



# MODEL ANIMAL WELFARE ACT

*– A Comprehensive Framework Law –*

Janice H. Cox, MBA  
Dr. iur. Sabine Lennkh  
*World Animal Net*



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*Design by Jessica Bridgers*

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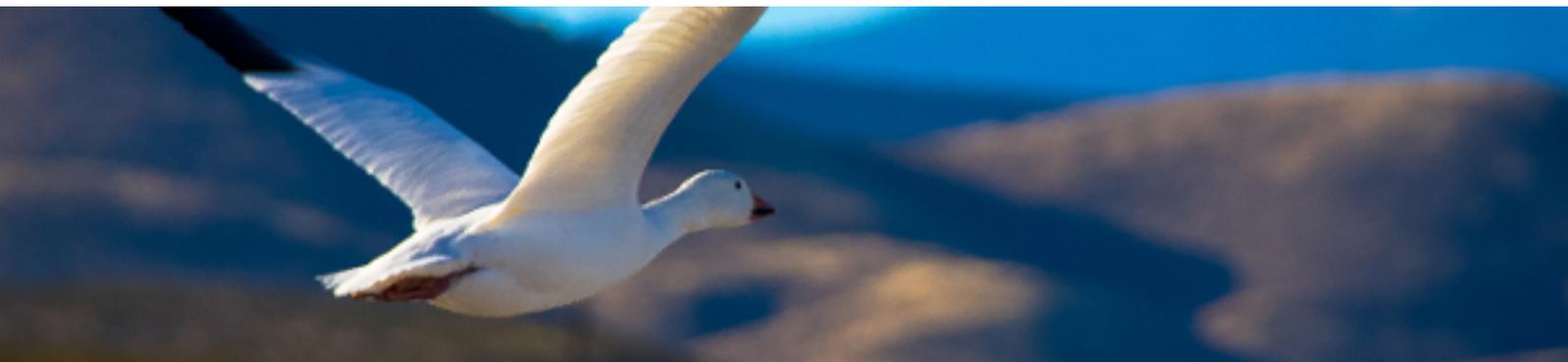
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# MODEL ANIMAL WELFARE ACT

A Model Animal Welfare Act – Guiding Principles for Modern Animal Welfare Legislation, Proposal for the Wording of a New Animal Welfare Act, and Explanatory Notes

This Model Animal Welfare Act has been designed to serve as a basic template and guidance document for those interested in enacting new legislation or improving existing animal protection legislation. It has been drafted using an extensive comparative law exercise, taking into account 'best practice' in the field. Thus it is aspirational in nature; seeking to provide the best possible structures, systems and provisions to protect the welfare of animals. This may mean that countries which are just starting to establish animal welfare requirements might decide to introduce its provisions progressively. In such cases, a strategic approach (step-wise and prioritised) is recommended. This could also be considered in cases where countries already have structures, systems and provisions that have been introduced gradually over time, but remain less than optimal. The important principle is that each country works progressively towards the best possible protection for the welfare of its animal population, and indeed – as elaborated in the Three Rs approach – the eventual reduction and replacement of any uses of animals which compromise their welfare.

The purpose of this Model Animal Welfare Act is to function as an 'umbrella' or 'framework' law. Where a country has a federal system, it is recommended that it is introduced at national level (in preference to state, province or other regional levels). It represents an international unification and harmonisation of animal protection and welfare legislation, which can be adapted or modified – if the circumstances require – in Common Law as well as Civil Law systems. Elements of both legal orders have been considered and incorporated to achieve (as far as possible for the present day) a comprehensive, far-reaching and progressive approach to animal welfare legislation which takes account of the desired expedience when it comes to prevention of animal cruelty and abuse, establishing responsibility and the principle of care towards the animal, promoting the education and sensitisation of the population, as well as offering effective solutions for efficient law enforcement. This Model Act was created in order to govern people's behaviour, while other civil or religious legal systems may take a very different form (for example, be limited to 'codes' or 'edicts'). Nonetheless, elements of this Act can also be used for inspiration in creating, amending or interpreting these.

*Disclaimer: The contents of this document do not constitute legal advice and are intended solely as general information and a reference. Use of this document in any manner does not at any time create an attorney-client relationship. As with any piece of model legislation, existing laws, regulations, or constitutional provisions may be impacted positively or negatively by the language in this Act, or may conflict with such provisions. Thus, to help ensure the greatest possible outcome for animals, if engaging in the actual drafting of legislation the language should be reviewed by local legal experts in consideration of the unique legal, political and social circumstances in each jurisdiction and adjusted accordingly.*

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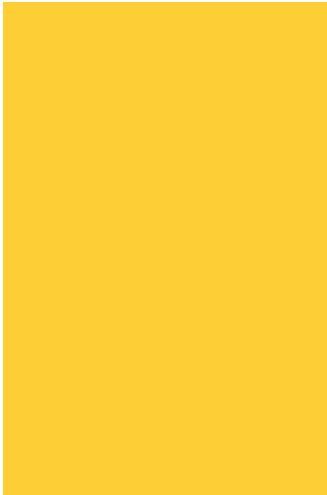


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# PART 2



## Proposal for the Wording of a New Animal Welfare Act

*An Act to provide for the protection of the lives and welfare of animals, recognition of their sentience and intrinsic value, and the progressive development of a broader based humane ethic and 'culture of caring' in society. This Act is based on internationally accepted moral and scientific principles for animal welfare and includes: humane treatment and care; the prohibition of cruelty; the development of animal welfare structures, procedures and controls; and education and awareness.*

# CHAPTER 1: PRELIMINARY PROVISIONS

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## **Section 1 Title, Commencement and Conflicting Provisions**

This Act may be cited as the 'Animal Welfare Act'. [It shall come into effect on such date as the Minister may appoint, by notice published in the gazette.]

This Act will supersede or take precedence over all other legislation with which it may conflict, unless such legislation provides a higher level of protection for the welfare of an animal.

## **Section 2 Objectives**

The aim of this Act is the protection of the lives and welfare of all animals, and the development of humankind's respect and moral responsibility for our fellow creatures. This aim includes the progressive development of humane attitudes throughout society, as well as practical measures to protect the welfare of animals and provide a clear 'duty of care' for all citizens.

Each animal is recognised as an individual, with an intrinsic value and a life which matters. Sentient animals are afforded special care and consideration to protect their welfare, as they are recognised as having biologically determined natures, instincts, emotions and needs which matter to them; as well as the ability to experience pain and to suffer.

## **Section 3 Support for Animal Welfare**

(1) The state is obliged to promote and support animal welfare, and the development of a humane ethic, in all areas/sectors whereby it has the authority and the duty to educate, inform, make the public sensitive to animal welfare issues, as well as to support the implementation of animal welfare legislation.

(2) Such promotion and support shall include, but not be limited to, animal welfare and humane attitudes in: scientific research; legal information and capacity-building; educational programmes; competent authority and enforcement capacity-building; rural development and animal welfare-friendly keeping systems; and public awareness activities. Public awareness activities shall include, but not be limited to, consumer awareness, and shall be supported by state action to ensure full and accurate marketing and labelling of any products the purchase or choice of which could have animal welfare implications. It shall also include the dissemination of animal welfare information and advice in veterinary, para-veterinary, agricultural extension, development, legal and environmental work.

## Section 4 Scope of Application

This Act applies to all non-human animals. Chapters 5 and 6, on enforcement and penalties, only apply to sentient animals. It is prohibited to exempt any animal from the coverage of this Act, and any sentient animal from its associated penalties.

## Section 5 Definitions

For the purpose of this Act, the following terms shall have the meaning as detailed below:

1. **Animal:** Any mammal, bird, reptile, amphibian, fish, insect or other multi-cellular organism that is not a plant or fungi.
2. **Animal Protection:** The act of protecting the lives or well-being of animals, including safeguarding animals from cruel treatment and acts that cause the animal harm, injury, loss, pain, suffering or fear and distress.
3. **Animal Sanctuary:** A facility which cares for abused, neglected, unwanted, or otherwise vulnerable animals, protecting them for the rest of their lives in conditions as close as possible to the relevant species' natural habitat. Unlike animal shelters, sanctuaries do not aim to rehome animals, and unlike wildlife rehabilitation centres, do not aim to release rehabilitated animals back into the wild. The term 'Animal Sanctuary' can only be used where the facility in question is operated by a charitable, non-profit animal welfare organisation.
4. **Animal Shelter:** A facility to house and keep abandoned, rescued, unwanted, lost or homeless animals which safeguards their well-being and provides necessary care and attention until the animals can be reunited with their owners, adopted or rehomed. The term 'Animal Shelter' can only be used where the facility in question is operated by a charitable, non-profit animal welfare organisation.
5. **Animal Welfare:** How an animal is coping with the conditions in which he/she is living. For animal welfare to be satisfactory, the animal must be in a state of overall well-being, which is a condition of physical, mental and emotional harmony, and which includes the ability to live naturally and to meet all species-specific and ethological needs: This would include the provision of the Five Freedoms under Section 6 (3) 1.
6. **Animal Welfare Inspector:** A professionally qualified and competent officer appointed by the Competent Authority to execute the subject Act.
7. **Commercial Companion Animal Breeder:** Any person
  - 1) Breeding companion animals in a location other than a family home; or
  - 2) Having more than three unsterilised female animals in their home, any of which is used for the purposes of breeding which breed two or more litters in any 12 month period.
8. **Companion Animal (or 'Pet'):** Any domesticated animal socialised and commonly kept, cared for, or possessed by humans within the sphere of the household for companionship, pleasure, protection or personal assistance.
9. **Competent Authority:** The regulatory authority that has the legally delegated or vested authority, capacity, or power to perform the designated functions.
10. **Domestic Animal:** Any animal of a species that has been tamed or selectively bred over many generations and kept by humans for companionship, food, fibre, or work; including those that have been abandoned or gone astray.
11. **Euthanasia:** A procedure to put an animal to death painlessly in order to relieve suffering from a terminal illness or incurable condition. The method used should involve minimal restraint and stress for the animal.
12. **Farmed Animal:** Any domestic or wild animal which is normally kept and raised on farms, and is kept for the production of any animal products (i.e. food, feed, fur, feathers, leather, skin, wool and fibre) or for the breeding of animals for such production.
13. **Game Animal:** A land mammal or bird, either in the wild or farmed, which is hunted for sport or food, and is

not normally considered to be a domestic animal.

14. **Humane Killing:** A procedure which induces either the instantaneous death of an animal or which uses stunning or anaesthetisation that renders the animal unconscious and insensible until death supervenes. In both cases, this must be accomplished with the absence of pain, suffering, fear or distress; including during the period of induction of unconsciousness, where this is not immediate. 'Humane Killing' implies the use of appropriate measures/methods and suitable tools/means or equipment, applied by operators with the necessary training and expertise.
15. **Intervention:** Any procedure resulting in damage to or the loss of a sensitive part of the body or the alteration of the bone structure.
16. **Keeper:** Any person who is responsible for the animal, its health and well-being either on a permanent or on a temporary basis or has an animal in (his/her) care or under (his/her) supervision/control.
17. **Minister/Ministry:** The Minister/Government Department in charge of the government department which has been specified as responsible for the animal welfare remit in question. *Factors to consider in this regard are discussed at paragraph IV. 1. above.*
18. **'Pest' Animal:** An animal with characteristics that humans deem to be damaging or unwanted.
19. **Pet Shop:** Any mercantile establishment or enterprise where companion animals (pet animals) can be purchased, including both premises and 'virtual' or online sales, but excluding animal shelters and pounds.
20. **Pound:** A place where stray animals may be officially taken and kept until claimed by their owners.
21. **Precautionary Principle:** A precautionary or cautious approach which must be taken in the interests of animal welfare for each and every case where an action, policy or provision has a suspected risk of causing damage or harm to an animal or its welfare, in the absence of scientific consensus that the action, policy or provision is not detrimental.
22. **Ritual and/or Religious Slaughter:** The slaughter of animals for the production of specially prepared foods, mostly for Kosher and Halal meats in the Jewish and Muslim traditions, respectively. The prescribed method involves throat cutting, allowing the blood to drain out, causing the animal's death. *[Some religious traditions permit reversible (non-fatal) pre-stunning, whereas others do not permit any stunning. Slaughter by bleeding without pre-stunning has been found to impair welfare, and thus may be banned or severely restricted. There are also a number of other requirements which must be met in order for slaughter to comply with Jewish or Muslim rite. However, an animal welfare law is not the place to establish such religious criteria.]*
23. **Sentience:** The capacity to perceive or feel things. Sentient beings share with us consciousness, feelings, emotions, perceptions – and the ability to experience pain, suffering, fear, distress and states of well-being.
24. **Slaughter:** The killing of an animal for the purpose of the production of meat, food and/or other animal products and by-products.
25. **Stray:** Any domestic animal (most commonly dogs or cats) not under direct control by a person or not prevented from roaming.  
There are three types of stray dogs/cats:
  - 1) Free-roaming owned – not under direct control of, or restriction by, a person/owner at a particular time;
  - 2) Free-roaming with no owner or keeper; and
  - 3) Feral – a domestic dog/cat having returned to an untamed state from domestication, in particular after escape from captivity or after abandonment.
26. **Stunning:** A process which, when applied to an animal, causes immediate loss of consciousness which lasts until death.
27. **Trap:** Any device or enclosure that is designed to close upon, hold fast, confine, or otherwise capture an animal, whether or not the device or enclosure results in capture.
28. **Veterinarian:** A person who has successfully graduated from a recognised faculty of veterinary medicine and is officially registered, certified or licensed to practice as a veterinarian.
29. **Wild Animal:** Any animal with the exception of a domestic, companion, stray or feral animal.
30. **Wildlife Rehabilitation Centre:** A facility for receiving injured, ill/diseased, abused, orphaned, rescued or

domesticated wildlife for caring and treatment in order to restore former health and capacities and to subsequently secure the release into a sustainable safe natural environment.

