



Serious Organised Crime and Police Act 2005

2005 CHAPTER 15

PART 5

MISCELLANEOUS

Protection of activities of certain organisations

145 Interference with contractual relationships so as to harm animal research organisation

- (1) A person (A) commits an offence if, with the intention of harming an animal research organisation, he—
 - (a) does a relevant act, or
 - (b) threatens that he or somebody else will do a relevant act,in circumstances in which that act or threat is intended or likely to cause a second person (B) to take any of the steps in subsection (2).
- (2) The steps are—
 - (a) not to perform any contractual obligation owed by B to a third person (C) (whether or not such non-performance amounts to a breach of contract);
 - (b) to terminate any contract B has with C;
 - (c) not to enter into a contract with C.
- (3) For the purposes of this section, a “relevant act” is—
 - (a) an act amounting to a criminal offence, or
 - (b) a tortious act causing B to suffer loss or damage of any description;but paragraph (b) does not include an act which is actionable on the ground only that it induces another person to break a contract with B.

Status: This is the original version (as it was originally enacted).

- (4) For the purposes of this section, “contract” includes any other arrangement (and “contractual” is to be read accordingly).
- (5) For the purposes of this section, to “harm” an animal research organisation means—
 - (a) to cause the organisation to suffer loss or damage of any description, or
 - (b) to prevent or hinder the carrying out by the organisation of any of its activities.
- (6) This section does not apply to any act done wholly or mainly in contemplation or furtherance of a trade dispute.
- (7) In subsection (6) “trade dispute” has the same meaning as in Part 4 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), except that section 218 of that Act shall be read as if—
 - (a) it made provision corresponding to section 244(4) of that Act, and
 - (b) in subsection (5), the definition of “worker” included any person falling within paragraph (b) of the definition of “worker” in section 244(5).

146 Intimidation of persons connected with animal research organisation

- (1) A person (A) commits an offence if, with the intention of causing a second person (B) to abstain from doing something which B is entitled to do (or to do something which B is entitled to abstain from doing)—
 - (a) A threatens B that A or somebody else will do a relevant act, and
 - (b) A does so wholly or mainly because B is a person falling within subsection (2).
- (2) A person falls within this subsection if he is—
 - (a) an employee or officer of an animal research organisation;
 - (b) a student at an educational establishment that is an animal research organisation;
 - (c) a lessor or licensor of any premises occupied by an animal research organisation;
 - (d) a person with a financial interest in, or who provides financial assistance to, an animal research organisation;
 - (e) a customer or supplier of an animal research organisation;
 - (f) a person who is contemplating becoming someone within paragraph (c), (d) or (e);
 - (g) a person who is, or is contemplating becoming, a customer or supplier of someone within paragraph (c), (d), (e) or (f);
 - (h) an employee or officer of someone within paragraph (c), (d), (e), (f) or (g);
 - (i) a person with a financial interest in, or who provides financial assistance to, someone within paragraph (c), (d), (e), (f) or (g);
 - (j) a spouse, civil partner, friend or relative of, or a person who is known personally to, someone within any of paragraphs (a) to (i);
 - (k) a person who is, or is contemplating becoming, a customer or supplier of someone within paragraph (a), (b), (h), (i) or (j); or
 - (l) an employer of someone within paragraph (j).
- (3) For the purposes of this section, an “officer” of an animal research organisation or a person includes—

- (a) where the organisation or person is a body corporate, a director, manager or secretary;
 - (b) where the organisation or person is a charity, a charity trustee (within the meaning of the Charities Act 1993 (c. 10));
 - (c) where the organisation or person is a partnership, a partner.
- (4) For the purposes of this section—
- (a) a person is a customer or supplier of another person if he purchases goods, services or facilities from, or (as the case may be) supplies goods, services or facilities to, that other; and
 - (b) “supplier” includes a person who supplies services in pursuance of any enactment that requires or authorises such services to be provided.
- (5) For the purposes of this section, a “relevant act” is—
- (a) an act amounting to a criminal offence, or
 - (b) a tortious act causing B or another person to suffer loss or damage of any description.
- (6) The Secretary of State may by order amend this section so as to include within subsection (2) any description of persons framed by reference to their connection with—
- (a) an animal research organisation, or
 - (b) any description of persons for the time being mentioned in that subsection.
- (7) This section does not apply to any act done wholly or mainly in contemplation or furtherance of a trade dispute.
- (8) In subsection (7) “trade dispute” has the meaning given by section 145(7).

147 Penalty for offences under sections 145 and 146

- (1) A person guilty of an offence under section 145 or 146 is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.
- (2) No proceedings for an offence under either of those sections may be instituted except by or with the consent of the Director of Public Prosecutions.

148 Animal research organisations

- (1) For the purposes of sections 145 and 146 “animal research organisation” means any person or organisation falling within subsection (2) or (3).
- (2) A person or organisation falls within this subsection if he or it is the owner, lessee or licensee of premises constituting or including—
- (a) a place specified in a licence granted under section 4 or 5 of the 1986 Act,
 - (b) a scientific procedure establishment designated under section 6 of that Act, or
 - (c) a breeding or supplying establishment designated under section 7 of that Act.
- (3) A person or organisation falls within this subsection if he or it employs, or engages under a contract for services, any of the following in his capacity as such—

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

- (a) the holder of a personal licence granted under section 4 of the 1986 Act,
 - (b) the holder of a project licence granted under section 5 of that Act,
 - (c) a person specified under section 6(5) of that Act, or
 - (d) a person specified under section 7(5) of that Act.
- (4) The Secretary of State may by order amend this section so as to include a reference to any description of persons whom he considers to be involved in, or to have a direct connection with persons who are involved in, the application of regulated procedures.
- (5) In this section—
- “the 1986 Act” means the Animals (Scientific Procedures) Act 1986 (c. 14);
 - “organisation” includes any institution, trust, undertaking or association of persons;
 - “premises” includes any place within the meaning of the 1986 Act;
 - “regulated procedures” has the meaning given by section 2 of the 1986 Act.

149 Extension of sections 145 to 147

- (1) The Secretary of State may by order provide for sections 145, 146 and 147 to apply in relation to persons or organisations of a description specified in the order as they apply in relation to animal research organisations.
- (2) The Secretary of State may, however, only make an order under this section if satisfied that a series of acts has taken place and—
- (a) that those acts were directed at persons or organisations of the description specified in the order or at persons having a connection with them, and
 - (b) that, if those persons or organisations had been animal research organisations, those acts would have constituted offences under section 145 or 146.
- (3) In this section “organisation” and “animal research organisation” have the meanings given by section 148.