

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,601, 1 ta' Lulju, 2016

Taqsimha C

Nru. 165

01. 07. 2016

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Mario Galea, M.P., u moqri għall-Ewwel darba fis-Seduta tal-14 ta' Ġunju, 2016.

A BILL introduced by the Honourable Mario Galea, M.P., and read the First time at the Sitting of the 14th June, 2016.

ATT biex jemenda l-Att dwar it-Trattament Xieraq tal-Annimali, Kap. 439.

AN ACT to amend the Animal Welfare Act, Cap. 439.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

Abbozz ta' Ligi msejjah

*ATT biex jemenda l-Att dwar it-Trattament Xieraq tal-Annimali,
Kap. 439.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harġet b'ligi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2016 biex jemenda l-Att dwar it-Trattament Xieraq tal-Annimali, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar it-Trattament Xieraq tal-Annimali, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u dhul fis-seħh.

Kap. 439.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru jista' b'avviż fil-Gazzetta jstabilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti ta' dan il-Att.

(3) Avviż taħt is-subartikolu (2) jista' jagħmel dawk id-dispożizzjonijiet tranzitorji li l-Ministru jidhirlu li jkunu meħtieġa jew spedjenti f'konnessjoni mad-dispożizzjonijiet li jkunu hekk inġiebu fis-seħh.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-
artikolu 2 tal-
Att prinċipali.

(a) minnufih qabel it-tifsira "annimali" għandha tiżdied it-tifsira ġdida li ġejja:

" "adegwat" tfisser, fir-rigward ta' kullar, kullar li jkejjel daqs iċ-ċirkonferenza tal-ġhonq ta' kelb kif ukoll iżżid miegħu tal-inqas pulzier;"

(b) minnufih wara t-tifsira "immarkar" għandha tiżdied it-tifsira ġdida li ġejja:

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" "kelb" tfisser speċi ta' annimal li jappartjeni għall-ispeċi *Canis lupus familiaris* u l-ibridi imnissla b'mod esklussiv minnha;"

(ċ) minnufih wara t-tifsira ġdida "kelb" għandha tiżdied it-tifsira ġdida li ġejja:

" "kullar" tfisser kwalunkwe kullar magħmul minn najlon, ġilda jew materjal simili, speċifikament iddisnjat biex jintuża għall-klieb;"

(d) minnufih wara t-tifsira ġdida "kullar" għandha tiżdied it-tifsira ġdida li ġejja:

" "kullar elettroniku" tfisser kullar li jitlibbes lill-annimal biex jikkontrollah billi jagħti xokk elettriku;" u

(e) minnufih wara t-tifsira "uffiċjal għall-ħarsien xieraq tal-annimali" għandha tiżdied it-tifsira ġdida li ġejja:

" "torbot" tfisser li trażżan annimal billi torbtu ma' kwalunkwe oġġett jew struttura stazzjonarja bi kwalunkwe mezz inkluż imma mhux limitat biss għal katina, ħabel, korda, ċinga jew taljola jew *cable run*, iżda ma tinkludix l-użu ta' ċinga meta persuna tmexxi kelb f'post pubbliku;"

Sostituzzjoni tal-artikolu 7 tal-Att prinċipali.

3. L-artikolu 7 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġejj:

"7. (1) Annimali ma jistgħux -

(a) jinżammu;

(b) jinżammu għal għan li jipproduċu prodotti tal-annimali; jew

(ċ) jinżammu marbutin, f'bini, f'imqajjel, f'gagėġ jew postijiet oħra ta' din ix-xorta,

sakemm ma jappartjenux f'kull każ għall-ispeċje jew kategorija ta' annimali kif jiġi stabbilit f'regolamenti preskritti taħt dan l-Att.

(2) Ebda persuna ma għandha torbot, taqfel, torbot b'katina jew tirrestringi kelb, jew tikkawża li kelb jintrabat, jinqafel, jew jintrabat b'katina, marbuta ma' oġġett wieqaf bħala mezz primarju ta' żamma:

Iżda xejn f'dan l-artikolu ma għandu jinftiehem li jipprojbixxi persuna milli tmexxi kelb permezz ta' ċinga li tinżamm fl-idejn:

Iżda wkoll il-projbizzjoni fuq l-irbit jew trażzin ta' klieb m'għandhiex tapplika għal waqt proċeduri veterinarji jew matul it-trasportazzjoni ta' klieb.

