



MONTSERRAT

CHAPTER 9.09

ANIMALS (CONTROL OF EXPERIMENTS) ACT

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

ANIMALS (CONTROL OF EXPERIMENTS) ACT

Act 4 of 1958 .. in force 6 March 1958

Amended by Acts: 15 of 1959

9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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ANIMALS (CONTROL OF EXPERIMENTS) ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 9.09

ANIMALS (CONTROL OF EXPERIMENTS) ACT

(Acts 4 of 1958, 15 of 1959 and 9 of 2011)

Commencement

[6 March 1958]

Short title

1. This Act may be cited as the Animals (Control of Experiments) Act.

Interpretation

2. In this Act—

“**animal**” means a living vertebrate animal;

“**experiment**” means any experiment performed on an animal and calculated to give pain;

“**licensee**” means a person licensed under section 7.

Experiments only to be performed by licensed persons

3. (1) No person except a licensee shall perform any experiment.

(2) No licensee shall perform any experiment except in accordance with the terms of his licence and subject to the restrictions imposed by this Act.

Experiments not to be performed for purposes of attaining manual skill

4. No licensee shall perform any experiment for the purpose of attaining manual skill.

Prohibition of performance of experiments for illustration of lectures subject to certain conditions

5. No licensee shall perform any experiment for the purpose of illustrating any lecture at any academic institution unless he is the holder of a teaching permit under this Act, and unless the experiment is of a class specified in such permit and is performed in accordance with the terms of such permit.

Restrictions upon performances of experiments by licence

6. (1) Except as otherwise provided in section 5, no licensee shall perform any experiment except—

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- (a) for the purpose of the advancement by new discovery of physiological knowledge, or of any knowledge which will be useful for saving or prolonging life, or alleviating suffering, or for combating any disease whether of human beings, animals or plants;
- (b) for the purpose of testing any former discovery alleged to have been made for the advancement of the types of knowledge referred to in paragraph (a);
- (c) by the order in writing of any Judge of the High Court in any case where such Judge is satisfied that it is essential for the purpose of justice in a criminal case to make such experiment.

(2) Except as otherwise provided in subsection (3), no licensee shall perform any experiment unless—

- (a) throughout the whole of the experiment the animal is under the influence of some anaesthetic of sufficient power to prevent the animal feeling pain; and
- (b) if the pain is likely to continue 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) The provisions of subsection (2) shall not apply to any licensee who is the holder of a special permit granted under section 9 in relation to any experiment specified in such special permit.

Grant of licence

7. (1) The Governor acting on the advice of Cabinet may grant a licence to any person to perform any experiment for any purpose specified in such licence during such period and subject to such conditions in addition to the conditions specified in this Act as he may think fit. (*Amended by Act 9 of 2011*)

(2) It shall be a condition of any licence granted under subsection (1), that any experiment performed pursuant to such licence shall be performed at such place as may be specified in such licence.

Permits

8. (1) Where the Governor is satisfied that it is absolutely necessary for the due instruction of persons attending any course of lectures for the purpose of acquiring physiological knowledge or any knowledge which will be used for saving or prolonging life, or alleviating suffering, or for combating any disease whether of human beings, animals or plants, for any such lecture to be illustrated by the performance of any experiment, the Governor may grant to a licensee under this Act a teaching permit to

perform any experiment specified in such licence for the purpose of illustrating such lecture.

(2) Every teaching permit under this section shall be subject to such conditions in addition to any conditions specified in this Act as may be specified in such permit, and such permit shall remain in force for twelve months from the date on which it is granted.

Special permits

9. (1) Where the Governor is satisfied that the object of any experiment permitted to be performed by a licensee under this Act would necessarily be frustrated—

- (a) by the performance of such experiment, under any anaesthetic; or
- (b) by killing the animal on which such experiment is performed before it recovers from the influence of any anaesthetic,

he may grant a special permit authorising the licensee to perform such experiment without administering any anaesthetic to the animal or without killing the animal before it recovers from the influence of such anaesthetic as the case may be.

(2) Any special permit under this section shall specify the period for which it shall remain in force.

Records and inspections

10. (1) Every licensee under this Act shall keep, in such form as may be prescribed, records of all painful experiments performed by him.

(2) Every licensee under this Act shall permit any person authorised in writing by the Governor to inspect any records kept by him at any time between 8 a.m. and 6 p.m. on any day other than a Sunday or public holiday.

(3) Every licensee under this Act shall permit any person authorised in writing as aforesaid to enter and inspect, for the purpose of securing compliance with the provisions of this Act, any place specified in such licensee's licence for the performance of experiments.

Returns

11. Every licensee shall render to the Governor in such form and at such time as may be prescribed such returns as may be required in relation to any experiments performed by him.

Regulations

12. (1) The Governor acting on the advice of Cabinet may make regulations generally for the better carrying out of the provisions of this Act. (*Amended by Act 9 of 2011*)

(2) Regulations made under this section may without prejudice to the generality of the power conferred by subsection (1) provide for the keeping of records of all experiments performed by any licensee under this Act and for the rendering of returns in relation to any experiments performed under this Act.

Revocation of licence or permit

13. It shall be a condition of every licence or permit granted under this Act that such licence or permit may be revoked at any time by the person granting it on his being satisfied that such licence or permit ought to be revoked.

Penalty

14. Every person who acts in contravention of any of the provision of this Act or of any condition of any licence or permit granted under this Act shall be guilty of an offence against this Act and upon conviction before a Magistrate shall be liable to a fine of \$240 or to imprisonment for any term not exceeding 6 months or to both such fine and such imprisonment.

Restriction on prosecutions of licensee

15. A prosecution under this Act against a licensee shall not be instituted except by or with the consent of the Director of Public Prosecution.
(Amended by Act 9 of 2011)
