”.

How do we apply section 38(1)(b)?

In order to engage this exemption you must demonstrate that there is a causal link between the endangerment and disclosure of the information.

You must also show that disclosure would or would be likely to endanger the safety of any individual. The effect cannot be trivial or insignificant.

Endangering safety is usually connected to the risk of accident and the protection of individuals.



Example

Information requested about the number of speeding tickets issued at a particular camera site could result in more drivers speeding at that site because they have deduced that enforcement is less likely at that location. This could increase the risk of a serious accident and endanger the safety of individuals.

Some people or groups in society are particularly vulnerable and their safety may be more easily endangered than that of others. For example information about individuals, or groups involved in controversial work, such as:

- animal experimentation;
- weapons research;
- abortion treatment; or
- those operating covertly, such as police informers or members of the security services.

Information that could endanger an individual’s safety could also endanger their mental or physical health. If so, you can rely upon both parts of the exemption.

You need to consider whether withholding certain categories of information is appropriate and whether endangerment would or would be likely to result if you disclosed it.

In the wake of the Grenfell Fire in 2017, then-Information Commissioner Elizabeth Denham wrote the following in her blog:

“


“...in an era when people are increasingly looking for answers, protecting this right to [Freedom of Information \(FOI\)](#) is a crucial part of my job.

There is likely to be a compelling public interest in releasing fire safety information as part of a Freedom of Information request. And I know there are councils and other public bodies that are meeting these requests...But I am encouraging them to go further.

Unless there is a good reason not to, I urge public organisations holding relevant fire risk assessments and other fire safety information to consider publishing these records proactively.”

How do we determine what is in the public domain?

Another issue you may need to take into account is whether the same or similar information is already available in the public domain. You have to consider whether the consequences of disclosure are therefore more or less serious, in each particular case.

The phrase “public domain” means that the information is available to the public. The multiple sources of information now accessible on the internet mean that what is in the public domain is harder to determine. There is much in the public domain that is speculative and this is acknowledged in [The National Archives access to historical records guide](#) :


“In the criminal field there are several websites and books that speculate on the detail of crimes and the motives of those involved: this does not warrant the release of all the circumstances of a crime including those details that may damage the mental health of a victim’s immediate family (scene of crime photographs) or details of victims who did not press charges.”

On the other hand, the passage of time and the information that is already in the public domain may mean that applying section 38 is inappropriate.



Example

In 1952 a Cardiff shopkeeper called Lily Volpert was murdered. Mahmood Hussein Mattan was tried for her murder and convicted. He was refused leave to appeal and was hanged. In 1969 further evidence came to light and his conviction was eventually quashed, but not until 1998.

The Tribunal in [Dr Christopher Phillips v IC & The National Archives, EA/2012/0141, \(15 February 2013\)](#)  considered whether the release of graphic descriptions of the murder and the handling of the body could be deeply upsetting to family members of the victim 60 years afterwards. The TNA had withheld this information under section 38 and the Commissioner had agreed that it “would be likely to endanger...mental health”.

The Tribunal concluded that section 38 was not engaged. It had been provided with no objective medical evidence. The repeated times the evidence had resurfaced in court proceedings, newspaper investigations and a book went against the argument that those whose mental health may be endangered had not been alerted to the details of the case. These arguments did not stand up to the “test of reality and proportionality”.

Further [guidance on information in the public domain](#)  is available on our website.

How do we apply the neither confirm nor deny provisions?

Section 1(1)(a) of FOIA requires you to inform the requester whether you hold information of the description specified in the request. This is known as the duty to confirm or deny.

Section 38(2) removes the duty to confirm or deny:



“The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, have either of the effects mentioned in subsection (1).”

Therefore you need to consider whether simply confirming or denying that you hold information would endanger the health or safety of any individual.



Example

A public authority considering converting hostels under its management into residential centres for convicted offenders may wish neither to confirm nor deny that it holds such information.


The safety of existing residents may be endangered if it disclosed the information that it was considering hostels for conversion. In other words, even confirming or

denying that they held such information may endanger public safety, as any or all hostels managed by the public authority may be vulnerable to attack.

If you are seeking to claim section 38(2) you must be able to explain how confirming or denying that you hold information would be likely to endanger the physical or mental health or safety of an individual as defined in section 38(1)(a) and (b).




Example

ICO decision notice [FS50521978](#)  concerned a request for information from Greater Manchester Police (GMP) about the discovery of a body in November 2011. GMP disclosed certain information but refused to confirm or deny whether it held other information under section 38(2).

The information in question was particularly sensitive. GMP considered that mere confirmation or denial would be upsetting to relatives of the individual in question, to the extent that it would be likely to endanger their mental health.

In recognition of the sensitive subject matter, the Commissioner accepted GMP's reasoning and agreed that the exemption from the duty to confirm or deny provided by section 38(2) was engaged.

