CHAPTER 439

ANIMAL WELFARE ACT

To establish and consolidate the protection of animals kept for work, sport, companionship and food.

8th February, 2002

ACT XXV of 2001, as amended by Legal Notice 426 of 2007; and Acts V of 2007, V of 2011, XXXV of 2014 XXII of 2019, XXI of 2020, XXXIX of 2021 and LXIV of 2021, I of 2023 and XXXVII of 2024.

Preliminary

1. (1) The short title of this Act is the Animal Welfare Act.

Short title and scope
Substituted by: I.2023.2.

(2) The scope of this Act is to establish and consolidate the protection and well-being of animals kept for work, sports, shows, commercial reasons, companionship, food, conservation, education, as private collections, medical reasons and experimentation.

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

Interpretation.
Amended by: XXXV. 2014.2; XXII. 2019.2; I.2023.3.

"animal" means all living members of the animal kingdom, other than human beings, and includes free-living larval and, or, reproducing larval forms, but does not include foetal or embryonic forms;

"animal experiment" means any use of any animal for experimental or other scientific purposes which may cause it pain, suffering distress or lasting harm, including any course of action intended, or liable, to result in the birth of an animal in any such condition. An animal experiment starts when an animal is first prepared for use and ends when no further observations are to be made for that experiment. The elimination of pain, suffering, distress or lasting harm by the successful use of anaesthesia or analgesia or other methods does not place the use of an animal outside the scope of this definition;

"animal welfare officer" means an official appointed under article 44 and also includes every member of the police or a community officer;

"bred animals" means animals specifically bred for the use in experiments in facilities approved by, or registered with, the Council;

"circus" means any exhibition put on by exhibitors for profit, and viewed by the public for entertainment which offers amusement and display, and where animals are made to perform tricks or manoeuvres, which do not reflect their natural behaviour or does not offer any educational value;

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

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

or agent thereof;

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

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"community officer" means any community officer appointed under the Private Guards and Community Officers Act;

"competent person" means those individuals designated as such by the Minister for any purposes of this Act;

"Council" means the Council for Animal Welfare established by article 4;

"Department" means the Department for Veterinary Services;

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

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"Director for Veterinary Services" means the Director for Veterinary Services as defined in the Veterinary Services Act. and includes, to the extent of the authority given, any officer authorised by him, in writing, to act in that behalf for any of the purposes of this Act;

"ill treatment", in relation to an animal, means causing the animal to suffer, by any act or omission, pain or distress which in its kind or degree, or in its object, or in circumstances in which it is inflicted, is excessive or unnecessary;

"marking" in relation to an animal means:

(*a*) marking that animal by any method for the purpose of distinguishing that animal or animals of that type from others; and

(*b*) includes affixing or applying to, or implanting in, that animal for the purpose of distinguishing that animal or animals of that type from others, any band, ring, clip, tag, electronic identification device, or paint or any other thing;

"Minister" means Minister responsible for Veterinary Services;

"non-governmental organisation" means a voluntary organisation that has been established principally with the objective of promoting and advocating for animal welfare, animal rights or caring of animals, and which has been enrolled with the

Cap. 492.

Commissioner for Voluntary Organisations under the Voluntary Organisations Act;

"prescribed" means prescribed by rules or regulations made by the Minister under this Act;

"tether" means to restrain an animal by tying it to any stationary object or structure, by any means, including but not limited to a chain, rope, cord, leash, pulley or cable run, but shall not include the use of a leash when walking a domestic animal in a public place;

"veterinary surgeon" means a person licensed by the President of

Malta to practice as a veterinary surgeon in Malta and registered in the Veterinary Surgeons Register kept by the Veterinary Surgeons Council;

"Veterinary Surgeons' Council" means the Council established under article 39 of the Veterinary Services Act. Cap. 437.

Part I
Animal Welfare

Declaration of principles. *Amended by: XXXV. 2014.3.*

3. (1) The State shall endeavour, in accordance with the provisions of this Act, to protect the life of animals and to prevent and punish acts of ill-treatment in their regard. In particular the state shall protect such animals from undue labour and work practices which are beyond and not consonant with their nature.

(2) The State recognises that animals are sentient beings and that it has the duty to promote the welfare of animals, and that the welfare of animals is to be protected through the intervention of the State through its legislative, judicial and administrative organs.

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

Part II
Establishment of a Council for Animal Welfare

Council for Animal Welfare. *Substituted by: XXXV. 2014.4. Amended by: I.2023.4.*

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

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

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

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

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

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

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

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

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

(*h*) two persons from non-governmental organisations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) No person shall be qualified to be a member of the Council for Animal Welfare if such person:

(*a*) is a Member of the House;

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

(*c*) is legally incapacitated or interdicted;

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

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

(*f*) has been convicted of a crime affecting public trust or theft or fraud, or of knowingly receiving property obtained by theft or fraud, or an offence against this Act and, or regulations made thereunder and, or an offence against the Veterinary Services Act and, or regulations made thereunder. Cap. 437.

5. The Council shall - Duties of Council. *Amended by: XXXV. 2014.5.*

(*a*) have the duty to advise the Minister on any matter -

(i) related to the making of regulations under any of the provisions of this Act; and

(ii) affecting the animal and veterinary public health in Malta, as may be required by the Minister;

(*b*) have the power to recommend the adoption or the implementation of any measures, enquiries or scientific investigations as, in its opinion, may be conducive to, and in the interests of, the well-being of animals;

(*c*) advise the Minister on all matters related to biotechnology in animals and animal experiments and with respect to the issue of licences under Part XI of this Act;

(*d*) advise the Minister on all matters related to the keeping of farm animal housing systems and on the issue or otherwise of permits under Part VII of this Act; and

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

6. The Minister may make, vary or revoke regulations for the proper conduct of the business of the Council. Power to make regulations. *Amended by: XXXV. 2014.6.*

Part III
Keeping of Animals

7. (1) Animals shall not - Regulations regarding keeping of animals.

(*a*) be kept;

(*b*) be kept for the purpose of producing animal products; or

(*c*) be kept tethered, in buildings, pens, cages or the like,

unless they belong in each case to the species or categories of animals specified in regulations prescribed.

(2) The Minister may make regulations -

(*a*) providing for the conditions under which animals shall, in each case, be kept;

(*b*) providing for the manner in which species or categories of animals as may be prescribed are to be kept, including -

(i) the manner in which animals shall be tied or tethered;

(ii) the manner in which animals shall be segregated according to age, sex, or species;

(iii) the space which animals shall be allowed;

(iv) for matters relative to the hygiene of the animal, its housing and other measures to ensure the health of the animal;

(*c*) providing for the listing of the categories and the species of animals for which the regulations are applicable; and

(d) for any other matter that may or is to be prescribed.

Part IV
Caring of Animals

Caring of animals. *Amended by: XXXV. 2014.7; LXIV. 2021.27; I.2023.5.*

8. (1) The Minister may make regulations providing for the manner in which such species of animals as may be prescribed shall be cared for, fed, medicated, watered, treated and trained, and the qualifications of persons who shall be responsible thereof.

(2) No animal shall be caused any unnecessary pain, suffering or distress or subjected to any activities which are not in his nature. No animal shall be abandoned:

Provided that for the purposes of this sub-article, the words "activities which are not in their nature" shall also include activities of a sexual nature between a person and an animal, whether by any part of the body or by any object, unless that object is used for medical intervention and medical purposes.

(3) Any person who keeps any animal or who agrees to look after an animal shall be responsible for its health and welfare.

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

Part V
Surgical Operations on Animals

Surgical operations. *Amended by: XXXV. 2014.8.*

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

(2) The Minister may make regulations -

(*a*) establishing the manner and cases in which surgical operations may be performed; and

(*b*) regulating embryo transplantation in animal species or categories of species as may be therein indicated.

Animals which have undergone prohibited surgical operations.

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

(*a*) entered for or admitted to shows or inspections or competitions; and

(*b*) kept in stock, to be sold, offered for sale sold or bought.

Part VI
Killing of Animals

Killing of animals.

11. The Minister may make regulations -

(*a*) specifying the cases in which it shall be permissible to kill animals, and the manner in which such killing may take place;

(*b*) providing for the manner in which, and the person by whom an animal may be killed; and

(*c*) prescribing the facilities and equipment of slaughterhouses.

Power to make rules on stunning methods.

12. The Minister may make rules to regulate stunning methods and derogations therefrom: provided that such methods shall bring animals into a state of unconsciousness which lasts until they are slaughtered.

Killing of animals. *Amended by: XXXV. 2014.9.*

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

(2) In the case where it is necessary to terminate an animal's life, this shall be done with the minimum of physical and mental suffering as in the circumstances is appropriate.

