

MALTA

ATT Nru. XXV ta' l-2001

ATT mahruġ b'liġi mill-Parlament ta' Malta.

ATT biex johlq u jikkonsolida l-protezzjoni ta' l-annimali miżmuma għal skopijiet ta' xogħol, sport, wens u ikel.

ACT No. XXV of 2001

AN ACT enacted by the Parliament of Malta.

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

Naghti l-kunsens tiegħi.

(L.S.)

GUIDO DE MARCO
President

11 ta' Diċembru, 2001

ATT Nru. XXV ta' l-2001

ATT biex johloq u jikkonsolida l-protezzjoni ta' l-animali miżmuma għal skopijiet ta' xogħol, sport, wens u ikel.

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

Preliminari

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2001 dwar it-Trattament Xieraq ta' l-Animali. Titolu fil-qosor u bidu fis-sch.

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

2. F'dan l-Att, sakemm ir-rabta tal-kliem ma' tehtiegħ Tifsir. xort'ohra -

"animali" tfisser kull hlejqa tar-razza ta' l-animali barra l-bnedmin u tinkludi il-larva ta' insett li qed jgħix wahdu u, jew, forom larvali li qed jirriproduċu iżda ma tinkludix forom embrijoniċi jew fetali;

"animali mrobbija" tfisser dawk l-animali li jkunu qed jitrabbew speċifikament bil-għan li jintużaw għall-esperimenti f'dawk il-faċilitajiet approvati minn jew registrati mal-Kunsill;

"Dipartiment" tfisser id-Dipartiment tas-Servizzi Veterinarji;

"Direttur" tfisser id-Direttur tas-Servizzi Veterinarji u, sal-limitu tal-funzjonijiet mogħtija, tinkludi kull uffiċjal pubbliku awtorizzat md-Direttur għal hekk bil-miktub għal xi wieheċ mill-ghanijiet ta' dan l-Att;

"esperiment fuq l-animali" tfisser kull użu ta' xi animal għal xi esperiment jew għanijiet xjentifiċi li jistgħu johlqu uġiegh, dwejjaq, sogħba jew hsara fit-tul, li tinkludi wkoll kull azzjoni maħsuba, jew x'aktarx, twassal fit-twelid ta' xi animal f'dik il-kondizzjoni. L-esperiment fuq l-animali jibda meta l-animali jiġi ppreparat għall-użu u jispiċċa meta l-ebda osservazzjonijiet ohra ma jsiru għal dak l-esperiment. L-eliminazzjoni ta' uġiegh, dwejjaq, sogħba jew hsara fit-tul permezz tal-użu b'suċċess ta' anestezija jew analġesija jew metodi ohra ma jpoġġux lill-animali barra mill-iskop ta' din it-tifsira;

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"gwardjan lokali" tfisser kull gwardjan mahtur skond l-Att dwar Gwardjani Lokali u Privati;

"immarkar", fir-rigward ta' animal, tfisser:

(a) l-immarkar ta' animal b'xi metodu li jkollu l-ghan li jiddistingwi bejn dak l-animali jew animal ta' dik ir-razza minn animal ohra; u

(b) tinkludi t-twahħil jew l-applikazzjoni jew l-impjantazzjoni f'dak l-animali, bil-ghan li tinholq distinzjoni bejn dak l-animali ta' dik ir-razza minn ohrajn, ta' kull ċinga, ċurkett, molla, timbru, tagħmir elettroniku ta' identifikazzjoni, jew żebgħa, jew kull haġa ohra;

"Kunsill" tfisser il-Kunsill għat-Trattament Xieraq ta' l-Animali stabbilit bl-artikolu 4;

"Ministru" tfisser Ministru responsabbli għas-Servizzi Veterinarji;

"persuna kompetenti" tfisser dawk il-persuni magħzula għal hekk mill-Ministru għal xi wieheċ mill-ghanijiet ta' dan l-Att;

"preskritt" tfisser preskritt b'regolamenti magħmulin mill-Ministru taht dan l-Att;

"mohqrija", fir-rigward ta' animal, tfisser li ġie għel lill-animali, b'xi att jew ommissjoni, isofri uġiegh jew tbatija li fix-xorti jew mill-qawwa, jew fil-ghan tagħhom, jew fiċ-ċirkostanzi li fihom

ikunu imposti, jkunu żejda jew bla hteęęa;

"uffiċjal għall-harsien xieraq ta' l-animali" tfisser uffiċjal mahtur skond l-artikolu 44, u tinkludi kull membru tal-pulizija jew gwardjan lokali;

"veterinarju" tfisser persuna li għandha liċenza mogħtija mill-President ta' Malta biex teżerċita l-professjoni ta' veterinarju f'Malta u tkun registrata fir-Registru tal-Veterinarji miżmum mill-Kunsill tal-Kirurgi Veterinarji.

TAQSIMA I

Trattament Xieraq ta' l-Animali

3. (1) L-Istat jagħmel hiltu, skond id-disposizzjonijiet ta' dan l-Att, biex jiproteęi l-hajja ta' l-animali u biex ma jhallix li jsiru, u jwajhal pieni għal, atti ta' moħqrija lejhom. Partikolarment, l-Istat jiproteęi dawn l-animali minn kull hidma mhux xierqa u minn prattiċi ta' xogħol li jmorru lil hinn minn, u ma jaqblux ma', n-natura tagħhom.

Dikjarazzjoni ta' prinċipji.

(2) L-Istat jirrikonoxxi li għandu d-dmir li jipromwovi l-harsien ta' l-animali, u li l-harsien ta' l-animali għandu jięi protett bl-intervent ta' l-Istat, bl-organi leęislattivi, ġudizzjarji u amministrattivi tieęhu.

(3) L-Istat jirrikonoxxi li hu d-dmir tieęhu li jikkollabora ma' l-ġhaqdiċi volontarji fil-qasam tat-trattament xieraq ta' l-animali, u li għandu d-dmir li jkattar il-kultura tar-rispett lejn l-animali.

TAQSIMA II

Twaqqif ta' Kunsill għat-Trattament Xieraq ta' l-Animali

4. (1) Għandu jkun hemm Kunsill għat-Trattament Xieraq ta' l-Animali li jkun magħmul minn -

Kunsill għat-Trattament Xieraq ta' l-Animali.

(a) id-Direttur tas-Servizzi Veterinarji, li jkun iċ-*Chairman*;

(b) rappreżentant mill-Ministeru responsabbli għas-servizzi veterinarji;

(ċ) veterinarju, li jaħdem fis-servizz pubbliku, b'esperjenza fil-mediċina għas-saħħa ta' l-animali;

(d) veterinarju, li jaħdem fis-servizz pubbliku, b'esperjenza f'affarijiet ta' animali tal-biedja;

(c) żewġ persuni li jirrappreżentaw l-interessi ta' organizzazzjonijiet għat-trattament xieraq ta' l-annimali; u

(f) żewġ persuni li jirrappreżentaw l-interessi tal-bdiewa u ta' organizzazzjonijiet għall-isports bl-annimali.

