

# **CRUELTY TO ANIMALS ACT 1997**

(Chapter 5)

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**AN ACT**

**to consolidate with amendments certain enactments relating to the prevention of cruelty to animals; to make new provision with respect to the protection of animals used for scientific procedures; and for connected purposes.**

**PART I  
GENERAL PREVENTION OF CRUELTY**

**1 Offences of cruelty**

Any person who-

- (a) cruelly beats, kicks, ill-treats, over-rides, over-drives, over-loads, tortures, infuriates or terrifies any animal; or

(b) causes or procures or, being the owner, permits any animal to be so treated; or

**[Para (b) amended by Agriculture (Miscellaneous Provisions) Act 2003 s 3.]**

(c) by intentionally or unreasonably doing or omitting any act, or causing or procuring any act or omission-

(i) causes any unnecessary suffering to any animal; or

(ii) being the owner, permits any unnecessary suffering to be so caused; or

**[Para (c) amended by Agriculture (Miscellaneous Provisions) Act 2003 s 3.]**

(d) conveys or carries, or causes or procures, or being the owner, permits to be conveyed or carried, any animal in such a manner or position as to cause the animal unnecessary suffering; or

**[Para (d) amended by Agriculture (Miscellaneous Provisions) Act 2003 s 3.]**

(e) causes or assists at the fighting or baiting of any animal; or

(f) keeps, uses or manages, or acts or assists in the management of, any premises or place, for the purpose, or partly for the purpose, of fighting or baiting any animal; or

(g) permits any premises or place to be kept, used or managed for any such purpose; or

(h) receives, or causes or procures any person to receive, money for the admission of any person to any such premises or place; or

**[Para (h) amended by Agriculture (Miscellaneous Provisions) Act 2003 s 3.]**

(i) keeps or uses any equipment or other thing for the purpose, or partly for the purpose, of fighting or baiting any animal; or

(j) wilfully and without any reasonable cause-

(i) administers, or causes or, being the owner, permits the administration of, any poisonous or injurious drug or substance to any animal; or

(ii) causes any such drug or substance to be taken by any animal; or

(k) without prejudice to Part II, subjects, or causes or procures or, being the owner, permits, any animal to be subjected to any operation without due care and humanity; or

**[Para (k) amended by Agriculture (Miscellaneous Provisions) Act 2003 s 3.]**

(l) without prejudice to Part II, uses, or causes to be used or, being the owner of the animal, permits to be used, any prescribed device by means of which an animal is caused discomfort or pain, or is immobilised; or

(m) being the owner, or having the control or charge, of any animal, without reasonable cause, abandons it, whether permanently or not, in circumstances likely to cause the animal unnecessary suffering; or

(n) causes or, being the owner, permits any animal to be so abandoned,

shall be guilty of an offence of cruelty within the meaning of this Part and shall, subject to section 2(2), be liable on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding £5,000, or to both.

[S 1 amended by Agriculture (Miscellaneous Provisions) Act 2003 s 3.]

## **2 Provisions supplementary to section 1**

(1) For the purposes of section 1, an owner shall be deemed to have committed cruelty within the meaning of this Part if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal from such cruelty.

(2) Where an owner is convicted of permitting cruelty within the meaning of this Part by reason only of having failed to exercise such care and supervision as is mentioned in subsection (1), he shall not be liable to custody without the option of a fine.

(3) If any operation to which this subsection applies is performed on any animal without the use of an anaesthetic so administered as to prevent any pain during the operation, that operation shall be deemed for the purposes of section 1(k) to be an operation which is performed without due care and humanity.

(4) Subsection (3) applies to any operation, with or without the use of instruments, which involves interference with the sensitive tissues or the bone structure of an animal to which that subsection applies, but does not apply to-

- (a) the making of injections or extractions by means of a hollow needle; or
- (b) an operation specified in Schedule 1.

(5) The Department of Environment, Food and Agriculture (in this Act referred to as 'the Department') may by order amend the ages specified in paragraph 4 of Schedule 1.

[Subs (5) amended by SD155/10 Sch 3.]

(6) Section 1 shall not apply to-

- (a) the ringing, tagging or marking of an animal, or the application of any other humane procedure for the sole purpose of enabling an animal to be identified if it causes only momentary pain or distress and no lasting harm;
- (b) the doing of any act in the course of killing, or the preparation for killing, of any animal as food for human consumption, unless the killing or preparation for killing is accompanied by the infliction of unnecessary suffering to the animal;
- (c) the doing of any act which is declared to be an exempt act by order made by the Department.

(7) In section 1(l), 'prescribed device' means an electrical, electronic or mechanical device which is prescribed by order made by the Department.

## **3 Power of court to order animals to be killed**

(1) Subject to the provisions of this section, where the owner of any animal is convicted

of an offence under section 1 in respect of any animal, the court before which he is convicted may, if it is satisfied that it would be cruel to keep the animal alive-

- (a) order that the animal shall be killed; and
- (b) may assign the animal to any suitable person for that purpose.

(2) Where an animal is assigned to any person pursuant to subsection (1), that person shall, as soon as possible, kill the animal, or cause the animal to be killed in his presence, without unnecessary suffering.

(3) No order shall be made under subsection (1), unless the owner of the animal agrees to the order being made, except upon the evidence of a veterinary surgeon.

**[Subs (3) amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]**

(4) Where a court makes an order under subsection (1), in respect of any animal, it may further order that the owner of the animal shall pay any reasonable expenses incurred in killing the animal, and those expenses shall be recoverable summarily as a civil debt from the owner by the person who incurred the expenses.

