Home Office

Animals (Scientific Procedures) Act 1986

Working with animals taken from the wild

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Animals in Science Regulation Unit

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Background

What is meant by ‘taken from the wild’?

Animals ‘taken from the wild’, which are intended for use in procedures with a scientific or educational purpose, are subject to special consideration under the Animals (Scientific Procedures) Act 1986 (ASPA).

In this context, an animal taken from the wild means a previously free-living animal that has been captured or otherwise brought under the control of man:

- 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 / ’the wild’;
- whether a physical trap or device is used to take the animal, or any other means is used to bring it under the control of man (for example, picked up in the hand).

The term taken from the wild (as opposed to, for example, ‘capture’) is used in this Advice Note because it is the legal term used in ASPA.

Animals that have been taken from the wild will most commonly belong to a ‘wild’ species, but feral or stray animals of a domestic species could also be taken from the wild (in which case additional requirements and restrictions apply).

The Glossary and Section 3 give further definitions and details of this and other common terms, some of which may be used interchangeably.

What is the purpose of this Advice Note?

This Advice Note provides information and guidance about the legal requirements for the use of animals taken from the wild for scientific or educational purposes, both at licensed establishments and places other than a licensed establishment (POLEs). Such work may need licences under ASPA.

It builds on the information provided in the *Guidance on the Operation of the Animals (Scientific Procedures) Act 1986* (ASPA Guidance) [1] and aims to:

- encourage best practice in regulated work involving animals taken from the wild;
- clarify the legislative framework under which consent to carry out regulated work with animals taken from the wild may be obtained;

1 https://www.gov.uk/government/publications/operation-of-aspa

- describe the current processes used by the Home Office in assessing and granting authority to work with animals taken from the wild;

- describe the requirements for setting free animals in the course of a series of regulated procedures;

- signpost other guidance and considerations that may need to be taken into account by those intending to carry out scientific or educational work with animals taken from the wild.

Who is this Advice Note for?

It is of particular relevance to:

- those working, or applying for authorities to work, under ASPA;
- Animal Welfare and Ethical Review Body (AWERB) members;
- veterinary surgeons and others who are involved in the decision-making process regarding the use of wild animals;
- people or organisations involved in providing training for those working with animals taken from the wild;
- anybody working with wild animals for advice about whether they need licensing under ASPA for their work;
- inspectors in the Animals in Science Regulation Unit (ASRU).

It may also be of interest to members of the public.

Is other guidance or advice needed?

This Advice Note contains background detail in order to assist readers who may not be working within licensed establishments or who are less experienced in ASPA regulated work.

This Advice Note should be used in conjunction with:

- ASPA Guidance (see above);

- the *Code of Practice on the Care and Accommodation of Animals* (Code of Practice).[2]

Where no species-specific guidance is given in the Code of Practice on the housing and care of animals kept at licensed establishments, the 'standards cascade' described in the introduction to the Code of Practice should be followed.

This document does not include detailed guidance on use, re-use or re-homing of animals, unless there are specific requirements for work with wild animals. Separate Advice Notes on

2 https://www.gov.uk/government/publications/code-of-practice-for-the-housing-and-care-of-animals-bred-supplied-or-used-for-scientific-purposes

these topics (02/2015[3] and 03/2015[4]) give more detailed guidance.

This Advice Note gives guidance on ASPA requirements where animals are set free during the course of a series of regulated procedures, where the series has not yet ended. Where animals are to be set free without having been used (for example, stock animals) or set free after the series of regulated procedures has ended, Advice Note 03/15 should be consulted. (See Section 7 of this Advice Note for further details.) The Advice Notes have been structured in this way because the requirements for setting animals free after procedures have ended are different to setting free while procedures are ongoing, and are more closely aligned with re-homing.

Does other legislation apply when working with animals taken from the wild?

Work with animals taken from the wild is likely to be affected by other legislation, and other licences may be required (see Section 9 below for a non-exhaustive list of legislation that may be relevant). The requirements can differ widely, depending on the procedure being performed, the species being used and the geographical location of the study. Some details are given in other sections and examples, but this Advice Note does not give comprehensive advice about the requirements of other legislation. If required, advice must be sought from the relevant regulatory bodies. It is expected that persons and work licensed under ASPA will comply fully with other regulatory requirements. Applicants for ASPA licences must understand the other regulatory requirements that apply to their work, and be able to provide assurances that they meet them.

How will this Advice Note be reviewed and updated?

The Animals in Science Regulation Unit intends to review the advice contained in this Advice Note about two years after publication. The intention is that this Advice Note will eventually be incorporated into the Guidance on the Operation of ASPA.

To provide comments on this Advice Note or otherwise contribute to the next version, please send comments by email to: ASRUBusinessSupport@homeoffice.gsi.gov.uk.

Please put ‘Advice Note on work with wild animals’ in the subject field of the email.

3 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470008/Use__Keeping_Alive_and_Re-use_Advice_Note.pdf
[4]https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470146/Advice_Note_Rehoming_setting_free.pdf

Glossary of terms

AHW(S): Animal Health and Welfare (Scotland) Act 2006.

ASPA: The Animals (Scientific Procedures) Act 1986, as amended.

ASPA Guidance: *Guidance on the Operation of the Animals (Scientific Procedures) Act 1986.*

ASRU: Animals in Science Regulation Unit.

Assigned inspector: The **HOI** (see below) assigned to a particular establishment.

AWA: Animal Welfare Act 2006.

AWERB: Animal Welfare and Ethical Review Body. Every licensed establishment is required by **ASPA** to have an AWERB.

BTO: British Trust for Ornithology.

CITES: Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Code of Practice: *Code of Practice on the Care and Accommodation of Animals* for all licensed establishments.

COPR: Control of Pesticides Regulations 1986.

Defra: Department for Environment, Food and Rural Affairs.

Feral: An animal living in the wild but descended from domesticated individuals

Free-living: An animal living in the wild, not under the control or care of man. May be wild, **feral** or **stray**. (In this context free-living does not refer to the animal's life-stage or capability of independent feeding.)

Harm–benefit analysis: An analysis carried out during the assessment of **ASPA project licence** applications, in which the adverse effects of procedure(s) within the project are weighed against the potential benefits.

HOI: Home Office inspector.

Identification threshold: The ringing, tagging or marking of an animal, or using any other humane way for the primary purpose of enabling the animal to be identified for a scientific or educational purpose, are not **regulated procedures** providing they cause only **momentary** pain or distress (or none at all) and no lasting harm. In this Advice Note this is summarised as the identification threshold**,** which is not a legally defined term.

Licensed establishment: An establishment carrying out regulated activities, authorised by a licence that has been granted under section 2C of **ASPA** (see also **PEL** and **PEL holder**)

Lower threshold: A procedure is regulated if it is carried out on a **protected animal** for a scientific or educational purpose and may cause that animal a level of pain, suffering, distress or lasting harm equivalent to, or higher than, that caused by inserting a hypodermic needle according to good veterinary practice. This is referred to as the 'lower threshold'.

Momentary: If the pain or distress caused by an identification method is no more than momentary, the method may not be a **regulated procedure**. For these purposes, 'momentary' is taken to be a period of seconds rather than minutes.

NACWO: Named animal care and welfare officer.

Named persons: People specified on an establishment licence who are **PEL holder**, **NPRC**, **NIO**, **NACWO**, **NVS** and **NTCO**.

NE: Natural England.

NIO: Named information officer.

Notifiable disease: An animal disease that is notifiable by law, for example, anthrax, tuberculosis.

NPRC: Named person responsible for compliance. This is usually the **PEL holder** but in the case of a corporate **PEL** is a named individual.

NRW: Natural Resources Wales.

NTCO: Named training and competency officer.

NVS: Named veterinary surgeon.

PEL: Establishment licence, granted under section 2C of **ASPA** (see **licensed establishment**).

PEL holder: The person holding an establishment licence, who is responsible for the operation of the **licensed establishment**. Usually an individual, but in some cases a corporate **PEL** is held by a 'legal person' or corporate entity.

Personal licence: Licence under **ASPA** that must be held by individuals who carry out **regulated procedures** specified in a project licence (abbreviated as **PIL**).

PIL: Personal licence (see **personal licence)**.

PIT tag: Passive integrated transponder (tag). A device used to allow remote identification of individual animals. Also may be known as a 'microchip' or '**RFID**'.

POLE: Place other than a licensed establishment, where **regulated procedures** may be carried out subject to **project licence** authority.

PPL: Project licence (see **project licence**).

Project licence: Licence granted under section 5 of **ASPA**, specifying the programme of work within which **regulated procedures** are performed.

Protected animals: All living vertebrates, other than a human, including certain immature forms, and any living cephalopod.

PEL SC: **Establishment licence** standard condition (see **standard conditions**).

PIL SC: **Personal licence** standard condition (see **standard conditions**).

PPL SC: **Project licence** standard condition (see **standard conditions**).

Regulated procedure: A procedure that is regulated under **ASPA.**

Release: The act of setting an animal free into the wild, outside the control of man. Although they mean the same thing, the term 'setting free' rather than 'release' is used throughout this Advice Note, to help avoid confusion with 'release from the controls of ASPA' which has a different meaning. (See **setting free** and **release from the controls of ASPA.)**

Release from the controls of ASPA: Animals previously used for **regulated procedures** cannot be entirely released from the controls of **ASPA** due to the requirements of ASPA relating

to re-use. Where a **relevant protected animal** has been re-homed or set free at the end of procedures (with authorisation from the Secretary of State) it may be commonly regarded as having been released from the controls of ASPA.

Relevant protected animal: In relation to **setting free** and re-homing, a relevant protected animal is one that:

- is being or has been used in a **regulated procedure**;
- is being or has been kept for use in a regulated procedure;
- has been bred for use in a regulated procedure; or
- is being or has been kept for the purpose of being supplied for use in a regulated procedure.

RFID: Radio frequency identification device. (See **PIT tag**.)

Schedule 2 animals: Species listed in Schedule 2 of **ASPA**. There are specific ASPA requirements on the breeding, supply and use of Schedule 2 animals.

Setting free: Setting free of a r**elevant protected animal** into the wild, i.e. outwith the control of man. Requires authority, and may be done during a series of **regulated procedures**, at or after the end of the series (where the animal is not suffering or likely to suffer adverse effects as a result of the series of procedures) or where 'stock' animals held under an establishment licence are no longer required. (See also **release**.)

SNCO: Statutory Nature Conservation Organisation. Government agencies which implement nature conservation legislation from which licences to work with animals taken from the wild may also be required.

SNH: Scottish Natural Heritage.

Standard conditions: All granted **ASPA** licences are subject to standard conditions. In some cases, exemption from certain project licence standard conditions may be made. (See **PEL/ PIL / PPL SC**.)

Stray: A stray animal of a domestic species is an animal that has previously lived in domesticity with humans but that has escaped, been displaced or lost.

Taken from the wild: Animals 'taken from the wild' that are intended for use in procedures with a scientific or educational purpose. In this context an animal taken from the wild means a previously **free-living** animal that has been captured or otherwise brought under the control of man:

- 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 / 'the wild';
- whether a physical trap or device is used to take the animal, or any other means is used to bring it under the control of man (for example, picked up in the hand).

(See also **wild-caught.**)

The 3Rs are:

- replacement – replacing the use of animals wherever possible;
- reduction – reducing the number of animals used in studies to the minimum necessary;
- refinement – using methods to eliminate or reduce to the minimum the harms to the animals, where this can be done without compromising the objectives of the programme.

WATO: Welfare of Animals (Transport) (England) Order 2006. (Equivalent national legislation exists in other areas of the UK.)

WCA: Wildlife and Countryside Act 1981.

Wild-caught: The term ‘wild-caught’ means the same as ‘**taken from the wild’**. In this Advice Note taken from the wild is used in preference, as it is the term used in **ASPA**.

VS: Veterinary surgeon.

VSA: Veterinary Surgeons Act 1966.

1. Introduction

1.1 General

This Advice Note gives guidance on the requirements of the Animals (Scientific Procedures) Act 1986 (ASPA) as applied to work with animals taken from the wild. ASPA is the UK legislation that regulates and enables the authorisation of procedures that are carried out on animals for scientific or educational purposes, where these procedures may cause pain, suffering, distress or lasting harm. ASPA also controls the breeding and supply of animals for such purposes, and the methods that may be used to kill them.

This Advice Note:

- consolidates and updates various sources of information previously provided by the Home Office;
- details general considerations and explains some of the terms used when working with animals that have been taken from the wild in licensed establishments (Section 4) and at other places (Section 5);
- provides guidance on how to determine whether procedures exceed the lower threshold[5] as applied to animals that have been taken from the wild;
- provides examples of the justification and authorities required to perform studies involving animals that have been taken from the wild under ASPA.

1.2 Protected animals[6]

ASPA only regulates work involving protected animals. The term 'protected animal' includes all living vertebrates, other than man, and cephalopods. Embryonic and foetal forms are also considered 'protected animals' in the last third of gestation or incubation (for egg-laying species) and larval forms of fish and amphibians are protected animals once they are capable of independent feeding. Cephalopods are protected on hatching. Procedures carried out on earlier stages that are allowed to survive to the stage of protection may still be regulated procedures (see Section 1.3).

Animals taken from the wild at any life stage (including unhatched / unborn stages) are regarded as being taken from the wild for ASPA purposes (see Section 2 for details).

1.3 Purpose, threshold and regulated procedures[7]

ASPA only regulates work carried out for a scientific or educational purpose.

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5 *Guidance on the Operation of the Animals (Scientific Procedures) Act 1986* (ASPA Guidance) paragraph 1.6.
6 ASPA section 1.
7 ASPA section 2.

A procedure, or series of procedures, carried out for scientific or educational purposes on a protected animal will only be a regulated procedure under ASPA if the effect may be to cause that animal a level of pain, suffering, distress or lasting harm equivalent to or higher than that caused by insertion of a hypodermic needle according to good veterinary practice. This is referred to as the lower threshold.

Regulated procedures may be acts:

- of commission, for example, an action such as dosing or blood sampling, or negatively altering the animal's environment;
- of deliberate omission, for example, withholding food or water;
- of permission, for example, the natural breeding of animals with harmful genetic defects.

Combinations of procedures (that do not individually cause an effect at or above the lower threshold) may still be regulated procedures, if together they may cause pain, suffering, distress or lasting harm.

A procedure is also regulated if it is performed on an embryonic, foetal or larval form of a protected animal that has not yet reached the stage of development when it becomes a protected animal if the immature form is allowed to live until after it reaches that stage of development and at that stage the procedure may cause the animal pain, suffering, distress or lasting harm above the lower threshold.

