SUBSIDIARY LEGISLATION 437.101

ELECTRONIC IDENTIFICATION OF DOGS REGULATIONS

20th May, 2011

LEGAL NOTICE 199 of 2011.

Citation and scope.

1. (1) The title of these regulations is the Electronic Identification of Dogs Regulations.

(2) These regulations lay down the rules for the care and control of dogs.

Interpretation.

2. For the purpose of these regulations:

''assistance dog'' means a trained dog which has been registered as such and certified by an approved association;

''the Director'' means the Director responsible for the Veterinary Services and includes, to the extent of the authority given, any officer authorised by him, in writing, to act in that behalf for any of the purposes of the Veterinary Services Act; Cap. 437.

''dog'' means an animal of canine species (*Canis familiaris*);

''electronic identification'' means the implantation of a chip or transponder in all dog breeds that complies with ISO standard 11784 or Annex A ISO standard 11785 for the purpose of monitoring and regulating such breeds;

''four months'' means the period determined by the emergence of the lower canine adult teeth;

''guide dog'' means a trained dog which has been registered as such and certified by an approved association;

''keeper'' means any person having charge of, or who habitually feeds or looks after, a dog, including the owners of dog sanctuaries and pet shops;

''the Minister'' means the Minister responsible for animal welfare;

''owner'' means the person or legal entity in whose name the dog is registered;

''stray dog'' means any dog which either has no owner, or keeper, or is outside the boundaries of its owner's home or keeper's premises and is not under the control or direct supervision of any owner or keeper.

Person caring for a dog to be considered keeper.

3. For the purpose of the definition ''keeper'' in regulation 2, any person in whose custody or possession, or in whose house or premises, any dog shall be found, shall be deemed to be the keeper of the dog, unless the contrary is proved.

Electronic identification.

4. Any person in possession of a dog in terms of these regulations has to electronically identify the dog by the 30th April,

2012.

Licensing.

5. (1) On payment of the prescribed fee, a lifetime licence shall be issued by the Director when a dog has been registered and a microchip inserted *intrascapulae* as a means of identification.

(2) No person shall keep a dog of the age of four months or over without a licence.

(3) The prescribed fee shall cover the cost of the microchip and its insertion and its inclusion in a database.

(4) The owner or keeper of a dog shall ensure that the dog wears a tag or a badge bearing the owner's or keeper's telephone number and it shall be worn at all times when the dog is in a public place.

(5) The Director shall be responsible for the issuing of licences, the keeping of a national database and the arrangements for the microchipping of dogs, which microchipping shall be carried out under the authority of a veterinarian.

(6) The Director shall publish a list of component costs in the Gazette, and such fee shall be subject to change from time to time as will be duly notified in the Gazette.

(7) Persons applying for a licence shall be eighteen years old or over and able to take charge of a dog.

(8) A blind or disabled person who keeps a guide dog or an assistance dog shall be issued with a licence at no cost, regardless of the age restriction laid down in sub-regulation (7).

(9) Any person convicted of cruelty to animals shall be forbidden from owning a dog or applying for a further dog licence for such period as may be decided by the court.

(10) The Director shall be notified within seven days from when any licensed dog dies or is transferred by its owner or keeper.

(11) The Director shall be notified within forty-eight hours by an owner or keeper in the case of the loss of a licensed dog.

(12) A separate licence shall be required in respect of each dog.

(13) Imported dogs are to be licensed within ninety calendar days from the date of their entry into Malta.

Dog control.

6. (1) A Police officer or any officer authorised by the Director may seize and detain any dog for the purpose of identifying it.

(2) Owners and keepers shall not abandon their dogs. No licensed dog shall be allowed in a public place unless accompanied by its owner or keeper.

Seizing of dogs.

7. (1) Notwithstanding the provisions of any other law, any Police officer or any officer authorised by the Director may seize any stray dog and detain it until its owner or keeper claims it, produces the licence relating to it and pays all expenses incurred by reason of its detention.

(2) If the dog is not claimed or the licence relating to such dog

is not produced, or the expenses mentioned in subregulation (1) are not paid within seven days of seizure, the dog shall be disposed of by the Police.

(3) The payment of expenses as provided in subregulation (1) shall not exempt the owner or keeper of the dog from any other liability incurred under these or any other regulations.

