

**To: Boards of Management, Principal Teachers and Teaching Staff of Primary
and Second Level Schools and CEOs of ETBs**

Use of live animals for scientific, educational or other purposes in schools

Circular Letter 32/2015

1. INTRODUCTION

1.1 Purpose of this circular

The Minister of Education and Skills wishes to bring to the attention of schools, legislation relating to the use of live animals for scientific, educational and other purposes in primary and post-primary schools. In addition to existing legislation, some recent legislative developments in animal protection give rise to new requirements on primary and post-primary schools.

Schools should be aware that unique research projects involving live animals are subject to animal-use legislation and may be subject to prior licensing or no longer permitted. This circular is therefore relevant to teachers and students wishing to conduct research projects at local, national or international level including Science Fairs.

1.2 Animal-use legislation

In primary and post-primary schools, animal-use legislation is relevant to:

- experimental and investigative activities involving live animals, whether curricular or non-curricular, including unique student research projects and locally-developed courses
- observations involving live animals
- the care and protection of animals
- the accommodation of animals
- keeping animals for display or other purposes

1.3 Licences

This circular also provides advice on the necessity for licences for certain activities involving protected species in sections 2.1.3, 2.1.4 and 2.1.5.

1.4 The use of live animals in schools

The aims of scientific and environmental education at primary and post-primary levels in Irish schools support learning that is experiential. Students are encouraged to develop skills of scientific inquiry and to actively engage in investigations. The curricula provide opportunity for directly observing live animals and fostering an appreciation and respect for life and the environment.

The Department of Education and Skills fully supports these activities and advocates that students experience and learn from direct observation. The benefits of students getting first-hand experience, conducting investigations and observing animals in their natural environment and on farms are considerable. The Department acknowledges that any use of live animals for scientific purposes raises strong ethical objections for some and comes within the scope of National and European legislation outlined in this circular.

It is the responsibility of school staff to familiarise themselves with the content and requirements of animal-use legislation and licences. It is important to note that these instruments are subject to ongoing change and/or may be updated. **To ensure ongoing compliance, schools must maintain a continuing awareness of the requirements of animal-use legislation and fully check all existing requirements before embarking on any activity that involves live animals.**

With adherence to the requirements of the relevant legislation and licences and the guidance provided in this circular, it will be possible for many practices involving live animals to continue, or to continue with some adjustments.

2. LEGISLATION AND LICENCES

2.1 Instruments of relevance to schools

Legislation and Licences relevant to the use of live animals by schools include:

- *Statutory Instrument S.I. No. 543 of 2012 Government of Ireland* in implementing *Directive 2010/63/EU* of the European Union
- *Animal Health and Welfare Act, 2013*
- National and European species-protection legislation
- Annual licence to collect frog spawn
- Other activities involving animals which require licensing under the Wildlife Acts 1976 to 2012

2.1.1 Statutory Instrument S.I. No. 543 of 2012 Government of Ireland in implementing Directive 2010/63/EU of the European Union

S.I. No. 543 of 2012 legislates for the use of live non-human **vertebrate animals and cephalopods***. The use of these animals in scientific research, educational or other activities is subject to the requirements of the Instrument. The Health Products Regulatory Authority (HPRA) is the designated Competent Authority with responsibility for its implementation. The Instrument provides for regulation in animal use in a number of areas including:

- Restrictions on carrying out procedures
- Care and accommodation
- Endangered species
- Animals taken from the wild
- Requirement for project authorisation
- Replacement, Reduction and Refinement (See 2.1.1.1 below)

S.I. No. 543 of 2012 is available at www.irishstatutebook.ie. This circular provides guidance on interpreting the Instrument and its impact on activities in schools in Section 3, Guidelines.

Schools must familiarise themselves with and adhere to the Instrument and the guidance provided in this circular when planning any activity using these animals.

The Instrument restricts to higher-level institutions only the use of animals for scientific or educational purposes in relation to the conduct of ‘procedures’ (defined as any use of an animal which may cause the animal a level of pain, suffering, distress or lasting harm equivalent to, or higher than, that caused by the introduction of a needle).

