

**A BILL
entitled**

AN ACT to establish and consolidate the protection of animals kept for work, sport, companionship and food.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Preliminary

Short title and commencement.

1. (1) The short title of this Act is Animal Welfare Act, 2001.

(2) This Act shall come into force on such date as the Minister responsible for Veterinary Services may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires -

"animal" means all living members of the animal kingdom, other than human beings, and includes free-living larval and, or, reproducing larval forms, but does not include foetal or embryonic forms;

"animal experiment" means any use of any animal for experimental or other scientific purposes which may cause it pain, suffering distress or lasting harm, including any course of action intended, or liable, to result in the birth of an animal in any such condition. An animal experiment starts when an animal is first prepared for use and ends when no further observations are to be made for that experiment. The elimination of pain, suffering, distress or lasting harm by the successful use of anaesthesia or analgesia or other methods does not place the use of an animal outside the scope of this definition;

"animal welfare officer" means an official appointed under article 44 and also includes every member of the police or a local warden;

"bred animals" means animals specifically bred for the use in experiments in facilities approved by, or registered with, the Council;

"competent person" means those individuals designated as such by the Minister for any purposes of this Act;

"Council" means the Council for Animal Affairs established by article 4;

"Department" means the Department for Veterinary Services;

"Director" means the Director of Veterinary Services and includes, to the extent of the authority given, any officer authorised by him, in writing, to act in that behalf for any of the purposes of this Act;

"ill treatment", in relation to an animal, means causing the animal to suffer, by any act or omission, pain or distress which in its kind or degree, or in its object, or in circumstances in which it is inflicted, is excessive or unnecessary;

"local warden" means any warden appointed under the Private Guards and Local Wardens Act; Cap. 389.

"marking" in relation to an animal means:

(a) marking that animal by any method for the purpose of distinguishing that animal or animals of that type from others; and

(b) includes affixing or applying to, or implanting in, that animal for the purpose of distinguishing that animal or animals of that type from others, any band, ring, clip, tag, electronic identification device, or paint or any other thing;

"Minister" means Minister responsible for Veterinary Services;

"prescribed" means prescribed by rules or regulations made by the Minister under this Act;

"veterinary surgeon" means a person licensed by the President of Malta to practice as a veterinary surgeon in Malta and registered in the Veterinary Surgeons Register kept under the Department of Health (Constitution) Ordinance. Cap. 94.

PART I
Animal Welfare

Declaration of principles.

3. (1) The State shall endeavour, in accordance with the provisions of this Act, to protect the life of animals and to prevent and punish acts of ill-treatment in their regard. In particular the state shall protect such animals from undue labour and work practices which are beyond and not consonant with their nature.

(2) The State recognises that it has the duty to promote the welfare of animals, and that the welfare of animals is to be protected through the intervention of the State through its legislative, judicial and administrative organs.

(3) The State recognises that it is its duty to collaborate with voluntary organisations in the field of animal welfare, and that it is its duty to promote the culture of respect towards animals.

Part II
Establishment of a Council for Animal Welfare

Council for Animal Welfare.

4. (1) There shall be a Council for Animal Welfare which shall consist of -

(a) the Director for Veterinary Services, who shall be the Chairman;

(b) a representative from the Ministry responsible for veterinary services;

(c) one veterinary surgeon, employed in the public service, with experience in animal health medicine;

(d) one veterinary surgeon, employed in the public service, with experience in farm animals' matters;

(e) two persons to represent the interest of Animal Welfare groups; and

(f) two persons to represent the interests of breeders and animal sports groups.

(2) The members referred to in subarticle (1)(c) and (d) shall be appointed by the Minister for such terms as the Minister shall decide from time to time.

(3) The members referred to in subarticle (1)(e) and (f) shall be appointed by the Minister upon the recommendation of the

associations or groups which, in the opinion of the Minister, are representative of the relevant associations or groups.

(4) If the Chairman is absent from any meeting of the Council the next most senior official member present shall preside.

(5) The Council shall have the power to appoint sub-committees, and to allow at its meetings the presence of persons who are not members of the Council.

(6) The Minister shall designate an officer of the Department to act as Secretary to the Council.

(7) The Council, with the concurrence of the Minister, may appoint sub-committees to deal with specific matters such as farm animal housing systems, biotechnology and animal experiments.

5. The Council shall -

Duties of Council.

(a) have the duty to advise the Minister on any matter -

(i) related to the making of regulations under any of the provisions of this Act; and

(ii) affecting the animal and veterinary public health in Malta, as may be required by the Minister;

(b) have the power to recommend the adoption or the implementation of any measures, enquiries or scientific investigations as, in its opinion, may be conducive to, and in the interests of, the well-being of animals;

(c) advise the Minister on all matters related to biotechnology in animals and animal experiments and with respect to the issue of licences under Part XI of this Act; and

(d) advise the Minister on all matters related to the keeping of farm animal housing systems and on the issue or otherwise of permits under Part VII of this Act.

6. The Minister may make, vary or revoke regulations for the proper conduct of the business of the Council. Subject to the provisions of such regulations and of this Act, the Council may regulate its own procedures.

Power to make regulations.

PART III
Keeping of Animals

Regulations
regarding
keeping of
animals.

7. (1) Animals shall not -

(a) be kept;

(b) be kept for the purpose of producing animal products; or

(c) be kept tethered, in buildings, pens, cages or the like,

unless they belong in each case to the species or categories of animals specified in regulations prescribed.

(2) The Minister may make regulations -

(a) providing for the conditions under which animals shall, in each case, be kept;

(b) providing for the manner in which species or categories of animals as may be prescribed are to be kept, including -

(i) the manner in which animals shall be tied or tethered;

(ii) the manner in which animals shall be segregated according to age, sex, or species;

(iii) the space which animals shall be allowed;

(iv) for matters relative to the hygiene of the animal, its housing and other measures to ensure the health of the animal;

(c) providing for the listing of the categories and the species of animals for which the regulations are applicable; and

(d) for any other matter that may or is to be prescribed.

PART IV
Caring of Animals

Caring of
animals.

8. (1) The Minister may make regulations providing for the manner in which such species of animals as may be prescribed shall be cared for, fed, watered, treated and trained, and the qualifications of persons who shall be responsible therefor.

(2) Animals shall not be caused any unnecessary pain, suffering or distress and no animal shall be abandoned.

(3) Any person who keeps any animal or who agrees to look after an animal shall be responsible for its health and welfare.

PART V

Surgical Operations on Animals

9. (1) Surgical operations on animals by which any part of the animal's body is removed or damaged, other than for a curative purpose, shall be illegal. Surgical operations.

(2) The Minister may make regulations -

(a) establishing the manner and cases in which surgical operations may be performed; and

(b) regulating embryo transplantation in animal species or categories of species as may be therein indicated.

10. Animals which have undergone a surgical operation which is prohibited under the provisions of article 9 shall not be - Animals which have undergone prohibited surgical operations.

(a) entered for or admitted to shows or inspections or competitions; and

(b) kept in stock, to be sold, offered for sale sold or bought.

PART VI

Killing of Animals

11. The Minister may make regulations - Killing of animals.

(a) specifying the cases in which it shall be permissible to kill animals, and the manner in which such killing may take place;

(b) providing for the manner in which, and the person by whom an animal may be killed; and

(c) prescribing the facilities and equipment of slaughterhouses.

12. The Minister may make rules to regulate stunning methods and derogations therefrom: provided that such methods shall bring animals into a state of insensibility which lasts until they are slaughtered. Power to make rules on stunning methods.

Killing of animals.

13. (1) Except in cases of an emergency, only a veterinary surgeon or another competent person shall be permitted to kill an animal kept as a pet.

(2) In the case where it is necessary to terminate an animal's life, this shall be done with the minimum of physical and mental suffering as in the circumstances is appropriate.

(3) Except in an emergency, the method chosen shall either -

(a) cause immediate loss of consciousness and death; or

(b) begin with the induction of deep general anaesthesia to be followed by a step which will ultimately cause death.

(4) The person responsible for the killing shall make sure that the animal is dead before the carcass is disposed of.

(5) The following methods of killing shall be prohibited -

(a) drowning and other methods of suffocation which do not produce the effects required by subarticle (3)(b);

(b) the use of any poisonous substance or drug, the dose and application of which cannot be controlled so as to give the effect mentioned in subarticle (3);

(c) electrocution, unless preceded by immediate induction of loss of consciousness.

Injured or diseased animals.

14. (1) Subject to the provisions of article 13 it shall be lawful to slaughter or kill injured or diseased animals on the spot.

(2) The Minister, after consulting the Council may make rules authorizing the transport of injured or diseased animals for the purposes of slaughter, provided that such transport does not entail further suffering for the animals.

PART VII Housing of Animals

Power to make regulations on animal housing systems.

15. (1) The Minister may, on the advice of the Council, make regulations -

(a) to provide for conditions in which animals may be housed;

(b) to provide for the categories of persons authorised to keep and house those categories and species of animals; and

(c) to establish procedures in respect of applications for a housing system.

(2) Applications may be approved subject to such conditions and restrictions as the Director may deem fit to impose; the grant or revocation of any permit shall be published in the Gazette.

16. (1) Animal housing systems shall not be manufactured, kept in stock, sold, delivered or in any manner made use of in respect of animals, unless such systems are built and maintained, and conform with such minimum facilities for the welfare of animals as may be prescribed.

Animal housing systems.

(2) Mass-produced animal housing systems shall not be kept in stock to be sold, delivered or used for species or categories of animals except as provided for in the regulations referred to in subarticle (1).

17. (1) The Director, on the advice of the Council, may grant permission for a housing system following an application from the manufacturer, the importer or the retailer.

Applications for housing system.

(2) A report, drawn up by or on behalf of the manufacturer, describing how the system benefits animal welfare, shall be attached to every application for permission for a housing system.

18. (1) Housing systems which have been kept in stock to be sold, delivered or in use prior to the entry into force of any rules referred to in article 17 shall be permitted to continue to be so kept only for such period as may be prescribed.

Transitional period.

(2) The rules referred to in article 17 may also provide for transitional periods within which such breeders shall conform therewith.

19. The Director may revoke a permit where -

Revocation of permit.

(a) the information submitted at the time of the application was incorrect or misleading in such manner that, had the information been known at the time the permit was granted, the application would have been rejected;

(b) in the opinion of the Council, circumstances exist which are detrimental to the welfare and safety of animals;

(c) the permit has been granted for a housing system for a purpose which is different from that for which that housing system is intended to serve.

PART VIII
Breeding of Animals

Breeding of animals.

20. (1) The Minister may make regulations providing for the breeding of animals, including the method of breeding as well as the species and categories of animals which may be used for breeding purposes.

(2) The Minister may make regulations prescribing that the young of such species or categories of animals, as may be specified in the regulations, shall not be separated from their parent until they have reached such age as may be prescribed.

(3) All persons involved in the breeding of animals shall be responsible for the anatomical, physiological and behavioural characteristics of such animals, which are likely to put at risk the health and welfare of either the offspring or the parents.

Sale of animals, etc.

21. No animal, as is referred to in article 20(2), shall be sold, kept in stock to be sold, offered for sale, let or delivered for trade, unless in accordance with regulations prescribed under this Act.

PART IX
Transport of Animals

Regulations regarding transport of animals.

22. The Minister may make regulations concerning the manner in which transport of animals by road, by sea or by air shall be carried out.

Transport of animals.

23. (1) Species and categories of animals, as may be prescribed, may not be transported, whether locally from one place to another or abroad, unless -

(a) the animals are accompanied by a certificate issued by an official appointed by the Minister stating that he has found the animals fit for transport; and

(b) the animals are provided with or accompanied by the identification marks or documents indicated in the certificate; and

(c) unless under such conditions and restrictions, as the Director may deem fit to impose; and

(d) the transport is in accordance with prescribed regulations.

(2) The provisions of subarticle (1)(a) and (b) shall not apply

to transport carried out in the course of or for the benefit of one's work or enterprise, provided that this is in conformity with the prescribed regulations.

(3) The provisions of subarticle (1) shall not apply to the transport abroad of animals which have not been loaded for transportation purposes, in Malta.

24. The official referred to in article 23 shall only issue a certificate after having inspected the animals before loading and shall not issue a certificate - Issue of certificate.

(a) if the animals are not properly provided with or accompanied by the identification marks or documents referred to in article 23,

(b) if the animals have given birth forty-eight hours prior to departure;

(c) if he is of the opinion that the animals are likely to give birth during carriage;

(d) if he is of the opinion that the animals are ill or injured or unfit for transport, taking into account the nature of the means of transport, the nature, manner or duration of that journey or the circumstances under which transport is to take place; and

(e) if he is of the opinion that the observance of the conditions laid down by or in pursuance of this article cannot be ensured during transport.

25. The Director may revoke a certificate issued in accordance with article 23 if he thinks that circumstances have occurred or have become known under which, had they been known or had they occurred at the time the certificate was issued, the certificate would not have been issued. Revocation of certificate.

26. (1) During the transportation of animals, the transporter shall, at all times, carry all certificates and documents issued in accordance with article 23. Certificates and documents.

(2) Animals which fall ill or are injured during transport shall receive first-aid treatment as soon as possible; they shall be given appropriate veterinary treatment and, if necessary, undergo emergency slaughter in a way which does not cause them any unnecessary suffering.

PART X
Use of Animals at Competitions

Competitions. **27.** Competitions which test the speed or strength of an animal shall not be organised, nor shall animals be entered for such competitions, unless the competitions are held in accordance with regulations made under this article.