(2) Il-membri msemmija fis-subartikolu (1)(c) u (d) ikunu mahtura mill-Ministru għall-dak il-perjodu ta' żmien stabbilit mill-Ministru minn żmien għal żmien.

(3) Il-membri msemmija fis-subartikolu (1)(e) u (f) ikunu mahtura mill-Ministru fuq ir-rakkomandazzjoni ta' l-għaqdiet jew organizzazzjonijiet li, fl-opinjoni tal-Ministru, jirrappreżentaw l-għaqdiet jew organizzazzjonijiet relattivi.

(4) Jekk iċ-*Chairman* ikun assenti minn xi laqgħa tal-Kunsill, l-uffiċjal l-aktar anzjan li jiġi wara iċ-*Chairman* li jkun preżenti fil-laqgħa għandu jippresjedi.

(5) Il-Kunsill ikollu s-setgħa li jahtar sottokumitati, u li jippermetti l-preżenza, waqt il-laqgħat tiegħu, ta' persuni li ma jkunux membri tal-Kunsill.

(6) Il-Ministru għandu jahtar uffiċjal tad-dipartiment bħala Segretarju tal-Kunsill.

(7) Il-Kunsill, bi qbil mal-Ministru, jista' jahtar sotto-kumitati biex jichdu hsieb affarijiet speċifiċi bħal ma huma sistemi ta' *zamma* ta' annimali, bijoteknoloġija u esperimenti fuq l-annimali.

Dmirijiet tal-Kunsill.

5. Il-Kunsill -

(a) jkollu d-dmir li jagħti parir lill-Ministru dwar kull haġa -

(i) li għandha x'taqsam ma' l-għemil ta' regolamenti taht kull disposizzjoni ta' dan l-Att; u

(ii) li toqot is-sabħa ta' l-annimal u s-sabħa pubblika veterinarja f'Malta skond kif mitlub mill-Ministru;

(b) jkollu s-setgħa li jirrikomanda li jintużaw jew jiġu implimentati kull miżura, inkjesta jew investigazzjoni xjentifika li, skond il-fehma tiegħu, jistgħu jwasslu u huma meħtieġa fl-interess tat-trattament xieraq ta' l-annimali;

(c) jagħti parir lill-Ministru dwar l-affarijiet kollha li

ghandhom x'jaqsmu ma' bijoteknoloġija fl-annimali u esperimenti fuq l-annimali, u dwar il-hruġ ta' liċenzi taht it-Taqsima XI ta' dan l-Att;

(d) jaghti parir lill-Ministru dwar l-affarijiet kollha li ghandhom x'jaqsmu maż-żamma ta' sistemi ta' żamma ta' annimali u dwar l-hruġ jew xort'ohra ta' permessi taht it-Taqsima VII ta' dan l-Att; u

(e) il-Ministru, qabel ma johroġ regolamenti, ordnijiet jew regoli, ghandu jikkonsulta lill-Kunsill.

6. Il-Ministru jista' jaghmel, jibdel jew ihassar regolament ghat-twettiq korrett tax-xoghol tal-Kunsill. Bla hsara ghad-disposizzjonijiet ta' dawk ir-regolamenti u ta' dan l-Att, il-Kunsill jista' jirregola l-proċedura tieghu stess.

Setgħa għall-
għemil ta'
regolamenti.

TAQSIMA III Żamma ta' Annimali

7. (1) Annimali ma jistghux -

(a) jinżammu;

(b) jinżammu għall-ghan li jipproduċu prodotti ta' l-annimali; jew

(c) jinżammu marbutin, f'bini, f'imqajjel, f'gagēg jew postijiet ohra ta' din ix-xorta,

Regolamenti
dwar iż-żamma
ta' l-annimali.

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

(2) Il-Ministru jista' jaghmel regolamenti -

(a) biex jipprovdi għall-kondizzjonijiet li tahtom annimali ghandhom, f'kull każ, jinżammu;

(b) biex jipprovdi għall-mod li bih xi 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 ghandhom ikunu mifruda skond l-età, sess jew speċje;

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

(iv) hwejjeg li ghandhom x'jaqsmu ma' l-indafa ta' l-animall, il-lok fejn jinzammu l-animall u l-mizuri biex tigi zgurata s-sahha ta' l-animall;

(c) biex issir lista ta' kategoriji u speċje ta' animall li ghalihom ir-regolamenti jkunu applikabbli; u

(d) ghal kull haġa oħra li ghandha jew tista' tigi preskritt taht dan l-Att.

TAQSIMA IV Harsien ta' Animall

Harsien ta' animall.

8. (1) Il-Ministru jista' jagħmel regolamenti biex jipprovdi għall-mod li bih dawk l-ispeċi u kategoriji ta' animall kif jiġi preskritt għandhom jiġu mharsa, mitmugħa, misqijin, mdewwa u mgħallma u l-kwalifiki tal-persuni li jkunu responsabbli għal dan.

(2) L-ebda animall ma għandu jiġi mgieghel isofri uġiegh, tbatija jew dwejjaq mingħajr bżonn, u l-ebda animall ma jista' jiġi abbandunat.

(3) Kull min iżomm l-animall jew jaqbel li jzomm animall għandu jkun responsabbli għat-trattament xieraq tagħhom.

TAQSIMA V Interventi Kirurġiċi fuq Animall

Interventi kirurġiċi.

9. (1) Mhux permess li jsiru interventi kirurġiċi għal raġunijiet ta' tibdil ta' l-apparenza ta' l-animall, li fihom jitmehhew jew issir hsara lil xi parti jew partijiet ta' l-animall, hliet għal raġunijiet ta' kura. Interventi kirurġiċi jistghu jsiru biss min veterinarju jew taht ordni ministerjali mahruġ mill-Kunsill tal-Kirurġi Veterinarji.

(2) Il-Ministru jista' jagħmel regolamenti -

(a) biex jistabbilixxi l-mod u l-każijiet li fihom l-interventi kirurġiċi jistghu jsiru; u

(b) biex jiġu regolati t-trapjanti ta' embrijo fl-animall ta' dawk l-ispeċi jew kategoriji kif jista' jiġi stabbilit f'dawk ir-regolamenti.

Animall li jkunu għaddew minn interventi kirurġiċi projbiti.

10. Animall li kellhom intervent kirurġiku li ma kienx permess skond l-artikolu 9 -

(a) ma jithallewx jidhlu f'wirjiet, spezzjonijiet jew kompetizzjonijiet; u

(b) ma jistghux jinżammu sabiex jiġu mibjugħin, jiġu offruti għall-bejgħ, jinbiegħu jew jinxtraw.

TAQSIMA VI Qtil ta' l-Annimali

11. Il-Ministru jista' jagħmel regolamenti -

Qtil ta'
annimali.

(a) biex jispeċifika il-każijiet li fihom ikun permess li annimal jinqatlu u l-mod kif dik il-qatla għandha ssir;

(b) biex jiġi speċifikat il-mod kif, u l-persuna li mingħandha, l-annimal għandu jiġi maqtul; u

(c) biex jippreskrivi il-faċilitajiet u l-apparat ta' biċċeriji.

12. Il-Ministru jista' jagħmel regoli biex jiġu regolati l-metodi li bihom l-annimali jiġu mitlufa minn sensijhom u derogi minn dawn il-metodi: iżda dawn il-metodi għandhom iwasslu lill-annimal fl-istat ta' mitluf minn sensih sal-qatla.

Setgħa għall-
għemil ta' regoli
dwar metodi ta'
telfien ta' sensi.

13. (1) Hlief f'każ ta' emerġenza li viżibilment tfisser tbatija żejda u li tista' twassal għall-mewt, veterinarju biss jew persuna oħra kompetenti tista' toqtol annimal ta' razza domestikata jew li tappartjeni għal razza selvaġġa iżda li tkun giet domestikata, minbarra annimali miżmuma għall-produzzjoni ta' l-ikel.

Qtil ta' l-
annimali.

(2) Fejn ikun meħtieġ li annimal jiġi maqtul, dan għandu jsir b'mod li jkun hemm l-inqas tbatija fiżika u mentali għall-annimal kif ikun xieraq fiċ-ċirkostanzi.

(3) Hlief f'każ ta' emerġenza, il-metodu għandu jkun jew -

(a) li jikkawża telf tas-sensi u mewt immedjament; jew

(b) li jibda' b'injezzjoni ta' anestezija ġenerali u profonda lill-annimal segwita b'dak il-pass li finalment jikkawża l-mewt.

(4) Il-persuna li tkun responsabbli għall-qtil għandha tiżgura li l-annimal ikun mejjet qabel ma jsir disponiment mill-karkassa.

(5) Il-metodi ta' qtil li ġejjin huma projbiti:

(a) I-ghariq jew metodi oħra ta' soffokazzjoni li ma jwasslux għall-effetti meħtieġa fis-subartikolu (3) (b);

(b) I-użu ta' sustanzi velenużi jew drogi, li d-doża u l-applikazzjoni tagħhom ma tistax tiġi kkontrollata b'mod li tagħti l-effett msemmi fis-subartikolu (3);

(ċ) xokkijiet elettriċi, sakemm immedjatement qabel ma' jkunx hemm telfien tas-sensi.

Annimali
mweġġġhin jew
morda.

14. (1) Bla ħsara għad-disposizzjonijiet ta' l-artikolu 13, annimali mweġġġhin jew morda għandhom jinqatlu fuq il-post.

(2) Il-Ministru, wara li jikkonsulta mal-Kunsill jista' jagħmel regoli biex jawtorizza t-trasport ta' annimali mweġġġhin jew morda biex jinqatlu sakemm dan it-trasport ma jkunx ifisser iżjed tbatija lill-annimali.

TAQSIMA VI Żamma ta' l-Annimali

Setgħa għall-
għemil ta'
regolamenti
dwar sistemi ta'
żamma ta'
annimali.

15. (1) Il-Ministru jista', fuq il-parir tal-Kunsill, jagħmel regolamenti -

(a) biex jiġu preskritti l-kondizzjonijiet li fihom l-annimali jistgħu jinżammu;

(b) biex jipprovdi għall-kategoriji ta' persuni li jkunu awtorizzati biex iżommu dawk il-kategoriji u l-ispeċi ta' annimali; u

(ċ) biex jiġu stabbiliti l-proċeduri dwar applikazzjonijiet għal sistemi ta' żamma ta' annimali.

(2) L-applikazzjonijiet jistgħu jiġu approvati soġġetti għal dawk il-kondizzjonijiet u restrizzjonijiet, kif id-Direttur jidherlu xieraq li jimponi; l-ghoti jew ir-revoka tal-permessi għandhom jiġu ppubblikati fil-Gazzetta.

Sistemi ta'
żamma ta' l-
annimali.

16. (1) Sistemi ta' żamma ta' annimali ma jistgħux jiġu manufatturati, jinżammu sabiex jinbiegħu jew jiġu kkonsenjati jew isir użu minnhom xort'oħra, sakemm ma jkunux mibnija u miżmuma, u jharsu dawk il-faċilitajiet minimi għat-trattament xieraq ta' l-annimali, kif jista' jiġi preskritt.

(2) Sistemi ta' żamma ta' annimali li jkunu prodotti bil-massa,

ma jistghux jinżammu sabiex jinbieghu, jiġu kkonsenjati jew jintużaw għal xi speċi jew kategoriji ta' annimali sakemm ma jkunux provdut għal hekk fir-regolamenti msemmija fis-subartikolu (1).

17. (1) Id-Direttur jista', fuq parir tal-Kunsill, jagħti permess għal sistema ta' żamma ta' annimali wara li sssir applikazzjoni mill-produttur, importatur jew bejjiġh bl-imnut.

Applikazzjoni-
jiet għal sistemi
ta' żamma ta'
annimali.

(2) Ma' kull applikazzjoni għal permess għal sistema ta' żamma ta' annimali għandu jkun anness rapport dettaljat magħmul mill-produttur, li jiddeskrivi kif is-sistemi jghinu t-trattament xieraq ta' l-annimali.

18. (1) Sistemi ta' żamma ta' annimali li kienu miżmuma sabiex jinbieghu, jiġu kkonsenjati jew jinxtraw jew kienu fl-użu qabel id-dhul fis-sehh tar-regoli msemmija fl-artikolu 17, jkunu permessi li jinżammu għal hekk għal dak iż-żmien biss li jiġi preskritt.

Perjodu
transitorju.

(2) Ir-regoli msemmija fl-artikolu 17 jistghu jipprovdu wkoll għal perjodi transitorji li għandhom jiġiharsu minn persuni li jrabbu l-annimali

19. Id-Direttur jista' jirrevoka permess meta -

Revoka ta'
permess.

(a) it-tagħrif mogħti fi żmien l-applikazzjoni ma kienx korrett jew kien qarrieqi, b'tali mod li kieku ngħata t-tagħrif kif suppost fi żmien meta ingħata l-permess, l-applikazzjoni kienet tkun miċhuda;

(b) fl-opinjoni tal-Kunsill, jeżistu ċirkostanzi li jkunu ta' hsara għal-harsien u s-sigurtà ta' l-annimali;

(c) il-permess ikun ingħata għal sistema ta' żamma ta' annimali għal għan differenti mill-iskopijiet li s-sistema kienet intenzjonata li taqdi.

TAQSIMA VIII Tnissil ta' l-Annimali

20. (1) Il-Ministru jista' jagħmel regolamenti biex jipprovdi għat-tnissil ta' annimali, liema regolamenti jistghu jinkludu disposizzjonijiet li għandhom x'jaqsmu mal-metodu kif isir it-tnissil, kif ukoll l-ispeċi jew kategoriji ta' annimali li jistghu jiġu wżati għat-tnissil.

Tnissil ta' l-
annimali.

(2) Il-Ministru jista' jagħmel regolamenti biex jippreżkrivi illi l-friegħ ta' dawk l-ispeċi jew kategoriji kif jiġi stabbilit fir-regolamenti ma jiġux mifruda mill-ġenitur qabel ma jkunu laħqu dik

l-età li tista' tigi preskritta.