#### **4 Power of court to deprive owner of animal**

Where the owner of any animal is convicted of an offence under section 1 in respect of the animal, the court before which he is convicted may, if it thinks fit, in addition to, or in substitution for, any other punishment order that-

- (a) the owner shall be deprived of the ownership of the animal; and
- (b) the animal shall be disposed of in such manner as the court considers proper.

#### **5 Power of court to disqualify persons**

(1) Where a person is convicted of an offence under section 1, the court before which he is convicted may, if it thinks fit, in addition to, or in substitution for, any other punishment order him to be disqualified, for such period as it thinks fit, from having the custody of any animal or of any animal of a kind specified in the order.

(2) Where a court has ordered the disqualification of any person pursuant to subsection (1), it may, if it thinks fit, suspend the operation of the order-

- (a) for such period as it thinks necessary for enabling arrangements to be made for the custody of any animal to which the disqualification relates; or
- (b) pending an appeal.

(3) Subject to subsection (5), a person who is disqualified by virtue of an order under subsection (1) may, at any time after the expiration of-

- (a) one year from the date of the order; or
- (b) two thirds of the period of the disqualification,

whichever is the later, and from time to time, apply to the court by which the order was made to remove the disqualification.

(4) On any application under subsection (3), the court may, as it thinks proper, having regard to-

- (a) the character of the applicant and his conduct subsequent to the making of the order;
- (b) the nature of the offence for which he was convicted; and
- (c) any other circumstances of the case,

either-

- (i) direct that, as from such date as may be specified in the direction, the disqualification be removed or that the order be so varied so as to apply only to animals of a kind specified in the direction; or
- (ii) refuse the application.

(5) Where, on an application under subsection (3), the court directs the variation of an order under subsection (1) or refuses the application, no further application under subsection (3) shall be entertained if made within one year from the date of the direction or, as the case may be, the refusal.

## **6 Breach of disqualification order**

Any person who has the custody of any animal in contravention of an order under section 5(1) is guilty of an offence and shall be liable on summary conviction to custody for a term not exceeding 3 months or to a fine not exceeding, £2,500, or to both.

## **7 Animals in pinfolds**

(1) Where an animal is impounded or confined in any pinfold and continues to be so confined without fit and sufficient food and water for more than 6 successive hours, the keeper of the pinfold shall supply the animal with fit and sufficient food and water during such period as the animal continues to be confined in the pinfold.

(2) The owner of any animal supplied with food and water by the keeper of a pinfold pursuant to subsection (1) shall, before the animal is removed from the pinfold, pay to the keeper of the pinfold the reasonable cost of the food and water and in default of payment, such cost shall be recoverable summarily as a civil debt from the owner by the keeper of the pinfold.

(3) If the keeper of the pinfold fails to comply with subsection (1), he is guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

(4) If any animal is impounded or confined in any pinfold without fit and sufficient food and water for more than 6 successive hours, any person may enter the pinfold for the purpose of supplying the animal with food and water.

(5) This section shall apply in respect of a detained animal as though the place of detention were a pinfold and as though-

- (a) where the occupier of the place of detention of the animal has not been informed of the detention, the person who detained the animal or caused it to be detained;

- (b) where the occupier of the place of detention has been informed of the detention, the occupier,

were the keeper of the pinfold.

- (6) In this section-

'detained animal' has the same meaning as in section 12 of the Pinfolds Act 1963;

'pinfold' includes a Government Pinfold and any other establishment for the reception of stray animals.

## **8 Use of dogs for purposes of draught**

Any person who uses, or causes or, being the owner permits to be used, any dog for the purpose of drawing, or helping to draw, any vehicle on any public highway is guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

## **9 Injured animals**

(1) If a constable finds any animal so severely injured, so diseased or in such a physical condition that, in his opinion, having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, he shall, if the owner is absent or refuses to consent to the killing of the animal, at once summon a veterinary surgeon.

**[Subs (1) amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]**

(2) Where a veterinary surgeon, who is summoned pursuant to subsection (1), certifies that the animal is so injured, so diseased, or in such a physical condition that it is cruel to keep it alive, the constable may, without the consent of the owner, kill the animal, or cause it to be killed-

- (a) with such instruments or appliances;
- (b) with such precautions; and
- (c) in such manner,

as to inflict as little suffering as practicable and, if the killing takes place on a public highway, the constable shall remove, or cause to be removed, the carcass from the highway.

**[Subs (2) amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]**

(3) Where a veterinary surgeon summoned pursuant to subsection (1) certifies that the animal can be removed without cruelty, the person in charge of the animal shall cause it to be removed forthwith with as little suffering as possible; and, if that person fails to do so, the constable may, without the consent of that person, forthwith cause the animal to be so removed.

**[Subs (3) amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]**

(3A) Without prejudice to subsections (1) to (3), if a constable finds any animal which is so injured or diseased or is in such physical condition that, in the constable's opinion-

- (a) there is an immediate need to remove the animal; and
- (b) it is possible to remove it without cruelty,

he may direct the person in charge of the animal to cause it to be removed forthwith with as little suffering as possible; and, if that person fails to do so, the constable may, without the consent of that person, forthwith cause the animal to be so removed.

[Subs (3A) inserted by Police Powers and Procedures Act 1998 Sch 4.]

(4) Any expenses reasonably incurred by a constable in carrying out the provisions of this section (including the expenses of any veterinary surgeon summoned pursuant to subsection (1), whether the animal is killed pursuant to this section or not) may be recovered summarily as a civil debt from the owner by the Chief Constable.

[Subs (4) amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]

## 10 Interpretation: Part I

In this Part 'owner' includes a person having charge of an animal.

## PART II PROTECTION OF ANIMALS USED FOR SCIENTIFIC PROCEDURES

*Preliminary*

## 11 Protected animals

(1) Subject to the provisions of this section, 'a **protected animal**' for the purposes of this Part means any living animal.

