EXPLANATORY MEMORANDUM TO

THE ANIMALS (SCIENTIFIC PROCEDURES) ACT 1986 (FEES) ORDER 2015

2015 No. 244

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

2. Purpose of the instrument

2.1 This Order revokes S.I. 2013 No.509 and prescribes an increase in Animals (Scientific Procedures) Act 1986 licence fees from 1st April 2015. The Order does not change the fee structure and, in accordance with HM Treasury guidance, only increases the fees to fully recover costs that are directly incurred as part of the regulatory process.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Animals (Scientific Procedures) Act 1986 Amendment Regulations 2012 amended the Animals (Scientific Procedures) Act 1986 (the Act) to transpose European Directive 2010/63/EU on the protection of animals used for scientific purposes. The power to charge fees in the Animals Scientific Procedures Act 1986 was amended by regulation 26 (3) (minor and consequential amendments) of the 2012 regulations to change some of the terminology in relation to charging fees to bring it into line with new terminology following transposition of European Directive 2010/63/EU.

5. Territorial Extent and Application

5.1 This instrument applies to England, Scotland and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 Licence fees were last increased in 2002. Despite costs increasing since 2002 the fees were not increased concomitantly so the total cost incurred in providing the regulatory service has not been covered by fee income. The regulatory service has therefore been subsidised by the Home Office and a deficit of £334k has been forecasted for 2015/16. This is not compliant with HM Treasury guidance as fees

should be based on a full cost recovery model. Full cost recovery ensures a continued level of service and regulation, as required under the Act.

7.2 This instrument does not amend any other instruments and so there are no plans for consolidation.

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 comply with HM Treasury guidance and charge on a full cost recovery basis. However, since August there has been direct communications with all licence payers to notify them of the proposed fee increase to enable them to factor them into their budgets and forecasts.

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 2014.

10 Impact

10.1 The total impact on business (including universities and charitable organisations) has been forecasted to be £334k for 2015/16. The impact on individual licence payers will vary as the fee charged is based on the number of licences held.

10.2 An Impact Assessment is attached to 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 small business licensed under the Act.

11.2 To minimise the impact of requirements on firms employing up to 20 people, the approach taken is to have a sliding scale of fees according to the number or licensed persons working at the premises.

12. Monitoring & review

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

13. Contact

Hannah Doran, Animals in Science Regulation Unit, Home Office, telephone 020 7035 8625 or email hannah.doran8@homeoffice.gsi.gov.uk, can answer any queries regarding the instrument.