

# THE WILDLIFE CONSERVATION AND MANAGEMENT ACT

(No. 47 of 2013)

IN EXERCISE of the powers conferred by section 59 (4) of the Wildlife Conservation and Management Act, 2013, the Cabinet Secretary for Environment and Natural Resources, makes the following Regulations:-

## WILDLIFE CONSERVATION AND MANAGEMENT (WILDLIFE RESEARCH) REGULATIONS, 2016

### PART 1- PRELIMINARY

#### Citation and commencement

1. (1) These Regulations may be cited as the Wildlife Conservation and Management (Wildlife Research) Regulations, 2016.  
(2) These Regulations shall come into force on the date of their publication in the Kenya Gazette.

#### Interpretation

2. In these Regulations, unless the context otherwise requires –

“Act” means the Wildlife Conservation and Management Act, No. 47 of 2013;

“approved” means authorized for the time being by the Institute;

“Board” mean Board of the Institute established under section 53 of the Act;

“community” means a group of individuals or families who share a common heritage, interest, or stake in unidentifiable land, land based resources or benefits that may derived therefrom;

“Committee” means the Ethics Committee established under Regulation 13;

“Commission” means the National Commission for Science, Technology and Innovation established under the Science, Technology and Innovation Act, No. 28 of 2013;

“Director” means director of the Institute appointed under section 58 of the Act;

“Institute” means the Wildlife Research Training Institute established under section 50 of the Act;

“person” means a natural or juristic person;

“Service” means the Kenya Wildlife Service established under section 6 of the Act;

“research license” means a license issued by the Commission that allowing a person to engage in scientific research;

“research permit” means a permit issued by the Service under the Act and these Regulations allowing a person to engage in wildlife research;

“specimen” means any animal or plant, whether dead or alive and any readily recognizable part or derivate thereof including tissues and fluids;

“Wildlife” means any wild and indigenous animal, plant or microorganism or parts thereof within its constituent habitat or ecosystem on land or in water, as well as species that have been introduced into or established in Kenya; and

“wildlife officer” means an authorised member of the Service or the Institute.

“wildlife research” means any research on wildlife.

## **PART II-RESEARCH PERMITS**

### **Research license**

3. A person shall, prior to making an application for a permit under this part, apply for and obtain a research license from the Commission under the Science, Technology and Innovation Act, 2013.

### **Permit to conduct wildlife research**

4. (1) A person shall not undertake wildlife research in Kenya unless that person has applied for and obtained a research permit granted by the Institute.

(2) A person granted a research permit under sub-regulation (1) shall be required, upon completion of the research, to deposit a copy of the research report, thesis or assessment with the Institute in a manner prescribed by the Institute.

(3) Where the person carrying out the research is from outside Kenya, that person shall be required to have a sponsoring institution from the home country and a locally recognized collaborating institution which shall guarantee that the researcher shall

comply with the requirements under the Act, and the Regulations formulated therewith.

### **Application for permit**

5. (1) Any person who intends to carry out wildlife research shall apply to the Institute for a research permit through Form A prescribed in the First Schedule to these Regulations.

(2) An application for a permit shall be accompanied with documents indicating-

- (a) personal qualifications to perform the research;
- (b) research proposal of not more than 1000 words indicating, among others-
  - i. topic and extent of the research;
  - ii. specific purpose of the research;
  - iii. the benefit of the research to wildlife and human life;
  - iv. methodology of research; and
  - v. likely impact of the research on the community.
- (c) expected duration of the research;
- (d) location(s) where the research shall be conducted and where specimen will be maintained;
- (e) species to be affected by the research;
- (f) name and address of the facility to be used as a study center;
- (g) proposed number of field research assistants and technicians;
- (h) recommendation from the supporting Faculty or institution and in the case of an independent researcher, a recommendation from a recognized institution with a Faculty teaching or dealing in wildlife research or education; and
- (i) compliance with ethical issues, including-
  - i. informed consent of interviewees;
  - ii. treatment of specimen; and
  - iii. knowledge and compliance with the established laws in areas of research,

### **Application fees**

6. The application fees to accompany an application for a research permit are prescribed in the Second Schedule to these Regulations.

### **Fee waiver**

7. (1) The Institute may, on application by the permit applicant reduce or waive the fee payable in respect of any permit issued pursuant to these Regulations if the permit relates to research that may support public benefit.
  
- (2) The Institute may, by notice in writing addressed to the applicant grant the applicant time, not exceeding 6 months from the date of issue, to pay the whole or any part of the fee for any permit issued pursuant to these Regulations

### **Issue of permit**

8. A research permit shall not be issued under these Regulations unless the applicant satisfies the Institute that-
  - (1) researchers and technicians conducting procedures have the necessary training, skills and experience;
  - (2) the research programme and the proposed method or means of capturing and dealing with such wildlife are satisfactory;
  - (3) the potential results are important enough to justify the use of wildlife in the study;
  - (4) the research cannot be done using non-wildlife methods;
  - (5) the minimum number of wildlife species will be used;
  - (6) any discomfort or suffering is kept to a minimum by appropriate use of anesthetics or pain killers;
  - (7) research premises have the necessary facilities to look after the wildlife properly;
  - (8) the permit holder shall, in so far as possible, enhance community participation in data collection;
  - (9) respect for indigenous knowledge will be accorded, and
  - (10) research findings shall be shared with the community.

### **Permit specifications**

9. (1) A research permit shall be in Form B prescribed in the First Schedule.
  
- (2) There must be specified in any research permit issued under these Regulations-
  - (a) the species of wildlife which the holder may study; and
  - (b) the maximum number of wildlife that the holder may process in any period;
  
- (3) The holder of a permit shall cause the permit to be displayed in a prominent position at the research center at the address indicated on the permit.
  
- (4) The holder of a permit shall not handle or cause or authorize any wildlife to be

handled except at the address shown on the permit.

### **Guarantees**

- 10.** (1) A person who has been granted a permit must on collection of the permit execute a certificate guaranteeing that-
- (a) the permit shall be for the sole purpose of holding wildlife for research reasons only;
  - (b) the permit holder shall implement disease control measures and minimize human exposure to the wildlife during transportation, isolation, and quarantine; and
  - (c) the permit holder shall maintain records regarding illness and death, and test for infections where illness or death occurs during the quarantine period.
- (2) In addition to the guarantee, a person who has been granted a permit must execute the Animal Control and Care Protocol under the Third Schedule to these Regulations.

### **Duration of permit**

- 11.** (1) A permit issued under these Regulations remains current for the period specified in the permit,
- provided that such a permit may be renewed through an application made in Form A prescribed in the First Schedule, and upon payment of the prescribed fee.
- (2) The applicant for renewal of permit must show reasonable cause as to why such a permit should be extended.
- (3) In considering an application for renewal of permit, the Institute shall take into account-
- (a) the reason given by the applicant necessitating such an extension;
  - (b) likely impact of the extension on the affected species;
  - (c) benefit of such extension to the applicant, the species, community and human life; and
  - (d) any other factor the Institute may consider necessary.

### **Variation of permit**

- 12.** The Institute may give direction for the changes and steps necessary for effective compliance with the terms of a research permit.

## **Revocation of permit**

**13.** A permit issued under these Regulations may be revoked for any of the following reasons, among others-

- (1) fundamental breach of the terms of the permit;
- (2) use of the animal for unauthorized purposes;
- (3) if the animals in the permit holders custody are in danger due to neglect and unlawful use; and
- (4) if the Institute determines that it is in the interest of the long-term conservation of the species that the permit be revoked.

provided that the Institute shall communicate the intention to revoke a permit and give the permit holder 30 days to show cause why the permit should not be revoked.

## **PART III- ETHICS COMMITTEE**

### **Ethics Committee**

**14.** (1) For the purpose of dealing in research permits, the Institute shall establish an Ethics Committee, which shall process all applications for a permit.

(2) The Committee shall be an independent advisory body of seven persons whose membership shall include representation from the community, animal welfare experts, lawyers and scientists.

(3) The Director shall nominate, and the Board shall appoint members of the Committee.

(4) The Committee shall conduct its affairs in accordance with the Fourth Schedule to these Regulations.

### **Delegation of functions of Committees**

**15.** The Committee may delegate any of its functions to a sub-committee other than the following functions relating to research permits-

- (1) considering a proposal for a permit;
- (2) approving, or refusing to approve a proposal; and
- (3) revoking a previous approval for a permit.

