

Reprint
as at 1 January 2019



Animal Welfare (Records and Statistics) Regulations 1999 (SR 1999/392)

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.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for Primary Industries.

Schedule
Regulations revoked

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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

Animal Ethics Committee means an Animal Ethics Committee established and maintained by the code holder under section 98 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 constable

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

project 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.

Regulation 3 **Animal Ethics Committee**: inserted, on 10 September 2009, by regulation 4 of the Animal Welfare (Records and Statistics) Amendment Regulations 2009 (SR 2009/214).

Regulation 3 **Inspector**: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Regulation 3 **project**: inserted, on 10 September 2009, by regulation 4 of the Animal Welfare (Records and Statistics) Amendment Regulations 2009 (SR 2009/214).

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:
 - (l) the number of animals killed during the year that—
 - (i) were bred, using any breeding technique, for the purposes of research, testing, and teaching; but
 - (ii) were not used for those purposes.
- (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.

Regulation 4(1)(l): inserted, on 1 January 2019, by regulation 4 of the Animal Welfare (Records and Statistics) Amendment Regulations 2018 (LI 2018/51).

5 Annual return

- (1) A code holder must, on or before 28 February of each year, provide to the Director-General a written annual return setting out details of the records kept in accordance with regulation 4(1).

- (2) For the purposes of subclause (1), a code holder must provide the details of records kept for a project approved by an Animal Ethics Committee—
 - (a) of, or up to, 3 years' duration, in the annual return made in the year following the year that the project ends:
 - (b) of more than 3 years' duration, in the annual return made in the year following every third year of the project.
- (3) For the purposes of subclause (2)(b), if the term of a project is not divisible by multiples of 3 years, the code holder must provide an annual return for the records kept in relation to the project in the year following the year that the project ends.
- (4) A code holder must provide a nil return if—
 - (a) the code holder has not carried out any research, testing, or teaching during the immediately preceding year:
 - (b) the code holder is not required under subclauses (2) or (3) to report on the records kept under regulation 4(1) in that return.

Regulation 5: substituted, on 10 September 2009, by regulation 5 of the Animal Welfare (Records and Statistics) Amendment Regulations 2009 (SR 2009/214).

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 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.

Regulation 7(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

8 Revocations

The regulations specified in the Schedule are revoked.

Schedule Regulations revoked

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**Animals Protection (Codes of Ethical Conduct) Amendment Regulations 1997
(SR 1997/303)**

Animals Protection (Codes of Ethical Conduct) Regulations 1987 (SR 1987/12)

**Animals Protection (Codes of Ethical Conduct) Regulations 1987, Amendment
No 2 (SR 1987/389)**

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 11 November 1999.

Reprints notes

1 *General*

This is a reprint of the Animal Welfare (Records and Statistics) Regulations 1999 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Animal Welfare (Records and Statistics) Amendment Regulations 2018 (LI 2018/51)

Criminal Procedure Act 2011 (2011 No 81): section 413

Animal Welfare (Records and Statistics) Amendment Regulations 2009 (SR 2009/214)

Policing Act 2008 (2008 No 72): section 116(a)(ii)