If procedures are carried out on protected animals for a scientific or educational purpose but the effect will not reach (or exceed) the lower threshold for being a regulated procedure, they are not regulated procedures under ASPA (see Figure 1: Decision tree)

Procedures carried out for identification purposes are a special case (see 1.4 below and Section 6).

Exclusions apply for recognised agricultural, husbandry and veterinary practices[8] that would be regulated procedures if done for scientific or educational purposes.

1.4 Identification

The ringing, tagging or marking of an animal primarily to identify it as a specific individual, or using any other humane method to do so, is not a regulated procedure providing it causes only momentary pain or distress (or none at all) and no lasting harm.[9] In this Advice Note this is summarised for convenience as the **identification threshold,** which is not a legally defined term.

Some procedures that would exceed the **lower threshold** will not be regulated procedures when done for identification purposes. Section 6 of this Advice Note gives further detail of how and where this exemption may apply to animals used in or taken from the wild.

8 ASPA section 2 (8) (a–d).
9 ASPA section 2 (8) (e).

1.5 Licences required under the Animals (Scientific Procedures) Act 1986

ASPA has a three-level licensing system (for the *person*, the *project* and the *place*):

- the *person* carrying out regulated procedures must hold a 'personal licence', which authorises them to apply those procedures to specified animals (provided they have been trained to do so and supervised until they are fully competent);
- the *project* in the course of which the regulated procedures are to be carried out must be authorised by a 'project licence', which specifies the purpose and programme of work within which the procedures are being performed, as well as the harms to the animals and the benefits expected;
- the *place* at which the work is carried out must normally be specified in an 'establishment licence'. Specific considerations apply to working at places other than a licensed establishment (POLEs) – see Section 5.

Establishment licence authority may also be required for those who breed or supply animals for use in scientific procedures, including animals previously taken from the wild. This is covered in more detail in Section 2.6 and Section 4.

Licences are granted under ASPA by the Secretary of State, and issued by the Home Office in England, Scotland and Wales and by the Department of Health, Social Services and Public Safety in Northern Ireland.

The advice of the Home Office Inspectorate, and in some cases the Animals in Science Committee (ASC), is taken into account in deciding whether to grant licences. The Home Office Inspectorate can be a source of advice to establishments and scientists considering working under ASPA licences.

1.6 The 3Rs – replacement, reduction, refinement

The 3Rs are[10]:

- replacement – replacing the use of animals wherever possible;
- reduction – reducing the number of animals used in studies to the minimum necessary;
- refinement – using methods to eliminate or reduce to the minimum the harms to the animals, where this can be done without compromising the objectives of the programme.

ASPA requires that a comprehensive project evaluation, taking into account ethical considerations associated with the use of animals, be carried out during project authorisation. It also requires the implementation of the principles of replacement, reduction and refinement in those projects.

The principles of the 3Rs must be demonstrated in regulated work with animals taken from the wild, and when held in captivity these also extend to their breeding, accommodation and care.

1.7 Animals taken from the wild for non-ASPA purposes

ASPA only regulates procedures at or above the lower threshold that are carried out on

10 ASPA section 2A.

protected animals for scientific or educational purposes, and the breeding and / or supply of such animals (see Section 1.3).

If the intention is to capture or carry out procedures on animals for other purposes, for example, pest control or population, environmental or disease management, then this would not be regulated under ASPA. The killing of animals in order to use their tissues in scientific or educational purposes after death is also not a regulated procedure under ASPA. (See also Section 7.)

Animals that are lawfully being used under ASPA are exempted from provisions of the Animal Welfare Act 2006 (AWA). However, other legislation will often apply, for example, the Wildlife and Countryside Act 1981 (WCA) as amended, the Conservation of Habitats and Species Regulations 2010, the Spring Traps Approval Orders and others, including equivalent devolved national legislation (see Section 9). These requirements can be subject to revision and can differ widely, depending on the procedure being performed, the species being used and the geographical location of the study.

In some cases live animals may be taken from the wild primarily for other purposes, but then be used in or supplied for use in scientific procedures. In such cases multiple regulatory requirements may apply. It is important to note that ASPA, or licences issued under it, does not provide exemption from other legislative requirements and particular care is required to avoid inadvertently breaching the requirements of other legislation or licences.

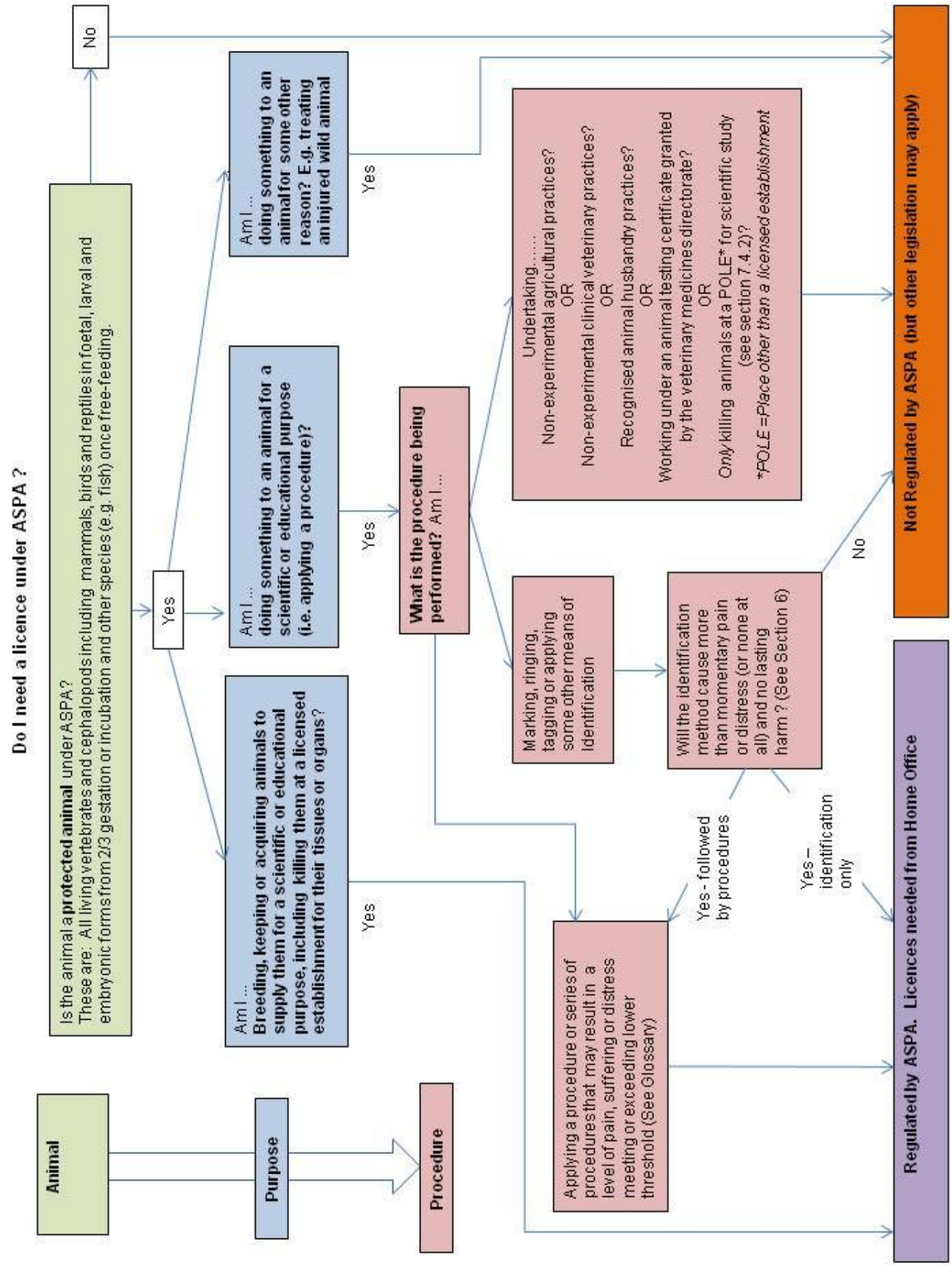
For example, ASPA authority may be obtained in a project licence to use animals that have been taken from the wild in the course of other activities, but this would not satisfy or override any requirement for a Statutory Nature Conservation Organisation (SNCO) licence to capture or supply them. General licences issued by a SNCO authorising the capture of certain species may be subject to conditions that require certain actions to be taken after capture, and may not authorise the capture or supply for scientific purposes.

As a further example, ASPA licences may give authority under ASPA section 17a to set free non-native animals (for example, mink or Canada geese). This does not satisfy or override the requirements of the WCA, and separate licences will be required under WCA section 14, Schedule 9.[11,12] The EU Invasive Alien Species Regulation came into force in January 2015. The Regulation imposes strict restrictions on the use of certain species of animals. A permit from the Department for Environment, Food and Rural Affairs (Defra) will be needed to use these species for scientific purposes in addition to any necessary licence under ASPA.

Applicants for ASPA licences need to understand the other regulatory requirements that apply to their work and should comply fully with them. Assurance that this will be done should be included in project licence applications. Where required, advice must be sought from the relevant regulatory bodies.

11 https://www.gov.uk/government/publications/preventing-the-release-into-the-wild-of-certain-plants-and-animals-guidance
12 https://www.gov.uk/government/publications/non-native-species-apply-for-a-licence-to-release-them

Figure 1: Decision tree



2. Animals taken from the wild: Stray, feral and wild animals

[PPLSC 12] Regulated procedures shall not be carried out on any stray animal of a domestic species as part of the programme of work specified in this licence.

[PPL SC 13] Except with the authorisation of the Secretary of State, regulated procedures shall not be carried out as part of the programme of work specified in this licence on any of the following type of animal:

a) any feral animal of a domestic species;

b) any animal taken from the wild;

c) a marmoset unless it is the offspring of marmosets bred in captivity or has been obtained from a self-sustaining colony of marmosets;

d) any animal of a description specified in Schedule 2 to the Act unless it has been bred for use in procedures.

Stray animals, feral animals and all animals taken from the wild have special protection under Animals (Scientific Procedures) Act 1986 (ASPA).[13] Stray animals may not be used in regulated procedures at all. Regulated work with feral animals and animals taken from the wild requires specific justification.

The standard conditions that apply to all project licences normally forbid the use of animals taken from the wild and / or feral animals in regulated procedures. These conditions must be specifically disapplied by the Secretary of State before such work can be performed.

2.1 Stray animals

A stray animal of a domestic species is an animal which has previously lived in domesticity with humans but which has escaped, been displaced or lost. Stray animals may be taken from the wild inadvertently, during capture activities.

Regulated procedures may not be carried out on a stray animal of any species.[14] Project licence authority to use stray animals, whether taken from the wild or not, cannot be given.

Offspring of stray animals, if born in the wild, may be considered to be a feral generation. This is likely to be situation dependent; advice should be sought from the assigned Home Office

13 ASPA Schedule 2C 25
14 PPL SC 12.

inspector (HOI) or the Animals in Science Regulation Unit (ASRU) in such cases.

The captive-bred offspring of formerly stray animals are not regarded as having been taken from the wild and nor are they considered to be stray.

2.2 Feral animals

A feral animal is an animal living in the wild but descended from domesticated individuals.[15] Regulated procedures cannot be carried out on feral animals, unless specifically authorised in the project licence.[16] Further, a project licence for a programme of work using feral animals cannot be granted unless:

- the purpose of the programme of work can only be achieved by the use of such feral animals; and

- the study is essential to protect the health or welfare of that species or to avoid a serious threat to human or animal health or to the environment.

Applications for such project licences must demonstrate that these requirements are met before the use of feral animals can be authorised. They must give specific details of the proposed use.

If authorised, these project licences will have a specific additional condition applied to allow an exemption to use feral animals taken from the wild. This will disapply the standard conditions that normally prevent use of such animals, in the circumstances specified in the licence.

2.3 Stray or feral?

It is recognised that there may be a difficulty distinguishing feral and stray animals when studying animals of domesticated species (for example, feral cats, goats) that have been taken from the wild. Due diligence should be applied when trying to establish whether or not animals intended for use in regulated procedures are strays. This will be situation dependent but could include measures such as assessment of behaviour, scanning for microchips, searching for tattoos or signs of previous ear tagging in farmed animals, and using local intelligence about the animals.

Where a full assessment cannot be made without the use of chemical restraint (for example, sedation) after capture, these studies should be discussed with the assigned HOI before work begins. If there is a risk of inadvertently catching strays, measures should be in place to deal with any such animals before work begins, for example, by liaison with local authority animal control, veterinary surgeons or microchip registers.

Whilst the release of a stray animal is not controlled under ASPA, other regulatory requirements may apply, such as the Wildlife and Countryside Act 1981 or measures related to the abandonment of animals.

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15 *Guidance on the Operation of the Animals (Scientific Procedures) Act 1986* (ASPA Guidance) 5.18.9.
16 PPL SC 13(a). Licences granted prior to the 2013 amendment of ASPA may have different additional conditions, but the current SC 13(a) applies unless the use of feral animals is specifically authorised in the schedule.

Project and establishment licence holders should ask suppliers of wild-caught animals of domestic species about the measures they are taking to determine whether animals they supply may be stray or feral, to assure themselves that these measures are in compliance with ASPA and any other relevant requirements. This should preferably include photographic or documentary evidence, as appropriate / feasible, of the measures suggested in the previous paragraph.

2.4 Wild animals

A ‘wild’ animal species is one that has never been cared for or farmed by humans, and is not descended from domesticated individuals. Wild animal species are not the subject of specific controls under ASPA. However, ASPA imposes specific controls on the use (in regulated procedures) of protected animals that have been taken from the wild (see below), which will in most cases be wild animal species.

2.5 Animals taken from the wild

The term ‘taken from the wild’ is used in this Advice Note because it is the legal term used in ASPA.

In this context, an animal taken from the wild means a previously free-living animal that has been captured or otherwise brought under the control of man:

- whether a physical trap or device is used to take the animal or whether other means are used to bring it under the control of man (for example, picked up in the hand);

- whether or not it is physically taken away from the place of capture / ‘the wild’;

- whether or not it is to be kept in captivity for any length of time.

See Section 3 for consideration of methods, controls and guidance around taking animals from the wild.

Animals that have been taken from the wild will most commonly belong to a ‘wild’ animal species, but feral or stray animals of a domestic species could also be taken from the wild (in which case additional requirements and restrictions apply).

Regulated procedures may not be carried out on animals taken from the wild unless specifically authorised in the project licence.[17] This is because the current PPL SC 13(b) applies, unless the use of animals taken from the wild is specifically authorised in the schedule. (Licences granted prior to the 2013 amendment of ASPA may have different additional conditions.)

