

Home Office Consultation on Options for the Transposition of European Directive 2010/63/EU on the Protection of Animals Used for Scientific Purposes

1. The following response is made on behalf of the Royal College of Veterinary Surgeons (RCVS). The RCVS is the regulatory body for veterinary surgeons in the UK. The role of the RCVS is to safeguard the health and welfare of animals committed to veterinary care through the regulation of the education, and ethical and clinical standards, of veterinary surgeons and nurses, thereby protecting the interests of those dependent on animals, and assuring public health. It also acts as an impartial source of informed opinion on relevant veterinary matters.
2. The RCVS notes Directive 2010/63/EU (the Directive) and the provisions it contains for the protection of the health and welfare of animals used for scientific purposes, many of which are similar to existing UK legislation. The RCVS is supportive of the favoured policy option of the Home Office to implement the requirements of the Directive where they are more stringent than those of the Animal (Scientific Procedures) Act 1986 (ASPA) and to use the provisions of Article 2 of the Directive to maintain existing UK standards where these exceed the minimum standards set out in the Directive.
3. As a regulatory body, the RCVS will limit its comments to those areas where there are clear indications of relevance to the RCVS' role and where the new policy may require the Government, the veterinary profession or the public to seek assistance from the RCVS. The RCVS is, however, aware of a number of animal welfare concerns relating to issues such as the frequency of inspections, the absence of special protection for cats, dogs and equids, and changes in minimum accommodation sizes for certain species. In response to such concerns the RCVS considers that the expertise lies within the membership of the Laboratory Animals Veterinary Association (LAVA) and would defer to the proposals made in the LAVA and British Veterinary Association (BVA) joint response to the consultation exercise. The RCVS has reviewed a draft of this response and is broadly supportive.

Designated Veterinarian

4. Article 25 of the Directive sets out the requirement for a 'designated veterinarian' (DV) or suitably qualified expert (SQE), however, the precise role and responsibility of the DV is not set out, nor is the status of the advice given by the DV. Currently, in the UK, the role and responsibilities of the DV or 'named veterinary surgeon' (NVS), and the status of their advice, is primarily laid out in Home Office and RCVS guidance. The RCVS notes that this Guidance will need to be updated to reflect any changes, but considers that it is imperative that the role, responsibilities and authorities of the DV are not reduced.
5. The RCVS offers its support to the Home Office in reviewing the relevant guidance in relation to the role and responsibilities of the DV.
6. The RCVS considers that it is important that the DV is a Member or Fellow of the RCVS (MRCVS or FRCVS) and therefore professionally and ethically accountable to the RCVS. Furthermore, the

RCVS strongly supports the proposal of the Home Office that the UK should maintain the current policy that it is only under 'exceptional circumstances where no suitable veterinary surgeon is available' that a SQE would be used in place of a DV, and that under such circumstances the SQE must have 'proven expertise relevant to the health and welfare of the particular types of protected animal held and the range of regulated procedures performed at the establishment'.

7. Under no circumstances must economic considerations be taken into account when deciding that an SQE can be used in place of a DV and the only consideration should be that such a person may be the most appropriate, suitable and knowledgeable to take on the role.
8. Under the current system the Home Office consults the RCVS when requests are made for a non-MRCVS/FRCVS to be the NVS. The RCVS strongly supports the retention of this requirement.
9. The RCVS will play its part in providing the educational framework, such as postgraduate qualifications, to support the requirement that the DV has 'expertise in laboratory animal medicine,' as required under Article 25.

Animal-Welfare Body

10. The RCVS has concerns in relation to the Animal-Welfare Body referred to in Article 26 of the Directive and more specifically the fact that whilst this body will 'receive input from' the DV or SQE, there is no requirement that this person should be a member of the body itself.
11. As the DV or SQE is responsible for 'advisory duties in relation to the well being and treatment of the animals' then the DV or SQE should be a central member of the Animal-Welfare Body. If the DV or SQE were not a member of the body itself, then it is unclear what authority they would have or what status would be placed upon the input they provided to the Body.
12. In the interests of ensuring the highest level of animal health and welfare as well as maintaining public confidence, it is essential that the DV or SQE is a member of any Animal-Welfare Body and that clear guidance is provided to highlight the fact that input or advice received from the DV or SQEs should be followed in all but exceptional cases.
13. The RCVS urges the Home Office to use the provisions of Article 2 to ensure that in implementing the Directive there is no reduction in the current ethical review process, including project authorisation, and that a requirement should be put into UK law that the DV or SQE referred to in Article 25 of the Directive is a member of any Animal-Welfare Body or ethical review process. In addition, the RCVS considers that there should be lay representation on the Animal-Welfare Body.

Guidance

14. Once the Directive is implemented the RCVS looks forward to working with the Home Office to update the RCVS guidance for the NVS to ensure that it remains up-to-date and, for example, provides guidance on additional training requirements, roles and responsibilities; as well as certification, for example in relation to 'end of procedures' and 're-use'.

15. If you require any clarification on the above comments, please do not hesitate to contact me. Alternatively, representatives from the RCVS would be happy to meet with you to discuss and expand upon our position.

RCVS
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