(3) Except in an emergency, the method chosen shall either -

(*a*) cause immediate loss of consciousness and death; or

(*b*) begin with the induction of deep general anaesthesia to be followed by a step which will ultimately cause death.

(4) The person responsible for the killing shall make sure that the animal is dead before the carcass is disposed of.

(5) The following methods of killing shall be prohibited -

(*a*) drowning and other methods of suffocation which do not produce the effects required by subarticle (3)(*b*);

(*b*) the use of any poisonous substance or drug, the dose and application of which cannot be controlled so as to give the effect mentioned in subarticle (3);

(*c*) electrocution, unless preceded by immediate induction of loss of consciousness.

Injured or diseased animals.

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

(2) The Minister, after consulting the Council may make rules authorizing the transport of injured or diseased animals for the purposes of slaughter, provided that such transport does not entail further suffering for the animals.

Part VII
Housing of Animals

Power to make regulations on animal housing systems. *Amended by: XXXV. 2014.10.*

15. (1) The Minister may, on the advice of the Council, make regulations -

(*a*) to provide for conditions in which animals may be housed;

(*b*) to provide for the categories of persons authorised to keep and house those categories and species of animals; and

(*c*) to establish procedures in respect of applications for a housing system.

(2) Applications may be approved subject to such conditions and restrictions as the Director for Veterinary Services may deem fit to impose; the grant or revocation of any permit shall be published in the Gazette.

Animal housing systems.

16. (1) Animal housing systems shall not be manufactured, kept in stock, sold, delivered or in any manner made use of in respect of animals, unless such systems are built and maintained, and conform with such minimum facilities for the welfare of animals as may be prescribed.

(2) Mass-produced animal housing systems shall not be kept in stock to be sold, delivered or used for species or categories of animals except as provided for in the regulations referred to in subarticle (1).

Applications for housing system. *Amended by: XXXV. 2014.11.*

17. (1) The Director for Veterinary Services may grant permission for a housing system following an application from the manufacturer, the importer or the retailer.

(2) A report, drawn up by or on behalf of the manufacturer, describing how the system benefits animal welfare, shall be attached to every application for permission for a housing system.

Transitional period.

18. (1) Housing systems which have been kept in stock to be sold, delivered or in use prior to the entry into force of any rules referred to in article 17 shall be permitted to continue to be so kept only for such period as may be prescribed.

(2) The rules referred to in article 17 may also provide for transitional periods within which such breeders shall conform therewith.

Revocation of permit. *Amended by: XXXV. 2014.12.*

19. The Director for Veterinary Services may revoke a permit where -

(*a*) the information submitted at the time of the application was incorrect or misleading in such manner that, had the information been known at the time the permit was granted, the application would have been rejected;

(*b*) in the opinion of the Director for Veterinary Services, circumstances exist which are detrimental to the welfare and safety of animals;

(*c*) the permit has been granted for a housing system for a purpose which is different from that for which that housing system is intended to serve.

Part VIII
Breeding of Animals

Breeding of animals.

20. (1) The Minister may make regulations providing for the breeding of animals, including the method of breeding as well as the species and categories of animals which may be used for breeding purposes.

(2) The Minister may make regulations prescribing that the young of such species or categories of animals, as may be specified in the regulations, shall not be separated from their parent until they have reached such age as may be prescribed.

(3) All persons involved in the breeding of animals shall be responsible for the anatomical, physiological and behavioural characteristics of such animals, which are likely to put at risk the health and welfare of either the offspring or the parents.

Sale of animals, etc.

21. No animal, as is referred to in article 20(2), shall be sold, kept in stock to be sold, offered for sale, let or delivered for trade, unless in accordance with regulations prescribed under this Act.

Part IX
Transport of Animals

Regulations regarding transport of animals.

22. The Minister may make regulations concerning the manner in which transport of animals by road, by sea or by air shall be carried out.

Transport of animals. *Amended by: XXXV. 2014.13.*

23. (1) Species and categories of animals, as may be prescribed, may not be transported, whether locally from one place to another or abroad, unless -

(*a*) the animals are accompanied by a certificate issued by an official appointed by the Minister stating that he has found the animals fit for transport; and

(*b*) the animals are provided with or accompanied by the identification marks or documents indicated in the certificate; and

(*c*) unless under such conditions and restrictions, as the Director for Veterinary Services may deem fit to impose; and

(*d*) the transport is in accordance with prescribed regulations.

