

## **Submission by Animal Aid to the Secondary Legislation Scrutiny Committee**

### **Subject: Draft Animals(Scientific Procedures) Act 1986 Amendment Regulations 2012**

**(to be considered in Committee 13 November 2012)**

The draft Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012 has the effect of amending and renewing the UK Animals (Scientific Procedures) Act 1986, to bring it into line with European Directive 2010/63/EU.

Animal Aid and a number of other animal advocacy groups have been stakeholders in the drafting of this legislation, and have attended regular meetings at the Home Office in the form of the Animal Protection Group. Following discussions at these meetings, this submission sets out three points that Animal Aid regards as important for proper compliance with the Directive.

#### **1. Transparency**

We are greatly disappointed that the ‘secrecy clause’ Section 24 of the 1986 Act has been transcribed unaltered. We acknowledge the intention to repeal this clause, but feel that its re-iteration demonstrates that the UK government is insufficiently committed to the transparency spirit enshrined in the Recitals of Directive 2010/63/EU. We find the prospect of unspecified delay in this area unacceptable and troubling. Further procrastination will be viewed by the public as highly incongruous with the recent, well-publicised declaration to increase openness concerning the use of animals in research, signed by 41 UK institutions.

#### **2. Public participation and accountability**

We are disappointed that the government has chosen to narrowly interpret the requirement for impartiality at the project evaluation stage. Article 38 of the Directive states that the evaluation should be ‘performed in an impartial manner and may integrate the opinion of independent parties’. This implies a greater input for critical scrutiny than is currently envisaged. It is noteworthy that the draft regulations [Section 5B (8)] only state a requirement for programmes to ‘be carried out in an impartial manner’ – the option of independent opinion has been omitted.

This issue is intimately linked with the functions of the new Animal Welfare and Ethical Review Bodies, which will replace the Ethical Review Processes. These bodies have tended to reflexively approve projects using animals, without consideration of sufficiently rigorous critiques of proposals. Members have been too closely associated with the actual experiments. We believe that, in order to properly comply with Article 38 of the Directive, government guidance must ensure that Animal Welfare and Ethical Review Bodies adopt a broader policy for both recruitment and membership. At present, and as policy is currently formulated for the future, these bodies can select and reject whoever they choose. This is emphatically not an impartial project evaluation process.

#### **3. Replacement of animal experiments with humane alternatives**

Article 58 of the Directive provides: ‘The Commission shall, where appropriate, and in consultation with the Member States and stakeholders, conduct periodic thematic reviews of the replacement, reduction and refinement of the use of animals in procedures, paying specific attention to non-human primates, technological developments, and new scientific and animal-welfare knowledge.’

We are concerned that the draft legislation makes no mention of these thematic reviews. This is despite the National Anti-Vivisection Society (another closely involved stakeholder group) offering concrete suggestions as to how this process could be developed and operated. Thematic reviews are a chance for government to demonstrate its compliance with Article 58, and to show a clear commitment to eliminating areas of animal suffering.

Dr Adrian Stallwood MB MS  
Scientific Consultant, Animal Aid