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Regulating the scientific use of animals taken from the wild

Implementation of Directive 2010/63/EU

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Introduction I

- Directive 2010/63/EU provides specific protection to animals taken from the wild
 - Article 9: Animals taken from the wild
 - Article 7: Endangered species
 - Article 11: Stray and feral animals of domestic species
 - Article 19: Setting free of animals and re-homing
 - Article 38: Project evaluation
 - Article 54: Reporting

Introduction II

- In the UK, animals used for scientific purposes are protected by the Animals (Scientific Procedures) Act 1986
 - Amended from 1st January 2013 to transpose EU Directive 2010/63/EU.
 - Stricter national measures in force were retained as per Directive Article 2.
- The use of animals taken from the wild, and their setting-free, changed in some respects
- An extensive body of further European and local legislation applies to particular species

Transposition into ASPA

- In UK, three tier licencing system
 - Establishment Licence: place
 - Project licence: research plan, animal use and outcomes.
 - Personal licence: individual person carrying out procedures
- Relevant controls are in Standard Conditions 11, 12,13,14 applying to project licences and in Section 17A of ASPA

Advice note: Working with animals taken from the wild (UK)

- An advice note has been prepared in consultation with relevant stakeholders
 - **Definitions:** stray, feral, endangered, taken from the wild
 - **Capture;** assessment of competent people, consideration of methods, unintended consequences
 - **Animals used in the wild** or taken to establishments
 - **Identification** methods, tracking devices
 - **Fate** of animals, including killing and setting free
 - **Roles** of those with responsibilities under article 24
 - **Other** local legislation

Considerations

- Animal: specific animal or species restrictions
- Capture:
 - Taking animals from the wild
 - Checks required after capture
 - Transport of animals to establishments
- Identification and Procedures
- Setting free and rehoming
 - Release of animals in the course of and at the end of procedures
 - Required checks and considerations
- Environmental effects

Article 7: Endangered species

- Specimens of those endangered species listed in Annex A to council regulation EU 338/97 which do not fall within Article 7 of that regulation shall not be used in procedures with the exception of those meeting the following conditions
 - The procedure has purpose (b)(i), (c) or (e) AND
 - There is scientific justification that the purpose cannot be achieved by the use of species other than those listed in that annex

Endangered animals (Article 7): UK

- An animal of a species that is listed in Annex A to council regulation EU 338/97 (CITES list)
- Not within scope of Article 7 (1) to that list.
 - Article 7 comprises a derogation for individual Annex A specimens born in captivity
- Purpose limited to
 - Translational or applied research; or
 - Research aimed at preserving the species of animal being used.
- Referral to National committee
(article 49)

Article 11: Stray and feral animals of domestic species

1. Stray and feral animals of domestic species shall not be used in procedures
2. The competent authorities may only grant exemptions from paragraph 1 subject to the following conditions
 - a) There is an essential need for studies concerning the health and welfare of the animals or serious threats to the environment or to human or animal health;
AND
 - b) There is a scientific justification to the effect that the purpose of the procedure can be achieved only by the use of a stray or feral animal

Stray animals (article 11): UK

- An animal which has previously lived in domesticity with humans but which has escaped, been displaced or lost.
- **May not be used in the UK.**
- Offspring of stray animals, born in the wild, may be considered feral
- Captive bred offspring of formerly stray animals are not regarded as being taken from the wild, nor as strays.

Feral Animals (article 11): UK

- An animal which is living in the wild but descended from domesticated individuals
- Specific authorisation required
- Purpose limited
 - Can only be achieved by use of feral animals AND
 - Essential to protect health and welfare of that species or to avoid serious threat to human or animal health or to the environment
- Offspring: born in wild = feral,
Born in captivity = captive bred

Animals taken from the wild; Annex 1 species (Article 10)

1. Member states shall ensure that animals belonging to the species listed in annex 1 may only be used in procedures where these animals have been bred for use in procedures...
 3. Competent authorities may grant exemptions on the basis of scientific justification
- Non-purpose bred Annex 1 species being taken from the wild are most likely to be: mouse, rat, rabbit, (dog and cat)

Article 9: Animals taken from the wild

1. Animals taken from the wild shall not be used in procedures
2. Competent authorities may grant exemptions on the basis of scientific justification that the purpose of the procedure cannot be achieved by the use of an animal which has been bred for use in procedures

Article 9: Animals taken from the wild

3. Capture of animals in the wild shall be carried out only by **competent persons** using methods which do not cause the animals **avoidable** pain, suffering distress or lasting harm.

