EXPLANATORY MEMORANDUM TO

THE ANIMALS (SCIENTIFIC PROCEDURES) ACT 1986 (FEES) (No. 2) ORDER 2018

2018 No. 902

1. Introduction

1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This Order prescribes additional Animals (Scientific Procedures) Act 1986 licence fees, from 20th August 2018. These additional fees are payable in addition to fees payable under the the Animals (Scientific Procedures) Act 1986 (Fees) Order 2018 (S.I 2018 No. 375). In accordance with article 2 of the Order, these additional fees are not payable where the licence holder has paid a fee under the Animals (Scientific Procedures) Act 1986 (Fees) Order 2015 so no licence holder is required pay three fees for the period 1 April 2018 to 5 April 2019.

2.2 The Order, in accordance with HM Treasury guidance, only increases the fees to fully recover the costs that are directly incurred as part of the regulatory process.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The JCSI reported the Animals (Scientific Procedures) Act 1986 (Fees) Order 2018 (S.I. 2018 No. 375) in its 22nd Report of this session. This Order is being made to ensure that, if no fee is payable under the revoked 2015 fees order for the period beginning 1st April 2018 and ending with 5th April 2019, then the equivalent fee will be payable under this order in relation to any relevant licence held from 20th August 2018 and article 2 is included to ensure that it is clear that no licence holder will be required to pay three separate fees.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The Animals (Scientific Procedures Act) 1986 (the Act) provides for the regulation of scientific procedures using animals. Under the Act, anyone carrying out such procedures, and the establishments in which such procedures are carried out, must be licensed. Regulations made under section 8 of the Act provide that a fee must be paid for such licences.

5. Extent and Territorial Application

5.1 The extent of this instrument is England, Scotland and Wales.

5.2 The territorial application of this instrument is the same as its extent.

6. European Convention on Human Rights

6.1 The Lords Minister, Baroness Williams of Trafford has made the following statement regarding Human Rights:

"In my view the provisions of the Animals (Scientific Procedures) Act 1986 (Fees) (No. 2) Order 2018 are compatible with the Convention rights."

7. Policy background

What is being done and why

7.1 Under the Animals (Scientific Procedures) Act 1986 (ASPA), ASRU charges annual fees for licences that permit individuals and establishments to use animals in scientific procedures.

7.2 Licence fees for ASRU licence holders must comply with HM Treasure fees and charges principles, and should cover all of ASRU's direct and indirect costs of licensing and inspection.

7.3 The general public are not affected by the proposed fees increase.

Consolidation

7.4 No consolidation is required at this time.

8. Consultation outcome

8.1 This Order was not subject to a public consultation as the fee charging structure is not being changed, and the increase is to ensure compliance with principles of full cost recovery, in line with HM Treasury guidance. However, current licence-holders have been informed of the proposed fee increase, to enable them to factor the change into their own budgets.

9. Guidance

9.1 Guidance on the provision to charge fees is provided in the Guidance on the Operation of the Animals (Scientific Procedures) Act 1986, published in March 20141.

10. Impact

10.1 The impacts on business, charities or voluntary bodies have been set out in an Impact Assessment. The ongoing costs to the private sector lie in a range of £2.4 million to £2.7 million over 10 years, with the key non-monetised benefits being the continuation of both the regulatory standards and the level of service provided by ASRU.

[1] https://www.gov.uk/guidance/guidance-on-the-operation-of-the-animals-scientific-procedures-act-1986

10.2 The impact on the public sector is low, but the estimated benefit will be to recoup the costs of regulatory services and an investment in new IT. The estimated public sector benefit will be in the range of £2.4 million to £2.6 million over 10 years.

10.3 An Impact Assessment is submitted with this memorandum and will be published alongside the Explanatory Memorandum on the legislation.gov.uk website.

11. Regulating small business

11.1 The legislation applies to activities that are undertaken by small businesses.

11.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken is to have a sliding scale of fees according to the number of licensed persons working at the premises.

12. Monitoring & review

12.1 The fee structure and level of fees will be reviewed annually.

13. Contact

13.1 Phoebe Stannard, Animals in Science Regulation Unit, Home Office. Telephone: 07769135992 or email: phoebe.stannard@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.