Applications for such project licences must give the scientific justification for the use of animals taken from the wild, and specific details of the proposed use. If authorised, these project licences will have a specific, additional condition applied to enable wild animals to be used. This

17 PPL SC 13(b).

will disapply the standard conditions that normally prevent use of such animals, in the circumstances specified in the licence. With project licence authority, animals taken from the wild may be used in regulated procedures at places other than a licensed establishment (POLEs), for example, the capture site (see Section 5) or at a licensed establishment.

2.6 Animals of a Schedule 2 species (including those taken from the wild)

The species listed in Schedule 2 of ASPA are currently:

- any mouse of the species *Mus musculus*;
- any rat of the species *Rattus norvegicus*;
- guinea-pig;
- any hamster of the species *Mesocricetus auratus* or *Cricetulus griseus*;
- any rabbit of the species *Oryctolagus cuniculus*;
- dog;
- cat;
- primate;
- any bird of the species *Coturnix coturnix* (quail);
- ferrets;
- any gerbil of the species *Meriones unguiculatus*;
- pigs, if genetically modified;
- sheep, if genetically modified;
- any frog of the species *Xenopus laevis*, *Xenopus tropicalis*, *Rana temporaria* or *Rana pipiens*;
- zebrafish.

The breeding, supply and use of Schedule 2 animals (including those taken from the wild and those used outside licensed establishments) are subject to specific requirements under ASPA.

2.6.1 Use of non-purpose bred Schedule 2 species in regulated procedures

The use in regulated procedures of any type of animal listed in Schedule 2 to ASPA that has not be been specifically bred for use in procedures is prohibited, unless otherwise authorised in a project licence.[18] Where Schedule 2 animals are taken from the wild, they will not have been specifically bred, so their use will require specific authorisation in project licences.

The scientific justification for the use of non-purpose bred Schedule 2 animals and specific details of their use must be given in the project licence application. This applies to animals of a Schedule 2 species that are taken from the wild, and applies whether the procedures are applied at licensed establishments (see Section 4) or at POLEs (for example, at the site of capture see Section 5).

If authorised, these project licences will have a specific additional condition applied to allow an exemption to use non-purpose bred animals of a Schedule 2 species. This will disapply the project licence standard condition that normally prevents use of such animals, in the

18 ASPA Schedule 2, PPL SC 13(d). Licences granted prior to the 2013 amendment of ASPA may have different additional conditions, but the current PPL SC 13(d) applies unless the use of non-purpose bred Schedule 2 species animals is specifically authorised in the schedule.

circumstances specified in the licence.

Most examples of where this is authorised apply to wild Norway rats (*Rattus norvegicus*), wild European rabbits (*Oryctolagus cuniculus*), or wild house mice (*Mus musculus*).

2.7 Endangered animals

This section does not include consideration of the use of endangered primates (see ASPA Guidance for further detail on use of primates).

For the purposes of ASPA, an endangered animal[19] means an animal of a species that:

- is listed in Annex A to Council Regulation EU 338/97;[20] and
- is not within the scope of Article 7(1) of that Regulation.

Annex A of Council Regulation EU 338/97 is the EU Wildlife Trade Regulations, which list the species given the highest level of protection under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It is revised at least every two to three years; the current version can be found at:

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0750)

Article 7 (1) comprises a derogation for individual Annex A specimens born and bred in captivity[21] to be treated in accordance with specimens of species listed in Annex B. The effect of this is that captive-bred animals are not considered to be endangered animals under ASPA.

Other legislation applies to CITES species; for example, relating to transport[22] and import conditions.[23]

Endangered species may not be used in regulated procedures[24] except for:

- translational or applied research; or
- research aimed at preserving the species of animal being used.

Translational or applied research must be for the avoidance, prevention, diagnosis or treatment of disease, ill health or other abnormality, or their effects, in humans, animals or plants or the development, manufacture or testing of the quality, effectiveness and safety of drugs, foodstuffs and feedstuffs or any other substances or products for the same purpose.[25]

Scientific justification must be provided to show that the purpose cannot be achieved other than by using animals of endangered species. Project licence applications to use endangered species are referred both internally within the Home Office Inspectorate and then to the Animals

19 ASPA Schedule 2B 5.
20 Commission Regulation (EU) No 750/2013 of 29 July 2013 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.
21 See Article 54 of Commission Regulation (EC) No 865/2006 for a CITES definition of 'born and bred in captivity'.
22 https://www.cites.org/eng/resources/transport/index.php
23 Article 4(1) (c) and 4(2) (b) of Council Regulation (EC) No 338/97.
24 ASPA 2B 3.
25 Paragraph 5.18.7 ASPA Guidance

in Science Committee.[26] Such applications are likely to be considered complex and require additional time to complete the licence assessment process (see Sections 5 and 13 of ASPA Guidance for further information).

26 Section 13.5 ASPA Guidance

3. Capture (taking from the wild)

The taking / capture of free-living species may be subject to controls imposed by other legislation depending upon the procedure being performed, the species being used and the geographical location of the study. Those wishing to capture, keep and / or release free-living animals must check with the relevant authorities (see Section 9) to ensure compliance with other legislation as relevant, and must provide assurances in the project licence that any other appropriate legislation will be complied with. Animals that are lawfully being used under ASPA are exempted from the Animal Welfare Act (AWA) but not from other relevant regulation.

ASPA imposes specific controls on the use (in regulated procedures) of animals that have been taken from the wild.

[PPLSC 14] If the application of regulated procedures to animals taken from the wild is authorised in this licence the holder shall ensure:

a) that animals taken from the wild are captured by a competent person using a method which does not cause the animal avoidable pain, suffering, distress or lasting harm; and

b) that an animal taken from the wild which is found to be injured or in poor health is not subjected to a regulated procedure unless and until it has been examined by a veterinary surgeon or other competent person and, unless the Secretary of State has agreed otherwise, action has been taken to minimise the suffering of the animal.

3.1 Definition

The term ‘taken from the wild’ is used in this Advice Note because it is the legal term used in ASPA.

In this context, an animal taken from the wild means a previously free-living animal that has been captured or otherwise brought under the control of man:

- 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 / ‘the wild’;
- whether a physical trap or device is used to take the animal or any other means is used to bring it under the control of man (for example, picked up in the hand).

The use of a dart gun, taking nestlings by hand from the nest or other situations where wild animals are brought under the control of man are included. Whatever the means of capture (for example, traps, nets, snares, electro-fishing or taking by hand) in all cases animals are

regarded as being at least briefly in the control of man and as being taken from the wild.

Animals that have been taken from the wild will most commonly belong to a 'wild' species, but feral or stray animals of a domestic species could also be taken from the wild (in which case additional requirements and restrictions apply, see Section 2).

3.2 Capture (taking from the wild)

Where animals are taken from the wild for use in regulated procedures, the process of capture (i.e. the means of taking them from the wild) must be performed by a competent person (see below) using adequate and well-maintained equipment and a method that does not cause the animal avoidable pain, suffering, distress or lasting harm.[27]

Details of how this will be achieved should be specified in the project licence application. This is needed even when capture is done by third parties, and when animals are imported after capture abroad. Note that use of such animals could still be liable to other legislative requirements.

Providing the method of capture does not cause avoidable pain, suffering, distress or lasting harm, the capture of free-living animals for their eventual use in scientific procedures is not currently considered to be a regulated procedure in the UK.

The use of an animal under ASPA lasts from the time of the first regulated procedure on that animal until the completion of observations or collection of data or products for a particular purpose. Therefore use does not begin or occur until the individual captured animal undergoes regulated procedure(s), which may include the use of physical or chemical restraint. However, if the process of capture / capture method is itself the subject of the study, and may cause pain, suffering, distress or lasting harm equivalent to or greater than the lower threshold, then this will be considered to be a regulated procedure.

The information provided about the method of capture is considered by Home Office inspectors (HOIs) alongside assessment of a project licence application.

3.3 Assessment of 'competent person' with regard to capture

It is the responsibility of the project licence holder to ascertain the competency of people capturing animals for use under their project. Competency may be gained by attending appropriate courses on best practice in trapping, by training and supervision by an experienced person in the field, by consulting with recognised experts or by other reasonable means dependent upon species. It is preferable if external accreditation can be provided; for example, through the Ringing Permit issued by the British Trust for Ornithology (BTO), but this may not always be possible for unusual species or animals supplied from abroad.

It is not mandatory under ASPA to maintain records of such training and competency but it would be considered good practice if a record of the training and competence was kept by the named training and competency officer (NTCO). Where licences for capture are required by other national licensing authorities, they will normally also require a demonstration of

27 PPL SC 14(a).

competency.

3.4 Capture methods

As at 3.2 above, to comply with the standard conditions on the project licence, the method of capture must not cause the animal avoidable pain, suffering, distress or lasting harm. In many cases, significant experience and published information on capture methods exist. Trapping / capture methods should be researched at the planning stage, before a project application is submitted. When choosing a method, the most up-to-date advice should be sought from the appropriate regulatory authorities and interest groups. This may vary depending upon the geographical location of the site and the species to be studied. Advice should be taken from published sources, regulatory organisations and those experienced in the methods and species concerned so the establishment Animal Welfare and Ethical Review Body (AWERB) can assess the suitability of a method and advise on any necessary refinements.

It would be considered good practice for the AWERB to carry out retrospective assessment of the capture methods and its effects on the animals. This might include consideration of the number of animals caught, the number of animals used, any adverse effects detected and refinements suggested or instituted to prevent or reduce adverse effects. Such consideration could contribute to the mandatory tasks of the AWERB of advising staff dealing with animals on matters related to the welfare of the animals in relation to their acquisition, accommodation, care and use and advising on the application of the 3Rs – replacement, reduction, refinement.[28]

Some techniques that are used for catching animals for other purposes may not be appropriate for scientific studies performed under ASPA, for example, due to the effects of stress or unacceptable risk of injury. Such methods should be discussed on a case-by-case basis with the assigned HOI. Specific evidence that the method is the only suitable one to be used will be required and the scientific need justified in the project application.

Traps or other capture devices should be sited where harmful interference or disturbance from humans and other animals / predators is minimised. Depending on the species and the frequency of checking (see 3.5 below), shelter, refuge provision, bedding and appropriate food and water should be provided. Planning should take account of the following:

- seasonality of breeding;
- potential for poor weather;
- potential inaccessibility of the trapping site;
- capture of non-target species;
- impact of trapping on dependent offspring or breeding animals;
- impact on the wider environment.

Information on trapping and capture methods may be obtained from a number of relevant organisations (see Appendix 1).

3.5 Frequency of trap checking

In order to meet the requirements of PPL SC 14(a), the time spent in traps should be minimised

28 Section 10.4 ASPA *Guidance on the Operation of the Animals (Scientific Procedures) Act 1986* (ASPA Guidance).

to ensure that there is no avoidable pain, suffering, distress or lasting harm. Account must be taken of the requirements and advice on trapping frequency provided under other legislation or by other authorities.

The frequency of checking should be informed by the following considerations.

- Species-specific requirements.
- Time of day when animals are most likely to enter the trap, for example:
    - if a nocturnal species is being trapped, traps should be checked as early as possible in the morning;
    - crepuscular species may require checking after dark and again at daybreak.

- Likelihood of adverse effects as a result of trapping, for example:
    - where species are susceptible to starvation or cold (for example, shrews / moles);
    - where the animal is susceptible to predation or disturbance.
- Use of snares (special justification required, for example, for foxes).
- Effect on dependent offspring.
- Potential to use remote monitoring (for example, CCTV or camera traps) to augment scheduled checks.
- Effect of disturbing the local environment by frequent or prolonged trap checking.
- Effect on physiological condition through curtailed feeding or stress, which may affect the science being carried out.

Specific issues exist where animals are selected for study only after capture and where inadvertent trapping of non-target species occurs (see below).

3.6 Examination of animals following capture for injury or poor health

PPL SC 14(b) requires that project licence holders shall ensure that an animal taken from the wild that is found to be injured or in poor health is not be subjected to a regulated procedure unless and until it has been examined by a veterinary surgeon or other competent person (see Section 3.7) and, unless the Secretary of State has agreed otherwise (in a project licence), action has been taken to minimise the suffering of the animal.

This requirement applies whether:

- the animals are to be used in regulated procedures at a licensed establishment; or

- the animals are to be used in regulated procedures at a place other than a licensed establishment (POLE).

Project licence holders must ensure that this condition is satisfied before any regulated procedures are applied to animals taken from the wild, even if the animals are captured or supplied by a third party or a licensed establishment.

Where captured animals are not allocated to projects or being imminently used in regulated procedures (for example, those captured as ‘stock’) it is essential that their health and condition are assessed promptly after capture and any necessary actions taken.

It is crucial that the risks of capturing animals that are injured or in poor health are considered

and addressed before any work begins, in order to avoid unexpected emergencies. Project licence applications must state the approach that will be taken to handling, assessment, treatment or euthanasia of animals that are ill or injured.

Transport containers and a means of transport that is adapted to the species concerned may need to be available at capture sites, in case animals need to be moved for examination or treatment, even if there is no intention to move animals from their place of capture before they are used in regulated procedures. If it is intended that animals be transported to a licensed establishment for use, such transport containers must comply with the Code of Practice, (see Section 4). Where it is intended to use animals only at a POLE, arrangements should be made in advance for the transport of animals if treatment for illness or injury needs to be performed elsewhere. However, for some species, it may not be in the best interest of the animal to attempt to move it for treatment (for example, large aquatic mammals).

Visual assessment of injury / condition should be carried out at the earliest possible opportunity.

- In cases where animals will remain at the capture site this should be as soon as possible after capture.
- Where animals will be moved from the capture site, preliminary assessment of condition / injuries must be made by a competent person before transport and / or before the application of any regulated procedures (including anaesthesia or sedation for further examination). The depth of any preliminary investigation should be balanced with reducing stress to the animal; however, such animals must be assessed as fit for transport.
- Where anaesthesia or sedation is necessary to assess the condition of the animal, this may be performed under the authority of a project licence as detailed in the plan of work. Alternatively, anaesthesia or sedation for the purposes of clinical examination or treatment may not be regarded as a regulated procedure when carried out in accordance with the Veterinary Surgeons Act 1966.(See also Royal College of Veterinary Surgeons Supporting Guidance No. 24 Named Veterinary Surgeons,[29] and No. 25 Recognised Veterinary Practice[30].)

The named veterinary surgeon (NVS), named animal care and welfare officer (NACWO), scientists and care personnel should be involved in designing protocols for assessing and making a judgement on the treatment of sick or injured animals. It would be considered good practice to do this in consultation with appropriate experts familiar with the species, including wildlife veterinarians, animal behaviourists, wildlife rehabilitators and those responsible for caring for the species in collections.