Taken from the wild: UK definition

An animal taken from the wild is a previously free-living animal that has been captured or otherwise brought under the control of man

- Whether a **physical trap or device, or other means** is used to bring it under the control of man (e.g. picked up in the hand, use of dart gun, net, electrofishing)
- Whether or not it is to be kept in captivity for any length of time
- Whether or not it is physically taken away from the place of capture

Capture (article 9): UK - PPL control

- Providing the method of capture causes no avoidable PSD+LH, capture of free-living animals for their use in scientific procedures is not currently regulated in the UK; However
 - Detail of how capture will be performed should be included in project applications and PSD+LH is considered alongside the harm-benefit assessment.
 - How is the competency of the person performing capture assured?

Capture: avoidable PSD+LH

- Research at planning stage
- Advice from other regulators or welfare bodies
- Discussion with Animal Welfare Body (Article 26)
 - Could include retrospective assessment
- Consider trap/device
 - Position, checking frequency, time of day, weather, shelter, bedding, food, water, remote monitoring
 - Seasonality of breeding, effect on dependant offspring or breeding potential, capture of non-target species, effect on wider environment.

Capture: competent person

- Attendance at relevant courses
- Training and supervision in the field
- Consultation with expert
- External accreditation preferred (e.g. British Trust for Ornithology)
- Training and competency records: good practice
- May be required by other bodies
 - Species and country dependant

Article 9: Animals taken from the wild

3. (continued)

- Any animals found, at or after capture, to be injured or in poor health shall be examined by a veterinarian or another competent person and action shall be taken to minimise the suffering of the animal.
- Competent authorities may grant exemptions from the requirement of taking action to minimise the suffering of the animal if there is scientific justification.

Capture: examination for well-being I

- Protocol for assessment and decision making should be agreed in advance with veterinary and animal care staff, experts in particular species;
 - Wildlife biologists, animal behaviouralists, wildlife rehabilitation, care staff at zoological facilities
- Specific circumstances may influence actions
 - minor lesions, likely presence of dependant young
- Exemption from specific disease may be permitted
 - Where disease or fitness is under study – project authority required

Capture: examination for well-being II

- Risk of injury or poor health should be assessed prior to starting work and approach for handling, assessment, treatment or euthanasia of animals described
- This examination should be as soon as possible
- Animals must be examined by a veterinarian or competent person – non-veterinarians should be certified competent by a veterinarian.

Non-veterinarians: competencies

- Competency in;
 - assessment of species' normal behaviour,
 - Signs of disease in the species
 - Normal background level of disease in population
 - Behavioural indicators of distress in the species
 - Handling skills and techniques
 - Awareness of agreed actions
 - Awareness of their limitations and when veterinarian should be called
 - Capable of performing emergency euthanasia.