(2) The provisions of subarticle (1)(*a*) and (*b*) shall not apply to transport carried out in the course of or for the benefit of one's work or enterprise, provided that this is in conformity with the prescribed regulations.

(3) The provisions of subarticle (1) shall not apply to the transport abroad of animals which have not been loaded for transportation purposes, in Malta.

Issue of certificate.

24. The official referred to in article 23 shall only issue a certificate after having inspected the animals before loading and shall not issue a certificate -

(*a*) if the animals are not properly provided with or accompanied by the identification marks or documents referred to in article 23,

(*b*) if the animals have given birth forty-eight hours prior to departure;

(*c*) if he is of the opinion that the animals are likely to give birth during carriage;

(*d*) if he is of the opinion that the animals are ill or injured or unfit for transport, taking into account the nature of the means of transport, the nature, manner or duration of that journey or the circumstances under which transport is to take place; and

(*e*) if he is of the opinion that the observance of the conditions laid down by or in pursuance of this article cannot be ensured during transport.

Revocation of certificate. *Amended by: XXXV. 2014.14.*

25. The Director for Veterinary Services may revoke a certificate issued in accordance with article 23 if he thinks that circumstances have occurred or have become known under which, had they been known or had they occurred at the time the certificate was issued, the certificate would not have been issued.

Certificates and documents. *Amended by: XXXV. 2014.15.*

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

(2) Animals which fall ill or are injured during transport shall receive first-aid treatment as soon as possible; they shall be given appropriate veterinary treatment and, if necessary, undergo emergency slaughter in a way which does not cause them any unnecessary suffering.

Part X
Use of Animals at Competitions

Competitions.

27. Competitions which test the speed or strength of an animal shall not be organised, nor shall animals be entered for such competitions, unless the competitions are held in accordance with regulations made under this article.

Regulations regarding animals for purposes of recreation, etc.

28. The Minister may make regulations concerning the keeping of animals for the purposes of recreation, sports, instruction, education, public display, shows, exhibitions, sale at markets and auctions or for any other similar purposes.

Regulations regarding administration of substances.

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

Inspection of animals.

30. (1) Animals shall not be entered for competitions or take part in competitions if, on inspection, the animal's body is found to contain one or more of the substances specified in the prescribed regulations, the ingredients whereof or the metabolites of which exceed the maximum quantity established in the said regulations.

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

Animal fights.

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

Part X A
Added by: XXXV. 2014.16.

Circuses

Prohibition of use of animals in circuses. *Added by: XXXV. 2014.16.*

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

Prohibition of promotion of circuses using animals. *Added by: XXXV. 2014.16.*

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

Contravention or failure to comply with this Part. *Added by: XXXV. 2014.16.*

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

(*a*) order the cancellation of permits or licences for the

establishment and operation of circuses in Malta;

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

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

Treatment, relocation or forfeiture of animals used in circuses. *Added by: XXXV. 2014.16.*

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

Exemption. *Added by: XXXV. 2014.16.*

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

Power of Minister to make regulations. *Added by: XXXV. 2014.16.*

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

Application. *Added by: I.2023.6.*

31G. The provisions of this Part shall not apply to the use of animals as props or extras in artistic, theatrical, or cinematic performances, sporting competitions or any other event which does not compromise in any way the protection or the welfare of the animals which may be approved by the Director for Veterinary Services under the conditions that he deems fit.

Part XI
Biotechnology and Animal Experiments

Biotechnology. *Amended by: XXXV. 2014.17; XXI of 2020.*

32. (1) Only persons who have been issued a licence by the Director for Veterinary Services, acting on the advice of the Council, may carry out any of the following practices:

(*a*) the alteration of the genetic material of animals in a manner which ignores the natural barriers of sexual reproduction and of recombination;

(*b*) the application of biotechnological technology to animals or embryos; and

(*c*) the administration of such substances, as may be prescribed by regulations made under this article, which alter the functioning of an animal forming part of such species or categories of animals as may be listed in the said regulations.

(2) Animals or animal products which have been subjected to the practices referred to in subarticle (1) shall not be produced, transported, put at another person's disposal, sold, bought, kept in stock to be sold, disposed of or introduced in Malta, without the written authority of the Director, or in breach of any condition attached to such authority.

(3) The licence referred to in subarticle (1) may be issued, suspended, modified or revoked by the Director.

Issue of licence.

33. (1) The licence referred to in article 32 shall be issued only when the practices in question will not affect the health or welfare of animals, and such practices shall not be in breach of ethical rules and standards which may be drawn up by the Council.

(2) The licence shall specify the practice for which it is required and it may include any conditions and restrictions which the Minister may deem necessary.

Application for licence.

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

Licence for experiments. *Amended by: XXI of 2020.*

35. (1) No animal experiment may be conducted without a licence issued by the Director acting on the advice of the Council or any of its sub-committees delegated by it.

(2) Licences issued by the Director shall permit experiments in so far as they are intended to benefit, either directly or indirectly, the health or nutrition of human beings or animals as well as for any other purpose deemed by the Director to be of sufficient value.

(3) The Minister may make regulations specifying the information required for the issue of a licence for carrying out animal experiments, the fees payable for the filing of applications for such licences as well as the grounds on which applications shall be refused.

(4) Licences may be issued subject to such conditions and restrictions, as the Director may deem fit to impose.

Animal experiments.

36. (1) The Minister may make regulations providing for procedures to be followed in the case of experiments involving an animal.

(2) Experiments to which such regulations refer must be specifically declared to the Council and may not be held unless authorised by the Council.

(3) Animal experiments may only be performed by competent authorised persons, or under the direct responsibility of such a person, and only if the experimental or other scientific project concerned is authorised in accordance with the provisions of this Act.

Grant and revocation of licences. *Amended by: XXXV. 2014.18.*

37. (1) A licence may be granted to competent persons subject to such restrictions and conditions as the Minister may deem fit to impose, and may be varied, supplemented or cancelled by the Minister.

(2) A licence shall be revoked if the information submitted in the application is incorrect, inaccurate or misleading such that a different decision would have been taken if the correct information had been available at the time when the application was under consideration.

(3) A licence may be revoked if -

(*a*) the licence holder does not comply with the conditions of the licence;

(*b*) no use of the licence is made for a continuous period of one year;

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

(4) A licence issued under this Part of this Act may be granted to a natural or legal person but it shall not be transferable; if the licence holder is a natural person, the licence shall expire upon the death of the licence holder and shall not be transmitted to the heirs.

Purpose of experiments.

38. (1) It shall not be lawful to carry out an animal experiment unless the way in which the experiment is to be conducted has been determined by a person whose qualifications satisfy the requirements laid down in regulations as may be prescribed.

(2) No animal experiment shall be carried out -

(*a*) for a purpose which may also be achieved by means other than an animal experiment, or by means of an experiment using fewer animals or entailing less distress than the experiment in question; or

(*b*) for a purpose the importance of which does not justify the distress caused to the animal; or

(*c*) for such purposes as may be prescribed.

Unlawful experiments.

39. (1) It shall be unlawful to conduct an experiment on animals which -

(*a*) were not bred in a licensed breeding establishment operated by the licence holder; or

(*b*) were not obtained directly from another licensed establishment in which animals are bred or used either exclusively or mainly for animal experiments or scientific research.

(2) For the purposes of subarticle (1) "breeding establishment" means any establishment where animals are bred with a view to their use in experiments.

Obligations of licence holder.

40. (1) The holder of a licence under article 37 shall be obliged to ensure that the animal suffers as little distress as possible without defeating the object of the experiment.

(2) The licence holder shall ensure that, if the animal on which the experiment is being carried out could experience distress as a result of acts carried out without anaesthetic, a general or local anaesthetic is administered to the animal to prevent such distress:

Provided that this obligation shall not apply in cases where the anaesthetic would defeat the object of the experiment.

(3) The licence holder shall ensure that any animal which, if allowed to live, would suffer distress for more than a short period as a result of an act performed as part of the experiment, is immediately put to death. Should the object of the experiment thus be defeated, the animal shall be put to death as soon as the

experiment permits.

(4) The Minister may make regulations prescribing that such categories of treatment as may be specified in the regulations shall in all cases be carried out under anaesthetic.

Records on experiments.

41. (1) The licence holder shall keep detailed records concerning the procurement of animals for experiments as well as the experiments conducted, and shall supply this information to the Council.

(2) It shall be the duty of the licence holder to ensure the services of a veterinary surgeon to supervise the welfare of the animals undergoing experiments.

Power to make regulations regarding administration, etc.

