

**EXPLANATORY MEMORANDUM TO**  
**THE ANIMALS (SCIENTIFIC PROCEDURES) ACT 1986 (FEES)**  
**ORDER 2012**

**2012 No. 3050**

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 This order replaces and repeals the Animals (Scientific Procedures) Act 1986 (Fees) Order 2000. As a result of implementation of Directive 2010/63 and the consequent amendments to the Animals (Scientific Procedures) Act 1986, it has been necessary to amend some of the definitions in the fees order (S.I. 2000/480). The Order does not change the fee structure or raise the fees, it merely brings the definitions into line with the changes made to the Animals (Scientific Procedures) Act 1986.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 This order is consequential upon amendments made to the Animals (Scientific Procedures) Act 1986 by the Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012 which have not yet been approved by both Houses of Parliament. If they are approved, those Regulations will come into force on January 1<sup>st</sup> 2013. We are laying this Order before Parliament now in order to comply with the 21 day rule as these minor changes to the fees provisions will also need to be in force on 1<sup>st</sup> January 2013. By doing this we intend no disrespect to Parliament and are making no assumptions. If the Regulations are not approved by Parliament this fee order will be revoked before it comes into force.

4. **Legislative Context**

4.1 Under sections 6 and 7 of the Animals (Scientific Procedures) Act 1986 Certificates of Designation authorise places as scientific procedure establishments or as establishments authorised to breed and/or supply animals for use in scientific procedures, respectively.

4.2 Under section 8 of the Animals (Scientific Procedures) Act 1986 the holder of a Certificate of Designation 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.

4.3 The Animals (Scientific Procedures) Act 1986 (Fees) Order 2000 prescribes the fees payable by Certificate Holders.

4.4 The Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012 amend the Animals (Scientific Procedures) Act 1986 to transpose European Directive 2010/63/EU on the protection of animals used for scientific purposes.

4.5 The Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012, replace Certificates of Designation with 'section 2C licences' authorising establishments to carry on undertakings involving the activities of applying regulated procedures to protected animals; the breeding of relevant protected animals with a view to their use in regulated procedures, or the use of their tissues or organs for scientific purposes; the keeping of relevant protected animals which have been bred elsewhere and are to be supplied with a view to their use in regulated procedures, or the use of their tissues or organs for scientific purposes.

## **5. Territorial Extent and Application**

5.1 This instrument applies to Great Britain.

## **6. European Convention on Human Rights**

6.1 Lord Taylor of Holbeach has made the following statement regarding Human Rights: In my view the provisions of the Animals (Scientific Procedures) Act 1986 Amendment Regulations are compatible with the Convention rights.

## **7. Policy background**

7.1 The change from Certificates of Designation to section 2C licences requires the Animals (Scientific Procedures) Act 1986 (Fees) Order 2000 to be replaced with a new order reflecting these changes so that fees can continue to be charged.

## **8. Consultation outcome**

8.1 Following adoption of Directive 2010/63/EU a second public consultation on the options for transposition was launched on 13 June 2011 and closed on 5 September 2011. Responses were received from over 13000 individuals and 98 organisations. No comments were received on the requirement for fees.

## **9. Guidance**

9.1 Guidance on the implementation of the amended legislation is being prepared and will be published for consultation before the amended legislation comes into force on 1 January 2013. Under section 21, of the amended legislation, this guidance will be subject to the negative resolution procedure.

The current statutory guidance will be repealed by negative resolution procedure.

**10. Impact**

10.1 No change is proposed to the fee structure, to the level of fees, or to the basis on which the fees are calculated.

**11. Regulating small business**

11.1 The order applies to small business.

**12. Monitoring & review**

12.1 The fee structure and level of fees is reviewed annually.

**13. Contact**

Martin Walsh, Animals in Science Regulation Unit, Home Office: Telephone: 020 7035 0746. Email: [Martin.Walsh@homeoffice.gsi.gov.uk](mailto:Martin.Walsh@homeoffice.gsi.gov.uk), can answer any queries regarding the instrument.