Further advice on these provisions in FOIA is available in our separate guidance about [when to refuse to confirm or deny information is held](#) .

How do we consider the balance of the public interest test?

Section 38 is a qualified exemption. This means that, even if the information requested is exempt from disclosure, you must go on to consider and then decide whether the public interest in maintaining the exemption outweighs the public interest in its disclosure.

In the case of section 38 this involves weighing up the risks to the health and safety of an individual or group against the public interest in disclosure, in all the circumstances of the case. You must apply the test on a case-by-case basis.

The assessment of endangerment is relevant to the public interest test. Note that the choice between "would" and "would be likely" is important because it affects the balance of factors in the public interest test. The greater the likely endangerment to the physical or mental health or safety of any individual, the stronger the public interest in not disclosing the information requested.



Example

ICO decision notice [FS50787185](#) concerned a request for information relating to the child grooming scandal in Rotherham, including details of payments made to the victims.

South Yorkshire Police provided some information within the scope of the request but refused to provide the remainder, citing sections 38(1)(health and safety) and 40(2) (personal information).

The Commissioner's decision was that South Yorkshire Police was entitled to rely on section 38(1)(a) in relation to that information. They acknowledged the public interest in openness, transparency and accountability to allow members of the public to have access to what was a high profile case that had received significant coverage. The Commissioner also accepted that disclosure would enable the public to understand more closely how much the victims were paid and the reasons for those payments.

However, the Commissioner considered that there was a stronger public interest argument in withholding the information than disclosing it. The reason for this lay in safeguarding the mental health of the victims of child sexual exploitation and their families who might expect to have begun the process of closure rather than to have these sensitive matters reopened.

FOIA itself does not list the factors that would favour disclosure however these include:

- furthering the understanding and participation in the public debate of issues of the day;
- promoting accountability and transparency by public authorities for decisions taken by them;
- promoting accountability and transparency in the spending of public money;
- allowing individuals, companies and other bodies to understand decisions made by public authorities which affect their lives;
- bringing to light information affecting public health and safety; and
- circumstances where disclosing information would reduce potential danger to people by making them aware of various risks and enabling them to take appropriate action.

Both the content and context of the information is relevant when you consider this test and determine the appropriate weight to give to the benefits and detrimental effects of disclosure.



Example

There are occasions when disclosure could have both a positive and negative impact on public health. Information on an established vaccine may discourage some people from having an injection. This may protect a few people who could have a bad reaction to the vaccine. However, it would undermine a national immunisation campaign.


Factors that favour withholding information include the disclosure of:

- speculative or incomplete information that could mislead the general public and cause them to fail to act or act against their own interests;
- information that would undermine the functioning of a system established to protect public health or safety (eg speed cameras, drug trials); or
- information that would provide intelligence allowing known individuals to be targeted.

Once section 38 is engaged and you have established that there is a real and actual danger to someone's health and safety, it is difficult to find in favour of disclosure.



Example

This was borne out by the Tribunal decision in [British Union for the Abolition of Vivisection vs Information Commissioner and Newcastle University EA/2010/0064, \(10 November 2010\)](#) .

The Tribunal said that "the public interest in maintaining the section 38(1) exemption, where it is engaged, is also strong. Self-evidently, there would need to be very weighty countervailing considerations to outweigh a risk to health and safety which was of sufficient severity to engage section 38(1)."

You can of course always consider whether there are any steps you can take to mitigate or manage the risk that disclosure would cause.

Further reading

You should consider whether there is an interaction between section 38 and other exemptions in FOIA. In each case you need to identify the most appropriate exemption or exemptions that apply to the information requested.

Other relevant exemptions that may interact with section 38 include:

- [Section 40](#) - requests may include personal information that would be exempt under section 40, for example disclosure of information that could assist terrorists targeting a specific individual or would identify 'whistle-blowers';
- [Section 30](#) and [section 31](#) (investigations and law enforcement) – when information relates to an investigation or proceedings or when the disclosure might prejudice matters such as the administration of justice, prosecution of offenders or the prevention or detection of crime; and
- [Section 32](#) (court records) – restrictions on the disclosure of information contained in court records may be relevant to the protection of the health and safety of individuals, for example victims and witnesses.

You may also want to read our detailed explanation of the [prejudice test](#), [when to refuse to confirm or deny information is held](#), and our guidance on [information in the public domain](#).

This guidance relates only to FOIA. If the information is environmental, you have to consider exceptions under the EIR.

There is other legislation which may be relevant to section 38 and that you may wish to consider when applying it:

- Rehabilitation of Offenders Act 1974
- Health and Safety at Work Act 1974 (section 28)
- Human Rights Act 1998
- Equality Act 2000
- Data Protection Act 2018 (Schedule 3, Part 2, paragraph 5)