A 1102

I assent.

(L.S.) **GEORGE VELLA**
President

16th July, 2019

ACT No. XXII of 2019

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

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and commencement.

Cap. 439.

1. (1) The short title of this Act is the Animal Welfare (Amendment) Act, 2019, and this Act shall be read and construed as one with the Animal Welfare Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date as the Minister

responsible for Veterinary Services may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

(3) A notice under sub-article (2) may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

2. Immediately after the definition "prescribed" in article 2 of the principal Act, there shall be added the following new definition:

Amendment of article 2 of the principal 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 dog in a public place;".

3. Article 44B of the principal Act shall be amended as follows:

Amendment of article 44B of the principal Act.

(a) paragraph (b) of sub-article (1) thereof, shall be substituted by the following:

"(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, animal products, gear, instruments and, or appliances which he believes has 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 the 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;";

(b) paragraphs (c) to (g) of sub-article (1) thereof, shall be renumbered as paragraphs (d) to (h) and immediately after paragraph (b) of sub-article (1) thereof there shall be added the following new paragraph (c) as follows:

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

(c) sub-article (5) thereof shall be renumbered as sub-article (6) and immediately after sub-article (4) thereof, there

shall be added the following new sub-article (5):

"(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.".

Addition of article 44C to the principal Act.

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

"Responsibility for any loss or damage suffered.

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.".

Amendment of article 45 of the principal Act.

5. Sub-article (1) of article 45 of the principal Act shall be substituted by the following:

"Offences and penalties.

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.".

6. The proviso to article 46 of the principal Act, shall be deleted.

Amendment of article 46 of the principal Act.

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

Amendment of article 47 of the principal Act.

(a) in paragraph (a) of sub-article (1) thereof, immediately after the word "Act" there shall be added the words "and any regulations made thereunder";

(b) paragraph (b) of sub-article (1) thereof, shall be substituted by the following:

"(b) it would be more appropriate to impose a penalty under this article,";

(c) the words "to be served on that person." in sub-article (1) thereof, shall be substituted by the following "to be served on that person:" and immediately thereafter there shall be added the following new proviso:

"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.";

(d) sub-article (5) shall be substituted by the following:

"(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).".

8. Immediately after article 47 of the principal Act, there shall

Addition of article 47A to the principal Act.

be added the following new article:

"Power to make regulations.

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.".

Passed by the House of Representatives at Sitting No. 248 of the 10th July, 2019.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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