(3) Kull persuna li jkollha x'taqsam mat-tnissil ta' l-annimali ghandha tkun responsabbli ghar-rigward tal-karateristiċi anatomiċi, psikologiċi u komportamentali, li jistghu jkunu ta' riskju ghat-trattament xieraq tal-friegh jew ta' l-annimali ġenituri.

Bejgħ ta' annimali, eċċ.

21. L-ebda annimal, kif hemm imsemmi fir-regolament 20(2), ma jista' jinbiegħ, jinżamm għall-bejgħ, offrut għall-bejgħ, jinkera jew jiġi konsenjat għall-kummerċ jekk mhux skond r-regolamenti preskritti taht dan l-Att.

TAQSIMA IX Trasport ta' l-annimali

Regolamenti dwar il-trasport ta' annimali.

22. Il-Ministru jista' jagħmel regolamenti dwar il-mod kif għandu jsir it-trasport ta' annimali fuq l-art, bil-baħar jew bl-ajru.

Trasport ta' l-annimali.

23. (1) Annimali ta' l-ispeċi jew kategoriji, kif jista' jkun preskritti, ma jistghux jiġu trasportati, kemm lokalment minn post għal ieħor jew barra minn Malta, kemm-il darba -

(a) l-annimali ma jkunux akkompanjati b'ċertifikat mahruġ mill-uffiċjal mahtur mill-Ministru li jistqarr li sab l-annimali tajjeb għat-trasport; u

(b) l-annimali huma forniti bi jew akkompanjati b'marki ta' identifikazzjoni jew dokumenti msemmija fiċ-ċertifikati;

(ċ) isir taht dawk il-kondizzjonijiet u restrizzjonijiet li d-Direttur jidhirlu xieraq li jimponi; u

(d) it-trasport hu skond regolamenti preskritti taht dan l-artikolu.

(2) Id-disposizzjonijiet tas-subartikolu (1)(a) u (b) ma japplikawx għal trasport li jsir matul jew għall-benefiċċju tax-xogħol jew intrapriża ta' persuna sakemm dan jaqbel mar-regolamenti preskritti.

(3) Id-disposizzjonijiet tas-subartikolu (1) m'għandhomx japplikaw għat-trasport barra minn Malta ta' annimali li ma tghabbewx, għal għanijiet ta' trasport, f'Malta.

Hruġ ta' ċertifikat.

24. L-uffiċjal imsemmi fl-artikolu 23 għandu johroġ ċertifikat

biss wara li jkun spezzjona l-animali qabel ma jkunu tghabbew, u ma ghandux johrog ċertifikat -

(a) jekk l-animali ma jkunux forniti jew akkumpanjati b'marki ta' identifikazzjoni jew dokumenti msemmija fl-artikolu 23;

(b) jekk l-animali jkunu welldu tmienja u erbgħin siegħa qabel it-tluq;

(c) jekk jahseb li l-animali sejr in iwelldu waqt il-vjaġġ;

(d) jekk jahseb li l-animali huma morda jew mweġġgħa jew mhumiex f'qagħda tajba sabiex jiġu trasportati, wara li jiehu in konsiderazzjoni x-xorta tal-mezzi ta' trasport, ix-xorta, il-metodu u tul taż-żmien tal-vjaġġ jew taht liema ċirkostanzi se jsir it-trasport; u

(e) jekk jahseb li l-osservanza tal-kondizzjonijiet stabbiliti fi jew skond dan l-artikolu, ma tistax tiġi żgurata waqt it-trasport.

25. Id-Direttur jista' jhassar ċertifikat mahruġ skond l-artikolu 23 jekk jahseb li graw jew saru maghrufa ċirkostanzi li kieku kienu graw jew maghrufa fi żmien meta nġhata ċ-ċertifikat, il-hruġ tiegħu ma kienu isir.

Thassir ta' ċertifikat.

26. (1) Matul it-trasport ta' l-animali, dak li qed iġorr l-animali għandu jgħorr, f'kull hin, iċ-ċertifikati u d-dokumenti kollha mahruġa skond l-artikolu 23.

Garr ta' ċertifikati u dokumenti.

(2) Annimali li jimirdu jew li jweġġgħu matul it-trasport għandhom jirċievu l-ewwel għajnuna u kura kemm jista' jkun malajr; huma għandhom jingħataw kura veterinarja xierqa u, jekk meħtieġ, jinqatlu b'emergenza b'mod li ma jbatux bla bżonn.

TAQSIMA IX

L-Użu ta' Annimali f'Kompetizzjonijiet

27. Kompetizzjonijiet intiżi sabiex jiddeterminaw l-veloċità jew is-saħħa ta' annimal ma jistgħux jiġu organizzati, u lanqas jistgħu annimali jiddaħħlu għall-kompetizzjonijiet bħal dawn, sakemm il-kompetizzjonijiet ma jsirux skond regolamenti magħmulin taht dan l-artikolu.

Kompetizzjonijiet.

Regolamenti
dwar annimali li
jinzammu għal
skopijiet ta'
rikreazzjoni,
eċċ.

28. Il-Ministru jista' jagħmel regolamenti dwar iż-żamma ta' annimali għall-iskopijiet ta' rikreazzjoni, sports, taġlim, edukazzjoni, wirjiet pubbliċi, wirjiet, esibizzjonijiet, bejgh fis-suq u bl-irkant jew għall-skopijiet oħra bħal dawn.

Regolamenti
dwar sustanzi li
jistgħu
jingħataw.

29. Il-Ministru jista' jagħmel regolamenti sabiex jiġi regolat l-ghoti ta' sustanzi li jistgħu jiġu uzati fuq l-annimali fil-kompetizzjonijiet.

Spezzjon ta' l-
annimali.

30. (1) Annimali ma jistgħux jiddaħhlu f'kompetizzjonijiet jew jippartecipaw f'kompetizzjonijiet jekk, wara spezzjon, jinstabu sustanzi, waħda jew aktar, kif jista' jiġi preskritt f'regolamenti, fil-ġisem ta' l-annimal, li l-ingredjenti ta' tagħhom jew il-metaboliti jeċċedu l-ghola kwantità stabbilita fl-imsemmija regolamenti.

(2) Il-Ministru jista' jagħmel regolamenti biex jipprovdi għal-mod kif l-ispezzjonijiet imsemmija fis-subartikolu (1) għandhom isiru.

Ġlied ta'
annimali.

31. Ma jistgħux jiġu organizzati ġlied ta' annimali, u annimali ma jistgħux jiddaħhlu għall-ġlied bejn annimali.

TAQSIMA XI

Bioteknoloġija u Esperimenti fuq l-Annimali

Bioteknoloġija.

32. (1) Dawk il-persuni biss li jkollhom liċenza maħruġa mill-Ministru, fuq il-parir tal-Kunsill, jistgħu jwettqu xi waħda mill-azzjonijiet li ġejjin:

(a) it-tibdil tal-materjal ġenetiku ta' l-annimali b'mod li l-perimetri naturali tar-riproduzzjoni sesswali u ta' rikombinazzjoni jiġu injorati;

(b) l-applikazzjoni ta' teknoloġija bioteknoloġika fuq annimali jew embrijoni; u

(ċ) l-amministrazzjoni ta' dawk is-sustanzi, kif jiġi preskritt b'regolamenti magħmulin taht dan l-artikolu li jbiddu l-funzjonament ta' annimal li jiffirma parti minn dawk l-ispeċi jew kategoriji ta' annimali kif jista' jkun indikat fl-imsemmija regolament.

(2) Annimali jew prodotti ta' annimali li jkunu ġew soġġetti għall-azzjonijiet msemmija fis-subartikolu (1) ma jistgħux jiġu prodotti, trasportati, mogħtija lil haddiċhor, mibjugħa, mixtrija, jinzammu għall-bejgh, isir disponiment minnhom jew jiġu importati f'Malta, mingħajr l-awtorità bil-miktub tal-Ministru, jew bi ksur ta' xi kondizzjoni annessa ma' dak il-permess.

(3) Il-liċenzi msemmija fis-subartikolu (1) jistghu jinharġu, jiġu sospizi, jiġu mibdula jew jiġu revokati mill-Ministru.

33. (1) Il-liċenza msemmija fl-artikolu 32 ghandha tinharġ biss meta l-azzjonijiet konċernati mhumiex ser jaffetwaw it-trattament xieraq ta' l-annimali, u dawn l-azzjonijiet mhumiex kontra regoli ta' etika u *standards* li jistghu jsiru mill-Kunsill. Hruġ ta' liċenza.

(2) Il-liċenza ghandha tindika ghal liema azzjoni hi mehtieġa u tista' tinkludi kull kondizzjoni li l-Ministru jidhirlu mehtieġa.

34. Il-Ministru jista' jagħmel regolamenti dwar il-proċeduri li għandhom jiġu segwiti biex jinharġu liċenzi msemmija fl-artikolu 32. Applikazzjonijiet għal-liċenza.

35. (1) Ma jistghux isiru esperimenti fuq annimali minghajr liċenza mahruġa mill-Ministru, fuq il-parir tal-Kunsill jew xi sottokomitat delegat mill-Kunsill. Liċenzi għal esperimenti fuq annimali.

(2) Liċenzi mahruġa mill-Ministru jagħtu permess għall-esperimenti sakemm dawn ikunu ta' benefiċċju, jew direttament jew indirettament, għas-saħħa u l-ikel tal-bnedmin jew annimali kif ukoll għal kull għan ieħor li jitqies mill-Ministru li hu ta' valur suffiċjenti.

(3) Il-Ministru jista' jagħmel regolamenti li jispeċifikaw t-tagħrif mehtieġ għall-hruġ ta' liċenza biex isiru esperimenti fuq annimali, u d-drittijiet dovuti biex isiru applikazzjonijiet għal dawk il-liċenzi, kif ukoll ir-raġunijiet li għalihom jistghu jiġu rifjutati l-applikazzjonijiet.

(4) Liċenzi jistghu jinharġu taht dawk il-kondizzjonijiet u restrizzjonijiet, kif il-Ministru jista' jidhirlu xieraq li jimponi.

36. (1) Il-Ministru jista' jagħmel regolamenti li jipprovdu għall-proċeduri li għandhom jiġu segwiti fil-każ ta' esperimenti li jinvolvu animal. Esperimenti fuq annimali.

(2) L-esperimenti, li għalihom jirreferu dawk ir-regolamenti, għandhom jiġu dikjarati speċifikatament lill-Kunsill u ma jistghux isiru sakemm ma jkunux awtorizzati mill-Kunsill.

(3) L-esperimenti fuq l-annimali, jistghu jsiru biss minn persuni kompetenti awtorizzati, jew taht ir-responsabbiltà diretta tagħhom, u biss jekk l-esperiment jew il-proġett xjentifiku ieħor konċernat huwa awtorizzat skond id-disposizzjonijiet ta' dan l-Att.

37. (1) Liċenza tista' tingħata lill-persuni kompetenti soġġetta għal dawk ir-restrizzjonijiet u dawk il-kundizzjonijiet kif il-Ministru jista' jidhirlu xieraq li jimponi, u dawn jistghu jinbidlu, jiżdedu jew jiġu mhassra mill-Ministru. Hruġ u tħassir ta' liċenzi.

(2) Liċenża tiġi revokata jekk it-tagħrif mogħti fl-applikazzjoni ikun mhux korrett, mhux eżatt jew qarriċi b'mod illi deċiżjoni differenti kienet tingħata li kieku t-tagħrif korrett ingħata meta l-applikazzjoni kienet qed tiġi kkunsidrata.

(3) Liċenża tista' tiġi revokata -

(a) jekk min għandu l-liċenża ma jħarisx il-kundizzjonijiet tal-liċenża;

(b) jekk il-liċenża ma tintużax għal perjodu kontinwu ta' sena.

(4) Liċenża mahruġa taħt din it-Taqsima ta' dan l-Att tista' tingħata lill-persuna naturali jew ġuridika imma mhix trasferibbli; jekk min ikollu l-liċenża hu persuna naturali, il-liċenża tiegħi mal-mewt tiegħu, u ma tintiretx.

Għan ta' esperimenti.

38. (1) Ma jista' jsir l-ebda esperiment fuq l-animali jekk kemm-il darba il-mod kif jista' jsir l-esperiment ma jkunx determinat minn persuna li għandha kwalifiki li jissodisfaw il-htigiet meħtieġa f'regolamenti li jistgħu jiġu preskritti.

(2) L-ebda esperiment fuq l-animali ma jista' jsir -

(a) għal skop li jista' jintlahaq ukoll permezz ta' esperiment ieħor li ma jinvolvi animali, jew permezz ta' esperiment li juża anqas animali jew permezz ta' esperiment li johloq inqas uġiegh mill-esperiment konċernat; jew

(b) għal skop li l-importanza tiegħu ma tiġġustifikax l-uġiegh li jhoss l-animali; jew

(c) għal dawk l-iskopijiet li jistgħu jiġu preskritti.

Esperimenti illegali.

39. (1) Ma jista' jsir l-ebda esperiment fuq animali li -

(a) ma kienux mrobbija fi stabbiliment ta' trobbija liċenzjat mmexxi minn persuna li jkollha l-liċenża; jew

(b) ma kienux ġew akkwistati direttament minn stabbiliment ieħor liċenzjat fejn l-animali jitrabbejw jew jintużaw esklussivament jew bl-għan ewlieni li jintużaw għall-esperimenti fuq l-animali jew riċerka xjentifika.

(2) Għall-għanijiet tas-subartikolu (1) "stabbiliment tat-trobbija" tfisser kull stabbiliment fejn l-animali jitrabbejw biex jiġu wżati f'esperimenti.

40. (1) Kull min ghandu liċenża skond l-artikolu 37 huwa obligat li jiżgura li l-animall jsofri tbatija mill-anqas minghajr ma jintilef l-ghan ta' l-esperiment.

Obbligazzjonijiet tal-persuna li jkollha l-liċenża.

(2) Kull min ghandu liċenża ghandu jiżgura li jekk l-animall, li fuqu qed isir l-esperiment, jista' jsofri tbatija minhabba azzjonijiet li jsiru minghajr anestetiku, ghandu jaghti lill-animall anestetiku ġenerali jew lokali biex ma jhallix li dan isir.

