

Cruelty to animals : [an Act to amend the law relating to cruelty to animals, 15th August 1876].

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ARRANGEMENT OF CLAUSES.

Clause.

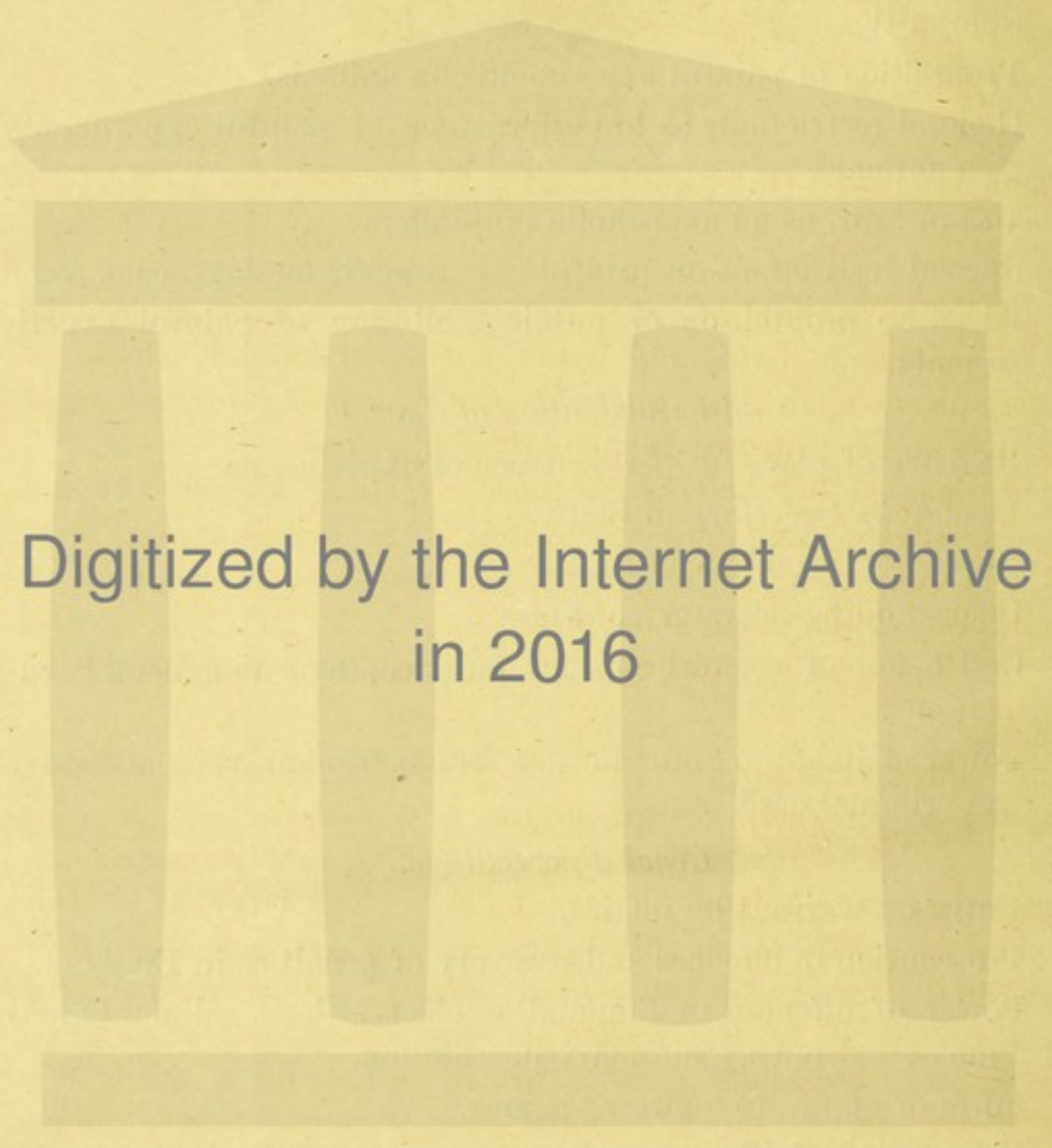
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CHAPTER 77.

