

CHAPTER 19:12

SCIENTIFIC EXPERIMENTS ON ANIMALS ACT

Act 17/1963 (Federal); 22/2001 (s. 4); R.G.N. 796/1963.

AN ACT to make provision with respect to the performance, for the purposes of scientific research and higher education, of painful experiments on living vertebrate animals and to provide for matters incidental thereto.

[Date of commencement: 27th December, 1963.]

1 Short title

This Act may be cited as the Scientific Experiments on Animals Act [*Chapter 19:12*].

2 Interpretation

In this Act—

“animal” means a living vertebrate animal;

“inspector” means an inspector appointed under subsection (1) of section *six*;

“licence” means a licence issued under subsection (1) of section *four* and a special licence issued under subsection (5) of that section;

“licensee” means the holder of a licence;

“Minister” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“scientific experiment” means an experiment on an animal which is likely to cause pain and which is performed for purposes of—

(a) scientific research, including medical, agricultural, veterinary and tsetse research; or

(b) the higher education of persons at institutions or other bodies offering courses of a university, technological or professional character;

“this Act” includes any regulation made or licence issued under this Act.

3 Performance of scientific experiments

(1) Notwithstanding anything contained in any law, the performance, in accordance with this Act, of a scientific experiment shall be lawful.

(2) No person other than a licensee shall perform a scientific experiment.

(3) No licensee shall perform a scientific experiment otherwise than in accordance with this Act and the terms and conditions of his licence.

[Subsection as amended by section 4 of Act No. 22 of 2001]

(4) Any person who contravenes subsection (2) or (3) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

4 Licences

(1) The Minister may, upon application by any person, issue to such person a licence authorizing the performance, subject to this Act, of scientific experiments.

(2) No licence referred to in subsection (1) shall be issued unless the Minister is satisfied that—

(a) any scientific experiment to be authorized thereby is necessary for the purpose for which it is to be performed; and

(b) the applicant is a fit and proper person and is qualified to perform any such experiment; and

(c) the premises, facilities and equipment provided by the applicant for the performance of any such experiment conform or will conform to the requirements of regulations made under paragraph (d) of subsection (2) of section *seven*.

(3) In every licence there shall be specified—

(a) the name and address of the licensee; and

(b) the nature of the scientific experiment or experiments authorized thereby; and

(c) the number and class or classes of animals which may be used for any such experiments; and

(d) the premises at which any such experiments may be performed; and

(e) the period for which the licence is issued; and

(f) any special conditions imposed under subsection (4).

(4) The Minister may in any licence impose such special conditions as he considers necessary or desirable for the proper control of the performance of the scientific experiments authorized by the licence.

(5) Whenever the Minister is satisfied that the object of a scientific experiment or class of such experiments authorized by a licence would necessarily be frustrated if the provisions of subsection (2) of section *five* were complied with by the licensee, he may issue a special licence exempting the licensee from that subsection in relation to that experiment or class of experiments.

(6) The Minister may at any time, by notice in writing to a licensee—

- (a) amend a licence; or
- (b) suspend or revoke a licence or any of the provisions of a licence.

5 Restrictions on licensees

(1) No licensee shall perform any experiment on any animal which is likely to cause pain for the purpose of attaining manual skill.

(2) Subject to the provisions of a special licence issued under subsection (5) of section *four*, no licensee shall perform a scientific experiment unless—

- (a) throughout the whole of such experiment the animal is under the influence of an anaesthetic of sufficient power to prevent the animal from feeling pain; and
- (b) if the pain is likely to be prolonged after the effect of the anaesthetic has ceased or if any serious injury has been inflicted on the animal, the animal is killed before it recovers from the influence of the anaesthetic which has been administered.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

6 Inspectors

(1) Subject to the law relating to the Public Service, the Minister may appoint any person registered as a veterinary surgeon under the Veterinary Surgeons Act [*Chapter 27:16*] as an inspector for the purpose of enforcing the provisions of this Act.

(2) An inspector may, at all reasonable times, enter any premises in respect of which a licence has been issued and may—

- (a) inspect—
 - (i) the premises and the facilities and equipment provided on the premises for the performance of scientific experiments; and
 - (ii) any animals on the premises in the charge of the licensee; and
 - (iii) any books, records and documents on the premises relating to the performance of scientific experiments;

and

- (b) attend the performance of any scientific experiment.

(3) Any person who hinders or obstructs an inspector in the performance of his functions shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

7 Regulations

(1) The Minister may make regulations for carrying out or giving effect to this Act.

(2) The Minister may, in the exercise of the powers conferred by subsection (1), provide for—

- (a) the form and manner in which applications for licences are to be made and the information to be supplied in connection therewith;
- (b) the form of licences;
- (c) the keeping of books, records and documents, the rendering of returns and the supply of information by licensees relating to the performance of scientific experiments and the animals used or to be used therefor;
- (d) the premises, facilities and equipment to be provided and maintained by licensees for the performance of scientific experiments;
- (e) the proper care of animals in the charge of licensees while awaiting, undergoing or recovering from scientific experiments.

(3) Regulations may provide penalties for contraventions thereof, but no such penalty shall exceed a fine of level five or imprisonment for a period of six months or both such fine and such imprisonment.

[Subsection as inserted by section 4 of Act No. 22 of 2001]

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[Section repealed by Act No. 22 of 2001]