The HPRA has advised the Department of Education and Skills that **primary and post-primary schools are not permitted to conduct procedures (as defined above) on these animals (vertebrates and cephalopods*) that inflict pain or distress on the animals. Therefore, some practices that have taken place in schools to date are no longer permitted.** This circular provides guidance on *practices that are not permitted in or by schools* in 3.1.1.

While schools are no longer allowed to conduct ‘procedures’ on these animals, the HPRA has advised the Department that **primary and post-primary schools are “allowed to keep animals and to engage in practices deemed outside the scope of the scientific animal protection legislation” as set out by the HPRA in their “*Guide to Practices Outside the Scope of Scientific Animal Protection Legislation*”.** This Guide is available on the Veterinary section of the website of the HPRA (www.hpra.ie) under Scientific Animal Protection, Guides and Forms. Specifically, Section 2.7 of the HPRA’s Guide has been elaborated on the basis of correspondence with the Department of Education and Skills regarding activities prescribed by the primary and post-primary curricula. This circular provides guidance on practices that are outside the scope of the scientific animal protection legislation, and therefore are permitted to continue in primary and post-primary schools. These practices are set out in 3.1.2.

In the case of activities involving live vertebrates and cephalopods* that may be planned as non-prescribed curricular activities in schools (including locally-developed courses, unique scientific research projects and projects for Science Fairs), the requirements of *S.I. No. 543 of 2012* are also applicable. In these instances, the HPRA cannot issue authorisation to primary or post-primary schools to conduct ‘procedures’, but where schools and/or students conducting scientific research projects are unsure if the particular activity falls under the scope of *S.I. No. 543 of 2012*, they can request an opinion from the HPRA on the classification of their study, **before the activity commences**. These requests should be submitted to sap@hpra.ie. The HPRA will advise schools on a case-by-case basis.

2.1.1.1 Impact of Replacement, Reduction and Refinement on schools

In relation to using *vertebrate animals and cephalopods**, schools have an ethical responsibility to adhere to the principles of **Replacement, Reduction and Refinement** in *S.I. No. 543 of 2012*:

- **Replacement:** Use of a scientifically satisfactory method or testing strategy not entailing the use of live animals, where possible.
- **Reduction:** Use of the minimum number of animals possible without comprising the objectives of the project.
- **Refinement:** Ensuring the accommodation and care of animals, and any methods used for animal studies during the project, are refined to eliminate or reduce to the minimum any possible pain, suffering, distress or lasting harm. This also includes, where possible, mimicking the natural habitat of the animals, such as providing appropriate nesting or bedding materials.

In summary, for any activity that is permitted to be conducted in primary or post-primary schools (i.e. activities which fall outside the scope of the scientific animal protection legislation), only the minimum number of animals should be used, the care and accommodation of the animal, the timeframe for use must be as short as possible, the animals must be subjected to minimal handling only, and the requirements of the *Animal Health and Welfare Act, 2013* must be adhered to in full.

**Note: S.I. No. 543 of 2012 legislates for the use of live vertebrate animals and cephalopods only. Any practices involving live invertebrate animals are outside the scope of this particular legislation but are subject to other legislative requirements, including the Animal Health and Welfare Act, 2013.*

2.1.2 Animal Health and Welfare Act, 2013

The *Animal Health and Welfare Act, 2013* legislates for all practices involving the use or keeping of **all types of live animal** for any purpose including:

- educational
- scientific
- display or demonstration purposes

The Act revises previous legislation and provides for the regulation of certain activities relating to animals and to prevent cruelty to animals.

Primary and post-primary schools must be familiar with the Act and fully adhere to requirements of the Act. The Act is available at www.irishstatutebook.ie.

Schools must take all appropriate measures to protect the health, welfare, feeding and water supply of live animals (of all types) contained on school premises or used by the school for any purpose and for any period of time. This includes ensuring that the animal is regularly inspected and that the structures used to contain the animal are constructed and maintained in a manner that does not cause injury or unnecessary suffering. Schools must make arrangements for the care and welfare of all live animals contained on the premises or used by the school at all times, including times when the school is closed.