31. **Zoological Garden (Zoo):** A park or an institution, which must be accredited by the World Association of Zoos and Aquaria (WAZA), in which living animals are kept in captivity and usually exhibited to the public.

*This is not a comprehensive list of definitions. For example, it could be extended to include some more abstract and ambiguous terms such as*

- *Intrinsic – The inherent value of something independent of its worth (or usefulness) to anybody, or anything, else; or*
- *Well-being – A multidimensional state that includes indicators from three broad criteria:*
  - ▶ *A high level of biological functioning.*
  - ▶ *Freedom from suffering (in the sense of fear, pain, distress and other negative experiences).*
  - ▶ *Positive experiences such as comfort and contentment. It is part of good animal welfare, along with fitness.*

*Following the guiding principles of the five freedoms, important contributory factors to well-being could be said to include: The absence of pain, suffering, injury, disease and discomfort as well as of fear and distress; the freedom from thirst, hunger and malnutrition as well as the freedom to express normal behaviour and exercise all somatic functions.*

## Section 6 Fundamental Principles of Animal Welfare

(1) Based on the objectives mentioned in Section 2 of this Act, the State and all citizens must recognise animals as beings with an intrinsic value and a life which matters; and sentient beings as having biologically determined natures, instincts, emotions and needs which matter to them; as well as the ability to experience pain and to suffer.

(2) Animal welfare is an important aspect of any developed society, and reflects the degree of moral and cultural maturity of that society. Humans therefore have a moral responsibility to respect, protect and care for animals; ensuring their welfare to the greatest extent practicable. This 'duty of care' should be reflected in any implementing regulations (and Welfare Codes', standards and guidance), and human moral responsibilities codified.

(3) In order to give effect to the fundamental principles of this Animal Welfare Act, every person exercising powers under, applying or interpreting it and any regulations (supplemented when necessary by 'Welfare Codes', standards and guidance) shall have regard to

1. The internationally recognised 'Five Freedoms', which are included in the OIE's 'Guiding Principles' for Animal Welfare:
  - 1) Freedom from Hunger and Thirst and Malnutrition – by ready access to fresh water and a diet to maintain full health and vigour;
  - 2) Freedom from Physical and Thermal Discomfort – by providing a suitable environment including shelter and a comfortable resting area;
  - 3) Freedom from Pain, Injury and Disease – by prevention or rapid diagnosis and treatment;
  - 4) Freedom to Express Normal Patterns of Behaviour – by providing sufficient space, proper facilities and company of the animal's own kind; and
  - 5) Freedom from Fear and Distress – by ensuring conditions and treatment which avoid mental suffering.
2. The internationally recognised 'Three Rs', which should be applied to all commercial uses of animals, particularly where there are any doubts that the welfare needs of animals can be met:
  - 1) Reduction in numbers of animals;
  - 2) Refinement of methods (and situations) of animal use; and
  - 3) Replacement of animals with non-animal alternatives and techniques.

(4) Where there is any doubt that an animal's welfare needs can be met, then the 'precautionary principle' must be

applied, and the animal's welfare given precedence.

(5) Where the needs of any particular species cannot be met in captivity, then no animal of that species must be kept (unless for a duration necessary to ensure the animal's welfare).

(6) The different purposes for which animals are kept and used must be regularly re-evaluated in the light of current scientific knowledge and prevalent societal morals and ethical values.



# CHAPTER 2:

# GENERAL PROVISIONS

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## Section 7 Prohibition of Cruelty to Animals

(1) It is prohibited to inflict or cause pain, suffering or injury on any animal, or to expose them to fear or distress, or illness or disease, without sound justification (*based on over-riding reasons of animal and/or human welfare*). It is furthermore prohibited, being the owner or person responsible, to cause or permit any animal to be so treated; or for any person to fail to take reasonable steps to prevent such treatment.

(2) Without limiting sub-section (1), sub-section (1) is in particular violated if a person

1. Kills any animal using a method which is inhumane, or in a manner that involves pain, suffering, injury, fear or distress for the animal.
2. Severs a limb from a live animal.
3. Wounds, beats, kicks, over-rides, over-drives, over-loads, overworks, mutilates, torments, tortures or otherwise treats any animal in a way that subjects, or is likely to subject, it to pain, suffering, injury, fear or distress.
4. Demands from an animal any work, labour or performance which is beyond the animal's current natural strength or species-specific behaviour, or of which the animal is physically or health-wise not capable at that time or which involves, or is likely to involve, pain, suffering, injury, fear or distress for the animal.
5. Does or omits to do an act with the result that pain, suffering, injury, fear, distress, illness or disease, is caused, or is likely to be caused, to an animal.
6. Fails to provide an animal he or she keeps or cares for with sufficient, appropriate and constantly accessible food and drink to maintain it in full health and vigour.
7. Offers an animal food or substances the ingestion or digestion of which causes, or is likely to cause, pain, suffering, injury, fear or distress for the animal; or forces the animal to ingest food and substances when this is not necessary due to reasons of the animal's health or on veterinary/medical grounds.
8. Fails to provide an animal he/she keeps or cares for with an appropriate environment including shelter, proper facilities, a comfortable resting area and the opportunity to carry out normal, non-harmful social behaviours, in a way that results, or is likely to result, in pain, suffering, injury, fear distress, or illness for the animal involved. In the case of an animal being exhibited to the public, this would include a place where the animal has the opportunity to seek privacy from the viewing public at all times.
9. Exposes an animal to temperatures, weather conditions, wrong chemistry (for aquatic animals), lack of oxygen or restriction of free movement inflicting, or likely to inflict, pain, suffering, injury, fear, distress, illness or disease on the animal.
10. Keeps or confines any animal in any enclosure, cage or other receptacle which is not designed in such a way, or does not measure sufficient in height, length and breadth, to permit the animal appropriate opportunity for movement and performance of its species-specific needs and behaviours, or does not provide access to a natural substrate, (unless this is a temporary measure to safeguard the animal's welfare).
11. Keeps any animal chained or tethered in a way that does not permit the animal appropriate opportunity for movement and performance of its species-specific needs and behaviours (unless this is a temporary measure to safeguard the animal's welfare).
12. Breeds animals which will be, or are likely to be, inflicted with pain, suffering, injury, fear, distress, illness

- or disease; or where their descendants will be, or are likely to be, inflicted with pain, suffering, injury, fear, distress, illness or disease (inhumane breeding practices).
13. Raises an animal in a way that causes, or is likely to cause, them pain, suffering, injury, fear, distress, illness or disease, including subjecting the animal to premature maternal separation, based on the natural age of dispersion of the species.
  14. Trains, promotes, stimulates or increases aggressiveness or fighting readiness of an animal through breeding selection or other breeding technologies or methods.
  15. Advertises, imports, exports, keeps, possesses, sells, offers for sale, or passes on an animal bred, raised or treated in the ways referred to in items 12, 13 or 14 of this sub-section.
  16. Sets an animal on another animal; incites animal fighting or causes an animal to fight against another animal or human; organises, assists or attends the fighting of any animal; owns, possesses, trains, transports, or sells any animal with the intent that such animal shall be engaged in fighting with another animal or human; keeps, uses, manages or assists in the management of any premises or place used for the purpose or partly for the purpose of fighting any animal, or permits any premises or place to be so kept, managed or used for the same; promotes or advertises any event involving animal fighting; or receives or causes or procures any person to receive any money or other valuable for the admission of any person to such premises or place or for the purpose of betting on or assisting at such fights; or possesses, whether for sale or self-use, video images of such fights.
  17. Promotes, stimulates or increases aggressiveness/fighting readiness of an animal by training, 'negative reinforcement' or other similar methods.
  18. Uses any measures, methods, aids or devices in training or during sports or competitions or similar events which are linked to pain, suffering, injury, fear or distress for an animal; or administers any unauthorised substance or drug in order to enhance an animal's performance. This shall include the prohibition of 'negative reinforcement' methods of training; and a ban on the use of any cruel devices and implements such as bullhooks, electric prods, goads, pitchforks, baseball bats, whips, and any other cruel devices.
  19. Causes, procures or assists at any shooting or hunting event, match or competition wherein an animal is released from captivity for the purpose of such event, match or competition; or receives or causes or procures any person to receive any money for such event, match or competition.
  20. Uses any unauthorised devices or methods of capture or entrapment; or uses authorised traps and catching devices in such a way that does not result in capturing the animal unharmed or killing the animal instantly.
  21. Uses a live animal for feed or bait, or breeds or keeps a live animal for this purpose. *[In cases where the welfare of animals cannot be assured without feeding with live feed or bait, then such animals shall not be kept.]*
  22. Conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position which causes, or is likely to cause, pain, suffering, injury, fear, distress, illness or disease.
  23. Abandons a domestic or companion animal; abandons or releases into the wild a non-indigenous wild animal; or abandons or releases into the wild an indigenous wild animal which has not been fully rehabilitated to adapt to a life in the wild or where there is any doubt that it will survive in the territory to which it is being released.
  24. Gives an animal away as, or offers an animal as, a prize or award.
  25. Uses an animal for film shots, advertising, exhibitions or similar purposes or events if this causes, or is likely to cause, pain, suffering, injury, fear, distress, illness or disease for the animal.
  26. Performs/carries out an action of a sexual nature on or with an animal.

## **Section 8 Prohibited Interventions Performed on Animals**

(1) Any intervention carried out on an animal other than for therapeutic or diagnostic purposes (in accordance with legal regulations applicable) is prohibited.

(2) It is in particular prohibited

1. To partly or completely amputate any body part;
2. To partly or completely remove or destroy any organ or tissue of the animal; or
3. To carry out any intervention to create a transgenic animal.

(3) Exceptions to these prohibitions are only permitted

1. To prevent reproduction;
2. To indicate a neutered stray animal by the tipping of an ear; or
3. When necessary for over-riding animal welfare reasons; and in such cases, only when there is no alternative solution and the most humane method available has been used.

(4) If the intervention will cause, or is likely to cause, any pain for the animal and in the cases referred to in sub-sections (3) 1. and (3) 2. above, it must be carried out under effective anaesthesia and by a veterinarian, who shall ensure that all available measures are taken to achieve a procedure and recovery free from pain, suffering, fear or distress, in particular including the administration of sedation, local anaesthesia, non-steroidal anti-inflammatory drugs and analgesia.

(5) It is prohibited to mark or identify an animal in such a way that causes, or is likely to cause, pain, suffering, injury, fear or distress.

(6) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## **Section 9 Prohibition of Killing to Animals**

(1) It is prohibited to kill an animal without any sound justification.

(2) It is prohibited to kill a companion animal, such as a dog or cat, for the purpose of obtaining/manufacturing food, feed, fur or other products.

(3) It is prohibited to kill any animal in order to provide entertainment or as part of a cultural ritual or celebration.