Project licence holders are required to minimise the suffering of captured wild animals intended for regulated procedures resulting from disease or injuries found at the time of capture, unless exemption from this requirement is specifically permitted in a project licence.[31] This might be the case in population monitoring studies, or where there are other extenuating circumstances such a lactating mammal that will have dependent young.

It is accepted that some conditions may not require specific action to minimise suffering (for

29 http://www.rcvs.org.uk/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/supporting-guidance/named-veterinary-surgeons/

30 http://www.rcvs.org.uk/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/supporting-guidance/recognised-veterinary-practice/

31 Exceptionally, a special condition may be applied to a project licence, for example, in diseases of wild animals where treatment or removal of affected animals would affect the results of the study.

example, healed bite wounds, minor skin parasites) – but some more serious issues may merit greater action. Section 4 gives further detail.

3.7 'Other competent person' examining animals after capture – training and assessment of competency

Non-veterinarians assessing the condition of animals taken from the wild should have undertaken appropriate training, and their competency should be assessed by a veterinary surgeon. They should follow direction from a veterinary surgeon when making decisions about the health of captured animals as they are acting in lieu of a veterinary surgeon. It would be considered good practice if a record of the training and competency assessment was kept by the NTCO in the usual manner.

Project licence holders may wish to consider the examples of competencies listed below when assessing the suitability of an 'other competent person' for examining and assessing an animal that is injured, or in poor health:

- being able to assess the species' normal behaviour, appearance and reactions;
- being familiar with the signs of common disease and injuries in the species (including notifiable diseases);
- understanding the 'normal' background level of disease for the population;
- being familiar with behavioural indicators of distress, disease and injury and understanding that behavioural indicators of pain, distress or disease may not be immediately apparent in wild or feral animals;
- being able to handle and observe the animals appropriately, to enable assessment;
- awareness of the agreed actions for ill or injured animals, including the practical arrangements for holding, restraining, treating, etc. such animals;
- awareness of how to deal with unusual situations or those outside their own competence, and ability to contact licensees / named persons / local veterinary surgeon (VS) / NVS for advice if required;
- capable of applying the actions necessary to minimise suffering – including immediate humane killing in some circumstances.

3.8 Selection and potential release of animals following capture

When animals are not selected for study after assessment at the site of capture (for example, only male animals are to be studied and all females are released) and no regulated procedures have been applied, then the animals may be simply released without having to satisfy the ASPA requirements for setting free animals at the end of procedures (see Section 7), subject to the requirements of any other applicable licences or legislation. However, if the reason for rejection is that the animal is unsuitable due to pre-existing injury or disease (for example, a badger with a healing bite wound on the neck that prevents the fitting of a radio-tracking collar, which is integral to the series of regulated procedures being performed) and the animal is released, it is possible that provisions of other animal welfare legislation may be breached. For example, under the AWA it is an offence to cause unnecessary suffering to a protected animal by acting or failing to act to prevent suffering.[32] However, the non-release of such animals could have wider implications (such as the possible death of dependent young) – in situations of

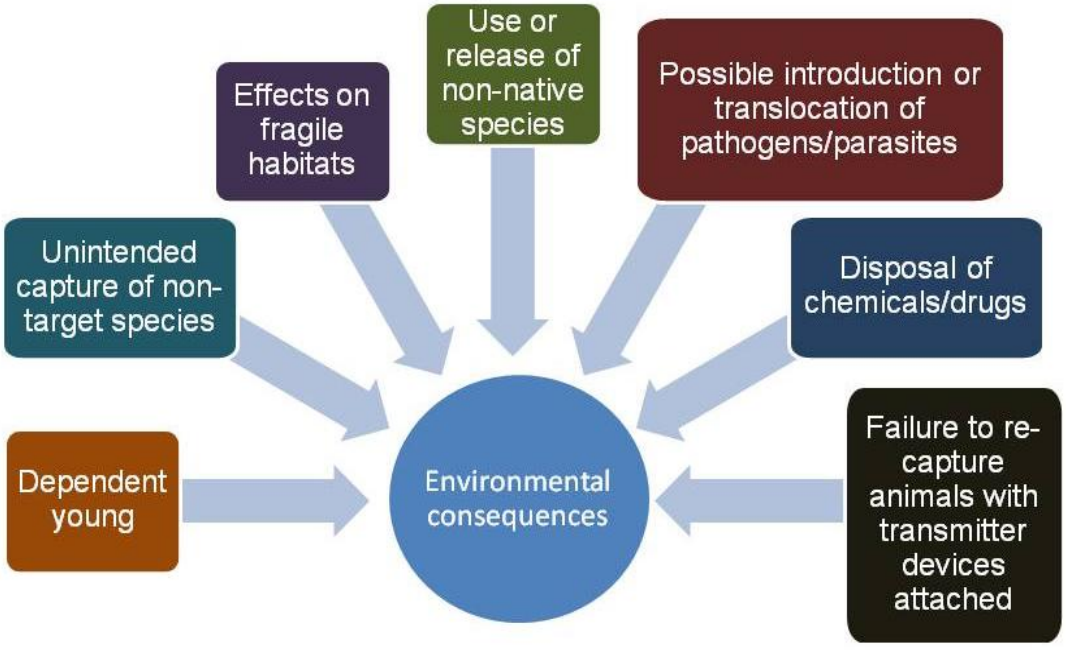
32 AWA Section 4. http://www.legislation.gov.uk/ukpga/2006/45/section/4

compromise the best welfare outcome should be sought.

3.9 Unintended consequences of capture, including environmental damage

A project licence cannot be granted unless the programme of work is planned so as to enable the regulated procedures to be applied in the most humane and environmentally sensitive manner possible.[33]

Figure 2: Unintended consequences of capture – examples



Capture, with or without the subsequent removal of animals from the environment or regulated procedures being performed, may result in unintended consequences due to social and / or environmental disturbance. This is considered by HOIs when assessing the project licence application, and also in the harm–benefit analysis of the project. Project applications should detail the measures taken to minimise the impact on the environment where appropriate, such as:

- removal / disturbance of the target species, for example, the effect on the local population;
- effect on fragile habitats / cohabiting species, for example, by-catch, disturbance, use of substances;
- impact on endangered species;
- impact on dependent young or eggs;
- use or release of non-native species;[34]

33 ASPA 5B (2) (c).
34 Note that the EU Invasive Alien Species Regulation 2015 requires a permit from the Department for Environment, Food and Rural Affairs (Defra) to use certain species, and prohibits their release.

- compliance with the requirements of environmental regulators, for example, licences and surveys;
- possible introduction or translocation of pathogens / parasites;
- measures for assessing and preventing undesirable or unexpected environmental effects resulting from procedures intended to test the effects of an intervention;
- disposal of chemicals / drugs – for example, water containing anaesthetics used for wild-caught fish or ectoparasiticides used to determine infestation rates in wild-caught birds, should be disposed of so as not to pollute the environment;
- failure to re-capture animals in order to remove transmitting devices;
- consideration of the effects of such animals entering the human or animal food chain.

It may also be advisable to inform local communities or other authorities about planned studies so that they are forewarned of likely trapping / capture activity. This should be balanced against the risk of trap disruption and safety of those involved in the study.

3.10 Capture of non-target species

The release of non-target animals that have been inadvertently captured or are not required for studies should be done as soon as possible, ideally at the original capture site, providing no other restrictions apply, for example, their release is prohibited under other legislation.

Where non-target animals are repeatedly captured, consideration should be given to altering the capture site or baiting strategy. It may be possible to adapt traps to reduce the chance of non-target capture (for example, by restriction of the entrance size, use of natural runs, or use of floating rafts for trapping mink). However, care should be taken to ensure that such adaptations do not lead to injury by, for example, entanglement or entrapment.

As part of the AWERB's remit to promote awareness of animal welfare and the 3Rs, consideration could be given to periodically reviewing the number of non-target species captured.

3.11 Restraint of animals to enable application of regulated procedures or method of identification for a scientific purpose

For wild animals, general anaesthesia may be used as a means of chemical restraint to enable procedures to be done that would not normally require such restraint in a domesticated species. Once an animal is taken from the wild, methods of restraint to enable regulated procedures to be applied or for animals to be identified, may themselves be regulated procedures under ASPA if they cause pain, suffering, distress or lasting harm at or above the lower threshold (for regulated procedures), or more than momentary pain or distress and lasting harm (the threshold for methods of identification). See Section 6 below for further discussion of identification.

For example:

- The use of a noose / snare (physical restraint) to restrain an animal in a trap to perform clip marking of the coat. While the primary purpose is identification, the restraint may cause more than momentary[35] pain and / or lasting harm[36] and would

35 Momentary is considered to be seconds rather than minutes.
36 ASPA 2 (8) (e).

be considered a regulated procedure.

- Administration of a general anaesthetic to allow the insertion of a passive integrated transponder (PIT) / microchip as a method of identification. The use of general anaesthesia for chemical restraint would result in more than momentary pain or lasting harm (i.e. above the identification threshold) and therefore be considered a regulated procedure.

- Administration of a general anaesthetic to enable body measurements to be taken. In this case the general anaesthesia is being given for a scientific purpose and would result in pain, suffering, distress or lasting harm above the lower threshold[37] and is therefore considered to be a regulated procedure.

Further consideration of this and of identification methods is discussed in Section 6 (including additional examples).

3.12 Repeated capture (taking from the wild)

Applications for project licences should include information, where available, on repeated capture (taking from the wild) of previously released animals, both deliberate and inadvertent, in terms of likely incidence and effect.

In some situations, repeated capture, potentially on many occasions, may be scientifically necessary and justified within the plan of work. In such circumstances, consideration should be given to the welfare and wider environmental consequences of both repeated capture, taking into account all the considerations above, and also failure to re-capture animals when expected, both on scientific and welfare grounds (see also Section 7.1).

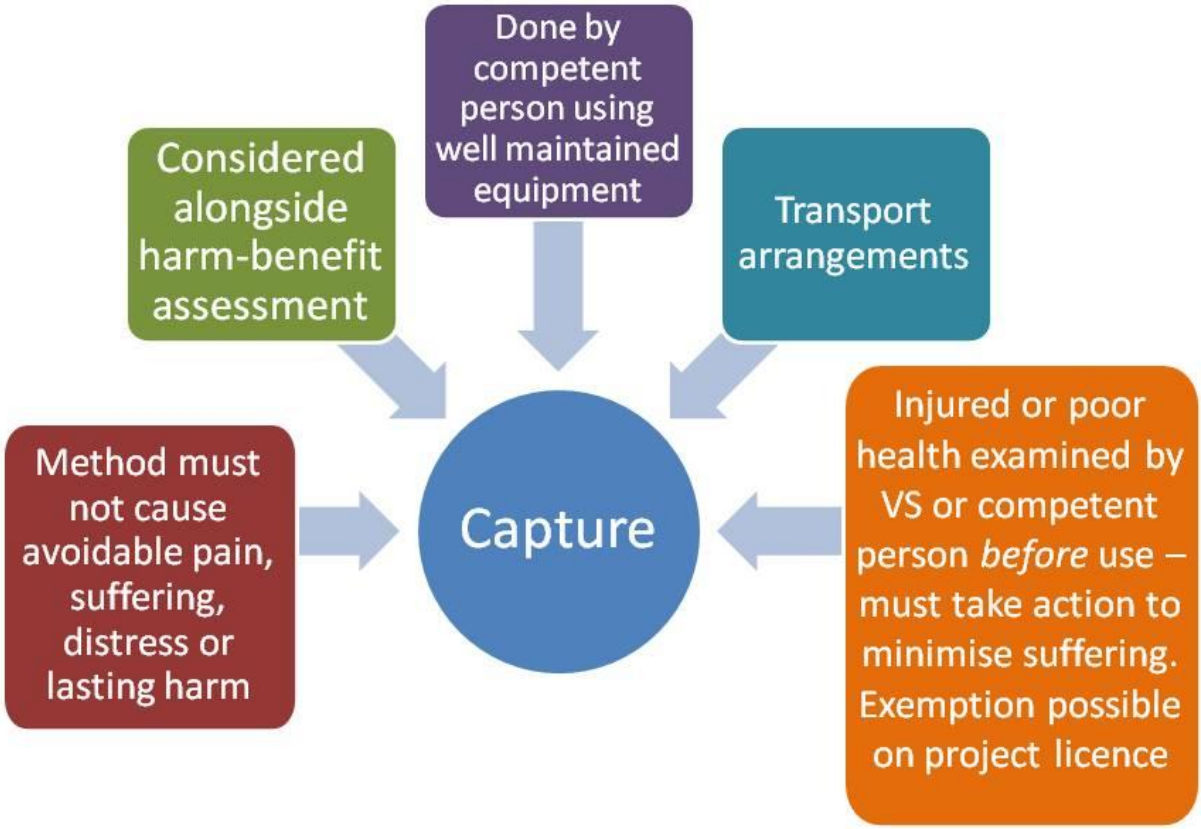
For example, failure to re-capture animals in order to recover and remove transmitters or other attached external devices that would otherwise not drop off may have serious animal welfare or environmental consequences (see Section 6) as well as possibly frustrating the study purpose.

It may be necessary to allow for failure to re-capture by factoring in more animals than would be justified on purely statistical grounds. Any requirement for additional animals should be researched by referring to previous experience with the methods, consulting the literature, colleagues and a statistician if necessary so that as far as possible the numbers can be justified in the project licence.

It would be good practice to record the re-capture rate and to provide this to the AWERB to enhance awareness of animal welfare and the 3Rs.

37 See Glossary: Lower threshold.

Figure 3: Safeguards around capture for regulated procedures under the Animals (Scientific Procedures) Act 1986



4. Animals taken from the wild and used, bred or held for supply at a licensed establishment or other place

As well as the Animals (Scientific Procedures) Act 1986 (ASPA), other legislation may impose controls on holding, breeding or use of some wild species. This legislation and the associated licensing processes may differ depending upon the species being held or used and the geographical location of the study. Those wishing to capture, keep and / or release free-living animals must check with the relevant competent authorities (see Section 9) to ensure compliance with any non-ASPA legislation that is relevant, and must provide assurances that any such other legislation will be complied with. Animals that are lawfully being used under ASPA are exempted from the Animal Welfare Act (AWA) but not from other relevant regulation.

Many studies using animals taken from the wild are conducted entirely in the field, and animals are never brought to a licensed establishment.

The loading, transport, unloading and holding of wild-caught animals in captivity (including feral animals, see Section 2) poses special challenges and welfare risks. Whilst some types of study may be easier and better controlled under captive conditions, this should be balanced against the effect of transport and captivity itself.