42. (1) The Minister may make regulations to regulate the establishment, administration, upkeep and general maintenance of any installation, building or group of buildings, premises or other facilities intended for the carrying out of animal experiments.

(2) Animals may not be bred or supplied for the purpose of experiments without a licence granted in accordance with regulations made under subarticle (1).

Part XII
Aggressive Animals

Aggressive animals.
Amended by: XXXV. 2014.19.

43. (1) Save as may otherwise be prescribed, aggressive animals which may present a danger to the safety of man or other animals and which are classified as such by the Minister shall not be bred, imported or sold in Malta.

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

Animal breeds.
Added by: I.2023.7.

43A. The Minister may make regulations, when necessary, to regulate certain animal breeds.

Part XIII
Commissioner for Animal Welfare and Animal Welfare Officers

Substituted by: XXXV. 2014.20.

Power to make regulations relating to officials.

44. (1) The Minister may make regulations to provide for and to regulate the duties and powers of officials, hereinafter referred to as "animal welfare officers".

(2) Without prejudice to the provisions of sub-article (1), every member of the Malta Police Force and any local community officer shall, by virtue of his office, be deemed to be an animal welfare officer appointed to act generally for the purposes of this Act.

(3) Animal welfare officers shall act under the direction of the Director for Animal Welfare in the exercise and performance of their powers, duties, and functions conferred or imposed upon them under this Act.

Commissioner for Animal Welfare. *Added by: XXXV. 2014.22. Amended by: I.2023.8.*

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

(2) The Commissioner shall have the following functions:

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

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

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

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

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

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

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

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

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

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

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

(*c*) is legally incapacitated or interdicted; or

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

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

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

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

Part XIII A
Enforcement Powers

Added by: XXXV. 2014.23.

Enforcement powers. *Added by: XXXV. 2014.23. Amended by: XXII.2019.3; I.2023.9.*

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

(*a*) enter any premises, public or private, at all times, and in the case of a dwelling house after giving reasonable notice of at least twenty-four (24) hours, to inspect, detect and investigate any offence under this Act which has been or is likely to be committed, to collect evidence and, without prejudice to the generality of the powers to examine under this Act, such persons shall have the power to examine any animal, food, feed, medicine, structure, animal housing system, enclosure, vehicle, station, documents, equipment or laboratory. Any person entering any premises in pursuance to this sub-article shall produce his authority or his identity prior to or upon entering such premises:

Provided that the twenty-four (24) hours notice to enter into a dwelling house shall not be applicable if the Director himself and not any other official acting under his delegated authority, considers that there is reasonable suspicion, on the basis of substantiated grounds, that an offence under the Act or the regulations made thereunder has been committed or is about to be committed:

Provided further that in the event that the owner of a private property or any other premises cannot be identified or cannot be identified despite reasonable efforts, the officer may enter by means of force and without the consent or prior warning of the owner of said private property, for the purposes of assisting, attending to, and caring for an animal who is in distress and whose life or health, in the discretion of the Director, is in serious jeopardy:

Provided further that in all instances referred to in the preceding two provisos, the Director shall within twenty-four (24) hours from execution file an application before the competent Court therein giving reasons for his actions, and that application shall be determined by that Court after the Court has given any directives it deems appropriate;

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

(ii) seize any equipment, medicine, animal product, gear, instrument and, or appliance which he believes have been used in the commission of such

offence or in respect of which he believes such offence has been committed or that is the result of an offence under this Act or any regulations under this Act

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

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

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

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

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

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

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

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

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

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

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

Provided that the Director for Animal Welfare or Director for Veterinary Services may also dispose of such animals and, or

objects in line with regulations that the Minister may make:

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

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

Responsibility for any loss or damage suffered. *Added by: XXII.2019.4.*

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

Part XIV
Offences and Penalties

Offences and penalties. *Amended by: L.N. 426 of 2007; V. 2011.47. Substituted by: XXXV. 2014.24. Amended by: XXII.2019.5; XXXIX.2021.2; I.2023.10; XXXVII.2024.8.*

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

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

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

Provided that when a person is found guilty of a breach of the provisions of this Act or the regulations made thereunder consisting of ill-treatment of animals, the Court may when it deems it to be appropriate, in addition to the punishment, prohibit the person found guilty from keeping animals or from residing in a place where animals are kept for such period as the Court may determine and shall order the Registrar of the Criminal Courts and Tribunals to notify the Commissioner with the judgement imposing such prohibition:

Provided further that the Court, upon the request of the

prosecution, may issue a court decree during the course of proceedings if it is satisfied that there is *prima facie* evidence for the issue of the court order against a person charged with a breach of the provisions of this Act or any of the regulations made thereunder consisting of ill-treatment of animals in order to prohibit that person from keeping animals until the judgment becomes *res judicata* and shall order the Registrar of the Criminal Courts and Tribunals to notify the Commissioner with the decree imposing such prohibition:

Provided further that the Commissioner for Animal Welfare shall maintain a register called the "Offenders of the Animal Welfare Act and its Regulations" within which there shall be noted down the name of any convicted person by the Court of a breach of the provisions of this Act or any of the regulations made thereunder and where it is declared by the Court that the convict shall be prohibited from keeping animals for such period as the Court may determine. An authentic copy of the relevant judgment or court decree, shall also be kept in the register.

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

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

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

Power to make regulations regarding restrictions or obligations. *Amended by: L.N. 426 of 2007; XXXV. 2014.25; XXII.2019.6.*

46. The Minister may prescribe regulations for the enforcement of any restriction or obligation relating to the protection of animals and animal welfare in general contained in a Convention, Treaty or any other international agreement to which Malta is a party and may provide in the prescribed regulations that any contravention of any such restriction or obligation shall constitute an offence against this Act and shall liable to such penalty as may be prescribed, being a penalty of a fine (*multa*) not exceeding eighty thousand euro (€80,000):

Administrative penalties. *Amended by: XXXV. 2014.26.*

47. (1) Where the Director for Veterinary Services or Director for Animal Welfare has reasonable cause to believe that -

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

(*b*) it would be more appropriate to impose a penalty under

this article,

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

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

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

(*a*) the date and nature of the offence;

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

(*c*) any other matters (not being previous convictions) that the Director for Veterinary Services or Director for Animal Welfare considers relevant to the imposition of a penalty; and

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

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

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

(*a*) no further proceedings shall be taken under this article by the Director for Veterinary Services or Director for Animal Welfare; and

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

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

(*a*) admit the offence, and

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

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

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

Cap. 12.

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

Power to make regulations. *Added by: XXII.2019.8.*

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

Part XV
Exceptions in relation to hunting or killing

Hunting of animals.

48. Subject to the provisions of articles 32 to 42 (both inclusive), the hunting or killing of any animal in a wild state; or any wild animal or pest shall not be governed by the provisions of this Act.

Part XVI
Appeals

Revision of Director's decisions. *Substituted by: V. 2007.25. Amended by: XXXV. 2014.27.*

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

(2) Such appeal shall lie to the Administrative Review Tribunal established in terms of article 5 of the Administrative Justice Act, and the provision of this Act shall apply to such an appeal.

Cap. 490.

(3) The Administrative Review Tribunal shall, as soon as it receives the appeal in accordance with subarticle (1), send the said

appeal to the Director for Veterinary Services or Director for Veterinary Services or Director for Animal Welfare for Animal Welfare so that, within two days, the Director for Veterinary Services or Director for Animal Welfare may reply in writing thereto, wherein he shall indicate the reasons why the appeal should be quashed; however the Director for Veterinary Services or Director for Animal Welfare may, where it appears to him that the appeal is justified, change his decision in accordance with the appeal and inform the Tribunal, within the period given to him for his reply.

(4) When the Tribunal receives the reply of the Director for Veterinary Services or Director for Animal Welfare, or the time given for the reply shall have elapsed without the receipt, the Tribunal shall hear the appeal and in doing so it shall be composed of the Chairperson of the Tribunal and those members of the Council appointed under article 4(1)(*c*), (*d*) and (*e*) and one of the members appointed in terms of article 4(1)(*f*).

(5) The Tribunal shall, within five days of the receipt of the appeal, study the case and hear any person whom it shall deem appropriate, including both parties.

(6) After the Tribunal decides the appeal it shall give an order in writing to the Director for Veterinary Services or Director for Animal Welfare according to its decision; a copy of the Tribunal's decision shall also be sent to the appellant.

Part XVII
Saving

Saving. Cap. 10.

50. Any regulations made under articles 38, 40, 62, 97, 125, 127 and Part VIII of the Code of Police Laws, which articles and Part are repealed by this Act, shall continue to remain in force as if made under this Act and may be amended, substituted or revoked accordingly.