



Animals (Scientific Procedures) Act 1986

1986 CHAPTER 14

F1 ...

Textual Amendments

- F1** S. 9 cross-heading omitted (1.1.2013) by virtue of [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **26(4)** (with Sch. 3)

9 Consultation.

(1) Before granting a [^{F2}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 [^{F3}the Committee for the Protection of Animals Used for Scientific Purposes] established by this Act.

[^{F4}(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.

Extent Information

- E1** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 29, see s. 29(1)

Textual Amendments

- F2** Words in s. 9(1) substituted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **26(5)(a)(i)** (with Sch. 3)
- F3** Words in s. 9(1) substituted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **26(5)(a)(ii)** (with Sch. 3)

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F4 S. 9(1A) inserted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **26(5)(b)** (with Sch. 3)

[^{F5}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.]

Extent Information

E2 In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 29, see s. 29(1)

Textual Amendments

F5 S. 10 substituted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **10(1)** (with Sch. 3)

[^{F6}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).

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- (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.]

Extent Information

- E3** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 29, see s. 29(1)

Textual Amendments

- F6** S. 11 substituted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **11** (with Sch. 3)

12 Right to make representations.

- [^{F7}(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 ^{F8}... 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.

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- (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
- [^{F9}[^{F10}(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 [^{F11}5] years' standing; or
- (c) a member of the Bar of Northern Ireland or [^{F12}solicitor of the Court of Judicature of Northern Ireland] of at least [^{F13}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 [^{F14}revoke, suspend or vary the licence] , as the case may be.
- [^{F15}(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.

Extent Information

- E4** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 29, see s. 29(1)

Textual Amendments

- F7** S. 12(1) substituted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **12(2)** (with Sch. 3)
- F8** Words in s. 12(4) omitted (1.1.2013) by virtue of [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **12(3)** (with Sch. 3)
- F9** S. 12(5)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 18(2)**; S.I. 2008/1653, art. 2(d) (with arts. 34)
- F10** S. 2(5)(a)(b)(c) substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2)(5), **Sch. 10 para. 66**
- F11** Word in s. 12(5)(b) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 18(3)**; S.I. 2008/1653, art. 2(d) (with arts. 34)
- F12** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 5**; S.I. 2009/1604, art. 2(d)
- F13** Word in s. 12(5)(c) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 10 para. 18(3)**; S.I. 2008/1653, art. 2(d) (with arts. 34)

Changes to legislation: There are currently no known outstanding effects for the Animals (Scientific Procedures) Act 1986, Cross Heading: (See end of Document for details)

- F14** Words in s. 12(6) substituted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **12(4)** (with Sch. 3)
- F15** S. 12(6A) inserted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **12(5)** (with Sch. 3)

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 ^{F16}... 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 ^{F16}... 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 ^{F16}... 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.

Extent Information

- E5** In its application to Northern Ireland, this section has effect subject to the modifications set out in s. 29, see s. 29(1)

Textual Amendments

- F16** Words in s. 13 omitted (1.1.2013) by virtue of [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **26(6)** (with Sch. 3)

[^{F17}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.]

Textual Amendments

- F17** S. 13A inserted (1.1.2013) by [The Animals \(Scientific Procedures\) Act 1986 Amendment Regulations 2012 \(S.I. 2012/3039\)](#), regs. 1(2), **13** (with Sch. 3)

Changes to legislation:

There are currently no known outstanding effects for the Animals (Scientific Procedures) Act 1986, Cross Heading: