

CRUELTY TO ANIMALS LAW (ANIMAL PROTECTION), 5754-1994¹

1. Definitions:

In this Law -

"Animal Protection Organisation" - a registered co-operation whose object and activities are the protection of animals, prevention of suffering by them and the concern for their welfare;

"The Controller" - a veterinary doctor, an employee of the Veterinary Service of the Ministry of Agriculture, appointed by the Director for the purposes of this Law;

"The Director" - the Director of the Veterinary Service of the Ministry of Agriculture;

"Shelter" - a facility as provided in Section 8 (c) in which animals are kept and receive care;

"Animal Trustee" - one appointed to be an animal trustee in accordance with Section 7;

"The Fund" - The Fund for Animals established under Section 14.

2. Prohibition of Cruel Treatment [2000 Amendment]:

- (a) No person shall torture, treat cruelly or in any way abuse any animal.
- (b) No person shall incite one animal against another.
- (c) No person shall organise a contest between animals.
- (d) No person shall cut into a live tissue of an animal for cosmetic purposes.

3. Prohibition on Working Animals:

- (a) No person shall work any animal, which is not fit to work because of its physical condition.
- (b) No person shall work any animal to exhaustion.

4. Prohibition of Killing Poison:

No animal shall be killed by strychnine or by any other poison designated by the Director in a notice in Reshumot, unless the Director shall have granted a permit therefor.

¹ Passed the Knesset 28 Tevet 5754 (11 January 1994).

Bill and Explanation published in Bills 2127 of 6 Adar 11 5752 (11 March 1992), p.298. Amendment passed the Knesset 11 Av 5754 (19 July 1994).

5. Appointment of Supervisors:

The Director shall appoint, from among civil servants and employees of local authorities supervisors for the purpose of this Law.

6. Powers of Entry and Investigation:

- (a) If the Controller, a supervisor or a policeman shall have reasonable grounds to suspect that an offence under this Law has been committed they may enter any place and carry out a search therein provided that entry into the premises of any person may not be affected without a search warrant issued by a Magistrates Court;
- (b) The Controller and a supervisor as aforesaid shall have power to investigate offences under this Law; in the exercise of such power -
 - (1) They shall have the powers of a policeman under Section 2 of the *Criminal Procedure Rules Ordinance (Arrest and Search) [New Version]* 5729-1969².
 - (2) They may use all the powers given to a Police officer of the rank of inspector under Section 2 of the *Criminal Procedure Ordinance (Evidence)*³, and Section 3 of the said Ordinance shall apply to any notice given by them by virtue of this power.

7. Animal Trustee:

The Minister for the Environment, with the consent of a district Commissioner of Police, may appoint any person to be an Animal Trustee. An Animal Trustee, so appointed, may, after producing his or her Certificate of Appointment, require, for the purposes of filing a complaint, that anyone, who has committed an offence under this Law, disclose to his or her identity; one so required to disclose his or her identity must do so.

8. Seizure of Animal:

- (a) The Controller, a policeman or a supervisor may seize any animal in respect of which they have reasonable grounds to suspect that an offence has been committed under Sections 2 and 3, provided that no animal is to be seized in the premises of any person except under an order of a Judge of a Magistrates Court.

² *Laws of the State of Israel*, New Version 12, p. 284 Statutes 5750 p. 16.

³ *Statutes of Palestine*, Vol. A, Chapter 34, Statutes 5725, p. 53.

- (b) Seizure of an animal under Subsection (a) may also be effected in accordance with the order of a Judge of a Magistrates Court by an Animal Trustee as empowered by the Controller.
- (c) An animal seized under Subsections (a) or (b) shall be transferred to a shelter recognised by the Director and operating in accordance with conditions imposed by him or her.

9. Notice of Seizure and Release:

- (a) If an animal is transferred to a shelter, the person in charge of the shelter, or one authorised by him or her, shall give notice thereof to its owner or to the person in possession of it, all in accordance with the circumstances of the case.
- (b) If the owner or possessor of an animal held in a shelter requests the return of the animal to his or her custody, it shall be returned to him or her after the following conditions have been satisfied:
 - (1) The animal is in fit physical condition to be returned;
 - (2) The person making the request has paid the expenses imposed on him or her under Section 11;
 - (3) The person making the request has deposited with the Controller an undertaking, in the form determined the Director, that he or she will not infringe the provisions of this Law.

