



**ANIMAL WELFARE (RECORDS AND STATISTICS)
REGULATIONS 1999**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 8th day of November 1999

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 183 of the Animal Welfare Act 1999, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title
2. Commencement
3. Interpretation
4. Records
5. Annual returns
6. Information to be supplied on request
7. Offences

8. Revocations

SCHEDULE

Regulations Revoked

REGULATIONS

1. Title—These regulations may be cited as the Animal Welfare (Records and Statistics) Regulations 1999.

2. Commencement—These regulations come into force on 1 January 2000.

3. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Animal Welfare Act 1999:

“Animal” has the meaning given to it by section 2 (1) of the Act:

“Code holder”, in relation to a code of ethical conduct, means—

(a) The person who, by virtue of an application under section 87 of the Act, obtained the Director-General’s approval of that code; or

(b) Where the approval of that code has, with the consent of the Director-General, been transferred under section 93 (1) of the Act to any other person, that other person; or

(c) Any person carrying out research, testing, or teaching in accordance with section 84 or section 85 or section 118 (1) or section 192 (4) or section 192 (5) of the Act:

“Director-General” means the chief executive of the Ministry:

“Inspector” means an inspector appointed under section 124 (1) or section 124 (2) of the Act; and includes every member of the police:

“Manipulation”, in relation to an animal, has the meaning given to it by section 3 of the Act:

“Minister” has the meaning given to it by section 2 (1) of the Act:

“Ministry” has the meaning given to it by section 2 (1) of the Act:

“Protected wildlife” has the meaning given to it by section 2 (1) of the Conservation Act 1987:

“Research, testing, and teaching” has the meaning given to it by section 5 of the Act:

“Year” means a period of 12 months beginning on 1 January and ending with 31 December.

4. Records—(1) Every code holder must keep, in relation to the research, testing, and teaching carried out by the code holder, readily accessible records, in which must be entered, in relation to each year, the following information:

(a) The name of each species of animal manipulated during the year:

(b) The number of animals of each species manipulated during the year:

(c) The purpose for which each animal was manipulated:

(d) The source of supply of each animal manipulated during the year:

(e) The status of each animal manipulated during the year according to the following categories:

(i) Normal/conventional:

(ii) Specific pathogen free/germ free:

(iii) Diseased:

(iv) Transgenic/chimera:

(v) Protected wildlife:

(vi) Pregnant:

(vii) Developmental stage (which category applies only in relation to an animal that comes within either paragraph (b) or paragraph (c) of the definition of the term animal (as set out in section 2 (1) of the Act));

(viii) Other:

(f) The number of animals of each species manipulated during the year which—

- (i) Have not been previously manipulated:
 - (ii) Have been previously manipulated—
at any time before or during the year:
 - (g) In respect of the manipulation of any animal during the year, the severity of that manipulation according to the following scale (taking into account the effect of any anaesthetic, analgesic, euthanasia technique, or other strategy or practice that is applied or used, or any other step taken, to avoid or alleviate the stress or pain caused to the animal):
 - (i) A manipulation that causes no stress or pain or virtually no stress or pain (“no suffering or virtually no suffering”):
 - (ii) A manipulation that causes stress or pain, of a minor intensity for a short duration (“little suffering”):
 - (iii) A manipulation that causes stress, or pain, of a minor intensity for a long duration or of a moderate intensity for a short duration (“moderate suffering”):
 - (iv) A manipulation that causes stress, or pain, of a moderate intensity for a long duration, or of a severe intensity for a short duration (“severe suffering”):
 - (v) A manipulation that causes stress, or pain, of a severe intensity for a long duration, or of a very severe intensity for any duration (“very severe suffering”):
 - (h) The number of animals of each species that died or were destroyed during the year in the course of, or subsequent to, the manipulation of those animals (whether directly or indirectly as a result of their manipulation):
 - (i) The number of animals manipulated during the year which are still alive at the end of the year:
 - (j) In respect of the number of animals referred to in paragraph (i), the number of such animals—
 - (i) Released from captivity:
 - (ii) Retained by the code holder that manipulated the animals:
 - (iii) Delivered to a person other than the code holder that manipulated the animals:
 - (k) In respect of any person referred to in paragraph (j) (iii), the name and address of, and the number of animals delivered to, that person.
- (2) Every code holder must retain the records kept under subclause (1) for not less than the period of 5 years beginning with the expiry of the year in respect of which the records were kept.

5. Annual returns—(1) Every code holder must, in January of each year, make to the Director-General a return setting out for the immediately preceding year details of the records kept for that year in accordance with regulation 4 (1).

(2) A return under subclause (1) must be made in writing.

6. Information to be supplied on request—(1) The Director-General, or any Inspector, may from time to time, by notice to any code holder, require that—

(a) A copy of any records kept by the code holder under regulation 4; or

(b) Such details as the Director-General or the Inspector may specify of the information required to be contained in any records kept under regulation 4,—

be sent to the Director-General or the Inspector, as the case may be, at such address as may be specified in the notice.

(2) Every code holder to whom a notice under subclause (1) is addressed must forward the copy or details within such time, being not less than 7 days after the receipt of the notice, as the Director-General or Inspector may specify in the notice.

(3) A notice under subclause (1), and any copy or details given in response to such a notice, must be given in writing.

7. Offences—(1) Every person commits an offence who—

(a) Wilfully fails to keep records in accordance with regulation 4 (1):

(b) Wilfully fails to retain records in accordance with regulation 4 (2):

(c) Without reasonable excuse, fails to make a return within the time prescribed by regulation 5:

(d) Makes a return under regulation 5 that to that person's knowledge is false or misleading in any material particular:

(e) Without reasonable excuse, fails to comply with a notice given to that person under regulation 6 (1):

(f) Forwards, in response to a notice given to that person under regulation 6 (1), a copy, or details, that to that person's knowledge is or are false or misleading in any material particular.

(2) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding—

(a) In the case of an individual, \$5,000; or

(b) In the case of a body corporate, \$25,000.

8. Revocations—The regulations specified in the Schedule are revoked.

SCHEDULE

Reg. 8

REGULATIONS REVOKED

Title	Statutory Regulations Serial Number
Animals Protection (Codes of Ethical Conduct) Regulations 1987	1987/12
Animals Protection (Codes of Ethical Conduct) Regulations 1987, Amendment No. 2	1987/389
Animals Protection (Codes of Ethical Conduct) Amendment Regulations 1997	1997/303

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which are consequential on the passing of the Animal Welfare Act 1999, specify the records that must be kept, and the information that must be supplied, by those who use animals in research, testing, and teaching.

That Act and these regulations come into force on 1 January 2000.

These regulations replace the Animals Protection (Codes of Ethical Conduct) Regulations 1987 and are based, in part, on regulations 5 and 6 of those regulations.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 11 November 1999.

These regulations are administered in the Ministry of Agriculture and Forestry.