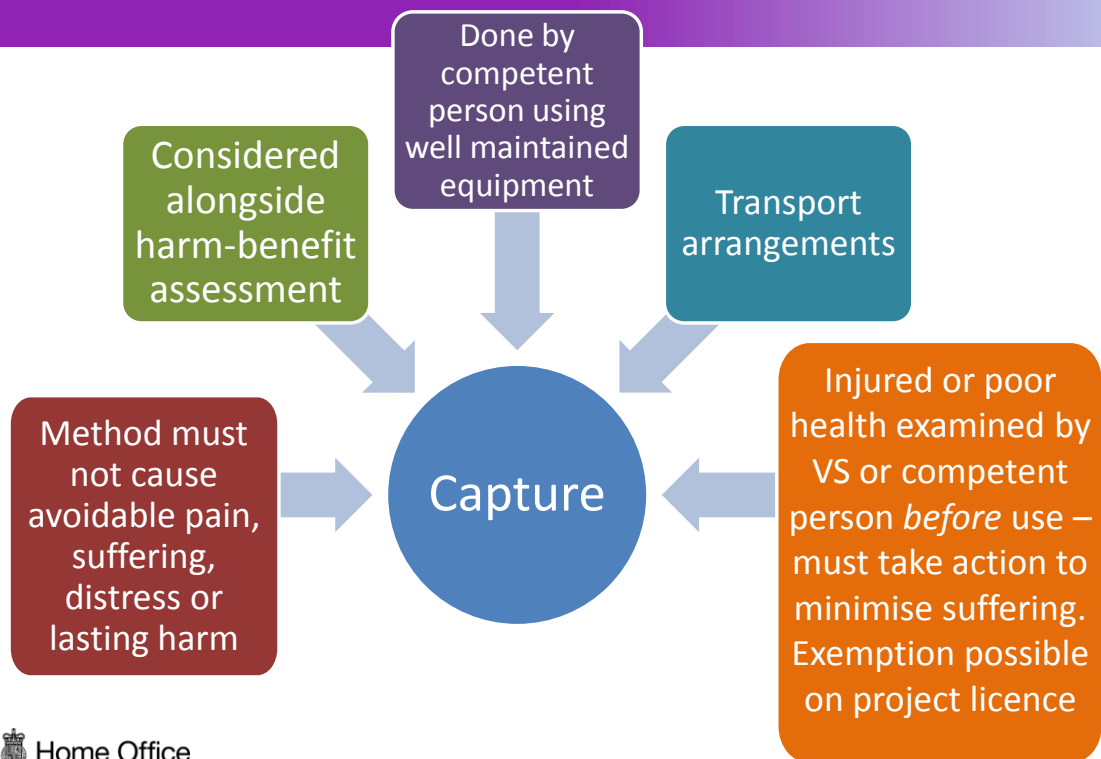
Capture: examination for well-being III

- May be at the site of capture
 - where there is no movement of animals
- May follow movement to an establishment – but a preliminary assessment must be made by a competent person, including fitness to travel
- Anaesthesia or sedation to permit examination is situation dependant and may be carried out under project licence authority or may be in accordance with VSA

Repeated Capture: setting free in the course of a series of procedures

- Most likely where animals will be part of a study taking place in the wild.
- Setting free in the course of procedures and re-capture is scientifically necessary
- Constitutes part of a series of procedures
 - Consideration of welfare of individual
 - Consideration of wider environmental consequences
 - Effect of failure to re-capture
 - Recording of actual severity
 - Meeting controls on keeping alive and setting free

Capture: summary



Identification I

- Identification is not regulated
- Article 1 (5) This directive shall not apply to the following...
 - (e) Practices undertaken for the primary purpose of identification of an animal
- ASPA 2(8) ...The following are not regulated procedures
 - (e) The ringing, tagging or marking of an animal, or the application of any other humane procedure for the primary purpose of enabling an animal to be identified, *providing that it causes only momentary pain or distress (or none at all) and no lasting harm*

Identification II

- Restraint to apply identification
 - In some species brief manual restraint to perform identification is considered to cause only momentary PSD and no lasting harm (e.g. ringing birds)
 - In other species this is impractical or more harmful (e.g. Use of a pole and snare to remove a mammal from a trap); the use of anaesthesia or sedation would be more refined.
 - Some types of manual restraint, and the use of anaesthesia or sedation would be a regulated procedure in the UK

Harm due to identification (UK)

- More than momentary pain or distress
 - Relative size of animal and device
 - Means of insertion or attachment
 - Site of application
 - Tattoos, branding
- Lasting harm
 - Implanted devices – infection, tumours
 - External device – trailing leads, collars, weight compromise in moving, feeding, breeding, loss of waterproofing/osmotic barrier, predation
 - Removal – recapture, breakaways