(2) Any such animal 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, half the gestation or incubation period for the relevant species has elapsed; and
- (b) in any other case, it becomes capable of independent feeding.

(3) The Department may by order-

- (a) restrict the definition of protected animal so as to exclude invertebrates of any description;
- (b) alter the stage of development specified in subsection (2);
- (c) make provision in lieu of subsection (2) as respects any animal which becomes a protected animal by virtue of an order under paragraph (a).

(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 'invertebrate' means any animal not of the Sub-phylum Vertebrata of the Phylum Chordata.

## 12 Regulated procedures

(1) Subject to the provisions of this section, 'a **regulated procedure**' for the purposes of this Part means any experimental or other scientific procedure applied to a protected animal which may have the effect of causing that animal pain, suffering, distress or lasting harm.

(2) An experimental or other scientific procedure applied to an animal is also a regulated procedure if-

- (a) it is part of a series or combination of such procedures (whether the same or different) applied to the same animal; and
- (b) the series or combination may have the effect mentioned in subsection (1); 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.

(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).

(4) In determining whether any procedure may have the effect mentioned in subsection (1) 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) The ringing, tagging or marking of an animal, or the application of any other humane procedure for the sole purpose of enabling an animal to be identified, is not a regulated procedure if it causes only momentary pain or distress and no lasting harm.

(6) The administration of any substance or article to an animal by way of a medicinal test on animals is not a regulated procedure if the substance or article is administered in accordance with a Community authorisation or UK authorisation.

**[Subs (6) substituted by Medicines Act 2003 Sch 3.]**

(7) In subsection (6), 'medicinal test on animals' means an investigation or series of investigations consisting of any of the following-

- (a) the administration of a medicinal product or veterinary medicinal product of a particular description to one or more animals, where there is evidence that medicinal products or veterinary medicinal products of that description have effects which may be beneficial to, or otherwise advantageous in relation to, that animal or those animals, and the product is administered for the purpose of ascertaining whether, or to what extent, it has those or any other effects, whether advantageous or otherwise;
- (b) the administration of a medicinal product or veterinary medicinal product to one or more animals in circumstances where there is no such evidence as is mentioned in paragraph (a), and the product is administered for the purpose of ascertaining whether, or to what extent, it has any effects relevant to a purpose mentioned in

section 1(1) or 31(1) of the Medicines Act 2003;

- (c) the administration of any substance or article, other than a medicinal product or veterinary medicinal product, to one or more animals for the purpose of ascertaining whether it has any effects relevant to a purpose mentioned in the said section 1(1) or 31(1), whether there is evidence that it has effects which may be beneficial to, or otherwise advantageous in relation to, that animal or those animals or not.

**[Subs (7) inserted by Medicines Act 2003 Sch 3.]**

(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 a designated establishment; and
- (c) the method employed is not one appropriate to the animal under Schedule 2.

**[Original subs (7).]**

(8) In subsections (6) and (7), 'Community authorisation', 'medicinal product', 'UK authorisation' and 'veterinary medicinal product' have the same meanings as in the Medicines Act 2003.

**[Subs (8) inserted by Medicines Act 2003 Sch 3.]**

(8) In this section references to a scientific procedure do not include references to any recognised veterinary, agricultural or animal husbandry practice.

**[Original subs (8).]**

(9) Schedule 2 may be amended by order made by the Department.

*Personal and project licences*

### **13 Prohibition of unlicensed procedures**

No person shall 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 personal licence and the project licence.

### **14 Personal licences**

(1) A personal licence is a licence granted by the Department qualifying the holder to apply specified regulated procedures to animals of specified descriptions at a specified place or specified places.

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

(3) Except where the Department dispenses with the requirements of this subsection, any such application shall be endorsed by a person who-

- (a) is himself the holder of a personal licence or a licence treated as such a licence by virtue of Schedule 6; and
- (b) has knowledge of the biological or other relevant qualifications and of the training, experience and character of the applicant;

and the person endorsing an application shall, if practicable, be a person occupying a position of authority at a place where the applicant is to be authorised by the licence to carry out the procedures specified in it.

(4) No personal licence shall be granted to a person under the age of 18 years.

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

## **15 Project licences**

(1) A project licence is a licence granted by the Department specifying a programme of work and authorising 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 project licence shall not be granted except to a person who undertakes overall responsibility for the programme to be specified in the licence.

(3) A project licence shall not be granted for any programme unless the Department is satisfied that it is undertaken for one or more of the following purposes-

- (a) the prevention (whether by the testing of any product or otherwise) or the diagnosis or treatment of disease, ill-health or abnormality, or their effects, in man, animals or plants;
- (b) the assessment, detection, regulation or modification of physiological conditions in man, animals or plants;
- (c) the protection of the natural environment in the interests of the health or welfare of man or animals;
- (d) the advancement of knowledge in biological or behavioural sciences;
- (e) education or training otherwise than in primary or secondary schools;
- (f) forensic enquiries;
- (g) the breeding of animals for experimental or other scientific use.

(4) In determining whether and on what terms to grant a project licence the Department shall weigh the likely adverse effects on the animals concerned against the benefit likely to

accrue as a result of the programme to be specified in the licence.

(5) The Department shall not grant a project licence unless it is satisfied that the applicant has given adequate consideration to the feasibility of achieving the purpose of the programme to be specified in the licence by means not involving the use of protected animals.

(6) The Department shall not grant a project licence authorising the use of cats, dogs, primates or equidae unless it is satisfied that animals of no other species are suitable for the purposes of the programme to be specified in the licence or that it is not practicable to obtain animals of any other species that are suitable for those purposes.

(7) Unless revoked and subject to subsection (8), 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 5 years in all.

