

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,329, 21 ta' Ottubru, 2014
Taqsim A

MALTA

ATT Nru. XXXV tal-2014

ATT maħruġ b'ligi mill-Parlament ta' Malta.

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

ACT No. XXXV of 2014

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

21 ta' Ottubru, 2014

ATT Nru. XXXV tal-2014

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

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2014 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 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor
u dħul fis-sehħ.

Kap. 439.

(2) Dan l-Att għandu jidhul fis-sehħ f'dik id-data li l-Ministru jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet 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 ingiebu fis-sehħ.

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

Emenda tal-
artikolu 2 tal-
Att prinċipali.

(a) minnufih wara t-tifsira "animali mrobbija" għandha tiżdied it-tifsira ġdida li ġejja:

" "ċirklu" tfisser kwalunkwe post fejn jiġu introdotti animali għall-iskop ta' spetaklu, manuvri u

wirjiet jew oħrajn, u għandu jinkludi kull post fejn annimali użati f'dawn iċ-ċirkli jkunu miżmuma jew imharrġa;"

(b) it-tifsira "Direttur" għandha tithassar;

(ċ) minnufih wara t-tifsira "Dipartiment" għandhom jiżdiedu t-tifsiriet godda li ġejjin:

" "Direttur għat-Trattament Xieraq tal-Annimali" tfisser id-Direttur għat-Trattament Xieraq tal-Annimali maħtur skont dan l-Att u għandu jkollu l-funzjonijiet, setgħat u dmirijiet hekk kif mogħtija lilu skont dan l-Att jew kull regolament magħmul bis-saħħa tal-istess Att;

Kap. 437. "Direttur tas-Servizzi Veterinarji" għandha l-istess tifsira mogħtija fl-Att dwar is-Servizzi Veterinarji u tinkludi, sal-limitu tal-funzjonijiet mogħtija, kull uffiċjal awtorizzat minnu, bil-miktub, sabiex jaġixxi għan-nom tiegħu għal kwalunkwe għan ta' dan l-Att;"

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

" "Kummissarju" tfisser il-Kummissarju għat-Trattament Xieraq tal-Annimali hekk kif maħtur skont dan l-Att u tinkludi kull uffiċjal assenjat sabiex jassisti lill-Kummissarju u awtorizzat minnu għal dak il-għan;"

(e) minnufih wara t-tifsira "Kunsill" għandha tiżdied it-tifsira ġdida li ġejja:

Kap. 437. "Kunsill tal-Kirurgi Veterinarji" tfisser il-Kunsill stabbilit skont l-artikolu 39 tal-Att dwar is-Servizzi Veterinarji;"

(f) minnufih wara t-tifsira "Ministru" għandha tiżdied it-tifsira ġdida li ġejja:

" "operatur taċ-ċirklu" tfisser is-sid ta' ċirklu, jew kull persuna responsabbli mill-operat ta' ċirklu, jew l-amministratur jew l-aġent tiegħu;

" "organizzazzjoni mhux governattiva"
 tfisser organizzazzjoni volontarja li
 prinċipalment giet stabbilita bl-għan li
 tippromwovi u taħdem favur it-trattament xieraq
 tal-annimali, id-drittijiet tal-annimali jew il-kura
 tal-annimali, u liema organizzazzjoni giet
 irreġistrata mal-Kummissarju għall-
 Kap. 492. Organizzazzjonijiet Volontarji skont l-Att dwar l-
 Organizzazzjonijiet Volontarji;" u

(g) minnufih wara t-tifsira "preskritt" għandha tizdied it-tifsira ġdida li ġejja:

" "promotur ta' ċirklu" tfisser kull persuna responsabbli mill-organizzazzjoni jew promozzjoni ta' ċirklu f'Malta, jew l-amministratur jew aġent tiegħu;"

3. Fis-subartikolu (2) tal-artikolu 3 tal-Att prinċipali, minflok il-kliem "L-Istat jirrikonoxxi" għandhom jidhlu l-kliem "L-Istat jirrikonoxxi li l-annimali huma ħlejjaq senzjenti u".

Emenda tal-artikolu 3 tal-Att prinċipali.

4. L-artikolu 4 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 4 tal-Att prinċipali.

"Kunsill għat-
Trattament
Xieraq tal-
Annimali.

4. (1) Għandu jkun hemm Kunsill, li jkun magħruf bħala l-Kunsill għat-Trattament Xieraq tal-Annimali, li jkun magħmul minn *Chairman* u h̄dax-il membru, li għandu jaġixxi u jwettaq il-funzjonijiet mogħtija lilu b'dan l-Att jew bi kwalunkwe ligi oħra.

(2) Il-Kunsill għat-Trattament Xieraq tal-Annimali għandu jkun magħmul kif ġej:

(a) *Chairman*, maħtur mill-Prim Ministru, wara konsultazzjoni mal-Ministru;

(b) id-Direttur tas-Servizzi Veterinarji jew rappreżentant tiegħu;

(c) id-Direttur għat-Trattament Xieraq tal-Annimali jew rappreżentant tiegħu;

(d) rappreżentant tal-Ministeru responsabbli għas-servizzi veterinarji;

(e) veterinarju, li jaħdem fis-servizz pubbliku, b'esperjenza fil-mediċina għas-saħħa tal-annimali;

(f) veterinarju, li jaħdem fis-servizz pubbliku, b'esperjenza fi kwistjonijiet ta' annimali tal-biedja;

(g) veterinarju b'esperjenza fi prattika privata fuq annimali żgħar maħtur wara konsultazzjoni mal-korpi li jirrappreżentaw lill-veterinarji privati f'Malta;

(h) żewġ persuni minn organizzazzjonijiet mhux governattivi;

(i) persuna minn fost dawk il-persuni jew għaqdiet li jirrappreżentaw l-interessi tal-annimali dwar it-trattament xieraq u d-drittijiet tagħhom; u

(j) żewġ persuni li jirrappreżentaw l-interessi tar-raħħala u ta' organizzazzjonijiet għall-isports bl-annimali.

(3) Il-membri msemmija fis-subartikolu (1)(b) sa (j), it-tnejn inklużi, għandhom ikunu maħtura mill-Ministru għal dak il-perjodu ta' żmien stabbilit mill-Ministru minn żmien għal żmien.

(4) Il-membri msemmija fis-subartikolu (1)(h) sa (j), it-tnejn inklużi, għandhom ikunu maħtura mill-Ministru minn fost dawk il-persuni li, fl-opinjoni tal-Ministru, jirrappreżentaw l-aħjar il-persuni, l-għaqdiet, jew organizzazzjonijiet mhux governattivi.

(5) Il-Ministru għandu jahtar Viċi *Chairman* minn fost il-membri tal-Kunsill.

(6) Il-Ministru għandu jahtar segretarju għall-Kunsill.

(7) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u ta' dawk ir-regolamenti magħmula taħtu, il-Kunsill għandu jirregola l-proċedura tiegħu stess:

Iżda l-Kunsill jista' jaġixxi minkejja kwalunkwe post vakanti fost il-membri tiegħu.

(8) Il-Kunsill għandu jkollu s-setgħa li jahtar, mingħajr dritt ta' vot, jew jippermetti l-preżenza ta' persuni li mhumiex membri tal-Kunsill.

(9) Il-Kunsill, bi qbil mal-Ministru, għandu s-setgħa li jahtar sotto-kumitati biex jieħdu hsieb kwistjonijiet specifici li jinkludu sistemi għaž-żamma ta' annimali tal-biedja, bijoteknoloġija u esperimenti fuq l-annimali.

(10) Il-Ministru jista' jtemm il-ħatra ta' membru tal-Kunsill, u fil-każ taç-*Chairman* tal-Kunsill, il-Prim Ministru jista' jtemm il-ħatra tiegħu, jekk ikun sodisfatt li:

(a) mingħajr il-kunsens tal-Kunsill, naqas milli jattendi għall-laqgħat waqt perjodu kontinwu ta' erba' xhur;

(b) ikun fallut mhux riabilitat jew għamel arrangament mal-kredituri tiegħu, jew huwa insolventi jew ġie misjub ħati ta' reat li jaffettwa l-fiduċja pubblika jew kwalunkwe reat skont dan l-Att jew kull regolament magħmul bis-saħħa ta' dan l-Att;

(ċ) jekk, waqt li jkun membru magħżul abbażi tal-istat rappreżentattiv tiegħu, ma jibqax iżomm tali stat rappreżentattiv:

Iżda dan is-subartikolu ma għandux jinftiehem bħala li jirrestringi s-setgħat tal-Ministru u tal-Prim Ministru sabiex itemmu ħatra ta' xi membru jew taç-*Chairman* tal-Kunsill f'xi żmien jekk ikun hekk meqjus xieraq."

5. Fil-paragrafu (e) tal-artikolu 5 tal-Att prinċipali, minflok il-kliem "il-Ministru, qabel ma joħroġ regolamenti," għandhom jidhlu l-kliem "jaġhti parir lill-Ministru, qabel ma jagħmel regolamenti,".

Emenda tal-artikolu 5 tal-Att prinċipali.

6. Fl-artikolu 6 tal-Att prinċipali, il-kliem "Bla ħsara għad-dispożizzjonijiet ta' dawk ir-regolamenti u ta' dan l-Att, il-Kunsill jista' jirregola l-proċedura tiegħu stess." għandhom jithassru.

Emenda tal-artikolu 6 tal-Att prinċipali.

Emenda tal-artikolu 8 tal-Att prinċipali.

7. Minnufih wara s-subartikolu (3) tal-artikolu 8 tal-Att prinċipali, għandu jizdied is-subartikolu ġdid li ġej:

"(4) Kull persuna għandha tiegħu dawk il-passi raġonevoli f'kull ċirkostanza sabiex tiżgura li l-ħtiġiet ta' annimal li hija responsabbli għalih, jew li taqbel li tiegħu ħsieb, jintlaħqu hekk kif meħtieġ bi prattiċi tajba sabiex tiġi żgurata s-saħħa u l-benesseri tal-annimal. Għall-għanijiet ta' dan is-subartikolu, ħtiġiet ta' annimal tinkludi l-provvista ta' ambjent xieraq, provvista ta' dieta sana, lok sabiex l-annimal jesprimi l-imġiba normali tiegħu, provvista ta' akkomodazzjoni xierqa, segregazzjoni minn annimali oħra fejn meħtieġ, u protezzjoni minn uġiġħ, tbatija, korrimenti u mard."

Emenda tal-artikolu 9 tal-Att prinċipali.

8. Fis-subartikolu (1) tal-artikolu 9 tal-Att prinċipali, minflok il-kliem "ħlief għal raġunijiet ta' kura.", għandhom jidhlu l-kliem "ħlief għal raġunijiet ta' kura, sakemm mhux preskritt xort'oħra f'regolamenti magħmulin taħt dan l-Att".

Emenda tal-artikolu 13 tal-Att prinċipali.

9. Fis-subartikolu (1) tal-artikolu 13 tal-Att prinċipali, minflok il-kliem "jew persuna oħra kompetenti" għandhom jidhlu l-kliem "jew persuna oħra kompetenti kif speċifikat f'regolamenti magħmulin taħt dan l-Att".

Emenda tal-artikolu 15 tal-Att prinċipali.

10. Fis-subartikolu (2) tal-artikolu 15 tal-Att prinċipali, minflok il-kelma "Direttur" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji".

Emenda tal-artikolu 17 tal-Att prinċipali.

11. Is-subartikolu (1) tal-artikolu 17 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kelma "Direttur" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji"; u

(b) il-kliem "fuq parir tal-Kunsill" għandhom jiġu mħassra.

Emenda tal-artikolu 19 tal-Att prinċipali.

12. L-artikolu 19 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kelma "Direttur" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji"; u

(b) fil-paragrafu (b) tiegħu, minflok il-kelma "Kunsill" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji".

Emenda tal-artikolu 23 tal-Att prinċipali.

13. Fil-paragrafu (ċ) tas-subartikolu (1) tal-artikolu 23 tal-Att prinċipali, minflok il-kelma "Direttur" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji".

14. Fl-artikolu 25 tal-Att prinċipali, minflok il-kelma "Direttur" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji".

Emenda tal-artikolu 25 tal-Att prinċipali.

15. Is-subartikolu (1) tal-artikolu 26 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 26 tal-Att prinċipali.

"(1) Matul it-trasport tal-annimali, dak li qed iġorr l-annimali għandu jgorr, f'kull hin, id-dokumenti xierqa maħruġa skont l-artikolu 23."

16. Minnufih wara l-artikolu 31 tal-Att prinċipali, għandhom jiżdiedu l-artikoli ġodda li ġejjin:

Żjeda ta' Taqsima ġdida u artikoli ġodda fl-Att prinċipali.

"Taqsima X A

Ċirkli

Projbizzjoni tal-użu ta' annimali fiċ-ċirkli.

31A. L-ebda persuna ma tista' tuża annimali għal spettakli, esibizzjonijiet, wirjiet jew għat-taħriġ tagħhom fiċ-ċirkli.

Projbizzjoni tal-promozzjoni ta' ċirkli li jużaw annimali.

31B. L-ebda persuna, inkluż operaturi ta' ċirkli u promoturi ta' ċirkli, ma tista' tippromwovi, tirreklama, jew tippermetti l-promozzjoni jew ir-reklamar ta' ċirkli li jużaw l-annimali f'Malta.

Ksur jew nuqqas ta' osservanza ta' din it-Taqsima.

31Ċ. Jekk operatur ta' ċirkli jew promotur ta' ċirkli jikser jew jonqos milli jikkonforma mad-dispożizzjonijiet ta' din it-Taqsima jew ma' regolamenti magħmulin taħtha, bla ħsara għad-dispożizzjonijiet tat-Taqsima XIV ta' dan l-Att, id-Direttur tas-Servizzi Veterinarji għandu jkun awtorizzat li:

(a) jordna t-tħassir ta' permessi jew liċenzi għall-istabbiliment jew operat ta' ċirkli f'Malta;

(b) jordna l-għeluq taċ-ċirkli jew parti minnu; u

(ċ) joħroġ kull miżura temporanja, kif meqjus neċessarju mid-Direttur tas-Servizzi Veterinarji, sabiex jiġi żgurat il-ħarsien ta' annimali fiċ-ċirkli, inkluż ordnijiet għat-trattament, rilokazzjoni jew għall-konfiska ta' annimali, liema ordnijiet temporanji għandhom jibqgħu fis-seħħ sa dak iż-żmien li jiġu magħmula ordnijiet taħt dan l-Att mill-Qorti.

Trattament, rilokazzjoni jew konfiska ta' annimali użati f'ċirkli.

31D. Bla ħsara għad-dispożizzjonijiet tat-Taqsima XIV ta' dan l-Att, il-Qorti tista' toħroġ ordnijiet għat-trattament, rilokazzjoni jew konfiska ta' annimali użati fiċ-ċirkli jew miżmuma bil-għan li jintuzaw fiċ-ċirkli.

Eżenzjoni.

31E. Id-dispożizzjonijiet taht din it-Taqsima ma għandhomx japplikaw għal għonna żoologiči tal-annimali liċenzjati taht dan l-Att għar-raġuni li l-eżenzjoni ma tippregudikax l-oġġettivi tad-dispożizzjonijiet ta' dan l-Att.

Setgħa tal-Ministru li jagħmel regolamenti.

31F. Il-Ministru jista' jagħmel regolamenti sabiex jipprovdu għall-infurzar ta' kull restrizzjoni imposta dwar l-użu ta' annimali fiċ-ċirkli kif imfisser f'dan l-Att."

Emenda tal-artikolu 32 tal-Att prinċipali.

17. Fis-subartikolu (1) tal-artikolu 32 tal-Att prinċipali, minflok il-kliem "fuq il-parir tal-Kunsill", għandhom jidhlu l-kliem "fuq il-parir tal-Kunsill, flimkien mad-Direttur tas-Servizzi Veterinarji".

Emenda tal-artikolu 37 tal-Att prinċipali.

18. Fil-paragrafu (b) tas-subartikolu (3) tal-artikolu 37 tal-Att prinċipali, minflok il-kliem "għal perjodu kontinwu ta' sena.", għandhom jidhlu l-kliem "għal perjodu kontinwu ta' sena;", u minnufih wara għandu jidjed il-paragrafu gdid li ġej:

"(ċ) il-persuna li lilha tinħareġ il-liċenza tinstab hatja ta' reat taht dan l-Att jew reat li jaffettwa l-fiducja pubblika."

Emenda tal-artikolu 43 tal-Att prinċipali.

19. Is-subartikolu (2) tal-artikolu 43 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(2) Sakemm ma jiġix preskritt mod ieħor, annimali aggressivi ma jistgħux jinżammu għal bejgħ u jistgħu jinqatlu jekk id-Direttur tas-Servizzi Veterinarji jew id-Direttur għat-Trattament Xieraq tal-Annimali jidhrilhom li dan ikun meħtieġ jew neċessarju."

Sostituzzjoni tal-intestatura tat-Taqsima XIII tal-Att prinċipali.

20. Minflok l-intestatura tat-Taqsima XIII tal-Att prinċipali għandha tidhol din li ġejja:

"Kummissarju għat-Trattament Xieraq tal-Annimali u Uffiċjali għat-Trattament Xieraq tal-Annimali".

Sostituzzjoni tal-artikolu 44 tal-Att prinċipali.

21. L-artikolu 44 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"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 tal-annimali".

(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1), kull membru tal-Forza tal-Pulizija ta' Malta u kull gwardjan lokali għandu, bis-saħħa tal-kariga tiegħu, jitqies bħala uffiċjal għat-trattament xieraq tal-annimali maħtur biex jaġixxi b'mod generali għall-għanijiet ta' dan l-Att.

(3) L-uffiċjali għat-trattament xieraq tal-annimali għandhom jaġixxu taħt id-direzzjoni tad-Direttur għat-Trattament Xieraq tal-Annimali fl-eżerċizzju u fit-twettiq tas-setgħat, dmirijiet u funzjonijiet tagħhom mogħtija jew imposti fuqhom skont dan l-Att."

22. Minnufih wara l-artikolu 44 tal-Att prinċipali, għandu jiżdied l-artikolu ġdid li ġej:

Zjieda ta' artikolu ġdid mal-Att prinċipali.

"Kummissarju għat-Trattament Xieraq tal-Annimali.

44A. (1) Għandu jkun hemm Kummissarju għat-Trattament Xieraq tal-Annimali li jkun maħtur mill-Prim Ministru, wara konsultazzjoni mal-Ministru.

(2) Il-Kummissarju għandu jkollu dawn l-funzjonijiet li ġejjin:

(a) jippromwovi l-implimentazzjoni ta' u l-konformità mad-dispożizzjonijiet ta' dan l-Att;

(b) jippromwovi u jiddefendi l-ħarsien tal-annimali u l-ogħla *standards* għas-saħħa, għaž-zamma u għat-trattament ta' annimali;

(ċ) jippromwovi kampanji edukattivi u djalogu soċjali fuq temi relatati mat-trattament xieraq tal-annimali;

(d) jikkoopera u jagħmel arrangamenti ma' entitajiet jew persuni interessati fil-ħarsien tal-annimali sabiex ikun jista' jwettaq monitoraġġ aħjar tal-implimentazzjoni ta' u l-konformità mad-dispożizzjonijiet ta' dan l-Att;

(e) jagħmel rakkomandazzjonijiet lill-Ministru u lill-Kunsill dwar it-tnejn ta' *standards*, linji gwida u regolamenti relatati mal-ħarsien tal-annimali;

(f) jirrevedi u jinvestiga, jew minn jeddu jew wara li jirċievi ilment, il-funzjonijiet u l-ħidma tal-Kunsill, tad-Direttorat tas-Servizzi Veterinarji, jew tad-Direttorat responsabbli mit-Trattament Xieraq tal-Annimali;

(g) jipprepara u jippubblika rapport tas-sejbiet f'kull investigazzjoni formali u għandu jinkludi fih dawk ir-rakkomandazzjonijiet u miżuri korrettivi kif ikun jidher neċessarju jew meħtieġ; u

(h) it-twettiq ta' dawk il-funzjonijiet l-oħra li minn żmien għal żmien jistgħu jiġu assenjati lill-Kummissarju mill-Ministru.

(3) L-ebda persuna ma tikkwalifika għall-kariga ta' Kummissarju jekk tali persuna:

(a) tkun Membru fil-Kamra tad-Deputati; jew

(b) tkun qed isservi bhala mħallef jew maġistrat; jew

(c) tkun legalment inabilitata jew interdetta; jew

(d) hija falluta mhux riabilitata, billi tkun giet dikjarata falluta b'sentenza jew xort'oħra dikjarata falluta skont xi liġi li tkun fis-seħħ f'Malta, jew li tkun għamlet xi kompozizzjoni jew arrangament mal-kredituri tagħha; jew

(e) hija interdetta jew inabilitata minħabba xi mard mentali jew minħabba prodigalità minn qorti f'Malta, jew ikun xort'oħra determinat li tkun persuna b'instabbilità mentali; jew

(f) tkun instabet haġja ta' reat li jaffettwa l-fiduċja pubblika jew serq jew frodi, jew li xjentement irċeviet proprjetà miksuba b'serq jew frodi, jew xi reat kontra dan l-Att jew regolamenti magħmulin tahtu.

(4) Il-Ministru jista' jagħmel regolamenti b'mod ġenerali li jikkonċernaw il-kariga tal-Kummissarju."

23. Minnufih wara l-artikolu 44A tal-Att prinċipali, għandu jiżdied l-artikolu ġdid li ġej:

Żjieda ta' Taqsima Ġdida u artikolu ġdid mal-Att prinċipali.

"Taqsima XIII A

Setgħat ta' Infurzar

Setgħat ta' infurzar.

44B. (1) Minkejja d-dispożizzjonijiet ta' kull ligi oħra, għall-finijiet tat-twettiq tal-funzjonijiet taħt dan l-Att, id-Direttur tas-Servizzi Veterinarji, id-Direttur għat-Trattament Xieraq tal-Annimali, uffiċjali għall-harsien xieraq tal-annimali jew kull uffiċjal jew persuna kif tista' tkun awtorizzata mid-Direttur tas-Servizzi Veterinarji jew mid-Direttur għat-Trattament Xieraq tal-Annimali, għandu jkollha d-dritt li:

(a) taċċedi f'kull post, sew jekk pubbliku sew jekk privat, f'kull hin raġonevoli u f'każ ta' dar ta' abitazzjoni wara li jingħata preavviż ta' mill-anqas erbgħa u għoxrin siegħa, sabiex tispezzjona, tidentifika u tinvestiga kull reat taħt dan l-Att li jkun sar jew li jista' jkun ser isir, tiġbor evidenza u bla ħsara għall-ġeneralità tas-setgħat biex teżamina taħt dan l-Att, dawn il-persuni għandhom is-setgħa li jeżaminaw kull animal, ikel, medicina, struttura, sistema ta' żamma tal-annimali, għeluq, vettura, stazzjon, dokument, tagħmir jew laboratorju. Kull persuna li taċċedi f'kull post skont dan is-subartikolu għandha tippreżenta l-awtorità jew l-identità tagħha qabel jew meta taċċedi dawk il-postijiet;

(b) tikkonfiska kull animal li kien sugġett jew li jista' jkun sugġett għal moħqrija jew f'konnessjoni ma' reat taħt dan l-Att li sar jew li x'aktarx jitwettaq u li tiegħu, tissiġilla u twaqqaf il-funzjoni ta' kull tagħmir, apparat jew materjali użati fir-reati;

(ċ) tispezzjona kull dokumentazzjoni, liċenzi, permessi u notifikazzjonijiet maħruġa taħt dan l-Att jew meħtieġa li jinżammu jew jiġu preservati taħt dan l-Att;

(d) twettaq spezzjonijiet, tiġbor kampjuni, tieġu ritratti, filmati, tirrekordja *videos* jew immaġini f'format diġitali sabiex tivverifika konformità ma' dan l-Att jew kull kundizzjoni li għaliha jkunu soġġetti liċenza jew permess maħruġa taħt dan l-Att;

(e) tkun provduta b'dik l-informazzjoni li din il-persuna b'mod raġonevoli teħtieġ fir-rigward ta' kull kwistjoni regolata minn dan l-Att;

(f) twettaq monitoraġġ fuq kull attività, tiġbor kampjuni, tieġu ritratti, filmati, tirrekordja *videos* jew immaġini f'format diġitali sabiex titwettaq kull investigazzjoni ta' reati magħmulin taħt dan l-Att; u

(g) b'mod ġenerali tiżgura l-konformità mad-dispożizzjonijiet ta' dan l-Att.

(2) Għall-finijiet tat-twettiq tal-funzjonijiet taħt dan l-Att, id-Direttur tas-Servizzi Veterinarji, id-Direttur għat-Trattament Xieraq tal-Annimali, uffiċjali għall-ħarsien xieraq tal-annimali jew kull uffiċjal jew persuna oħra kif tista' tkun awtorizzata mid-Direttur tas-Servizzi Veterinarji jew mid-Direttur għat-Trattament Xieraq tal-Annimali, tista' titlob l-assistenza tal-Forza tal-Pulizija ta' Malta, kull kunsill lokali, kull dipartiment tal-Gvern jew kull aġenzija tal-Gvern.

(3) Id-dispożizzjonijiet tas-subartikolu (1) għandhom ikunu bla ħsara għas-setgħat tal-Pulizija, gwardjani lokali, il-Kontrullur tad-Dwana, id-Direttur tas-Servizzi Veterinarji jew ta' kull awtorità oħra taħt il-Kodiċi Kriminali jew xi liġi oħra.

(4) Id-Direttur tas-Servizzi Veterinarji, id-Direttur għat-Trattament Xieraq tal-Annimali, uffiċjali għall-harsien xieraq tal-annimali jew uffiċjali oħra mahtura jew awtorizzati taħt dan l-Att għandhom, minkejja kull ligi oħra, id-dritt li jassistu lill-Pulizija fit-tmexxija ta' prosekuzzjoni taħt dan l-Att jew regolamenti magħmulin tahtu, u wkoll sabiex jitressaq il-każ il-qorti.

(5) Jekk xi hadd iżomm, jostakola, jattakka jew xort'oħra jfixkel, jew jipprova jzomm, jostakola, jattakka jew ifixkel lid-Direttur tas-Servizzi Veterinarji, id-Direttur għat-Trattament Xieraq tal-Annimali, kull uffiċjal għall-harsien xieraq tal-annimali jew kull persuna oħra mahtura mid-Direttur tas-Servizzi Veterinarji jew mid-Direttur għat-Trattament Xieraq tal-Annimali, jew kull uffiċjal tal-Forza tal-Pulizija ta' Malta, gwardjan lokali, jew uffiċjal pubbliku, impjegat jew haddiem ta' xi dipartiment tal-Gvern jew ta' xi aġenzija tal-Gvern fl-esekuzzjoni tad-dmirijiet tiegħu taħt dan l-Att jew regolamenti magħmulin tahtu, jew jonqos milli jagħmel dak li raġonevolment jiġi mitlub li jagħmel minn dik il-persuna kif imsemmi qabel jew li jonqos li jgħinhom fil-qadi tad-dmirijiet tagħhom, jew li xjentement jagħti lil dik il-persuna informazzjoni falza jew jonqos jew jirrifjuta li jagħti xi informazzjoni meħtieġa għall-għanijiet hawn fuq imsemmija, ikun haṭi ta' reat taħt dan l-Att."

24. L-artikolu 45 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni tal-artikolu 45 tal-Att prinċipali.

"45. (1) Kull persuna li tikser id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmulin tahtu tehel, meta tinstab haṭja:

(a) meta tinstab haṭja għall-ewwel darba, multa ta' mhux anqas minn elf euro (€1,000), iżda mhux iżjed minn hamsa u hamsin elf euro (€55,000), jew priġunerija għal żmien mhux iżjed minn tliet snin, jew dik il-multa u priġunerija flimkien;

(b) meta tinstab haṭja għat-tieni darba jew aktar, multa ta' mhux anqas minn hamest elef euro (€5,000), iżda

mhux iżjed minn tmenin elf euro (€80,000), jew priġunerija għal żmien mhux iżjed minn tliet snin, jew dik il-multa u priġunerija flimkien.

(2) Ir-responsabilità ta' min jikkommetti reat taht is-subartikolu (1) għandha tkun bla ħsara għas-setgħat tad-Direttur tas-Servizzi Veterinarji, tad-Direttur għat-Trattament Xieraq tal-Annimali jew ta' kull uffiċjal li jissospendi jew jirrevoka kull liċenza, permess jew awtorizzazzjoni maħruġa taht dan l-Att jew kull regolament magħmul tahtu.

(3) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1), kull persuna li tinsab hatja ta' reat taht dan l-Att tista', flimkien mal-pieni preskritti taht l-aħħar subartikolu, tkun ordnata mill-Qorti li tħallas l-ispejjeż imġarrba għat-trattament, rilokazzjoni jew konfiska ta' annimali minn kull post f'Malta, ir-revoka ta' kull permess maħruġ għall-operat ta' kull attività regolata taht dan l-Att u għal spejjeż oħra raġonevoli kif il-Qorti jidhrilha xieraq.

(4) Id-dispożizzjonijiet ta' dan l-Att għandhom ikunu bla ħsara għal kull proċediment kriminali jew proċedimenti oħra li jistgħu jinbdeu taht liġijiet oħra."

Emenda tal-artikolu 46 tal-Att prinċipali.

25. Fl-artikolu 46 tal-Att prinċipali minflok il-kliem "tmienja u ħamsin elf u mitejn u erbgħa u tletin euro u tlieta u tletin ċenteżmu (58,234.33)" għandhom jidhlu l-kliem "tmenin elf euro (€80,000)".

Emenda tal-artikolu 47 tal-Att prinċipali.

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

(a) fis-subartikolu (1) tiegħu, minflok il-kelma "Direttur" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji jew id-Direttur għat-Trattament Xieraq tal-Annimali";

(b) fil-paragrafu (ċ) tas-subartikolu (2) tiegħu, minflok il-kelma "Direttur" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji jew id-Direttur għat-Trattament Xieraq tal-Annimali";

(ċ) fis-subartikolu (3) tiegħu u fil-paragrafu (a) tas-subartikolu, minflok il-kelma "Direttur" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji jew id-Direttur għat-Trattament Xieraq tal-Annimali";

(d) fis-subartikolu (4) tiegħu u fil-paragrafu (b) tas-subartikolu, minflok il-kelma "Direttur" għandhom jidhlu l-

kliem "Direttur tas-Servizzi Veterinarji jew id-Direttur għat-Trattament Xieraq tal-Animali";

(e) fis-subartikolu (5) tiegħu, minflok il-kelma "Direttur" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji jew id-Direttur għat-Trattament Xieraq tal-Animali";

(f) is-subartikolu (7) tiegħu għandu jiġi mħassar;

(g) is-subartikolu (8) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (7) tiegħu; u

(h) fis-subartikolu (7) tiegħu, kif enumerat mill-ġdid, minflok il-kelma "Direttur" għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji jew id-Direttur għat-Trattament Xieraq tal-Animali".

27. Fis-subartikoli (1), (3), (4) u (6) tal-artikolu 49 tal-Att prinċipali, minflok il-kelma "Direttur", kull fejn tidher, għandhom jidhlu l-kliem "Direttur tas-Servizzi Veterinarji jew id-Direttur għat-Trattament Xieraq tal-Animali".

Emenda tal-artikolu 49 tal-Att prinċipali.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 187 tal-15 ta' Ottubru, 2014.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

21st October, 2014

ACT No. XXXV of 2014

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:-

Short title and
coming into
force.
Cap. 439.

1. (1) The short title of this Act is the Animal Welfare (Amendment) Act, 2014, and this Act shall be read and construed as one with the Animal Welfare Act, hereinafter referred to as "the principal Act".

(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.

Amendment of
article 2 of the
principal Act.

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

(a) immediately after the definition "bred animals" there shall be added the following new definitions:

" "circus" means any place where animals are introduced for the purpose of performance, manoeuvres and shows or otherwise and shall include any place where

animals used in such circuses are kept or trained;

"circus operator" means the owner of a circus, or any person responsible for the operations of a circus, or the administrator or agent thereof;

"circus promoter" means any person responsible for the organisation or promotion of a circus in Malta, or the administrator or agent thereof;

"Commissioner" means the Commissioner for Animal Welfare as appointed under this Act and includes any officer assigned to assist the Commissioner and authorised by him in that behalf;"

(b) the definition "Director" shall be deleted;

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

"Director for Animal Welfare" means the Director for Animal Welfare appointed under this Act and shall have the functions, powers and duties as are vested in him under this or by this Act or any regulations made thereunder;

Cap. 437. "Director for Veterinary Services" means the Director for Veterinary Services as defined in the Veterinary Services Act 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;"

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

Cap. 492. " "non-governmental organisation" means a voluntary organisation that has been established principally with the objective of promoting and advocating for animal welfare, animal rights or caring of animals, and which has been enrolled with the Commissioner for Voluntary Organisations under the Voluntary Organisations Act;" and

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

" "Veterinary Surgeons' Council" means the Council established under article 39 of the Veterinary Services Act."

Cap. 437.

Amendment of article 3 of the principal Act.

3. In sub-article (2) of article 3 of the principal Act, for the words "The State recognises" there shall be substituted the words "The State recognises that animals are sentient beings and".

Amendment of article 4 of the principal Act.

4. Article 4 of the principal Act shall be substituted by the following:

"Council for Animal Welfare.

4. (1) There shall be a Council, to be known as the Council for Animal Welfare, consisting of a Chairman and eleven members, which shall exercise and perform the functions assigned to it by this Act or by any other law.

(2) The Council for Animal Welfare shall be composed as follows:

(a) a Chairman, appointed by the Prime Minister, after consultation with the Minister;

(b) the Director for Veterinary Services or his representative;

(c) the Director for Animal Welfare or his representative;

(d) a representative of the Ministry responsible for veterinary services;

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

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

(g) one veterinary surgeon with experience in private practice on small animals appointed after consultation with bodies representing private veterinary surgeons in Malta;

(h) two persons from non-governmental organisations;

(i) one person from amongst such persons or groups representing the interests of animal welfare and animal rights; and

(j) two persons representing the interests of livestock breeders and animal sport groups.

(3) The members referred to in sub-article (1)(b) to (j), both inclusive, shall be appointed by the Minister for such terms as the Minister shall decide from time to time.

(4) The members referred to in sub-article (1)(h) to (j), both inclusive, shall be appointed by the Minister from such persons who, in the opinion of the Minister, best represent the persons, groups or non-governmental organisations.

(5) The Minister shall appoint a Deputy Chairman from amongst the members of the Council.

(6) The Minister shall appoint a secretary to the Council.

(7) Subject to the provisions of this Act and to any regulations made thereunder the Council shall regulate its own proceedings:

Provided that the Council may act notwithstanding any vacancy amongst its members.

(8) The Council shall have the power to co-opt, without the right to vote, or allow the presence of persons who are not members of the Council.

(9) The Council, with the concurrence of the Minister, shall have the power to appoint sub-committees to deal with specific matters including farm animal housing systems, biotechnology and animal experiments.

(10) The Minister may terminate the appointment of a member of the Council, and in the case of the Chairman of the Council the Prime Minister may terminate the appointment thereof, if he is satisfied that:

(a) without the consent of the Council, he failed to attend the meetings during a continuous period of four months;

(b) he is an undischarged bankrupt or has made an arrangement with his creditors, or is insolvent or has been found guilty of an offence affecting public trust or any offence under this Act or any regulations made thereunder;

(c) if, being a member chosen on the basis of his representative status, he ceases to retain such representative status:

Provided that this sub-article shall not be construed to restrict the powers of the Minister and Prime Minister to terminate the appointment of any member or the Chairman of the Council at any time if deemed appropriate."

Amendment of article 5 of the principal Act.

5. In paragraph (e) of article 5 of the principal Act, for the words "the Minister, in issuing regulations," there shall be substituted the words "advise the Minister, in issuing regulations,".

Amendment of article 6 of the principal Act.

6. In article 6 of the principal Act, the words "Subject to the provisions of such regulations and of this Act, the Council may regulate its own procedures." shall be deleted.

Amendment of article 8 of the principal Act.

7. Immediately after sub-article (3) of article 8 of the principal Act, there shall be added the following new sub-article:

"(4) Any person shall take such steps as are reasonable in all the circumstances to ensure that the needs of an animal for which he is responsible or for which he agrees to look after shall be met to the extent required by good practice and in pursuance to the good health and well-being of the animal. For the purposes of this sub-article, animal needs include the provision of suitable environment, provision of a healthy diet, allowance for the animal to exhibit normal behavioural patterns, provision of suitable housing, segregation from other animals where necessary and protection from pain, suffering, injury and diseases."

Amendment of article 9 of the principal Act.

8. In sub-article (1) of article 9 of the principal Act, for the words "other than for curative purposes, shall be illegal.", there shall

be substituted the words "other than for curative purposes, shall be illegal, unless otherwise prescribed in regulations made under this Act."

9. In sub-article (1) of article 13 of the principal Act, for the words "or another competent person", there shall be substituted the words "or another competent person as specified in regulations made under this Act".

Amendment of article 13 of the principal Act.

10. In sub-article (2) of article 15 of the principal Act, for the word "Director" there shall be substituted the words "Director for Veterinary Services".

Amendment of article 15 of the principal Act.

11. Sub-article (1) of article 17 of the principal Act shall be amended as follows:

Amendment of article 17 of the principal Act.

(a) for the word "Director" there shall be substituted the words "Director for Veterinary Services"; and

(b) the words "on the advice of the Council" shall be deleted.

12. Article 19 of the principal Act shall be amended as follows:

Amendment of article 19 of the principal Act.

(a) for the word "Director" there shall be substituted the words "Director for Veterinary Services"; and

(b) in paragraph (b) thereof, for the words "of the Council" there shall be substituted the words "of the Director for Veterinary Services".

13. In paragraph (c) of sub-article (1) of article 23 of the principal Act, for the word "Director" there shall be substituted the words "Director for Veterinary Services".

Amendment of article 23 of the principal Act.

14. In article 25 of the principal Act, for the word "Director" there shall be substituted the words "Director for Veterinary Services".

Amendment of article 25 of the principal Act.

15. Sub-article (1) of article 26 of the principal Act shall be substituted by the following:

Amendment of article 26 of the principal Act.

"(1) During the transportation of animals, the transporter shall, at all times, carry appropriate documentation issued in accordance with article 23."

Addition of new Part and new articles to the principal Act.

16. Immediately after article 31 of the principal Act, there shall be added the following new Part and new articles:

"Part X A

Circuses

Prohibition of use of animals in circuses.

31A. It shall not be lawful for any person to use animals for performances, exhibitions, shows or for the training thereof in circuses.

Prohibition of promotion of circuses using animals.

31B. It shall not be lawful for any person, including circus operators and circus promoters, to promote, advertise or allow the promotion or advertisement of circuses using animals in Malta.

Contravention or failure to comply with this Part.

31C. If a circus operator or circus promoter contravenes or fails to comply with the provisions of this Part or of any regulations made thereunder, without prejudice to the provisions of Part XIV of this Act, the Director for Veterinary Services shall be authorised to:

(a) order the cancellation of permits or licences for the establishment and operation of circuses in Malta;

(b) order the closure of the circus or part thereof; and

(c) issue any temporary measure as the Director for Veterinary Services may deem necessary to ensure the welfare of animals in circuses, including orders for the treatment, relocation or forfeiture of animals, which temporary orders shall remain in force until such time the Court makes any order under this Act.

Treatment, relocation or forfeiture of animals used in circuses.

31D. Without prejudice to the provisions of Part XIV of this Act, the Court may issue such orders for the treatment, relocation or forfeiture of animals used in circuses or kept for the purpose of use in circuses.

Exemption.

31E. The provisions of this Part shall not apply to zoos licensed under this Act on the grounds that the exemption does not jeopardise the objectives of the provisions of this Act.

Power of Minister to make regulations.

31F. The Minister may make regulations to provide for the enforcement of any restriction imposed on the use of animals in circuses referred to in this Act."

17. In sub-article (1) of article 32 of the principal Act, for the words "on the advice of the Council", there shall be substituted the words "on the advice of the Council, in conjunction with the Director for Veterinary Services,".

Amendment of article 32 of the principal Act.

18. In paragraph (b) of sub-article (3) of article 37 of the principal Act, for the words "for a continuous period of one year." there shall be substituted the words "for a continuous period of one year;", and immediately thereafter there shall be added the following new paragraph:

Amendment of article 37 of the principal Act.

"(c) the person for whom the licence is issued has been found guilty of an offence under this Act or an offence affecting public trust."

19. Sub-article (2) of article 43 of the principal Act shall be substituted by the following:

Amendment of article 43 of the principal Act.

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

20. For the heading of Part XIII of the principal Act there shall be substituted the following:

Substitution of heading of Part XIII of the principal Act.

"Commissioner for Animal Welfare and
Animal Welfare Officers".

21. Article 44 of the principal Act shall be substituted by the following:

Substitution of article 44 of the principal Act.

"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".

(2) Without prejudice to the provisions of sub-article (1), every member of the Malta 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 for Animal Welfare in the exercise and performance of their powers, duties, and functions conferred or imposed upon them under this Act."

Addition of new article to the principal Act.

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

"Commissioner for Animal Welfare.

44A. (1) There shall be a Commissioner for Animal Welfare who shall be appointed by the Prime Minister after consultation with the Minister.

(2) The Commissioner shall have the following functions:

(a) promote the implementation of and compliance with the provisions of this Act;

(b) promote and advocate for animal welfare and the highest standards of health, keeping and treatment of animals;

(c) promote educational campaigns and social dialogue on issues relating to animal welfare;

(d) cooperate and make arrangements with entities or persons interested in animal welfare to enable him to better monitor the implementation of and compliance with the provisions of this Act;

(e) to make recommendations to the Minister and the Council on the making of standards, guidelines and regulations relating to animal welfare;

(f) review and investigate, either out of his own motion or following a complaint received by him, the functions and workings of the Council, the Directorate of Veterinary Services, or the Directorate responsible for Animal Welfare;

(g) prepare and publish a report of the findings in any formal investigation and shall include in it such recommendations and redress as appears to be necessary or expedient; and

(h) the performance of such other functions as may from time to time be assigned to the Commissioner by the Minister.

(3) No person shall be qualified to hold the office of Commissioner if such person:

(a) is a Member of the House of Representatives; or

(b) is serving as a judge or magistrate; or

(c) is legally incapacitated or interdicted; or

(d) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Malta, or has made a composition or arrangement with his creditors; or

(e) is interdicted or incapacitated for any mental infirmity or for prodigality by a court in Malta, or is otherwise determined to be of unsound mind; or

(f) has been convicted of a crime affecting public trust or theft or fraud, or of knowingly receiving property obtained by theft or fraud, or an offence against this Act or regulations made thereunder.

(4) The Minister may make regulations generally concerning the office of the Commissioner."

23. Immediately after article 44A of the principal Act, there shall be added the following new Part and new article:

Addition of new Part and new article to the principal Act.

"Part XIII A

Enforcement Powers

Enforcement powers.

44B. (1) Notwithstanding the provisions of any other law, for the purposes of carrying out their functions under this Act, the Director for Veterinary Services, the Director for Animal Welfare, animal welfare officers or any such officer or person as may be authorised by the Director for Veterinary Services or Director for Animal Welfare, shall have the right to:

(a) enter any premises, public or private, at all reasonable times, and in the case of a dwelling house after giving reasonable notice of at least twenty-four hours, to inspect, detect and investigate any offence under this Act which has been or is likely to be committed, to collect evidence and, without prejudice to the generality of the powers to examine under this Act, such persons shall have the power to examine any animal, food, medicine, structure, animal housing system, enclosure, vehicle, station, documents, equipment or laboratory. Any person entering any premises in pursuance to this sub-article shall produce his authority or his identity prior to or upon entering such premises;

(b) 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 has been or is likely to be committed and to forfeit, seal off and render non-functional any equipment, apparatus or materials used in offences;

(c) inspect all records, licences, permits and notifications issued under this Act or required to be kept or preserved under this Act;

(d) carry out inspections, elevate samples, take photographs, film, video recording or electronic image in order to verify compliance with this Act or any conditions subject to which a licence or permit is issued under this Act;

(e) be furnished with such information as such person may reasonably require with respect to any matter regulated by this Act;

(f) monitor any activity, elevate samples, take photographs, a film, video recording or electronic image in pursuance to any investigations of offences under this Act; and

(g) generally ensure compliance with the provisions of this Act.

(2) For the purpose of performance of any functions under this Act, the Director for Veterinary Services, Director for Animal Welfare, animal welfare officers or any other such officer or person as may be authorised by the Director for Veterinary Services or Director for Animal Welfare may request the assistance of the Malta Police Force, any local council, any department of Government or any agency of Government.

(3) The provisions of sub-article (1) shall be without prejudice to the powers of the Police, local wardens, the Comptroller of Customs, the Director for Veterinary Services or of any other authority under the Criminal Code or other law.

Cap. 9.

(4) The Director for Veterinary Services, the Director for Animal Welfare, animal welfare officers or any other officers appointed or authorised under this Act shall, notwithstanding any other law, have the right to assist the Police in the conduct of prosecution under this Act or regulations made thereunder and to plead the case before the court.

(5) Any person who hinders, obstructs, molests or interferes with or attempts to hinder, obstruct, molest or interfere with the Director for Veterinary Services, Director for Animal Welfare, any animal welfare officer or such other person appointed by the Director for Veterinary Services or Director for Animal Welfare, or any officer of the Malta Police Force, local warden, or public officer, employee or servant of any department of Government or of any Government agency in the execution of duties under this Act or regulations made thereunder or fails to comply with any reasonable requirement demanded of him by any such person as aforesaid or otherwise to assist him in the carrying out the said duties, or who knowingly furnishes such person with false or misleading information or neglects or refuses to give any information required for the purpose of the aforesaid shall be guilty of an offence under this Act."

Substitution of article 45 of the principal Act.

24. Article 45 of the principal Act shall be substituted by the following:

"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 one thousand euro (€1,000) but not exceeding fifty five thousand euro (€55,000) or to a term of imprisonment for a period not exceeding three 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 five thousand euro (€5,000) but not exceeding eighty thousand euro (€80,000) or to a term of imprisonment for a period not exceeding three years or to both such fine and imprisonment.

(2) The liability of an offender under sub-article (1) shall be without prejudice to the powers of the Director for Veterinary Services, Director for Animal Welfare or any other officer to suspend or revoke any licence, permit or authorisation issued under this Act or any regulations made thereunder.

(3) Without prejudice to the provisions of sub-article (1), any person found guilty of committing an offence under this Act may, in addition to the penalties prescribed under the last foregoing sub-article, be ordered by the Court to pay for any expenses incurred for the treatment, relocation or forfeiture of animals from any place in Malta, the revocation of any permits issued for the operation of any activity regulated under this Act and for other reasonable expenses as the Court may deem fit.

(4) The provisions of this Act shall be without prejudice to any criminal proceedings or any other proceedings that may be instituted under other laws."

Amendment of article 46 of the principal Act.

25. In article 46 of the principal Act, for the words "fifty-eight thousand two hundred and thirty-four euro and thirty-three cents (58,234.33)" there shall be substituted the words "eighty thousand euro (€80,000)".

Amendment of article 47 of the principal Act.

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

(a) in sub-article (1) thereof, for the word "Director" there shall be substituted the words "Director for Veterinary

Services or Director for Animal Welfare";

(b) in paragraph (c) of sub-article (2) thereof, for the word "Director" there shall be substituted the words "Director for Veterinary Services or Director for Animal Welfare";

(c) in sub-article (3) and in its paragraph (a) thereof, for the word "Director" there shall be substituted the words "Director for Veterinary Services or Director for Animal Welfare";

(d) in sub-article (4) and in its paragraph (b) thereof, for the word "Director" there shall be substituted the words "Director for Veterinary Services or Director for Animal Welfare";

(e) in sub-article (5) thereof, for the word "Director" there shall be substituted the words "Director for Veterinary Services or Director for Animal Welfare";

(f) sub-article (7) thereof shall be deleted;

(g) sub-article (8) thereof shall be renumbered as sub-article (7) thereof; and

(h) in sub-article (7) thereof, as renumbered, for the word "Director" there shall be substituted the words "Director for Veterinary Services or Director for Animal Welfare".

27. In sub-articles (1), (3), (4) and (6) of article 49 of the principal Act, for the word "Director", wherever it occurs, there shall be substituted the words "Director for Veterinary Services or Director for Animal Welfare".

Amendment of article 49 of the principal Act.

Passed by the House of Representatives at Sitting No. 187 of the 15th October, 2014.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