(4) Where authorisation is granted for the killing of vertebrate animals for any purpose covered in this Act (*for example, humane euthanasia of companion animals and the expert/competent killing of farm or game animals*), this must be carried out in a specified humane manner, in accordance with Section 20 below.

(5) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## **Section 10 Prohibition of Passing on, Selling, Offering for Sale, Purchasing or Possessing Certain Animals (Doomed Animals)**

(1) It is prohibited to pass on, sell, offer for sale, transport or purchase any animal for whom the continuation of life would be connected with irremediable pain, suffering, agony, torment or distress for any other purpose than for its immediate euthanasia. Anybody acquiring or purchasing such an animal has to immediately euthanise, or ensure the immediate euthanasia of, the animal.

(2) It is furthermore prohibited to possess any animal, without reasonable cause, which is suffering irremediable pain, agony, torment or distress.

## Section 11      Obligation to Grant First Aid

(1) Every person has, to the extent he/she can reasonably be expected to do so, to grant/render any animal in an accident, during common danger, or injured or in distress the necessary first aid and care, or, if this is not possible, to make all reasonable endeavours to arrange for such first aid and care and/or for appropriate diagnosis and treatment without delay.

(2) The owner or keeper of an animal is obliged to provide any sick, injured or distressed animal with diagnosis and appropriate treatment without any delay; where necessary, veterinary advice must be sought and followed.

# CHAPTER 3: KEEPING OF ANIMALS/CARE OF ANIMALS

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## **A. General Regulations**

### **Section 12 Principles of Keeping Animals**

(1) The owner or keeper of any animal is obliged to

1. Provide food and drink which is sufficient, accessible and appropriate to maintain the animal in full health and vigour and meet its physiological and ethological needs;
2. Provide the animal with satisfactory hygiene and care, including regular inspections and appropriate and humane management and handling; ensuring the promotion of good human-animal relationships and the absence of pain, suffering, injury, fear or distress for the animal;
3. Keep the animal in such a way that its physical functions and its behaviour are not disturbed or affected; and its ability to adapt is not overstrained or overtaxed;
4. Provide the animal with an appropriate environment, which meets its physiological and behavioural needs, including freedom of movement and appropriate social contacts and interaction (taking into consideration the species, age and degree of development, and domestication of the animal), and also to rapidly investigate any signs of stereotypical behaviour, as an indication that the animal's needs are being frustrated, and take remedial action without delay;
5. Provide the animal with appropriate shelter, facilities, and a comfortable resting area; always ensuring that the animal is not exposed to adverse temperatures, weather conditions, or lack of oxygen; and
6. When housing or confining an animal, ensure in particular that the space (including height, as well as floor space); condition of the ground/base; structural equipment of the buildings and facilities; the climate, including temperature, air circulation, natural light and ventilation; and noise level will safeguard the welfare of the animal and enable it to meet its physiological and behavioural needs.

(2) A person shall not manufacture, keep in stock, sell, offer for sale, deliver, or in any manner make use of any animal housing system, unless such a system conforms to the above welfare requirements for the keeping of animals, and any prescribed minimum standards established by the Competent Authority.

(3) It is prohibited to keep any animal permanently or prevalently chained or tethered.

(4) Wild animals must in no case be kept chained or tethered, even temporarily, unless this is to prevent imminent danger – for example, in an emergency situation; and dogs should not be tethered more than momentarily or on a running chain which enables free movement and exercise (for purposes of management or control).

(5) Any person keeping a domestic animal shall ensure that the animal is inspected and attended to at least once a day or more depending on the species' particular needs.

(6) In case of any ownership dispute concerning an animal or animals, the outcomes shall be decided (e.g. by the civil courts) taking into account the best interests of the individual animal or animals.

(7) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context. The Minister responsible, the Ministry or the Competent Authority shall introduce prescribed minimum standards for animal welfare housing systems. In addition, the Minister responsible, the Ministry or the Competent Authority may require prior authorisation for the manufacture, importation and/or use of any fabricated housing system. The Minister responsible, the Ministry or the Competent Authority shall prohibit ways of keeping animals which are manifestly inconsistent with the principles of animal welfare, including but not limited to the use of certain types of cages and the keeping of animals which are not nocturnal in prevailing darkness.

## **Section 13      Qualifications of the Animal Keeper**

(1) Every person capable of complying with the provisions of the subject Act, and the regulations ['Welfare Codes', standards and guidance] based on it, is authorised to keep animals unless they have been banned from keeping animals due to prior infringements of the subject Act or any other legislation.

(2) Any person who is the keeper of an animal must have the necessary knowledge and required skills and capabilities to safeguard the animal's well-being and provide appropriate and humane management and handling. This would include ensuring appropriate food and nourishment, liquid, care, hygiene, shelter and accommodation, opportunity for exercise and appropriate social interaction – in accordance with the animal's physiological and behavioural needs.

(3) Every keeper of an animal is obliged to ensure that he/she has access to all relevant information, advice and education/training to meet all legislative requirements and provide for all welfare needs of any animal under his/her care.

(4) Every animal owner giving an animal into the care of a keeper is obliged to ensure that the said keeper has the necessary knowledge and required skills and capabilities to safeguard the animal's well-being and provide appropriate and humane management and handling.

(5) Without the consent of their legal guardian minors under the age of 14 years are not allowed to obtain animals.

(6) In addition: Authorisation of the Minister responsible the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context; including, requirements for the provision of proof of skills, capabilities and knowledge, and detailed provisions governing the keeper's 'duty of care'.

## **Section 14      Care in Case of Illness or Injury**

The owner of an animal who appears to be ill or injured, or in pain or distress, and any keeper of such an animal, must ensure that the animal is inspected, cared for and treated appropriately, and as comprehensively as possible, and without delay. A veterinarian must be consulted whenever the cause of any health issues, illness, injury or other possible emergency cannot be identified. Any ill or injured animal shall be accommodated in consideration of and according to their special needs and if required in separate accommodation. No ill or injured animal shall be transported, unless for emergency purposes and to ensure the animal's welfare.

## B. Special Regulations

### Section 15 Principles of Animal Breeding

(1) Natural breeding or artificial breeding and reproduction methods, including through methods of bio or gene technology, are prohibited when it is expected that through the breeding or due to the breeding aim either the parent animal, the offspring itself and/or their descendants will be imposed/burdened for a significant period of time or permanently with either pain, suffering or damage or behavioural disorders (including disruption to their species-specific behaviours) or if their physical functions are impaired or disturbed/affected [inhumane breeding practices]. This will particularly be the case where an animal will have any body parts or organs incapacitated/indisposed, altered or missing. It also includes the prohibition of breeding selection for increased aggressiveness or fighting readiness.

(2) Breeding methods and practices which result in, or are likely to result in, birthing difficulties are also considered as 'inhumane breeding practices', and are prohibited.

(3) It is prohibited to pass on, sell, offer for sale, purchase, import or export any animal with features resulting from inhumane breeding practices, or likely to contribute to such inhumane breeding practices.

(4) Breeding should take into account positive animal welfare traits, such as, but not limited to, disease resistance, maternal ability, polled animals etc.

(5) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in the context of breeding and production of animals. This would include: restrictions and prohibitions on certain reproduction methods and breeding aims; restrictions and prohibitions on the breeding or production of certain species or breeds of animal and animals with certain characteristics, and here especially abnormalities in physique/body frame and/or behaviour.

### Section 16 Keeping of Animals within the Scope of Business Activities

(1) Keeping (even temporarily) or breeding animals within the scope of business or economic activities falls under the category of activities which require an authorisation in accordance with Section 29. This shall include Commercial Companion Animal Breeders.

*This authorisation shall usually be in the form of a license or registration issued by the Competent Authority or their authorised agents.*

(2) An application for authorisation must be submitted to the Competent Authority, and be granted before the business or economic activity commences. The application must include, as a minimum,

1. Details of the type of business/economic activity;
2. The person responsible for the business/economic activity;
3. Address and details of the premises/establishment;
4. Numbers and species of animals kept;
5. Details of enclosures and dimensions, including photographs;
6. Details of employees and relevant skills/expertise;
7. Name of veterinarian(s) and relevant expertise/post-graduate training; and
8. A full explanation of how the provisions of this Act and, explicitly, the welfare needs of the animals will be met.

(3) The business or economic enterprise shall keep available for inspection by the Competent Authority, at all reasonable times, evidence of the numbers and species/breeds of animals kept/bred; the number and names of employees, and proof of their relevant skills/training; and the care regime instituted to protect the welfare of the animals.

(4) Any person or enterprise keeping or breeding animals within the scope of business or economic activity which changes its location shall immediately notify the Competent Authority of its new premises.

(5) If the Competent Authority has any doubts about the ability of the business or economic enterprise to meet the animal welfare needs of the animals in its operations, it shall deny authorisation, or revoke the same if already granted.

(6) The business or economic activity may not be exercised until authorisation has been granted. The Competent Authority shall prohibit anyone not holding an authorisation from exercising the activity.

(7) The Competent Authority may also close business premises or offices to prevent those which are not covered by an authorisation from the Competent Authority (either because this has not been granted or because authorisation has been revoked) from exercising any business or economic activities keeping or breeding animals. In such cases, every effort must be made to find solutions for the relocation or disposal of any remaining animals which maximise the welfare potential of each individual animal. Careful consideration must also be paid to adopt optimum transitional periods for any prohibitions on certain activities, given the need to secure the welfare of any remaining animals.

(8) Keepers or producers of animals for business or economic activities shall only be permitted to purchase or acquire animals from authorised breeders.

(9) Keepers or producers of animals for business or economic activities bear the responsibility for ensuring that any animals no longer suitable for the business or economic activity in question are rehomed or sent to a shelter or sanctuary wherever possible; or disposed of humanely when no other option exists.

(10) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## **Section 17     Sale and Trading of Animals**

(1) Any person, business or economic enterprise selling or transferring the ownership of an animal to another person or enterprise shall provide the person or enterprise taking custody of the animal with relevant information and advice on how to safeguard and protect the animal's welfare, health and well-being. This shall include (as appropriate), but not be restricted to: how to keep, care for, and handle such animal; preventing unwanted breeding; and the vaccinations and other health requirements recommended for the animal offered for sale; as well as any requirements or restrictions on the keeping or breeding of such animals. Evidence of compliance with this obligation must be retained, and made available for inspection by the Competent Authority on request, at all reasonable times.

(2) The trading or sale of animals as a commercial activity requires an authorisation in accordance with Section 29.

(3) An application for authorisation must be submitted to the Competent Authority, and be granted before the trading or selling activity commences. The application must include, as a minimum,

1. Details of the type of trading or selling activity;
2. The person responsible for the trading or selling activity;
3. The species of the animals concerned (and maximum number of animals to be traded or sold);
4. Address and details of the premises/establishment;

5. Details of employees and relevant skills/expertise; and
6. A full explanation of how the provisions of this Act and, explicitly, the welfare needs of the animals will be met.

(4) Any person or enterprise trading or selling animals shall keep available for inspection by the Competent Authority, at all reasonable times, evidence of the numbers and species of all animals purchased/acquired and sold; the origin and/or destination of the animals; the number and names of employees, and proof of each employee's relevant skills/training; and the care regime instituted to protect the welfare of the animals, including their health status and vaccination history.

(5) Any person or enterprise trading or selling animals who changes its location shall immediately notify the Competent Authority of its new location.

(6) The Competent Authority shall deny authorisation, or revoke the same if already granted, if it has any doubts about the ability of the person or enterprise trading or selling animals to meet the animal's welfare needs in its operations.

(7) The trading or selling enterprise may not be exercised until authorisation has been granted. The Competent Authority shall prohibit anyone not holding an authorisation from exercising the trading or selling activity.

(8) The Competent Authority may also close business premises or offices to prevent those which are not covered by an authorisation from the Competent Authority (either because this has not been granted or because authorisation has been revoked) from exercising any trading or selling activities involving animals.

(9) Traders and sellers of companion animals shall only be permitted to purchase or acquire animals from commercial companion animal breeders who have been duly authorised by the Competent Authority or its designated agents.

(10) Dogs and cats may not be presented or displayed for sale in pet shops or any other premises of enterprises using animals within their scope of their business or economic activities.

(11) The trade or sale of certain wild animals and/or wildlife products can be restricted or banned by the Competent Authority. Also, whenever trade is covered by CITES provisions, guidelines or restrictions, then these shall be applied.