(8) A project licence shall terminate on the death of the holder but if-

- (a) the holder of a certificate under section 16 in respect of a place specified in the licence; or
- (b) where by virtue of subsection (2) of section 16 the licence does not specify a place in respect of which there is such a certificate, the holder of a personal licence engaged on the programme in question,

notifies the Department of the holder's death within 7 days of its coming to his knowledge the licence shall, unless the Department otherwise directs, continue in force until the end of the period of 28 days beginning with the date of the notification.

#### *Designated establishments*

## **16 Scientific procedure establishments**

(1) No place shall be specified in a project licence unless it is a place designated by a certificate issued by the Department under this section as a scientific procedure establishment.

(2) A certificate under this section shall not be issued in respect of any place which is not-

- (a) an establishment which is operated by a Department or a Statutory Board; or
- (b) an establishment which the Department, after consultation with the Department of Education and Children, is satisfied is a *bona fide* educational establishment.

**[Para (b) amended by SD155/10 Sch 10.]**

(3) An application for a certificate in respect of a scientific procedure establishment shall be made to the Department in such form and shall be supported by such information as it may reasonably require.

(4) A certificate shall not be issued under this section-

- (a) except to a person occupying a position of authority at the establishment in

question; and

(b) unless the application nominates for inclusion in the certificate pursuant to subsection (5) a person or persons appearing to the Department to be suitable for that purpose.

(5) A certificate under this section shall specify-

(a) a person to be responsible for the day-to-day care of the protected animals kept for experimental or other scientific purposes at the establishment; and

(b) a veterinary surgeon, or other suitably qualified person to provide advice on their health and welfare;

**[Para (b) amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]**

and the same person may, if the Department thinks fit, be specified under both paragraphs of this subsection.

(6) If it appears to any person specified in a certificate pursuant to subsection (5) that the health or welfare of any such animal as is mentioned in that subsection gives rise to concern he 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 him, take steps to ensure that the animal is cared for and, if it is necessary for it to be killed, that it is killed by a method which is appropriate under Schedule 2 or approved by the Department.

(7) In any case to which subsection (6) applies the person specified in the certificate 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 shall also notify the Chief Veterinary Officer of the Department.

(8) A certificate under this section shall continue in force until revoked.

## **17 Breeding and supplying establishments**

(1) A person shall not in any place breed for use in regulated procedures (whether there or elsewhere) protected animals of a description specified in Schedule 3 unless that place is designated by a certificate issued by the Department under this section as a breeding establishment.

(2) A person shall not at any place keep any such protected animals which have not been bred there but are to be supplied for use elsewhere in regulated procedures unless that place is designated by a certificate issued by the Department under this section as a supplying establishment.

(3) An application for a certificate in respect of a breeding or supplying establishment shall be made to the Department in such form and shall be supported by such information as it may reasonably require.

(4) A certificate shall not be issued under this section unless the application nominates for inclusion in the certificate pursuant to subsection (5) a person or persons appearing to

the Department to be suitable for that purpose.

(5) A certificate under this section shall specify-

- (a) a person to be responsible for the day-to-day care of the animals bred or kept for breeding at the establishment or, as the case may be, kept there for the purpose of being supplied for use in regulated procedures; and
- (b) a veterinary surgeon, or other suitably qualified person to provide advice on their health and welfare;

**[Para (b) amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]**

and the same person may, if the Department thinks fit, be specified under both paragraphs of this subsection.

(6) If it appears to any person specified in a certificate pursuant to subsection (5) that the health or welfare of any such animal as is mentioned in that subsection gives rise to concern he shall take steps to ensure that it is cared for and, if it is necessary for it to be killed, that it is killed by a method which is appropriate under Schedule 2 or approved by the Department.

(7) In any case to which subsection (6) applies the person specified in the certificate 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 shall also notify the Chief Veterinary Officer of the Department.

(8) A certificate under this section shall continue in force until revoked.

(9) Schedule 3 may be amended by order made by the Department.

## **18 Fees**

The holder of a certificate issued under section 16 or 17 shall pay such periodical and other fees to the Department as may be prescribed under the Fees and Duties Act 1989.

## **19 Consultation**

(1) Before granting a licence or issuing a certificate under this Act the Department may consult such persons as it thinks appropriate.

(2) Where the Department proposes to consult anyone it shall notify the applicant of that fact, and shall have regard to any representations made by the applicant.

## **20 Conditions**

(1) Subject to the provisions of this section, a licence or certificate under this Part may contain such conditions as the Department thinks fit.

(2) The conditions of a personal licence shall include-

- (a) a condition to the effect that the holder shall take precautions to prevent or reduce to the minimum consistent with the purposes of the authorised procedures any pain, distress or discomfort to the animals to which those procedures may be applied; and

- (b) an inviolable termination condition, that is to say a condition specifying circumstances in which a protected animal which is being or has been subjected to a regulated procedure must in every case be immediately killed by a method appropriate to the animal under Schedule 2 or by such other method as may be authorised by the licence.

(3) The conditions of a project licence shall, unless the Department considers that an exception is justified, include a condition to the effect-

- (a) that no cat or dog shall be used under the licence unless it has been bred at and obtained from a designated breeding establishment; and
- (b) that no other protected animal of a description specified in Schedule 3 shall be used under the licence unless it has been bred at a designated breeding establishment or obtained from a designated supplying establishment; and
- (c) that no vertebrate of an endangered species shall be used under the licence;

but no exception shall be made from the condition required by paragraph (a) unless the Department is satisfied that no animal suitable for the purpose of the programme specified in the licence can be obtained in accordance with that condition and no exception shall be made from the condition required by paragraph (c) unless the Department is satisfied that the use of animals of the species in question will be in conformity with the Council Regulation and that the purposes of the programme of work specified in the licence are either research aimed at preservation of the species in question or essential bio-medical purposes where the species in question exceptionally proves to be the only one suitable for those purposes.