4.1 Breeding, supply and sourcing of animals taken from the wild

In those cases where animals are taken to a licensed establishment for use in regulated procedures, the capture, transport, use and disposal of the animals are often all done directly under the control of the project licence holder (with support and oversight from the establishment licence holder and staff).

In addition, some establishments do obtain / hold wild-caught animals on behalf of users at the establishment, and some may breed from them in captivity and / or supply them to users or establishments elsewhere. This may require establishment licence authority; the requirements differ depending on the species and activity carried out. Further details are given in section 3.1 of the ASPA Guidance and below.

The advice in this section is relevant to:

- project and personal licence holders who are obtaining and using wild-caught animals at a licensed establishment (or from another licensed establishment);

- establishment licence holders and their staff who are breeding, supplying or keeping animals taken from the wild which are intended for use in regulated procedures;

- other people who are breeding, supplying or keeping ‘stock’ animals taken from the wild which may be supplied for use in regulated procedures but where this is not the primary purpose.

Where animals are not 'relevant protected animals' (for example, animals obtained and used solely for non-regulated work) this is not controlled under ASPA, even where they are held coincidentally at licensed establishment premises. However, many establishments are known to apply equivalent standards to such animals.

Suitable accommodation, monitoring, expertise and resources must be in place before animals are obtained for use in regulated procedures, and before using them in regulated procedures. The requirements for wild individuals of apparently similar species may be significantly different from laboratory-adapted animals, and this must be taken into account by those responsible for their care (see Section 8).

4.2 Transport of animals from the capture site to a licensed establishment

If the animals are intended for, are being, or have been, used under ASPA at a licensed establishment, their care and accommodation, the controls on transportation and their holding at licensed establishments will need to meet the requirements set out in the *Code of Practice for the Housing and Care of Animals used in Procedures*[38] (Code of Practice). The establishment licence holder (or named person responsible for compliance) is responsible for ensuring that these requirements are met, both for stock animals and those being used in regulated procedures. Where no standards exist in the Code of Practice for a particular species, the 'standards cascade' described therein should be used. Any additional legislation, certification and licences regarding the transport of animals (for example, Welfare of Animals under Transport Order 2006, Habitats Regulations 2010), or animals of particular species (for example, CITES species[39]) will also apply and must be complied with. Transport containers and a means of transport that is adapted to the species concerned need to be available at capture sites.

Animals should be examined after capture and before transport to ensure that they are fit to travel (see Sections 3.6 and 3.7 above). Considerations to be taken into account include:

- provision of adequate food / water / breaks;
- provision of food / water, without spoiling bedding (for example, use fruit or gel);
- adequate ventilation (mammals and birds) / water quality (aquatic species);
- control of environmental temperature;
- must be fit for travel (unless ASPA exemption for scientific purpose applies – then appropriate arrangements must be made to minimise any adverse effects of the transport);
- keep covered where appropriate to keep animal calm;
- ensure that animals can be unloaded immediately on arrival (whatever the time).

4.3 Care of animals held at licensed establishments

Special consideration shall be given and appropriate measures taken for the acclimatisation, quarantine, housing, husbandry and care of animals that have been taken from the wild and, as

38 https://www.gov.uk/government/publications/code-of-practice-for-the-housing-and-care-of-animals-bred-supplied-or-used-for-scientific-purposes
39 http://www.cites.org/eng/resources/transport/index.php

appropriate, provisions for ensuring their welfare if the intention is that they be kept alive and set free at the end of procedures.[40]

Whilst specific guidelines for particular species of wild animals are not included in the Code of Practice, it sets out the mandatory specifications (in Code of Practice, Sections 1 and 2) for all wild animals and advisory specifications for wild-caught birds, cephalopods, fish and non-human primates, including advice on capture and transport (Code of Practice, Section 3). Where no relevant advice is presented in Section 3 of the Code of Practice, establishments will be expected to apply appropriate standards as found in the scientific literature, in consultation with animal care staff, the named veterinary surgeon (NVS), the Animal Welfare and Ethical Review Body (AWERB), the assigned Home Office inspector (HOI) and / or other specialists.[41]

As for other species, if exemption from the Code of Practice requirements is required for scientific purposes (for example, single housing of a sociable species for the collection of urine), project licence authority may be required. Section 8.4 of the Code of Practice describes the circumstances when deviations from Sections 1 and 2 of the Code of Practice for other purposes, such as for animal health or welfare reasons, may be permissible.

Animals should be promptly examined on arrival for illness, poor condition and disease.[42] Animals appearing to be injured, ill or in poor condition must be given appropriate care prior to use[43] unless there is specific authorisation in the project licence to allow the use of such animals, for example, for epidemiological studies of diseases of wildlife (see Section 3 of this note).

Anaesthesia for the purposes of clinical examination or treatment would not be regarded as a regulated procedure when carried out by a veterinary surgeon in accordance with the Veterinary Surgeons Act 1966.[44]

Injuries, illness or death of animals on or shortly after receipt may indicate that the source, capture or transport arrangements are unsuitable. If such problems arise, the project licence holder should review these arrangements before obtaining more animals from that source.

4.4 Breeding or supply of Schedule 2 species by a licensed establishment

Section 3.1 of the ASPA Guidance gives advice on when an establishment licence is required for these activities.[45] Section 2.6 of this Advice Note includes information on Schedule 2 species.

Project licence authority is not required for activities involving only the breeding from or supply of animals previously taken from the wild, where there are no regulated procedures involved. Where Schedule 2 species animals are taken from the wild, but mated in captivity, the offspring are not considered to be taken from the wild (as covered in 2.6.1 above; see also 4.4.1 below).

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40 See Code of Practice, paragraph 3.2.
41 See Code of Practice, paragraph 8.5.
42 Establishment licence (PEL) standard condition (SC) 4.
43 Project licence (PPL) SC 14b.
44 https://www.rcvs.org.uk/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/supporting-guidance/delegation-to-veterinary-nurses/ Royal College of Veterinary Surgeons Supporting Guidance No. 24 Named Veterinary Surgeons, and No. 25 Recognised Veterinary Practice.
45 ASPA Guidance 2B.

Since the 2013 amendment of ASPA there are no specific ASPA restrictions on licensed breeding or supplying establishments obtaining Schedule 2 animals from sources that do not themselves hold establishment licences (see ASPA Guidance section 3.13.16). This includes animals that have been taken from the wild.

Project licence authority will be required for any use of such animals in regulated procedures, including where appropriate authorisation to use animals taken from the wild or non-purpose bred Schedule 2 animals. Project licence holders obtaining such animals from other establishments will still be required to meet their obligations around capture methods, examination for ill health, etc. (see Section 3).

The conditions of other licences or legislation permitting the original capture are likely to affect such activities and the conditions of any such licences must be complied with.

4.4.1 Breeding of Schedule 2 species

An establishment licence is required for undertakings involving the breeding of Schedule 2 animals with a view to:

- their use in regulated procedures; or
- the use of their tissues or organs for scientific purposes.

This applies to the breeding of Schedule 2 animals from parents that have been previously taken from the wild; however, there are no additional specific requirements for these animals.

4.4.2 Supply of Schedule 2 species

An establishment licence is required for undertakings involving the keeping of Schedule 2 animals that have been bred elsewhere and that are to be supplied with a view to:

- their use in regulated procedures elsewhere; or
- the use elsewhere of their tissues or organs for scientific purposes.

This applies to the keeping and supply of Schedule 2 animals previously taken from the wild; however, there are no additional specific requirements for these animals.

4.5 Breeding and / or supplying of animals other than Schedule 2 species

Section 3.1 of the ASPA Guidance gives advice on when an establishment licence is required for these activities.[46] Section 2.6 of this Advice Note also includes information on non-Schedule 2 species.

Project licence authority will be required for any use of such animals in regulated procedures, including where appropriate authorisation to use animals taken from the wild and non-purpose bred Schedule 2 animals. Project licence holders obtaining such animals through others will still be required to meet their obligations around capture methods, examination for ill health, etc.

46 ASPA Guidance 2B

4.5.1 Breeding and supplying of non-Schedule 2 species

Project licence authority is not required for activities involving only the breeding from or supply of animals previously taken from the wild, where there are no regulated procedures involved. The offspring of previously wild-caught animals mated in captivity are not considered to be taken from the wild.

An establishment licence **is** required for undertakings involving the **breeding** of other species (not listed in Schedule 2) of protected animals **primarily**:

- for their use in regulated procedures; or
- the use of their tissues or organs for scientific purposes.

This applies to the breeding of non-Schedule 2 animals from parents that have been previously taken from the wild; however, there are no additional specific requirements for these animals.

Where such animals are not being bred **primarily** for such use, an establishment licence is not required.

For example, breeding of turbot primarily for their use in regulated procedures will require an establishment licence. However, the breeding of commercial-farmed salmon, primarily for food production (some of which are incidentally supplied for use in regulated procedures), would not require an establishment licence, because the breeding is not primarily done with a view to supply animals for use in regulated procedures.

An establishment licence is **not** required for **holding** non-Schedule 2 animals that have been bred elsewhere (including animals that have previously been taken from the wild) with a view to:

- their supply for use elsewhere in regulated procedures, or
- for use elsewhere of their tissues or organs.

For example, crows (a non-Schedule 2 species) that have been taken from the wild may be kept for such supply by people (for example, pest-controllers) without them holding an establishment licence under ASPA. The conditions of other licences or legislation permitting the original capture are likely to affect such activities, and the project licence holder who ultimately uses such animals must still ensure that the ASPA licence requirements on, for example, capture methods, competence of personnel and avoidance of harm have been met (see Section 3).

The conditions of other licences or legislation permitting the original capture are likely to affect such activities and the conditions of any such licences must be complied with.

4.6 Movement to other establishments, keeping alive, setting free, and re-homing from a licensed establishment

Guidance on the requirements and authorities needed is given in the ASPA Guidance and the separate Advice Notes 02/2015 (*Use, Keeping Alive and Re-use of Animals*) and 03/2015 (*Re-homing and Setting Free of Animals*).[47]

Sections 7.3.1 and 7.3.2 of this Advice Note give specific advice related to animals taken from the wild and set free in the course of regulated procedures.

47 https://www.gov.uk/guidance/research-and-testing-using-animals

For some species movement to another establishment, setting free or re-homing may also require authorisation by other regulators; for example, licences for the possession and movement of mink, grey squirrel and coypu are required under the Destructive Imported Animals Act 1932. A permit under the EU Invasive Alien Species Regulation 2015 is needed for importing, keeping, breeding, transporting or using for the purposes of research, etc., *"species of Union concern"*. All such legislation must be complied with in addition to ASPA requirements.

4.6.1 Movement of protected animals to a different licensed establishment

Animals held under establishment licence authority and being used in regulated procedures may only be transferred to another licensed establishment with specific authority from the Home Office (PPL SC 24). This includes animals previously taken from the wild.

Animals that have completed a series of regulated procedures and are kept alive under the care of the NVS may only be moved to another licensed establishment with specific authority from the Home Office (PEL SC 23[2] [a]). This includes animals previously taken from the wild. Animals moved from one establishment licence to another are not treated as being re-homed.

4.6.2 Keeping alive, setting free / re-homing of protected animals from a licensed establishment

Any animal that, in the opinion of the personal licensee or the veterinary surgeon, is suffering or is likely to suffer adverse effects as a result of being subjected to the regulated procedures at the end of its use must be killed in compliance with ASPA section 15 and PPL SC 11.

[PPL SC 11] Where a series of regulated procedures are applied to an animal for a particular purpose the licence holder shall ensure that the animal is killed at the end of the series unless a veterinary surgeon or other competent person has determined that the animal is not suffering, and is not likely to suffer adverse effects, as a result of the regulated procedures.

An animal held at a licensed establishment that:

- is being or has been used in a regulated procedure;
- is being or has been kept for use in a regulated procedure;
- has been bred for use in a regulated procedure; or
- is being or has been kept for the purpose of being supplied for use in a regulated procedure.

will need to meet the requirements, set out in ASPA Section 17A, if the animal is to be moved to somewhere other than a licensed establishment (i.e. re-homed) or set free.

This is because such animals are defined as 'relevant protected animals' under ASPA (for the purposes of re-homing and setting free). This includes not only protected animals that have undergone regulated procedures, but also those that were obtained, bred, or held as stock with the intention of being used in ASPA-regulated work, but for whatever reason were not used. For more information please see Advice Note 03/2015 *Re-homing and Setting Free of Animals*, Section 1.2 on relevant protected animals.

Conversely, animals kept at an establishment without the intention of use in regulated procedures, that have not been bred for use in regulated procedures, and have not been kept for the purpose of being supplied for use in regulated procedures are not relevant protected

animals under ASPA section 17A. They do not need to meet the requirements of this section if they are moved from the establishment. This includes animals brought to an establishment solely for non-regulated work.

At the end of a series of regulated procedures animals that are not suffering adverse effects may be suitable to be kept alive, and set free or re-homed. This includes animals previously taken from the wild that have been held at a licensed establishment.

Unused stock animals that are no longer intended for use in regulated procedures may also be suitable for setting free or re-homing.

In both cases authority to set free or re-home such animals is required (ASPA section 17A and PEL SC 23[2] [b]). Detailed information is supplied in Advice Notes 02/2015 (*Use, Keeping Alive and Re-use of Animals*) and 03/2015 (*Re-homing and Setting Free of Animals*), which should be consulted.[48]

Setting free / re-homing protected animals in the course of and at the end of regulated procedures at a POLE also requires authority (see Section 7).

48 https://www.gov.uk/guidance/research-and-testing-using-animals

5. Working with wild animals at a place other than a licensed establishment

A place other than a licensed establishment (POLE) is a place that is not included on the schedule of premises (approved places) in an establishment licence issued under section 2C of the Animals (Scientific Procedures) Act 1986 (ASPA). Before the changes to ASPA came into force in January 2013, such a place was known as a place other than a designated establishment (PODE).

Many ASPA-regulated studies involving wild or free-living animals need to be done at POLEs and these places will need to be specified in the project licence application (see 5.1 for the details required).

In some circumstances POLEs may be at places owned or controlled by an institution that has an establishment licence, but which are not included in the approved places in the licence schedule. For example, a project licence may authorise regulated procedures on wild animals living on land owned by a licensed establishment, but not included in the approved places.

5.1 Legal requirements for working at a POLE

When scientifically justified by the nature of the programme of work or the regulated procedures described in a project licence, procedures may be authorised at a POLE[49] – for example, an inland waterway or a farm.

The manner in which a POLE is specified needs to be sufficiently detailed to allow inspection. However, general information (for example, ‘farms in England and Wales where badgers have been diagnosed as suffering from tuberculosis’, ‘sites where pied flycatchers are nesting’, ‘tributaries of the River Dee in North Wales’, ‘bat roosting sites in the West of England’) can be sufficient as notice must be given of intention to start work at a POLE that can then include information of the specific site (see 5.3 below).

In general, to protect individual animals under study and to reduce the variability and number of animals used, if the work could feasibly and satisfactorily be done under controlled laboratory conditions within a licensed establishment, then the work should not be done at a POLE. For free-living animals, however, it may be scientifically necessary to do the work at one or more POLEs and the additional welfare cost to the animals and any associated environmental costs may outweigh any benefits from doing the work at a licensed establishment. Consequently the 3Rs – replacement, reduction, refinement – and scientific considerations should be taken into account when deciding where regulated procedures should be done.

49 ASPA 5(3).

A feasibility assessment of working at an establishment with wild or free-living animals brought into captivity should include consideration of the additional harms:

- to the individual animals of transport and holding in captivity, such as stress and loss of condition and the effect this may have on the scientific outputs;

- to the local environment due to the removal of animals from ecosystems, the effect on dependent young or other factors (see also Section 3).

In order to carry out regulated procedures at a POLE, a project licence application must specify a licensed establishment as the primary availability, whether or not work is also carried out there. This allows for work at POLEs to receive the same support as other work authorised under ASPA from the Animal Welfare and Ethical Review Body (AWERB), named persons[50] and the establishment licence holder.

Examples of scientific justification for using wild animals at POLEs include:

- when the study of a captive population would be unrepresentative (for example, when natural behaviour or physiology of free-living animals is to be studied);
- when the study of a captive population would not be achievable (for example, the species cannot be maintained in captivity);
- where the effects of an intervention on the wider population or environment are to be studied;
- where the harm to the wild-caught animals or to the social groups from which they are taken, from transporting them to and holding them in a licensed establishment for the purpose of carrying out regulated procedures, is greater than doing the procedures at, or close to, the site of capture.

5.2 Considerations for working at a POLE

The type of work performed at a POLE is frequently a field study or ecological work. The conditions at a POLE must enable the regulated procedures to be done to an acceptable standard to minimise the risk that:

- the results obtained may not be satisfactory; or

- animal health or well-being may be unreasonably compromised.

It would be expected that such considerations be reviewed by the AWERB when advising on the project, in addition to the usual considerations applying to all project licence applications.

5.3 Notification of working at a POLE

Project licences authorising the use of animals at POLEs usually have an additional non-standard condition applied requiring notification arrangements to be agreed in advance. This is so that a Home Office inspector (HOI) can choose whether to attend when procedures are due to be undertaken.

The condition usually applied to such licences is:

50 For a definition of named persons see: *Guidance on the Operation of the Animal Scientific Procedures Act*, Section 3.8.

“Before starting any procedures at a place which is not a licensed establishment (POLE) but is authorised under Part B of the schedule, the inspector must be notified, in order that the inspector may be present if s/he wishes. The minimum period(s) of notice to be given, the information to be provided and the means of notification shall be agreed in writing with the inspector at least seven days before commencement of regulated procedures in this project.”

A typical minimum period of notice is 72 hours but other arrangements may be reached with the assigned HOI should circumstances dictate. Both the HOI and the licence holder must maintain a current awareness of the arrangements in place, particularly where the responsible establishment is transferred between inspectors. Periodic updates may be valuable, for instance at the end or beginning of a seasonal programme.

Unless a different method has been agreed with the assigned HOI, the information to be provided, on each occasion, should include:

- the intended start and finish times and dates for the procedures at the POLE;
- the identities of the licensees who will be at the POLE;
- the location (which may include the Ordnance Survey map reference and / or post code) where the licensee(s) and the HOI will meet;
- the arrangements for contacting the licensees (for example, mobile phone numbers);
- confirmation that the landowner has given permission for the HOI to enter the landowner's property (this may be provided on request at the time of inspection);
- a relevant risk assessment (for example, for zoonoses the HOI may be exposed to);
- a list of personal protective equipment needed that will be provided by the project licence holder;
- any biosecurity procedures the HOI should follow;
- any relevant permits from other regulatory authorities to capture, otherwise work with and release the animals in question as necessary (these may be provided on request at the time of inspection).

The means of notification should generally be by email, text message or telephone.

Project licence holders must ensure that all personal licensees carrying out regulated procedures are aware of the agreed notification arrangements before and whilst carrying out work, and that these are followed.

Project licences issued before the 2013 amendment of ASPA may contain other additional conditions related to notification. These must be followed unless and until these conditions are amended.

6. Identification (including tagging, ringing, collaring and marking)

Other controls on identification and identification methods permissible also apply to some species; this legislation may differ depending upon the geographical location of the study. Those wishing to capture, identify and / or release free-living animals must check with the relevant competent authorities (such as Natural England, Scottish Natural Heritage and Natural Resources Wales) to ensure compliance with non- ASPA legislation as relevant, and must provide assurances that any such other legislation will be complied with. Animals that are lawfully being used under ASPA are exempted from the Animal Welfare Act (AWA) but not from other relevant regulation.

[ASPA section 2 (8)(e)] Notwithstanding anything in this section, the following are not regulated procedures:

- 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.

The term marking will generally be considered to include all forms of identification and to include tagging, microchipping, ringing, collaring, ear punching and other methods of marking. Where particular methods are discussed they will be specified. See also Section 3 of the Code of Practice) for advice on marking relevant species.

6.1 Identification

When planning to apply a method of identification to a wild animal, the purpose for identifying the animal and the degree of pain and suffering that may result from applying the identification method, will determine what requirements under ASPA apply.

The ringing, tagging or marking of an animal primarily to identify it as a specific individual, or using any other humane way to do so, are not regulated procedures[51] if they cause no more than momentary[52] pain or distress (or none at all) and no lasting harm. In this Advice Note this is summarised for convenience by calling this the identification threshold (which is not a term from the legislation) and it applies even if the marking is being used to meet a scientific purpose. The identification threshold is different from the lower threshold used to determine whether other procedures applied for a scientific purpose may be a regulated procedure.

51 ASPA 2 (8) (e).
52 Momentary in this context is taken to mean seconds rather than minutes.

Tissue obtained as a genuine by-product of, for example, ear marking may be used for genotyping without altering the non-regulated status of the procedure. For practical purposes, this means that if the same technique is applied to an animal for both identification and tissue sampling, (for genotyping or other reason) or data collection simultaneously, this should be interpreted as having been primarily for identification and therefore not a regulated procedure. However, blood sampling or DNA sampling using a method likely to cross the lower threshold of pain, suffering, distress or lasting harm (such as removal of the tail tip in mice), are not methods used to identify an individual animal and would therefore be regulated.

Consequently where a scientific study using wild animals only requires the animals to be individually identified and where the method of identification (including any necessary restraint) does not reach the identification threshold, then such studies will not require licensing under ASPA. Methods of identification that are not regulated by ASPA because they are below the identification threshold may be regulated by other legislation. For example, the ringing of wild birds requires a licence.

Furthermore, even if a method of identification is authorised under an ASPA project licence, other legislation may also apply, depending on the species and geographical location of the work.

For example, microchipping or ear-marking a red squirrel with brief manual restraint in a cone is not a regulated procedure, as it is being done *primarily* to identify the animal. The restraint and marking will cause no more than momentary pain and distress and no lasting harm, so is below the identification threshold. The squirrel's use of a nest site may then be monitored using a fixed microchip scanner or 'camera trap' to record its identity, and no licences are required under ASPA as there are no further procedures that individually or cumulatively may reach the lower threshold. Red squirrels are protected under the Wildlife and Countryside Act 1981 (WCA) as amended and it is an offence, intentionally or recklessly, to injure a red squirrel. Therefore a licence may be needed under the WCA for this work.

6.2 Restraint to apply identification

In some species, manual handling and restraint will be brief and less harmful than the use of an anaesthetic agent (for example, when ringing birds). In other species this is not the case and physical restraint may be impractical, likely to cause injury, or be very stressful (for example, handling fish). Where the combination of an identification method and the restraint to enable its application is likely to exceed the identification threshold, then this will constitute a regulated procedure and must be authorised by personal and project licence authority.

This would include, for example, the use of a pole and snare to remove an animal from a trap and restrain it, or the use of sedation or general anaesthesia to enable the identification method to be applied.

Where merited by animal welfare considerations, the use of anaesthesia or sedation should not be withheld solely in order to avoid ASPA licensing.

Failing to use anaesthesia in order to avoid regulation under ASPA for identification can have a significant effect not only on animal welfare but also on the scientific outputs. For example, in smaller or hard-to-restrain species, placement of a microchip in conscious animals may lead to a significant number of microchips being lost due to the failure of accurate placement and exiting through the entry hole. The use of anaesthesia allows more accurate placement and verification of the stability of chip position.

In many establishments the AWERB considers all animal studies even where they do not cross the threshold for regulation. It would be considered good practice for the AWERB to maintain awareness of animal work ongoing at an establishment that does not need to be regulated under ASPA, especially where this is carried out at a POLE.

6.3 Consideration of the potential harms of identification methods

For projects involving the ringing, marking or tagging of bird species, the British Trust for Ornithology (BTO) should be contacted in the first instance. The BTO has an established system for evaluating proposals against Home Office criteria and will advise whether a particular proposal is likely to reach the threshold for regulation under ASPA.

For all other species (terrestrial and aquatic), when considering whether a particular identification method is likely to exceed the identification threshold the following criteria should be considered. There are likely to be other considerations in specific cases. Appendix 1 includes some organisations and resources that may also be helpful.

1. Will the insertion or application of the identification device / mark cause more than momentary pain or distress? This should take into account, for example:

   - the relative sizes of the animal and identification device / mark;
   - the means of insertion or attachment;
   - the site where it is applied;
   - the degree of restraint required.

   For example, microchips are available in a variety of sizes and profiles and the needle required to place the device will be larger than the device itself. Use of a microchip that is large in relation to the size of animal, and / or would interfere with normal postures or behaviours, would usually be considered to exceed the identification threshold. For example, where microchips are implanted in very small animals, or where the microchip is also being used to obtain data on movement. In these situations the microchip may need to be larger than needed to identify a specific individual. For fish, devices implanted into a body cavity will always require anaesthesia and so will exceed the identification threshold.

2. May the device cause lasting harm?
   - May a collar or external identification tag be capable of being snagged leading to strangulation or pain, suffering, distress or lasting harm?
   - Does the device have a reliable breakaway section, quick-release or time-limited release device that will safely release the animal (without the need for re-capture)?
   - Could the collar cause harm when the animal puts on weight, for example, prior to hibernation?
   - May tag insertion or attachment sites become infected or attract parasites such as maggots?
   - Does the weight of the device place a significant physiological load on the animals?
   - Will the method lead to the animal being less able to catch or access its food or natural habitat, affect aero- or hydro-dynamics, locomotion, or the ability assume a comfortable resting posture?
   - Will the animal be at a biological or reproductive disadvantage due to the appearance, weight or shape of the identification device?
   - Would clipping of hair or feathers lead to loss of waterproofing or temperature stress?
   - Is the tissue glue used to secure devices potentially irritant, and is the quantity used critical to welfare or to the retention of the identification device for the time needed for the animal

to be able to be identified?
- Could the identification device / mark, or its attachment method, place the animal at a social disadvantage or make the animal more visible or prone to potential predators?
- Will it be possible or justifiable to remove the mark or identification device at the end of the observation period?

Consideration should be given not only to weight but to size and placement; this may be highly relevant to energy expenditure as a result of tagging. Flying animals and birds may be particularly affected by the weight and position of devices – fast aerial manoeuvres will significantly increase the forces exerted on the animal by a device. A small visible ear tag may be of little significance in a regularly fed captive animal, but may obstruct access to natural feeding sites, may attract predators or may alert prey to a predator's presence. Use of some collars has been shown to affect bodyweight gain and in some cases increase mortality.

Examples of methods considered to result in no more than momentary pain or distress or lasting harm

The following are examples of methods of identification that are considered to be below the identification threshold. There may, however, be additional harms to wild animals in terms of restraint to apply a method currently considered below threshold for laboratory animals, which have been bred in captivity and regularly handled.

- The manual restraint and use of small circular punches, nicks or notches in the ears, (approximately 1 mm diameter), as used for the purposes of identification of laboratory mice, are considered to cause momentary pain or distress and no lasting harm.

- The manual restraint of a mouse and sub-cutaneous implantation of a small passive integrated transponder (PIT) tag.

- Restraint in a deer crush and application of lightweight coloured collars, with breakaway / quick-release system, to identify red deer from a distance.

Examples of methods of identification considered to result in pain or distress and lasting harm above the identification threshold

- Hot, freeze and chemical branding.

- Conventional tattooing. However, a single injection of an ink bleb would not be considered likely to cross the identification threshold.

- Microchips above the minimum size necessary for identification, especially in smaller species.

The advice of experienced researchers, veterinarians with relevant expertise, device manufacturers and published guidance should always be sought. The evidence base for judgements on lasting harm or pain and distress must be considered, accepting that this may on occasion be lacking in the specific species concerned. Any gaps in knowledge should be critically assessed, as it is possible that evidence gleaned from observed or re-captured animals may not take into account the harms suffered by those that were lost to follow-up.

As with trapping methods, it would be considered good practice for a retrospective review of the success of identification methods (numbers marked, numbers followed / re-captured, adverse reactions seen, numbers lost to follow-up) to be fed back to the establishment AWERB (and

other licensing bodies if appropriate), to assess the suitability of the method, adverse effects and potential refinements.

6.4 Use of collars and other externally applied tracking devices: Regulated or unregulated?

Devices such as collars or harnesses, which incorporate or attach devices such as GPS, GPRS or VHF receivers or trackers, can be used to locate or record the position of a specific animal. In the context of ASPA, they are not usually considered to be methods of identification. Therefore their use may be considered a regulated procedure if they may cause pain, suffering, distress or lasting harm above the lower threshold (see Section 1.3).

Whilst many radio-collaring or tracking studies are performed without apparent adverse effects, instances are regularly reported where collars or similar have resulted in the deaths of wild animals through strangulation or entrapment, and severe suffering has resulted through the tightening of the collar due to weight gain or growth, causing abrasion or ulceration of skin. Use of acoustic devices in fish has been shown to make them more likely to be predated.[53] Furthermore, in some types of tracking studies the proportion of animals lost to follow-up make definitive conclusions about the adverse effects of the tracking devices difficult.

The use of external devices should comply with any established guidelines (for example, on size and weight)[54] and take account of the direct experience of those working in the field and with the species concerned.

When considering size and weight thought should be given to the combined impact of the device and all of the material used to attach it to the animal (for example, the electronics and all tapes, straps, threads and glues, etc.). Maximum weights are usually considered to be up to three per cent of body weight for birds and bats, and up to five per cent of bodyweight for other mammalian species.

