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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Josè Herrera, M.P., Ministru għall-Ambjent, Żvilupp Sostenibbli u Tibdil fil-Klima, u moqri għall-Ewwel darba fis-Seduta tad-19 ta' Frar 2019.

ABILL introduced by the Honourable Josè Herrera, M.P., Minister for the Environment, Sustainable Development and Climate Change, and read the First time at the Sitting of the 19th February 2019.

ATT sabiex 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' LIĠI
msejjah

ATT sabiex 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, ħarġet b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2019 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 imsejjaħ "l-Att prinċipali".

Titolu fil-qosor
bidu fis-seħħ.

Kap. 439.

(2) Dan l-Att għandu jidhol fis-seħħ f' dik id-data li l-Ministru responsabbli għas-Servizzi Veterinarji jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jigu hekk stabbiliti dati differenti għal dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

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

2. Minnufih wara t-tifsira "promotur ta' ċirklu" fl-artikolu 2 tal-Att prinċipali, għandha tiżdied it-tifsira ġdida li ġejja:

Emenda tal-
artikolu 2 tal-
Att prinċipali.

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

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Emenda tal-
artikolu 44B tal-
Att prinċipali.

3. L-artikolu 44B tal-Att prinċipali għandu jiġi emendat b'dan li ġej:

(a) il-paragrafu (b) tas-subartikolu (1) tiegħu, għandu jiġi sostitwit b'dan li ġej:

"(b) (i) tikkonfiska kull animal li kien sugġett jew li jista' jkun sugġett għal moħqrija jew f'konnessjoni ma' reat taħt dan l-Att jew taħt regolamenti taħt dan l-Att li sar jew li x'aktarx jitwettag;

(ii) tikkonfiska kull apparat, prodott tal-annimali, tagħmir, instrument, u, jew apparat elettroniku li fil-fehma tagħha jkunu ntużaw fl-għemil ta' dak ir-reat jew li dwarhom taħseb li jkun sar dak ir-reat jew li jkunu riżultat ta' xi reat taħt dan l-Att jew kwalunkwe regolamenti taħt dan l-Att;

(iii) tikkonfiska jew tagħmel kopji ta' xi dokumenti li fil-fehma tagħha huma relevanti għal tali reat taħt dan l-Att jew regolamenti taħt dan l-Att;"

(b) l-paragrafi (ċ) sa (g) tas-subartikolu (1) tiegħu, għandhom jiġu numerati mill-ġdid bħala l-paragrafi (d) sa (h) u minnufih wara l-paragrafu (b) tas-subartikolu (1) tiegħu għandu jiżdied il-paragrafu (ċ) ġdid li ġej:

"(ċ) iċċedi, tissigilla u twaqqaf il-funzjoni ta' kull tagħmir, apparat jew materjali użati fir-reati;"

(ċ) is-subartikolu (5) tiegħu għandu jiġi rinumerat mill-ġdid bħala s-subartikolu (6) u minnufih wara s-subartikolu (4) tiegħu għandu jiżdied is-subartikolu (5) ġdid li ġej:

"(5) Fid-diskrezzjoni tiegħu, id-Direttur għat-Trattament Xieraq tal-Annimali jew id-Direttur għas-Servizzi Veterinarji jista' ma jagħtix lura lis-sidien kwalunkwe animal u, jew ogġett li jiġi kkonfiskat, issekwestrat, maqbud jew b'xi mod imneħħi mid-Direttur għat-Trattament Xieraq tal-Annimali jew id-Direttur għas-Servizzi Veterinarji:

Iżda id-Direttur għat-Trattament Xieraq tal-Annimali jew id-Direttur għas-Servizzi Veterinarji jista' jiddisponi minn tali animal u, jew ogġetti skont ir-regolamenti li l-Ministru jista' jagħmel:

Iżda wkoll, kull spiza relatata ma' kwalunkwe

annimal u, jew oġġett konfiskat, issekwestrat, maqbud u, jew b'xi mod imnehhi għandha tkun għas-spejjeż tal-persuna li kkontraveniet."

4. Minnufih wara l-artikolu 44B tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

Zieda ta' artikolu 44Ċ fl-Att prinċipali.