Regulations regarding animals for purposes of recreation, etc. **28.** The Minister may make regulations concerning the keeping of animals for the purposes of recreation, sports, instruction, education, public display, shows, exhibitions, sale at markets and auctions or for any other similar purposes.

Regulations regarding administration of substances. **29.** The Minister may make regulations to regulate the administration or otherwise of substances which may be used on animals participating in competitions.

Inspection of animals. **30.** (1) Animals shall not be entered for competitions or take part in competitions if, on inspection, the animal's body is found to contain one or more of the substances specified in the prescribed regulations, the ingredients whereof or the metabolites of which exceed the maximum quantity established in the said regulations.

(2) The Minister may make regulations to provide for the manner in which inspections referred to in subarticle (1) shall be carried out.

Animal fights. **31.** Animal fights shall not be organized, and nor shall animals be entered for animal fights.

Part XI
Biotechnology and Animal Experiments

Biotechnology. **32.** (1) Only persons who have been issued a licence by the Minister, acting on the advice of the Council, may carry out any of the following practices:

(a) the alteration of the genetic material of animals in a manner which ignores the natural barriers of sexual reproduction and of recombination;

(b) the application of biotechnological technology to animals or embryos; and

(c) the administration of such substances, as may be prescribed by regulations made under this article, which alter the functioning of an animal forming part of such species or categories of animals as may be listed in the said regulations.

(2) Animals or animal products which have been subjected to the practices referred to in subarticle (1) shall not be produced, transported, put at another person's disposal, sold, bought, kept in stock to be sold, disposed of or introduced in Malta, without the written authority of the Minister, or in breach of any condition attached to such authority.

(3) The licence referred to in subarticle (1) may be issued, suspended, modified or revoked by the Minister.

33. (1) The licence referred to in article 32 shall be issued Issue of licence. only when the practices in question will not affect the health or welfare of animals, and such practices shall not be in breach of ethical rules and standards which may be drawn up by the Council.

(2) The licence shall specify the practice for which it is required and it may include any conditions and restrictions which the Minister may deem necessary.

34. The Minister may make regulations for governing the Application for licence. procedures to be followed for licences, referred to in article 32, to be issued.

35. (1) No animal experiment may be conducted without a Licence for experiments. licence issued by the Minister acting on the advice of the Council or any of its sub-committees delegated by it.

(2) Licences issued by the Minister shall permit experiments in so far as they are intended to benefit, either directly or indirectly, the health or nutrition of human beings or animals as well as for any other purpose deemed by the Minister to be of sufficient value.

(3) The Minister may make regulations specifying the information required for the issue of a licence for carrying out animal experiments, the fees payable for the filing of applications for such licences as well as the grounds on which applications shall be refused.

(4) Licences may be issued subject to such conditions and restrictions, as the Minister may deem fit to impose.

36. (1) The Minister may make regulations providing for Animal experiments. procedures to be followed in the case of experiments involving an animal.

(2) Experiments to which such regulations refer must be specifically declared to the Council and may not be held unless authorised by the Council.

(3) Animal experiments may only be performed by competent authorised persons, or under the direct responsibility of such a person, and only if the experimental or other scientific project concerned is authorised in accordance with the provisions of this Act.

Grant and
revocation of
licences.

37. (1) A licence may be granted to competent persons subject to such restrictions and conditions as the Minister may deem fit to impose, and may be varied, supplemented or cancelled by the Minister.

(2) A licence shall be revoked if the information submitted in the application is incorrect, inaccurate or misleading such that a different decision would have been taken if the correct information had been available at the time when the application was under consideration.

(3) A licence may be revoked if -

(a) the licence holder does not comply with the conditions of the licence;

(b) no use of the licence is made for a continuous period of one year.

(4) A licence issued under this Part of this Act may be granted to a natural or legal person but it shall not be transferable; if the licence holder is a natural person, the licence shall expire upon the death of the licence holder and shall not be transmitted to the heirs.

Purpose of
experiments.

38. (1) It shall not be lawful to carry out an animal experiment unless the way in which the experiment is to be conducted has been determined by a person whose qualifications satisfy the requirements laid down in regulations as may be prescribed.

(2) No animal experiment shall be carried out -

(a) for a purpose which may also be achieved by means other than an animal experiment, or by means of an experiment using fewer animals or entailing less distress than the experiment in question; or

(b) for a purpose the importance of which does not justify the distress caused to the animal; or

(c) for such purposes as may be prescribed.

Unlawful
experiments.

39. (1) It shall be unlawful to conduct an experiment on animals which -

(a) were not bred in a licensed breeding establishment operated by the licence holder; or

(b) were not obtained directly from another licensed establishment in which animals are bred or used either exclusively or mainly for animal experiments or scientific research.

(2) For the purposes of subarticle (1) "breeding establishment" means any establishment where animals are bred with a view to their use in experiments.

40. (1) The holder of a licence under article 37 shall be obliged to ensure that the animal suffers as little distress as possible without defeating the object of the experiment. Obligations of licence holder.

(2) The licence holder shall ensure that, if the animal on which the experiment is being carried out could experience distress as a result of acts carried out without anaesthetic, a general or local anaesthetic is administered to the animal to prevent such distress:

Provided that this obligation shall not apply in cases where the anaesthetic would defeat the object of the experiment.

(3) The licence holder shall ensure that any animal which, if allowed to live, would suffer distress for more than a short period as a result of an act performed as part of the experiment, is immediately put to death. Should the object of the experiment thus be defeated, the animal shall be put to death as soon as the experiment permits.

(4) The Minister may make regulations prescribing that such categories of treatment as may be specified in the regulations shall in all cases be carried out under anaesthetic.

41. (1) The licence holder shall keep detailed records concerning the procurement of animals for experiments as well as the experiments conducted, and shall supply this information to the Council. Records on experiments.

(2) It shall be the duty of the licence holder to ensure the services of a veterinary surgeon to supervise the welfare of the animals undergoing experiments.

42. (1) The Minister may make regulations to regulate the establishment, administration, upkeep and general maintenance of any installation, building or group of buildings, premises or other facilities intended for the carrying out of animal experiments. Power to make regulations regarding administration, etc.

(2) Animals may not be bred or supplied for the purpose of experiments without a licence granted in accordance with regulations made under subarticle (1).

PART XII

Aggressive Animals

Aggressive animals.

43. (1) Save as may otherwise be prescribed, aggressive animals which may present a danger to the safety of man or other animals and which are classified as such by the Minister shall not be bred, imported or sold in Malta.

(2) Save as may otherwise be prescribed, aggressive animals shall not be kept in stock and may be slaughtered if this is deemed to be necessary or expedient by the Director.

PART XIII

Animal Welfare Officers

Power to make regulations relating to officials.

44. (1) The Minister may make regulations to provide for and to regulate the duties and powers of officials, hereinafter referred to as animal welfare officers, who shall be responsible for the enforcement of the provisions of this Act.

(2) Without prejudice to the provisions of subarticle (1), every member of the Police Force and any local warden shall, by virtue of his office, be deemed to be an animal welfare officer appointed to act generally for the purposes of this Act.

(3) Animal welfare officers shall act under the direction of the Director in the exercise and performance of their powers, duties, and functions conferred or imposed upon them under this Act.

Part XIV

Offences and Penalties

Offences and penalties.

45. (1) Any person who acts in violation of this Act or in breach of any regulations made thereunder, shall on conviction, be liable to a fine (*multa*) of not less than one hundred liri but not exceeding two thousand liri or to a term of imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(2) The Minister may make regulations for the enforcement of any restriction or obligation relating to the protection of animals and animal welfare in general, contained in this Act or in any regulation made thereunder, including, inter alia, the forfeiture of animals and the forfeiture of any licence or permit issued under this Act.

46. The Minister may prescribe regulations for the enforcement of any restriction or obligation relating to the protection of animals and animal welfare in general contained in a Convention, Treaty or any other international agreement to which Malta is a party and may provide in the prescribed regulations that any contravention of any such restriction or obligation shall constitute an offence against this Act and shall be liable to such penalty as may be prescribed, being a penalty of a fine (*multa*) not exceeding twenty-five thousand liri:

Power to make regulations regarding restrictions or obligations.

Provided that no such regulations may be made unless such international instrument is ratified by Malta according to law.

Part XV

Exceptions in relation to hunting or killing

47. Subject to the provisions of articles 32 to 42 (both inclusive), the hunting or killing of any animal in a wild state; or any wild animal or pest shall not be governed by the provisions of this Act.

Hunting of animals.

PART XVI **Miscellaneous**

48. Articles 38, 40, 62, 97, 125 127 and Part VIII, hereinafter referred to as "the repealed articles", of the Code of Police Laws shall be repealed:

Repeal and saving. Cap. 10.

Provided that any regulations made under the repealed articles shall continue to remain in force as if made under this Act and may be amended, substituted or revoked accordingly.

Objects and reasons

The objects of the Bill are to establish and consolidate the protection of animals kept for work, sport, companionship and food.

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