Procedures

Article 12

1. Member states shall ensure that procedures are carried out in a user's establishment.

The competent authority may grant an exemption from the first subparagraph on the basis of scientific justification

2. Procedures may only be undertaken within the framework of a project.

Using animals taken from the wild - in the wild

- Such use requires
 - scientific justification and project licence authorisation
 - Description of a place other than a licenced establishment (POLE)
 - Consideration of harms by working at a POLE compared to an establishment
 - Minimise risk of poor scientific results or animal health compromise
 - Inspection arrangements should be agreed

Using animals taken from the wild - setting free in the course of procedures

- Not the same as setting free at the end of use.
 - This is assessed in the project application
 - Strategy for re-capturing should be described
 - Animals which are not re-captured may suffer ongoing procedure related harm.
 - Due efforts to re-capture – proportionate to likely adverse effects
 - Ensuring no or very little risk that an animal is left suffering or likely to suffer harm

End of use and keeping alive

- The end of use = when no further procedures or observations/collection of data is needed.
- At the end of use an animal must be killed if the animal is suffering or is likely to suffer adverse effects as a result of the scientific procedures
- An animal may be kept alive only if a veterinary surgeon or other competent person has determined that the animal is not suffering and is not likely to suffer adverse effects.

Article 19: Setting free of animals and re-homing

- Member States may allow animals used or intended to be used in procedures to be re-homed, or returned to a suitable habitat or husbandry system appropriate to the species, provided that the following conditions are met
 - a) The state of health of the animal allows it;
 - b) There is no danger to public health, animal health or the environment; and
 - c) Appropriate measures have been taken to safeguard the well-being of the animal

Setting free and re-homing at end of use: requirements (ASPA 17A)

- a) The animals state of health allows it to be set free or re-homed
- b) The animal poses no danger to public health, animal health or to the environment
- c) *There is an adequate scheme in place for ensuring the socialisation of the animal upon being set free or rehomed*
- d) Appropriate measures have been taken to safeguard the animal's well-being when set free or rehomed.

Keeping alive and setting free: animals used in the wild – state of health

- Can be straightforward
 - Animal used once for minimally invasive procedure
- Can be complicated
 - Animals intended to be captured multiple times
 - Animals are not readily accessible for assessment
 - Animals may be lost to follow up
 - Animals which are not re-captured may suffer procedure related harm.
- This is assessed in the project application.

Keeping alive and setting free: danger to public or animal health, environment

- Dangers that are additional to those existing before the animal's capture
 - Use of substances that may have environmental effect (e.g. Topical anti-parasiticides)
 - Effect on existing population: gene pool, disease
 - Effect on animal – disease in wild population
- Risks and controls should be given in project application.

Keeping alive and setting free: at release

- Post-release monitoring:
 - recovery
 - assessment of success contingency planning
- Direct observation or remote monitoring:
 - camera traps, video monitoring
- Subsequent site visits

Article 54: Reporting

2. Member states shall collect and make publicly available on an annual bases, statistical information on the use of animals in procedures, including information on the on the actual severity of the procedures...

Reporting: animals used in the wild

- Requirement
 - Assessment of actual severity
 - Reporting of numbers of animals used
- Project should provide information on how this will be reported
 - May be straightforward – single capture and sample
 - Animals on lifetime studies – long lived species may have to be transferred to subsequent projects
 - Animals lost to follow up – detail of efforts taken to re-capture and the time until end of use is assumed