"Responsabbiltà għal telf jew hsara mgarrba.

44Ċ. Kull uffiċjal għall-harsien xieraq tal-annimali jew xi uffiċjal jew persuna awtorizzata mid-Direttur għas-Servizzi Veterinarji jew id-Direttur għat-Trattament Xieraq tal-Annimali fil-qadi tal-funzjonijiet tiegħu taht dan l-Att jew taht kull liġi oħra amministrata mid-Dipartiment, ma jkunx responsabbli għal ebda telf jew hsara mgarrba minn xi persuna minhabba f'xi haġa magħmula, jew ommessa milli ssir, bonafidi fl-amministrazzjoni ta' dan l-Att jew ta' xi liġi oħra."

5. Is-subartikolu (1) tal-artikolu 45 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 45 tal-Att prinċipali.

"Reati u Pieni.

45. (1) Kull persuna li tikser id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmulin tahtu għandha:

(a) meta tinstab hatja għall-ewwel darba, tehel multa ta' mhux anqas minn elfejn euro (€2,000), iżda mhux iżjed minn hamsa u sittin elf euro (€65,000), jew prigunerija għal żmien mhux iżjed minn tliet (3) snin, jew dik il-multa u prigunerija flimkien;

(b) meta tinstab hatja għat-tieni darba jew aktar, tehel multa ta' mhux anqas minn sitt elef euro (€6,000), iżda mhux iżjed minn tmenin elf euro (€80,000), jew prigunerija għal żmien mhux iżjed minn tliet (3) snin, jew dik il-multa u prigunerija flimkien."

6. Il-proviso għall-artikolu 46 tal-Att prinċipali, għandu jiġi mħassar.

Emenda tal-artikolu 46 tal-Att prinċipali.

7. L-artikolu 47 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 47 tal-Att prinċipali.

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu, minnufih wara l-kelma "Att" għandhom jiġu miżjuda l-kliem "u kull regolament magħmul tahtu";

(b) il-paragrafu (b) tas-subartikolu (1) tiegħu, għandu jiġi sostitwit b'dan li ġej:

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"(b) ikun iktar xieraq li tingħata piena taħt dan l-artikolu,";

(ċ) il-kliem "kif dovuta lil dik il-persuna." fis-subartikolu (1) tiegħu, għandhom jiġu sostitwiti b'dan li ġej, "kif dovuta lil dik il-persuna:" u minnufih wara għandu jiżdied dan il-proviso ġdid li ġej:

"Izda fil-każ li persuna tkun diġà instabet haġja ta' reat taħt dan l-Att, id-dispożizzjonijiet tas-subartikolu (1) ma japplikawx u proċeduri kriminali jinbdew fil-każ ta' tieni reat taħt dan l-Att.";

(d) is-subartikolu (5) għandu jiġi sostitwit b'dan li ġej:

"(5) Meta taħt dan l-artikolu persuna tammetti reat, id-Direttur tas-Servizzi Veterinarji jew id-Direttur għat-Trattament Xieraq tal-Annimali għandu jimponi fuq dik il-persuna piena ta' flus għar-rigward tar-reat, liema piena ma tistax tkun aktar minn tmenin elf euro (€80,000).".

Żieda ta' artikolu 47A fl-Att prinċipali.

8. Minnufih wara l-artikolu 47 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

"Setgħa li jsiru regolamenti.

47A. Il-Ministru jista' jagħmel regolamenti hekk kif jitqiesu li jkunu xierqa li jipprovdu għall-istabbiliment u l-impożizzjoni ta' pieni amministrattivi u miżuri ta' infurzar u amministrattivi oħra hekk kif jista' jiġi speċifikat fihom.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet prinċipali ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdu għal aktar miżuri adegwati sabiex jithares it-trattament xieraq tal-annimali.

**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, 2019, 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 commencement.
Cap. 439.

(2) This Act shall come into force on such date as the Minister responsible for Veterinary Services may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes 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. Immediately after the definition "prescribed" in article 2 of the principal Act, there shall be added the following new definition:

Amendment of article 2 of the principal Act.

"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 in a public place;"

3. Article 44B of the principal Act shall be amended as follows:

Amendment of article 44B of the principal Act.