(12) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## **Section 18      Abandoned, Stray or Lost Animals and Confiscated Animals**

(1) Abandoned, stray or lost animals as well as animals confiscated or taken away by the responsible authorities, or their designated agents, that cannot be returned to the original rightful owner or keeper have to be transferred by the responsible authorities or their designated agents, to a person, institution or organisation appropriately authorised in accordance with Section 29. These persons, institutions or organisations will be custodians for the animal and thus take over all obligations and responsibilities which normally concern the animal's owner or keeper including all relevant animal welfare requirements according to the subject Act [and any regulations, 'Welfare Codes', standards or guidance under the Act].

(2) For carrying out agreed functions associated with (1) above, the authorised animal shelter, person or institution in question will receive appropriate compensation from the Competent Authorities or their designated agents in form of remuneration to be agreed upon between the two parties. This should cover both compensation for services and repayment of any reasonable expenses incurred relating to these services.

(3) Any person finding an abandoned, stray or lost animal has to inform the relevant authorities (*for instance: the Police, the Competent Authority or their designated agents directly*), who must arrange for the animal to be collected by or delivered to an appropriately authorised person, institution or organisation according to the subject Act for safeguarding if an owner cannot be located immediately.

(4) The Competent Authority is responsible for ensuring that details of any animal found within its territorial jurisdiction is publicised in a manner widely accessible to the public.

(5) Once a stray or lost animal has been collected and delivered to an authorised person, institution or organisation, it can only be handed over to any persons claiming to be the animal's owner or keeper if there is adequate proof of ownership or custodianship, no liability for abandonment or any breach of animal welfare provisions, and payment has been made for any service charges and expenses incurred. The owner is prohibited from requiring the animal to be euthanised to avoid such costs but instead has the option to transfer ownership to the authorised person, institution or organisation for rehoming.

(6) If there is no substantiated request for handing over made by an animal's owner or keeper(s) within one month from the date of publication, according to paragraph (4) above, then ownership of the animal may be transferred to new owners, who, after investigation, appear to be capable of taking care of the welfare of the animal.

(7) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context. In any cases where straying is found to be problematic for the authorities or the public, then compulsory identification and registration should be introduced.

## **Section 19      General and Commercial Transport of Animals**

(1) The transport of an animal, which includes any kind of transfer or relocation of the animal from one place to another as well as the loading and unloading of the animal, has to be undertaken in a careful and considerate way at all times. Also, the length of any journey, and of any delay at any stage of transport, shall be minimised.

(2) Each animal must be provided with sufficient food, water and rest before, during and after the journey, according to their biological and ethological needs.

(3) The method of transport shall be suitable with regard to the welfare and safety of the animal, and the animal's species-specific and individual character.

(4) It is prohibited to transport an animal in a way that causes pain, injury, death or avoidable suffering, fear or distress to the animal.

(5) It is in particular prohibited to transport

1. A late pregnant female;
2. A female during one week after giving birth;
3. New-born animals – for example, when the navel has not completely healed; or
4. An animal who is ill, injured, weak, or in general unfit for the journey;

unless the journey is in the welfare interests of the individual animal.

(6) When transporting an animal for commercial purposes, the following additional requirements and conditions have to be observed:

1. The animal must be healthy and fit for the journey, and certified as such by an official veterinarian appointed by the Competent Authority.
2. The animal shall have the necessary supervision and care during transportation and loading/unloading.

3. The means of transport as well as the loading and unloading facilities, procedures and equipment have to be designed, constructed, maintained and operated in a way that the safety and well-being of the animal is guaranteed at any given time, and any pain, injury, suffering, fear or distress avoided.
4. The animal has to be provided with adequate floor area, space and height as well as with sufficient ventilation and protection against unfavourable weather conditions.
5. An animal shall only be transported in a vehicle or container that has been inspected and certified by the Competent Authority.
6. In case of the transport of aquatic animals, this must be carried out in special means of transportation and/or specially-designed containers; and the amount of water available must be sufficient for the number of animals transported, as well as of appropriate quality and temperature, and a satisfactory supply of oxygen ensured.
7. In the case that the upright position of the container transporting an animal is not evident, the container in question has to bear a sign or marking indicating the said position.
8. In case it is not obvious from the nature or style of the container that it transports a live animal, the container has to be clearly labelled indicating the fact that it contains an animal, and at the same time identifying the animal species within.
9. During transport the condition of the animal has to be checked at regular intervals and concurrently it has to be ensured that the animal has sufficient water and food of appropriate quality and suitability for the animal's species-specific and individual needs. There shall be both specific official 'staging posts' (authorised in accordance with Section 29) with official supervision and control, and also random unannounced checks.
10. Any business which transports animals must be registered and authorised by the Competent Authority in accordance with Section 29. Authorisation may be withdrawn in the event of breaches of this code, or temporarily suspended until infringements have been rectified.
11. The persons driving vehicles transporting live animals or handling animals during the transport process must have the necessary professional, technical and personal skills, and understanding of animal behaviour, to care for the welfare needs of the animals in their care.
12. Drivers of livestock vehicles should be trained in necessary driving techniques, and always take extreme care to avoid acceleration, deceleration or turning corners at excessive speed. They should have their licences endorsed with the species of animals they have been trained and certified to transport.
13. No animal shall be transported commercially without prior approval from the Competent Authority. The Competent Authority shall provide detailed regulations governing live animal transport authorisation procedures. These shall include: the advance submission of route plans (together with required contents and submission periods for advance notifications); and the issue of movement permits based on company registration and driver/handler certification; and veterinary checks of fitness, vehicle compliance, and compliance with feeding/watering/resting requirements.
14. Journey plans and preparations must include the provision of veterinary attention to deal with any ill or injured animals; and disease control and emergency response measures.
15. During transportation of an animal, the transporter shall, at all times, carry the permit issued by the Competent Authority and other documents relevant for animal movement issued under this Act. A person shall not transport an animal in any manner other than that certified in the permit.
16. The Competent Authority shall lay down rules and regulations on establishing the fitness of an animal for transport, maximum journey times, set regular rest intervals as well as feeding and watering times. Every effort should be made to reduce the long distance transport of live animals, particularly for killing/slaughter (with animals being slaughtered locally, and carcasses transported instead of live animals).
17. International trade, long distance transport and transportation by sea or air shall only be carried out under special licenses/permits from the Competent Authority. Such licenses/permits shall contain additional conditions/requirements, as well as taking necessary measures to protect individual species. Such transport shall be prohibited for species with particular welfare problems during above mentioned transport.

(7) Both the transporter and the owner of the animal (if different) shall be responsible for ensuring compliance with these provisions

(8) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## Section 20 Humane Killing and Slaughter of Animals

(1) Without prejudice to the prohibition of killing animals according to Section 9 and notwithstanding Section 7, the killing of an animal has at all times to be carried out in compliance with the subject Act as well as in a humane way and in such a manner that the animal is spared any avoidable pain, suffering, injury, fear or distress.

(2) Without prejudice to the prohibition of killing animals according to Section 9 and notwithstanding Section 7, the deliberate killing of vertebrates is only allowed to be performed by veterinarians or trained and registered, certified, or licensed veterinary assistants under the supervision of a veterinarian. This is not applicable to

1. Professionally skilled killing of farmed or game animals;
2. Emergency killing; or
3. Professional 'pest' control work.

(3) It is prohibited to kill or slaughter any animal without prior and effective anaesthetisation or stunning before death supervenes without the recovery of consciousness (for example, through exsanguination in commercial slaughter); unless animals are killed instantaneously. In cases where stunning or anaesthetisation do not produce immediate unconsciousness, the induction of unconsciousness must be completely non-aversive, and not cause any pain, suffering, injury, fear or distress. When stunning is used to induce unconsciousness before slaughter, the time between stunning and exsanguinations must be kept as short as possible to prevent animals recovering from the stunning before exsanguination.

(4) If in the case of an emergency killing it is not possible to render prior effective anaesthetisation or stunning to the animal, killing or slaughter shall be performed in such a manner that minimises any pain, suffering, injury, fear or distress.

(5) An animal's life shall not be terminated

1. By drowning or any other method of suffocation;
2. By using any poisonous substance or drug, except when administered by a veterinarian or a certified, licensed or registered veterinary assistant under the supervision of a veterinarian;
3. Using any percussion instrument which does not produce the effect required in sub-section (1) and (3); or
4. By electrocution, unless preceded by immediate induction of loss of consciousness.

(6) In all cases, the person responsible for terminating the animal's life shall ensure that the animal is dead before the carcass is manipulated, disposed of or used in any way (such as butchering or skinning).

(7) Only persons who have the necessary professional, technical and personal knowledge and skills (and have received appropriate training) shall perform tasks connected to the killing/slaughter process: animal unloading and movement; accommodation and care of the animal in the lairage and slaughterhouse; and the restraint, stunning and anaesthetisation as well as the humane killing, slaughtering and exsanguination of the animal. The Competent Authority shall establish a system of certification to enable personnel to demonstrate compliance with these requirements.

(8) All slaughterhouses and their installations, equipment and instruments must be designed, constructed, maintained and operated in a way that the well-being of the animal is safeguarded and any pain, injury, suffering, fear or distress avoided as far as possible. All businesses operating and managing slaughterhouses shall be

authorised in accordance with Section 29.

(9) No installations, equipment, instruments and substances/preparations for the stunning, killing or restraint of animals shall be used commercially without first obtaining a licence from the Competent Authority according to Section 29.

*(10) The Competent Authority may wish to add a provision here to set out any desired restrictions or conditions concerning home killing/slaughter for personal consumption. If this is the case, then the need to comply with general conditions for humane killing/slaughter need to be stipulated, including the requirement to spare the animal avoidable pain, distress or suffering during the process.*

*(11) Ritual/religious slaughter: The Competent Authority may decide to completely prohibit ritual/religious slaughter, or to restrict this significantly – only allowing this in especially established and authorised slaughterhouses and solely designated for the consumption of the relevant religious community. Here, consideration could be given to specifying which religious grouping should be entitled to these exemptions, and explicitly limiting quantities according to the size of the individual community. In any case where ritual/religious slaughter is permitted, then it should be well controlled, and clear labelling made compulsory. If permitted on this basis, then the Competent Authority would need to establish further detailed conditions and requirements.*

*If a decision is taken to prohibit ritual/religious slaughter, then relevant constitutional provisions (for example, regarding religious freedoms) would need to be examined, and consideration given as to whether a constitutional amendment is necessary to accommodate this approach.*

12) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## **Section 21 Principles of Animal Training**

(1) Notwithstanding Section 7, the training of any animal for sports, performance, or exhibition has to be accomplished in compliance with the subject Act, as well as in a humane way, using only positive reinforcement and natural behavioural traits as opposed to negative reinforcement or punishment, and in such a manner that the animal is spared any avoidable pain, suffering, injury, fear or distress.

(2) No person or business shall exhibit or train any animal for commercial competitive or public sports, performances or exhibitions; unless he/she is registered and authorised in accordance with Section 29.

(3) The Competent Authority shall prohibit [or restrict] the training of certain species of animals or the training of animals for certain types of sports, performances or exhibition, if this could impair the welfare of the animals.

(4) The Competent Authority shall prohibit [or restrict] the use of any substances or drugs to enhance an animal's performance or modify its behaviour or temperament for sports, performance or exhibition purposes.

(5) The Competent Authority shall prohibit [or restrict] the use of certain technical training devices, aids or tools which could impair the welfare of animals trained for sports, performance or exhibition.

(6) A person shall not use a live animal as lure or bait to train a dog or any other animal, or to test his or her aggressiveness.

(7) The Competent Authority shall carry out unannounced inspection visits to ensure that any animal training complies with the requirements of this Act and any regulations [and, as appropriate, 'Welfare Codes', standards and guidance] made under it.

(8) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.