10. Restriction on Return of Animal:

- (a) Notwithstanding the provisions of Section 9, the person in charge of a shelter, who has reasonable grounds to believe that the owner, or possessor, of an animal will commit an offence under Sections 2 or 3, may, with the approval of a supervisor, refuse to return the animal to the owner or possessor and return retain the same in the shelter: the person in charge shall notify the owner or possessor accordingly.
- (b)
 - (1) The owner or possessor may apply to the Magistrates Court, within 20 days from the date of the receipt of the notice, and claim return of the animal.
 - (2) If such a claim has been lodged the animal shall be held in the shelter until the conclusion of the proceedings before court.

- (3) The court shall have the power to make a decision in regard to the expenses of keeping the animal in the shelter.
- (4) If the court decides that the animal should not be returned to the plaintiff, the provisions of Section 12 shall apply.

11. Payment of Expenses:

The owner or possessor of an animal, which has been brought to a shelter under Section 8 shall bear the expenses of its transfer to the shelter, its food and treatment, as determined by the Director in Rules and the person who has actually paid the said expenses, or someone on his or her behalf may recover the same from the owner or possessor.

12. Transfer of Ownership:

- (a) If a notice has been given in accordance with Section 9(a) and the owner or possessor has not applied for the return of the animal within 20 days from the date on which the notice was given to them, the animal shall be regarded as ownerless and the Controller may hand it over to another; if it was not possible to give the said notice, the said 20 days shall run from the date the animal was transferred to the shelter.
- (b) If the animal is handed over to another he or she shall be given a Certificate of Ownership on a form determined by the Controller, and the ownership of the animal by anyone else shall lapse, provided that a Magistrate Court, for special reasons, which shall be recorded, may restore the animal to its previous owner.
- (c) If the animal is of value - it shall be handed over in return for such payment, as the Controller shall determine.
- (d) The amount of the payment received under Subsection (c), after deduction thereof of expenses under Section 11, shall be at the disposal of the former owner or possessor and notice of it shall be given to them; if the said owner or possessor are not to be traced, or if they shall not claim the sum at their disposal within 30 days, it shall be forfeited to the Fund.

13. Enforced Treatment or Slaughter:

- (a) If the public Controller, or a veterinary doctor in public services empowered by the Controller, is convinced that an animal is sick or suffering, and is not receiving proper

medical treatment, he or she may transfer it to a shelter or order that it be slaughtered, all according to its medical condition.

- (b) The slaughter of an animal shall be carried out without causing unnecessary suffering and the owner or the possessor shall bear the costs thereof.

14. Animal Fund:

- (a) There is hereby established a fund for animals within the framework of the Ministry of the Environment.
- (b) The object of the Fund is the co-ordination of financial means, which will serve education, information, training and assistance to Animal Protection Organisations and the promotion of the purposes of this Law.
- (c) The monies of the Fund shall come from the State budget, contributions and fines under Section 17.
- (d) The Minister for the Environment shall determine in Regulations, the composition of the Fund, its powers and the procedure for its operation and he or she shall report, at the end of each financial year, to the Knesset Education and Culture Committee on the Fund's operations, its income and its expenditures.

15. Criminal Complaint:

An Animal Protection Organisation - approved by the Minister for the Environment after consultation with the Minister of Agriculture - may, after it has received the approval of the District Attorney, file a complaint in court as provided in Section 68 *Criminal Procedure Law [Consolidated version] 5742-1982*⁴, in respect of an offence under this Law.

16. Position of the State:

For the Purposes of this Law the legal position of the State is the same as that of any other person.

16a. Restriction of Application to Security Establishment:

- (a) In this clause -

⁴ Statutes 5742, p. 45.

"Security Establishment" - The Ministry of Defence and its support units, Israel Defence Force or any other institution operating for security purposes and authorised for the purposes of his Law by the Minister of Defence.

"Military Area" - Land seized permanently or temporarily by the security establishment and any area serving it as a training area.

- (b) Notwithstanding the provisions of Clauses 6, 8 and 16, entry into a Military Area and the seizure of animals kept by the security establishment shall be carried out only by one so authorised by the Minister of Defence.

17. Penalties and Destination of Fines:

- (a) A person who commits an offence under Section 2 is liable to imprisonment for three years.
- (b) A person who commits an offence under Sections 3 or 4 is liable to imprisonment for one year.
- (c) If an offence is committed under Section 3 a charge shall be brought also against the owner or possessor of the animal, unless he or she has proved that the offence was committed without his or her knowledge and that he or she took all reasonable steps to prevent it.
- (d) A person, who does not disclose his or her identity, after being required so to do under Section 7, is liable to a fine.
- (e) A fine imposed in respect of an offence under this Law shall be paid to the Fund.

17a. Injunction:

- (a) If a prosecutor, the Director or an Animal Protection Organisation has reasonable grounds to believe that an offence under Sections 2 or 4 has been committed, or that such an offence is about to be committed, he, she or it may apply to the Magistrates Court for the issue of an injunction restraining the carrying out, or the continued carrying out of the acts in respect of which the application is made.
- (b) The court may grant an injunction under this Clause *ex-parte*; if an injunction is granted *ex-parte*, a hearing in the presence of both parties shall be held as soon as possible, and no later than seven days after the date of the granting of the injunction.

- (c) When a hearing has been fixed under Subsection (b) the Court may extend the period of the injunction, revoke it or make changes in its terms, even if the party bound by it does not appear at the hearing.
- (d) The period of an injunction under this Section shall not exceed one year.
- (e) The court may attach conditions to the granting of an injunction under this Section, or make it conditional on the posting of a bond.
- (f) If the Court has refused an application for an injunction made by an Animal Protection Organisation, and has determined that the application manifestly unjustified, it may make the applicant liable for the costs of, and for compensation to, anyone prejudiced by the making of the application.
- (g) A person against whom an injunction is granted, a prosecutor, the Director or an Animal Protection Organisation may apply to the Court for further consideration of an injunction granted, if the circumstances alter and this is likely to change the previous decisions of the Court.
- (h) A person against whom an injunction is granted, a prosecutor, the Director or an Animal Protection Organisation may appeal against a decision of the Court under Subsections (a) or (g). The appellate court shall consider the appeal before a single judge.
- (i) For the purpose of this Section -
"Prosecutor" - as defined in Section 12 of the *Criminal Procedure Law [Consolidated Version]* 5742-1982;

"Animal Protection Organisation" - an Animal Protection Organisation approved by the Minister for the Environment after consultation with the Minister of Agriculture.

18. Preservation of Laws:

- (a) This Law does not derogate from the provisions of the *Rabies Ordinance*, 1934⁵, *Animal Diseases Ordinance [New Version]*, 5745-1985, *Wildlife Protection Law* 5715-1955, *National Parks, Nature Reserves, National Sites and Memorial Sites Law* 5752-1992, *Fishing Ordinance* 1937⁶, *Plants Protection Law* 5716-1956 and *Public Health Ordinance* 1940⁷.

⁵ Official Gazette 1934, Schedule 1, p. 272.

⁶ Official Gazette 1937, Schedule 1, p. 137.

⁷ Official Gazette 1940, Schedule 1, p. 19.

- (b) A person carrying out the instructions of the Government Veterinary Doctor under the Rabies Ordinance 1934 or under Animal Diseases Ordinance [New Version] 1985 shall not be regarded as committing an offence under Section 2.

19. Implementation and Regulations [2000 Amendment]:

The Minister of Agriculture is appointed to carry this Law into effect, and he or she may, with the approval of the Knesset Education and Culture Committee, and having regard to the needs of agriculture, enact regulations for its implementation and for the purposes of the attainment of the object of this Law, including in regard to -

- (1) Conditions of keeping animals, including keeping animals in pet shops;
- (2) Conditions of transporting animals;
- (3) Means of killing of animals except for the slaughter of animals for food for humans;
- (4) Training animals;
- (5) Animal exhibitions, performances and contests;

20. Amendment of the Criminal Procedure Law - No. 17:

In the second Schedule to the *Criminal Procedure Law [Consolidated Version]* 5742-1982, after Paragraph (16) shall come:

"(17) *Cruelty to Animals Law* 5754-1993 with the restrictions contained in Section 15 of the said Law".

21. Repeal:

Section 495 of the *Penal Law* 5737-1977 is hereby repealed.

22. Restriction on Application:

This Law shall not apply to -

- (1) Slaughter of animals carried out for the purposes of food for humans;
- (2) Experiments on animals carried out under the *Cruelty to Animals Law (Animal Experiments)*, 5754-1994.

23. Commencement:

The commencement of Section 15 is six months after the date of publication.

Yitzhak Rabin

Yaacov Tzur

Prime Minister

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President of State

Minister of Agriculture

Shevah Weiss
Chairman of Knesset