Weight alone should not be the only criterion used to assess the potential harms (see also 6.3 above). Even lightweight devices may still be of a considerable size, while their shape and the attachment site and method, may have a significant influence on thermoregulation, appearance, aero- or hydro-dynamics or behaviour. Furthermore, special consideration should be given to subgroups that are at increased risk of adverse effects, for example, pregnant animals and juveniles, or animals that increase weight during hibernation, such as dormice. The increased weight of pregnant animals should not be used in the justification of the tag weight.

It is very important to discuss experience with other users of any proposed device, to establish field performance and practical welfare issues, as well as with the manufacturers with regard to limitations and technical performance. Devices that rely on battery power for drop off should normally be equipped with a secondary back-up safeguard, unless re-capture is reliable or battery life can be reliably monitored remotely.

The use of collars or attached devices for scientific purposes is likely to be a regulated procedure where:

- anaesthesia or sedation is required to apply the device;

53 Stansbury and others (2014) Proc of the Royal Society B http://rspb.royalsocietypublishing.org/content/282/1798/20141595
54 For example, Morton *et al*. (2003) *Lab. Anim*., 37 (4), pp 261–99. Available at: http://lan.sagepub.com/content/37/4/261.long

- any form of surgical implantation is proposed, such as placement into the abdominal cavity – in such cases suitable consideration must be taken of the provision of post-surgical care and aseptic technique proportionate to the species and type of procedure being performed;
- recognised guidelines or best practice on maximum weight, size, design and attachment position (which aim to ensure that pain, suffering, distress or lasting harm does not reach the lower threshold) cannot be followed for scientific reasons;
- information or experience of the device / method reveals a history of adverse effects or the possibility of lasting harm, that cannot be prevented by modifications;
- animals need to be studied at times where safeguards that prevent harm cannot be followed, for example, during pregnancy, periods of high growth or bodyweight gain;
- physical or behavioural factors relating to the species may increase the risk of entrapment or damage by the device, for example, entanglement of the device antennae by cavity-nesting species;
- there is a risk that the device, or its attachment method, would have a behavioural or physiological impact on the animal post-release;
- there is no mechanism whereby the device will be removed or shed following the conclusion of studies.

Wherever possible the collar or other device attachment method should be designed so that the device is shed naturally or can be removed as soon as possible at the end of the observation period.

As with trapping methods, retrospective consideration of the success of the use of tracking devices (numbers having the device applied, numbers followed / re-captured, adverse reactions seen, numbers lost to follow-up) could be fed back to the project team (or other licensing body, or AWERB) to assess the suitability of the method, adverse effects and potential refinements.

7. Fate of animals

Other controls also apply to some species; this legislation may differ depending on the species and the geographical location of the study. Those wishing to capture, use, identify and / or release free-living animals must check with the relevant competent authorities (such as Natural England, Scottish Natural Heritage and Natural Resources Wales) to ensure compliance with non- ASPA legislation as relevant, and must provide assurances in their project licence application that any such other legislation will be complied with. Animals that are lawfully being used under ASPA are exempted from the Animal Welfare Act (AWA) but not from other relevant regulation.

At the end of use in regulated procedures, or a series of regulated procedures, a decision must be made on whether the animal must be killed or whether it may be kept alive. If an animal may be kept alive, a further decision must be made about whether it may be re-used, set free or re-homed. These decisions are determined by ASPA sections 15, 15A, and 17A, project licence (PPL) standard condition (SC) 11 and establishment licence (PEL) SC 23.

Detailed guidance on the requirements and authorities needed is given in the ASPA Guidance and the separate Advice Notes 02/2015 (*Use, Keeping Alive and Re-use of Animals* – Section 3) and 03/2015 (*Re-homing and Setting Free of Animals* – Section 4).[55] Sections 7.3.1 and 7.3.2 of this Advice Note give specific advice related to animals taken from the wild.

Note that setting free **in the course of regulated procedures** (i.e. with the intention of obtaining or continuing to collect data from the animal for the purpose of the project after the animal has been released) is not the same as setting free at the end of use in a regulated procedure (or series of procedures). Sections 7.3.1 and 7.3.2 of this Advice Note give specific advice related to animals taken from the wild.

Animals will often be released at the site of capture without having been moved for regulated procedures. The site and timing of release must take account of the specific situation, as immediate release may not always be the least harmful outcome, for example, where anaesthesia is used. If it is necessary to move an animal for more detailed assessment, for example, of sex, condition or injury, release must not be unduly delayed.

7.1 End of use in regulated procedures under ASPA

The use of an animal ends when it is clear that no further observations / collection of data or products are needed for that particular purpose or when a humane end-point has been reached and implemented.

55 https://www.gov.uk/guidance/research-and-testing-using-animals

At the end of the use, the personal licensee responsible must arrange for the animal to be killed if the animal is suffering or likely to suffer adverse effects as a result of being subjected to the series of regulated procedures.[56]

If the personal licensee considers that the animal is not suffering or likely to suffer at the end of a series of regulated procedures, it may be kept alive only if a veterinary surgeon (or other person competent to make that decision and following direction from a veterinary surgeon) has also determined that the animal is not suffering; and the animal is not likely to suffer adverse effects as a result of the regulated procedures.[57]

These decisions as to whether or not an animal needs to be killed must be taken without undue or unreasonable delay, i.e. the assessment must be made at the earliest opportunity in order to avoid unnecessary suffering. Procedures should be carefully planned so that if there is a need to keep animals alive during data analysis (in case further data are required), the duration is minimised and procedures refined to prevent avoidable suffering.

This decision-making process on keeping an animal alive applies whether or not there are plans for the animal to be:

- re-used almost immediately or at some point in the future;
- re-homed or set free;
- transferred to another establishment; or
- maintained at the establishment.

7.2 End of use for free-living animals

7.2.1 General considerations

The requirements above may present special issues where work on free-living animals is involved, as the animals may not be readily accessible for assessment or for action to be taken at the end of procedures. Animals may also be lost to follow-up in ways that make the assessment of procedure-related adverse effects incomplete and / or impracticable.

The risk of animals being left alive in the wild whilst suffering procedure-related adverse effects is a significant factor in the assessment and harm–benefit analysis of project licences involving free-living animals, because:

- under ASPA section 15, if an animal is suffering or is likely to suffer adverse effects as a result of being subjected to regulated procedures it must be killed;
- in order to meet the requirements of ASPA section 17A, all work must be planned to ensure that the animal's state of health allows it to be set free, so that there is no or very little risk that an animal is left suffering or likely to suffer adverse effects at the end of the regulated procedure (or series of procedures) as a result of those procedures.

56 ASPA section 15 – see Advice Note 02/2015 for further details.
57 PPL SC 11.

For many studies this will be straightforward – for example, if the procedures are of transient effect (for example, capture and small blood sample on a single occasion), without any external markings or attached devices. End-of-use assessments (see Section 7.3.1 of this Advice Note) can be made immediately and (providing the ASPA licence authorises it) the animal can be set free at the end of its use. In other cases the animal can readily be observed and if necessary re-captured at the end of use.

For some studies, particularly where animals have been set free in the course of a series of regulated procedures (see 7.3.2), satisfying the requirements for the end-of-use assessments and controls is more problematic. For example:

- when collared animals cannot be re-captured – animals are frequently lost to study, for example, because of territorial movements, natural death rate or predation;
- where animals cannot be readily reassessed due to their behaviour or habits;
- where the evidence for the absence of adverse effects is incomplete (for example, use of genetically altered poxviruses as vaccines).

This will require a greater level of consideration by the project licence applicant and AWERB. Applications for work involving free-living animals where they will be kept alive at the end of procedures must clearly specify:

- at what point the series of procedures / observations will be at an end;
- the expected fate of the animal(s) at the end of the series of regulated procedures;
- whether animal(s) are expected to suffer any procedure-related adverse effects during the course of regulated procedures, and how the animals' state of health will be restored and assessed at the end;
- whether animal(s) will still carry devices (for example, collars) at or after that point, and the expected effects of those devices;
- whether intervention would be required to reduce the likelihood of suffering as a result of the series of regulated procedures;
- whether and how that intervention can be achieved.

The possibility of excessively severe outcomes, or continuing adverse effects for individual animals, must be recognised and discussed realistically in applications. In some cases, the inability to detect and / or control adverse effects at the end of procedures could result in authorisation being refused, or additional protective measures being required.

7.2.1 Determining of the end of procedures of animals used on lifetime studies

For some projects the intention may be to obtain data from wild animals throughout their lifetime. If this time will exceed the revocation date of the project licence, animals may be able to be transferred as continued use to a subsequent project licence for the same purpose. If there is no subsequent project licence, animals that have been used and set free during the course of procedures under the first project licence, but which have not subsequently been re-captured by the revocation date of the project, will be considered to have been kept alive and set free at the end of procedures (see return of procedures below).

Where animals are expected to reach the end of their natural lifespan during the course of procedures or before the end of the project licence authorities, details should be given.

7.2.2 Determining the end of procedures of animals lost to follow-up

In some cases the end of procedures may be determined to be when all due efforts to recover or follow up animals end. In such cases the measures taken should be proportionate to the likely adverse effects and consequences of the procedures, and should be detailed and justified in the application (see the example given at 7.6).

7.3 Setting free and re-homing for animals taken from the wild

7.3.1 Setting free / re-homing at the end of use

Detailed guidance on the requirements for keeping alive, re-homing and setting free at the end of procedures is given in the ASPA Guidance and the separate Advice Notes 02/2015 (*Use, Keeping Alive and Re-use of Animals* – Section 3) and 03/2015 (*Re-homing and Setting Free of Animals* – Sections 3 and 4) and these should be consulted.

At the end of use, a protected animal may not be set free (released into the wild) or re-homed unless the Secretary of State has given consent. Consent is normally incorporated in the project licence protocol where setting free or re-homing is immediate, or may be given in an establishment licence where animals have been kept alive there under the care of the NVS following the completion of procedures.[58] Re-homing is an unusual scenario with regard to free-living animals. It is, however, possible that animals previously taken from the wild may be re-homed, for example, to a zoological collection or elsewhere.

The requirements for setting free (or re-homing) at the end of use are:[59]

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

In addition, before consent is given for animals taken from the wild can be set free, it is required that the Secretary of State is also be satisfied that:[60]

- the animal has undergone a programme of rehabilitation; or
- it would be inappropriate for the animal to be required to undergo such a programme.

The legal requirements for setting free or re-homing animals at the end of a short duration 'catch and release' study involving regulated procedures at a POLE, are the same as the requirements for setting free (or re-homing) at the end of use after longer periods / being housed in captivity at a licensed establishment. Information will need to be presented in project licence applications to demonstrate that the requirements have been fully considered and are met to an appropriate level. However, the required actions, particularly around an adequate socialisation scheme and rehabilitation programme, are likely to be quite different and these should be proportionate to the specific circumstances.

58 ASPA section 17A.
59 ASPA section 17A (3).
60 ASPA Section 17A (4).

When the following criteria are met, which would commonly be the case at a POLE, a rehabilitation programme is not usually needed for wild animals:

- the duration of time that a wild animal is held for regulated procedure(s) is of a short duration, normally less than 24 hours; and
- release back into the wild will be into the same physical and social environment from which they were captured.

The measures taken to ensure that the setting free of the animals does not pose a danger to public health, animal health or to the environment should be given. In practice this is taken to mean dangers additional to those existing prior to the animal's capture, but the specific risks and controls should be clearly identified.

7.3.2 Setting free during the course of procedures

Where animals are to be set free to the wild during the course of a series of regulated procedures, consent must be incorporated into the project licence, as the regulated procedures / series of procedures will require continuing project licence authority. Consent can be obtained to set free animals during the course of a series of regulated procedures, even where they are suffering or are likely to suffer adverse effects as a result of the series of regulated procedures, if there is scientific justification for maintaining the animals with these adverse effects.

The project plan and relevant project licence protocol(s) must clearly detail how and when such setting free will take place, and the scientific justification for doing so. Regulated procedures applied to the animals should, as for all project licence applications, stipulate how the requirements to implement the 3Rs will be met, particularly with regard to refinement where animals are set free in the course of procedures in order to minimise the harms. The likely adverse effects of the procedures (including setting free) must be given in the protocol(s) as normal. It is important to be particularly clear how the likely adverse effects will be recognised and dealt with after setting free has taken place in the course of procedures and how the animal's state of health will be assessed to meet the criteria for setting free at the end of procedures (see 7.3.1). Where there are limits on the ability to do so (for example, it will not possible to observe animals in the wild or re-capture animals at the end of procedures to assess their health and well-being), these must be recognised and the consequent effects on the animals needs to be appropriately discussed and controlled.

It is important to recognise that, where the available evidence on outcomes is restricted by limited experience of a method, or loss of animals to follow-up, severe adverse effects related to the procedures may still be experienced. In some cases, inability to detect and / or control adverse effects could result in authorisation being refused, or additional protective measures being required.

It is expected that licence holders will take maximum possible care to safeguard the animal's well-being before and after setting free in the course of procedures. The measures that are taken to determine whether an individual animal is fit to be set free, along with the details of who will have the responsibility for doing so, must be detailed in the project licence application.

The measures taken to ensure that the setting free of the animals does not pose a danger to public health, animal health or to the environment should also be given. In practice this is taken to mean dangers additional to those existing prior to the animal's capture, but the specific risks and controls should be clearly identified.

Assurances should be provided in project applications about the measures taken to determine

and comply with other relevant regulatory requirements.

7.4 Killing

Detailed guidance on humane killing is available in Section 6 of the ASPA Guidance.

7.4.1 Killing at a licensed establishment

The killing of protected animals that have been taken from the wild and are held at a licensed establishment must comply with the measures for humane killing specified in ASPA section 15A. People must have had training and be assessed as competent with the methods to be used and must be on the licensed establishment register. Please see the ASPA Guidance on humane killing for further details.

7.4.2 Killing at a POLE

The killing of animals at a POLE, including wild-caught animals, solely for the purpose of obtaining their tissue or organs for scientific reasons, or on which no regulated procedure is carried out, is not controlled under ASPA. Killing methods used in such a situation must be humane and must meet the legal requirements of other applicable legislation applying to wildlife, including regulations applicable to the welfare of animals at the time of killing, such as the AWA or EU Regulation 1099/2009. This will vary depending upon the species and geographical location and the relevant regulators should be consulted as necessary.

For licensed work at a POLE, a protected animal may be killed by a method specified on the project licence, by a Schedule 1 method, or by a method specified as appropriate to that type of animal on the establishment licence where the project is primarily authorised. However, if the use of an additional, non-Schedule 1 method is specified in the primary availability establishment licence, this must be specifically authorised in the project licence and personal licence authority is required (ASPA Guidance section 6.4).

