

L.N. 23 of 2011

**ANIMAL WELFARE ACT
(CAP. 439)**

Calves (Protection Amendment) Regulations, 2011

IN EXERCISE of the powers conferred by articles 8 and 46 of the Animal Welfare Act, the Minister for Resources and Rural Affairs, on advice of the Council for Animal Welfare has made the following regulations:

Title.
L.N. 258 of 2003.

1. (1) The title of these regulations is the Calves (Protection Amendment) Regulations, 2011 and they shall be read and construed as one with the Calves (Protection) Regulations, 2003, hereinafter referred to as “the principal regulations”.

Amends regulation 1 of the principal regulations.

2. For sub-regulation (3) of regulation 1 of the principal regulations there shall be substituted the following:

“(3) The scope of these regulations is to transpose Council Directive 91/629/EEC laying down minimum standards for the protection of calves as codified by Directive 2008/119/EC laying down minimum standards for the protection of calves (Codified version), for the purpose of clarity and rationality, provided that Directive 91/629/EEC has been subject to several substantial amendments thereto.”.

Amends regulation 2 of the principal regulations.

3. Regulation 2 of the principal regulations shall be amended as follows:

(a) immediately before the definition “calf”, there shall be inserted the following new definitions:

“ “the Act” means the Animal Welfare Act;

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“authorisation” means any authorisation granted in terms of the Veterinary Services Act to breed animals of the bovine species, and in relation to owners or keepers and their services means a permit, licence, warrant, appointment, concession or any decision concerning access to a service activity or the exercise thereof;”;

(b) immediately after the definition “competent authority”, there shall be inserted the following new definitions:

“ “the Director” means the Director responsible for veterinary services or his representative duly assigned by him to act on his behalf;

“final consumer” shall have the same meaning as that provided under the Animal Health Requirements Governing Trade and Imports into the Community of Animals, Semen, Ova and Embryos not Subject to Animal Health Requirements laid down in Specific Community Acts, Rules 2009;

L.N. 351 of 2009.

“keeper” means any natural or legal person responsible for or in charge of calves in terms of contract or by law whether on a permanent or temporary basis;

“owner” means any natural or legal person or persons owning the holding where calves are kept;

“the product” means any product of animal origin intended for final consumers or for trading purposes;”.

4. Immediately after sub-regulation (4) of regulation 3 of the principal regulations, there shall be inserted the following new sub-regulations:

Amends regulation 3 of the principal regulations.

“(5) The Director shall apply all such necessary administrative measures conforming to the requirements of the Food Chain and Animal Health according to the requirements of these regulations, to ensure that there is no breach of these regulations and also to reduce the risk for final consumers and any additional risk to animals and to the environment.

(6) These measures shall include the direct confiscation of the product, the suspension of the activities carried out by the owner or keeper of the animals, being primarily responsible for animal welfare, and the withdrawal, forfeiture or suspension of the authorisation, licence or permit with regard to such activities when these are creating a risk to final consumers and to the environment. The application of administrative fines and effective and dissuasive penalties in terms of articles 45 and 47 of the Act shall also apply in this regard.”.

Amends regulation
9 of the principal
regualtions.

5. For sub-regulation 2 of regulation 9 of the principal regulations there shall be substituted the following:

“(2) Any person who fails to abide by these regulations shall, on conviction, also be liable to the provisions and measures of sub-regulations (5) and (6) of regulation 3 of these regulations.

(2) Any right given to the competent authority under these regulations to apply all such necessary measures prescribed in sub-regulations (5) and (6) of regulation 3 hereof, shall be given to the Authority without prejudice to other criminal procedures which may be taken under the Act or any other law when a person commits an offence by failing to abide by these regulations.”.