[Zda dan l-obbligu ma japplikax f'dawk il-każijiet fejn l-anestetiku jtellf l-ghan ta' l-esperiment.

(3) Kull min ghandu liċenża ghandu jiżgura li kull l-animall li, li kicku kellu jghix, jsofri tbatija ghal iżjed minn żmien qasir, bħala riżultat ta' xi azzjoni li tkun parti mill-esperiment, jinqatel immedjatament. Jekk kemm-il darba f'dan il-każ l-iskop ta' l-esperiment ma jintlahaqx, l-animall ghandu jinqatel immedjatament hekk kif jispiċċa l-esperiment.

(4) Il-Ministru jista' jagħmel regolamenti biex jippreskrivi illi dawk il-kategoriji ta' trattament kif jista' jkun speċifikat fir-regolamenti għandhom fil-każijiet kollha jsiru bl-anestetiku.

41. (1) Kull min ghandu liċenża ghandu jzomm notamenti dettaljati ta' kif ġew akkwistati l-animalli għall-esperimenti kif ukoll dwar l-esperimenti li jsiru, u ghandu jaghti din l-informazzjoni lill-Kunsill.

Notamenti dwar esperimenti.

(2) Kull min ghandu liċenża huwa obligat li jkollu is-servizzi ta' veterinarju biex ihares is-saħħa ta' l-animalli li fuqhom isiru l-esperimenti.

42. (1) Il-Ministru jista' jagħmel regolamenti biex jirregola t-twaqqif, l-amministrazzjoni, iż-żamma u l-manutenzjoni ġenerali ta' kull stabbiliment, bini jew grupp ta' bini, postijiet jew faċilitajiet oħra li huma bl-iskop li jsiru esperimenti fuq l-animalli.

Setgħa għall-għemil ta' regolamenti dwar l-amministrazzjoni, eċċ.

(2) Ma jistgħux jiġu mrobbija jew forniti animalli għall-ghan ta' esperimenti minghajr liċenża mahruġa skond regolamenti mahruġa taht is-subartikolu (1).

TAQSIMA XII Animalli Aggressivi

43. (1) Sakemm ma jiġix preskritt mod ieħor, animalli aggressivi li jistgħu johlqu periklu għas-sigurtà tal-bniedem jew animalli oħra u li jappartjenu għal dawk il-kategoriji indikati mill-Ministru ma jistgħux jitrabbew, jew jiġu importati jew mibjugħa

Animalli aggressivi.

f'Malta.

(2) Sakemm ma jiġix preskritt mod ieħor, annimali aggressivi ma jistgħux jinżammu għal bejgħ u jistgħu jinqatlu jekk id-Direttur jidhirlu li dan ikun meħtieġ jew neċessarju.

TAQSIMA XIII

Uffiċjali għat-Trattament Xieraq ta' l-Animali

Setgħa għall-
għemil ta'
regolamenti
dwar uffiċjali.

44. (1) Il-Ministru jista' jagħmel regolamenti biex jipprovdi għal u jirregola d-dmirijiet u s-setgħat ta' uffiċjali, hawnhekk iżjed 'il quddiem imsejha uffiċjali għat-trattament xieraq ta' l-animali, li jkunu responsabbli għall-infurzar tad-disposizzjonijiet ta' dan l-Att.

(2) Mingħajr preġudizzju għad-disposizzjonijiet tas-subartikolu (1), kull membru tal-Forza tal-Pulizija u kull gwardjan lokali jitqies, bis-saħħa tal-kariga tiegħu, bħala uffiċjal għat-trattament xieraq ta' l-animali maħtur biex jaġixxi b'mod ġenerali għall-għanijiet ta' dan l-Att.

(3) L-uffiċjali għat-trattament xieraq ta' l-animali għandhom jaġixxu taħt id-direzzjoni tad-Direttur fl-eżerċizzju u fit-twettiq tas-setgħat, dmirijiet u funzjonijiet tagħhom mogħtija jew imposti fuqhom skond dan l-Att.

TAQSIMA XIV

Reati u Pieni

Reati u peni.

45. (1) Kull persuna li tikser id-disposizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmulin taħtu teħel, meta tinsab haġja, multa ta' mhux inqas minn mitt lira iżda mhux aktar minn għoxrin elf lira, jew priġunerija għal perijodu ta' mhux iżjed minn sena, jew dik il-multa u l-priġunerija flimkien.

(2) Il-Ministru jista' jagħmel regolamenti għall-infurzar ta' kull restrizzjoni jew obbligu li għandhom x'jaqsmu mal-protezzjoni ta' animali u t-trattament xieraq ta' animal b'mod ġenerali, li jinsabu f'dan l-Att jew f'xi regolament magħmul taħtu, inklużi, fost oħrajn, il-konfiska ta' animali u t-telfien ta' kull liċenza jew permess maħruġin taħt dan l-Att.

Setgħa għall-
għemil ta'
regolamenti
dwar
restrizzjonijiet u
obbligi.

46. Il-Ministru jista' jagħmel regolamenti biex jenforza kull restrizzjoni jew obbligu li għandhom x'jaqsmu mat-trattament xieraq ta' l-animali b'mod ġenerali li jkunu jinsabu f'konvenzjoni, fi trattat jew fi ftehim internazzjonali ieħor li tagħhom Malta tkun parti, u jista' jipprovdi fir-regolamenti li kull kontravvenzjoni ta' xi restrizzjoni jew obbligu bħal dan tikkostitwixxi reat kontra dan l-Att

u min jagħmel ir-reat jehel piena, kif tista' tiġi preskritta, li tkun piena ta' multa ta' mhux aktar minn hamsa w ghoxrin elf lira:

Izda ma jistax isir ebda regolament bħal dan sakemm dak l-istrument internazzjonali ma jiġix ratifikat minn Malta skond il-liġi.

47. (1) Meta d-Direttur ikollu tabilhaqq għaliex jifhem li -

Pieni
amministrattivi.

(a) jkun sar xi reat kontra dan l-Att minn xi persuna; u

(b) filwaqt li jqis il-kondotta preċedenti tal-persuna inkwistjoni, ikun iktar xieraq li tinghata piena taht dan l-artikolu,

huwa jista' jamar li jiġi notifikat avviż bil-miktub skond ma hemm fis-subartikolu (2) u fl-għamla kif dovuta lil dik il-persuna.

(2) Avviż taht is-subartikolu (1) għandu jispeċifika -

(a) d-data u x-xorta tar-reat;

(b) sunt tal-fatti li fuqhom tkun imsejsa l-allegazzjoni li jkun sar reat (li jkun sunt suffiċjenti biex b'mod komplet u ġust jgħarraf lill-persuna bl-allegazzjoni kontrih);

(ċ) kull haġa oħra (li ma tkunx dwar xi sejbien ta' htija preċedenti) li d-Direttur jikkunsidra rilevanti biex tkun tista' tinghata piena; u

(d) l-ammont ta' piena dovut, u meta l-piena dovuta tkun tiddependi fuq xi sejbien ta' htija preċedenti, id-data ta' dak is-sejbien ta' htija,

u dan it-tagħrif għandu jkun endorsjat fuq dikjarazzjoni li ssemmi d-disposizzjonijiet ta' dan l-artikolu.

