BVA, LAVA and AVI response to Home Office consultation on ASPA draft code of practice for all licensed establishments for the care and accommodation of animals

Introduction and background

1. This is a shared response from the British Veterinary Association (BVA), Association of Veterinarians in Industry (AVI) and Laboratory Animals Veterinary Association (LAVA), to the Home Office’s consultation on a draft code of practice for all licensed establishments for the care and accommodation of animals.

2. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom and has over 13,000 members. Its primary aim is to protect and promote the interests of the veterinary profession in this country, and it therefore takes a keen interest in all issues affecting the veterinary profession, be they animal health, animal welfare, public health, regulatory issues or employment concerns. This response has been prepared with particular involvement from the BVA’s Ethics and Welfare Group.

3. The Laboratory Animals Veterinary Association is a specialist division of the BVA. LAVA’s members are veterinary surgeons and students from the UK and elsewhere who are interested in laboratory animal medicine and science. Many members act as Named Veterinary Surgeons under the Animals (Scientific Procedures) Act 1986. LAVA promotes best practice and the dissemination of new technologies. It represents laboratory animal vets at national and international level when needed for discussions and decision making on laboratory animal law, welfare, ethics, transport, techniques and disease.

4. AVI is a specialist BVA division representing veterinarians employed in industry. AVI members are responsible for carrying out clinical trials as required by Directive 2001/82 (as amended) under UK Animal Test Certificates.

5. In January 2012, BVA and LAVA submitted a joint response to the Home Office consultation on the draft codes of practice and transposition of Annex III. In our response we highlighted concerns in relation to the Draft Code of Practice. We note below that a number of these have been addressed in the latest draft. However, some substantial concerns remain and additional ones are raised in our response below.

6. In view of our significant concern regarding the approach taken by the current draft Code of Practice, we do not think it appropriate to provide detailed feedback at this stage.
BVA, AVI and LAVA response

Overarching view

7. We cannot support the current version of the code as we regard it as ineffective and believe it will not deliver the necessary unambiguous guidance in relation to the amended Animals (Scientific Procedures) Act 1986. Therefore we call for it to be fully revised to set out the advice and requirements more clearly.

8. It is noted with regret that the length and detail of the latest version of the draft Code of Practice has been substantially reduced. The previous version included more information about the care needs of each species, which we conclude would have helped to prevent inconsistencies. As a result of the minimal information now provided, interpretations may vary significantly, with the risk of different welfare standards being applied within the UK.

9. The current draft Code of Practice simply lists the minimum mandatory requirements for the housing of laboratory animals within the UK. However, this does not fit with our understanding of the purpose of a formal Code of Practice - to provide users with the necessary information and advice in order to comply with the regulations. Such a code should communicate the requirements, whether mandatory or advisory, to the users in clear terms and we consider that this draft Code does not meet those expectations.

Amendments welcomed by BVA, AVI and LAVA

10. The previous BVA and LAVA response noted the confusion around the use of the word ‘should’ and the mixture of mandatory requirements and recommended good practice. We now welcome the inclusion of a clarification stating ‘that where the code uses the words “shall” or “should” these requirements are mandatory’. If possible it would be beneficial if it were somehow indicated even more clearly and consistently throughout the document, which aspects are statutory or advisory, as this sentence could easily be missed by readers.

11. The current draft also makes it clearer how exemptions from the Code may be authorised, however requiring authorisation in project licences may be a cumbersome approach.

12. We are pleased to note that the minimum cage height for rats over 250g is now stated as 20cm, as recommended by BVA and LAVA. Regarding the housing of dogs, we support the requirement that ‘no animal must be kept in a pen of less than 4.5 m2 floor space’.

Concerns not addressed

13. A number of the concerns raised in our previous response have unfortunately not been addressed.

14. Named Veterinary Surgeons play a key role in research facilities to ensure the highest possible standards of care and welfare for all animals used in research and we supported the retention of this role, which is reflected in the regulation.
However, the Code does not refer to the importance of the need to seek and act on veterinary advice in planning and conduct of procedures on animals.

15. We previously suggested and still advocate that an annually reviewed veterinary health plan for each species should be a requirement of the Code.

Other concerns

16. We note that the specific section on reptiles and amphibians has been removed and a lot of detail has been lost in relation to the appropriate care for all species in question.

17. We also note that some of the terminology in the introductory section, particularly that on skill level is vague. For example, in Section 3.1 (b) it states ‘Animals shall be checked at least daily by a competent person’. There is also no definition as to what constitutes a competent person, which we would see as a basic requirement of a Code of Practice.

18. It is LAVA’s understanding that the Animals in Science Regulation Unit (ASRU) plans to publish its own guidance for its inspectors to assist in their interpretation of the legal requirements. Such a document should be made available to all users as a public document, particularly in light of the low level of detail in the draft Code.

19. LAVA would be happy to work with the Home Office and ASRU on this document to provide the necessary clarity for all.

Conclusion

20. BVA, AVI and LAVA are not in a position to be able to support the current draft Code of Practice and propose that it should be comprehensively reviewed and expanded in order to ensure it is fit for purpose and assists with compliance.