An Act to amend the Law relating to Cruelty to Animals.
[15th August 1876.]

A.D. 1876.

WHEREAS it is expedient to amend the law relating to cruelty to animals by extending it to the cases of animals which for medical, physiological, or other scientific purposes are subjected when alive to experiments calculated to inflict pain:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Cruelty to Animals Act, 1876." Short title.

2. A person shall not perform on a living animal any experiment calculated to give pain, except subject to the restrictions imposed by this Act. Any person performing or taking part in performing any experiment calculated to give pain, in contravention of this Act, shall be guilty of an offence against this Act, and shall, if it be the first offence, be liable to a penalty not exceeding fifty pounds, and if it be the second or any subsequent offence, be liable, at the discretion of the court by which he is tried, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding three months. Prohibition of painful experiments on animals.

3. The following restrictions are imposed by this Act with respect to the performance on any living animal of an experiment calculated to give pain; that is to say, General restrictions as to performance of painful experiments on animals.

(1.) The experiment must be performed with a view to the advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or prolonging life or alleviating suffering; and

(2.) The experiment must be performed by a person holding such license from one of Her Majesty's Principal Secre-

A.D. 1876.
—

taries of State, in this Act referred to as the Secretary of State, as is in this Act mentioned, and in the case of a person holding such conditional license as is hereinafter mentioned, or of experiments performed for the purpose of instruction in a registered place; and

- (3.) The animal must during the whole of the experiment be under the influence of some anæsthetic of sufficient power to prevent the animal feeling pain; and
- (4.) The animal must, if the pain is likely to continue after the effect of the anæsthetic has ceased, or if any serious injury has been inflicted on the animal, be killed before it recovers from the influence of the anæsthetic which has been administered; and
- (5.) The experiment shall not be performed as an illustration of lectures in medical schools, hospitals, colleges, or elsewhere; and
- (6.) The experiment shall not be performed for the purpose of attaining manual skill.

Provided as follows; that is to say,

- (1.) Experiments may be performed under the foregoing provisions as to the use of anæsthetics by a person giving illustrations of lectures in medical schools, hospitals, or colleges, or elsewhere, on such certificate being given as in this Act mentioned, that the proposed experiments are absolutely necessary for the due instruction of the persons to whom such lectures are given with a view to their acquiring physiological knowledge or knowledge which will be useful to them for saving or prolonging life or alleviating suffering; and
- (2.) Experiments may be performed without anæsthetics on such certificate being given as in this Act mentioned that insensibility cannot be produced without necessarily frustrating the object of such experiments; and
- (3.) Experiments may be performed without the person who performed such experiments being under an obligation to cause the animal on which any such experiment is performed to be killed before it recovers from the influence of the anæsthetic on such certificate being given as in this Act mentioned, that the so killing the animal would necessarily frustrate the object of the experiment, and provided that the animal be killed as soon as such object has been attained; and

(4.) Experiments may be performed not directly for the advancement by new discovery of physiological knowledge, or of knowledge which will be useful for saving or prolonging life or alleviating suffering, but for the purpose of testing a particular former discovery alleged to have been made for the advancement of such knowledge as last aforesaid, on such certificate being given as is in this Act mentioned that such testing is absolutely necessary for the effectual advancement of such knowledge. A.D. 1876.

4. The substance known as urari or curare shall not for the purposes of this Act be deemed to be an anæsthetic. Use of urari as an anæsthetic prohibited.

5. Notwithstanding anything in this Act contained, an experiment calculated to give pain shall not be performed without anæsthetics on a dog or cat, except on such certificate being given as in this Act mentioned, stating, in addition to the statements herein-before required to be made in such certificate, that for reasons specified in the certificate the object of the experiment will be necessarily frustrated unless it is performed on an animal similar in constitution and habits to a cat or dog, and no other animal is available for such experiment; and an experiment calculated to give pain shall not be performed on any horse, ass, or mule except on such certificate being given as in this Act mentioned that the object of the experiment will be necessarily frustrated unless it is performed on a horse, ass, or mule, and that no other animal is available for such experiment. Special restrictions on painful experiments on dogs, cats, &c.

6. Any exhibition to the general public, whether admitted on payment of money or gratuitously, of experiments on living animals calculated to give pain shall be illegal. Absolute prohibition of public exhibition of painful experiments.

Any person performing or aiding in performing such experiments shall be deemed to be guilty of an offence against this Act, and shall, if it be the first offence, be liable to a penalty not exceeding fifty pounds, and if it be the second or any subsequent offence, be liable, at the discretion of the court by which he is tried, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding three months.

And any person publishing any notice of any such intended exhibition by advertisement in a newspaper, placard, or otherwise shall be liable to a penalty not exceeding one pound.

A person punished for an offence under this section shall not for the same offence be punishable under any other section of this Act.

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Administration of Law.

Registry of
place for
performance
of experi-
ments.

7. The Secretary of State may insert, as a condition of granting any license, a provision in such license that the place in which any experiment is to be performed by the licensee is to be registered in such manner as the Secretary of State may from time to time by any general or special order direct; provided that every place for the performance of experiments for the purpose of instruction under this Act shall be approved by the Secretary of State, and shall be registered in such manner as he may from time to time by any general or special order direct.

License by
Secretary of
State.

8. The Secretary of State may license any person whom he may think qualified to hold a license to perform experiments under this Act. A license granted by him may be for such time as he may think fit, and may be revoked by him on his being satisfied that such license ought to be revoked. There may be annexed to such license any conditions which the Secretary of State may think expedient for the purpose of better carrying into effect the objects of this Act, but not inconsistent with the provisions thereof.

Reports to
Secretary of
State.

9. The Secretary of State may direct any person performing experiments under this Act from time to time to make such reports to him of the result of such experiments, in such form and with such details as he may require.

Inspection
by Secretary
of State.

10. The Secretary of State shall cause all registered places to be from time to time visited by inspectors for the purpose of securing a compliance with the provisions of this Act, and the Secretary of State may, with the assent of the Treasury as to number, appoint any special inspectors, or may from time to time assign the duties of any such inspectors to such officers in the employment of the Government, who may be willing to accept the same, as he may think fit, either permanently or temporarily.

Certificate
of scientific
bodies for
exceptions to
general re-
gulations.

11. Any application for a license under this Act and a certificate given as in this Act mentioned must be signed by one or more of the following persons; that is to say,

The President of the Royal Society;

The President of the Royal Society of Edinburgh;

The President of Royal Irish Academy;

The Presidents of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin;

The Presidents of the Royal Colleges of Physicians in London, A.D. 1876.
Edinburgh, or Dublin ;

The President of the General Medical Council ;

The President of the Faculty of Physicians and Surgeons of
Glasgow ;

The President of the Royal College of Veterinary Surgeons, or
the President of the Royal Veterinary College, London, but
in the case only of an experiment to be performed under
anæsthetics with a view to the advancement by new discovery
of veterinary science ;

and also (unless the applicant be a professor of physiology, medicine, anatomy, medical jurisprudence, materia medica, or surgery in a university in Great Britain or Ireland, or in University College, London, or in a college in Great Britain or Ireland, incorporated by royal charter) by a professor of physiology, medicine, anatomy, medical jurisprudence, materia medica, or surgery in a university in Great Britain or Ireland, or in University College, London, or in a college in Great Britain or Ireland, incorporated by royal charter.

Provided that where any person applying for a certificate under this Act is himself one of the persons authorised to sign such certificate, the signature of some other of such persons shall be substituted for the signature of the applicant.

A certificate under this section may be given for such time or for such series of experiments as the person or persons signing the certificate may think expedient.

A copy of any certificate under this section shall be forwarded by the applicant to the Secretary of State, but shall not be available until one week after a copy has been so forwarded.

The Secretary of State may at any time disallow or suspend any certificate given under this section.

12. The powers conferred by this Act of granting a license or giving a certificate for the performance of experiments on living animals may be exercised by an order in writing under the hand of any judge of the High Court of Justice in England, of the High Court of Session in Scotland, or of any of the superior courts in Ireland, including any court to which the jurisdiction of such last-mentioned courts may be transferred, in a case where such judge is satisfied that it is essential for the purposes of justice in a criminal case to make any such experiment.

Power of
judge to
grant license
for experi-
ment when
necessary in
criminal case

Legal Proceedings.

13. A justice of the peace, on information on oath that there is reasonable ground to believe that experiments in contravention of

Entry on
warrant by
justice.

A.D. 1876. — this Act are being performed by an unlicensed person in any place not registered under this Act may issue his warrant authorising any officer or constable of police to enter and search such place, and to take the names and addresses of the persons found therein.

Any person who refuses admission on demand to a police officer or constable so authorised, or obstructs such officer or constable in the execution of his duty under this section, or who refuses on demand to disclose his name or address, or gives a false name or address, shall be liable to a penalty not exceeding five pounds.

Prosecution
of offences
and recovery
of penalties
in England.

14. In England, offences against this Act may be prosecuted and penalties under this Act recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Act.

In England "Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same.

"Court of
summary
jurisdiction."

"Court of summary jurisdiction" means and includes any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, exercising jurisdiction in pursuance of the Summary Jurisdiction Act: Provided that the court when hearing and determining an information under this Act shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Power of
offender in
England
to elect to be
tried on in-
dictment,
and not by
summary
jurisdiction.

15. In England, where a person is accused before a court of summary jurisdiction of any offence against this Act in respect of which a penalty of more than five pounds can be imposed, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

16. In England, if any party thinks himself aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

A.D. 1876.

Form of
appeal to
quarter
sessions.

- (1.) The appeal shall be made to the next court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than twenty-one days after the decision of the court from which the appeal is made; and
- (2.) The appellant shall, within ten days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof; and
- (3.) The appellant shall, within three days after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow; and
- (4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody; and
- (5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon re-hear and decide the information in accordance with the order of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

17. In Scotland, offences against this Act may be prosecuted and penalties under this Act recovered under the provisions of the Summary Procedure Act, 1864, or if a person accused of any offence against this Act in respect of which a penalty of more than five pounds can be imposed, on appearing before a court of summary jurisdiction, declare that he objects to being tried for such offence

Prosecution
of offences
and recovery
of penalties
in Scotland.

A.D. 1876. — in the court of summary jurisdiction, proceedings may be taken against him on indictment in the Court of Justiciary in Edinburgh or on circuit.

Every person found liable in any penalty or costs shall be liable in default of immediate payment to imprisonment for a term not exceeding three months, or until such penalty or costs are sooner paid.

Prosecution of offences and recovery of penalties in Ireland.

18. In Ireland, offences against this Act may be prosecuted and penalties under this Act recovered in a summary manner, subject and according to the provisions with respect to the prosecution of offences, the recovery of penalties, and to appeal of the Petty Sessions (Ireland) Act, 1851, and any Act amending the same, and in Dublin of the Acts regulating the powers of justices of the peace or of the police of Dublin metropolis. All penalties recovered under this Act shall be applied in manner directed by the Fines (Ireland) Act, 1871, and any Act amending the same.

Power of offender in Ireland to elect to be tried on indictment, and not by summary jurisdiction.

19. In Ireland, where a person is accused before a court of summary jurisdiction of any offence against this Act in respect of which a penalty of more than five pounds can be imposed, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

Interpretation of "the Secretary of State" as to Ireland.

20. In the application of this Act to Ireland the term "the Secretary of State" shall be construed to mean the Chief Secretary to the Lord Lieutenant of Ireland for the time being.

Prosecution only with leave of Secretary of State.

21. A prosecution under this Act against a licensed person shall not be instituted except with the assent in writing of the Secretary of State.

Not to apply to invertebrate animals.

22. This Act shall not apply to invertebrate animals.