(3) Kull min jiġi notifikat b'avviż taht is-subartikolu (1) jista', fi żmien tletin ġurnata minn dak is-servizz b'avviż bil-miktub f'għamla xierqa li tiġi notifikata lid-Direttur, jitlob li l-proċedimenti għar-rigward tar-reat allegat isiru quddiem il-Qorti, f'liema każ japplikaw dawn id-disposizzjonijiet:

(a) ma jittiehdu ebda proċedimenti oħra taht dan l-artikolu mid-Direttur; u

(b) ebda haġa f'dan l-artikolu m'għandha tiftiehem bħala li tipprevjeni l-istituzzjoni ta' proċedimenti għar-rigward tar-reat allegat jew tas-sejbien ta' htija tal-persuna għar-reat

mill-Qorti jew l-impozizzjoni ta' xi piena jew konfiska taht dan l-Att meta hekk jinsab hati.

(4) Kull min ikun inghatalu avviż taht is-subartikolu (1) u ma jkunx irid li l-proċedimenti għar-rigward tar-reat allegat isiru quddiem il-Qorti jista' b'avviż bil-miktub li jiġi notifikat lid-Direttur -

(a) jammetti r-reat, u

(b) jhallas l-ammont tal-piena lid-Direttur fi żmien tletin ġurnata wara li jkun ġie lilu notifikat l'avviż tal-piena jew wara kull perjodu sussegwenti hekk kif id-Direttur jista' jispeċifika.

(5) Meta taht dan l-artikolu persuna tammetti reat, id-Direttur iwahhal lil dik il-persuna piena ta' flus għar-rigward tar-reat li tkun tammonta għal wiċċed minn tlieta ta' l-oghla piena li dik il-persuna kienet tehel li kieku nstabet hatja tar-reat mill-Qorti.

(6) Il-piena imposta taht is-subartikolu (5) tkun dovuta bħala dejn ċivili esegwibbli mill-Qorti ta' ġurisdizzjoni ċivili kompetenti favur il-Gvern u d-dikjarazzjoni mill-persuna li tkun wehlet il-piena li tkun tammetti l-akkuża għandha tikkostitwixxi titolu esekuttiv għall-ghanijiet ta' l-artikolu 253 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili bl-istess mod bħallikieku kienet sentenza tal-Qorti ta' ġurisdizzjoni ċivili kompetenti.

(7) Minkejja kull disposizzjoni oħra ta' dan l-Att jew ta' kull liġi oħra, meta tkun saret l-ammissjoni ta' reat taht dan l-artikolu, ma tista' ssir ebda akkuża għar-rigward ta' dak ir-reat kontra min ikun għamel dik l-ammissjoni.

(8) Meta min lilu jiġi notifikat avviż taht is-subartikolu (1) ma jammettix ir-reat fi żmien tletin ġurnata wara li jkun ġie notifikat bl'avviż, id-Direttur għandu jibda proċedimenti jew jara li jinbdew proċedimenti quddiem il-Qorti għar-rigward tar-reat allegat.

TAQSIMA XV

Eċċezzjonijiet dwar Kaċċa u Qtil

48. Bla hsara għall-artikoli 32 sa 42 (it-tnejn inklużi), il-kaċċa jew il-qtil ta' animal fl-istat selvaġġ tiegħu, jew ta' animal selvaġġ jew animal li jinfesta, ma għandhomx jiġu regolati bid-disposizzjonijiet ta' dan l-Att.

Kaċċa għall-
animali.

TAQSIMA XVI

Appelli

49. (1) Meta d-Direttur jiġhad l-ghoti ta' xi permess jew liċenza meħtieġa skond jew taht dan l-Att, jew ivarja dak il-permess jew dik il-liċenza jew iħassar l-istess, il-persuna li tkun talbet il-permess jew il-liċenza jew il-persuna mogħtija l-permess jew il-liċenza, skond il-każ, ikollha d-dritt, mhux aktar tard minn hamest ijiem ta' xogħol, li tappella mid-deċiżjoni tad-Direttur permezz ta' ittra lill-Ministru fejn tagħti r-raġunijiet tagħha l-ghala d-deċiżjoni tad-Direttur għandha tiġi mhassra jew mibdula.

Reviżjoni ta'
deċiżjonijiet
tad-Direttur.

(2) Il-Ministru, malli jirċievi appell skond is-subartikolu (1), għandu jibgħat l-istess appell lid-Direttur biex fi żmien jumejn jagħmel rapport bil-miktub lill-Ministru, fejn jindika l-ghala l-appell għandu jiġi miġhud; iżda d-Direttur jista' jekk jidhirlu li l-appell ikun ġustifikat, jibdel id-deċiżjoni tiegħu skond l-appell u jinforma lill-Ministru fiż-żmien mogħti lilu għar-risposta.

(3) Meta l-Ministru jirċievi r-risposta tad-Direttur, jew ikun għadda ż-żmien għal dik ir-risposta bla ma jkun irċieva l-istess, hu għandu minnufih jibgħat l-appell u r-risposta tad-Direttur, jekk ikun hemm, lill-Kumitat imwaqqaf skond is-subartikolu (4) biex l-istess Kumitat jagħtih parir dwar l-istess.

(4) Għandu jkun hemm Kumitat li jkun kompost minn dawk il-membri tal-Kunsill mahtura taht l-artikolu 4(1)(ċ), (d) u (e) u minn wiehed minn dawk mahtura skond l-artikolu 4(1)(f); il-membri mahtur skond il-paragrafu (d) fuq imsemmi jkun il-President ta' dan il-Kumitat.

(5) Il-Kumitat għandu, fi żmien hamest ijiem minn meta jkun irċieva l-appell mingħand il-Ministru, jistudja l-kwistjoni, jisma' kull persuna li jidhirlu xierqa, jichu l-pariri kollha meħtieġa, u jibgħat il-parir tiegħu bil-miktub, flimkien ma' kull verbal ta' kull xieħda mismugħa u ta' kull parir mogħti lill-Kumitat, lill-Ministru dwar kif għandu jinqata' l-appell.

(6) Il-Ministru għandu jaqta' l-appell skond il-parir tal-Kumitat u jagħti ordni bil-miktub lid-Direttur skond id-deċiżjoni tiegħu; kopja ta' kull deċiżjoni tal-Ministru għandha tintbagħat ukoll lill-appellant.

TAQSIMA XVII

Revoka

50. L-artikoli 38, 40, 62, 97, 125, 127 u t-Taqsima VIII, hawn

Revoka.
Kap. 10.

A 1778

izjed 'il quddiem imsejha "l-artikoli revokati", tal-Kodiċi tal-Liġijiet tal-Pulizija huma revokati:

Izda kull regolament magħmul bis-sahha ta' l-artikoli revokati ghandu jibqa' fis-sehh bhallikieku sar taht dan l-Att, u jista' jiġi emendat, sostitwit jew revokat skond hekk.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 659 tal-5 ta' Diċembru, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

11th December, 2001

ACT No. XXV of 2001

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

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

(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.