## **Committee as an agent of the Institute**

**16.** The Committee shall, as an agent of the Institute, visit every institution where research shall be or is being undertaken and shall-

- (1) every six months, review the institution's animal care and research program;
- (2) inspect the institution's animal labs at least twice a year;
- (3) review and approve, disapprove or require modifications to existent research protocols;
- (4) respond to and, if necessary, investigate and act on any public complaints or institution's personnel reports of non-compliance involving animal care and use
- (5) report deficiencies in animal care and research; and
- (6) submit evaluation reports to the Institute.

## **PART IV- HANDLING SPECIMEN**

### **Practice of handling wildlife**

**17.** The Institute may, in writing, direct the holder of any permit or any other person to abstain from-

- (1) using any particular means of taking or marking any species or all species;
- (2) taking or marking any or all or more than any number of species directed in any part or parts of the country;
- (3) releasing any species, whether marked or not, in any part or parts of the country; or
- (4) taking or marking any any species at any particular time or during any particular period on any part or parts or throughout the whole of the country.

### **Permit to tag wildlife for research purposes**

**18.** The Institute may issue a permit allowing a researcher to tag wildlife for study purposes.

### **Institute to authorize tags**

**19.** The Institute shall-

- (1) authorize the tags for marking different wildlife species; and
- (2) maintain a catalogue of approved tags.

### **Tagging of wildlife**

**20.** The holder of a permit issued under these Regulations or any other person shall not receive into any research room or have in his possession or allow to remain on his

premises or take delivery of any wildlife unless it is duly marked with a tag as prescribed:

provided that this Regulation shall not be construed as prohibiting such a permit holder from lawfully processing wildlife lawfully held by him.

### **Prohibited means of Tagging**

21. A person shall not mark any wildlife by means of rings, bands, dyes, or other means whatsoever that may be harmful to the wildlife.

## **PART V-TRANSPORT OF WILDLIFE FOR RESEARCH PURPOSES**

### **Conditions for transport of wildlife**

22. (1) Any person who cages any wildlife, for transport shall cause them to be provided with sufficient food, water and shelter and sufficient space to stand.
- (2) All cages used for the transport of wildlife shall be of solid construction to protect the animals therein from injury of any kind, and to prevent their escape.

### **General rules on transportation of animals**

23. (1) Animals shall be transported in containers, pens, cages or stalls approved by the Service as appropriate for the species.
- (2) Precautions shall be taken to avoid extremely high or low temperatures on board, having regard for the species of animals.

### **Conditions for transport of birds**

24. (1) A person shall not transport birds except in a cage that complies in all respects with the succeeding provisions of this Regulation.
- (2) Every cage used for transporting birds shall-
- (a) be of strong construction and provide sufficient room for its occupants to turn around freely but not to fly; and
  - (b) be fitted with unspillable containers for food and water situated clear of the dropping zones under any perch.
  - (c) be of box type with the top, sides and back made of wood, or other suitable material, and shall incorporate -

- i. a padded roof of foam plastic or other suitable material;
- ii. a double wired front, the outside layer of wire mesh and inside of wire gauze or other suitable material;
- iii. a grid floor of wire netting or similar material; and a metal bottom tray;
- iv. partitions of suitable material to separate incompatible species; and
- v. if perching birds are included, sufficient perches to accommodate them without overcrowding.

(3) Every cage used for the transport of any large bird shall be of such dimensions and construction, as to safeguard the bird from injury and from the possibility of falling over.

### **Conditions for keeping birds in cages**

25. (1) A person who has obtained a research permit in respect of bird species shall not keep any bird in a cage for a period longer than 48 hours unless the cage is –
- (b) at least 7 times as long as the length of the largest bird in it;
  - (c) at least 4 times as high as the length of the largest bird in it;
  - (d) at least 3 times as wide as the length of the largest bird in it; and
  - (e) so constructed that it –
    - i. contains at least 5 perches, 2 of which are so situated that they provide an obstruction free flight not less in length than 4 times the length of the largest bird in such cage, and the other of which perches are so placed as to allow a bird to fly or hop in comfortable stages to the ground and to a roosting perch which is not less than 50 millimeters from the roof;
    - ii. provides, in the opinion of a wildlife officer, adequate shelter from wind, rain and sun for all its occupants;
    - iii. has suitable facilities for nesting and protection from predators; and
    - iv. complies in all respects with the succeeding provisions of this Regulation.

(2) The perches in a cage in which a bird is or birds are kept shall be of wood or other suitable material and shall-

- (a) be so placed that no perch is in the zone of droppings below another perch; and
- (b) be of suitably different diameters to meet the requirements of the birds in the cage; and
- (c) be so placed that the largest bird in the cage can pass comfortably under the lowest perch and can roost comfortably on the highest perch.

(3) A cage in which a bird is or birds are kept shall-

- (a) be fitted with un-spillable containers for water and food which shall be kept filled and securely fastened to the cage or its fittings in such a manner that all birds in the cage can drink or feed freely therefrom and shall be so placed to be clear of the dropping zones under any perch; and
- (b) be kept clean and well ventilated and provide shelter from draughts for its occupants.

### **Transport of wildlife not to cause injury**

26. (1) A person shall not transport any wildlife in such a manner as to cause or is likely to cause injury or distress to the wildlife.
- (2) A wildlife officer may, if he considers it in the interests of the safety and welfare of the wildlife-
- (a) order the recaging of any wildlife being transported; or
  - (b) direct that the wildlife be watered, fed, exercised or released in a suitable place; or
  - (c) seize the wildlife and any cage involved in an alleged offence and require it to be held to be dealt with according to law.

### **Transportation of carcass**

27. (1) Pursuant to section 59 of the Act, the Institute may issue a permit to be known as transport permit, to authorize the transport of carcasses and skins of wildlife.
- (2) The holder of a transport licence shall notify the Institute of the registration number of the motor vehicle or other vessel to be used in the transportation and which number must be indicated on the permit.

## **PART VI- PROTECTION OF WILDLIFE**

### **Methods of sequestering wildlife**

28. (1) A permit holder shall not use any firearm, weapon or harmful instrument as a means of ensnaring and confining wildlife save as specifically approved by the Institute.
- (2) The Institute shall design or approve acceptable instruments for ensnaring the different species of wildlife.

(3) Subject to sub-regulation (1), the following are illegal devices when used to take any wildlife-

- (a) a trap likely to throttle, or cause suffering to, ensnared animals; and
- (b) a trap likely to cause suffering to trapped animals.

(4) The use of an explosive, poisonous, noxious or narcotizing substance is not permitted as a means of ensnaring wildlife for research purposes.

### **Release of animals**

**29.** (1) A person shall not-

- (a) abandon; or
- (b) release from confinement any wildlife restricted for research in circumstances which may make it difficult for it to return to normal lifestyle within its natural habitat.

(2) A permit holder shall at the end of any research procedures-

- (a) release an animal to its natural habitat; and
- (b) enter the following particulars on the records for the animal:
  - i. the date on which the animal was released;
  - ii. the full name of the person who authorised the animal's release; and
  - iii. the place and location where the animal was released.

### **Protection of research programmes**

**30.** (1) A person, not involved in a permitted research work, shall not move or release any animal from any trap or pit in a manner such as to disturb the on going research.

(2) Except in fulfillment of a research programme no person may move or release any animal under research study.

(3) A person shall not move, eliminate, eradicate, destroy, abstruse, change or otherwise interfere with any –

- (a) mark, sign or device on any vegetation or animal; or
- (b) scientific equipment of any nature; or
- (c) tape, wire, sheet, card or other record of any description, which has been or is being or is about to be used in any research programme except by prior permission of the Institute.

## **PART VII- FINAL**

### **Records and returns**

**31.** (1) The Institute may require the permit holder to-

- (a) keep records in such form; and
- (b) furnish returns in such form and at such intervals

as the Institute may determine, either generally or in relation to each case or class of cases, and the permit holder shall comply with any such requirement imposed on him.

(2) Where a return required to be submitted is the original of a record, the holder of the permit shall keep a duplicate of that record.

(3) A holder of a permit shall ensure that records required to be kept by him are made available for inspection by a wildlife officer on the demand of such officer.

**Other applicable statutes**

**32.** In application of these Regulations the following statutes shall also be considered-

- (1) Occupational Safety and Health Act, 2007
- (2) Pest Control Products Act, Cap 346
- (3) Environment Management and Coordination Act, N0.9 of 1999
- (4) Biosafety Act, No 2 of 2009
- (5) The Science, Technology and Innovation Act, No. 28 of 2013

**FIRST SCHEDULE**

**FORMS FOR APPLICATION AND RENEWAL OF RESEARCH PERMIT**

**FORM A (To be completed in Triplicate)**

**THE REPUBLIC OF KENYA**

**THE WILDLIFE CONSERVATION AND MANAGEMENT ACT, 2013**

**Wildlife Conservation and Management (Wildlife Research) Regulations, 2015**

**Section 59 & Regulation 5(1) & 11(1)**

**APPLICATION FOR A PERMIT FOR WILDLIFE RESEARCH**

**PART I- DETAILS OF APPLICANT**

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**INDIVIDUAL APPLICANTS**

NAME OF APPLICANT \_\_\_\_\_

SEX M  F  (First) (Middle) (Surname))

ID NUMBER/ \_\_\_\_\_

PIN NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

TEL. NUMBER \_\_\_\_\_

**CORPORATE APPLICANTS**

NAME OF APPLICANT \_\_\_\_\_

REGISTRATION NUMBER \_\_\_\_\_

*(Attach copy of certificate of registration)*

PIN NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_ POSTAL CODE \_\_\_\_\_

TEL. NUMBER \_\_\_\_\_

Name of the contact person in regard to this application and the position held in the organization \_\_\_\_\_

**FOR ALL APPLICANTS**

Have you ever been convicted of any criminal violation relating to wildlife, in Kenya or in any other jurisdiction? Yes  No

If yes, please list and explain type of violation and country in which the violation occurred:

\_\_\_\_\_  
\_\_\_\_\_

Have you ever had a wildlife- related permit or license suspended or revoked?

Yes  No

If yes, explain \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**PART II- DETAILS OF PERMIT**

TYPE OF PERMIT \_\_\_\_\_

TYPE OF APPLICATION:

NEW APPLICATION

RENEWAL- PERMIT NUMBER \_\_\_\_\_ GRANTED ON \_\_\_\_\_

TYPE OF RESEARCH \_\_\_\_\_

*(Educational, professional, institutional, commercial etc.)*

DURATION OF PERMIT \_\_\_\_\_

*(Where applicable, state period during the year in months for which permit is required)*

**PART III-DETAILS OF SPECIES**

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TYPE OF SPECIES:

SCIENTIFIC NAME \_\_\_\_\_

COMMON NAME (if any) \_\_\_\_\_

PARTS TO BE TAKEN \_\_\_\_\_

*(E.g. flowering stems, fruits (nuts), seeds, leaves, whole plants, cuttings or other categories).*

APPROXIMATE NUMBER \_\_\_\_\_

**PART IV-DETAILS OF RESEARCH**

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NAME AND IDENTIFYING NUMBER OF RESEARCH PROJECT \_\_\_\_\_

NAME OF INSTITUTION \_\_\_\_\_

FACULTY \_\_\_\_\_

LAND TO WHICH APPLICATION RELATES \_\_\_\_\_

*(Specify and identify each piece of land to which this application relates by reference to lot, location, plot number, county.)*

**PART V-FINAL**

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OTHER DOCUMENTS (Check if attached)

- Payment of prescribed fee;
- Personal qualifications to perform the research;
- Research proposal of not less than 1000 words indicating;
- Location(s) where the research shall be conducted and where collected wildlife will be maintained;
- Name and address of the facility to be used as a study center;
- Proposed number of field research assistants and technicians;

- Recommendation from the supporting Faculty or institution and in the case of an independent researcher, a recommendation from a recognized institution with a Faculty teaching or dealing in wildlife research or education
- Compliance with ethical issues

*I hereby apply for a permit and swear by signature that the information submitted in this application and supporting documents is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to criminal penalties. I further state that I will abide by all applicable laws, those governing wildlife and the terms and conditions of this permit.*

SIGNATURE OF APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

**OFFICIAL USE ONLY**

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NAME OF RECEIVING OFFICER \_\_\_\_\_

DATE \_\_\_\_\_

STATION \_\_\_\_\_

PERMIT APPROVED  DECLINED

If declined, reason \_\_\_\_\_

**FORM B**

**THE REPUBLIC OF KENYA**

**THE WILDLIFE CONSERVATION AND MANAGEMENT ACT, 2013**

**Wildlife Conservation and Management (Wildlife Research) Regulations, 2015**

**Regulation 10 (1)**

**WILDLIFE RESEARCH PERMIT**



*Original*



*Not Transferable*

Permit No. \_\_\_\_\_

This permit is granted to \_\_\_\_\_

of ID/ REG NO. \_\_\_\_\_ and address \_\_\_\_\_

in accordance with Regulation 8(1) of the Wildlife Conservation and Management (Wildlife Research) Regulations, 2015 for \_\_\_\_\_

\_\_\_\_\_

*(insert reason for permit)*

at \_\_\_\_\_

*(insert registered address)*

The holder of this permit is allowed to engage in wildlife research using \_\_\_\_\_

*(insert wildlife resource to be utilized)* without contravention of the Act and the Regulations formulated therewith.

This permit is issued subject to the Act and the Regulations and may be suspended, cancelled or revoked should the holder breach any of the conditions of issue and those contained in the Regulations.

\_\_\_\_\_ being the holder of this permit undertakes to abide by the conditions of this permit and to promptly report to the Kenya Wildlife Service any matter within knowledge that may prejudice the interests, security and welfare of wildlife in Kenya.

Issued on \_\_\_\_\_

Valid until \_\_\_\_\_

*SIGNED* \_\_\_\_\_

*DATE* \_\_\_\_\_

***DIRECTOR GENERAL***  
***KENYA WILDLIFE SERVICE***

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**SECOND SCHEDULE**

**PRESCRIBED FEES**

**(section 59 (1) & Regulation 5(1))**

1. For the purposes of section 59 (1) of the Act, and Regulation 5 (1) and 11 (1) these Regulations, the prescribed fees to accompany an application for a research permit is to be determined as follows:

(1) New application-

*Ksh.*

(a) if the number of specimen is less than 10-.....

(b) if the number of specimen is 10 or more but not more than 75.....

(c) if the number is more than 75.....

(2) Renewal of permit-

(a) if the number of specimen is less than 10-.....

(b) if the number of specimen is 10 or more but not more than 75.....

(c) if the number is more than 75.....

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## **THIRD SCHEDULE**

### **Regulation 10 (2)**

#### **ANIMAL CONTROL AND CARE PROTOCOL**

**(Code of conduct for animal research to be signed by all permit holders)**

##### **1. ANIMAL RESEARCH**

This code applies to and binds all persons engaged in animal research. The code incorporates the 3 R's, which control the use of live animals in research: Reduction, Refinement, and Replacement.

- (1) Reduction is achieved by the choice and use of methods, which minimize animal use. This allows researchers to optimize the levels of information from fewer animals, thereby, reducing future use of animals.
- (2) Refinement refers to improvements to scientific procedures and husbandry, which minimize actual or potential pain, suffering, distress or lasting harm and/or improve animal welfare in situations where the use of protected animals is unavoidable.
- (3) Replacement refers to methods that avoid or replace the use of animals defined in an area where they would otherwise have been used.

##### **2. CONTROL AND CARE OF ANIMALS**

- (1) The use of live animals in research will be permitted only when there is reasonable expectation that it will provide understanding that will enhance the advancement of knowledge in health care for either the animal or human beings or is in some way beneficial to the society.
- (2) Animals under study shall be held in comfort allowing them freedom of movement and sufficient water and food rations.
- (3) Researchers embarking on any study must ensure that they familiarize themselves with available knowledge in the area under study so as to limit repeat experiments that may not be necessary.
- (4) If a research can be undertaken without the use of animals or with a partial use of animals, such an alternative or partial alternate shall be chosen over full utilization of animals.