# CHAPTER 4: SPECIFIC CATEGORIES OF ANIMAL USE

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## **Section 22 Companion Animals (Pet Animals)**

- (1) The Competent Authority shall support education and awareness of responsible companion animal ownership, including within schools.
- (2) Where there is a problem with stray management, over-population, or concerns connected with animal welfare, rabies or other health/safety problems; there shall be compulsory registration and identification of dogs, cats or any other species of companion animal involved. Where compulsory registration is introduced, the Competent Authority shall establish a public database to record registration information.
- (3) The Competent Authority shall introduce compulsory vaccination against any prevalent preventative zoonotic diseases, including rabies.
- (4) The Competent Authority shall implement or support services to reduce stray populations, including free or low cost spay-neuter services for feral cats and dogs, and dogs and cats owned by disadvantaged people or kept as community animals.
- (5) Any owned dogs, cats, and other animals which are allowed to roam freely shall be spay-neutered, at the owner's expense if no governmental or other free spay-neuter services are available, to prevent further over-population.
- (6) Whenever population control measures are to be undertaken, the most humane and effective methods shall be used at all stages of the process. The Competent Authority shall support and encourage the use of Trap, Neuter and Release (TNR) programmes for feral and wild animals where population control measures are considered necessary and this is deemed to be in the welfare interests of the animals. In such cases neutering must be carried out by a trained veterinarian, and the animals returned to their original habitat after recovery.
- (7) In accordance with Section 9 (Prohibition of Killing Animals) it is prohibited to kill a healthy stray companion animal which has the opportunity of being placed in a home or taken by an animal shelter or sanctuary authorised in accordance with Section 29 or to a pound; or, in the case of feral cats and feral dogs, they can be neutered and returned to their habitat.
- (8) Animal shelters and pounds have a duty to try to rehome all healthy, animals suitable for adoption, through advertising and awareness, and making these readily available for adoption. Animals must be kept for a reasonable time period for reclaiming or adoption. Public pounds shall be open to members of the public for reclaim or adoption seven days per week.
- (9) The Minister responsible, the Ministry or the Competent Authority shall create a list of species which are allowed to be kept as companion animals, based on clear criteria including animal welfare (and other relevant concerns).

(10) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## Section 23 Animals Kept for Farming Purposes

(1) The Competent Authority shall prescribe minimum standards for housing systems for farmed animals, including bird housing and fish farming systems, to ensure that these meet the animal welfare requirements of this Act including, but not limited to, Section 12.

(2) A person shall not manufacture, keep in stock, sell, offer for sale, deliver, or in any manner make use of an animal housing system unless such a system is built, maintained and conforms to the prescribed minimum standards for animal welfare.

(3) The Competent Authority shall establish a scheme of prior approval for commercial animal housing systems and installations in accordance with Section 29. Such prior approval shall be based on application from the manufacturer, importer or retailer of these systems and installations; which shall be accompanied by a report stating how the system meets animal welfare requirements. All modern intensive farming systems shall incorporate a CCTV system to ensure effective monitoring and inspection.

(4) The Competent Authority may revoke a permit issued to a manufacturer, importer or retailer where

1. The information submitted at the time of the application was incorrect or misleading in such a manner that, had the information been known at the time the permit was granted, the application would have been rejected; or
2. In the opinion of the Competent Authority, circumstances exist which are detrimental to the welfare or safety of any animal.

(5) The Competent Authority may restrict the manufacture, importation, supply, sale or use of any housing system or installation which does not conform to the required animal welfare standards.

(6) The owner and keeper shall ensure that the condition and state of the health of an animal kept for farming purposes shall be thoroughly inspected at intervals sufficient to avoid unnecessary suffering; this shall be at least once a day, and more frequently in the case of animals kept in modern intensive farming systems and/or housing systems.

(7) The technical equipment used in modern intensive farming systems and/or housing systems shall be thoroughly inspected at least once a day; and any defect discovered shall be remedied with the least possible delay. When a defect cannot be remedied forthwith, all temporary measures necessary to safeguard the welfare of the animals shall be taken immediately.

(8) The Competent Authority shall inspect each farm at least once each year, to ensure continued compliance with this Act and any regulations [and 'Welfare Codes', standards and guidance] made under it.

(9) The Minister responsible, the Ministry or the Competent Authority shall adopt regulations to prohibit ways of keeping farmed animals, including birds and fish, which are manifestly inconsistent with the principles of animal welfare including, but not limited to, the use of certain types of cages and systems which are known to cause inherent animal welfare problems, such as: veal crates for calves; sow stalls (also known as gestation crates) and tethers for pregnant pigs; farrowing crates for sows; battery cages for egg laying hens; and the permanent confinement of dairy cows.

(10) The Minister responsible, the Ministry or the Competent Authority shall adopt regulations to prohibit the keeping of farmed animals, including birds and fish, for inessential, luxury products; particularly where their production incurs animal welfare problems, restricts their species-specific or behavioural needs, or affects their intrinsic value.

(11) The Minister responsible, the Ministry or the Competent Authority shall issue regulations to prohibit farming practices which are manifestly inconsistent with the principles of animal welfare, including: the keeping of animals in darkness; forced molting; plucking of down from live ducks and geese; force feeding of ducks and geese for 'foie gras'; and feeding calves with insufficient quantities of fibrous food to maintain them in good health and welfare.

(12) The Minister responsible, the Ministry or the Competent Authority shall create a list of species which are allowed to be kept for farming purposes, based on clear criteria including animal welfare. No new species shall be added to the list unless the Competent Authority is satisfied that there is a case of need; the requirements of this Act can be met at all stages of their life-cycle; and the animals' welfare can be maintained and provided for in a manner which meets all their species-specific and individual needs.

(13) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## **Section 24    Animals Used for Experimentation (including Science, Research, Testing and Education)**

(1) No person shall conduct any experiment on an animal without prior authorisation from the Competent Authority in the form of a personal license in accordance with Section 29. A personal license may only be granted where the applicant has the appropriate qualifications, training, experience and character.

(2) No person shall conduct any experiment on an animal without prior authorisation for the project in question from the Competent Authority, in the form of a project license, in accordance with Section 29. This authorisation shall take into account the opinion issued by the Animal Experimentation Sub-Committee referred to in Article 35 (4) of this Act. Such authorisation shall specify the practice for which it has been granted; the species and number of animals involved; the named person responsible for the experiment and the welfare of the animals; details of veterinary supervision; the period of validity of the authorisation; and any restrictions and conditions which the Competent Authority may determine.

(3) An application to carry out an animal experiment must be accompanied by an explanation as to ethical and scientific justification to conduct the experiment; and a full explanation of how the Three Rs have been taken into account in its design and planning.

(4) The Competent Authority shall only grant the authorisation referred to in Section 24 (2) for experiments that are intended to benefit the health or welfare of humans or animals or the protection of the environment; providing these also meet the following requirements:

1. There is a clear ethical and scientific justification for the experiment.
2. There is clear evidence that the Three Rs have been fully taken into account in the experiment's design and planning.
3. The experiment in question, and the associated keeping and care of the animals, comply with the provisions of this Act in all respects.
4. Such experiment complies with all subsequent regulations, ethical rules and standards prescribed by the Competent Authority.

(5) The internationally-recognised 'Three Rs' shall be stringently applied to the care and use of live animals for experimentation. These are

1. Replacement of animals with non-animal techniques,
2. Reduction in numbers of animals, and
3. Refinement of experimental methods.

Prime consideration should always be given to the avoidance of any methods using live animals: This means not carrying out any experiments using live animals whenever this could be avoided – by abandoning any non-essential experiments and/or using alternative non-animal methods. A non-animal method is considered to be valid for use if it has been approved. The government will consider on a case by case basis whether an alternative method is acceptable, and where there are standard methods, regularly update the list of animal tests that are no longer permitted due to the availability of alternative methods. Where replacement with an alternative method is not deemed possible, then the numbers of animals used should be reduced as far as possible (for example, by implementing testing strategies, such as the use of in vitro and other methods); and refining the methods, procedures and systems used, and care given to the maximum extent in order to minimise impact on animal welfare.

(6) It is explicitly prohibited to use animals in experiments for the following purposes:

1. The testing of weapons, ammunition or associated equipment, war equipment and the effects of radiation;
2. The research or development of tobacco products;
3. The research or development of alcoholic products and narcotics or other recreational drugs; or
4. The research or development of cosmetic products and household products (including chemical cleaning and disinfection products) or ingredients or combinations of ingredients primarily intended for these purposes.

The Competent Authority may add to this list of prohibited uses at any time, through the use of specific regulations.

(7) It shall be prohibited to carry out any experiment on a non-human primate or a cetacean which is not in the animal's welfare interests or has the potential of affecting the animal's longevity.

The Competent Authority may add to this list of species prohibited for the purposes of animal experimentation at any time, through the use of specific regulations.

(8) It shall be prohibited to import, export, sell or offer for sale, any products which have been developed or tested using animal experimentation since the date when the use of animals for the said purpose was explicitly prohibited.

(9) A person shall not conduct an experiment on any animal which has not been purpose-bred in a breeding centre licensed by the Competent Authority in accordance with Section 29.

(10) Animal experiments shall only be conducted in premises that have been specifically licensed for this purpose by the Competent Authority in accordance with Section 29.

(11) No person shall work with animals in experimentation unless they have the qualifications, training and competence to satisfy the requirements of this Act and any subsequent regulations, ethical rules and standards prescribed by the Competent Authority.

(12) It shall be the duty of the named person responsible for the experiment to ensure that the experiment on an animal is conducted in accordance with the authorisation provided by the Competent Authority and the provisions of this Act and any subsequent regulations, ethical rules and standards prescribed by the Competent Authority. Every experiment shall have veterinary supervision to ensure the welfare of the animal.

(13) The named person responsible for the experiment shall ensure that, where the animal on which the experiment is being carried out could experience pain, injury, fear or distress as a result of acts carried out without anaesthesia, a general or local anaesthetic is administered to the animal to prevent these adverse states impacting its welfare.

(14) The named person responsible for the experiment shall also ensure that an animal which, if allowed to live, would suffer pain or distress for a prolonged period as a result of an act performed as part of the experiment, is

immediately put to death humanely. In no case should any animal be used for more than one experiment unless this is benign research which has not impaired the animal's welfare in any way.

(15) Detailed records must be kept of the animals bred, sold and acquired for experiments; the number of experiments and procedures carried out on animals and the animals discarded and not subsequently used; including species and numbers of animals involved in each category. These records shall be submitted to the Competent Authority at least once a year in the format required by the Competent Authority.

(16) The results of all animal experiments shall be made available to the Competent Authority to enable them to assess any duplication. The Competent Authority has the authority to make any results available to the public, if this is in the public interests: This includes the need to avoid duplication of animal experimentation and the development of inessential or unnecessary experiments. The Competent Authority shall publish electronically an annual overview of experiments licensed, including the numbers, species and broad areas of use.

(17) The Competent Authority shall inspect each licensed breeding facility and licensed premises where animal experiments are carried out at least once per year. Such inspections shall be aimed at ensuring compliance with the requirements of this Act and any subsequent regulations, ethical rules and standards prescribed by the Competent Authority, and include: physical checks on the premises, facilities and equipment; systems and procedures; the welfare of the animals used in experimentation (including care and housing); and record inspections.

(18) Animals shall not be used for teaching or educational purposes unless their welfare can be protected at all times; the use is considered essential; and alternatives that do not require the use of animals are not available.

(19) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## **Section 25 Wildlife and Animals Kept in Zoos/Aquaria**

(1) The government and all citizens shall make every effort to prevent and avoid detrimental impacts on the welfare of wild animals at large in nature, or in protected areas (such as national parks, wildlife and marine reserves, and conservation areas) by human activities, development and land use.

(2) The Competent Authority shall introduce and use a system of animal welfare impact assessment as a basis for the identification and evaluation of potential detrimental impacts. It is granted the power to introduce any prohibitions, conditions and requirements deemed necessary to prevent such detrimental impacts.

(3) It is prohibited to harm, harass, wound, mutilate, take or kill any wild animal at large in nature, or in protected areas (such as national parks, wildlife and marine reserves, and conservation areas), unless there is a genuine, ascertainable risk to human/animal health or welfare, which can reasonably be shown to outweigh the interests of the wild animal, and the method used causes the least possible pain, suffering, injury, fear or distress.

(4) Where there is overpopulation of wild animals in nature or protected areas, which could lead to starvation, suffering, fear or distress, every effort should be made to carry out humane population management measures, avoiding unnecessary deaths or welfare impacts. Where all possible alternatives have been fully explored and exhausted, and the conclusion is that there is no alternative but to carry out culling, this should be carried out by a professional hunter in such a manner as to prevent suffering, in accordance with the provisions of this Act. No animal culled as part of a conservation process can be used for commercial purposes. All population management measures should take account of the need to avoid disruption to social hierarchies and/or family groupings.

(5) In order to protect indigenous wildlife and their habitats, the Competent Authority shall strictly control the introduction of non-native species. Only indigenous wildlife shall be kept in nature and protected areas.

(6) It is prohibited to take, remove, destroy, harm or disturb any nests, eggs or breeding sites in the wild.

(7) The Competent Authority shall establish a positive list of wild animal species which are permitted to be kept by private individuals and organisations. This list shall only include species for which the requirements of this Act can be met at all stages of their life-cycle. It shall be regularly reviewed in order to take into account any relevant advances in animal welfare science and/or any emergent welfare problems.

(8) Any hunting or killing of captive wildlife on private property shall only be permitted if prior authorisation has been granted by the Competent Authority, in the form of a hunting license specifying the property in question and the species to be hunted in accordance with Section 29. Each hunting premise shall keep full records of all wild animals; including species kept, number, and their origin and disposal.

(9) The only persons who shall be permitted to hunt on licensed hunting premises shall be individuals who have received a hunting proficiency certificate issued by the Competent Authority and professional hunters who have an advanced proficiency certificate issued by the Competent Authority. In all cases, hunting must be by, or under the supervision of, a professional hunter. The professional hunter shall be responsible for ensuring that animal welfare requirements and the provisions of this Act are met. Any person, who has been convicted for violating any animal protection provision, or for any act of violence or aggression against humans, shall be considered ineligible for a hunting proficiency certificate.

(10) Hunting with dogs, from horseback, or from vehicles or aircraft is prohibited.

(11) Hunting must always use humane killing methods, which meet the criteria set out in Section 20.

(12) The capture, restraint, entanglement, immobilisation or killing of wild animals by inhumane methods including, but not limited to, snares, leg-hold traps, glue-boards or other adhesive traps, anti-coagulant poisons, bows, crossbows, and explosives other than firearms ammunition is prohibited. The use of methods deemed inhumane and not recommended for authorisation by the Animal Welfare Committee are likewise prohibited; as is the sale, offering for sale, advertising, import and export of such unauthorised catching, trapping or killing devices, including poisons.

(13) Any wild animals injured but not killed during hunting or culling must be immediately found and humanely killed.

(14) The capture, chasing or killing of wild animals for entertainment is prohibited.

(15) The hunting or killing of wild animals for inessential purposes such as trophies; decorations; cosmetic and vanity products; and medicinal products and potions which do not have proven beneficial health effects shall not be permitted. The sale, offer for sale, import or export of such wild animal trophies; decorations; cosmetic and vanity products; medicinal products and potions shall be prohibited.

(16) Where wild animals come into the human domain and are considered to be causing considerable danger, health hazard or nuisance, then every effort should be made to ensure that any deterrent or population management measures are carried out humanely, avoiding unnecessary deaths or adverse welfare impacts. Wherever possible, humane preventative measures must be taken as opposed to remedial action. Where all possible alternatives have been fully explored and exhausted, and the conclusion is that there is no alternative left but to capture, entrap or kill such animals, and there is any reason to believe that if this is not carried out professionally there may be a danger of a breach of the provisions of this subject Act or any regulations made under it, this should only be carried out by a veterinarian, a licensed animal control/'pest' control professional or a professional hunter (as appropriate) - who has been trained and certified in humane control methods and authorised in accordance with Section 29 for the species in question. Only methods of capture, entrapment or killing authorised by the Competent Authority, on the advice of the Animal Welfare Committee which has deemed these to be humane and in accordance with the provisions of this Act, shall be used for this purpose.

(17) Wild animals should not be kept in captivity unless there is an ethical justification for their captivity based on

a proven and overriding benefit to human or animal life, conservation or welfare; the requirements of this Act can be met at all stages of their life-cycle; and the animal's welfare can be maintained and provided for in a manner which meets all their species-specific and individual needs; including an environment as close to their natural habitat as possible (which permits the performance of natural behaviours), and the provision of specialist veterinary expertise.

(18) In cases where such use is permitted by the Competent Authority in accordance with Section 29, the authorisation process in Section 16 shall be followed, and the Competent Authority shall closely monitor compliance with this Act, with a view to prohibiting categories of use or individual authorisations in all cases where compliance cannot be ensured.

(19) Zoological gardens (Zoos and Aquaria) shall only be authorised (as per Section 16 and in accordance with Section 29) if they have been accredited by the World Association of Zoos and Aquaria (WAZA), and they can demonstrate that they are carrying out valuable conservation programmes aimed at breeding and reintroducing endangered wild animals back into sustainable wildlife habitats; and are carrying out effective conservation and animal welfare work, including benign wildlife welfare research.

20) The Competent Authority may authorise the temporary keeping of wild animals for the purpose of providing an injured, damaged or otherwise impaired wild animal with the proper medical and veterinary treatment and necessary care for a recovery to full health in a wildlife rehabilitation centre authorised in accordance with Section 38 before its release back into free nature (or keeping in an authorised animal sanctuary if such release is not possible or in the animal's welfare interests, given its current physical or psychological condition).

(21) It shall be a requirement of the authorisation for keeping wild animals to keep accurate and up-to-date records of all wild animals held, including species, numbers, births, deaths, acquisitions (and origins) and disposals (and destinations). There shall also be a written programme of veterinary care prescribed by a veterinarian with experience of caring for the species. This data shall be submitted to the Competent Authority in an annual return, and they shall ensure that details are entered onto a centralised system to secure traceability and effective enforcement. The Competent Authority shall check each premise keeping wild animals at least once each year, to ascertain compliance with this Act and that measures are in place to prevent any risks to animal welfare and public health; including necessary veterinary checks. Any movements of wild animals shall be notified to the Competent Authority, and no movements shall take place to persons or premises not authorised to keep wild animals.

(22) It is prohibited to keep or breed wild animals for obtaining furs or other inessential luxury products.

(23) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## **Section 26     Animals Used for Work**

(1) Only animals of appropriate breeds or species which are able to carry out the designated work without detrimentally affecting their welfare, shall be used for work. No non-domesticated animal shall be kept for work purposes.

(2) An animal shall not be worked when in poor health, or too young or old to be worked without welfare implications. In all such cases, the animal shall be cared for humanely, and in accordance with the requirements of this Act.

(3) There shall be reasonable limitations on the intensity and duration of the work to be performed by a working animal; including appropriate periods of rest and relaxation. No working animal shall be over-worked, over-loaded, over-driven or made to perform any work that stretches their natural capacities.

(4) Animals used for work shall be provided with adequate shade and shelter, a soft lying area which is free from

any dangerous objects, and adequate space for relaxation during rest periods. In warm climates, effective measures shall be taken to prevent heat stress in animals used for work.

(5) The equipment and fixtures for animals used for work shall be designed to ease carrying capacity and movement, and prevent any bodily damage, injury, harm or strain. No equipment, harnesses, carts, tethers, saddlery, shoes etc. shall be used that compromise the welfare of animals used for work.

(6) Every possible preventative measure shall be taken to avoid road accidents and traffic hold-ups involving animals used for work. Animal carts and vehicles and burden carrying animals used on roads shall be made well visible; and not used in conditions of darkness without appropriate lighting.

(7) Dogs used for work must be under effective control of the human handler at all times, and muzzled where there is any risk of aggression.

(8) Both the owner and the handler (if different) of any animal used for work shall be responsible for ensuring compliance with these provisions.

(9) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## **Section 27      Animals Used for Sports, Leisure and Entertainment**

(1) Animals shall only be kept for sports, leisure and entertainment in cases where all the requirements of this Act can be met at all stages of their life-cycle; and the animal's welfare can be maintained and provided for in a manner which meets all their species-specific and individual needs, including the provision of specialist veterinary expertise.

(2) In cases of commercial use of animals for sports, leisure or entertainment, where such use is permitted by the Competent Authority, the authorisation process in Section 16 shall be followed, in accordance with Section 29, and the Competent Authority shall closely monitor compliance with 21 (1) above, with a view to prohibiting categories of use or individual authorisations in all cases where compliance cannot be ensured.

(3) Keeping any species of wild animal for the purposes of sports, leisure and entertainment is prohibited: This prohibition will include circuses, dolphinariums and variety shows (whether itinerant or stationary).

(4) The organising, promotion or advertising of any sport, leisure or entertainment using wild animals is prohibited.

(5) A person shall not organise any sport or event that tests the speed, strength or endurance of an animal unless such sport or event is held in accordance with regulations made under this Act.

(6) A person shall not promote, arrange, participate in, attend, assist at, receive money for or in any way facilitate any event involving the harassing, harming or tormenting of any animal.

(7) Bullfights and rodeos shall be prohibited.

(8) Animals shall not be used for film, still photographs, video or television productions unless their health and welfare can be assured, in training, during production and post-production.

(9) Both the owner and the handler (if different) of any animal used for the purposes of sports, leisure or entertainment shall be responsible for ensuring compliance with these provisions.

(10) The Competent Authority shall regularly re-evaluate the use of animals for the purposes of sports, leisure or entertainment, with a view to prohibiting any uses which can no longer be justified or have been seen to, or are

likely to, impair animal welfare (at any stage of the process – including breeding, training, keeping, transport and killing or disposal).

(11) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.



# CHAPTER 5: IMPLEMENTATION AND ENFORCEMENT PROVISIONS

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## Section 28 Authorities

(1) The Competent Authority responsible for the central animal welfare policy and administrative implementation and enforcement of this Act and any regulations [and 'Welfare Codes', standards and guidance] made under it shall be *[Complete as appropriate. For instance: the Minister or Ministry of Agriculture, Fisheries and Food; of Environment; of Health; of Interior or of Justice]*.

(2) The Competent Authority has to ensure that any secondary legislation [and 'Welfare Codes', standards and guidance] is drafted consistently with the Act, and shall also be responsible for issuing implementation and enforcement instructions and guidance. It may authorise the Veterinary Services to draft or co-ordinate regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] and/or instructions and guidance of a technical nature. It shall also provide advice and guidance on animal welfare matters.

(3) The implementation and enforcement of compliance with the provisions of this Act and any regulations [and, as appropriate, 'Welfare Codes', standards and guidance] made under it shall be the responsibility of all government officials whose work covers animal issues and/or education and awareness (including but not limited to: veterinary and zoo-sanitary inspectors, veterinary and agricultural extension officers, nature conservation officers/wildlife officers, educators, government communication officers, traffic officers, customs officials and municipal stray management authorities).

(4) The organs of the public security/police shall by virtue of their office be deemed to be enforcement officers/Animal Welfare Inspectors for the general purpose of this Act.

(5) All [regional governments] and local authorities shall also have a duty to enforce this Act and any regulations [and, as appropriate, 'Welfare Codes', standards and guidance] made under it.

(6) A local government authority may make by-laws for the effective implementation and enforcement of this Act in its area of jurisdiction.

(7) The Competent Authority may also appoint as Animal Welfare Inspectors, proficient and experienced animal welfare professionals, including: employees of animal welfare organisations, registered veterinarians and para-professionals. Such appointed Animal Welfare Inspectors shall be given the specified law enforcement powers needed to fulfill their mandate.

(8) Only appropriately trained and experienced professionals shall be licensed as Animal Welfare Inspectors by the Competent Authority or its duly authorised agents.

(9) All enforcement and inspection of the present Act shall be carried out under the supervision of the Competent

Authority, which shall also bear responsibility for ensuring that regular inspections are carried out on all authorised/licensed/registered concerns using animals.

## Section 29 Authorisations

(1) Authorisation is required for certain activities involving sentient animals. These would include, but not be restricted to, the following:

1. Keeping or breeding animals within the scope of business or economic activities (as per Section 16), including any species or use as well as animals for commercial sale and animal boarding (e.g. kennelling or livery);
2. Operating a riding or carriage business (as per Section 16 and Section 26);
3. Live animal traction or haulage businesses (as per Section 16 and Section 26);
4. Trading, dealing or sale of animals as a commercial activity (as per Section 17), including: live animal importers or exporters; live animal markets, traders or auctions; 'pet' shops/companion animal sellers;
5. Receiving abandoned, stray or lost, or confiscated animals (as per Section 18);
6. Commercial transport of live animals (as per Section 19);
7. Live animal assembly centres or staging posts (as per Section 19);
8. Operating and managing a slaughterhouse, or any other establishment killing animals for a business or economic activity (as per Section 20);
9. Training any animal for performance, sports or exhibition, including dog training facilities (as per Section 21);
10. Operating an animal shelter, animal sanctuary or wildlife rehabilitation centre (as per Sections 18, 22 and 38);
11. A positive list of the species of animals which may be kept as companion animals (as per Section 22);
12. Commercial animal housing (as per Section 23);
13. Animal experimentation or research (personal licences, project licenses, premises licenses and breeding establishment licenses) (as per Section 24);
14. Hunting (property/species and hunters) (as per Section 25);
15. Animal control businesses (including 'pest control') (as per Section 25);
16. Zoological gardens (Zoos and Aquaria), where permitted for conservation purposes (as per Section 25);
17. Any other keeping of wild animals (as per Section 25);
18. A positive list of wild animal species which are permitted to be kept by private individuals and organisations (as per Section 25);
19. Facilities or businesses using animals for entertainment, leisure, sports or exhibition, including circuses and variety shows (*if permitted*) (as per Section 27); and
20. The use of animals for film, still photographs, video or television productions (as per Section 27).

*This authorisation shall usually be in the form of a license issued by the Competent Authority or their authorised agents. This shall specify not only the activity, but also the species of animals covered.*

*Whereby this list is just a suggestion and shall not be seen as exclusive.*

*(2) More detailed provisions on the minimum requirements for the housing and care of animals; the essential professional, technical and personal skills for persons working in all areas of animal keeping and care; and the operation of the enforcement, authorisation and licensing system shall be determined by regulations [and, as appropriate, 'Welfare Codes', standards and guidance] of the Minister, the Ministry or the Competent Authority. This applies to all of the above activities requiring authorisation by the Minister, the Ministry or Competent Authority. With regard to authorisation procedures, these will include aspects such as: application and authorisation/licensing procedures; inspections; powers of entry and access to records; reporting and record keeping requirements; and access to animal keeping facilities.*

## Section 30 Nature of Enforcement

Enforcement shall consist of a mixture of: regular proactive inspections, ad-hoc inspections, general supervision, investigations into contraventions, and routine education and awareness. Inspection visits may be announced or unannounced. Preventative work shall be an important part of the enforcement process, and include education and awareness, information and advice (particularly as concerns proper animal keeping and care). Inspections shall be carried out based on risk assessment; random selection of inspection sites; regular, periodic inspections; and after becoming aware of an act done in contravention of the provisions of this Act. Inspection shall also be carried out simultaneously with the other supervision performed in relation to animal issues (as per Section 28 (3) above).

## Section 31 Powers of Enforcement Bodies

(1) The bodies responsible for the enforcement of the present Act shall have access to premises, installations and equipment, vehicles, records and animals in order to review compliance with the subject Act or with any imposed prohibition to kept animals.

(2) The owners, managers or people in charge of the premises, installations and equipment, vehicles, records and animals shall enable the enforcement to be carried out; providing the required records, data, information and documentation to the Animal Welfare Inspector, and ensuring conditions for unhindered inspection.

(3) Upon the request of the Animal Welfare Inspector the owners, managers or people in charge must submit or prepare, within a specified time period, the prescribed records, data, information and documentation that the Animal Welfare Inspector requires for enforcement of the subject Act.

(4) The Competent Authorities and Animal Welfare Inspectors shall in particular have the following powers:

1. To make announced or unannounced inspection visits and to enter, examine and control, any premises, installations, equipment and vehicles used for animals; as well as to examine any animals;
2. To enter any premises or vehicle used for housing or transporting animals;
3. To require any person in or on the premises to give the inspector such assistance as is reasonable;
4. To examine any relevant records and CCTV footage, and to seize any record relating to suspected infringements;
5. To record evidence of suspected infringements; including the taking of video or photographs and witness statements;
6. To take and remove samples from the animal or premises;
7. To terminate any infringements of this Act, including any infringements of this Section, by order or by reasonable force;
8. To provide relief or to seize any animal which is kept in a condition which is causing or will lead to pain, suffering, injury, fear or distress for the animal if no effective remedy is provided and the person responsible is not willing or able to counteract the situation/abuse;
9. To arrange the painless killing of any animal for which the continuation of life would be involved with irremediable pain, suffering or distress; and
10. To arrange veterinary inspection of animals in case of doubt (of compliance with subject Act).

(5) For an animal which has as per Section 31 (4) been relieved or seized from its owner/keeper the provisions of Section 18 (1) and (2) apply accordingly.

*Here regulations could be added covering the details for the relief and seizure of animals, including: The need to issue a receipt for any animal seized; the return of the animal when the requirements of this Act have been met; the period of time during which the animal will be safeguarded for the owner/keeper on his behalf before being either returned to the owner/keeper in cases where any infringements have been remedied, or the animal is finally confiscated and declared forfeited due to the expiry of this deadline.*

## Section 32 Improvement Notices

(1) In cases where an enforcement officer/Animal Welfare Inspector under this Act (according to Section 28) is of the opinion that a person who owns, keeps, or is in charge of an animal is failing to comply with the duties of care accorded by the provisions of this Act, or contravenes any of its provisions (particularly the requirements of Section 12 (1) - (5)), the said enforcement officer/Animal Welfare Inspector may serve to the person a notice which

1. States that he is of that opinion;
2. Specifies the respects in which he considers the person is failing to comply with the provisions of this Act;
3. Stipulates the precise steps he considers need to be taken to rectify/remedy the defects and to comply with the provisions of this Act;
4. Defines a period for the successful taking of those steps; and
5. Explains the effects of subsections (2) and (3).

(2) In cases where a notice of improvement under subsection (1) is served, no proceedings for an offence specified in this improvement notice may be instituted before the end of the period stipulated for the compliance.

(3) If the person fully complies with the requirements of the improvement notice within the specified time period, no proceedings for any offence specified in the improvement notice will be brought forward.

## Section 33 Duty to Alert and Report Offences and Duty to File a Criminal Complaint

(1) Anyone who has reasons to believe that any sentient animal is exposed to mistreatment, cruelty or serious neglect with regard to environment, attention/supervision and care shall as soon as possible alert the Competent Authority or the Police. The duty to alert applies subject to the limitations of other legislation.

(2) Anyone who becomes aware that a number of wild or stray animals are exposed to sickness, injury or other abnormal suffering shall as soon as possible alert the Competent Authority or the Police.

(3) In addition, the Competent Authority shall encourage citizens to report any animal welfare infringements for further investigation and action.

(4) The Competent Authority is obliged to take action on each such alert or report: recording, verifying and investigating; and taking appropriate remedial action where necessary.

(5) The Competent Authority is obliged to file a criminal complaint when a violation according to Section 43 (1) has been committed intentionally.

## Section 34 Charges and Fees

(1) As far as the subject Act does not state otherwise the enforcement is free of charge.

(2) The Minister, the Ministry and/or the Competent Authority is entitled to make provisions for the invoicing of fees or charges to cover costs of certain administrative measures, i.e. for authorisations (licenses, permits, certificates, registrations etc.), supervision, control as well as specific services under the subject Act and subordinate regulations stipulated under the Act.

## Section 35 Animal Welfare Committee

(1) The Competent Authority shall appoint an Animal Welfare Committee which shall advise and assist the Minister, Ministry and/or Competent Authority on all animal welfare issues. The remit of the Committee shall include the following:

1. Assisting with the development of a national animal welfare policy and strategy; and the periodic review of such policy and strategy;
2. Providing recommendations and advice regarding animal welfare to public institutions; including new ethical, scientific and practical perspectives;
3. Providing suggestions and advice on the review of animal welfare legislation (*primary as well as secondary*), 'Welfare Codes', standards and guidance; and enforcement and execution procedures;
4. Assisting in drafting any regulations, 'Welfare Codes', standards and guidelines with regard to the enforcement and execution of the subject Act;
5. Reviewing and assessing methods of capture, entrapment and killing of animals, in order to make recommendations to the Competent Authority on those which are deemed to be humane and in accordance with the provisions of this subject Act and should therefore be included in the permitted list; and those which do not meet this criteria and should therefore be prohibited;
6. Monitoring, reviewing and evaluating the enforcement and execution of the subject Act, and providing recommendations for any changes or enhancements necessary;
7. Providing recommendations and advice on future animal welfare research priorities;
8. Helping to develop animal welfare awareness education and campaigns for animal owners, keepers, users, and society; and
9. Administering a special fund to support programmes designed to build and develop animal welfare education, awareness and practical programmes.

*Whereby this list is just a suggestion and shall not be seen as exclusive.*

2) As regards the composition of the Animal Welfare Committee, it shall have a good balance of members from the fields of animal welfare, animal care, animal use, professionals and independent scientists (including veterinarians and animal behaviourists), as well as other professionals who could contribute positively to deliberations, including ethicists. Government employees may also be appointed, where animal welfare expertise and experience is present. Appointments shall be on a personal basis, and all representatives shall be selected on the grounds of expertise and sympathy to animal welfare objectives. The committee shall contain a high proportion of animal welfare experts and professionals, including representatives from leading (and/or specialist) animal welfare organisations. It shall include expertise in all major categories of animal welfare. Further rules on Committee membership shall include

1. The membership is an unpaid honorary appointment, and each member shall have an agreed deputy who may replace the member in the case of an absence.
2. The Committee shall appoint specialist sub-committees from amongst its members, covering each of the major categories of animal welfare issues:
  - 1) Companion animals (pets) – including stray dog and cat management;
  - 2) Animals kept for farming purposes – including fish farming;
  - 3) Animals used for experimentation – including science, research and testing;
  - 4) Wildlife – including pest control, and animals in zoos/aquaria;
  - 5) Animals used for work; and
  - 6) Animals used for sports, leisure and entertainment.
3. Sub-committees may invite non-officio members to contribute advice or opinions on specific issues under discussion including, but not limited to, species experts.

4. In addition to including professional ethical expertise, ethical training shall be given to all members of the Committee.

(3) The Competent Authority shall agree on detailed operating procedures and rules for the Committee, which shall include (but not be limited to) the following:

1. The committee/council is independent and shall not be bound by any instructions regarding the performance of its duties.
2. Procedures for the selection and appointment of Committee members, including the duration of the time of office and re-election arrangements.
3. Procedures for voting and decision-making.
4. Procedures for agreeing the criteria and modus operandi for authorisations, including monitoring and reviews.
5. The Committee shall be granted full access to all relevant information and facilities necessary to fulfil its obligations and meet its responsibilities.
6. Committee and Sub-Committee reports will allow minority views to be written up, and appended to the report.
7. All Committee and Sub-Committee reports (including appended minority reports) shall be openly available to the public.
8. The Committee shall prepare an annual report on its work and forward to the Minister, by *[time limit]* of each year. The annual report shall contain separate reports for each Sub-Committee. It shall incorporate a review of all recommendations made by the Committee, and action taken (or pending).

(4) The Sub-Committee for animal experimentation shall give opinions on ethical and animal protection issues in relation to the use of animals for experimental and educational purposes; including the establishment of an ethical review system for the review and authorisation of animal experiments.

(5) The Minister and Competent Authority is obliged to give full consideration to the views of the Committee before issuing any regulations ['Welfare Codes', standards and guidelines] under this Act.

## **Section 36 Animal Welfare Ombudsman**

(1) The Minister or the Competent Authority shall appoint an Animal Welfare Ombudsman to act as an independent arbiter for the welfare of animals as well as their individual interests. The Ombudsman's remit will include the resolution of any complaints or conflicts concerning animal welfare matters and the correct application of this subject Act.

(2) The Animal Welfare Ombudsman shall be appointed for a period of five years, whereby a multiple number of reappointments is possible. Only such persons can be appointed who have completed appropriate professional studies and have undergone additional training in the field of animal welfare.

(3) The Animal Welfare Ombudsman shall be supported by an office [and have out-stationed representatives in each state/province/district]. The Ombudsman's office shall include animal welfare lawyers/advocates, qualified to assess and adjudicate on matters of animal welfare law, and to represent the interests of animals in court.

(4) The Competent Authority, officials, Animal Welfare Inspectors and the Animal Welfare Committee have an obligation to support the Animal Welfare Ombudsman in the exercising of his or her duties, including providing advice, assistance and access to records, statistics and data.

(5) The Animal Welfare Ombudsman and his or her staff shall be granted full access to all files of the proceedings and any relevant information relating to cases within its jurisdiction.

(6) The Animal Welfare Ombudsman shall, where necessary, arrange for his or her legal staff to represent the

individual interests of any animal as its legal agent in administrative or criminal proceedings; and assume the status of a party in any stage of the process according to the subject Act.

(7) The Animal Welfare Ombudsman is independent and not bound by any instructions in exercising his or her duties.

(8) The Animal Welfare Ombudsman and his or her staff shall not engage in any activities which are inconsistent with their sphere of duties, and/or may suggest that their position might not be impartial.

## **Section 37     Animal Welfare and Protection Organisations/Humane Societies**

(1) The Minister, the Ministry or the Competent Authority shall involve animal welfare and protection groups/humane societies in all animal related matters. In particular, there shall be full consultation and representation in all relevant discussions and decision-making, with due weight being placed on the advice and opinions of these organisations.

(2) No organisation or individual may call itself an animal welfare or animal protection organisation (or a humane society) unless they are a registered non-profit organisation whose main mission, purpose, objectives and programmes are aimed at the promotion and development of animal welfare.

(3) The Minister, the Ministry or the Competent Authority can approve and appoint any suitably skilled and experienced animal welfare and protection organisations/humane societies to assist in the enforcement of this subject act and any provisions based on it.

(4) To qualify for such approval the organisation/society has to meet the following requirements and conditions:

1. That its main mission, purpose and objective is to promote and support animal welfare;
2. That the organisation/society simultaneously aims at serving the interest of the general public;
3. That the organisation can assure the Competent Authority that it is willing and able to fulfil all the required tasks and duties on behalf of the authorities in a professional and effective manner; and
4. That the organisation/society applies for approval in the required format.

(5) Any approved animal welfare and protection organisation/humane society may suggest suitable persons for the function of an 'Animal Welfare Inspector' according to Section 28 (7) and (8) of this subject Act. This person can be a member/employee of the said animal welfare and protection organisation/humane society, and has to possess the professional knowledge, technical skills, competence and experience to qualify for the position of an Animal Welfare Inspector.

(6) In the case of any conflicts arising for such an Animal Welfare Inspector between the duties as a member/employee of an animal welfare and protection organisation/humane society and the position of an Animal Welfare Inspector under the subject Act, the duties of an Animal Welfare Inspector according to the subject Act shall prevail.

## **Section 38     Animal Shelters, Animal Sanctuaries and Wildlife Rehabilitation Centres**

(1) An animal shelter, animal sanctuary or wildlife rehabilitation centre may be established by a registered non-profit organisation or a natural or legal person.

(2) Animal shelters, animal sanctuaries and wildlife rehabilitation centres fall under the category of establishments

which require an authorisation in accordance with Section 29.

(3) The approval according to Section 29 shall only be granted when it is safeguarded that

1. The welfare of animals can be provided for, and all provisions of this Act met.
2. At least one person with the necessary expertise, knowledge and relevant technical skills is permanently and continuously involved in the management of the facility.
3. Proper and adequate veterinary care for the animals is provided.
4. All dogs and cats shall be spay-neutered before rehoming, to prevent further over-population, unless they are too young or physically unfit for the operation to be carried out before homing. In such cases, measures shall be taken to ensure that they are spay-neutered as soon as they are old or fit enough for this to be done without compromising their welfare. [*The costs of this may be passed on to new owners rehoming the animals.*]

(4) The management of an animal shelter, animal sanctuary or wildlife rehabilitation centre is obliged to keep records on each animal accepted into custody by date, name and place of residence of the owner or person handing over the animal (if finder, then also the location where found), type of animal, condition of health, the physical appearance and temperament of the animal, and any other facts of relevance or significance. Likewise on the occasion of discharging the animal the date, type of withdrawal, and in the case of an animal shelter the name and place of residence of the person collecting the animal, have to be registered. These records have to be kept available for a period of three years and can be requested for inspection by the authorities at any reasonable time.

(5) No organisation, facility or premises may call itself an animal shelter, animal sanctuary or wildlife rehabilitation centre, or imply that it is such an establishment, unless it has been licensed and authorised as such by the competent authority.

(6) Only registered non-profit organisations shall be entitled to seek and receive public donations, contributions and sponsorship for their work as an animal shelter, animal sanctuary or wildlife rehabilitation centre.

(7) In addition: Authorisation of the Minister responsible, the Ministry or the Competent Authority to adopt any regulations [and establish, as appropriate, 'Welfare Codes', standards and guidance] in this context.

## **Section 39      Veterinarians and Para-Veterinarians**

(1) Veterinarians and para-veterinarians shall at all times use their scientific knowledge and veterinary skills to protect the health and welfare of any animal committed to their care, and for the prevention and relief of animal suffering.

(2) Regardless of any commercial or professional interest, veterinarians and para-veterinarians shall always put the welfare of the animal first.

(3) Where veterinarians and para-veterinarians have any evidence or suspicions that this law has not been complied with in any way, they are obliged to report this to the Competent Authority without delay.

(4) Animal welfare shall be included in the curriculum of any veterinary university or other tertiary or further education establishment offering veterinary or para-veterinary training in the country.

(5) Animal welfare shall be included as a Continuing Professional Development (CPD) course for veterinarians.

## **Section 40      Animal Welfare Research**

The Competent Authority shall support the development of national research on animal welfare and, in particular, the development of research programmes designed to consider national animal welfare priorities, and the

applicability of international animal welfare research to prevailing national and local situations. The Competent Authority shall also support the research and development of alternatives to the use of animals in research.

## **Section 41 Consumer Information**

(1) Consumers shall be provided with clear information on the animal welfare criteria or implications of all products of animal origin, and all products that have used animals in their manufacture or testing. This shall be adequate and sufficient to empower consumers to make informed purchasing choices.

(2) Any information provided to inform consumers about the positive animal welfare criteria or credentials of products, or that could be deemed to signify positive animal welfare criteria or credentials, shall be accurate and not misleading in any manner. This applies whether on labels, signs, banners or otherwise; and whether presented in writing or pictorially.

## **Section 42 Animal Welfare Measurement and Impact Assessment**

(1) An animal welfare impact assessment shall be carried out in all cases where there is the likelihood of policies, laws, programmes or activities adversely affecting the welfare or lives of animals.

(2) With regard to policy and legislative arenas, the assessment shall cover the need for coherence and consistency between other relevant policy areas and the welfare needs of animals. This brings an obligation to ensure that the welfare of animals is taken into account in all relevant areas of government policy and regulation.

(3) Where these assessments indicate the potential to cause adverse animal welfare impacts, or danger to animal lives, a full ethical review shall be conducted before any decisions are taken on the proposed policies, laws, programmes or activities; subsequently all measures shall be taken to avoid or counter such impacts or damage.

(4) The Competent Authority shall, after consulting with stakeholders, develop animal welfare indicators. These shall include both 'input' and 'outcome' measurements to be used each time there is an inspection or enforcement visit to any animal user or establishment. Such indicators shall be regularly reviewed, and updated on the basis of the latest scientific knowledge and ethical advances in the animal welfare field.

(5) Statistics shall be prepared based on different animal uses, in order to identify any welfare problems in specific animal industries or uses. These statistics shall be analysed annually, and made publically available.

(6) Where inspection and enforcement visits and/or statistics indicate a particular concern with any animal industry or use, then measures shall be taken to resolve this without delay. In cases where it is not possible to resolve such problems, then the animal use in question should be prohibited in order to prevent further animal suffering.



# CHAPTER 6: PENAL AND FINAL/CONCLUDING PROVISIONS

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## Section 43 Penal and Administrative Fine Provisions

(1) Liable of a criminal offence and on conviction to imprisonment for a period not exceeding a *level 4 offence* and to a fine according to a *level 4 offence* shall be who

1. Kills any sentient animal without a sound justification;
2. Inflicts on any sentient animal
  - 1) Deliberately, intentionally or out of brutality pain or suffering; or
  - 2) Prolonged or repeated pain or suffering;
3. Sets any animal on another animal with the intent that a sentient animal experiences pain, suffering or injury;
4. Performs an act of bestiality with a sentient animal; or
5. Abandons any sentient animal that is unlikely to survive in freedom.

(2) An administrative offence is committed by any person who deliberately or negligently violates against the provisions of Sections 7, 8, 10, 11 or any of the Sections listed under Chapter 3 (Keeping of Animals/Care of Animals) and Chapter 4 (Specific Categories of Animal Use).

1. In minor cases the punishment for such an administrative offence will be *classified as a level 1 offence*.
2. In serious cases the punishment for such an administrative offence will be a fine *according to a level 2 offence*.
3. For aggravated infringements as well as repeated offences the fine will be *rated as a level 3 offence*.

*The separate banding list could then read as follows:*

*Level 1 offence – minor infringements;*

*Level 2 offence – serious infringements;*

*Level 3 offence – aggravated infringements as well as repeated offences; and*

*Level 4 offences – imprisonment and/or fine for criminal offences*

*The currency amounts for each of these bandings will be determined by the Competent Authority in Regulations (or as published periodically in the Official Gazette).*

(3) Any attempt is already punishable.

## Section 44 Prohibition of Keeping Animals or of Having Contact with Animals and Forfeiture

(1) The authorities can prohibit a person who has been convicted by the courts with final legal effect for an unlawful act against Section 43 (1) or who has been punished by the administrative authorities for an offence against Sections 7, 8, 10, 11 or any of the Sections listed under Chapter 3 (Keeping of Animals/Care of Animals) and Chapter 4 (Specific Categories of Animal Use) from keeping, breeding or trading animals or from having any contact with animals in general or with a particular species of animal for a certain period of time or permanently if there is the risk that this person will continue or again violate Section 43 (1) or contravene against the provisions of the Sections 7, 8, 10, 11 or any of the Sections listed under Chapter 3 (Keeping of Animals/Care of Animals) and Chapter 4 (Specific Categories of Animal Use).

(2) The same applies if a person is in other aspects not capable of keeping or breeding animals.

(3) Animals which have been the object/subject of the punishable conduct may be confiscated and declared forfeited; in which case the provisions of Section 18 (1) apply accordingly.

(4) Similarly, in cases where a person is disqualified or prohibited from keeping, breeding, trading or working with animals (or with a particular species of animal), then all animals (or all animals of this particular species) in his/her care should be confiscated and declared forfeited; in which case the provisions of Section 18 (1) shall also apply accordingly.

## Section 45 Further Aspects

- Implementation of further approvals as required;
- Introduction of additional licenses and permits as needed;
- Authorisation to issue further regulations as required;
- Consideration of financial implications, e.g. budgetary systems, expenditure compensated through revenues like charging fees for certain administrative measures etc.;
- Compulsory vocational education for certain animal related occupations and further training;
- Revision of the Act on a regular basis to remain up-to-date and using current 'best practice';
- For certain measures phase-out and phase-in periods should be integrated, where appropriate and sensible; and
- Revocation of existing 'Animal Protection/Welfare Act' and replacement with the new Animal Welfare Act.

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WAN's Model Act is a major contribution to the advance of animal protection, not only by providing a practical template for new legislation in countries with relatively little experience in the field, but also by highlighting the fundamental weaknesses in countries that purport to have high standards."

*Dr. Dan Lyons, Centre for Animals and Social Justice*

In all the years I have been working for animal welfare, the Model Animal Welfare Act is the biggest, most positive step I have ever seen towards protecting animal rights. This law is much more important than building 100 shelters, because with a strong and comprehensive modern law we can save all the animals.

*Amina Abaza, Egyptian Minister for Animal Welfare and Environment in the Women's Government of Egypt and S.P.A.R.E Founder and Chairperson*

We commend the commitment to animal welfare demonstrated by the extensive time and effort that must have been associated with such an undertaking and the resulting product will no doubt serve as a useful tool for the consideration of some countries undertaking to introduce or revise legislation.

*Dr. Bernard Vallat, former Director General of the World Organisation for Animal Health (OIE)*

This document manages to be readable while delivering comprehensive and detailed content. While it is definitely "how to" regarding the development of animal welfare policy and legislation, I found many of the lessons transferable to other areas of policy-making as well. Really well put together and thoroughly thought out, the WAN Model Animal Welfare Act is a useful tool that I will keep referring back to.

*Shakira Eicher, Assistant Director, Policy and Strategy Unit, Department of the Premier, Western Cape Government, South Africa*

How refreshing to read the WAN Model Animal Welfare Act, an excellent, comprehensive document, written in an easy-to-understand style, without the use of unnecessary complex and seemingly ambiguous terminology. This 'Bible' will enable groups around the world to confidently approach decision makers, with informed proposals and recommendations for animal welfare legislation in their respective countries.

*Joy Leney, former International Projects Director, WSPA (now World Animal Protection)*

**NOW we will move ahead!**

*Liz Komen, Namibia Animal Rehabilitation Research and Education Center*



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