(4) In subsection (3)-

'endangered species' means a species listed in Appendix 1 of the Convention on International Trade in Endangered Species of Fauna and Flora as it has effect from time to time; and

'essential bio-medical purposes' has the same meaning as in Council Directive No 86/609/EEC, and in subsection (3) 'the Council Regulation' means Council Regulation (EEC) No 3626/82 as amended by Commission Regulation (EEC) No 869/88 and Commission Regulation (EEC) No 1970/92.

(5) If the conditions of a personal licence permit the holder to use assistants to perform, under his direction, tasks not requiring technical knowledge nothing done by an assistant in accordance with such a condition shall constitute a contravention of section 13.

(6) The conditions of a certificate issued under section 16 shall include a condition prohibiting the killing otherwise than by a method which is appropriate under Schedule 2 or approved by the Department of any protected animal kept at the establishment for experimental or other scientific purposes but not subjected to a regulated procedure or required to be killed by virtue of section 25; and the conditions of a certificate issued under section 17 shall include a condition prohibiting the killing otherwise than by such a method of an animal of a description specified in Schedule 3 which is bred or kept for breeding or, as the case may be, kept at the establishment for the purposes of being supplied for use in regulated procedures but not used, or supplied for use, for that purpose.

(7) The conditions of a certificate issued under section 16 or 17 shall include conditions requiring the holder of the certificate-

- (a) to secure that a person competent to kill animals in the manner specified by conditions imposed in accordance with subsection (6) will be available to do so; and
- (b) to keep records as respects the source and disposal of and otherwise relating to the animals kept at the establishment for experimental or other scientific purposes or, as the case may be, bred or kept for breeding there or kept there for the purposes of being supplied for use in regulated procedures.

(8) Breach of a condition in a licence or certificate shall not invalidate the licence or certificate but shall be a ground for its variation or revocation.

## **21 Variation and revocation**

A licence or certificate under this Part may be varied or revoked by the Department-

- (a) on the ground mentioned in section 20(8);
- (b) in any other case in which it appears to the Department appropriate to do so; or
- (c) at the request of the holder.

## **22 Right to make representations**

(1) Where the Department proposes-

- (a) to refuse a licence or certificate under this Part; or
- (b) to vary or revoke such a licence or certificate otherwise than at the request of the holder,

it shall serve on the applicant or the holder a notice of its intention to do so.

(2) The notice shall state the reasons for which the Department proposes to act and give particulars of the rights conferred by subsection (3).

(3) A person on whom a notice is served under subsection (1) may make written representations and, if desired, oral representations to a person appointed for that purpose by the Department if before such date as is specified in the notice (not being less than 28 days after the date of service) he notifies the Department of his wish to do so.

(4) The holder of a licence or certificate who is dissatisfied with any condition contained in it may, if he notifies the Department of his wish to do so, make written representations and, if desired, oral representations to a person appointed for that purpose by the Department; but the making of such representations shall not affect the operation of any condition unless and until it is varied under section 21.

(5) The person appointed to receive any representations under this section shall be a person who holds or has held judicial office in the Island or an advocate of at least 10 years standing and the Department may, if it 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 Department; and the Department 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 vary or revoke the licence or certificate, as the case may be.

(7) The Department 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 this section may be served either personally or by post.

## **23 Suspension in cases of urgency**

(1) If it appears to the Department to be urgently necessary for the welfare of any protected animals that a licence or certificate under this Act should cease to have effect forthwith it shall by notice served on the holder suspend its operation for a period not exceeding 3 months.

(2) If during that period a notice of proposed variation or revocation of the licence or certificate is served under section 22 but at the end of that period-

- (a) the time for notifying the Department 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 Department has not received or has not completed its consideration of the report of the person to whom the representations were made,

it may by notice served on the holder further suspend the licence or certificate until it is able to decide whether to vary or revoke it but no further suspension shall be for longer than 3 months at a time.

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

### *Additional controls*

## **24 Re-use of protected animals**

(1) Where a protected animal-

- (a) has been subjected to a series of regulated procedures for a particular purpose; and
- (b) has been given a general anaesthetic for any of those procedures and allowed to recover consciousness,

it shall not be used for any further regulated procedures.

(2) Subsection (1) shall not preclude the use of an animal with the consent of the

Department if-

- (a) the procedure, or each procedure, for which the anaesthetic was given consisted only of surgical preparation essential for a subsequent procedure; or
- (b) the anaesthetic was administered solely to immobilise the animal; or
- (c) the animal is under general anaesthesia throughout the further procedures and not allowed to recover consciousness.

(3) Where a protected animal-

- (a) has been subjected to a series of regulated procedures for a particular purpose; but
- (b) has not been given a general anaesthetic for any of those procedures,

it shall not be used for any further regulated procedures except with the consent of the Department.

(4) Any consent for the purposes of this section may relate to a specified animal or to animals used in specified procedures or specified circumstances.

## **25 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,

the person who applied those procedures, or the last of them, shall cause the animal to be immediately killed by a method appropriate to the animal under Schedule 2 or by such other method as may be authorised by the personal licence of the person by whom the animal is killed.

(2) Subsection (1) 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.

## **26 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 that would contravene subsection (1).

## **27 Neuromuscular blocking agents**

No person shall in the course of a regulated procedure-

- (a) use any neuromuscular blocking agent unless expressly authorised to do so by the

personal and project licences under which the procedure is carried out; or

- (b) use any such agent instead of an anaesthetic.

## **28 Animal undergoing excessive suffering: power of Department, etc**

If the Department or a veterinary officer of the Department considers that a protected animal is undergoing excessive suffering it or he may require it to be immediately killed by a method appropriate to the animal under Schedule 2 or by such other method as may be authorised by any personal licence held by the person to whom the requirement is addressed.

### *Miscellaneous provisions*

## **29 Guidance, codes of practice, etc**

(1) The Department may publish information to serve as guidance with respect to the manner in which it proposes to exercise its power to grant licences and certificates under this Part and with respect to the conditions which it proposes to include in such licences and certificates.

(2) The Department may 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 Department may consult with any person before altering any information under subsection (1) or issuing, approving, altering or approving any alteration in any code issued or approved under subsection (2).

(4) A failure on the part of any person to comply with any provision of a code issued or approved under subsection (2) 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 Department shall lay before Tynwald-

- (a) copies of any information published or code issued by it under subsection (1) or (2) and of any alteration made by it in any such information or code; and
- (b) copies of any code approved by it under subsection (2) and of any alteration approved by it in any such code.

(6) The Department shall in each year publish and lay before Tynwald information with respect to the use of protected animals in the previous year for experimental or other scientific purposes.

## **30 Penalties for contraventions**

(1) Any person who contravenes section 13 (prohibition of unlicensed procedures) shall be guilty of an offence and liable-

- (a) on conviction on information, to custody for a term not exceeding 2 years or to a fine or to both;
- (b) on summary conviction, to custody for a term not exceeding 6 months or to a fine not exceeding £5,000 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).

(3) Any person who-

- (a) contravenes section 17(1) or (2), 24, 25, 26 or 27; or
- (b) fails to comply with a requirement imposed on him under section 28,

shall be guilty of an offence and liable on summary conviction to custody for a term not exceeding 3 months or to a fine not exceeding £2,500 or to both.

(4) A person shall not be guilty of an offence under section 13 or 27(a) 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.

### **31 False statements**

(1) A person is guilty of an offence if for the purpose of obtaining or assisting another person to obtain a licence or certificate under this Part 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 custody for a term not exceeding 3 months or to a fine not exceeding £2,500 or to both.

### **32 Protection of confidential information**

(1) A person is guilty of an offence if otherwise than for the purposes of discharging his functions under this Part 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 information, to custody for a term not exceeding 2 years or to a fine or to both;
- (b) on summary conviction, to custody for a term not exceeding 6 months or to a fine not exceeding £5,000 or to both.

(3) No offence is committed under this section where information is disclosed for the

purposes of section 16 by the Department to the Department of Education and Children or *vice versa*.

[Subs (3) amended by SD155/10 Sch 10.]

### 33 Prosecutions

(1) No proceedings for an offence under this Part shall be commenced in the Island except by or with the consent of the Attorney General.

(2) Notwithstanding section 75 of the Summary Jurisdiction Act 1989, a complaint relating to a summary offence under this Part may be so tried if the complaint is made at any time within 3 years after the commission of the offence and within 6 months after the date on which evidence sufficient in the opinion of the Attorney General to justify the proceedings comes to his knowledge.

(3) For the purposes of subsection (2) a certificate of the Attorney General as to the date on which such evidence as is there mentioned came to his knowledge shall be conclusive evidence of that fact.

### 34 Interpretation of Part II

In this Part-

**'designated'**, in relation to an establishment, means designated by a certificate under section 16 or 17;

**'Manx ship'** has the same meaning as in the Merchant Shipping Registration Act 1991;

**'personal licence'** means a licence granted under section 14;

**'place'** includes any place within the seaward limits of the territorial waters of the Island, including any vessel which is a Manx ship;

**'project licence'** means a licence granted under section 15;

**'protected animal'** has the meaning given in section 11 but subject to any order under subsection (3) of that section;

**'regulated procedure'** has the meaning given in section 12.

## PART III GENERAL AND SUPPLEMENTARY

### 35 Spring traps

(1) Subject to subsection (3), a person shall be guilty of an offence under this subsection if either-

- (a) for the purpose of killing or taking animals, he uses, or knowingly permits the use of, any spring trap; or
- (b) he sells, or exposes or offers for sale, any spring trap with a view to its being used for a purpose which is an offence under paragraph (a); or

(c) he has any spring trap in his possession for a purpose which is an offence under paragraph (a) or (b).

(2) A person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding £1,000.

(3) Subsection (1) shall not apply to traps of any description which are designed or adapted solely for the destruction of rats or mice.

### **36 Possession of appliances for use in fighting of domestic fowl**

(1) If any person has in his possession any instrument or appliance designed or adapted for use in connection with the fighting of any domestic fowl, he shall, if the court be satisfied that he had it in his possession for the purpose of using it or permitting it to be used in that connection, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £2,500.

(2) Where any person is convicted of an offence under this section, the court may order any instrument or appliance in respect of which the offence was committed to be destroyed or dealt with in such other manner as may be specified in the order.

### **37 Enforcement of Act**

Schedule 4 shall have effect for the enforcement of this Act and for the other matters specified in that Schedule.

### **38 Offences by bodies corporate**

(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in such a capacity, he, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

### **39 Orders**

No order under this Act (except an order under section 44) shall come into operation unless it has been approved by Tynwald.

### **40 Expenses**

Without prejudice to sections 3(4), 7(2) and 9(4) and paragraph 2(2) of Schedule 4, any expenses incurred by the Department, or by any constable, in the operation of this Act shall be defrayed out of money provided by Tynwald.

### **41 Interpretation**

In this Act-

'animal' means an animal of any kind or species other than man;

'cat' includes kitten;

'the Department' has the meaning given by section 2(5);

'dog' includes bitch and puppy;

'fowl' includes cock, hen, chicken, capon, turkey, goose, gander, duck, drake, guinea fowl, peacock, peahen, swan and pigeon;

'goat' includes kid;

'horse' includes colt, filly, foal, gelding, mare, pony and stallion;

'Part' includes any Schedule introduced by any provision of that Part;

'pig' includes boar, hog, sow and piglet;

'sheep' includes ewe, lamb and ram;

'veterinary surgeon' has the meaning given by section 1(1) of the Veterinary Surgeons Act 2005.

[Definition of 'veterinary surgeon', previously definition of 'veterinary practitioner' and 'veterinary surgeon', substituted by Veterinary Surgeons Act 2005 Sch 2.]

## **42 Amendments**

The enactments mentioned in Schedule 5 shall be amended in accordance with that Schedule.

## **43 Transitional provisions and repeals**

(1) The transitional provisions and savings in Schedule 6 shall have effect.

(2) The enactments mentioned in Schedule 7 are repealed to the extent specified in the third column of that Schedule.

## **44 Short title and commencement**

(1) This Act may be cited as the Cruelty to Animals Act 1997.

(2) This Act shall come into force on such day as the Department may by order appoint and different days may be so appointed for different provisions and for different purposes.

[ADO (whole Act) 1/5/1998 (SD200/98).]

### **Schedule 1 Excepted Operations**

1. Any experiment duly authorised under Part II.
2. The rendering in emergency of first aid for the purpose of saving life or relieving pain.

3. The amputation of the dew claws of a dog before its eyes are open.

4. (1) The castration of a male animal specified in the following table before it has reached the age so specified, that is to say-

bull	2 months
Sheep	3 months
goat	2 months
pig	1 month

(2) Sub-paragraph (1) shall not apply to the castration of an animal by using a rubber ring or other device to constrict or restrict the flow of blood to the scrotum unless the device is applied within the first week of life.

(3) Sub-paragraph (1) shall not apply to the castration of an animal by using a device known as a Burdizzo or a device having a similar effect, unless the device is applied within the first week of life.

5. Any minor operation performed by a veterinary surgeon, being an operation which, by reason of its quickness or painlessness, is customarily so performed without the use of an anaesthetic.

**[Para 5 amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]**

6. Any minor operation, whether performed by a veterinary surgeon or by some other person, being an operation which is not customarily performed only by such a surgeon.

**[Para 6 amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]**

7. (1) Paragraphs 5 and 6 shall not in any circumstances permit-

- (a) the castration of a male animal (but without prejudice to the circumstances in which castration is permitted by paragraph 4);
- (b) the de-horning of cattle;
- (c) the dis-budding of calves, except by means of chemical cauterisation applied within the first week of life; or
- (d) the docking of lambs' tails by using a rubber ring or other device to constrict the flow of blood to the tail, unless the device is applied within the first week of life.

(2) In this paragraph, 'cattle' means bulls, bullocks, cows, heifers and calves.

8. Nothing in this Schedule shall authorise the performance of any operation by a person under the age of 18 years, unless he has attained the age of 16 years and is supervised by a person who has attained the age of 18 years.

## **Schedule 2**

### **Standard Methods of Humane Killing**

<b>Method</b>	<b>Animals for which appropriate</b>
<p>A. Animals other than foetal, larval and embryonic forms</p> <p>1. Overdose of anaesthetic suitable for the species-</p> <p>(i) by injection</p> <p>(ii) by inhalation</p> <p>(iii) by immersion.</p> <p>(Followed by destruction of the brain in cold-blooded vertebrates and by exsanguination or by dislocation of the neck in warm blooded vertebrates except where rigor mortis has been confirmed).</p> <p>2. Dislocation of the neck. (Followed by the destruction of the brain in fishes).</p> <p>3. Concussion by striking the back of the head. (Followed by exsanguination or dislocation of the neck in rodents and birds and destruction of the brain in fishes).</p> <p>4. Decapitation followed by destruction of the brain.</p> <p>5. Exposure to carbon dioxide in a rising concentration using a suitable technique followed by exsanguination or by dislocation of the neck except where rigor mortis has been confirmed.</p>	<p>(i) All animals.</p> <p>(ii) All animals up to 1 kg body weight reptiles, diving birds and diving mammals.</p> <p>(iii) Fishes</p> <p>Amphibian up to 250g bodyweight.</p> <p>Rodents up to 500g bodyweight other than guinea-pigs.</p> <p>Guinea-pigs and lagomorphs up to 1 kg bodyweight.</p> <p>Birds up to 3 kg bodyweight.</p> <p>Fishes up to 250g bodyweight.</p> <p>Rodents up to 1 kg bodyweight. Birds up to 250g bodyweight. Fishes.</p> <p>Cold-blooded vertebrates.</p> <p>Rodents over 10 days of age up to 1 1/2 kg bodyweight. Birds over 1 week of age up to 3 kg bodyweight.</p>
<p>B. Foetal, larval and embryonic forms</p> <p>1. Overdose of anaesthetic suitable for the species</p> <p>(i) by injection</p> <p>(ii) by immersion.</p> <p>2. Decapitation.</p>	<p>(i) All animals.</p> <p>(ii) Fishes Amphibia.</p> <p>Mammals.</p>
<p>C. Invertebrates</p> <p>1. Overdose of anaesthetic suitable for species.</p>	

(i) by immersion	(i) Aquatic species, Annelids, molluscs, helminths.
(ii) by exposure to vapour.	(ii) Insects, Arachnids, Annelids.
2. Rapid freezing.	All susceptible invertebrates.
3. Boiling.	All invertebrates.
4. Rapid crushing.	Small insects, Arachnids, and aquatic species.
5. Decapitation.	Cephalopod molluscs.
6. Pithing.	Octopoda.
7. Sectioning of ventral nerve cords/ central nervous system.	Molluscs, Crustaceans.

**Schedule 3**  
**Animals to be Obtained only from Designated Breeding or Supplying Establishments**

Mouse  
Rat  
Guinea-pig  
Hamster  
Rabbit  
Dog  
Cat  
Primate  
Any bird of the species *Coturnix coturnix* (quail).

**Schedule 4**  
**Enforcement of Act**

*Powers of constable*

1. A constable may arrest without warrant any person whom he has reasonable grounds for believing to be guilty of an offence under section 1.

2. (1) Where a person having charge of a vehicle or animal is arrested by a constable pursuant to paragraph 1, that constable, or any other constable, may take charge of the vehicle or animal and deposit the same in a place of safe custody pending the determination of the proceedings or until the court before which the proceedings are brought otherwise directs.

(2) The costs of detaining a vehicle or animal pursuant to sub-paragraph (1), including the reasonable costs of any veterinary treatment, where such treatment is required, shall, in the event of a conviction for an offence under section 1 in respect of an animal-

- (a) except where the owner of the animal is so convicted, be recoverable summarily as a civil debt from that owner by the prosecutor;
- (b) where the owner of the animal is so convicted, be part of the costs of the case.

*Powers of entry*

3. (1) If a constable has reasonable grounds for believing-

- (a) that an offence under section 1 has been or is being committed in respect of an animal in any place (including a dwelling); and
- (b) that there is an immediate need to reduce the suffering of the animal,

he may enter that place, if need be by such force as is reasonably necessary, for the purpose of locating the animal and taking such action as is necessary to reduce its suffering.

(2) A constable entering premises under sub-paragraph (1) may take with him a veterinary surgeon or such other persons as he thinks necessary.

**[Subpara (2) amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]**

(3) On leaving unoccupied premises that a constable has entered under sub-paragraph (1) he shall leave them as effectually secured against trespassers as he found them.

(4) Any person who intentionally obstructs a constable in the exercise of his powers under this paragraph shall be guilty of an offence and liable on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding £5,000 or to both.

4. (1) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for believing that an offence under section 1 or Part II has been or is being committed at any place (including a dwelling), 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 this paragraph may authorise a constable to be accompanied by a veterinary surgeon and shall require him to be accompanied by an officer of the Department if the place in question is a designated establishment for the purposes of Part II.

**[Subpara (2) amended by Veterinary Surgeons Act 2005 Schs 2 and 3.]**

(3) On leaving unoccupied premises that a constable has entered under a warrant issued under this paragraph he shall leave them as effectually secured against trespassers as he found them.

(4) Any person who-

- (a) intentionally obstructs a constable or an officer in the exercise of his powers under this paragraph; 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 custody for a term not

exceeding 6 months or to a fine not exceeding £5,000 or to both.

#### *Summonses to employers*

5. Where proceedings are instituted for an offence under section 1 against the driver or conductor of any vehicle, the court before which the proceedings were instituted may issue a summons directed to the employer of the driver or, as the case may be, of the conductor requiring the employer, if it is in his power to do so, to produce the driver or, as the case may be, the conductor at the hearing of the case.

6. Where proceedings are instituted for an offence under section 1 in respect of any animal, the court before which the proceedings were instituted may issue a summons directed to the owner of the animal requiring him to produce the animal at, or (if so stated in the summons) at any time before, the hearing of the case, so that the animal may be inspected by the court.

7. (1) Where-

- (a) an employer fails, without reasonable cause, to comply with a summons under paragraph 5; or
- (b) an owner fails, without reasonable cause, to comply with a summons under paragraph 6,

he shall be guilty of an offence and shall be liable-

- (i) to a fine not exceeding £500;
- (ii) to pay the costs of any adjournment resulting from his failure to comply with the summons.

(2) It shall be a defence to a charge of having failed to comply with a summons under paragraph 6, for the person charged to satisfy the court before which the proceedings against him are brought that the production of the animal pursuant to the warrant could not have been effected without cruelty to the animal.

### **Schedule 5 Amendment of Enactments**

[Sch 5 amends the following Acts-

**Riding Establishments (Inspection) Act 1968 q.v.**

**Animal Boarding Establishments (Isle of Man) Act 1973 q.v.**

**Summary Jurisdiction Act 1989 q.v.]**

### **Schedule 6 Transitional and Saving Provisions**

#### **Existing licences**

1. Any licence which immediately before the coming into force of Part II is in force under the Cruelty to Animals Act 1945 (in this Schedule referred to as 'the 1945 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. Any experiment or series of experiments which is lawfully in progress under the 1945 Act immediately before the coming into force of Part II shall be treated for the purposes of Part II as authorised by a project licence.

### **Existing certificates**

3. A person shall not by virtue of paragraphs 1 or 2 be entitled to do anything which would have been unlawful under the 1945 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 Part II he holds the appropriate certificate under that Act.

### **Registered premises**

4. Until such date as the Department may direct there shall be treated as a designated scientific procedure establishment for the purposes of this Act any place registered under the 1945 Act or approved by the Department.

## **Schedule 7** **Enactments Repealed**

[Sch 7 repeals the following Acts wholly-

- Cruelty to Animals Act 1925**
- Cruelty to Animals Act 1945**
- Cruelty to Animals Act 1955**
- Cruelty to Animals (Abandonment) Act 1960**
- Cruelty to Animals (Anaesthetics) Act 1965**
- Cruelty to Animals (Spring Traps) Act 1966**
- Cruelty to Animals (Spring Traps) Act 1967**
- Cruelty to Animals (Spring Traps) Act 1971**

and the following Acts in part-

- Pinfolds Act 1963**
  - Animal Offences Act 1976**
  - Fines Act 1986**
  - Transfer of Governor's Functions Act 1992**
  - Statute Law Revision Act 1992.]**
-