- (5) Researchers shall choose a research model that permits an optimum use of animals taking note to minimize the number thereof consistent with sound scientific and statistical standards. The researcher must ensure that all animals used in any study are within the permit obtained.
- (6) When animals are used in a research project the researcher has an ethical obligation to seek the least painful techniques feasible that will allow the protocol objective(s) to be pursued adequately.
- (7) In potentially painful procedures the researcher must take all necessary steps to assess and monitor pain as well as discomfort and distress. If a procedure will cause more than momentary slight pain or distress to the animal, the pain must be minimized both in intensity and duration through the administration of appropriate anaesthetics, analgesics, and tranquilizers consistent with acceptable standards of veterinary medicine. It should be emphasized that the requirement for the alleviation/reduction of pain applies not only at the time the procedure is being conducted but also following the procedure until such time when the pain is either alleviated or reduced to an acceptable tolerance level.
- (8) Under no circumstances should a painful procedure be conducted in an awake animal without the concomitant use of an appropriate anaesthetic. Research in which painful stimuli are used should be so designed as to provide a means of escape from that pain by the animal.
- (9) It is recognized that in certain research protocols the administration of appropriate anaesthetics and/or analgesics will compromise the scientific validity of the experiment. Such experiments must be justifiable in terms of scientific design and value, and the deletion of any anesthetic drug should be based on referenced scientific fact or experimental data and not intuition. In addition, pain, discomfort, and distress levels should be carefully monitored. There is a limitation on the pain to which an experimental animal may be exposed. Researchers should choose the earliest possible end-point in order to minimize pain and discomfort. An animal that is observed to be in a state of severe pain that cannot be alleviated or reduced to an acceptable tolerance level should be immediately euthanized.
- (10) No animal should be subjected to multiple survival surgeries, except when they are interrelated and essential to the primary research objective.

- (11) It is the responsibility of the researcher to ensure that adequate post-surgical/procedural care is provided to all animals. This care must meet acceptable standards in veterinary medicine and be provided as long as necessary, including during non-duty hours.
- (12) In certain circumstances it may be decided that an animal be subjected to euthanasia. This decision must be taken by a competent person, preferably a veterinary doctor and the carcass disposed of in a humane and acceptable manner.
- (13) Researchers must keep a record of all animals used and findings obtained.

*SIGNATURE OF PERMIT HOLDER* \_\_\_\_\_ *DATE* \_\_\_\_\_

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## FOURTH SCHEDULE

### Regulation 14(4)

#### CONSTITUTION AND PROCEDURE OF THE ETHICS COMMITTEES

##### PART 1-PROVISIONS WITH RESPECT TO CONSTITUTION

###### Chairperson of Committee

1. (1) Of the members of the Committee, one must be appointed as Chairperson of the Committee.
- (2) A Chairperson is taken to have vacated office as Chairperson if the person-
  - (a) resigns that office by instrument in writing addressed to the Committee, or
  - (b) ceases to be a member of the Committee.

###### Term of office

2. Subject to this Schedule, a member of the Committee holds office for a term of three years.

###### Filling of vacancy in office of member

3. If the office of any member of the Committee becomes vacant, a person may, subject to these Regulations, be appointed to fill the vacancy.

###### Vacancy in office of member

4. The office of a member of the Committee becomes vacant if the member-
  - (1) dies; or
  - (2) absents himself or herself from 4 consecutive meetings of the Committee of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Committee or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Committee for being absent from those meetings; or
  - (3) becomes a mentally incapacitated person; or
  - (4) is convicted of an offence that is punishable by imprisonment for 12 months or more; or
  - (5) resigns the office by instrument in writing addressed to the Committee; or
  - (6) completes a term of office and is not reappointed.

## **PART 2 PROVISIONS RELATING TO PROCEDURE**

### **General procedure**

5. The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is to be as determined by the Committee.

### **Quorum**

6. The quorum for a meeting of the Committee is one half of the members of the Committee

### **Presiding member**

7. The Chairperson (or, in the absence of the Chairperson, another member of the Committee elected as Chairperson for the meeting by the members of the Committee present) is to preside at a meeting of the Committee.

### **Decision making**

8. (1) The Committee may make its decisions by consensus or a majority of the vote. In case there is a tie the chairman shall cast the decisive vote.  
  
(2) A decision made in accordance with this regulation at a meeting of the Committee at which a quorum for a meeting of the Committee is present is a decision of the Committee.

### **Minutes and other records**

9. (1) The Committee must cause full and accurate minutes to be kept of the proceedings of each meeting of the Committee.  
  
(3) The Committee must also record in its minutes the reasons for any decision it makes concerning a research proposal.  
  
(3) The Committee must keep each of its minutes and other records for a minimum of 6 years after the minute or record is made.

### **Periodic reports**

10. After each of its meetings the Committee must give a written report of its work and

activities to the Director of the Institute or as the Director may require.

**Authentication of documents**

11. Any document requiring authentication by the Committee is sufficiently authenticated if it is signed by the Chairperson and any other member of the Committee who is authorized by the committee in that behalf.

**First meeting of Committee**

12. The Director of the Institute shall call the first meeting of the Committee in such manner as he thinks fit.

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