People working at POLEs may not have immediate access to drugs, equipment or experienced staff as would be expected at an establishment. Therefore consideration should be given in advance as to how animals would be humanely killed in emergency situations. Where it is necessary for a protected animal to be killed in an emergency for animal welfare, public health, public security or environmental reasons, the method of killing is not specified by ASPA nor is there a requirement for the person carrying out the killing to be on the establishment register. In practice, where the animals are being used for regulated procedures at a POLE, the person killing the animal would usually hold a personal licence (as well as being on the licensed establishment register) and should use a method that they were competent to apply.

7.5 Re-use

Detailed guidance on use and re-use is given in the ASPA Guidance (para. 5.19) and the separate Advice Note 02/2015 (*Use, Keeping Alive and Re-use of Animals*).

There is a risk of inadvertent re-use when free-living animals are used in procedures. This should be considered by the project licence applicant and AWERB, taking into account the likelihood of re-capture of the same animal by other groups working in the same geographical area. The procedures in place to prevent inadvertent / unauthorised re-use should be specified on the project licence application.

Where it is possible to predict and identify the possibility of capturing and using previously used animals, and this is considered to be scientifically satisfactory and justified on a reduction: refinement basis, authorisation for re-use must be given in the project licence.

7.6 Return of procedures and actual severity recording

Detailed guidance on return of procedures (RoP) and actual severity is available on the Animals in Science Regulation Unit (ASRU) website.[61]

Where animals are released to the wild during the course of or at the end of a (series of) procedure(s), the assessment of actual severity will be based on the experience of the animal whilst it is captured or under direct observation, as well as an informed decision of what its experience may be if the regulated procedure continues after release back to the wild. This informed decision will include consideration of the likely adverse effects of the procedure.

Where animals are re-captured, and there is evidence of procedure-related harm that has occurred between capture points (for example, injury from tracking equipment) then an informed decision on the suffering caused should be made based on the available evidence and included in the assessment of actual severity.

Where the animal is released to the wild during the course of the regulated procedure but is never re-captured, the end of the procedure should be determined either as the time when attempts to re-capture the animal cease or at the expiry of the project licence under which they were used. In exceptional cases where realistic attempts to capture the animals continue and the study extends beyond the limit of a single project licence, the actual severity should be assigned when attempts to re-capture have ended, or when a reasonable judgement is made that the animals are unlikely to be re-captured. In such cases this should be discussed with the assigned Home Office inspector (HOI) in advance to agree when the procedure will be considered to have ended, when the actual severity should be assigned and when the animals should be reported in the RoP.

For example, a longitudinal survey of seabird diets aims to capture birds every year. Previous data generated by the project have shown that a bird may miss a single season and be captured again subsequently. However, those that are not captured for two consecutive seasons are never re-captured. The birds are therefore considered to have died / been lost to follow-up after two seasons failure to re-capture, are returned in the RoP for that year. The actual severity should be recorded as that resulting from the regulated procedure(s) done at the time of capture (see advisory notes in recording and reporting the actual severity of regulated procedures).

61 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/276014/NotesActualSeverityReporting.pdf

8. Roles of people with responsibilities under the Animals (Scientific Procedures) Act 1986

There are legal requirements for familiarity with the wild species for the named veterinary surgeon (NVS), the named animal care and welfare officer (NACWO), the project licence holder and the personal licence holder, and for the training that should be undertaken; detailed information is available elsewhere.[62] In addition, the Animals (Scientific Procedures) Act 1986 (ASPA) requires that the capture of animals taken from the wild be done by a competent person (see Section 3.3), and that examination of animals that are found to be injured or in poor health after capture must be done by either a veterinary surgeon or other competent person (see Section 3.7).

8.1 Named veterinary surgeon

The NVS of the establishment must have expertise / training / knowledge in wildlife veterinary practice for the species under consideration.[63]

The NVS should be or become familiar with the husbandry, biology, physiology and clinical issues relevant to the species for which they are responsible. Where this has not been covered during their veterinary training or subsequent experience, the NVS may need to undertake additional training that may include, but is unlikely to be limited to, accredited training in PILA (or modules 2 and 3)[64] where this is available. Alternatively, expertise in the relevant wildlife species could be gained by consultation with an appropriately experienced veterinary surgeon colleague or, in some cases, by non-veterinary species experts.

When work is being carried out at a POLE, it may not be feasible or practicable for the NVS to be present. As well as ensuring that a competent person is available (see Section 3.7) consideration should be given to approaching local veterinary practitioners to cover for emergencies, and suitable practices should be identified in advance. Live video contact with researchers may also be an option.

When veterinary surgeons carry out regulated procedures personally this will require the appropriate personal and project licence authority, and the usual requirements for training and competence apply.

8.2 Named animal care and welfare officer

Where wild-caught animals are held at the establishment, the NACWO must have or quickly

62 See *Guidance on the Operation of the Animals (Scientific Procedures) Act 1986* (ASPA Guidance) sections 8 and 9 respectively for information about responsibilities and training of named persons.
63 ASPA 5B (4) (c); ASPA Guidance paragraph 9.7.
64 ASPA Guidance section 9.7

develop expertise in animal husbandry, welfare needs and care for the species to be used.[65] The NACWO is responsible, as for any other species held at the establishment, for such considerations as humane killing, systems to recognise and monitor the presence of pain, suffering, distress or lasting harm, working with the NVS and ensuring that they are familiar with the main provisions of the project licence, adverse effects expected and record keeping on behalf of establishment licence holder.

Where work at a POLE only is envisaged, the NACWO should use their knowledge and experience of other species to highlight and advise (where competent) on matters related to the welfare and use of that species, particularly in respect to their role on the Animal Welfare and Ethical Review Body (AWERB). It is recommended that the NACWO advances their knowledge of the species as CPD.

Additional training, where available, may be required as for the NVS, see above.

8.3 Project licence holder

The project licence holder must demonstrate specific knowledge relevant to the species under study.[66] The requirements for accredited training of applicants for project licences are set out in the ASPA Guidance section 9.3; these include accredited training in modules PILA, theory and skills plus module K (theory) (or modules 2 and 3) for relevant species. These will not always be available as courses are generally designed for more usual laboratory species.

There are a number of accredited 'wild animal' courses that may not specifically cover the species concerned, but cover relevant non-species-related issues such as work at POLEs, requirements for setting free, etc., as covered in this document, and will be useful even if the particular species is not covered. It is strongly recommended that the course provider is advised of the species with which work is intended at the time of booking.

If there is no relevant species-specific training within any of these courses, then appropriate provision must be made to obtain training, if expertise is not already acquired (see also para. 8.4 below). This should be discussed with the assigned Home Office inspector (HOI) if there is any difficulty in identifying suitable training.

An expert will need to demonstrate knowledge and expertise such that they have achieved all the learning outcomes from the relevant modules. This should be discussed with the assigned HOI in the first instance.

8.4 Personal licence holder

The personal licence holder must hold a licence authorising the application of a regulated procedure to an animal of the type or species under study and of the correct category to permit carrying out of these procedures.

The requirements for accredited training of applicants for personal licences are set out in the ASPA Guidance and in ASPeL (electronic licencing) guidance notes.

For work with unusual species, exemptions can be considered when no accredited training is

65 ASPA 5B (4) (d).
66 ASPA 5C (2) (b).

available, as for project licence holders, on production of acceptable evidence of relevant experience or comparable training. This can often be acquired by accompanying, observing similar regulated procedures and performing associated non-regulated tasks with experienced colleagues prior to applying for a personal licence.

8.5 Named information officer

The named information officer should have relevant species-specific information available. It is likely that the project licence applicant / holder will be able to assist in providing at least some of this.

9. Other legislation

Other competent authorities

These organisations and / or agencies regulate welfare and wildlife legislation and issue permits and licences permitting the taking of animals from, and subsequent release back to, the wild, including terrestrial and aquatic species. They may also be able to provide training or useful contacts:

- British Trust for Ornithology;
- Department for Environment, Food and Rural Affairs (Defra);
- Department of Agriculture, Environment, and Rural Affairs (Northern Ireland)
- Environment Agency;
- Marine Scotland;
- Natural England;
- Natural Resources Wales;
- Scottish Natural Heritage.

Other legislation may apply or be relevant to the protection of wild animals. Where work legally performed under ASPA is excluded, this is noted below.

While some of the Acts listed below apply to England, Wales and Scotland, there are some aspects that are covered by different legislation in Scotland and Northern Ireland.

Due to the number and complexity of the legislation it is not possible in this document to detail the specific requirements of each one, and the competent regulatory authorities above should be contacted for advice. This list is not exhaustive and other legislation may apply in specific circumstances, for example, Control of Pesticides Regulations.

- Agreement on International Humane Trapping Standards (AIHTS), from 2016.
- Animal Health and Welfare (Scotland) Act 2006.
- Animal Welfare Act (AWA) 2006: specifically excludes work performed legally under ASPA.
- Conservation of Seals Act 1970.
- Conservation of Habitats and Species Regulations, 2010.
- Conservation (Natural Habitats &c.) Regulations 1994.
- Dangerous Wild Animals Act 1976: ASPA establishments exempt.

- Deer Act 1991.
- Destructive Imported Animals Act 1932.
- Disease control legislation – for example, orders made under the Animal Health Act 1981.
- EU Invasive Alien Species Regulation 2015.
- EU Regulation 1099/2009 on the protection of animals at the time of killing.
- Habitats Regulations 2010.
- Marine (Scotland) Act 2010.
- Mutilations (Permitted Procedures) (England) Regulations 2007.
- Pests Act 1954 and Spring Traps Approval Order 2012.
- Protection of Animals Act 1911 (replaced by AWA, see above).
- Protection of Badgers Act 1992.
- Salmon and Freshwater Fisheries Act (1975).
- Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003.
- Wild Mammals Protection Act 1996.
- Veterinary Surgeons Act 1966.
- Welfare of Animals Act (Northern Ireland) 2011.
- Wildlife and Countryside Act 1981 (as amended) (for example, by the Infrastructure Act 2015 in respect of non-native and invasive species, and amendments with regard to the Countryside and Rights of Way Act and the National Environment and Rural Communities Act).
- The Wildlife (Northern Ireland) Order 1985.

Appendix 1: Useful sources of information and advice

Home Office guidance:

Guidance on the Operation of the Animals (Scientific Procedures) Act 1986
https://www.gov.uk/government/publications/operation-of-aspa

Standard conditions placed on establishment, project and personal licences
https://www.gov.uk/government/publications/establishment-licence-standard-conditions
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/193124/Project_Licence_-_Standard_Conditions.pdf
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/193122/Personal_Licence_-_Standard_Conditions.pdf

Code of Practice for the Housing and Care of Animals Bred, Supplied or Used for Scientific Purposes
https://www.gov.uk/government/publications/code-of-practice-for-the-housing-and-care-of-animals-bred-supplied-or-used-for-scientific-purposes

Advice Note: *Actual Severity Reporting*
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/276014/NotesActualSeverityReporting.pdf

Advice Note 02/2015: *Use, Keeping Alive and Re-use of Animals*.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470008/Use__Keeping_Alive_and_Re-use_Advice_Note.pdf

Advice Note 03/2015: *Re-homing and Setting Free of Animals*
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470146/Advice_Note_Rehoming_setting_free.pdf

Other available guidance:

American Fisheries Society guidelines on the use of fish in research
http://fisheries.org/docs/policy_useoffishes.pdf

American Society of Mammologists guidelines of the use of wild animals in research
http://www.mammalogy.org/uploads/Sikes%20et%20al%202011.pdf

Animal and Plant Health Agency
(https://www.gov.uk/government/organisations/animal-and-plant-health-agency)

The British Trust for Ornithology (http://www.bto.org/ringing)

Canadian Council on Animal Care guidelines on the care and use of wildlife
http://www.ccac.ca/Documents/Standards/Guidelines/Wildlife.pdf

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Wildlife Trade Regulations
http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0750

The Conservation of Habitats and Species Regulations 2010
http://www.legislation.gov.uk/uksi/2010/490/regulation/41/made

Department of Environment, Food and Rural Affairs (Defra) Animal Welfare Codes of Practice
https://www.gov.uk/animal-welfare

Department of Agriculture, Environment, and Rural Affairs (Northern Ireland)
https://www.daera-ni.gov.uk/articles/wildlife-licensing

Defra Animal Welfare during transport
https://www.gov.uk/animal-welfare#animal-welfare-during-transport

Fish Veterinary Society
http://www.fishvetsociety.org.uk/

LASA Guidelines on the transport of Laboratory Animals
http://www.lasa.co.uk/PDF/LASA%20Transport%20of%20Lab%20Animals%20(UK)%202.pdf

The Mammal Society
http://www.mammal.org.uk/science_research

National Centre for Replacement, Reduction and Refinement of Animals in Research (NC3Rs) Wildlife research
http://www.nc3rs.org.uk/wildlife-research

The National Marine Fisheries Service Release of marine mammals – best practices for these taxa http://www.nmfs.noaa.gov/pr/pdfs/health/release_guidelines.pdf.

Natural England
https://www.gov.uk/government/organisations/natural-england.

https://www.gov.uk/wildlife-licences

Natural Resources Wales
http://naturalresourceswales.gov.uk/?lang=en

New Zealand National Animal Welfare Advisory Committee (NAWAC)
https://www.mpi.govt.nz/protection-and-response/animal-welfare/overview/national-animal-welfare-advisory-committee/

Norwegian Consensus Platform for 3Rs (Norecopa)
http://oslovet.norecopa.no/3R/fag.aspx?fag=83

The Ornithological Council guidelines to the use of wild birds in research
BIRDNET :: Guidelines to the Use of Wild Birds in Research

The Royal College of Veterinary Surgeons – Guidance on the role of the named veterinary surgeon and other suitably qualified persons
http://www.rcvs.org.uk/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/supporting-guidance/named-veterinary-surgeons
http://www.rcvs.org.uk/advice-and-guidance/code-of-professional-conduct-for-veterinary-surgeons/supporting-guidance/recognised-veterinary-practice/

The Royal Society for the Prevention of Cruelty to Animals (RSPCA) Wildlife section.
http://www.rspca.org.uk/adviceandwelfare/wildlife

Scottish Natural Heritage
http://www.snh.gov.uk/

Veterinary Medicines Directorate
https://www.gov.uk/government/organisations/veterinary-medicines-directorate

The Veterinary Deer Society
http://www.vetdeersociety.com/

Wildlife and Countryside Act
http://www.legislation.gov.uk/ukpga/1981/69/contents

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