The Department of Agriculture, Food and the Marine (DAFM) is the Competent Authority with responsibility for the Act. The DAFM has a dedicated email address for queries in relation to the Act: AnimalHealthAndWelfareAct@agriculture.gov.ie.

2.1.3 National and European species-protection legislation

There is a range of statutory provisions in force in Ireland to protect, conserve and manage natural wildlife, and to control and regulate human activities that may impact upon it negatively. Certain animal species in Ireland are protected wherever they occur and certain species are protected in designated areas. Animal species are protected by the EU Habitats Directive, the EU Birds Directive and the Irish Wildlife Acts 1976 to 2012. The Annex to the Habitats Directive and the Birds Directive and Red Lists provide details of protected and rare species in Ireland and species that require the protection of their habitats. Under the Convention on International Trade in Endangered Species (CITES), certain endangered animal species are afforded varying degrees of protection. Ireland has a range of designated or protected sites under different laws including Special Areas of Conservations (SACs), Special Protection Areas (SPAs) and Natura 2000 sites.

Under CITES, certain animal species which are considered endangered may be used in displays for educational or other purposes as long as the keepers/holders of such specimens are CITES compliant. Common examples of animals which might be used in educational displays include birds of prey, owls and reptiles. When using an Annex A CITES specimen in such a manner, it is a requirement that the holder or keeper of the specimen has a valid CITES Certificate. Further information is available at: <http://www.npws.ie/legislation/cites>. Schools are reminded that, subject to *S.I. No. 543 of 2012*, a user shall not use a specimen of an endangered vertebrate or cephalopods species in a 'procedure' (as defined in 2.1.1).

Legislation and lists are subject to ongoing change. Therefore, when planning an activity using an animal or its habitat, it is the responsibility of the school to familiarise themselves with and adhere to the most recent requirements of current legislation and lists.

The Department of Arts, Heritage and the Gaeltacht (DAHG) National Parks and Wildlife Service (NPWS) is responsible for securing and advising on the conservation of ecosystems and fauna in Ireland and implementing and enforcing legislation. Further information is available on the website www.npws.ie under Legislation and Conventions, Irish law.

2.1.4 Annual licence to collect frog spawn

The Common Frog (*Rana temporaria*) is a protected species. To facilitate the implementation of the curriculum in schools, the Minister for Arts, Heritage and the Gaeltacht, authorises the Department of Education and Skills an annual licence allowing teachers to capture frog-spawn by hand for scientific educational purposes.

The licence is available on the website of the National Parks and Wildlife Service (NPWS) (www.npws.ie). The licence is granted, subject to conditions and administered by the NPWS. These ‘conditions’ are printed on Page 2 of the licence and these include contacting the NPWS prior to commencing the activity and a method of releasing the animals after the activity.

Schools must read all parts of this licence before capturing frog spawn and adhere fully to its conditions and the requirements of the *Animal Health and Welfare Act, 2013* and *S.I. No. 543 of 2012* when using frog spawn.

2.1.5 Other activities involving animals which require licensing under the Wildlife Acts

Schools should be aware that specific activities involving animals that require **prior** licensing include: marking or ringing wild animals; marine scientific research; possessing birds of prey; disturbing, destroying or interfering with breeding places of any wild animals; photographing or filming a protected wild animal on or near its breeding place; photographing or filming a protected wild bird on or near a nest containing eggs or unflown young. The Department of Arts, Heritage and the Gaeltacht (DAHG) National Parks and Wildlife Service (NPWS) is the responsible authority. Details are available at www.npws.ie.

The Minister for Arts, Heritage and the Gaeltacht is empowered to give licences, under Section 22 (9) of the Wildlife Act 1976 (as amended), to conduct certain activities involving a protected wild animal for educational, scientific or other purposes. These applications are considered on their merits in accordance with the Statutory Obligations of the Minister set out in the Act. Licence applications can be requested from the Wildlife Licence Unit of the NPWS. Where schools and/or students are unsure if a particular planned activity requires prior licensing, they should request an opinion from the NPWS **before the activity commences**. Schools are reminded that, subject to *S.I. No. 543 of 2012*, a user shall not use a specimen of an endangered vertebrate or cephalopods species in a ‘procedure’ (as defined in 2.1.1).