Article 38: Project evaluation

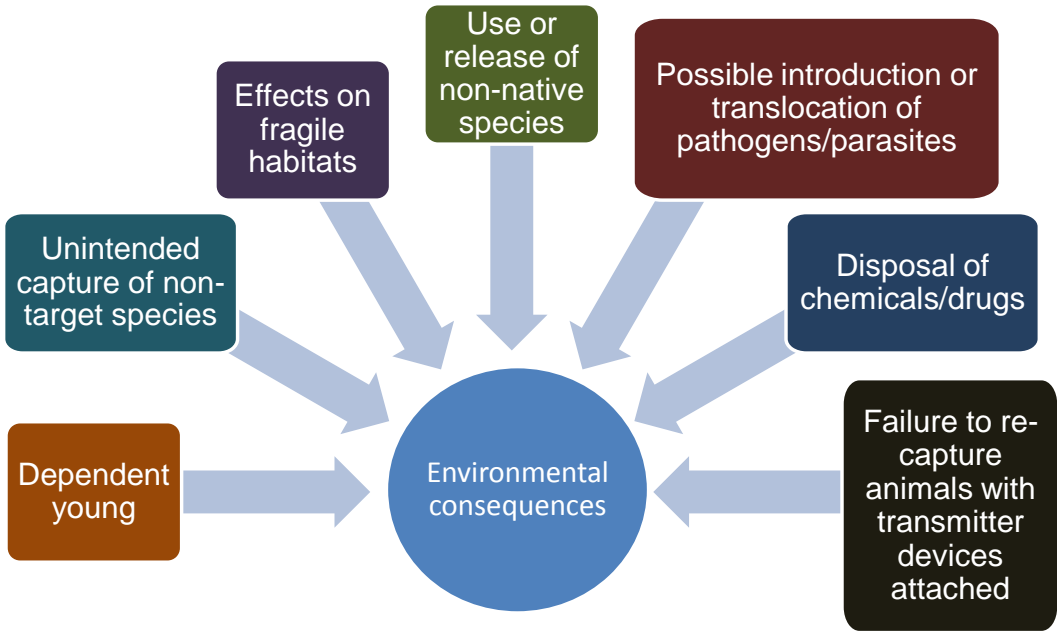
1. The project evaluation shall be performed with a degree of detail appropriate for the type of project and shall verify that the project meets the following criteria;

...

- c) The project is designed so as to enable procedures to be carried out in the most humane and environmentally sensitive manner possible.

...

Effect on the environment



Other areas

- Roles of named people (article 24)
 - Person responsible for welfare and care
 - Person responsible for provision of information
 - Person responsible for training
- Role of designated veterinarian (article 25),
- Role of Animal-welfare body (articles 26 and 27)
 - Specific requirement to advise on re-homing schemes
- Killing (article 6)
 - By a competent person outside an establishment
 - In emergency

ASPA Guidance

<https://www.gov.uk/guidance/research-and-testing-using-animals#applying-for-licences>

The screenshot displays the GOV.UK website interface. At the top, there is a search bar and navigation links for 'Departments', 'Worldwide', 'Policies', and 'Publications'. The main content area features a breadcrumb trail: 'Home > Business and enterprise > Scientific research and development'. Below this, the 'Guidance' section is titled 'Animal testing and research'. Metadata for the page includes: 'From: Home Office', 'Part of: Animal research and testing and Scientific research and development', 'Published: 26 March 2013', and 'Last updated: 29 August 2017, see all updates'. A 'Contents' list includes: 'Animals (Scientific Procedures) Act 1986', 'Replacement, Reduction and Refinement', 'Applying for licences', 'Policy Guidance', 'Statistics', 'Annual returns', and 'Non-technical summaries'. Several document thumbnails are overlaid on the page, including 'Guidance on the Operation of the Animals (Scientific Procedures) Act 1986', 'Advice Note 02/2015: Animals (Scientific Procedures) Act 1986 Use, Keeping Alive and Re-use Date: October 2015', 'Animals (Scientific Procedures) Act 1986 Working with animals taken from the wild Advice Note: 02/2016 Animals in Science Regulation Unit July 2016', and 'Advice Note: 03/2015 Animals (Scientific Procedures) Act 1986 Re-homing and setting free of animals Animals in Science Regulation Unit October 2015'. On the right side, a portion of an application form titled 'Working with wild animals: applicant check list for information to be included in a project licence application' is visible, dated August 2016. The page number '43' is located in the bottom right corner.