(3) Minkejja dispozizzjonijiet tas-subartikolu (2), kull uffiċjal għall-ħarsien xieraq tal-annimali jista' waqt spezzjoni jordna lis-sid jew kustodju ta' kelb biex temporanjament jorbot jew irażzan kelb aggressiv li jista' johlq periklu lill-pubbliku, lill-annimali jew jikkawża ħsarat fuq proprjetà.

(4) Tgħallieq jew sofferenza bla bżonn bit-tlibbis ta' kullar lil kwalunkwe kelb għandha tiġi pprojbata permezz tal-użu tal-kullar adegwat.

(5) L-użu ta' ċinga tal-metall minflok kullar huwa pprojbit.

(6) L-użu ta' kullari elettronici li jagħtu xokkijiet huwa pprojbit.

(7) Il-Ministru jista' jagħmel regolamenti-

(a) biex jipprovdi għall-kundizzjonijiet li taħthom annimali għandhom, f'kull każ, jinżammu;

(b) biex jipprovdi għall-mod li bih speċje jew kategorija ta' annimali, kif jista' jkun preskritt, għandhom jinżammu, inklużi -

(i) il-mod kif l-annimali jinżammu marbutin;

(ii) il-mod kif l-annimali għandhom ikunu mifruda skont l-età, sess jew speċje;

(iii) l-ispazju li għandu jingħata lill-annimali;

(iv) ħwejjeg li għandhom x'jaqsmu mal-indafa tal-annimal, il-lok fejn jinżammu l-annimali u l-miżuri biex tiġi żgurata s-saħħa tal-annimal;

(ċ) biex issir lista ta' kategoriji u speċje ta' annimali li għalihom ir-regolamenti jkunu applikabbli; u

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(d) għal kull haġa oħra li għandha jew tista' tiġi preskritta taħt dan l-Att."

Għanijiet u Raġunijiet

L-għan u r-raġuni prinċipali ta' dan l-Abbozz ta' Ligi huma sabiex jipprovdu għal aktar miżuri adegwati sabiex jithares it-trattament xieraq tal-animali.

**A Bill
entitled**

AN ACT to amend the Animal Welfare Act, Cap. 439.

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:-

1. (1) The short title of this Act is the Animal Welfare (Amendment) Act, 2016, and this Act shall be read and construed as one with the Animal Welfare Act, hereinafter referred to as "the principal Act".

Short title and coming into force.
Cap. 439.

(2) This Act shall come into force on such date as the Minister may by notice in the Gazette establish, and different dates may be so established for different provisions of this Act.

(3) A notice under sub-article (2) may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

2. Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) immediately before the definition "animals" there shall be added the following new definition:

" "adequate" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch;"

(b) immediately after the definition "circus promoter" there shall be added the following new definition:

" "collar" means any collar constructed of nylon,

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leather or similar material, specifically designed to be used for a dog;"

(c) immediately after the definition "Director for Veterinary Services" there shall be added the following new definition:

" "dog" means an animal species which belongs to the species *Canis lupus familiaris* and the hybrids descended exclusively from it;"

(d) immediately after the new definition "dog" there shall be added the following new definition:

" "electronic collar" means a collar which is worn by an animal to control it by delivering an electric shock;"
and

(e) immediately after the definition "prescribed" there shall be added the following new definition:

" "tether" means to restrain an animal by tying it to any stationary object or structure, by any means, including but not limited to, a chain, rope, cord, leash, pulley or cable run, but shall not include the use of a leash when walking a dog;"

Substitution of article 7 of the principal Act.

3. Article 7 of the principal Act shall be substituted by the following:

"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 under this Act.

(2) No person shall tether, fasten, chain or restrain a dog, or cause a dog to be tethered, fastened, chained, to any stationary object as a primary means of stationary confinement:

Provided that nothing in this article shall be

construed to prohibit a person from walking a dog with a hand-held leash:

Provided further that the ban on tethering or restraining a dog shall not apply during veterinary procedures and during transport of dogs.

(3) Notwithstanding the provisions of sub-article (2), any animal welfare officer may, during an inspection, instruct the owner or keeper of a dog to temporarily tether or restrain an aggressive dog which may pose danger to the public, animals, or to property.

(4) Strangulation and unnecessary suffering through the wearing of a collar to any dog shall be prohibited by means of the use of an adequate collar.

(5) The use of a metal chin instead of a collar shall be prohibited.

(6) The use of electronic collars shall be prohibited.

(7) 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

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(d) for any other matter that may or is to be prescribed under this Act."

Objects and Reasons

The main objects and reasons of this Bill are to provide for further adequate measures in order to safeguard animal welfare.