Possession of a stray dog.

8. Notwithstanding the provisions of any other law, any person other than a Police officer or any officer authorised by the Director, who takes possession of a stray dog shall:

(*a*) if the dog is injured and in physical distress, make the necessary arrangements for it to receive veterinary care; and

(*b*) if the dog is not injured -

(i) return the dog to its owner or keeper, if known; or

(ii) deliver the dog to the nearest police station and inform the Police officer in charge, of the place where the dog was found and, thereupon, the provisions of regulation 7 shall apply to such dog; or

(iii) deliver the dog to a registered sanctuary, where it shall be ascertained whether the dog has been microchipped and, in any case, where the dog shall be retained for at least seven days to allow its owner to claim it back before sheltering or re-homing it; or

(iv) if wishing to retain the dog as a new owner, take the dog to the nearest police station to report where the dog was found and ascertain whether the dog has been microchipped and it already has an owner, and, if this is not the case, the provisions of regulation 7 shall apply to such new owner.

National Microchipped Dogs Register.

9. The Department may communicate data contained in the National Microchipped Dogs Register to other government or international entities as may be required or to any other entity for the purposes of identifying owners.

Breeding and sale of dogs.

10. (1) Breeders intending to breed more than four litters a year shall register with the Director by applying for a licence using the form in Schedule B and they shall thereafter pay the annual licensing fee laid down in Schedule A. Breeder licensing costs may be published by the Director from time to time in the Gazette.

(2) Breeders shall keep accurate breeding records, including the whelping date, name of sire, sexes of the puppies born, number of puppies born and deaths, if any.

(3) No person shall:

(*a*) mate a bitch which is less than twelve months old;

(*b*) whelp more than six litters from one bitch;

(*c*) whelp two litters within a period of twelve months from the same bitch;

(*d*) sell a puppy before it is at least eight weeks old.

Offences and penalties.

11. (1) Any person in possession of a dog who fails to electronically identify such a dog with the Department in terms of these regulations, or any person or entity submitting incorrect, incomplete or false information in the registration form, shall be liable to a fine (*multa*) of three hundred euro (€300).

(2) In the event that an electronically identified dog fails to provide a reading *intrascapulae* of the said microchip, the owner or any person in possession of the dog is liable to a fine (*multa*) of five hundred euro (€500), unless it is proved by the owner or person in possession of the dog, that the microchip is still located within some other part of the dog.

(3) Any veterinarians authorised to carry out microchipping of dogs under regulation 5(5) shall be liable to a fine (*multa*) of five hundred euro (€500) if it is proved that the veterinarian has intentionally provided incorrect data regarding the registration of the dogs.

SCHEDULE A

Regulation 10(1)

FEES

1. Prescribed Fee for a One Time Dog Licence and Microchip Fee

	Neutered	Not Neutered
Dogs and Bitches	€10	€20

2. Prescribed Fee for Breeders

The prescribed fee for breeders is €50 per year.

SCHEDULE B

Regulation 10(1)

APPLICATION FOR LICENCE TO BREED DOGS

Application form should be completed in a legible and clear manner.

An original copy of the lay out of the 'Kennels' shall be attached.

The data in this application will be in the public domain.

The application and the required documents are to be sent to:

The Director,
Agriculture and Fisheries Regulation Division,
Abattoir Square,
Albertown
Marsa, MRS 1123.

1. Kennels' / Breeder's Details

Name of Breeder / Kennels: .....

Address: .....

.....

.....

Phone Number: .....

MEPA Ref No: .....

2. Breeder/s' Details – Licence Holder

Surname: .....

Name: .....

Address: .....

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Phone / Mobile Number: .....

ID Number: .....
Date of Birth: .....
Qualifications / Experience: .....

3. Animals

Number of dogs which are intended to be used for breeding

Breed of Dogs	Number of Bitches	Number of Male Dogs

4. Emergency Facilities / Procedures

Fire Equipment Available: .....
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.....
.....
.....

Description of Emergency Procedures: .....
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.....
.....

I / we do hereby certify that to the best of my / our knowledge and belief, the above particulars are true.

Dated this ..... day of ....., 2011

(Signed) .....

The completion of an application form will be followed by a visit from the Director or an authorised representative to inspect the premises prior to a licence being granted.