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

"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 Welfare 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:

Cap. 389.

"local warden" means any warden appointed under the Private Guards and Local Wardens Act:

"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 by the Veterinary Surgeons Council.

PART I

Animal Welfare

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.

Declaration of principles.

(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

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

Council for Animal Welfare.

(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.

Duties of
Council.

5. The Council shall -

(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;

(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; and

(e) the Minister, in issuing regulations, orders or rules under this Act, shall consult the Council.

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

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,

Regulations regarding keeping of animals.

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

Surgical operations.

9. (1) Surgical operations for the purpose of modifying the appearance of an animal by which any part of the animal's body is removed or damaged, other than for a curative purpose, shall be illegal. Surgical operations shall be carried out by a veterinary surgeon or pursuant to a Minister's order issued in consultation with the Veterinary Surgeons Council.

(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.

Animals which have undergone prohibited surgical operations.

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

(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

Killing of animals.

11. The Minister may make regulations -

(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 unconsciousness which lasts until they are slaughtered. Power to make rules on stunning methods.

13. (1) Except in cases of an emergency which visibly indicate extreme pain conducive to death, only a veterinary surgeon or another competent person shall be permitted to kill an animal of a domesticated breed or any wild animal which has been domesticated, except animals bred for the production of food. Killing of animals.

(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.

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

(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.

Animal housing systems.

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.

(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).

Applications for housing system.

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.

(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.

Transitional period.

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.

(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

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.

Breeding of animals.

(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.

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.

Sale of animals, etc.

PART IX 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.

Regulations regarding transport of animals.

23. (1) Species and categories of animals, as may be

Transport of animals.

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.

Issue of
certificate.

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 -

(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

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.

Competitions.

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 animals for purposes of recreation, etc.

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

Regulations regarding administration of substances.

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.

Inspection of animals.

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

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

Animal fights.

Part I
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.

Issue of licence. **33.** (1) The licence referred to in article 32 shall be issued 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.

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

Licence for experiments. **35.** (1) No animal experiment may be conducted without a 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 procedures to be followed in the case of experiments involving an animal. Animal experiments.

(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.

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. Grant and revocation of licences.

(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.

Obligations of licence holder.

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.

(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

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. Aggressive animals.

(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

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. Power to make regulations relating to officials.

(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 twenty thousand liri or to a term of imprisonment for a period not exceeding one year, 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.

Power to make regulations regarding restrictions or obligations.

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:

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

Administrative penalties.

47. (1) Where the Director has reasonable cause to believe that -

(a) an offence against this Act has been committed by any person; and

(b) having regard to the previous conduct of the person concerned, it would be appropriate to impose a penalty under this article,

he may cause a notice in writing in accordance with subarticle (2) in the appropriate form to be served on that person.

(2) A notice under subarticle (1) shall specify -

(a) the date and nature of the offence;

(b) a summary of the facts upon which the allegation that an offence has been committed is based (being a sufficient summary fully and fairly to inform the person of the allegation against him);

(c) any other matters (not being previous convictions) that the Director considers relevant to the imposition of a penalty; and

(d) the amount of the penalty due, and where the penalty due depends on a previous conviction, the date of such conviction,

and shall be endorsed on a statement setting out the provisions of this article.

(3) Any person on whom a notice under subarticle (1) is served may, within thirty days after such service by notice in writing in the appropriate form served on the Director, require that proceedings in respect of the alleged offence shall be dealt with by the Court, in which case the following provisions shall apply:

(a) no further proceedings shall be taken under this article by the Director; and

(b) nothing in this article shall be construed to prevent the institution of any proceedings in respect of the alleged offence or the conviction of the person for the offence by the Court or the imposition of any penalty or forfeiture under this Act upon such conviction.

(4) Any person on whom a notice under subarticle (1) is served who does not wish that proceedings in respect of the alleged offence shall be dealt with by the Court may by notice in writing served on the Director -

(a) admit the offence, and

(b) pay the amount of the penalty to the Director within thirty days after the notice of the penalty is served or after such subsequent period as the Director may determine.

(5) Where under this article a person admits an offence, the Director shall impose a monetary penalty on that person in respect of the offence amounting to one third of the maximum penalty to which the person would be liable if he were convicted of the offence by the

Court.

Cap. 12.

(6) The penalty imposed under subarticle (5) shall be due as a civil debt enforceable by the competent Court of civil jurisdiction in favour of the Government and the declaration by the person on whom the penalty is imposed that he admits the charge shall constitute an executive title for the purposes of article 253 of the Code of Organization and Civil Procedure in the same manner as if it were a judgement of the competent Court of civil jurisdiction.

(7) Notwithstanding any other provisions of this Act or of any other enactment, where an offence has been admitted under this article no charge may be laid in respect of the offence against any person by whom it has been admitted.

(8) Where a person on whom a notice under subarticle (1) is served does not, within thirty days after the notice is served on him, admit the offence, the Director shall institute proceedings or cause proceedings to be instituted before the Court in respect of the alleged offence.

Part XV

Exceptions in relation to hunting or killing

Hunting of animals.

48. 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.

Part XVI

Appeals

Revision of Director's decisions.

49. (1) Where the Director refuses the issuing of a permit or of a licence required by or under this Act, or modifies such permit or licence or cancels the same, the person applying for the permit or licence or the person holding the permit or the licence, as the case may be, shall have the right, by not later than five working days, to appeal against the Director's decision by means of a letter addressed to the Minister wherein that person shall state the reasons why the decision of the Director should be cancelled or modified.

(2) The Minister shall, as soon as he receives the appeal in accordance with subarticle (1), send the said appeal to the Director so that, within two days, the Director may make a report in writing to the Minister, wherein he shall indicate the reasons why the appeal should be quashed; however the Director may, where it appears to him that the appeal is justified, change his decision in accordance with the appeal and inform the Minister, within the period given to him for his

reply.

(3) When the Minister receives the Director's reply, or the time given for the reply shall have elapsed without the receipt, by the Minister, of such reply, the Minister shall immediately send the appeal and the Director's reply, if any, to the Committee established under subarticle (4), so that the said Committee may give its advice, to the Minister on the appeal.

(4) There shall be a Committee which shall be composed of those members of the Council appointed under article 4(1)(c), (d) and (e) and one of the members appointed in terms of article 4(1)(f); the member appointed in terms of paragraph (d) above-mentioned shall be the Chairman of the Committee.

(5) The Committee shall, within five days of its receipt of the appeal from the Minister, study the case, hear any person whom it shall deem appropriate, receive all the advice necessary, and send its advice in writing, together with the transcript of any evidence heard and any advice given to the Committee, to the Minister as to the manner in which the appeal is to be dealt with.

(6) The Minister shall decide on the appeal in accordance with the Committee's advice and shall give an order in writing to the Director according to his decision; a copy of the Minister's decision shall also be sent to the appellant.

PART XVII Miscellaneous

50. 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.

A 1798

Passed by the House of Representatives at Sitting No. 659 of the
5th December, 2001.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives