

ATT DWAR II-JEDDIJET U L-HARSIEN TA' L-ANIMALI

ATT DWAR II-JEDDIJIET U L-HARSIEN TA' L-ANNIMALI

1. (1) Dan l-Att ghandu jissejjah "L-Att tas-sena elfejn dwar il-Drittijiet u l-Harsien ta' l-Animali".

(2) Dan l-Att jidhol fis-sehh f' dak il-jum illi l-Ministru b' avviz fil-Gazzetta tal-Gvern jista' jordna, u jiem differenti jistghu ikunu stabbiliti ghad-dhul fis-sehh ta' partijiet differenti jew artikli ta' dan l-Att.

2. (1) F'dan l-Att, sakemm ir-rabta bil-kliem ma tehtiegx mod iehor:

Interpretazzjo
ni.

"Animal" tfisser kull membru haj tas-saltna ta' l-animali u tinkludi kull fetu jew fellus imfaqqas kmieni, jew wild ta' rettili, li jkun fit-tieni nofs tal-perijodu ta' gestazzjoni jew zvilupp;

"Stabbiliment ghall-animali" tfisser post fejn animali jintuzaw jew jinzammu taht il-kontroll ta' xi persuna, u li ghandu bhala ghan ewlieni tieghu, l-uzu jew iz-zamma ta' animali ghall-wirja, sport, divertiment, kura temporanja, bejgh, konservazzjoni, studju xjentifiku jew xi attivita` ohra;

"Animal imsieheb" tfisser, fir-rigward ta' animal li hu manipulat, animali li:

- (a) hu ta' l-istess razza u jigi mill-istess **flock**, merhla, jew grupp iehor bhall-animali li gie manipulat; u
- (b) Hu fil-kura immedjata tal-veterinarju li jezegwixxi l-manipulazzjoni tieghu.

"Intervent kirurgiku kontrollat" jfisser kull intervent kirurgiku iehor li jsir fuq animal u li taht l-artikolu 16, ikun dikjarat bhala intervent kirurgiku kontrollat;

"Direttur Generali" tfisser il-kap esekuttiv tal-Ministeru responsabbli mill-Intern;

"Tikkaccja jew toqtol", fir-rigward ta' animal, tinkludi tikkaccja, tistghad, jew tfittex xi animal u toqtol, tiehu, taqbad, tonsob, izzomm, titrankwillizza, jew twaqqaf lil xi animal bi kwalunkwe mod;

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"Tahqar" fir-rigward ta' animal, tfisser li ggieghel lill-animal, b'xi att jew ommissjoni, isofri ugiegh jew tbatija li fix-xorta jew mill-qawwa, jew fil-ghan tieghu, jew fic-cirkostanzi li fihom ikun impost, ikunx zejda, jew bla htiega;

"Spettur" tfisser spettur mahtur taht dan il-Att, u tinkludi kull membru tal-pulizija;

"manipulazzjoni" fir-rigward ta' animal, ghandha t-tifsira moghtija fl-artiklu 3;

"Immarkar", fir-rigward ta' animal, tfisser (a) immarkar ta' animal b'xi metodu li jkollu l-ghan li jiddistingwi bejn dak l-animal u animal ta' dik ir-razza, minn ohrajn; u (b) tinkludi t-twahhil jew l-applikazzjoni jew l-impjantazzjoni f'dak l-animal, bil-ghan li tinholoq distinzjoni bejn dak l-animal jew animal ta' dik ir-razza minn ohrajn, ta' kull cinga, curkett, molla, timbru, taghmir elettroniku ta' identifikazzjoni, jew zebgha, jew kwalunkwe haga ohra;

"Ministru" tfisser il-Ministru responsabbli mill-Intern;

"Sid" fir-rigward ta' animal, tinkludi l-genitur jew it-tutor ta' persuna taht l-eta` ta' tmintax il-sena li tipposjedi l-animal, u li hi membru tad-dar fejn toqghod il-familja tal-genitur jew tat-tutor, u tghix mal-genitur jew tutor u tkun dipendenti minnu;

"Persuna inkarigata" fir-rigward ta' animal, tinkludi persuna li ghandha l-animal fil-pussess jew kustodja taghha, jew taht il-kura, kontroll jew sorvelja ta' dik il-persuna;

"Animal ta' nfestazzjoni" tfisser kull animal fi stat naturali, li l-awtoritajiet sanitarji jiddikjaraw b'ordni fil-Gazzetta tal-Gvern, li jkun animal ta' nfestazzjoni ghall-finijiet ta' dan l-Att;

"Progett" tfisser

- (a) Kull esperiment, jew sensiela ta' esperimenti marbuta flimkien, li jifforma hidma ta' ricerka; jew
- (b) Protokoll li bih isiru manipulazzjonijiet ta' rutina ghal matul zmien specifikat; jew
- (c) Kull esperiment jew dimostrazzjoni jew sensiela ta' esperimenti u dimostrazzjonijiet relatati, maghmula ghal ghanijiet ta' ricerka;

"Intervent kirurgiku ristrett" jfissru:

- (a) It-tnehhija tas-setgha li kelb jinbah u t-twettiq ta'

- intervent kirurgiku fuq il-kordi vokali ta' annimal mahsub biex inaqas mill-hoss li annimal jista' jaghmel; jew
- (b) It-tnehhija ta' dwiefer minn qattus (it-tnehhija mis-sieq ta' qattus b' intervent kirurgiku ta' difer shih, jew parti minnu, jew ta' dwiefer shah u partijiet minnhom); jew
 - (c) Il-qtugh tad-denb jew tal-widnejn ta' ziemel jew ta' xi annimal iehor; jew
 - (d) Kull intervent kirurgiku li jitwettaq fuq annimal u li taht l-artiklu 16, ikun meqjus bhala intervent kirurgiku ristrett.

"Revizur" tfisser ir-revizur appuntat taht il-provvedimenti ta' dan il-Att.

"Nassa" tfisser :

- (a) xibka, gagga, trabokk, ilqugh, hofra mghottija jew oggett mekkaniku uzat bil-ghan li joqtol, jaqbad, izomm, ihabbel, ixekkel jew iwaqqaf annimal; izda
- (b) dan ma jghoddx ghal kull bicca art maghluqa jew gheluq effettiv iehor li jintuza biex annimal ikun kontrollat, imghasses jew migbur fil-merhla; jew kull post maghluq bhal gagga, li tintuza ghat-trasport ta' annimal.

3.

(1) F'dan l-Att, sakemm ir-rabta tal-kliem ma turix mod iehor, il-kelma "manipulazzjoni" fir-rigward ta' annimal, tfisser indhil fl-integrita` normali fizjologika, ta' ingiba jew anatomika ta' annimal, billi b'mod mahsub:

Definizzjoni ta' "Manipulazzjoni"

(a) Tqieghdu ghal intervent li mhuwiex tas-soltu jew li mhux normali meta tqabblu ma' dak li ghalih annimali ta' l-istess razza kienu jkunu soggetti f'kontroll jew Prattika normali u li jinvolvi:

- (i) Filli thalli l-annimal espost ghal xi parasita, organismu mikroskopiku, droga, kimika, prodott biologiku, radjazzjoni, tqanqil elettriku, jew kundizzjoni ambjentali; jew
- (ii) Attivita` imposta, razan, ikel li jinghata jew intervent kirurkiku; jew

(b) iccahhad lill-annimal mill-harsien li mdorri bih.

(2) Il-kelma imfissra fis-sub-artikolu (1) ma tinkludix:

- (a) Kull terapija jew profilassi mehtiega jew mixtieqa ghal-harsien ta' annimal; jew

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- (b) Il-kacca jew qtil ta' animal fi stat naturali b'metodu li mhux wiegħed esperimentali; jew
- (c) Kull procedura li l-Ministru jiddikjara taht is-sub-artikolu (3), li ma tkunx manipulazzjoni, għall-finijiet ta' dan l-Att.

(3) Il-Ministru jista' minn zmien għal zmien, wara li jikkonsulta mal-Kumitat Nazzjonali Konsultattiv għall-Harsien ta' l-Animali, jiddikjara b'ordni mahruġa fil-Gazzetta tal-Gvern, li xi procedura ma tkunx manipulazzjoni għall-finijiet ta' dan l-Att.

4. F'dan l-Att, sakemm il-kuntest ma jurix mod ieħor, it-termini "htigiet fizici, ta' saħha u mgiba", dwar animal, tinkludi:

Definizzjoni ta' "htigiet fizici, ta' saħha u komportament ali".

- (a) Ikel w ilma li jkunu xierqa u bizzejjed;
- (b) Kenn skond il-htiega;
- (c) L-opportunita` li l-animall igib ruħu b'mod normali;
- (d) Immanigjar fiziku u psikologiku b'mod li jizgura li tonqos il-possibilita` ta' ugiegh jew tbatija zejda jew bla mehtiega;
- (e) Harsien minn korrimenti serji jew minn mard, u dijanjozi ta' malajr (f'dawn il-kazi), lierna harsien ikun f'kull kaz jaqbel mar-razza, l-ambjent u c-cirkostanzi ta' l-animall.

5. (1) F'dan l-Att, sakemm ir-rabta bil-kliem ma turix mod ieħor, it-termini "ricerka, esperimentazzjoni u tagħlim" ifissru:

Definizzjoni ta' "ricerka, ittestjar u tagħlim.

- (a) Kull xogħol (li jkun xogħol ta' tiftix, jew sperimentali, jew dijanjostiku, jew biex jipprova l-qawwa velenuza jew il-qawwa ta' l-effett) li tiddaħhal fih il-manipulazzjoni ta' xi animall; jew
- (b) Kull xogħol li jsir bil-ghan li jinhadmu anti-sera jew prodotti biologici oħra; u li tiddaħhal fih il-manipulazzjoni ta' xi animall; jew
- (c) Kull tagħlim li tiddaħhal fih il-manipulazzjoni ta' xi animall.

(2) It-termini imfissra fis-sub-artikolu (1) ma jinkludux xi manipulazzjoni li ssir fuq xi animall li jkun taht kura immedjata ta' veterinarju, jekk:

- (a) Il-veterinarju jemmen għal ragunijiet tajba, li l-manipulazzjoni mhijiex se ggib lill-animall ugiegh jew tbatija li hi zejda jew bla htiega, jew li ma ggibx hsara għal dejjem; u
- (b) Il-manipulazzjoni ssir għall-ghanijiet klinici biex tinkixef

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xi marda fl-animall jew f'xi animall imsieheb; jew għall-ghanijiet klinici biex jitkejjel kemm programm ta' trattament li jkun propost għall-animall jew għal xi animall imsieheb se jkun effettiv; jew bil-ghan li jitkejjlu l-karatteristiki ta' l-animall, halli l-produttività ta' l-animall jew ta' xi animall imsieheb, tkun oghla.

6. (1) F'dan l-Att, sakemm l-kuntest ma jurix mod iehor, it-termini "intervent kirurgiku sinifikattiv" tinkludi, imma mhijiex ristretta għal:
- Definizzjoni ta' "intervent kirurgiku sinifikattiv.
- (a) Intervent kirurgiku ristrett; u
 - (b) Intervent kirurgiku kontrollat; u
 - (c) Kull intervent kirurgiku iehor li taht is-sub-artikolu (2), jiġi dikjarat bħala intervent kirurgiku sinifikattiv għall-finijiet ta' dan l-Att.
- (2) Il-Ministru jista' minn zmien għal zmien, wara li jikkonsulta mall-Kumitat Konsultattiv Nazzjonali għall-Harsien ta' l-Animalli, jiddikjara li intervent kirurgiku hu jew mhuwiex intervent kirurgiku sinifikattiv għall-finijiet ta' dan l-Att.
7. Meta ordni tkun saret taht l-artikolu 6(2), il-Ministru għandu fi zmien qasir, skond kemm ikun prattikabbli, wara li ssir l-Ordni u wara li tkun giet pubblikata fil-Gazzetta tal-Gvern:
- Avviz dwar il-hrug ta' Ordni.
- (a) Jippubblika avviz dwar l-ghemil ta' dik l-Ordni f' gazzetta jew aktar ta' kuljum; u
 - (b) Jagħti avviz bil-miktub dwar l-ghemil ta' dik l-Ordni lil dawk il-persuni li jidhru għall-Ministru li huma rappreżentattivi tal-klassijiet ta' persuni li x'aktarx ikunu milquta mill-ghemil ta' l-Ordni; u
 - (c) Jagħti kull avviz iehor pubbliku dwar l-ghemil ta' dik l-Ordni.
8. Dan l-Att jorbot lil kull ufficjal pubbliku, awtorita`, korporazzjoni jew entita, u kull persuna li tkun imharrka għall-reat taht dan l-Att, ma tistax tqajjem b'difiza li kienet qed tagixxi biex taqdi l-poteri jew funzjonijiet ufficjali ohra tagħha.
- L-Att jorbot lill-Gvern ecc.
9. (1) L-Istat jagħraf li kull animall għandu:
- Jeddijiet ta' l-

- (a) il-jedd għall-hajja, b'dan li t-tehid tal-hajja ta' ^{Animali.} animal għandu jkun regolat mil-ligi, taht cirkostanzi li jevitaw kull ugiegh u kull tbatijja zejda jew bla htiega;
- (b) il-jedd li ma jkunx ittrattat b'kefrija jew mahqur;
- (c) il-jedd ta' harsien minn kull hidma mhux xierqa u minn kudizzjonijiet ta' xoghol li jkunu lil hinn minn, u ma jaqblux man-natura tieghu;
- (d) il-jedd għall-helsien skond ir-razza ta' l-
animal, u jekk ikun mizmum, għandu jkun f'kundizzjonijiet li jirrispettaw il-htigiet naturali tieghu ta' ghixien;
- (e) il-jedd għal trattament gust, fic-cirkostanzi kollha;
- (f) il-jedd li ma jkunx kastigat ta' xejn b'xejn, b'kefrija, jew b' kapricc;
- (g) il-jedd li jkabbar iz-zghar tieghu u li jkollu madwaru gruppi ta' familja skond ir-razza tieghu u li jkollu l-kenn tieghu;
- (h) il-jedd ta' rispett lejn l-istinti u l-imgieba naturali tieghu, kif ukoll ghax-xorta ta' relazzjoni ma' animali u bnedmin li tkun naturali għalih;
- (i) il-jedd li ma jkunx imcahhad mis-shubija ta' animal ohra ta' l-istess razza bhal tieghu;
- (j) il-jedd ta' prokreazzjoni. Fejn il-prokreazzjoni se tkun ristretta permezz ta' intervent kirurgiku, dan għandu jsir taht kundizzjonijiet li jkunu accettabbli fis-socjeta` u jkun għall-harsien tal-
animal stess;
- (k) il-jedd li jkun rispettat bhala hlejqa, minkejja xi jkun in-nisel jew il-valur kummercjali partikolari tieghu. L-Istat għandu jagħmel hiltu biex jgib 'il quddiem ir-rispett lejn daww l-
animali li ta' sikwit ikunu mwarrba minhabba n-nisel imhallat tagħhom.

(2) Il-jeddijiet imsemmija fis-subartikolu (1) għandhom ikunu interpretati u applikati skond il-principju li l-
animali u l-bnedmin jghixu flimkien it-tnejn fuq l-istess art, u li l-bilanc ta' drittijiet, bzonnijiet, sahha, harsien u sopravivenza tal-bnedmin ma jstgħux ikunu pregudikati fit-twettiq ta' dawn id-drittijiet imsemmija.

(3) Kull deroga mill-jeddijiet imsemmija fis-subartikolu (1) għandu jkollha gustifikazzjoni ragonevoli, li fiha jipprevalu l-
interessi tal-bnedmin.

(4) L-Istat fl-ahhar jirrikonoxxi illi l-jeddijiet ta' l-annimali ma jistghux hlif jigu enforzati bl-intervent ta' l-Istat, li bl-organi legislativi, judizzjarji u amministrattivi jista jipprotegi il-jeddijiet u l-harsien ta' l-annimali. L-Istat qed jirrikonoxxi li ghandu dritt li jipromwovi l-harsien ta' l-annimali.

(5) L-Istat jaghraf li hu dmir tieghu li jahdem id f'id mal-ghaqdiet li ghandhom ghal qalbhom il-harisen tal-annimali, u li jkattar il-kultura tal-rsippet lejn l-annimali.

(6) L-ewwel skeda ta' dan l-Att turi l-intenzjoni u l-ghanijiet tad-diversi partijiet ta' dan l-Att, u fi kwlunkwe regolamenti jew interpretazzjoni ta' dan l-Att, l-Ewwel Skeda ghandha tkun direttiva awtentika.

L-EWWEL PARTI

DMIRIJET TAS-SIDIEN JEW TA' PERSUNI LI GHANHOM TAHT IL-HARSIEN TAGHHOM ANNIMALI

10. Is-sid ta' annimal u kull persuna li jkollha taht il-harsien taghha annimal ghandha tizgura illi l-htigiet fisici ta' sahha u ta' mgiba ta' l-annimal jitharsu kif jixraq u skond l-gharfien xjentifiku u mediku. Dimirijiet dwar il-htigiet fisici tas-sahha u komportament ali ta' l-annimali
11. (1) Is-sid ta' annimal li hu marid jew imwegga' u kull persuna li jkollha taht il-harsien annimal bhal dan ghandha kemm jista' jkun tizgura illi l-annimal jkollu l-kura li ttaffilu kull ugiegh jew tbatija zejda jew bla htiega li jkun qed isofri l-annimal. Dmir li ttaffi l-ugiegh u t-tbatija ta' annimali morda jew imweggagh.
- (2) Dan l-artiklu ma jnissilx id-dmir fuq persuna li zzomm annimal haj meta ikun f' kundizzjoni li qed isofri jew ibati izzejjed jew bla htiega.
12. (1) Ikun hati ta' reat kull min hu sid jew persuna li ghandha taht il-harsien taghha annimal li : Reati dwar il-harsien ta' l-annimali.
- (a) Jonqos mid-dmirijiet lejn l-annimali kif imsemmi fl-artiklu 10; jew
 - (b) Jonqos fil-kaz ta' annimali li jkun marid jew imwegga', mid-dmirijiet lejn l-annimal kif imsemmi fl-artiklu 11; jew
 - (c) Joqtol l-annimal b' mod illi l-annimal isofri ugiegh jew tbatija zejda jew bla htiega.

13. (1) Fit-tmexxija dwar reat skond l-artiklu 12, ma jkunx mehtieg li l-prosekuzzjoni tipprova illi l-imharrek ried jikkommetti reat. Responsabbiltà a kriminali.
- (2) Tkun difiza kontra it-tahrika ghal reat taht l-artiklu 12 jekk l-imharrek jipprova:
- (a) Illi b' riferenza ghall-annimali li fuqu qed jitmexxa l-kaz, l-imharrek kien ha, fil-kaz ta' reat kontra l-artiklu 12(1)(a), l-passi kollha mehtiega biex josserva dak li hemm previst fl-artiklu 10; jew fil-kaz ta' reat taht l-artiklu 12(1)(b), kien ha l-passi kollha mehtiega biex ma jiksirx l-artiklu 12(1)(c); jew
 - (b) Illi l-att jew ommissjoni imsemmi li jikkostitwixxi r-reat gara f' cirkostanzi ta' tahbit jew emergenza u kien necessarju halli tithares jew tkun salvata hajja ta' bniedem; jew
 - (c) Illi kien hemm f'dak iz-zmien ta' l-allegat reat, Kodici ta' Harsien rilevanti u l-minimu mehtieg mill-Kodici ta' Harsien kien f' kull aspett milhuq jew sar aktar minn hekk.
14. (1) Ikun hati ta' reat kull min, bhala sid jew bhala persuna li ghandha taht il-harsien taghha annimal, minghajr raguni siewja (a) izomm l-annimal haj meta huwa f' tali kondizzjoni li qed isofri ugiegh jew tbatija zejda jew bla htiega; jew (b) jipprova jbiegh, jew joffri ghal bejgh annimal, hlif ghall-ghan espress li l-annimali jinqatel, li jkun qieghed isofri jew ibghati izejjed jew bla mehtieg. Reati ohra dwar harsien ta' l-annimali.
- (2) Ikun hati ta' reat kull min, bhala sid jew bhala persuna li ghandha taht il-harsien taghha annimal, minghajr raguni siewja jabbanduna l-annimal f'cirkostanzi fejn hadd ma jkun ha hsieb ghall-htigijiet tieghu fizici, ta' sahha jew ta' mgieba.
15. (1) Hlief kif imsemmi fl-artiklu 18, l-ebda persuna ma ghandha taghmel intervent kirurgiku sinifikattiv fuq annimal hlief jekk dik il-persuna tkun tabib veterinarju jew persuna li qed tahdem taht ghajnejn tabib veterinarju u qed titghallem ix-xjenza veterinarja. Restrizzjonijie t' fuq twettiq ta' proceduri kirurgici.
- (2) Tabib veterinarju li ghall-ghan li jghallem ix-xjenza veterinarja jkollu taht idejh it-twettiq ta' intervent kirurgiku sinifikattiv ghandu jkun prezenti f'kull waqt ta' twettiq ta' dan l-intervent kirurgiku.

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(3) Hadd ma jista' waqt li qed jaghmel intervent kirurgiku fuq annimal li ma jkunx intervent kirurgiku sinifikativ, jaghmel dak l-intervent kirurgiku b'mod li l-annimal isoffri ugiegh jew tbatija zejda jew bla htiega.

16.

(1) Il-Ministru jista' minn zmien ghal zmien b'ordni maghmula wara li jisma' l-Kumitat Nazzjonali ghall-Harsien tal-Annimali, jiddikjara li l-intervent kirurgiku li jitwettaq fuq annimal jitqies bhala:

Klassifika ta'
interventi
kirurgici.

- (a) intervent kirurgiku ristrett; jew
- (b) intervent kirurgiku kontrollat.

(2) Il-Ministru jista' b'ordni maghmula wara li jikseb il-fehma tal-Kumitat Nazzjonali ghall-Harsien tal-Annimali jibdel jew iħassar kull ordni maghmula skond is-subartiklu (1).

(3) Il-Kumitat Nazzjonali ghall-Harsien ta' l-Annimali ghandu jifli, dwar kull intervent kirurgiku li dwaru tkun ser issir ordni, tibdil jew thassir:

- (a) Ir-ragunijiet kemm favur u kemm kontra li l-intervent kirurgiku jitwettaq; u
- (b) Il-grad ta' ugiegh jew tbatija li dan l-intervent kirurgiku aktarx igib; u
- (c) Jekk il-persuna li mhux tabib veterinarju jistax jwettaq dak l-intervent tajjed bizzejjed; u
- (d) Kull haga ohra li ghandha x'taqsam.

17.

(1) Intervent kirurgiku ristrett jista' jitwettaq fuq annimal biss minn tabib Veterinarju; jew persuna li qed tahdem taht ghajnejn tabib veterinarju u li qieghed jitghallem ix-xjenza veterinarja.

Twettiq ta'
intervent
kirurgika
ristretta.

(2) Tabib veterinarju, qabel iwettaq jew izomm taht ghajnejn it-twettieq ta' intervent kirurgiku ristrett, ghandu l-ewwel iserrah mohhu illi t-twettieq ta' dak l-intervent huwa fl-interess ta' l-annimal.

(3). Tabib veterinarju li jwettaq intervent kirurgiku ristrett fuq annimal ghandu jhares li l-annimal ikun, tul it-twettieq tal-intervent kirurgiku, taht il-loppju, jew f'parti jew fil-gisem kollu, jew ta' analgesiku bizzejjed biex ma jhallix l-annimal ihoss ugiegh.

18.

(1) Intervent kirurgiku kontrollatu jista' jitwettaq fuq annimal

Twettieq ta'

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biss minn tabib veterinarju; jew minn persuna li qed taqdem taht għajnejn tabib veterinarju u li qed titgħallim ix-xjenza veterinarja kif jissewma fl-artiklu 17; jew persuna li hija fl-istess waqt sid ta' l-annimal u li għandha approvazzjoni veterinarja li tagħmel intervent kirurgiku ta' dik l-għamla u fuq dik ir-razza ta' annimal; jew persuna li huwa impjegat mas-sid ta' l-annimal u li għandha approvazzjoni veterinarja illi twettaq intervent kirurgiku ta' dik l-għamla fuq dik ir-razza ta' annimal

intervent
kirurgika
kontrollata.

(2) L-approvazzjoni veterinarja biex isir intervent kirurgiku kontrollat fuq annimal huwa dokument iffirmit minn tabib veterinarju qabel jibda jsir l-intervent fuq l-annimal li juri li l-veterinarju huwa sodisfatt illi l-persuna għandha il-kapacita mehtiega, l-esperjenza Prattika, il-medicinali, l-apparat u l-ambjent necessarju biex jitwettaq intervent kirurgiku b' mod sewwa fuq dik ir-razza ta' annimal u dik l-approvazzjoni tista' tingħata biss lill-persuna b' isimha u tista' tithassar mill-istess tabib veterinarju.

19. Persuna li mingħajr raguni valida tikser jew ma tosservax dak li hemm mahsub fl-Artikli 15 sa 18 tkun hatja ta' reat.

Reati ta'
Procedura
Kirurgika.

20. (1) Kull persuna li jkollha taht il-kontroll tagħha vettura, ajruplan jew vapur, li fuqu qieghed jingarr annimal, għandha tigurata li l-htigiet ta' l-annimali jkunu mharsa; u fuq kollox li l-annimal jinżamm fejn ma jgarrabx hsara jew nuqqas ta' kumditax xierqa, u illi jingħata ilma u ikel addattat u bizzejjed.

Trasport ta' l-
annimali.

(2) Persuna tkun hatja ta' reat jekk tonqos mingħajr raguni siewja li thares dak li hemm mahsub fis-subartikolu (i).

21. (1) Persuna tkun hatja ta' reat jekk mingħajr raguni siewja, taqfel jew igorr annimal b' mod jew f'qagħda illi ggib fuq l-annimal ugiegh jew tbatija zejda jew bla htiega.

Reati ohra
dwar it-
trasport ta' l-
annimali ecc.

(2) Persuna tkun hatja ta' reat jekk tkun is-sid ta', jew persuna li għandha taht il-harsien tagħha annimal, thalli li dak l-annimal mingħajr raguni siewja (a) ikun misjuq jew immexxi fi triq; jew (b) ikun mirkub; jew (c) ikun mgħobbi f' vettura, ajruplan jew vapur, meta l-kundizzjoni jew is-sahha ta' dak l-annimal ma jhallux ikun tajjeb biex jinstant, jitmexxa, jintrikey jew jingarr.

22. Kull min ikun hati ta' reat kif imsemmi f'din il-Parti, jehel meta jinstant hati l-piena ta' prigunerija għal mhux iktar minn sitt xhur

Pieni.

ATT DWAR ID-DRITTIJIET U L-HARSIEN TA' L-ANNIMALI

jew ghal multa ta' mhux izjed minn elf Lira Maltija, jew kemm il-multa u l-prigunerija flimkien.

IT-TIENI PARTI

IMGIEBA LEJN L-ANNIMALI

MOHQRIJA TA' L-ANNIMALI

23. (1) Ikun hati ta' reat minl, ghax hekk irid jahqar annimal b' mod illi (a) l-annimal jsofri disabilta` fil-gisem, imqar jekk ghal xi zmien; jew (b) l-annimal imut; jew (c) l-ugiegh u t-tbatija mahluqa lill-annimal jkunu hekk kbar illi ikun mehtieg illi l-annimal jinqered biex tintemm it-tbatija tieghu.

Mohqrija ta' l-annimali intenzjonali.

(2) Min ikun hati ta' reat taht dan l-artiklu jehel meta jinstab hati l-piena ta' mhux aktar minn sena prigunerija jew multa ta' mhux aktar minn Lm1000 jew ghal dik il-piena u multa flimkien.

24. Ikun hati ta' reat min

Reati ohra.

- (a) Jahqar annimal; jew
- (b) Itaqqab l-ilsien jew il-frenum tal-ilsien ta' annimal b' curkett, jew mezz iehor jew permezz ta' xi fildiferru, jew jaqta' l-widejn ta' kelb; jew li jkollu taht il-harsien tieghu tali kelb; jew
- (c) Izomm jew juza lok ghall-ghan biex igelled l-annimali, jew ghall-ghan ta' tkeskis, jew li b' mod iehor jahqar annimal, jew imexxi jew jassisti fit-tmexxija ta' lok bhal dan; jew
- (d) Ikun prezenti, ghall-ghan illi jara glied jew tkeskis ta' annimal; jew
- (e) Bi kwalunkwe mod iehor jhajjar, jghin, jew jassisti fil-glied jew tkeskis ta' annimal; jew
- (f) Jimmarka annimal b' mod illi l-annimal isofri ugiegh jew tbatija zejda jew bla htiega; jew
- (g) Jitlaq annimal li jkun ilu jinzamm, f' cirkostanzi fejn l-annimal aktarx ibati ugiegh jew tbatija zejda jew bla htiega; jew
- (h) Iheggeg, jistieden, jghin jew jassisti persuna ohra li taghmel xi att jew li tonqos milli jaghmel xi att, liema imgieba ggib fuq l-annimal ugiegh jew tbatija zejda jew bla htiega.

ATT DWAR ID-DRITTIJJET U L-HARSIEN TA' L-ANIMALI

25. Ikun hati ta' reat min :
- Sforz zejjed fuq animal.
- (a) Igieghel animal li jaghmel aktar minn dak li l-animal ghandu s-sahha jew il-hila li jaghmel, fil-posizzjoni tieghu, hlief meta jkun hemm sitwazzjoni ta' emergenza; jew
 - (b) Igieghel animal, li jkun ghadda minn interventi kirurgici jew li ikkurat b' mod illi l-kapacitajiet fizici tieghu naqsu, biex jaghmel xi haga li l-kondizzjoni fizika tieghu ma thallihx jaghmilha.; jew
 - (c) Jaghmel interventi fuq animal waqt tahrig jew kompetizzjonijiet sportivi jew okkazjonijiet bhal dawn li jgibu ugiegh kbir, tbatija jew hsara, bil-ghan illi jnaqqas il-hila ta' l-animal; jew
 - (d) Jaghti xi droga lill-animal f' kompetizzjoni sportiva jew f'okkazjoni bhal din; jew
 - (e) Jghakkes lill-animal b'tahrig li jgib ugiegh kbir, tbatija jew hsara lill-animal; jew
 - (f) Li juza animal ghal fotografija, wirja, jew riklami jew okkazjonijiet bhal dawn, b'mod li jgibu ugiegh, tbatija jew hsara lill-animal.
26. (1) Fit-tmexxija tal-kawza dwar reat taht l-artiklu 24 jew l-artiklu 25, mhux mehtieg illi l-prosekuzzjoni tipprowa illi l-imputat kellu l-intenzjoni li jwettaq reat.
- Responsabbilita Kriminal.
- (2) Tkun difiza fil-kawza dwar reat taht l-artiklu 24 u l-artiklu 25, fejn applikabbli, jekk l-imharrek jimexxilu jipprova illi l-att jew l-ommissjoni li jikkostitwixxu r-reat saru f' cirkostanzi ghall-gharrieda jew f'emergenza, jew li kien hekk mehtieg sabiex il-hajja ta' bniedem tinzamm, tithares u tibqa' bla mittiefsa; jew li kien hemm f'dak iz-zmien tar-reat li bih ikun mixli, Kodici ta' Harsien li jghodd ghalhekk, u lanqas dmir mehtieg mill-Kodici ta' Harsien kien f' kull qasam milhuq jew sar aktar minn hekk.
27. (1) Ikun hati ta' reat min :
- Taqbid ta' glied ta' l-animali.
- (a) Xjentement ikollu bhala sid, jew ikollu fil-pussess tieghu, izzomm, iharreg, jew inissel animal bl-ghan illi jgieghel dak l-animal jiehu sehem f' taqbida ta' glied ta' l-animali; jew
 - (b) Xjentement ibiegh, jixtri jew igorr, jew jghaddi lil haddiehor xi animal sabiex iggieghel lill-animal jiehu

ATT DWAR ID-DRITTIJET U L-HARSIEN TA' L-ANNIMALI

sehem f' taqbida ta' glied ta' l-animali.

(2) F' dan l-artiklu "taqbida ta' glied ta' animali" jfissru kull attivita` fejn jidhol il-glied bejn mill-inqas zewg animali u li hi immexxija bl-ghan ta' sport, imhatri, jew divertiment..

28. (1) Ghall-ghanijiet ta' dan l-Att, il-Ministru jista', wara li jikseb il-fehma tal-Kumitat Nazzjonali ghall-Harsien ta' l-Animali, jiddikjara b' Ordni illi kull nassa jew ghodda jitqiesu:
- (a) Nassa projbita jew ghodda projbita; jew
(b) Nassa ristretta jew ghodda ristretta.
- (2) Meta l-ordni tiddikjara illi xi nassa hi ristretta jew xi ghodda hi ghodda ristretta, l-ordni jista' jkun fiha provvedimenti li jolqtu l-bejgh jew l-uzu tan-nassa jew ghodda.
29. Il-Ministru, meta jigi biex jiddeciedi jekk johrog l-ordni taht l-artiklu 28 jew le, ghandu jistharreg dan li gej:
- (a) In-natura u l-ghan tan-nassa jew ghodda; u
(b) Jekk l-ugiegh jew tbatija illi n-nassa jew l-ghodda jistghu jgibu hux barra minn lokhom; u
(c) Jekk l-uzu ta' mizuri ohra taht dan l-att, jew mizuri taht Atti ohrajn, humiex bizzejjed biex jikkontrollaw l-effetti tan-nasses jew ghodod ohrajn ghall-harsien ta' l-animali; u
(d) Jekk fis-sajd hemmx nases ohra jew ghodod ohra, u kemm jaqbel fil-prezz, u kemm ikun ghaqli li taqleb ghalihom; u
(e) Jekk in-nassa jew ghodda ohra jistghux jinbidlu f' xi parti, jew jekk l-uzu jistax ikun ikkontrollat, biex jinharbu l-konsegwenzi mhux mixtieqa ghall-harsien ta' l-animali.
30. Ikun hati ta' reat min, minghajr raguni siewja, juza nassa projbita jew ghodda ohra projbita; jew juza nassa ristretta jew ghodda ohra ristretta bi ksur ta' dak li jkun mahsub f' Ordni maghmula taht l-artiklu 28.
31. (1) Ikun hati ta' reat min, minghajr raguni siewja, jbiegh, jew jipprova jbiegh, jew joffri, jew jqieghed ghall-bejgh, nassa projbita jew ghodda ohra projbita .
- (2) Ikun hati ta' reat min ibiegh nassa ristretta jew ghodda ohra

Il-poter li tiddikjara illi nassa jew ghodda jitqiesu projbiti jew nasses jew ghodda ohra jitqiesu ristretti.

Kriterji.

Restrizzjonijiet fuq l-uzu ta' nasses ecc.

Restrizzjonijiet fuq il-bejgh ta' nassas jew mezzi ohra.

ATT DWAR ID-DRITTIJJET U L-HARSIEN TA' L-ANIMALI

ristretta, jikser, minghajr raguni siewja, xi provvedimenti ta' xi Ordni maghmula taht l-artiklu 28.

32. (1) Min, bil-ghan li jaqbad l-animali hajjin ihalli jew iggieghel li titqiegħed nassa għandu:
- Obligazzjoni li tezamina n-nasses.
- (a) jezamina n-nassa, jew iggieghel persuna tas-sengħa biex tezamina n-nassa, fi zmien tmax-il siegħa minn meta titla' x-xemx kull jum illi n-nassa tibqa', mill-għada li titqiegħed in-nassa; u
 - (b) inehhi, jew iggieghel li jitnehħa, kull animal haj li jinsab go fiha, jew li tieħu hsieb sew il-htigiet ta' animal f'dik il-qagħda, jew mingħar dewmien joqtol dak l- animal.

(2) Ikun hati ta' ir-reat u meta jinstab hati jehel multa ta' mhux aktar minn Lm500, min jonqos minghajr raguni siewja li josserva dak li hemm mahsub fis-subartikolu (1).

33. Persuna li tikkommetti reat kif hemm imfisser fl-artiklu 24, jew 25, jew 27, jew 30 jew 31 meta tinstab hatja teħel piena ta' prigunerija ta' mhux aktar minn sitt xhur jew multa ta' mhux aktar minn Lm1000 jew kemm il-multa u l-piena ta' prigunerija flimkien.
- Pieni.

IT-TIELET PARTI

L-ESPORTAZZJONI U MPORTAZZJONI TA' ANIMALI

34. (1) Il-provvedimenti ta' din il-parti ma jillimitawx il-provvedimenti l-oħra ta' dan l-Att.
- (2) Kull ufficjal pubbliku li jintebah li dak li hemm mahsub f'din il-parti mhux ikun imħares fl-importazzjoni tal-animali, ikun id-dmir tiegħu li jgħarraf b'dan il-fatt lid-Direttur Generali.
- Effetti ta' din il-Parti.
35. (1) Ikun hati ta' reat min jesporta animal minn Malta għall-pajjiz iehor fuq vapur jew ajruplan jekk mhux skond l-awtorizzazzjoni, u taht il-kondizzjonijiet li jkun hemm f' certifikat dwar il-harsien ta' l-animali għall-esportazzjoni.
- Certifikat dwar il-harsien ta' l-animali fl-esportazzjoni.
- (2) Minkejja dak li jingħad fis-subartikolu (1) l-esportazzjoni ta' l-animali tista' tinheles mill-htiega ta' dak illi hemm imsemmi f'dak is-subartiklu b'avviz ippubblikat fil-Gazzetta tal-Gvern mid-Direttur tal-Kummerc.

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- (3) Min iwettaq ir-reat imsemmi fis-subartikolu (1) jista' jehel il-piena ta' prigunerija ghal zmien ta' mhux izjed minn sitt xhur jew il-multa ta' mhux izjed minn Lm1,000, jew dik il-piena ta' prigunerija u l-multa flimkien.
36. (1) Id-Direttur Generali jista' minn zmien ghal zmien jippubblika direttivi ghall-hrug ta' certifikati dwar il-harsien ta' l-animali fl-esportazzjoni. Direttivi ghall-hrug ta' certifikat dwar il-harsien ta' animal ghall-esportazzjoni.
- (2) Id-Direttur Generali jista' minn zmien ghal zmien, jibdel jew ihassar kull direttiva publikata kif imsemmi fis-subartikolu (1).
- (3) Il-Ministru jista' minn zmien ghal zmien jordna lid-Direttur Generali li jezercita il-poteri moghtija fis-subartikolu (1).
- (4) Id-direttivi ippublikati skond dan l-artikolu jistghu jkollhom x' jaqsmu ma' (a) razza specifika ta' animal jew ta' animali in generali;(b) l-esportazzjoni ta' animali b' vapur jew ajruplani jew bil-ferrovija;(c) tipi ta' animali f' cirkostanzi partikolari.
- (5) Qabel ma jippubblika direttivi taht dan l-artiklu, jew tibdil ghal dawn id-direttivi, id-Direttur Generali ghandu jikkonsulta ma' dawk il-persuni li hu jahseb jirrepresentaw il-klassijiet ta' persuni li ghandhom interess fid-direttivi jew l-emenda.
37. (1) Kull persuna tista' tapplika lid-Direttur tal-Kummerc ghal certifikat ta' harsien dwar animal ghall-esportazzjoni. Applikazzjoni ghal certifikat ta' harsien dwar animal ghall-esportazzjoni.
- (2) L-applikazzjoni ghandha tkun fuq il-forma preskritta mid-Direttur tal-Kummerc u ghandu jkun fiha jew ikollha mehmuza maghha kull informazzjoni illi d-direttur jehtieg kif ukoll ma' l-hlas tad-drittijiet preskritti, jekk ikun hemm, u ghandha ssir lid-Direttur tal-Kummerc mhux inqas minn ghoxrin gurnata qabel id-data li fiha l-applikant ikollu l-hsieb li l-animali ihalli Malta.
- (3) Id-Direttur tal-Kummerc jista' jippermetti li applikazzjoni issir b' mod iehor minn dak imsemmi fis-subartikolu (2) jekk huwa jkun sodisfatt illi minhabba c-cirkostanzi eccezzjonali jew li ma hadd ma kien jaf bihom, ma kienx possibbli li l-applikazzjoni issir skond is-subartikolu (2).
38. Id-Direttur tal-Kummerc, meta jezamina l-applikazzjoni taht l-artikolu 37, ghandu jikkunsidra dan li gej, sa fejn ghandu x'jaqsam: Konsiderazzjoni ta' l-applikazzjoni.

ATT DWAR ID-DRITTIJET U L-HARSIEN TA' L-ANNIMALI

- (a) Fl-imghoddi kemm kien sewwa il-mod kif tharsu l-annimali li kienu esportati minn Malta qabel mill-applikant matul il-vjagg bejn Malta u pajjiz iehor fejn kienu esportati;
 - (b) Il-kapacita, s-sengha u l-esperjenza ta' l-applikant fil-gasam ta' l-esportazzjoni ta' l-annimali;
 - (c) Ir-razza, jew tip ta' annimali u l-ghadd ta' annimali li hekk hemm il-hsieb li jkunu esportati;
 - (d) L-eta` u l-istat fisjologiku ta' l-annimali li hemm il-hsieb li jkunu esportati;
 - (e) Il-mod ta' trasport mahsub u l-facilitajiet li jipprovdi;
 - (f) It-tul u n-natura tal-vjagg mahsub;
 - (g) Il-probabbilta ta' hsara jew tbatija ghall-annimal;
 - (h) Il-htigiet tal-pajjiz illi fih l-annimal ser ikun esportat;
 - (i) Kull standard internazzjonali iehor illi ghandu x' jaqsam;
 - (j) Id-data ta' meta l-annimal ghandu jhalli Malta;
 - (k) U dawk il-kwistjonijiet kollha li d-Direttur Generali jqis li ghandhom x' jaqsmu mal-harsien ta' l-annimal.
39. Wara li jikkunsidra l-applikazzjoni skond l-artiklu 42, id-Direttur tal-Kummerc ghandu jiddeciedi jekk jilqax jew jichad l-applikazzjoni , waqt li jaghti ragunijiet fil-kaz ta' cahda, kif ukoll ghandu jnizzel il-kundizzjonijiet li hu jahseb li huma mehtiega ghall-harsien ta' l-annimal li se jkun esportat. Id-decizjoni fuq l-applikazzjoni.
40. Id-Direttur tal-Kummerc u l-Kontrollur tad-Dwana jistghu f' kull hin qabel it-tluq ta' l-annimal izidu mal-kundizzjonijiet mnizzla fuq ic-certifikat ta' l-esportazzjoni, u jistghu jaghtu direttivi ohra fil-interess ta' l-annimal li jkun ghall-esportazzjoni. Ragunijiet ulterjuri.
41. Id-Direttur tal-Kummerc jista' minn zmien ghall-zmien b' avviz fil-Gazzetta tal-Gvern, jezenta certi razez jew tipi ta' annimali mill-htiega ta' certifikat skond kif intqal qabel; jew jispecifica ic-cirkostanzi illi tahthom annimali ikunu ezenti mill-provvedimenti ta' l-artikolu 40. Ezenzjoni.
42. (1) Meta xi annimal ghall-esportazzjoni minn Malta lejn pajjiz iehor ikun qed jithejja ghat-toghbija ghal fuq il-vapur, jew ajruplan jew qed jitgħabba fuq vapur jew ajruplan b' mod iehor u mhux skond l-awtorita` u kundizzjonijiet tac-certifikat ghall-harsien tal-annimal ghall-esportazzjoni, kull ufficjal pubbliku li jsir jaf b' din l-imgieba kontra l-ligi jista': Twettiq.
- (a) Jahtaf l-annimal u jiehdu f' post iehor;

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- (b) Jiehu passi ohra li hu jidhirli li huma xierqa biex itaffi kull tbatija li jkun ghaddej minnha l-annimal;
- (c) Jordna lis-sid jew il-persuna li ghandha taht il-kontroll taghha annimal biex jiehu l-passi mehtiega biex jevita jew itaffi kull tbatija li jkun ghaddej minnha l-annimal.
- (2) L-ufficjal Pubbliku jista' jzomm l-annimal f' post, fejn jithares b' mod xieraq , sakemm l-annimal ikun konfiskat favur il-Gvern ta' Malta jew organizazzjoni approvata; jew sakemm il-Qorti tal-Magistrati ma taghtix ordni illi l-annimal ghandhu jinghata lis-sid ta' l-annimal jew lill-persuna li tkun imharrka b' reat taht dan l-Att.
- 43 (1) Ikun hati ta' reat min, minghajr raguni siewja jirrifjuta jew jonqos milli joqghod ghall-ordijiet ta' kull ufficjal pubbliku li jkun qed jagixxi taht l-awtorita ta' l-artiklu 42. Reat.
- (2) Min jinstab hati tar-reat imsemmi fis-subartikolu (1) jista' jehel il-multa li ma tkunx izjed minn Lm500.

IR-RABA' PARTI

KUMITAT NAZZJONALI GHALL-HARSIEN TAL-ANNIMALI

44. (1) Ghandu jitwaqqaf Kumitat Nazzjonali ghall-Harsien ta' l-Annimali, li ghandu dawn id-dmirijiet:- It-twaqqif ta' Kumitat Nazzjonali ghall-Harsien ta' l-Annimali.
- (a) Jaghti parir lil Ministru fuq kwistjonijiet dwar il-harsien ta' annimali f' Malta; li jinkludu (mighajr ebda limitazzjoni) kwistjonijiet fejn hemm il-htiega ta' ricerka fuq il-harsien ta' l-annimali ; u proposti legislattivi li ghandhom x'jaqsmu mal-harsien ta' l-annimali;
- (b) Li jghaddi l-fehmiet tieghu lill-Ministru rigward manipulazzjoniet u interventi kirurgici;
- (c) Li jaqdi l-funzjonijiet tieghu dwar il-hrug ta' Ordnijiet li jipprojbixxu jew jillimitaw l-uzu ta' nasses jew ghodod ohra;
- (d) Li jaqdi l-funzjonijiet tieghu dwar il-kundizzjonijiet li ghandhom ikunu mehmuzza mal-bejgh jew l-uzu ta' kull nassa ristretta jew ghodod ohra ristretti.;
- (e) Li jghaddi l-fehmiet tieghu lill-Ministru dwar il-hrug, tibdil, sospensjoni, thassir, jew revizjoni ta' xi Kodici ta' Harsien;
- (f) Li jmexxi 'l quddiem, u jghin lil haddiehor, biex jinholqu direttivi dwar l-uzu ta' nasses jew ghodod ohra jew dwar it-tnejn; u dwar il-kacca jew il-qtil ta' annimali

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fl-istat salvagg tagghom.

2) L-ispejjez tal-Kumitat Nazzjonali għall-Harsien tal-Annimali għandhom jkunu fuq il-Fond konsolidat.

45. (1) Il-Kumitat Nazzjonali għall-Harsien ta' l-Annimali għandu jkun magħmul minn mhux iktar minn hdax-il membru. Shubija.

(2) Il-membri jkun:

- (a) President li jinhatar mill-Ministru; u
- (b) Membri oħra (izda mhux iktar minn għaxra) li jinhatru mill-Ministru skond is-subartiklu (3).

(3) Il-Ministru għandu, meta jagħmel l-hatra taht is-subartiklu (2)(b), jqis għall-htiega li fil-kumitat ikun hemm nies b'għarfien u esperjenza f'dawn l-oqsma:

- (a) Xjenza Veterinarja;
- (b) Xjenza fl-agrikoltura;
- (c) Xjenza ta' l-annimali;
- (d) L-uzu kummercjali ta' l-annimali;
- (e) Il-kura, it-tnissil, u t-trobbija ta' animal shab;
- (f) Il-livelli etici u mgieba lejn l-annimali;
- (g) Għaqdiet u nies li jmexxu 'l quddiem il-harsien tal-annimali.
- (h) L-interess pubbliku għall-dak li għandu x'jaqsam mar-rispett lejn l-annimali;
- (i) Il-harsien ta' l-ambjent u l-konservazzjoni.

46. (1) Kull membru mahtur fil-Kumitat Nazzjonali għall-Harsien ta' l-Annimali: Terminu tal-kariga.

- (a) Għandu jinhatar mill-Ministru b'avviz ipubblikat fil-Gazzetta tal-Gvern; u
- (b) Għandu jzomm din il-kariga għal zmien, ta' mhux iktar minn tlett snin, skond kif inizzel il-Ministru fl-avviz ta' hatra; u
- (c) Jidhol fil-kariga mid-data tal-pubblikazzjoni ta' l-avviz tal-hatra fil-Gazzetta tal-Gvern jew minn data oħra skond kif ikun hemm innizzel fl-avviz; u
- (d) Jkun jista' jerga' jinhatar minn zmien għal zmien.

(2) Minkejja dak li jinghad fis-subartiklu (1)(b), kull membru li mahtur fil-Kumitat Nazzjonali ghall-Harsien ta' l-Annimali, sakemm ma jitlaqx mill-kariga tieghu qabel, ghandu jissokta fil-qadi tal-kariga tieghu sakemm jinhatar haddiehor minfloku.

47. Il-Kumitat Nazzjonali tal-Harsien ta' l-Annimali, ghandu mill-iktar fis possibbli, wara t-tmiem ta' kull sena li tispicca fil-31 ta' Dicembru, jghaddi lill-Ministru rapport ta' hidmietu matul dik is-sena, u l-Ministru ghandu jqieghed dan ir-rapport fuq il-Mejda tal-Kamra tad-Deputati.
- Rapport Annwali.

IL-HAMES PARTI

KODICIJJET TA' HARSIEN

48. Kodicijjet ta' Harsien jistghu' jkunu dwar wiehed jew izjed milli gejjin:
- Kontenut.
- (a) Nisel ta' annimal;
 - (b) Annimali uzati ghall-ghanijiet imsemmija f' dan il-Kodici;
 - (c) Stabbilimenti ta' l-annimali tat-tip imsemmija f' dan il-Kodici;
 - (d) Tipi ta' divertiment li huma imsemmija f' dan il-Kodici (li huma tipi ta' divertiment li jkun hemm fihom l-uzu ta' annimali);
 - (e) Il-garr ta' annimali;
 - (f) Il-proceduri u l-ghodda li jintuzaw fit-tmexxija, kura, jew il-qtil ta' annimali jew f' kull intervent kirurgiku fuq l-annimali.
49. (1) Il-Ministru, il-Kumitat Nazzjonali ghall-Harsien ta' Annimali, jew kull persuna ohra jew ghaqda ghall-harsien ta' l-annimali tista' thejji abbozz ta' Kodici ghall-Harsien.
- Thejjija ta' abbozz ta' Kodici ghall-harsien.
- (2) Meta xi persuna jew ghaqda, li ma jkunx il-Kumitat Nazzjonali ghall-Harsien ta' l-Annimali, thejji abbozz ta' Kodici ghall-Harsien, dik il-persuna jew Ghaqda ghandha tipprezenta dan l-abbozz lill-Kumitat Nazzjonali ghall-Harsien ta' l-Annimali.
50. Il-Kumitat Nazzjonali ghall-Harsien ta' l-Annimali jista' jikseb l-fehma ta' kull persuna qabel ma jghaddi l-parir tieghu lill-Ministru biex jinhareg Kodici ta' Harsien.
- Konsultazzjoni

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51. (1) Il-Kumitat Nazzjonali għall-Harsien ta' l-Annimali għandu, meta jigi biex jifli il-kontenut ta' l-abbozz ta' Kodici għall-Harsien, u qabel ma jaqta' fuq jekk jirrikmandax lill-Ministru l-hrug ta' dak il-Kodici, għandu jkun sodisfatt illi l-livell propost l-inqas mehtieg biex jizgura illi l-ghan ta' dan l-Att jintlahaq; u għandu jkun sodisfatt illi r-rikmandazzjonijiet għall-ahjar metodi (jekk ikun hemm) huma xierqa.
- (2) Il-Kumitat Nazzjonali għall-Harsien ta' l-Annimali meta jagħmel ir-rikmandazzjonijiet tiegħu għandu jzomm f' mohhu:
- (a) (a) Kemm hu possibli u kemm jaqbel li ssir il-bidla mid-drawwiet tal-lum għad-drawwiet il-godda, u x'effetti hziena jistghu jinholqu b'dan it-tibdil;
 - (b) Il-htigijiet ta' twemmin religjuz jew kulturali ta' minoranzi jew tat-tnejn flimkien;
 - (c) L-effetti ekonomici li tista' iggib kull bidla mid-drawwiet tal-lum għad-drawwiet il-godda;
 - (d) Kull Kodici bħalu u li jghodd f'pajjizi ohrajn.
52. (1) Il-Kumitat Nazzjonali għall-Harsien ta' l-Annimali, għandu mill-aktar fi zmien tlett xhur wara li jasal għandu l-abbozz tal-Kodici għall-Harsien, jaqta' jekk għandux jirrikmanda lill-Ministru l-hrug ta' dak il-Kodici.
- (2) Ir-rikmandazzjonijiet tal-Kumitat għandhom jkollhom magħhom rapport li jagħti r-ragunijiet għar-rikmandazzjoni li jkun għamel il-Kumitat; u n-natura ta' kull nuqqas ta' qbil fil-fehmiet fuq l-istess Kodici, jew xi parti minnu, li johorgu mis-sottomissjonijiet; u n-natura ta' kull nuqqas ta' qbil serju fi hdan il-Kumitat dwar il-kodici, jew parti minnu.
- (3) Il-Kumitat Nazzjonali għall-Harsien ta' l-Annimali għandu jibgħat kopja tad-decizjoni tiegħu flimkien ma kopja tar-rapport li jkun sar skond is-subartiklu (2), lill-persuna li tkun ippreparat l-abbozz.
53. (1) Il-Ministru jista', wara li jqis ir-rikmandazzjoni li tkun saret mill-Kumitat Nazzjonali għall-Harsien ta' l-Annimali, jaqta' li johrog il-Kodici għall-Harsien ta' l-Annimali b'avviz fil-Gazzetta tal-Gvern wara li jkun għamel it-tibdil (jekk ikun hemm) għall-abbozz tal-Kodici skond kif jidhirlu li hu xieraq il-Ministru, fuq il-parir tal-Kumitat Nazzjonali għall-Harsien ta' l-Annimali; jew li jirreferi il-Kodici għall-Harsien lura lejn il-Kumitat għall-Harsien

Kwistjonijiet li għandhom jigu ikkondratati

Rakomandazzjonijiet lill-Ministru.

Hrug ta' Kodici

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ta' l-Annimali b'talba biex il-Kumitat jerga' jgharbel wahda jew aktar mill-partijiet tal-Kodici ghall-Harsien.

(2) Kodici ghall-Harsien jigi fis-sehh f' dik id-data jew wara id-data tal-pubblikazzjoni ta' l-avviz skond is-subartiklu (1) li japprova il-hrug tal-kodici jew f' data aktar il-bogħod skond kif ikun hemm imnizzel fl-istess avviz.

54.

Fejn ikun inhareg Kodici ghall-Harsien, il-Ministru ghandu jaccerta ruhu li, sakemm dak il-Kodici idum fis-sehh, kopji ta' dak il-Kodici ghall-harsien, u ta' kull tibdil li jsir fl-istess kodici, ghandhom ikunu jistghu jintwerer lill-membri tal-pubbliku minghajr hlas, jew f' forma mitbugha jew inkella fuq l-internet.

Access ghall-
Kodici ghall-
Harsien.

55.

(1) Il-Kumitat Nazzjojnali ghall-Harsien ta' l-Annimali, jista' minn zmien ghal zmien, u ghandu d-dmir f' intervalli ta' mhux iktar minn ghaxar snin, jirrevedi il-Kodici ghall-Harsien li jkunu fis-sehh.

Revizjoni tal-
Kodici ta'
Harsien.

(2) Il-Kumitat Nazzjojnali ghall-Harsien ta' l-Annimali ghandu jirrevedi il-Kodici ghall-Harsien jekk ikollu talba mill-Ministru b' avviz bil-miktub.

(3) F'revizjoni ghall-Kodici ghall-Harsien, l-istess regoli japplikaw, daqs li kieku r-revizjoni kienet proposta biex isiru rikmandazzjonijiet lill-Ministru biex jinhareg Kodici.

56.

Il-Kumitat Nazjojnali ghall-Harsien ta' l-Annimali ghandu, flimkien mal-funzjonijiet li jaqdi, jifli u jaghti pariri tieghu fuq Kodici ta' Mgieba Etika skond kif imsemmi fis-Sitt Parti ta' dan l-Att.

IS-SITT PARTI

L-UZU TA' ANNIMALI GHALL-RICERKA, ESPERIMENTAZZJONI
U TAGHLIM

57.

(1) Annimali jistghu jinqdedw bihom ghall-ricerka, esperimentazzjoni jew tagħlim biss skond din il-Parti.

Effetti ta' din
il-Parti.

58.

(1) Hadd ma jista' jagħmel ricerka, esperimentazzjoni, jew tagħlim li jinvolvi l-uzu ta' annimali sakemm dik il-persuna m'

Restrizzjonijie
fuq ricerka,

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- għandhiex Kodici ta' Mgieba Etika li hu approvat taht din il-Parti, liema Kodici għandu jorbot ukoll l-impjegati u persuni oħra li jahdmu b' kuntratt ma dik il-persuna.
- esperimentazzjoni, jew tagħlim li jinvolvi l-użu ta' animali.
- (2) Min jikser is-subartikolu (1) ikun hati ta' reat.
59. (1) Minkejja dak li jipprovi l-artikolu 57, hadd ma jista' jmexxi 'l quddiem proġett dwar il-hwejjeg imsemmija fl-artiklu 58 jekk qabel ma jkunx hemm l-approvazzjoni mill-Kumitat Nazzjonali għall-Harsien ta' l-Animali, u li kollox jitwettaq skond il-kundizzjonijiet li jagħmel dan il-Kumitat.
- Restrizzjonijiet fuq proġetti.
- (2) Ikun hati ta' reat min jikser is-subartiklu (1).
60. (1) Id-Direttur Generali jista' fi kwalunkwe mument, b' avviz bil-miktub lill-persuna li jkollha approvazzjoni skond l-artiklu 59, iħassar dik l-approvazzjoni, jekk id-Direttur Generali ikun sodisfatt, illi dawk ir-ragunijiet li fuqhom kienet imsejsa l-approvazzjoni ma għadhomx jezistu aktar, jew jekk xi wahda mill-kundizzjonijiet ta' l-approvazzjoni ma tkunx qed tithares.
- Thassir ta' Approvazzjoni
- (2) Id-Direttur Generali għandu, qabel ma jħassar l-approvazzjoni, jagħti lill-persuna li tkun ingħatat l-approvazzjoni, l-opportunita li tinstema'.
61. Kull persuna li tixtieq tingħada bl-animali għal ricerka, esperimentazzjoni jew tagħlim, tista' tapplika lid-Direttur-Generali għall-approvazzjoni tal-Kodici ta' Mgieba Etika dwar l-użu ta' l-animali.
- Kodici ta' Mgieba Etika.
62. (1) Kull Kodici ta' Mgieba Etika għandu jkun fih provvedimenti li jsawru r-regolamenti li għandhom jorbtu u l-proċeduri li għandhom jmexxu fuqhom.
- Kontenut tal-Kodici ta' Mgieba Etika.
- (2) Il-provvedimenti ta' kull Kodici ta' Mgieba Etika għandhom:
- (a) Ikunu jaqblu ma' dan l-Att u ma' kull kriterju jew prattika, li johorgu mir-regolamenti magħmula taht dan l-Att; u
- (b) Għandhom jkun tali li jagħmluha possibbli biex dak li jkun hemm mahsub b' mod dettaljat fir-regolamenti magħmula taht dan l-Att jista' jintlahaq.
63. (1) Kull talba għandha ssir bil-miktub u għandu jkun hemm
- Applikazzjoni

magħha:

għall-
approvazzjoni.

- (a) Tifsira dettaljata fuq in-natura generali u l-estenzjoni ta' t-tiftix, esperimentazzjoni, jew tagħlim, li l-applikant ikollu x' jaqsam miegħu jew li jkun qed jahseb li jwettaq; u
- (b) Il-Kodici ta' Mgieba Etika propost li miegħu tkun marbuta t-talba; u
- (c) Xieħda f' forma ta' riferenza indipendenti u referenzi akkademiċi xierqa, li juru li l-applikant, jew il-persuna impjegata jew imqabbda biex tagħmel ix-xogħol, għandhom il-hila, is-sengħa u l-esperjenza biex jagħmlu dan it-tip ta' tiftix, esperimentazzjoni, jew tagħlim li għalih tkun qed ssir it-talba; u
- (d) Xieħda, jekk hemm, ta' Kodici bħal dan ta' xi pajjiz ieħor.

(2) Id-Direttur Generali għandu jibgħat kull talba li ssir lill-Kumitat Nazzjonali għall-Harsien ta' l-Annimali, u għandu jfittex il-fehma tal-Kumitat fuq kull talba bħal din.

64. Id-Direttur-Generali jista', qabel ma jaqta' jekk japprovax jew jichadx l-approvazzjoni tal-proposta għall-Kodici ta' Mgieba Etika, ibiddel il-kontenut tal-Kodici fuq parir tal-Kumitat għall-Harsien tal-Annimali, wara li jisma' x' għandu xi jgħid l-applikant.

Tibdil tal-
kontenut tal-
Kodici ta'
Mgieba Etika
propost.

65. (1) Meta japprova il-Kodici ta' Mgieba Etika propost, id-Direttur Generali jista' jnizzel kundizzjonijiet xierqa.

Approvazzjoni
tal-Kodici ta'
Mgieba Etika.

(2) Meta id-Direttur Generali japprova proposta ta' Kodici ta' Mgieba Etika, id-Direttur Generali għandu jippubblika avviz ta' l-approvazzjoni fil-Gazzetta tal-Gvern.

(3) Meta id-Direttur Generali jichad li japprova proposta għall-Kodici ta' Kondotta Etika, id-Direttur Generali għandu jagħti lill-applikant avviz bil-miktub ta' caħda, flimkien mar-ragunijiet għal din ic-caħda.

66. (1) L-approvazzjoni ta' Kodici ta' Mgieba Etika tghodd għall-applikant biss, u, hlief bil-kunsens tad-Direttur Generali, ma jistax jgħaddiha lil haddieħor.

l-
Approvazzjoni
li għandha
tghodd għall-
applikant biss.

(2) L-approvazzjoni ta' Kodici ta' Mgieba Etika ma tghoddx bis-saħħa tal-ligi f'xi hadd ieħor, hlief f'isem min harget, l-impjegati

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tieghu jew persuna li qed tahdem taht ir-responsabbilta` tieghu.

67. Kull approvazzjoni ta' Kodici ta' Mgieba Etika jdum fis-sehh ghal perjodu ta' mhux iktar minn hames snin mill-jum tal-pubblikazzjoni fil-Gazzetta tal-Gvern ta' l-approvazzjoni ta' l-istess Kodici, kif inizzel id-Direttur Generali fl-avviz. Zmien tal-approvazzjoni.
68. (1) Id-Direttur Generali jista' jwaqqaf jew ihassar l-approvazzjoni ta' Kodici ta' Mgieba Etika jekk id-Direttur Generali jemmen li hemm ragunijiet siewja li d-detentur tal-Kodici:
- (a) M'ghadux jaghmel it-tiftix, l-esperimentazzjoni jew it-taghlim; jew
 - (b) Instab hati ta' reat gravi b' sentenza ta' prigunerija, anki jekk dik is-sentenza tkun sospiza; jew
 - (c) M'ghandux il-hila u s-sengha mehtiega biex iwettaq t-tiftix, l-esperimentazzjoni jew it-taghlim; jew
 - (d) Naqas b'mod gravi, li joqghod ghal dan l-Att jew kull regolament maghmul taht dan l-att jew mal-Kodici ta' Mgieba Etika; jew
 - (e) Ta flimkien ma' jew fit-talba tieghu informazzjoni li kienet qarrieqa f'xi aspett importanti.
- (2) Id-Direttur Generali ghandu qabel ma jhassar jew jwaqqaf l-approvazzjoni ta' Kodici ta' Mgieba Etika, jaghti lid-detentur tal-Kodici l-opportunita` li jinstema'. u ghandu jikseb il-fehma tal-Kumitat Nazzjonali ghall-Harsien ta' l-Annimali dwar il-proposta ta' thassir jew twaqqif ta' Kodici ta' Mgieba Etika.
- (3) Meta id-Direttur Generali jaqta' li japprova li l-approvazzjoni tal-Kodici ta' Mgieba Etika tieqaf jew tithassar, id-Direttur Generali ghandu jippubblika id-decizjoni tieghu b'avviz fil-Gazzetta tal-Gvern.
69. (1) Meta il-Ministru ikollu raguni siewja biex jemmen illi id-detentur tal-Kodici ghandu mnejn mhux qed jimxi ma' dan l-Att, jew kull regolament maghmul taht dan l-att jew mal-Kodici ta' Mgieba Etika li jghodd ghalih, il-Ministru jista', bi spejjez tad-detendur tal-Kodici, jahtar persuna biex taghmel stharrig indipendenti fuq dak id-detentur tal-Kodici. Setgha tal-Ministru li jikkommissjon a Revozzjoni
- (2) Il-Ministru jista' jistabilixxi l-kriterji ghall-istharrig.
70. (1) Il-Ministru jista' jawtorizza kull persuna jew ghaqda biex Setgha tal-

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iwettqu tiftix jew esperimentazzjoni, meta l-Ministru jkun sodisfatt li dak it-tiftix jew esperimentazzjoni huma mehtiega u fl-interess nazzjonali.

ministru li
japprova
ricerka jew
esperimentazzj
oi

(2) Meta jkun qed jaghmel il-konsiderazzjonijiet tieghu jekk it-tiftix jew esperimentazzjoni humiex mehtiega fl-interess Nazzjonali, il-Ministru ghandu jhares dan li gej:

- (a) Jekk it-tiftix jew l-esperimentazzjoni imissux jew x' aktarx imissu jew jolqtu d-dmirijiet internazzjonali ta' Malta;
- (b) Jekk it-tiftix jew l-esperimentazzjoni humiex mehtiega ghall-protezzjoni tas-sahha tal-bniedem jew ta' l-animali.

(3) Bla hsara ghal dak li hemm fis-subartiklu (4), il-Ministru ghandu jikseb il-fehma tal-Kumitat Nazzjonali ghall-Harsien ta' l-Animali qabel ma jezercita s-setghat moghtija lil sub-artiklu (1).

(4) Is-subartiklu (3) ma jghoddx fejn it-tiftix jew l-esperimentazzjoni huma mehtiega skond setghat ta' emergenza taht xi ligi ohra.

71. Min ikun hati ta' reat skond kif imsemmi fis-Sitt Parti, jehel meta jinstab hati prigunerija ghal zmien ta' mhux iktar minn sitt xhur jew multa ta' mhux iktar minn Lm1000 jew kemm il-multa u l-prigunerija flimkien.

Penalitajiet

IS-SEBA' PARTI

GHAQDIET APPROVATI U SPETTURI

72. (1) Il-Ministru jista' minn zmien ghal zmien, fuq talba ta' ghaqda li ghandha l-ghan ewlieni li tahdem fil-qasam tal-harsien tal-animali u tkun tehtieg li taghmel gbir ta' fondi minghand il-pubbliku ghall-ghanijiet taghha, jiddikjara dik l-ghaqda bhala approvata ghall-ghanijiet ta' dan l-Att, u dan b' avviz fil-Gazzetta tal-Gvern.

Ghaqdiet
approvati.

(2) It-talba ghandu jkun fiha:

- (a) L-isem shih u l-indirizz ta' l-applikant; u
- (b) Il-qasam tal-harsien ta' l-animali li fih l-applikant, jekk

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jigi dikjarat approvat bhala ghaqda, jkun behsiebha topera bhala ghaqda approvata; u

(c) Taghrif li jqieghed lill-Ministru fqaghda biex ikun jista' jifli jekk l-ghaqda tilhaqx il-kriterji imsemmija fl-artiklu 73.

(d) Taghrif dwar jekk l-ghaqda taghmilx sehem minn xi ghaqda internazzjonali.

(3) Jekk ghaqda ma tkunx se titlob fondi minghand il-pubbliku, ma hemmx ghalfejn tfittex li tkun approvata mill-Ministru, b'dan imma, li jekk xi hadd taht isem ta' ghaqda mhux approvata jitlob flus jkun hati ta' reat taht dan l-Att.

73. (1) Il-Ministru ghandu, qabel ma jiddikjara ghaqda bhala approvata ghall-ghanijiet ta' dan l-Att, ikun sodisfatt wara li jkollu f'idejh xiehda xierqa li :

Kriterji.

(a) L-ghan ewlieni ta' l-ghaqda hu li ggib 'il quddiem il-harsien ta' l-animali; u

(b) It-trasparenza, l-arrangamenti finanzjarji, u t-tmexxija ta' l-ghaqda huma tali, lli meta wiehed iqis l-interess tal-pubbliku, l-ghaqda jixirqilha li tkun maghrufa bhala ghaqda approvata.

(2) Il-Ministru jista', meta jaghmel dikjarazzjoni taht l-artiklu ta' qabel dan, jdahhal kundizzjonijiet ghall-approvazzjoni, dawk il-kundizzjonijiet li ghandhom x'jaqsmu ma' livelli teknici u ta' twettieq fit-thaddim tal-ghaqda.

(3) Ghandha tkun kundizzjoni ta' din l-approvazzjoni, li l-verifika finanzjarja ta' l-ghaqda ssir minn awditur approvat mid-Direttur Generali, u l-awditur ghandu jhejji rapport lid-Direttur Generali, l-aktar fuq l-uzu tal-fondi migbura minn ghotjiet.

74. Il-Ministru jista' minn zmien ghal zmien, b'avviz fil-Gazzetta tal-Gvern, ihassar kull dikjarazzjoni li jkun ghamel taht l-artiklu 72, jekk il-Ministru jkun sodisfatt li l-ghaqda m' ghadhiex tilhaq wiehed jew izjed mill-kriterji li hemm fl-artiklu 73, jew li dik l-ghaqda ma mxietx mal-kundizzjonijiet li bihom intrabtet.

Emenda jew revoka ta' dikjarazzjoni.

75. (1) Minn zmien ghal zmien jistghu jinhatru persuni kwalifikati biex ikunu spetturi ghall-ghanijiet ta' dan l-Att.

Il-hatra ta' spetturi.

(2) Kull membru tal-Korp tal-Pulizija jista', bis-sahha tal-hatra tieghu, jitqies bhala spettur mahtur biex jaqdi kull dmir li jista'

jaqa' fl-ghanijiet ta' dan l-Att.

76. (1) Spetturi mahtura taht is-subartiklu (1) ta' l-artiklu ta' qabel, ghandhom meta jesercitaw u jwettqu il-poteri, dmirijiet, u funzjoni tagghom taht dan l-Att, jimxu taht it-tmexxija tad-Direttur Generali.
- L-ispetturi
ghandhom
jaqdu d-
dmirijiet u
funzjonijiet
tagghom that
it-tmexxija
tad-Direttur
Generali.
77. (1) Bla hsara ghal dak li hemm mahsub fis-subartiklu (3) u (4), spettur jista':
- Is-setgha li
jesaminaw l-
art ecc
- (a) Fil-kaz ta' art, lok jew post, f' hin jew hinijiet xierqa; u
(b) Fil-kaz ta' vetturi, ajruplan, jew vapur, f'kull hin ragjonevoli jew f' hinjiet fejn il-vettura, ajruplan jew vapur ikunu wieqfa:
- jidhol, minghajr mandat, f' dik l-art jew f' dak il-lok, jew f' dak il-post jew f' dik il-vettura, ajruplan, jew vapur, ghall-ghan li jispezzjona xi annimal fuq jew gewwa dik l-art, jew lok, jew f' dak il-post jew gewwa jew fuq il-vettura, ajruplan, jew vapur.
- (2) Membru tal-pulizija jista', ghall-ghan li jezercita l-poteri tieghu li inghatawlu taht dan l-artiklu, jwaqqaf vettura jekk il-membru tal-pulizija ghandu suspett ragonevoli li jemmen li l-annimal fuq jew gewwa dik il-vettura qed isofri jew aktarx isofri ugiegh jew tbatija zejda jew bla htiega.
- (3) L-ebda spettur ma jista', taht is-subartiklu (1), jidhol gewwa jew f'xi residenza, sakemm mhux awtorizzata biex jaghmel dan b'mandat ta' ftitxija mahrug minn spettur tal-pulizija jew minn ufficjal tal-pulizija li ghandu grad iktar oghli.
- (4) Fil-kaz ta' vapur, li ma jkunx vapur registrat f' Malta, il-poteri li ghandu spettur taht is-subartiklu (1), jistghu jkunu esercitati biss jekk il-vapur jinsab fil-port, dahla, jew ankrat f' Malta, jew li jinsab xort'ohra gewwa l-ibhra ta' Malta.
- (5) Meta spettur li jezercita l-poteri ta' dhul skond is-subartiklu (1), jkollu suspett ragonevoli biex jemmen, li xi annimal li jsib fuq jew gewwa dik l-art, lok, jew post jew fuq jew gewwa il-vettura, ajruplan jew vapur hija :
- (a) Annimai li mahqur intenzjonaliment; jew
(b) Il-htigiet fizici, ta' sahha u t'a mgieba ta' l-annimal jew il-

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htiega li l-annimal jircievi kura minghand tabib veterinarju, johlqu l-bzonn illi l-annimal jitnehha mill-art, lok, jew post jew mill-vettura, ajruplan jew vapur :

F' dawn il-kazi l-ispettur jista' jiehu u jzomm taht idejh l-annimal, imqar bil-forza jekk ikun hekk mehtieg, u jgorr l-annimal lejn x'imkien iehor.

(6) L-ispettur jista' jzomm l-annimal f' post maghzul minnu sakemm:

- (a) L-annimal ikun konfiskat favur il-Gvern ta' Malta jew ghaqda approvata; jew
- (b) Il-Qorti tal-Magistrati taghti l-ordni li l-annimal ghandu jinghata lura s-sid jew lill-persuna li tkun imharka b' reat taht dan l-Att.

(7) Spettur jista' jiehu mieghu kull persuna gewwa jew fuq art,lok, post jew gewwa jew fuq vettura, ajruplan jew vapur biex jghin lill-ispettur fl-ispezzjoni taht is-subartiklu (1).

78. Spettur li jezercita l-poter ta' dhul ghandu, fil-hin tad-dhul , u jekk jigi mitlub f'kull hin wara, juri:

Meta ghandha tintwera evidenza tal-hatra.

- (a) Dokument tal-hatra tieghu jew taghha bhala spettur; u
- (b) Dokument ta' l-identita` tieghu jew taghha.

79. Jekk il-persuna li jkollha taht il-harsien taghha art, lok, jew post jew il-vettura, ajruplan jew vapur, skond il-kaz, ma tkunx presenti fil-hin li ikun esercitat il-poter tad-dhul minghajr mandat, l-ispettur ghandu ihalli f' post fejn jidher sewwa fuq l-art, il-lok, jew il-post jew gewwa jew fuq il-vettura, ajruplan, jew vapur, taghrif bil-miktub dwar:

Avviz tad-dhul.

- (a) Il-hin u d-data tad-dhul; u
- (b) Ir-raguni tad-dhul; u
- (c) Il-kondizzjoni ta' xi animal spezzjonat; u
- (d) L-annimali (jekk kien hemm) li tnehew minn fuq il-post; u
- (e) L-isem ta' dak l-ispettur; u
- (f) L-indirizz tal-ghassa tal-pulizija jew ta' xi ufficcju iehor fejn wiehed jista' jistharreg.

80. (1) Meta spettur, jew fl-esercizzju tal-poter ta' dhul, jew f'kull hin iehor, ikollu suspett ragjonevoli biex jemmen li animal qed isofri

Il-poter illi jiskansa jew

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jew li jista' jsofri ugiegh jew tbatija zejda jew bla htiega, l- itaffi it-tbatija.
ispettur:

- (a) Jista' jiehu dawk il-passi kollha li jidhirlu li huma mehtiega biex jiskansa jew itaffi it-tbatija ta' l-animall; u
- (b) Jista', b' avviz bil-miktub moghti milll-ispettur lis-sid jew lill-persuna li ghandha taht il-harsien taghha animal jew kull persuna li jidher li ghandu taht il-harsien tieghu animal, jitlob lil dik il-persuna li tkun inghatat l-avviz biex tiehu dawk il-passi kollha mehtiega skond kif l-ispettur jidhirlu li hu mehtieg jew xieraq biex jiskansa jew itaffi it-tbatija ta' l-animall.

(2) Ikun hati ta' reat min, minghajr raguni siewja, jirrifjuta jew jonqos li jimxi ma' talba maghmula minn spettur taht is-subartiklu (1)(b).

(3) Min jinstab hati ta' reat taht is-subartiklu (2) tehel multa ta' mhux iktar minn Lm1000 .

81.

(1) Jekk l-ispettur jew tabib veterinarju isib animal li hu serjament imwegga' jew marid u tieghu, l-animall ghandu jinqered ghaliex l-ebda trattament ragjonevoli ma jkun bizzejjed biex l-animall jirkupra, u li l-animall ikun qed isofri izzejjed jew ibati ugiegh jew tbatija bla htiega jekk ikompli jghix, kull wiehed minnhom ghandu, kemm jista' jkun malajr:-

Il-qerda ta'
animall
imwegga' jew
morda.

- (a) Jikkonsulta is-sid ta' l-animall, jekk ghandu sid u jekk dan is-sid jista' jinstab fi zmien ragjonevoli; u
- (b) Jekk is-sid jitlob opinjoni ta' tabib veterinarju dwar jekk l-animall ghandux jinqered, ghandha tinghata l-opportunita' lis-sid biex imur jiehu parir minghand xi haddiehor.

(3) Jekk:

- (a) Is-sid ta' animal, li hu mwegga' gravi jew marid, ma jistax jinstab fi zmien regonevoli; jew
- (b) Is-sid ta' animal imwegga' gravi jew marid ma jaqbilx, meta jinstab, mal-qerda ta' l-animall ; u ma jgibx fi zmien ragjonevoli opinjoni ohra minghand tabib veterinarju fuq jekk l-animall ghandux jinqered; jew
- (c) L-animall m' ghandux sid:

Allura, f'dawn il-kazijiet, l-ispettur jew tabib veterinarju, skond il-kaz, ghandu minghajr dewmien, jeqred l-animall jew igieghel li dan l-animall jinqered.

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82.

(1) Meta persuna (li ma jkunx is-sid ta' animal) jaghti animal fil-kustodja ta' ghaqda approvata u dik l-ghaqda approvata taccetta il-kustodja ta' dak l-animall, jew fejn ghaqda approvata tiehu l-animall fil-kustodja taghha, dik l-ghaqda approvata ghandha:

Id-dmirijiet ta' ghaqdiet approvati.

- (a) Tiehu l-passi kollha ragonevoli biex issib min hu s-sid ta' l-animall; u
- (b) Tiehu l-passi kollha li tqis mehtiega jew xierqa biex tiskansa jew ittaffi l-ugiegh ta' l-animall.

(2) Meta ghaqda approvata ma tistax issib is-sid ta' l-animall, spettur jew ufficjal li jkun qed jidher ghall-ghaqda approvata, jista' :

- (a) Wara li l-animall ikun ilu fl-kustodja ta' l-ghaqda ghal mill-inqas sebat ijiem, biegh l-animall ; jew isib dar ghall-animall; jew jeqred l-animall jew jiddisponi minnu skond ir-regoli preskritti ta' l-ghaqda; u
- (b) Meta animall ikollu marda jew hemm suspett li ghandu marda, u hemm raguni siewja biex wiehed jobsor li l-harsien ta' l-animalli l-ohra li hemm fil-kustodja ta' l-ghaqda approvata jista' jintlaqat hazin jekk l-ghaqda tissokta zzomm l-animall fil-kustodja taghha— f'kull zmien jew ibiegh l-animall, jew issiblu dar; jew jeqirdu jew jiddisponi minnu skond ir-regoli preskritti ta' l-ghaqda.

(3) Meta l-ghaqda approvata issib is-sid ta' l-animall u tkun taf l-indirizz tieghu, l-ghaqda approvata ghandha taghti avvizz bil-miktub lis-sid u tinfirmah li l-ghaqda approvata qed izzomm l-animall fil-kustodja taghha u li , jekk is-sid, ma jmurx jigbor l-animall fi zmien 7 ijiem mid-data li jircievi l-avviz u jhallas l-ispejjez li jkunu saru mill-ghaqda approvata biex jiehdusieb l-animall jew biex ipprovduttrattament veterinarju lill-animall (jekk ikunu spejjez li l-ghaqda approvata tkun trid tigbor), l-ghaqda approvata tista' tipprocedi skond is-subartiklu (2).

(4) Jekk is-sid , ma jigborx l-animall fiz-zmien imsemmi fl-avviz u ma jhallas l-ispejjez li saru mill-ghaqda approvata , l-ghaqda approvata tista' tipprocedi skond is-subartiklu (2).

(5) Meta animall jinbiegh kif jinghad fis-subartiklu (2) jew fis-subartiklu (4), l-ghaqda approvata, wara li tnaqqas l-ispejjez li tkun ghamlet biex tiehu sieb l-animall jew biex tipprovduttrattament veterinarju lill-animall, ghandha tuza dan id-dhul tal-bejgh ghall-ispejjez tax-xoghol ta' l-ghaqda approvata ghall-

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harsien ta' l-animali.

83.

(1) Ghaqda aprovata ghandha zzomm registru tal-ghadd u r-razez ta' l-animali mibjugha, li tinstabilhom dar, li jkunu meqruda, jew li jiddisponu minnhom, u ghandu jinkiteb fl-istess registru dwar kull animal:

Obbligazzjoni
biex jinzamm
registru.

(a) Id-dettalji tad-data ta' meta inghatat il-kustodja ta' l-animali u d-data ta' meta l-animali hareg mill-kustodja ;
u

(b) Rimarka ta' jekk l-animali inbieghx, instabilux dar ohra, kienx meqrud, jew iddisponew minnu xort'ohra.

(2) Ir-rimarki dwar kull animal ghandhom jinzammu ghal minn ta' l-inqas sena minn meta l-ghaqda approvata tkun inghatat il-kustodja ta' l-animali.

84.

Spettur, li ma jkunx ufficjal tal-Pulizija, jista' jitlob li persuna taghtih l-isem u l-indirizz shih tieghu jew taghha, u d-data tat-twelid tieghu u biex jidentifika ruhu billi jipprezenta l-karta ta' l-identita tieghu, jekk dik il-persuna tinsab tikser il-provvedimenti ta' dan l-Att jew regolamenti maghmula taht dan l-att; jew jekk l-ispettur ikollu raguni ragjonevoli biex jemmen li l-persuna wettqet reat taht dan l-Att jew xi regolament maghmul taht dan l-Att, u l-provvedimenti tal- Kodici Kriminali (Kap 9) ghandhom japplikaw mutatis mutandis ghal dan l-ispettur.

Persuna li
tinsab tikser il-
provvedimenti
ta' dan l-Att
ghandha
taghtu l-isem
u l-indirizz
taghha.

85.

(1) L-ebda spettur, revizur , jew persuna li tkun tghin spettur jew membru iehor tal-pulizija ma jkun personalment responsabbli ghal ebda att li ghamel jew m' ghamilx b' intenzjoni tajba l-istess ispettur, revizur, jew persuna, waqt jew bl-intenzjoni ta' qadi tal-funzjonijiet, dmirijiet jew poteri li inghataw taht dan l-Att.

Protezzjoni ta'
Persuni li
jagixxu taht l-
awtorita ta'
dan l-Att

(2) Kwalunkwe responsabbilta`, li kieku ma kienx ghal dan l-artiklu kienet taqa' fuq l-ispettur, jew persuna li tkun qed tghin lill-ispettur jew membru tal-korp tal-pulizija, titqies li taqa' fuq il-Gvern ta' Malta.

IT-TMINN PARTI

PROVVEDIMENTI OHRA RIGWARD REATI ECC.

(1) Bla hsara ghal dak li jinghad fis-subartiklu (3), meta xi reat Responsabbilt

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86. kontra dan l-Att jew kontra xi regolament maghmul taht dan l-att, jitwettaq minn persuna li hi impjegata ta' persuna ohra, dak ir-reat ghandu, ghall-ghanijiet ta' dan l-Att, jitqies daqs li kieku sar kemm minn dik il-persuna kif ukoll mill-ewwel persuna imsemmija, kemm jekk dik il-persuna kienet taf bir-reat jew approvatu kemm jekk ma kienetx taf u ma approvatux.

a tar-reati
maghmula
minn
impjegati u
princiapl.

(2) Meta jigi kommess reat taht dan l-Att jew taht regolamenti maghmula taht dan l-Att minn persuna li hi l-agent ta' persuna ohra, dak ir-reat ghandu, ghall-ghanijiet ta' dan l-Att, jitqies daqs li kieku twettaq minn dik il-persuna kif ukoll mill-ewwel persuna imsemmija, sakemm dan sar minghajr l-awtorizzazzjoni espressa jew implicita ta' dik il-persuna.

(3) Fi procedimenti kontra persuna dwar reat taht dan l-Att jew xi regolament maghmul taht dan l-Att dwar reat li jkun ghamel impjegat ta' dik il-persuna kontra dan l-Att jew xi regolament maghmul taht dan l-Att, tkun difiza ghal dik il-persuna jekk tipprova li :

(a) Hi jew hu ma kienux jafu jew mhux ragjonevoli li tistenna illi kienu jafu illi dak ir-reat kien ser jitwettaq jew kien qed jitwettaq, u li hu jew hi hadu il passi ragjonevoli fic-cirkostanza biex itaffu jew jaghmlu tajjeb ghall-hsara ta' dak l-att wara li jkun sar; jew

(b) Illi hu jew hi kienu hadu l-passi kollha ragjonevoli biex jipprevjenu it-twertieq tar-reat, u li hu jew hi hadu l-passi kollha mehtiega fic-cirkostanzji biex itaffu jew isewwu l-hsara wara l-att jew l-avveniment wara li jkun graw.

87. Informazzjoni jew rapport dwar reat taht dan l-Att jew kontra xi regolament maghmul taht dan l-Att jistghu isiru minn kull persuna, maghduda ghaqda, fi zmien is-sena minn meta jkun sar ir-reat, u dik il-persuna jkollha locus standi fil-proceduri, taht l-istess termini u kundizzjonijiet bhal persuna privata li ghandha dritt tippresenta kwerala fi proceduri taht il-Kodici Kriminali (Kap. 9) u bhala persuna privata tista' tappella fil-Qorti ta' L-Appell dejjem minn sentenza ta' liberazzjoni minn kull htija bhall-persuna imharrka, u jkollha ukoll id-dritt li tinstema', li ggib xhieda, u li tkun rapprezentat minn avukat anke f'appell taghha, jew minn appell maghmul minn persuna misjuba hatja.

Zmien biex
tinghata
informazzjoni.

88. Meta att jew ommissjoni jitqiesu. mid-dettalji taghhom minn Qorti ta' l-Appell bhala att jew ommissjoni li jikkostitwixxu reat taht dan l-Att, sentenza bhal dik ghandha tkun precedent li jorbot il-Qrati l-ohra kollha.

Precedent li
jorbot.

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89. (1) Meta persuna tinstab hatja ta' reat taht dan l-att, il-Qorti tista' (b'zieda ma' kull piena ohra) tiskwalifika persuna, għall-perjodu li jidhrilha xieraq, imma ta' mhux iktar minn għaxar snin, milli jkun is-sid ta', jew li jkollu xi awtorita fuq annimal jew annimali ta' razza jew deskrizzjoni partikolari. Il-poter illi tiskwalifika persuna milli jkollu fil-kustodja tiegħu annimal.
- (2) Kull persuna li tkun skwalifikata taht is-subartiklu (1) tista', fi zmien sitt xhur u minn zmien għal zmien, titlob lill-Qorti li tnehhilha dik l-iskwalifika.
90. Fejn f'dan l-Att ma hemmx mahsuba piena għal xi reat, il-piena għandha tkun ta' prigunerija għal mhux izjed minn 6 xhur jew għal multa ta' Lm500, jew għal dik il-prigunerija u multa flimkien. Piena.
91. (1) Jekk is-sid ta' annimal jinsab hati ta' reat kontra dan l-Att dwar dak l-annimal, il-Qorti tista', jekk tahseb li hu xieraq għall-protezzjoni ta' l-annimal (flimkien ma' jew in sostituzzjoni ta' kull piena ohra), tordna li l-annimal jgħaddi għand il-Gvern ta' Malta jew għaqda approvata. Is-setgħa tal-Qorti biex tordna illi certa annimali jgħaddu għal għand il-Gvern ta' Malta.
- (2) Annimal li jittiehed taht dan l-artiklu jista' jinbiegħ jew jiddisponu minnu b'kull mod iehor kif jidhirlu li hu xieraq il-Ministru jew l-għaqda approvata.
92. Il-Qorti tal-Magistrati bhala Qorti ta' Gudikatura Kriminali tkun kompetenti, bl-eskluzzjoni ta' kull Qorti ohra, biex tiddeciedi fuq it-tahrikiet kollha li jsiru taht dan l-Att, bhala Qorti ta' l-ewwel grad, u kwalunkwe appell jinstema' mill-Qorti ta' l-Appell Kriminali kif imsemmi fl-Artikli 413 sa 429 tal-Kodici Kriminali (Kap 9). Qorti.

ID-DISA' PARTI

ECCEZZJONIJIET DWAR KACCA U QTIL

93. Bla hsara għall-artikli li gejjin u għal dak li hemm mahsub fis-Sitt Parti, il-kacca jew il-qtil ta' annimal fl-istat selvagg tiegħu jew annimal selvagg jew annimal ta' nfestazzjoni għandhom jibqgħu jaqgħu taht il-ligijiet li kienu fis-sehh qabel ma gie fis-sehh dan l-Att. Kacca jew Qtil.

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94. Minkejja dak li jinghad fl-artiklu 93, meta persuna tkun ikkaccat u qabdet annimal salvagg, (li ma jkunx annimal li kien maqbud għall-ghanijiet ta' qerda mill-aktar fis), dan l-Att japplika dwar dik il-persuna bhala persuna li għandha taht il-harsien tagħha annimal.
95. Minkejja dak illi hemm fl-artiklu 93:
- Il-Qbid ta' l-annimali.
- (a) Meta persuna illi għandha annimal maqbud fl-istat salvagg (li mhux annimal li nqabad biex jiffacilita l-qerda tiegħu mill-aktar fis), dan l-att japplika għal dik il-persuna bhala persuna li għandha taht il-harsien tagħha annimal; u
- (b) Meta Persuna għandha annimal maqbud fl-istat selvagg tiegħu (li mhux annimal li inqabad permezz tas-sajd), għall-ghan li jiffacilita il-qerda tiegħu mill-aktar fis, l-artiklu 12 (c) japplika fir-rigward tal-qtil ta' dak l-annimal.
96. Xejn f'dan l-Att ma għandu jiftiehem li huwa kontra l-ligi li persuna li tkun fi, jew qed taħdem għall-pulizija, l-armata, jew id-Dipartiment tad-Dwana, li tuza annimals (barra milli għat-tiftix, esperimentazzjoni jew tagħlim) minflok bnedmin waqt il-qadi ta' dmirijiet jew funzjonijiet li johorgu mil-ligi, jew fl-esercizzju tal-poter mogħti mil-ligi għall-harsien tal-hajja jew is-sahha tal-bnedmin, jew għall-esekuzzjoni tal-ligi
- L-uzu ta' annimali għall-harsien tal-hajja jew is-sahha tal-bnedmin.
- L-GHAXAR PARTI**
97. (1) Il-Ministru jista' minn zmien għal zmien, jagħmel regolamenti għall-ghanijiet li gejjin jew għal parti minnhom:
- Regolamenti
- (a) Il-holqien tal-formoli preskritti u mehtiega taht dan l-Att;
- (b) Jistabbilixxi l-kriterji u l-linji li għandhom jiddahhlu f' kull Kodici ta' Mgieba Etika;
- (c) Jagħti dettalji dwar liema spejjez jistgħu jingabru taht dan l-att, l-ammont ta' l-ispejjez jew il-metodi ta' kif għandhom ikunu kkalkolati, il-persuna li tkun responsabbli għall-hlas ta' l-ispejjez, u c-cirkostanzi ta' meta il- gbir ta' l-ispejjez għandu jkun ezercitat jew imwarrab (kollu jew parti minnu);
- (d) Jagħmel, għall-ghan ta' proceduri, fejn tehtieg tariffa li għandha tithallas taht dan l-att;

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- (e) Jaghmel provvedimenti fuq affarijiet ohra imsemmija f' dan l-Att jew li huma necessarji biex ikun jista' isehh dan l-Att u l-amministrazzjoni tieghu.

98. Il-Ministru ghandu s-setgha li jaghmel regolamenti li jispecificaw iktar bir-reqqa l-kundizzjonijiet ghall-harsien ta' annimali u , partikolarment biex jaghmel provvedimenti biex jirregola:

Regolamenti li jispecificaw iktar bir-reqqa l-kundizzjonijiet ghall-harsien ta' l-annimali.

- (a) Id-dritt tal-moviment hieles ta' l-annimali u l-bzonn taghhom ghall-kumpanija;
- (b) Kmamar, gageg, u kontenituri ohra u facilitajiet ohra biex ikunu postijiet ghall-annimali u n-natura ta' fejn jintrabtu, u facilitajiet tax-xorb u ta' l-ikel;
- (c) Il-kundizzjonijiet tad-dawl u tat-temperatura fil-lok ta' l-annimali;
- (d) Il-harsien u s-supervizjoni li jinghataw lill-annimali, it-taghmir u l-bejgh taghhom;
- (e) Il-gharfien u s-sengha tal-persuna li qed izzommhom, thares dawk l-annimali , jew li hi imqabba biex thares l-annimali, u l-prova ta' dan l-gharfien u s-sengha tal-persuni li jzommu annimali , jew li jiehdu hsiebhom jew li huma mehtiega li jiehdu hsieb dawn l-annimali ghall-ghanijiet kummercjali;
- (f) Ir-rekwiziti dwar l-ghan, l-apparat u l-metodu ta' kif annimali jkun mghallma,
- (g) Il-qtil ta' annimali ghall-produzzjoni ta' ikel , u kondizzjonijiet mehtiega biex ma jkunx hemm ugiegh jew tbatija, il-metodi u l-proceduri li ghandhom jintuzaw fil-qatla, u l-kundizzjonijiet li fihom jinzammu l-annimali qabel il-qatla u l-harsien li ghandhom jinghataw.
- (h) L-uzu tal-annimali f'wirjiet u divertiment, gonna zoologici, cirku, tigrijiet jew bhala annimali ta' kumpanija.

99. Il-Ministru ghandu s-setgha li jaghmel regolamenti, bi ftehim mal-Ministru responsabbli ghat-trasport, rigward il-garr ta' l-annimali, partikolarment;

- (a) Biex jistabilixxi r-rekwiziti dwar liema annimali jistghu jingarru u l-mod ta' kif l-annimali jistghu jingarru;
- (b) Biex jipprojbixxi jew jirrestringi il-mezzi u l-mod ta' garr ta' annimali specifici , speccjalment dwar il-kunsinna;
- (c) Biex jippreskrivi mezzi u metodi ta' garr specifiku ghat-trasport ta' annimali specifici;

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- (d) Biex jippreskrivi illi annimali specifici ghandhom jkunu akkompanjati minn ghassies waqt il-garr;
 - (e) Biex jippreskrivi illi persuni li jgorru annimali jew li ghandhom x'jaqsmu fil-garr ta' l-annimali ghandhom gharfien u sengha partikolari u ghandhom ikunu f' posizzjoni biex jippruvaw dan;
 - (f) Biex jaghmel regolamenti rigward it-taghbija, hatt, post ta' rقاد, u kemm idumu l-bhejjem wawqt dawn il-proceduri, u t-tmiegh u l-harsien ta' annimali
100. (1) Kull provvediment ta' dan l-att jitqies li jaghti s-setgha lill-Ministru biex jaghmel regolamenti, sakemm mhux provvediment illi jdahhal piena.
- (2) Kull ksur ta' regolament maghmul ikun reat, li jkun soggett ghall-piena taht il-provvediment relattiv ta' dan l-Att, u taht liema, ir-regolament ikun sar.
101. Il-Ministru jista' jiddikjara illi l-kontravvenzjoni ta' xi regolament maghmul hu vjolazzjoni amministrattiv, u f' kaz bhal dan, il-piena pekunjarja ma tkunx aktar minn Lm50, u taqa' taht il-kompetenza tal-Kummissarji ghall-Gustizzja.
102. Kull ghaqda li kienet twaqqfet qabel ma gie fis-sehh dan l-Att ghandha tkompli titqies ghaqda approvata taht dan l-Att ghall-perjodu ta' tlett snin, izda matul dan iz-zmien hi ghandha iggib l-approvazzjoni skond dan l-Att.

Provvedimenti
Tranzitorji.

L-EWWEL SKEDA

L-GHANIJIET TAD-DIVERSI PARTIJIET TA' DAN L-ATT

L-Ewwel Parti

L-Ghan ta' din il-parti hu li jassigura illi s-sidien ta' annimali u persuni li ghandhom annimali taht idejhom jiehdh hsieb il-harsien ta' dawk l-annimali.

Ghalhekk, din il-parti:

- (a) Tehtieg illi s-sidien ta' annimali, u persuni li ghandhom taht il-harsien taghhom annimali, jiehdh il-passi kollha ragonevoli biex jassiguraw illi l-bzonnijiet fisici, ta'

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- sahha u ta' mgieba ta' l-animali jitharsu skond prattika tajba u l-gharfien xjentifiku; u
- (b) Tehtieg illi s-sidien ta' animali morda jew imwegghin, u persuni li ghandhom taht il-harsien taghhom dawn l-animali, jaccertaw ruhhom illi l-animali jircievu, fejn hu possibbli, trattament illi jtaffi kull ugiegh jew tbatija zejda jew bla htiega li l-animali jkunu ghaddejjin minnhom;
 - (c) Timponi restrizzjonijiet fuq interventi kirurgici fuq animali; u
 - (d) Tipprovdi klassifikazzjoni tat-tipi ta' interventi kirurgici li jistghu isiru fuq animali; u
 - (e) Tispecifica il-persuni jew klassijiet ta' persuni li jistghu jaghmlu dawn l-interventi kirurgici; u
 - (f) Tispecifica kundizzjonijiet minimi li ghandhom jitharsu fil-garr ta' animali.

It-Tieni Parti

L-ghan ta' din il-parti hu li turi liema mgieba hi jew mhix permessa dwar ta' razez ta' animal jew animali uzati ghall-certi ghanijiet:

- (a) Billi tipprojbixxi certu tip ta' mgieba; u
- (b) Tikkontrolla l-uzu u l-bejgh ta' nases u ghodod ohra uzati ghall-qtil jew qbid ta' animali

It-Tielet Parti

L-iskop ta' din il-parti hu li tipprotegi il-harsien ta' animali li huma esportati minn Malta u li qed jingarru b' vapur jew ajruplan billi taccerta illi r-riskju li jhabbat wiccu mieghu l-animall huwa minimizzat. Tahseb ukoll meta fl-importazzjoni, pajjiz iehor ma jkunx qed ihares certi standards.

Ir-Raba' Parti

L-ghan ta' din il-parti hu li twaqqaf Kumitat Nazzjonali ghall-Harsien ta' l-Animali. Il-Kumitat Nazzjonali ghall-Harsien ta' l-Animali ghandu, fost affarijiet ohrain: (a) Jaghti parir lill-Ministru fuq kwistjonijiet li ghandhom x'jaqsmu mal-harsien ta' animali; u (b) Jizviluppa, u jaghti parir lill-Ministru fuq Kodici ta' Harsien; (c) Jaghti parir lill-Ministru u lid-Direttur Generali fuq kwistjonijiet ta' Etika u l-harsien ta' l-animali dwar ricerka, esperimentazzjoni, u taghlim; u dwar Kodici ta' Mgieba Etika; u (d) Jirrikmanda ghall-approvazzjoni certa persuni li, fl-opinjoni

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tal-kumitat, huma idoneji biex jinhatru bhala revizuri.

Il-Hames Parti

L-ghan ta' din il-parti hu li jistabilixxi proceduri ghall-izvilupp, hrug, tibdil, revizzjoni, jew thassir ta' Kodici ta' Harsien li:

(a) Jkun dwar annimali li ghandhom sid jew huma taht il-harsien ta' xi persuna; u

(b) Tistabilixxi livell minimu dwar kif persuni ghandhom jiehdusieb dawn l-annimali u kif ghandhom igibu ruhhom ma' dawn l-annimali; u

(c) Li jaghmlu rikmandazzjonijiet dwar l-ahjar Prattika li ghandha tkun osservata minn persuni li ghandhom taht il-harsien taghhom annimali u fuq kif ghandhom igibu ruhhom ma' dawn l-annimali.

Is-Sitt Parti

L-ghan principali ta' din il-parti hu li tigurilla illi l-uzu ta' annimali ghall-ricerka, esperimentazzjoni u taghlim hu ristrett ghall-kazijiet fejn ikun hemm raguni siewja li bniedem jifhem:

(a) Illi r-rizultat ta' din ir-ricerka, esperimentazzjoni jew taghlim jkompli jkattar l-gharfien fuq il-bnedmin, annimali u l-ekosistemi; jew il-preservazzjoni jew protezzjoni tas-sahha ta' bnedmin jew annimali, jew ta' l-ekosistemi; jew il-preservazzjoni u l-protezzjoni tas-sahha tal-bniedem jew ta' l-annimali jew il-harsien taghhom; jew l-immanigjar, protezzjoni, jew kontroll ta' l-ekosistema, pjanti, annimali, jew fauna t'artna; jew il-produzzjoni u l-produttivita ta' annimali; jew ghall-kisba ta' ghanijiet edukattivi; u

(b) Illi l-beneficci mill-uzu ta' l-annimali ghar-ricerka, esperimentazzjoni jew taghlim (sew jekk huma beneficci diretti ta' progett jew il-beneficci probabbli ta' dak il-progett mehuda flimkien mar-rizultati ta' progetti ohra relatati li saru fil-passat jew li qed isiru jew li hma mahsuba ghal quddiem, jissbqu l-hsara probabbli illi tista' ssir lill-annimali; u

(c) Illi, meta fir-ricerka, esperimentazzjoni jew taghlim jkollhom jintuzaw certi razez ta' annimali, dik ir-ricerka, esperimentazzjoni, jew taghlim jistghu isiru biss meta hu fl-ahjar interess ta' bniedem jew ta' dik ir-razza partikolari.

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(2) L-ghanijiet ohra ta' din il-Parti huma:-

(a) Biex taccerta illi , fir-rigward ta' animali uzati ghal ricerka, esperimentazzjoni u taghlim, il-passi kollha ragjonevoli ttiehdu biex wiehed jisgura illi il-htigiet fizici, ta' sahha u ta' mgieba ta' dawk l-animali huma milhuqa skond il-prattika tajba u l-gharfien xjentifiku; u meta animali uzati ghall-ricerka, esperimentazzjoni jew taghlim huma morda jew imweggha, ghandhom jinghataw, kull meta hu prattiku, trattament illi jtaffi kull ugiegh jew tbatija li mhux mehtiega:

Meta, minhabba n-natura tar-ricerka, esperimentazzjoni jew taghlim, il-htigiet ta' l-animali ma jistghux jkunu mharsa jew it-trattament ma jistax jinghata, kull ugiegh jew tbatija ghandhom jitnaqqsu ghall-icken livell possibbli fic-cirkostanzi;

(b) Biex jkun hemm sforz halli jonqos l-ghadd ta' animali wzati fir-ricerka, esperimentazzjoni u taghlim ghall-inqas possibbli: biex tirfina t-teknika uzata ghar-ricerka , esperimentazzjoni, u taghlim biex il-hsara li ssir lill-animali titnaqqas fil-waqt illi l-beneficcji li jinksibu ikun l-aqwa: biex tissostitwixxi animali bhala suggett ta' ricerka, u esperimentazzjoni fejn hu possibbli b'alternattivi ohra li mhumiex hajjin u ma jhossux, jew billi t-taghlim isir b' mod iehor.

Is-Seba' Parti

L-ghan principali ta' din il-parti hu ir-rikonoxximent ta' ghaqdiet illi jahdmu fil-qasam tal-harsien ta' l-animali . Il-Ligi tipprova tohloq bilanc bejn id-drittijiet tas-sidien ta' l-animali u dawn l-ghaqdiet. Fl-istess hin hemm kontrolli iktar stretti biex taghti garanzija lill-benefatturi illi l-flus illi jaghtu jintuzaw ghall-harsien ta' l-animali.

Din il-Parti tittratta ukoll dwar l-infurzar tal-Ligi, billi jinhatru spetturi, li ghandhom jintghazlu ghall-ezperjenza taghhom fil-kamp tal-harsien ta' l-animali. Ghalkemm kull membru tal-Korp tal-Pulizija jitqies bhala spettur ghall-ghan ta' dan l-Att, spetturi ohra m'ghandhomx il-poteri li ghandhom il-pulizija, u ghalhekk ddahhlu provvedimenti biex inghataw poteri limitati lil dawn l-ispetturi li ma jiffirmawx parti mill-Korp tal-Pulizija.

It-Tmien Parti

L-ghan ta' din il-parti hu li tirregola certi aspetti tal-prosekuzzjoni ta' reati. Il-kuncett ta' precedent li jorbot f' kazijiet li jigu decizi mill-Qorti ta' l-Appell qed jigi introdott f' dan il-qasam legali.

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Dan hu necessarju peress illi l-interpretazzjoni tal-Ligi fuq atti jew ommissjonijiet li huma kkonsidrati li huma kontra d-drittijiet u l-harsien ta' l-annimali hu process dinamiku u ghalhekk ma jistax jiddependi dejjem u f' kull hin minn emendi legislattivi.

Barra minn hekk, din il-parti tizviluppa l-kuncett ta' l-intervent ta' persuna privata bhala kwereganti fi proceduri kriminali ghal reati kontra dan l-Att. Ghaqdiet u persuni interessati ghandu jkollhom id-drittijiet kollha biex imexxu kaz ta' ksur tal-ligi

Id-Disa' Parti

Din il-Parti, bhalma hi fil-fatt il-prattika tal-legislazzjoni fuq il-harsien ta' l-annimali f' bosta pajjizi, ezentat il-kacca u is-sajd mill-operat ta' dan l-Att. Izda, meta l-annimal jinqabad u jkun taht il-kontroll ta' persuna, f'dak l-istadju il-provvedimenti japplikaw. Ezenzjoni ohra hi fejn annimali huma uzati ghall-protezzjoni tal-bniedem f' certi cirkostanzi.

L-Ghaxar Parti

Din il-parti taghti is-setgha lill-Ministru biex jaghmel regolamenti. Ghalkemm il-Ministru m' ghandux poteri delegati biex jimponi piena akbar jew li mhix in konformita` ma dik approvata mill-Parlament fl-Att, madankollu il-Ministru jista` jaghmel regolamenti li jitqiesu u jkollhom piena ta' reati amministrattivi.

ANIMAL RIGHTS AND WELFARE ACT

1. (1) This Act shall be cited as the "Animal Rights and Welfare Act (2000)",
(2) This Act shall come into force on such date as the Minister may order by notice in the Government Gazette, and different dates may be set for the coming into force of different parts or sections of the Act.

2. (1) In this Act, unless the context otherwise requires:

Interpretation.

"Animal" means any live member of the animal kingdom, and includes any mammalian foetus, or any avian or reptilian pre-hatched young, that is in the last half of its period of gestation or development.

"Animal establishment" means a place at which animals are used or held in the charge of any person, and which has, as its principal purpose, the using or holding of animals for display, sport, entertainment, temporary care, sale, conservation, scientific study, or other activity.

"Associated animal" means, in relation to an animal that is manipulated, an animal that:

- (a) Is of the same species and is from the same flock, herd, or other group as the animal that is manipulated; and
- (b) Is in the immediate care of the veterinarian who carries out the manipulation.

"Controlled surgical procedure" means any surgical procedure which is performed on an animal and which is, under section 16, declared to be a controlled surgical procedure.

"Director-General" means the chief executive of the Ministry responsible for the Interior.

"Hunt or kill", in relation to animals, includes:

- (a) Hunting, fishing, or searching for any animal and killing, taking, catching, trapping, capturing, tranquilising, or immobilising any animal by any

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means;

- (b) Pursuing or disturbing any animal;---and "hunting or killing" has a corresponding meaning.

"Ill-treat", in relation to an animal, means causing the animal to suffer, by any act or omission, pain or distress that in its kind or degree, or in its object, or in the circumstances in which it is inflicted, is excessive or unnecessary.

"Inspector" means an inspector appointed under this Act and includes every member of the police.

"Manipulation", in relation to an animal, has the meaning given to it by section 3.

"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 the Minister responsible for the Interior.

"Owner", in relation to an animal, includes the parent or guardian of a person under the age of 18 years who:

- (a) Owns the animal; and
(b) Is a member of the parent's or guardian's household living with and dependent on the parent or guardian.

"Person in charge", in relation to an animal, includes a person who has the animal in that person's possession or custody, or under that person's care, control, or supervision.

"Pest" means any animal in a wild state that the Sanitary authorities declare, by notice in the Government Gazette, to be a pest for the purposes of this Act.

"Project" means:

- (a) Any experiment, or series of related experiments, forming a discrete piece of research; or
(b) A protocol for the carrying out of routine

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- manipulations within a specified period; or
- (c) Any experiment or demonstration, or series of related experiments or demonstrations, undertaken for teaching purposes.

“Restricted surgical procedure” means:

- (a) The debarking of a dog and the performance on the vocal chords of an animal of a surgical procedure intended to reduce the noise the animal is capable of emitting); or
- (b) The de-clawing of a cat (the removal from the foot of a cat by a surgical procedure of the whole or part of one or more of the claws of the cat); or
- (c) The ear-cropping or docking of the tail of a horse or of any other animal, or
- (d) Any surgical procedure which is performed on an animal and which is, under section 16, declared to be a restricted surgical procedure.

“Reviewer” means the reviewer appointed under the provisions of this Act.

“Trap” means:

- (a) A net, cage, snare, pen, pitfall, or mechanical thing used for the purpose of killing, entrapping, capturing, entangling, restraining, or immobilising an animal; but
- (b) Does not include any fenced area of land or other effective enclosure used for handling, herding, or mustering an animal; or any enclosure, such as a cage, used for transporting an animal.

3. (1) In this Act, unless the context otherwise requires, the term “manipulation”, in relation to an animal, means interfering with the normal physiological, behavioural, or anatomical integrity of the animal by deliberately:

Definition of
“manipulation”.

- (a) Subjecting it to a procedure which is unusual or abnormal when compared with that to which animals of that type would be subjected under normal management or practice and which involves-
- (i) Exposing the animal to any parasite, micro-organism, drug, chemical, biological product, radiation, electrical stimulation, or environmental condition; or
- (ii) Enforced activity, restraint, nutrition, or

surgical intervention; or

(b) Depriving the animal of usual care.

(2) The term defined by subsection (1) does not include:

- (a) Any therapy or prophylaxis necessary or desirable for the welfare of an animal; or
- (b) The hunting or killing of any animal in a wild state by a method that is not an experimental method; or
- (c) Any procedure that the Minister declares, under subsection (3), not to be a manipulation for the purposes of this Act.

(3) The Minister may from time to time, after consultation with the National Animal Committee declare any procedure, by notice in the Gazette, not to be a manipulation for the purposes of this Act.

4. In this Act, unless the context otherwise requires, the term "physical, health, and behavioural needs", in relation to an animal, includes:

Definition of "physical, health, and behavioural needs".

- (a) Proper and sufficient food and water;
- (b) Adequate shelter;
- (c) Opportunity to display normal patterns of behaviour;
- (d) Physical and psychological handling in a manner which minimises the likelihood of excessive or unnecessary pain or distress;
- (e) Protection from, and rapid diagnosis of, any significant injury or disease, being a need which, in each case, is appropriate to the species, environment, and circumstances of the animal.

5. (1) In this Act, unless the context otherwise requires, the term "research, testing, and teaching" means:

Definition of "research, testing, and teaching".

- (a) Any work (being investigative work or experimental work or diagnostic work or toxicity testing work or potency testing work) that involves the manipulation of any animal; or
- (b) Any work that is carried out for the purpose of producing anti-sera or other biological products; and involves the manipulation of any animal; or
- (c) Any teaching that involves the manipulation of any animal.

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(2) The term defined by subsection (1) does not include any manipulation that is carried out on any animal that is in the immediate care of a veterinarian, if-

- (a) The veterinarian believes on reasonable grounds that the manipulation will not cause the animal unreasonable or unnecessary pain or distress, or lasting harm; and
- (b) The manipulation is for clinical purposes in order to diagnose any disease in the animal or any associated animal; or for clinical purposes in order to assess the effectiveness of a proposed treatment regime for the animal or any associated animal; or for the purposes of assessing the characteristics of the animal with a view to maximising the productivity of the animal or any associated animal.

6. (1) In this Act, unless the context otherwise requires, the term "significant surgical procedure" includes, but is not limited to:

Definition of "significant surgical procedure".

- (a) A restricted surgical procedure; and
- (b) A controlled surgical procedure; and
- (c) Any other surgical procedure declared under subsection (2) to be a significant surgical procedure for the purposes of this Act.

(2) The Minister may from time to time, by Order, after consultation with the National Animal Welfare Committee, declare that a surgical procedure is or is not a significant surgical procedure for the purposes of this Act.

7. (1) Where an Order is made under section 6(2) the Minister must, as soon as practicable after the making of that Order, and after publication in the Government Gazette:

Notice of making of Order.

- (a) Publish a notice of the making of that Order in one or more daily newspapers, and
- (b) Give written notice of the making of that Order to those classes of persons likely to be affected by the making of that Order; and
- (c) Give such other public notice of the making of that Order .

8. This Act binds any public officer, authority, corporation or entity, and any person charged with an offence under this Act cannot raise the plea that he acted in the exercise of his other

Act to bind the Government etc.

official duties or powers.

9. The States recognises that every animal has:

Animal Rights.

- (a) The right to life, and in a compatible environment. The taking of the life of an animal shall be regulated by law, under circumstances which avoid excessive or unnecessary pain or suffering.
- (b) The right not to be tortured or treated with cruelty.
- (c) The right to protection from undue labour and conditions of working which are beyond and not consonant with its nature.
- (d) The right to freedom according to its species, and if held in captivity, under conditions as its natural behavioural needs are respected.
- (e) The right to fair treatment, under all circumstances.
- (f) The right not to be punished unduly and with cruelty, or capriciously.
- (g) The right to rear its young and to have natural family groups and proper shelter.
- (h) The right to respect for its natural instincts, behaviour and mode of relationship with other animals and human beings.
- (i) The right not to be deprived of the companionship of other animals of the same species.
- (j) The right to procreate and guarantee the continuation of the species. Where procreation is to be limited through surgical intervention, this must be done under such conditions as are acceptable in society and are in interests of animal welfare.
- (k) The right to be respected as a being, irrespective of its pedigree or particular commercial value. The State shall endeavour to promote respect for animals which are often neglected because of their origin.

(2) The rights mentioned in subsection (1) are to be interpreted and applied on the principle that human beings and animals cohabit on the same territory, and that the balance of rights, needs, health, protection or survival of human beings cannot be prejudiced in the implementation of such rights.

(3) Any derogation from the rights listed in subsection (1) must have a reasonable justification, and interests of human beings must prevail first.

(4) The State finally recognises that the rights of animals cannot but be enforced through the intervention of the State,

which through its legislative, judicial and administrative organs can protect the rights and the welfare of animals. The State recognises that it has a duty to promote the welfare of animals.

(5) The State recognises that it is its duty to collaborate with voluntary organisations in the field of animal rights and welfare, and that it is its duty to promote the culture of respect towards the animals.

(6) The First Schedule to this Act sets out the intentions and purposes of the various Parts of this Act, and in any regulations or interpretation of this Act, the First Schedule shall form an authentic guideline.

PART 1

CARE OF ANIMALS

Obligations of Owners and of Persons in Charge of Animals

10. The owner of an animal, and every person in charge of an animal, must ensure that the physical, health, and behavioural needs of the animal are met in a manner that is in accordance with both good practice and scientific knowledge. Obligation in relation to physical, health, and behavioural needs of animals.
11. (1) The owner of an animal that is ill or injured, and every person in charge of such an animal, must, where practicable, ensure that the animal receives treatment that alleviates any excessive or unnecessary pain or distress being suffered by the animal. Obligation to alleviate pain or distress of ill or injured animals.
- (2) This section does not require a person to keep an animal alive when it is in such a condition that it is suffering excessive or unnecessary pain or distress.
12. A person commits an offence who, being the owner of, or a person in charge of, an animal, (a) fails to comply, in relation to the animal, with section 10; or (b) fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11; or (c) kills the animal in such a manner that the animal suffers excessive or unnecessary pain or distress. Animal welfare offences.

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13. In a prosecution for an offence against section 12, it is not necessary for the prosecution to prove that the defendant intended to commit an offence. Criminal liability.

It is a defence in any prosecution for an offence against section 12 if the person charged proves:

- a. That, in relation to the animal to which the prosecution relates, the person charged took, in the case of an offence against section 12(1) (a), all reasonable steps to comply with section 10; or in the case of an offence against section 12(1) (b), all reasonable steps to comply with section 11; or in the case of an offence against section 12(1) (c), all reasonable steps not to commit a breach of section 12(1) (c); or
- b. That the act or omission constituting the offence took place in circumstances of stress or emergency, and was necessary for the preservation, protection, or maintenance of human life; or
- c. That there was in existence at the time of the alleged offence a relevant Code of Welfare and that the minimum standards established by the Code of Welfare were in all respects equalled or exceeded.

14. (1) A person commits an offence who, (a) being the owner of, or a person in charge of, an animal, without reasonable justification keeps the animal alive when it is in such a condition that it is suffering excessive or unnecessary pain or distress; or (b) sells, attempts to sell, or offers for sale, otherwise than for the express purpose of being killed, the animal when it is suffering excessive or unnecessary pain or distress. Further animal welfare offences.

(2) A person commits an offence who, being the owner of, or person in charge of, an animal, without reasonable justification deserts the animal in circumstances in which no provision is made to meet its physical, health, and behavioural needs.

15. (1) Except as provided in section 18 (1), no person may perform any significant surgical procedure on an animal unless that person is a veterinarian; or a person who is acting Restriction on performance of surgical

under the direct supervision of a veterinarian and who is being taught veterinary science. procedures.

(2) A veterinarian who, for the purpose of teaching veterinary science, supervises the performance of a significant surgical procedure, must be present throughout the performance of that surgical procedure.

(3) No person may, in performing on an animal a surgical procedure that is not a significant surgical procedure, perform that surgical procedure in such a manner that the animal suffers excessive or unnecessary pain or distress.

16.

(1) The Minister, may from time to time, by Order made in consultation with the National Animal Welfare Committee, declare any surgical procedure to be performed on an animal to be: Classification of surgical procedures.

- (a) A restricted surgical procedure; or
- (b) A controlled surgical procedure.

(2) The Minister may by Order made after consultation with the National Animal Welfare Committee, amend or revoke any order made under subsection (1).

(3) The National Animal Welfare Committee must consider, in relation to each surgical procedure to which the proposed Order or amendment or revocation relates, (a) both the reasons for and the reasons against the surgical procedure being performed; and (b) the degree of pain or distress that the carrying out of the surgical procedure is likely to cause; and (c) whether a person who is not a veterinarian could adequately carry out the procedure; and (d) any other relevant matter.

17.

(1) A restricted surgical procedure may be performed on an animal only by a veterinarian; or a person who is acting under the direct supervision of a veterinarian and who is being taught veterinary science. Performance of restricted surgical procedures.

(2) The veterinarian must, before performing or supervising the performance of a restricted surgical procedure, first satisfy himself or herself that the performance of that procedure is in the interests of the animal.

(3) A veterinarian who performs a restricted surgical

procedure on an animal must ensure that the animal is, throughout the performance of the surgical procedure, under the influence of a general or local anaesthetic or an analgesic that is sufficient to prevent the animal from feeling pain.

18. (1) A controlled surgical procedure may be performed on an animal only by a veterinarian; or a person who is acting under the direct supervision of a veterinarian and who is being taught veterinary science, as is provided in section 17; or a person who is both the owner of the animal and a person who has veterinary approval to perform a surgical procedure of that type on that species of animal; or a person who is both an employee of the owner of the animal and a person who has veterinary approval to perform a surgical procedure of that type on that species of animal.
- (2) Veterinary approval to perform a controlled surgical procedure on the animal is a document signed by a veterinarian, before the procedure is performed on the animal, that the veterinarian is satisfied that the person has the relevant expertise, practical experience, drugs, equipment, and accommodation to perform that type of surgical procedure competently on that species of animal, and such approval may only be given to a named person and may be revoked by the same veterinarian.
19. (1) A person commits an offence who, without reasonable justification, acts in contravention of or fails to comply with any of the provisions of Sections 15 to 18.
20. (1) Every person in charge of a vehicle, an aircraft, or a ship, on which an animal is being transported, must ensure that the welfare of the animal is properly attended to; and that, in particular, the animal is provided with reasonably comfortable and secure accommodation; and is supplied with proper and sufficient food and water.
- (2) A person commits an offence who fails, without reasonable justification, to comply with any provision of subsection (1).
21. (1) A person commits an offence who, without reasonable justification, confines or transports an animal in a manner or position that causes the animal excessive or unnecessary pain

Performance of controlled surgical procedures.

Surgical procedure offences

Transport of animals.

Other offences in relation to transport of

or distress.

animals, etc.

(2) A person commits an offence who, being the owner of, or the person in charge of, an animal, permits that animal, without reasonable justification to be driven or led on a road; or to be ridden; or to be transported in or on a vehicle, an aircraft, or a ship, while the condition or health of that animal is such as to render it unfit to be so driven, led, ridden, or transported.

22.

Whosoever commits an offence against any of the provisions of this Part, shall on conviction, be liable to imprisonment for a term not exceeding 6 months or to a fine (multa) not exceeding 1000 Maltese Liri or to both such fine and imprisonment.

Penalties.

PART 2

CONDUCT TOWARDS ANIMALS

ILL-TREATMENT OF ANIMALS

23.

(1) A person commits an offence who wilfully ill-treats an animal in such a way that (a) the animal is disabled, even if temporarily; or (b) The animal dies; or (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering.

Wilful
treatment
animals.

ill-
of

(2) A person who commits an offence against this section is liable on conviction to imprisonment for a term not exceeding one year or to a fine (multa) not exceeding 2000 Maltese Liri or to both such fine and imprisonment.

24.

A person commits an offence who:

Further offences.

- (a) Ill-treats an animal; or
- (b) Pierces the tongue or tongue phrenum of an animal with a pig ring or similar thing or with any wire or crops the ears of a dog, or has under his control such a dog; or
- (c) Keeps or uses a place for the purpose of causing an animal to fight, or for the purpose of baiting or otherwise ill-treating an animal, or manages or assists in the management of, any such place; or

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- (d) Is present, for the purpose of witnessing the fighting or baiting of an animal: or
- (e) In any manner encourages, aids, or assists in the fighting or baiting of an animal; or
- (f) Brands any animal in such a manner that the animal suffers excessive or unnecessary pain or distress; or
- (g) Releases an animal, being an animal that has been kept in captivity, in circumstances in which the animal is likely to suffer excessive or unnecessary pain or distress; or
- (h) Counsels, procures, aids, or abets any other person to do an act or refrain from doing an act as a result of which an animal suffers excessive or unnecessary pain or distress.

25. A person commits an offence who:

- (a) Requires an animal to produce performances clearly beyond its strength or capacity, in view of its condition, save in emergencies; or
- (b) Requires an animal, which has been subject to operations or treatments covering a performance-reducing physical condition, to produce performances its physical condition does not allow; or
- (c) Performs procedures on an animal during training or sport competitions or similar events involving severe pain, suffering or harm with the intention of impairing the performance of the animal; or
- (d) Dopes an animal in sport competitions or similar events; or
- (e) Subject an animal to training causing the animal severe pain, suffering or harm; or
- (f) To use an animal for filming, exhibition, advertising or similar events, causing the animal pain, suffering or harm;

Excessive impositions on animals.

26. (1) In a prosecution for an offence against section 24 or section 25, it is not necessary for the prosecution to prove that the defendant intended to commit an offence.

Criminal liability.

(2) It is a defence in any prosecution for an offence against section 24 or 25, where applicable, if the defendant proves that the act or omission constituting the offence took place in circumstances of stress or emergency, and was necessary for the preservation, protection, or maintenance of human life; or

that there was in existence at the time of the alleged offence a relevant Code of Welfare and that the minimum standards established by the Code of Welfare were in all respects equalled or exceeded.

27.

(1) A person commits an offence who-

- (a) Knowingly owns, possesses, keeps, trains, or breeds an animal for the purposes of having that animal participate in an animal fighting venture; or
- (b) Knowingly sells, buys, transports, or delivers to another person any animal for the purposes of having the animal participate in an animal fighting venture.

Animal fighting ventures.

(2) In this section, "animal fighting venture" (a) means any event that involves a fight between at least 2 animals and is conducted for the purposes of sport, wagering, or entertainment.

28.

(1) For the purposes of this Act, the Minister may after consultation with the National Animal Welfare Committee, declare by Order that any trap or device to be---

- (a) A prohibited trap or a prohibited device; or
- (b) A restricted trap or a restricted device.

Power to declare traps or devices to be prohibited or restricted traps or devices.

(2) Where the order declares any trap to be a restricted trap or any device to be a restricted device, the Order may contain provisions regulating the sale or use of the trap or device.

29.

The Minister must, in deciding whether or not to make an Order under section 28, have regard to the following matters:

Criteria.

- (a) The nature and purpose of the trap or device; and
- (b) Whether any pain or distress that the trap or device is likely to cause would be unreasonable; and
- (c) Whether the use of other measures under this Act, or measures under other Acts, are adequate to manage the effects of the trap or device on animal welfare; and
- (d) The availability and cost-effectiveness of, and the feasibility of a transition to, other traps or devices, in the case of fishing; and
- (e) Whether the trap or device could be modified, or the method of use controlled, to avoid unacceptable effects on animal welfare.

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30. A person commits an offence who, without reasonable justification and for the purpose of killing, managing, entrapping, capturing, entangling, restraining, or immobilising an animal, uses a prohibited trap or a prohibited device; or uses a restricted trap or a restricted device in contravention of any provision of an Order made under section 28. Restrictions on use of traps etc.

31. (1) A person commits an offence who, without reasonable justification, sells, attempts to sell, or offers or exposes for sale, a prohibited trap or a prohibited device. Restrictions on sale of traps and devices
(2) A person commits an offence who, in selling a restricted trap or a restricted device, contravenes, without reasonable justification, any provision of any Order made under section 28.

32. (1) A person who, for the purpose of capturing alive a mammal, bird, reptile, or amphibian, lets or causes to be set a trap, must: Obligation to inspect traps.
(a) Inspect that trap, or cause a competent person to inspect that trap, within 12 hours after sunrise on each day the trap remains set, beginning on the day immediately after the day on which the trap is set; and
(b) Remove, or cause to be removed, any live animal found in that trap or attend properly to the care of any such animal or, with out delay, kill any such animal.
(2) A person commits an offence and is liable on conviction to a fine not exceeding 500 Maltese Liri, who fails, without reasonable justification, to comply with any provision of subsection (1).

33. A person who commits an offence against any of sections 24, or 25, or 27, or 30, or 31 is liable on conviction, to imprisonment for a term not exceeding 6 months or to a fine (multa) not exceeding 1000 Maltese Liri or to both such fine and imprisonment. Penalties.

PART 3

ANIMAL EXPORTS AND IMPORTS

34. (1) The provisions of this Part do not limit the other provisions Effect of this Part.

of this Act.

(2) Any public officer who notices that the provisions of this part are not being complied with in the importation of animals, then it shall be his duty to bring any such fact to the notice of Director General.

35. (1) A person commits an offence who exports an animal from Malta to another country on ship or aircraft other than under the authority, and in accordance with the conditions, of an animal welfare export certificate.

(2) Nothing in subsection (1) applies if the exportation of the animal is exempted from the requirements of that subsection by a notice published in the Government Gazette by the Director of Trade.

(3) A person who commits an offence against subsection (1) is liable on conviction, to imprisonment for a term not exceeding 6 months or to a fine (multa) not exceeding 1000 Maltese Liri or to both such fine and imprisonment.

36. (1) The Director-General may from time to time publish guidelines for the issue of animal welfare export certificates.

(2) The Director-General may from time to time amend or revoke any guidelines published under subsection (1).

(3) The Minister may from time to time direct the Director-General to exercise the power conferred by subsection(1).

(4) Any guidelines published under this section may relate (a) to a specific type of animal or to animals generally;(b) to the export of animals by ship or by aircraft or by both;(c) to particular types of animals in particular circumstances.

(5) Before publishing guidelines under this section or any amendment to any such guidelines, the Director-General must consult with those persons considered by the Director-General to be representative of the classes of persons having an interest in the guidelines or the amendment.

37. (1) Any person may apply to the Director of Trade for the issue of an animal welfare export certificate.

(2) The application must be made on a form provided by the

Director of Trade for the purpose; and contain, or be accompanied by, such information as the Director of Trade requires; and be accompanied by the prescribed fee (if any); and be made to the Director of Trade at least 20 working days before the date on which the applicant proposes that the animal leaves Malta.

(3) The Director of Trade may permit an application to be made other than in accordance with subsection (2) if he is satisfied that unforeseen or unusual circumstances prevented the application from being made in accordance with subsection (2).

38. The Director of Trade must, in considering any application under section 37, have regard to such of the following matters as are relevant: Consideration of application

- (a) The manner in which the welfare of any animals previously exported by the applicant was attended to on the journey between Malta and the country to which they were exported;
- (b) The capability, skills, and experience of the applicant in relation to the export of animals;
- (c) the species or type of animal and the number of animals proposed to be exported;
- (d) the ages, and the physiological state, of the animals proposed to be exported;
- (e) the mode of transport proposed and the facilities provided;
- (f) the length and nature of the journey proposed;
- (g) the probability of harm and distress to the animal;
- (h) Any requirements of the country into which the animal is being exported;
- (i) Any relevant international standard;
- (j) The date on which it is intended that the animal leave Malta; and
- (k) Any other matters that the Director of Trade considers relevant to the welfare of the animal.

39. After considering an application under section 38, the Director of Trade must decide whether to grant or refuse the application, giving his reasons in case of a refusal, and specifying any conditions which he deems necessary to impose for the welfare of the animal to be exported. Decision on application.

40. The Director of Trade or the Comptroller of Customs may at Additional

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- any time before the departure of the animal add to the conditions imposed on the export certificate, and may give further directives in the interests of the animal to be exported. conditions etc.
41. The Director of Trade may from time to time, by notice in the Gazette, exempt certain species or types of animals from the requirements of the preceding sections ; or specify the circumstances in which any animals are to be exempted from such requirements. Exemptions.
42. (1) Where any animal that is to be exported from Malta to another country is being prepared for loading on to a ship or aircraft or is loaded on to a ship or aircraft other than under the authority, and in accordance with the terms, of an animal welfare export certificate, any public officer who comes to know of the illegal act may (a) seize the animal and convey it to another place: (b) take any other steps that he considers necessary or desirable to prevent or mitigate any suffering of the animal:(c) direct the owner or person in charge of the animal to take steps to prevent or mitigate any suffering of the animal. Enforcement.
- (2) The public officer may keep the animal at a place, where it welfare is attended to, until the animal is forfeited to the Government of Malta or to an approved organisation; or until the Court of Magistrates orders that the animal be delivered to the owner of the animal or to the person charged with the offence against this Act.
43. (1) A person commits an offence who, without reasonable justification, refuses or fails to comply with any requirement of a public officer acting under the authority of section 42 Offence.
- (2) A person who commits an offence against subsection (1) is liable on conviction, to a fine (multa) not exceeding 500 Maltese Liri.

PART 4

NATIONAL ANIMAL WELFARE COMMITTEE

- (1) There shall be set up the National Animal Welfare Setting up of

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44. Committee, the functions of which are: National Animal Welfare Committee
- (a) to advise the Minister on any matter relating to the welfare of animals in Malta, including (without limitation) areas where research into the welfare of animals is required; and legislative proposals concerning the welfare of animals;
 - (b) to make recommendations to the Minister regarding manipulation and surgical procedures;
 - (c) To discharge its functions in relation to the making of Orders declaring traps or devices to be prohibited or restricted traps or devices;
 - (d) To discharge its functions in relation to the conditions that should be attached to the sale or use of any restricted trap or restricted device;
 - (e) To make recommendations to the Minister concerning the issue, amendment, suspension, revocation, and review of codes of welfare;
 - (f) To promote, and to assist other persons to promote, the development of guidelines in relation to the use of traps or devices or both: and the hunting or killing of animals in a wild state.
- (2) The expenses of the National Animal Welfare Committee shall be a charge on the consolidated fund.
45. (1) The National Animal Welfare Committee consists of not more than 11 members. Membership.
- (2) Those members comprise:
- (a) A chairperson appointed by the Minister; and
 - (b) Such other members (not exceeding 10) as are appointed by the Minister in accordance with subsection (3).
- (3) The Minister must, in making appointments under subsection (2)(b), have regard to the need for the Committee to possess knowledge and experience in the following areas:
- (a) Veterinary science;
 - (b) Agricultural science;
 - (c) Animal science;
 - (d) The commercial use of animals;
 - (e) The care, breeding, and management of companion animals;
 - (f) Ethical standards and conduct in respect of animals;
 - (g) Animal welfare advocacy and organisations;
 - (g) The public interest in respect of animals;

(h) Environmental and conservation management:

46. (1) Every appointed member of the National Animal Welfare Committee- Term of office.

- (a) Must be appointed by the Minister by notice published in the Government Gazette; and
- (b) Holds office for such term, not exceeding 3 years, as the Minister specifies in the notice of appointment; and
- (c) Takes office from the date of the publication of the notice of appointment in the Gazette or on such later date as may be specified in the notice; and
- (d) Is eligible for reappointment from time to time.

(2) Despite subsection (1) (b), every appointed member of the National Animal Welfare Committee, unless sooner vacating office, continues in office until the member's successor comes into office.

47. The National Animal Welfare Committee must, as soon as practicable after the end of each year ending with 31 December, furnish to the Minister a report of its operations during that year. Annual report.

PART 5

CODES OF WELFARE

48. A Code of Welfare may relate to one or more of the following: Contents

- (a) A species of animal;
- (b) Animals used for purposes specified in the code;
- (c) Animal establishments of a kind specified in the code;
- (d) Types of entertainment specified in the code (being types of entertainment in which animals are used);
- (e) The transport of animals;
- (f) The procedures and equipment used in the management, care, or killing of animals or in the carrying out of surgical procedures on animals.

49. (1) The Minister, the National Animal Welfare Committee, or any other person or animal welfare organisation may prepare a draft code of welfare. Preparation of draft code.

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(2) Where any person or organisation, other than the National Animal Welfare Committee, prepares a draft Code of Welfare, that person or organisation must forward the draft code to the National Animal Welfare Committee.

50. The National Animal Welfare Committee may consult with any person before making a recommendation to the Minister to issue a Code of Welfare. Consultation.

51. (1) The National Animal Welfare Committee must, in considering the content of a draft Code of Welfare, and before deciding whether to recommend to the Minister the issue of that code, be satisfied that the proposed standards are the minimum necessary to ensure that the purposes of this Act will be met; and be satisfied that the recommendations for best practice (if any) are appropriate. Matters to be considered.

(2) The National Animal Welfare Committee must, in making its recommendations shall keep in view :

- (a) the feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition;
- (b) the requirements of religious practices or cultural practices of minorities or both;
- (c) the economic effects of any transition from current practices to new practices; and
- (d) any similar codes applied in other countries.

52. (1) The National Animal Welfare Committee must, within three months after the receipt of a draft Code of Welfare, decide whether or not to recommend to the Minister the issue of the code. Recommendation to Minister.

(2) The committee's recommendations must be accompanied by a report setting out the reasons for the committee's recommendation; and the nature of any significant differences of opinion about the code, or any provision of it, that have been shown by the submissions; and the nature of any significant differences of opinion about the code, or any provision of it, that have occurred within the committee.

(3) The National Animal Welfare Committee must send to the person who prepared the draft code a copy of its decision and

a copy of the report made under subsection (2).

53. (1) The Minister may, after considering the recommendation made by the National Animal Welfare Committee decide to issue the Code of Welfare by a notice in the Gazette after, making such changes (if any) to the draft code as the Minister considers appropriate, on the advice of the National Animal Welfare Committee; or refer the Code of Welfare back to the National Animal Welfare Committee with a request that the committee reconsider one or more of the aspects of the Code of Welfare.
- (2) A Code of Welfare comes into force on the day after the date of the publication under subsection (1) of a notice approving the issue of the code or on such later date as may be specified in that notice.
- Issue of code.
54. Where a Code of Welfare is issued, the Minister must ensure that, so long as that Code of Welfare remains in force, copies of that Code of Welfare, and of all amendments to that code, are available for inspection by members of the public free of charge either in printed form or over the internet.
- Availability of codes of welfare.
55. (1) The National Animal Welfare Committee may from time to time, and must at intervals of not more than 10 years, review every Code of Welfare in force.
- (2) The National Animal Welfare Committee must review a Code of Welfare if required to do so by the Minister by notice in writing.
- (3) In a review of the Code of Welfare, the same rules shall apply, as if the review were a proposal to make a recommendation to the Minister to issue the code.
- Review of Code of Welfare.
56. The National Animal Welfare Committee shall, in addition to its functions, examine and advise on any Code of Ethics as is mentioned in Part 6 of this Act.

PART 6

USE OF ANIMALS IN RESEARCH, TESTING AND TEACHING

57. Animals may be used in research, testing, or teaching only in accordance with this Part.
- Effect of this Part.

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- 58. (1) No person may carry out research, testing, or teaching involving the use of animals unless that person holds a code of ethical conduct approved under this Part, which code shall also cover the employees and other persons working under contract with that person. Restrictions on research, testing, and teaching involving use of animals.

(2) A person commits an offence who contravenes subsection(1).
- 59. (1) Notwithstanding the provisions of section 57 and section 58, no person may carry out any project unless it has first been approved by the National Animal Welfare Committee, and is carried out in accordance with any conditions imposed by that Committee. Restrictions on carrying out of projects.

(2) A person commits an offence who contravenes subsection(1).
- 60. (1) The Director-General may at any time, by notice in writing to the person to whom an approval under section 59 was given, revoke that approval if the Director-General is satisfied, that the considerations under which the approval was granted do no longer exist, or if any condition of the approval is not being complied with. Revocation of approval.

(2) The Director-General must, before revoking the approval, give the person to whom the approval was given, an opportunity to be heard.
- 61. Any person, who wishes to use animals in research, testing, or teaching, may apply to the Director-General for approval of a code of ethical conduct in relation to the use of animals. Codes of ethical conduct.
- 62. (1) Each code of ethical conduct must contain provisions that set out the policies to be adopted and the procedures to be followed. Contents of code of ethical conduct.

(2) The provisions of each code of ethical conduct must:

 - (a) be consistent with this Act and with any standards or policies prescribed by regulations made under this Act; and

(b) be such as to enable any requirements specified in regulations made under this Act to be met.

63. (1) Every application must be in writing and must be accompanied by: Application for approval.

- (a) a detailed statement on the general nature and extent of the research, testing, or teaching, in which the applicant is engaged or proposes to be engaged; and
- (b) the proposed code of ethical conduct to which the application relates; and
- (c) evidence, in the form of independent references and appropriate academic qualifications, that the applicant, or the persons employed or engaged to do the work, have the capability, skills, and experience to carry out the type of research, testing, or teaching to which the application relates.
- (d) evidence of similar codes in other countries, if any.

(2) The Director-General must refer to the National Animal Welfare Committee for its comments every application made, and must consult with that Committee with regard to every such application.

64. The Director-General may, before deciding whether to approve, or to refuse to approve, a proposed code of ethical conduct, change the contents of the code if the National Animal Welfare Committee so recommends after consultation with the applicant. Changes to proposed code.

65. (1) On approving the proposed code of ethical conduct, the Director-General may impose any appropriate conditions. Approval of code of ethical conduct.

(2) Where the Director-General approves a proposed code of ethical conduct, the Director-General must publish a notice of the approval in the Gazette.

(3) Where the Director-General refuses to approve a proposed code of ethical conduct, the Director-General must give the applicant written notice of the refusal and the reasons for the refusal.

66. (1) An approval of a code of ethical conduct is personal to the holder and, except with the consent of the Director-General, is not transferable. Approval to be personal to holder.

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(2) An approval of a code of ethical conduct does not vest by operation of law in any person other than the holder, his employees and any person working under his responsibility

67. Every approval of a code of ethical conduct has effect for such period, not exceeding the period of 5 years beginning with the date of the publication in the Gazette of notice of the approval of that code, as the Director-General specifies in that notice
68. The Director-General may suspend or revoke the approval of a code of ethical conduct if the Director-General believes, on reasonable grounds, that the code holder:
- (a) Is no longer carrying out research, testing, or teaching; or
 - (b) Has been convicted of a serious offence punishable with imprisonment, even though the punishment is suspended; or
 - (c) No longer has the capability and skills necessary to carry out research, testing, or teaching; or
 - (d) Has failed to comply in a material respect with this Act or any regulations made under this Act or the code of ethical conduct; or
 - (e) Has provided in or with the holder's application that was false in a material respect.
- (3) The Director-General must, before revoking or suspending the approval of a code of ethical conduct, give the code holder an opportunity to be heard and must consult with the National Animal Welfare Committee with regard to the proposed revocation or suspension of the code of ethical conduct.
- (4) Where the Director-General decides to approve the suspension or revocation of the approval of a code of ethical conduct, the Director-General must publish a notice of the decision in the Gazette.
69. (1) Where the Minister has reasonable grounds to believe that a code holder may not be complying with this Act or any regulations made under this Act or the relevant code of ethical conduct, the Minister may, at the expense of the code holder, appoint a person to make an independent review of that code holder.

Power of Minister to commission review.

(2) The Minister may determine the terms of reference for the review.

70. (1) The Minister may authorise any person or organisation to carry out research or testing where the Minister is satisfied that such research or testing is necessary in the national interest. Power of Minister to approve research or testing.

(2) In considering whether the research or testing is necessary in the national interest, the Minister must have regard to the following matters:

- (a) Whether the research or testing relates to matters that affect or are likely to affect or are relevant to Malta's international obligations;
- (b) Whether the research and testing is necessary for the purpose of protecting human or animal health.

71. A person who commits an offence as is mentioned in Part 6 is liable on conviction, to imprisonment for a term not exceeding 6 months or to a fine (multa) not exceeding 1000 Maltese Liri or to both such fine and imprisonment Penalties.

PART 7

APPROVED ORGANISATIONS AND INSPECTORS

72. (1) The Minister may from time to time, on the application of any organisation, which has as its primary object the promotion of animal welfare and has to resort to collections off funds from the general public to achieve its aims, declare that organisation, by notice in the Gazette, to be an approved organisation for the purposes of this Act. Approved organizations.

(2) The application must include:

- (a) The full name and address of the applicant; and
- (b) The area of animal welfare in which the applicant will, if declared to be an approved organisation, operate as an approved organisation; and
- (c) Information that will enable the Minister to assess whether the organisation meets the criteria set out in

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section.

(d) Information on whether the organisation forms part of an international organisation.

(3) If an organization does not intend to make calls for contributions from the public, it need not apply for approval to the Minister, but it shall be an offence under this Act if any person under the name of the organization makes any request for funds from the public.

73.

(1) The Minister must, before declaring an organisation to be an approved organisation for the purposes of this Act, be satisfied, by the production to the Minister of suitable evidence, that:

Criteria.

(a) The principal purpose of the organisation is to promote the welfare of animals; and

(b) The accountability arrangements, financial arrangements, and management of the organisation are such that, having regard to the interests of the public, the organisation is suitable to be declared to be an approved organization.

(2) The Minister may, in making a declaration under the previous section impose, as conditions of the Minister's approval, conditions relating to the establishment by the organisation of performance and technical standards.

(3) It shall be a condition of such an approval that the financial audit of the organisation is carried out by an auditor approved by the Director-General, from a list of auditors, and this at the expense of the organisation, and the auditor shall report to the Director-General, especially on the use of funds collected from donations.

74.

The Minister may from time to time, by notice in the Gazette, revoke any declaration made under section 72 if the Minister is satisfied that the organisation no longer meets any one or more of the criteria set out in section 73 or that the organisation has failed to comply with any condition imposed.

Amendment
revocation
declaration. or
of

75.

(1) There may from time to time be appointed suitable persons to be inspectors for the purposes of this Act.

Appointment
inspectors. of

(2) Every member of the Police Force is, by virtue of his or

her office, deemed to be an inspector appointed to act generally for the purposes of this Act.

76. Inspectors, appointed under subsection (1) of the previous section, must act under the direction of the Director-General in the exercise and performance of the powers, duties, and functions conferred or imposed on them under this Act.

Inspectors to act under direction of Director-General.

77. (1) Subject to subsections (3) and (4), an inspector may:

Power to inspect land, etc.

(a) In the case of any land, premises, or place, at any reasonable time or times; and

(b) In the case of any vehicle, aircraft, or ship, at any reasonable time or times at which the vehicle, aircraft, or ship is stationary, -enter, without warrant, that land or those premises or that place or any such vehicle, aircraft, or ship for the purposes of inspecting any animal on or in that land or those premises or that place or in or on any such vehicle, aircraft, or ship.

(2) A member of the police may, for the purpose of exercising the powers conferred by this section or of enabling an inspector to exercise any of the powers conferred by this section, stop any vehicle if the member of the police has reasonable grounds to believe that an animal on or in that vehicle is suffering or is likely to suffer excessive or unnecessary pain or distress.

(3) No inspector may, under subsection (1), enter in or on any dwelling unless he or she is authorised to do so by a search warrant issued by an Police Inspector or any higher ranking Police Officer

(4) In the case of a ship, not being a ship registered in Malta, the power that an inspector has, under subsection (1), may be exercised only if the ship is in a port, harbour, or anchorage in Malta, or is otherwise within the internal waters of Malta.

(5) Where an inspector who exercises a power of entry under subsection (1) has reasonable grounds to believe, in respect of any animal found on or in the land, premises, or place or in or on the vehicle, aircraft, or ship, that-

- (a) The animal has been wilfully ill-treated ;or
- (b) The physical, health, and behavioural needs of the

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animal or the need for the animal to receive treatment from a veterinarian make it necessary or desirable to remove the animal from the land, premises, or place or the vehicle, aircraft, or ship, then the inspector may take and maintain possession of the animal, by force if necessary, and convey the animal to another place.

(6) The inspector may keep the animal at a place chosen by the inspector until (a) the animal is forfeited to the Government of Malta or to an approved organisation; or (b) the Court of Magistrates orders that the animal be delivered to the owner of the animal or to the person charged with the offence against this Act.

(7) An inspector may be accompanied by any person in or on any land, premises, or place or in or on an aircraft, ship, or vehicle to assist the inspector with an inspection under subsection (1).

78. An inspector exercising a power of entry must, at the time of initial entry and, if requested at any subsequent time, produce (a) evidence of his or her appointment as an inspector; and (b) evidence of his or her identity. Production of evidence of appointment.
79. If the person in charge of the land, premises, or place or the vehicle, aircraft, or ship, as the case may be, is not present at the time at which a power of entry is exercised, without warrant, the inspector must leave in a prominent place on the land, premises, or place or in or on the vehicle, aircraft, or ship a written statement of (a) the time and date of the entry; and (b) the purpose of the entry; and (c) the condition of any animals inspected; and (d) the animals (if any) that have been removed from the premises; and (e) the name of that inspector; and (f) the address of the police station or other office to which inquiries should be made. Notice of entry.
80. (1) Where an inspector, either in the course of the exercise of a power of entry or at any other time, has reasonable grounds to believe that an animal is suffering or is likely to suffer excessive or unnecessary pain or distress, the inspector--- Power to prevent or mitigate suffering.
(a) may take all such steps as the inspector considers are necessary or desirable to prevent or mitigate the suffering of the animal; and
(b) may, by notice in writing given by the inspector to the owner or the person in charge of the animal or any person

appearing to be in charge of the animal, require the person to whom the notice is given to take all such steps as the inspector considers are necessary or desirable to prevent or mitigate the suffering of the animal.

(2) A person commits an offence who, without reasonable justification, refuses or fails to comply with any requirement of an inspector under subsection (1)(b).

(3) A person who commits an offence against subsection (2) is liable on conviction, to a fine (multa) not exceeding 1000 Maltese Liri

81.

(1) If an inspector or a veterinarian finds a severely injured or sick animal and in his or her opinion, the animal should be destroyed because reasonable treatment will not be sufficient to make the animal respond and the animal will suffer excessive or unnecessary pain or distress if it continues to live, he or she must, as soon as possible:

Destruction of
injured or sick
animals.

- (a) Consult with the owner of that animal, if it has an owner and that owner can be found within a reasonable time; and
- (b) If the owner asks for a second opinion from a veterinarian as to whether that animal should be destroyed, allow the owner to obtain that second opinion.

(2) If (a) The owner of a severely injured or sick animal cannot be found within a reasonable time; or (b) The owner of a severely injured or sick animal does not, on being found, agree to the destruction of the animal; and does not obtain within a reasonable time a second opinion from a veterinarian as to whether the animal should be destroyed; or (c) the animal has no owner - then the inspector or veterinarian, as the case may be, must, without delay, destroy that animal or cause it to be destroyed.

82.

(1) Where a person (other than the owner of an animal) gives that animal into the custody of an approved organisation and that approved organisation accepts custody of that animal, or where an approved organisation takes any animal into its custody, that approved organisation (a) must take reasonable steps to identify the owner of the animal; and (b) may take such steps as it considers necessary or desirable to prevent or mitigate any suffering of the animal.

Duties of
approved
organization.

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(2) Where the approved organisation cannot identify the owner of the animal, an inspector or officer acting for the approved organisation may-

(a) After the animal has been in the custody of the organisation for at least 7 days, sell the animal; or find a home for the animal; or destroy or otherwise dispose of the animal according to the prescribed rules of the organisation is:

(b) At any time, in any case where the animal is diseased or is suspected of being diseased and there are reasonable grounds to believe that the welfare of other animals in the custody of the approved organisation would be compromised if the organisation were to continue to hold that animal in custody, sell the animal; or find a home for the animal; or destroy or otherwise dispose of the animal according to the prescribed rules of the organisation.

(3) Where the approved organisation both identifies the owner of the animal and knows the address of the owner of the animal, the approved organisation must give to the owner a written notice informing the owner that the approved organisation is holding the animal in its custody and that, unless the owner, within 7 days of the receipt of that notice, claims the animal and pays any costs incurred by the approved organisation in caring for the animal or in providing veterinary treatment to the animal (being costs that the approved organisation wishes to claim), the approved organisation may proceed as stated in subsection (2)

(4) If the owner does not, within the period specified in the notice, claim the animal and pay any costs incurred by the approved organisation and specified in the notice, the approved organisation may proceed as stated in subsection (2).

(5) Where an animal is sold under subsection (2) or subsection (4), the approved organisation must, after deducting any costs incurred by the approved organisation in caring for the animal or providing veterinary treatment to the animal, apply the proceeds of the sale towards the costs of the animal welfare work of the approved organisation.

83.

(1) An approved organisation must record in a register the numbers and types of animals sold, re-homed, destroyed, or otherwise disposed of, and include in that register, in relation to each animal, (a) particulars of the date when custody of the animal was obtained and of the date when the animal was disposed of; and (b) a record of whether the animal was sold, re-homed, destroyed, or otherwise disposed of.

Obligation to maintain register.

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(2) The records in relation to each animal must be kept for at least one year after the date on which the approved organisation obtained custody of the animal.

84. An inspector, other than a Police Officer, may request any person to give his or her full name, address, and date of birth and to identify himself through the production of the Identity Card, if that person has been found offending against this Act or any regulations made under this Act; or if the inspector has reasonable grounds to believe that that person has committed an offence against this Act or any regulations made under this Act, and the provisions of any Criminal Code (Cap 9) shall apply *mutatis mutandis* to such inspectors.
- Offenders to give name and address.

85. (1) No inspector, reviewer, or person assisting an inspector or member of the police is personally liable for any act done or omitted in good faith by the inspector, reviewer, or person in pursuance or intended pursuance of any of the functions, duties, or powers conferred by this Act.
- Protection of persons acting under authority of Act.

(2) Any liability that would but for this section lie against an inspector or a person assisting an inspector or member of the Police Force, lies against the Government of Malta.

PART 8

FURTHER PROVISIONS RELATING TO OFFENCES ETC.

86. (1) Subject to subsection (3), where any offence is committed against this Act or any regulations made under this Act by a person as the employee of another person, that offence must, for the purposes of this Act, be treated as committed by that other person as well as by the first-mentioned person, whether or not it was done with that other person's knowledge or approval.
- Liability of employers and principals.
- (2) Where an offence is committed against this Act or any regulations made under this Act by a person acting as the agent of another person, that offence must, for the purposes of this Act, be treated as committed by that other person as well as by the first-mentioned person, unless it is done without that

other person's express or implied authority.

(3) In any proceedings for an offence against this Act or any regulations made under this Act against any person in respect of any offence alleged to have been committed against this Act or any regulations made under this Act by an employee of that person, it is a defence for that person to prove:-

(i) That he or she did not know nor could reasonably be expected to have known that the offence was to be or was being committed and that he or she took such steps as were reasonable in all the circumstances to mitigate or remedy the effects of the action or event after it occurred; or

(ii) That he or she took such steps as were reasonably practicable to prevent the commission of the offence and that he or she took such steps as were reasonable in all the circumstances to mitigate or remedy the effects of the action or event after it occurred.

87. An information or complaint in respect of an offence against this Act or against any regulations made under this Act may be laid by any person, including an organisation, at any time within one year after the time when the matter of the information arose, and such person shall have a locus standi in the proceedings, under the same terms and conditions as a private party in proceedings under the Criminal Code (Cap 9.) and may such private party may appeal to the Court of Appeal against an acquittal on the same grounds as are envisaged for the party charged, and shall also have the right to be heard and represented by an Advocate on such an appeal, or an appeal lodged by the person convicted. Time for laying information.
88. Where an act or omission has been qualified by a court of appellate jurisdiction that such act or omission in its details constitutes an offence under this Act, such judgment shall be a binding precedent on all other courts. Binding Precedent.
89. (1) Where any person is convicted of an offence against the Court may (in addition to or substitution for any other penalty) disqualify a person, for such period as it thinks fit, but not exceeding ten years, from being the owner of, or exercising authority in respect of, an animal or animals of a particular kind or description. Power to disqualify persons from custody of animals. having of

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(2) Any person who is disqualified under subsection (1) may, at any time after the expiration of 6 months from the date of the order and from time to time, apply to the Court for the removal of the disqualification.

90. Where in this Act a punishment is not provided for an offence, then the punishment applicable shall be that of a maximum of six months imprisonment or to a fine (multa) of 500 Maltese liri, or to both such fine and imprisonment. Substitution of Punishment.

91. (1) If the owner of an animal is convicted of an offence against this Act in respect of that animal, the Court may, if it thinks it desirable for the protection of the animal (in addition to or in substitution for any other penalty), order that the animal be forfeited to the Government of Malta or to an approved organisation. Power of Court to order that certain animals be forfeited to the Government of Malta.

(2) An animal forfeited under this section may be sold or otherwise disposed of as the Minister or the approved organisation, as the case may be, thinks fit.

92. The Court of Magistrates as Court of Criminal Judicature shall be competent, to the exclusion of any other court, to decide on all charges falling under this Act, as a court of first instance, and any appeal shall be heard by the Court of Criminal Appeal as is mentioned in Sections 413 to 429 of the Criminal Code (Cap 9). Court.

PART 9

MISCELLANEOUS PROVISIONS

EXCEPTIONS IN RELATION TO HUNTING OR KILLING

93. Subject to next following sections and Part 6, the hunting or killing of any animal in a wild state; or any wild animal or pest shall continue to be regulated by the laws in force prior to the entry into force of this Act. Hunting or killing

94. Notwithstanding section 93, where a person has hunted and captured a wild animal (not being an animal that has been captured for the purpose of facilitating its imminent destruction), this Act applies in relation to that person as the person in charge of that animal.

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95. (1) Notwithstanding section 93: Captured animals
- (a) Where a person has in captivity an animal captured in a wild state(not being an animal that has been captured for the purpose of facilitating its imminent destruction), this Act applies in relation to that person as the person in charge of that animal; and
 - (b) Where a person has in captivity an animal captured in a wild state(not being an animal caught by fishing) for the purpose of facilitating its imminent destruction, section 12 (c) applies in relation to the killing of that animal.

96. Nothing in this Act makes it unlawful for any person belonging to, or acting on behalf of the Police, the Army, or the Customs Department to use (other than for research, testing, or teaching) animals as substitutes for humans in the course of carrying out statutory functions or duties or exercising statutory powers for the purposes of protecting human health or safety or enforcing the law Use of animals to protect human health or safety.

PART 10

REGULATIONS

97. (1) The Minister may, from time to time, make regulations for all or any of the following purposes: Regulations
- (a) Prescribing the forms required by this Act.
 - (b) Prescribing standards and policies that must be included in every code of ethical conduct:
 - (c) Prescribing matters in respect of which costs are recoverable under this Act and the regulations made under this Act, the amounts of those costs or the method by which they are to be assessed, the persons liable for payment of the costs, and the circumstances in which the recovery of costs may be remitted or waived (in whole or in part):
 - (d) Prescribing, for the purposes of proceedings in relation to enforcement, the matters in respect of which fees are payable under this Act:
 - (e) Providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

98. The Minister is hereby empowered to make regulations specifying in greater detail the requirements regarding animal welfare and, in particular, to make provisions for and to regulate:
- (a) The animals' freedom of movement or need for company;
 - (b) Rooms, cages, other containers and other facilities for housing animals and the nature of any tethers, feeding and drinking facilities;
 - (c) The lighting conditions and temperature of the animal housing;
 - (d) The care and supervision and breeding and sale of animals;
 - (e) The knowledge and skills of persons keeping, caring for or required to care for animals and the proof of such knowledge and skills of persons keeping, caring for or required to care for animals for commercial purposes;
 - (f) The requirements regarding the aims, equipment and methods in the instruction, education or training of animals.
 - (g) The slaughtering of animals for food production, and conditions for their avoiding pain and suffering, the methods and procedures to be used in slaughtering, the conditions under which animals are to be kept prior to slaughtering and the care which should be accorded to them.
 - (h) The use of animals in shows and entertainment, in zoological gardens, circuses, races, and as companion animals.
99. The Minister is hereby empowered to make regulations, in agreement with the Minister responsible for Transport, regarding the transport of animals and , in particular:
- (a) to lay down requirements regarding the transportability of animals and regarding the means of transport for animals;
 - (b) to prohibit or restrict specific means and modes of transport for the carriage of specific animals, in particular regarding consignments;
 - (c) to prescribe specific means and modes of

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- (d) transport for the carriage of specific animals; to prescribe that specific animals must be accompanied by a keeper during transport;
 - (e) to prescribe that persons carrying out animal transports or who are involved in them have specific knowledge and skills and must be able to prove them;
 - (f) to make provisions governing the loading, unloading, housing, and duration of such procedures, the feeding and care of animals.
100. (1) Every provision of this Act shall be deemed to empower the Minister to make regulations, unless it is a provision imposing punishment.
- (2) Any violation of any regulation made shall be an offence, punishable under the relevant provision of the Act, and under which the regulation has been made.
101. The Minister may declare that a contravention of any regulation made be deemed an administrative offence, and in any such case, the pecuniary penalty shall not be more than 50 Maltese Liri, and shall fall within the jurisdiction of the Commissioners for Justice.
102. Any organisation which has been established before the coming into force of this Act shall continue to be deemed an approved organisation under this Act for a period of three years, during which time it has to obtain approval according to this Act.

Transitory
Provision.

FIRST SCHEDULE

OBJECTIVES AND PURPOSE OF THE SEVERAL PARTS OF THIS ACT

Part 1

The purpose of this Part is to ensure that owners of animals and persons in charge of animals attend properly to the welfare of those animals.

This Part accordingly:

- (a) Requires owners of animals, and persons in charge of

- animals, to take all reasonable steps to ensure that the physical, health, and behavioural needs of the animals are met in accordance with both good practice and scientific knowledge; and
- (b) Requires owners of ill or injured animals, and persons in charge of such animals, to ensure that the animals receive, where practicable, treatment that alleviates any excessive or unnecessary pain or distress from which the animals are suffering;
 - (c) Imposes restrictions on the carrying out of surgical procedures on animals; and
 - (d) Provides for the classification of the types of surgical procedures that may be performed on animals; and
 - (e) Specifies the persons or classes of persons who may perform each class of such surgical procedures; and
 - (f) Specifies certain minimum conditions that must be observed in relation to the transportation of animals.

Part 2

The purpose of this Part is to state conduct that is or is not permissible in relation to a species of animal or animals used for certain purposes:

- (a) By prohibiting certain types of conduct; and
- (b) By controlling the use and sale of traps and devices used to kill, manage, entrap, capture, entangle, restrain, or immobilise an animal.

Part 3

The purpose of this Part is to protect the welfare of animals which are being exported from Malta and which are being transported by ship or aircraft by ensuring that the risks faced by such animals are minimised. Provision is also made when in the case of importations, another country is not observing the standards set here.

Part 4

The purpose of this Part is to establish a National Animal Welfare Committee. The National Animal Welfare Committee will, among other things, (a) Advise the Minister on issues relating to the welfare of animals; and (b) Develop, and advise the Minister on, codes of welfare; (c) Advise the Minister and the Director-General on ethical issues and animal welfare issues arising from research, testing, and teaching; and codes

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of ethical conduct; and(d) Recommend, for approval such persons as are, in the opinion of the committee, suitable for appointment as reviewers.

Part 5

The purpose of this Part is to establish procedures for the development, issue, amendment, review, and revocation of codes of welfare that:

- (a) Relate to animals that are owned by any person or are in the charge of any person; and
- (b) Establish minimum standards with regard to the way in which persons care for such animals and conduct themselves towards such animals; and
- (c) Include recommendations on the best practice to be observed by persons in caring for such animals and in conducting themselves towards such animals.

Part 6

The principal purpose of this Part is to ensure that the use of animals in research, testing, and teaching is confined to cases in which there is good reason to believe:

- (a) That the findings of the research or testing or the results of the teaching will enhance the understanding of human beings, animals, or ecosystems; or the maintenance or protection of human or animal health or welfare; or the management, protection, or control of ecosystems, plants, animals, or native fauna; or the production and productivity of animals; or the achievement of educational objectives; and
- (b) That the benefits derived from the use of animals in research, testing, and teaching (whether the direct benefits of a project or the likely benefits of that project when combined with the findings of other related projects that have been undertaken in the past or that are currently being undertaken or are planned
- (c) for the future) are not outweighed by the likely harm to the animals; and
- (d) That, where the research, testing, or teaching involves the use of certain types of animals, that research, testing, or teaching may be carried out only where either it is in the best interests of the man or of the animal species itself.

(2) The other purposes of this Part are:

- (a) To ensure that, in relation to animals used in research, testing, and teaching, all reasonable steps are taken to ensure that the physical, health, and behavioural needs of those animals are met in accordance with both good practice and scientific knowledge; and where animals used in research, testing, and teaching are ill or injured, they receive, where practicable, treatment that alleviates any excessive or unnecessary pain or distress, Where, because of the nature of the research, testing,
- (b) or teaching, the needs cannot be fully met or the treatment cannot be provided, any degree of pain or distress is reduced to the minimum possible in the circumstances:
- (c) To promote efforts to reduce the number of animals used in research, testing, and teaching to the minimum necessary: to refine techniques used in any research, testing, and teaching so that the harm caused to the animals is minimised and the benefits are maximised: to replace animals as subjects for research, and testing by substituting, where appropriate, non-sentient or non-living alternatives: to replace the use of animals in teaching by substituting for animals, where appropriate, non-sentient or non-living alternatives or by imparting the information in another way.

Part 7

The principal purpose of this part is the recognition of organisations that work in the field of animal welfare. The law seeks to balance the different rights of owners of animals and such organisations. At the same time more stringent control is introduced to guarantee to benevolent donors that their money is being used for the welfare of animals.

This part also deals with the enforcement of the law through the appointment of inspectors, who should be chosen for their expertise in animal welfare. Although any member of the Police Force is considered an inspector for the purposes of the Act, such other inspectors do not have the powers of the police, and provision is made to grant limited powers to such inspectors from outside the Police Force.

Part 8

The purpose of this part is to regulate certain aspects of the

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prosecution for offences. The concept of a binding precedent in cases decided by the Court of Criminal Appeals is being introduced by law in this field. This is necessary as the interpretation of the law about acts or omissions which are considered as being contrary to animal rights and welfare is a dynamic process, and cannot depend always and at all times on legislative amendments.

This part, furthermore, develops the concept of the intervention of a private party as a complainant in criminal proceedings for offences against the Act. Such interested parties shall have rights to pursue their complaint.

Part 9.

This part, as is the trend of animal welfare legislation in various countries, has exempted hunting and fishing from the operation of the Act. Yet when the animal is captured and is under the control of a person, then the provisions apply. Another exemption is where animals are used for the protection of man in certain circumstances.

Part 10

This part grants the powers to the Minister to make regulations. Although the Minister does not have delegated power to impose punishment greater or not in conformity with that approved by Parliament in the Act, yet the Minister may introduce regulations which are punishable as administrative offences.