(a) paragraph (b) of sub-article (1) thereof, shall be

substituted by the following:

"(b) (i) seize any animal which has been subject or likely to be subject to ill treatment or in relation to which an offence under this Act or any regulations under the Act has been or is likely to be committed;

(ii) seize any equipment, animal products, gear, instruments and, or appliances which he believes has been used in the commission of such offence or in respect of which he believes such offence has been committed or that is the result of an offence under this Act or any regulations under the Act;

(iii) seize or take copies of any documents which he believes are relevant to any such offence under this Act or any regulations under the Act;"

(b) paragraphs (c) to (g) of sub-article (1) thereof, shall be renumbered as paragraphs (d) to (h) and immediately after paragraph (b) of sub-article (1) thereof there shall be added the following new paragraph (c) as follows:

"(c) forfeit, seal off and render non-functional any equipment, apparatus or materials used in offences;"

(c) sub-article (5) thereof shall be renumbered as sub-article (6) and immediately after sub-article (4) thereof, there shall be added the following new sub-article (5):

"(5) At its discretion, the Director for Animal Welfare or Director for Veterinary Services may not return to their owners any animals and, or objects that are confiscated, impounded, seized or in any way removed by the Director for Animal Welfare or Director for Veterinary Services:

Provided that the Director for Animal Welfare or Director for Veterinary Services may also dispose of such animals and, or objects in line with regulations that the Minister may make:

Provided further that any expenses related to the confiscation, impounding, seizure and, or disposal of any animal and or object shall be fully borne by the contravenor."

4. Immediately after article 44B of the principal Act, there shall be added the following new article:

Addition of article 44C to the principal Act.

"Responsibility for any loss of damage suffered.

44C. Any animal welfare officer or any such officer or person authorised by the Director for Veterinary Services or Director for Animal Welfare in the performance of his functions under this Act or under any other law administered by the Department, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in good faith in the course of the administration of this Act or of any other law."

5. Sub-article (1) of article 45 of the principal Act shall be substituted by the following:

Amendment of article 45 of the principal Act.

"Offences and penalties.

45. (1) Any person who acts in violation of this Act or in breach of regulations made thereunder shall:

(a) on first conviction, be liable to a fine (*multa*) of not less than two thousand euro (€2,000) but not exceeding sixty five thousand euro (€65,000) or to a term of imprisonment for a period not exceeding three (3) years or to both such fine and imprisonment;

(b) on a second or subsequent conviction, be liable to a fine (*multa*) of not less than six thousand euro (€6,000) but not exceeding eighty thousand euro (€80,000) or to a term of imprisonment for a period not exceeding three (3) years or to both such fine and imprisonment."

6. The proviso to article 46 of the principal Act, shall be deleted.

Amendment of article 46 of the principal Act.

7. Article 47 of the principal Act shall be amended as follows:

Amendment of article 47 of the principal Act.

(a) in paragraph (a) of sub-article (1) thereof, immediately after the word "Act" there shall be added the words "and any regulations made thereunder";

(b) paragraph (b) of sub-article (1) thereof, shall be substituted by the following:

"(b) it would be more appropriate to impose a penalty under this article,";

(c) the words "to be served on that person." in sub-article (1) thereof, shall be substituted by the following "to be served on

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that person:" and immediately thereafter there shall be added the following new proviso:

"Provided that in the case of a person who has already been found guilty of an offence under this Act, the provisions of sub-article (1) will not apply and criminal proceedings will be instituted in case of a second offence under this Act.";

(d) sub-article (5) shall be substituted by the following:

"(5) Where under this article a person admits an offence, the Director for Veterinary Services or Director for Animal Welfare shall impose a monetary penalty on that person in respect of the offence, being a penalty not exceeding eighty thousand euro (€80,000).".

Addition of article 47A to the principal Act.

8. Immediately after article 47 of the principal Act, there shall be added the following new article:

"Power to make regulations.

47A. The Minister may make regulations as shall be deemed appropriate to provide for the establishment and imposition of administrative penalties and other enforcement and administrative measures as may be specified therein.".

Objects and Reasons

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

VERŻJONI ELETTRONIKA