

**354. L-Onor. Mario Galea MP, jipproponi:**

L-Ewwel Qari ta' Abbozz ta' Liġi biex jemenda l-“Att dwar it-Trattament Xieraq tal-Annimali, Kap 439”.

02.06.16

\_\_\_\_\_ ta' \_\_\_\_\_, 2016

**ATT Nru. \_\_\_\_\_ tal-2016**

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

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

Titolu fil-qosor u dħul 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 l-Att.

(3) Avviż taht 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 ingiebu 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 "animali" għandha tiżdied it-tifsira ġdida li ġejja:

" "adattat" tfisser, fir-rigward ta' kullar, kullar li hu ta' qies ta' mill-anqas pulzier wiehed iktar miċ-ċirkonferenza tal-ghonq tal-kelb;"

(b) minnufih wara t-tifsira "immarkar" għandhom jiżdiedu t-tifsiriet godda li ġejjin:

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

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

"kullar elettroniku" tfisser kullar li jitlibbes lil animal biex jikkontrollah billi jagħti xokk elettriku;"

(c) minnufih wara t-tifsira "uffiċjal għall-harsien xieraq tal-animali" għandha tiżdied it-tifsira ġdida li ġejja:

" "torbot" tfisser li trazzan animal billi torbtu ma kwalunkwe oġġett jew struttura stazjonarja bi kwalunkwe mezz inkluż imma mhux limitat biss għal katina, haġel, korda, ċinga jew taljola jew kejbilran iżda ma jinkludix l-użu ta' ċinga meta persuna tmexxi kelb f'post

pubbliku;".

Emenda tal-  
artikolu 7  
tal-Att  
prinċipali.

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

"7. (1) Annimali ma jistgħux –

- (a) jinżammu;
- (b) jinżammu għall-għan li jipproduċu prodotti tal-annimali; jew
- (c) jinżammu marbutin, f'bini, f'imqajjel, f'gagėg jew postijiet oħra ta' din ix-xorta,

sakemm ma jappartjenux f'kull każ għal-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 maqful, jew jintrabat b'katina, marbuta ma' oġġett wieqaf b'hala mezz primarju ta' żamma.

Iżda, xejn f'dan ir-regolament ma għandu jinftiehem li jipprojbixxi persuna milli jmexxi kelb permezz ta' ċinga li tinżamm fl-idejn.

Iżda wkoll, il-projbizzjoni fuq l-irbit jew trażzin ta' klieb ma għandhiex tapplika waqt proċeduri veterinarji jew matul it-trasport ta' klieb.

(3) Minkejja is-subartikolu 7 (2) hawn fuq kull uffiċjal għall-ħarsien xieraq tal-annimali jista' waqt spezzjoni jagħti struzzjonijiet lis-sid jew kustodju ta' kelb biex temporanjament jorbot jew irażzan kelb aggressiv li jista' joħloq perikolu lill-pubbliku, lill-annimali jew lill-proprjeta.

(4) Tgħalliq jew sofferenza bla bżonn permezz tal-ilbies ta' kullar lil kwalunkwe kelb għandha tiġi projbita permezz tal-użu ta' kullar adattat.

(5) L-użu ta' ċinga ta l-metal minflok kullar huwa projbit.

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

(7) Il-Ministru jista' jagħmel regolamenti –

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

(b) biex jipprovdi għall-mod li bih xi speċje jew kategorija ta' annimali, kif jista' jkun preskritti 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 jinġhata lill-annimali;
- (iv) ħwejjeġ li għandhom x'jaqsmu mal-indafa tal-annimal, il-lok fejn jinżammu l-annimali u l-miżuri biex tiġi żgurata s-saħħa tal-annimal;

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

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

*Am Galea.*

MARCA Galea MS  
2 ta' Grunju 2016.

*DAVID AGIUS*

ACT No. \_\_\_\_ of 2016

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

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 "marking" there shall be added the following new definitions:

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

"collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog;

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

(c) immediately after the definition "animal welfare officer" there shall be added the following new definitions:

" "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;"

*kg*

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 regulation 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 subarticle 7 (2) above 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 through the use of an adequate collar.

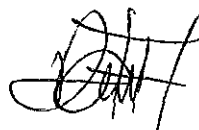
(5) The use of a metal chain instead of a collar shall be prohibited.

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

  
MARCO GALLO MP

  
DAVID GALLO



2nd June 2016.