2.2 Competent Authority

The consideration and/or licensing of projects involving live animals is a matter for the Competent Authorities. Schools and/or individuals intending to use live animals in any activity other than that not detailed or permitted in this Circular must seek professional advice at an early stage and apply directly to the relevant Competent Authority and/or licensing body, before the activity commences. In addition, where schools and/or students are unsure if a particular planned activity requires licensing, they must contact the relevant authority and request an opinion. The summary table provided in section 4 lists the relevant Competent Authorities.

3. GUIDELINES

3.1 Guidance for schools

These Guidelines provide advice to schools on interpreting animal-use legislation and licensing. Schools must, in addition to using these Guidelines, read and be fully familiar with the instruments referred to in Section 2 of this circular. The sections below outline:

- Practices that are not permitted in or by schools
- Practices that are permitted in schools as they are deemed by the HPRA to be outside the scope of the scientific animal protection legislation
- Guidance conducting non-prescribed curricular activities and unique scientific research projects
- Steps to be taken when considering the use of animals

3.1.1 Practices that are not permitted in or by schools

- Any activity or study involving a vertebrate animal or cephalopod that is likely to cause a level of pain, suffering, distress or lasting harm equivalent to, or higher than, that caused by the introduction of a needle in accordance with Good Veterinary Practice.
- The trapping, collection and observation of free-ranging *vertebrate* wildlife (mammal, bird, reptile, amphibian or fish) or a cephalopod; the combined effect of trapping and non-invasive identification of these free-ranging animals is regarded as an activity above the level of threshold of causing distress by the HPRA. (*Note*: Free-ranging vertebrate wildlife can be identified by non-invasive observations that do not involve trapping).
- Taking a *vertebrate* animal or a cephalopod from the wild.
- Use of live *vertebrate* animals or live cephalopods for the quantitative study of animals in a selected ecosystem; for example, the capture-recapture method.
- Keeping, using or displaying species which are considered endangered without appropriate legislative compliance (e.g. valid licence/certificate).
- The collection, injury, accidental harm, disturbance or damage to the breeding or resting place of protected animal species.
- Studies which are designed such that they negatively impact on animal welfare (e.g. denial of food to an animal or evoking escape reactions where the animal is unable to escape a stimulus or the isolation of an animal of a social species for prolonged periods) and can result in distress and suffering for the

individual animal which is equivalent or greater than the introduction of a needle.

- Studies on wildlife that use an invasive procedure to identify the animals involved.
- Pharmacology studies, toxicity studies or tolerance studies in animals.
- Genetic modification or breeding from genetically modified lines.

3.1.2 Practices that are permitted in schools as they are deemed by the HPR to be outside the scope of the scientific animal protection legislation

Provided that in all instances, the animals are protected in accordance with the regulations of the Animal Health and Welfare Act, 2013 and that reduction and refinement are appropriately applied, the following are permitted in schools:

- Practices undertaken for the primary purpose of identifying an animal as long as it is not a protected species and the activity is not likely to cause pain, suffering, distress or lasting harm. (*Note: It is only invertebrate animals that can be trapped or collected for identification purposes. Free-ranging vertebrate wildlife must not be trapped or collected but they can be identified by non-invasive observations or radio-collaring means that do not involve trapping or micro-chipping*).
- Collection methods for species identification of *invertebrate* animals including the use of pooter, pitfall trap, butterfly net, sweep net, pond net and beating tray. The animals must be carefully returned to their habitat unharmed.
- The use of a Tullgren funnel or Baermann funnel (with a dry collecting vessel) to extract tiny invertebrates from a small soil sample.
- The use of a wormery to observe the burrowing activities of earthworms in soil.
- The use of the capture-recapture method for *invertebrates*, provided the activity does not affect the behaviour or fate of the marked individuals. (*Reminder: Vertebrate animals must not be used for the capture-recapture method*).
- Observation of normal activity of a non-protected species of animal under 'natural' conditions. (*Reminder: Photographing or filming a protected wild animal or bird is subject to prior licensing, as stated in 2.1.5*).
- The use of choice chamber tests and food-preference tests for animal behaviour studies, provided that the animals concerned were not taken from the wild, the animal is not a protected species and the activity does not have the capacity of causing pain, suffering, distress or other lasting harm. Students, may, with a minimum of handling, be involved in monitoring factors which are easily observable but not harmful to the animals such as colour, length, weight, activity, amount of food eaten and life-cycle changes.
- General nutritional trials, which tend to be observational only, where the animals' nutritional needs are met in full and no animal welfare issue is expected to arise as a result of the trial; in addition, the animals concerned must not be taken from the wild, the animal must not be a protected species and the activity must not have the capacity of causing pain, suffering, distress or other lasting harm.
- The hatching of chicks from eggs kept in an incubator while housed under conditions of good husbandry, provided no procedure with the likelihood of causing pain, suffering, distress or lasting harm takes place and the animals

concerned were not taken from the wild and the animal is not a protected species. Care must be taken that animals are not handled in a way that is harmful to their development or causes them fear and anxiety.

- The collection and observation of frog spawn in accordance with the conditions of the licence granted to the Department of Education and Skills and as stated in 2.1.4.
- The use of an aquarium or vivarium or an appropriate small animal cage for display or for direct observation of animal behaviour (including species of fish, reptile, amphibian, arthropod or small mammal such as hamster), providing the animal, if *vertebrate*, has not been taken from the wild, and provided, in all instances, that the animal does not suffer pain, distress or other lasting harm. The observation and monitoring of animals in an aquarium or vivarium or appropriate cage that are housed under ‘natural’ conditions does not constitute a ‘procedure’ under the legislation and so would fall outside the scope of this legislation and can therefore continue in schools.
- Visits to farms undertaken by students to fulfil curricular requirements and experiences involving simple observational studies and non-experimental agricultural practices (including livestock and aquaculture) for the purposes of recognised animal husbandry such as rearing and weaning practices, tagging, vaccination, etc.
- Observations of non-experimental clinical veterinary practice.

It is not possible to provide an exhaustive list of all practices that can continue. The HPRAs *Guide to Practices Outside the Scope of Scientific Animal Protection Legislation*, provides additional guidance. Where schools and/or students conducting scientific research projects are unsure if the particular activity falls under the scope of *S.I. No. 543 of 2012*, they must contact the HPRAs directly at sap@hpra.ie and request an opinion prior to engaging in the study or activity.

3.1.3 Guidance on conducting non-prescribed curricular activities and unique scientific research projects

This includes non-specified co-curricular activities and unique research projects undertaken by students or investigations devised for events such as Science Fairs or Transition Year that involve the use of animals in activities in school laboratories or off-site by schools. Schools and/or individuals wishing to use live animals for activities **other than those listed** in the ‘*Practices that are permitted in schools as they are deemed by the HPRAs to be outside the scope of the scientific animal protection*’ section 3.1.2 of this circular, **or any unique activity** where there is uncertainty about whether it comes under the scope of legislation, **must seek professional advice at an early stage and apply directly to the relevant Competent Authority and/or licensing body.**

In encouraging students to engage in research projects and in designing locally-developed courses, teachers must supervise closely the activities devised and ensure full compliance with the legislation and licensing relating to the use of live animals and the guidance provided in this circular. In all instances and for any type of animal, students participating in such activities must ensure compliance with the requirements of the *Animal Health and Welfare Act, 2013*. The indiscriminate collection of living animals should be avoided and students should be made aware of

the importance of conserving the natural fauna and their habitats. Animals must not be subject to pain, suffering or distress, or be subject to activities which negatively impact in their welfare. It is the express responsibility of the person or school planning to carry out a study to ensure compliance with relevant legislation.

3.1.4 Steps to be taken when considering the use of animals

When planning for the use of live animals in any activity (educational, scientific or display purposes) and for any period of time, schools should consider the following steps:

- Read carefully ‘3.1.1 Practices that are not permitted in or by schools’ and ‘3.1.2 Practices that are permitted in schools as they are deemed by the HPRA to be outside the scope of the scientific animal protection legislation’.
- If the planned activity is included as one that is no longer permitted (3.1.1), schools can no longer conduct this activity unless the school acquires a licence from a Competent Authority. It is highly unlikely that a school and/or individual will get an authorisation as the legislation restricts the use of animals for scientific or educational purposes in relation to the conduct of ‘procedures’ to higher-level institutions.
- If the planned activity is included as one that can continue (3.1.2), schools should refine the practices in accordance with the *Animal Health and Welfare Act, 2013* and reduce the numbers of animals involved.
- If the particular planned activity or use of an animal is not included in either 3.1.1 or 3.1.2, schools have the following options:
 - Where an animal being considered for an investigation or an activity is *vertebrate*, those persons planning the activity must read both the *Animal Health and Welfare Act, 2013* and *S.I. No. 543 of 2012* and consider how the requirements of each apply to the planned activity. If confident that the planned activity is outside the scope of *S.I. No. 543 of 2012* and full provision will be made for the requirements of the *Animal Health and Welfare Act*, the school can proceed with the activity.
 - Where the animal being considered for an activity or investigation is an *invertebrate*, those persons planning the activity must read the *Animal Health and Welfare Act, 2013* and consider how the requirements of the Act apply to the planned activity. If confident that the requirements of the Act will be provided for in full, the school can proceed with the activity.
 - If planning to capture and use frog spawn, the conditions printed on page 2 of the Frog Spawn Licence must be read and fully adhered to. Before commencing, those persons planning the activity must also consider how to meet the requirements of the *Animal Health and Welfare Act, 2013* in providing for the care, feeding and containment of the animals, and the requirements of *S.I. No. 543 of 2012* in ensuring the practices are not likely to cause a level of pain, suffering, distress or lasting harm equivalent to, or higher than, that caused by the introduction of a needle.
- If the planned activity is unique or there is uncertainty about whether it comes under the scope of the legislation included here, the school must seek *Classification Request for a Project/Study under Scientific Animal Protection Legislation* from the HPRA. Further information on this is available at the

veterinary section of the HPRA website (www.hpra.ie) under scientific animal protection, guides and forms.

- If the school wishes to contain any animal for display, observation or other purpose, but not conduct a ‘procedure’ on the animal, the school must provide for the animal in accordance with the *Animal Health and Welfare Act, 2013*, ensuring that the accommodation and care of the animal is refined to eliminate or reduce to the minimum any possible pain, suffering, distress or lasting harm, throughout the year and not just during school time. Subject to *S.I. No. 543 of 2012*, a user shall not use a specimen of an endangered species in a ‘procedure’. Schools are reminded that keepers of endangered species must be compliant with CITES.

4 SUMMARY

4.1 Summary

The table below summarises the legislation and licences relevant to the use of animals for educational, scientific or other purposes.

<i>Legislation / Licence</i>	Type of animal provided for	Competent authority with responsibility for implementation
<ul style="list-style-type: none"> • <i>Statutory Instrument S.I. No. 543 of 2012</i> 	Vertebrates and cephalopods	The Health Products Regulatory Authority (HPRA) www.hpra.ie
<ul style="list-style-type: none"> • <i>Animal Health and Welfare Act, 2013</i> 	All types animals (i.e. both vertebrate and invertebrate)	The Department of Agriculture, Food and the Marine (DAFM) www.agriculture.gov.ie
<ul style="list-style-type: none"> • National and European species-protection legislation • Licence to collect frog spawn <i>Rana temporaria</i> • Activities involving animals which require licensing under the Wildlife Acts 	Protected species	The Department of Arts, Heritage and the Gaeltacht (DAHG) administered through the National Parks and Wildlife Service (NPWS) www.npws.ie

4.2 General

Please bring this Circular to the attention of teachers in the school and students intending to conduct research involving the use of any live animal, and provide a copy to members of the school board of management.

This circular may also be accessed at www.education.ie.

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