

Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 18,702, 25 ta' Jannar, 2011

Taqsima B

A.L. 23 of 2011

**ATT DWAR IT-TRATTAMENT XIERAQ TAL-ANNIMALI
(KAP. 439)**

**Regolamenti tal-2011 li jemendaw ir-Regolamenti
dwar il-Ħarsien ta' l-Għoġġiela**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 8 u 46 tal-Att dwar it-Trattament Xieraq tal-Annimali, il-Ministru għar-Riżorsi u Affarijiet Rurali, bil-parir tal-Kunsill għat-Trattament Xieraq tal-Annimali għamel dawn ir-regolamenti li ġejjin:

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti tal-2011 li jemendaw ir-Regolamenti dwar il-Ħarsien ta' l-Għoġġiela u għandhom jinqraw u jiftiehm u haġa wahda mar-Regolamenti tal-2003 dwar il-Ħarsien ta' l-Għoġġiela, hawn iżjed 'il quddiem imsejha "ir-regolamenti prinċipali".

Titolu.

A.L. 258 tal-2003.

2. Minflok is-subregolament (3) tar-regolament 1 tar-regolamenti prinċipali għandu jidhol dan li ġej:

Jemenda r-regolament 1 tar-regolamenti prinċipali.

“(3) L-iskop ta' dawn ir-regolamenti hu li jittrasponu d-Direttiva tal-Kunsill 91/629/KEE li tistabbilixxi standards minimi għall-ħarsien tal-għoġġiela kif kodifikati bid-Direttiva 2008/119/KE li tistabbilixxi standards minimi għall-ħarsien tal-għoġġiela (verżjoni Kodifikata), għall-fini ta' kjarezza u razjonalità, peress li d-Directive 91/629/KEE kienet soġġetta għal diversi emendi sostanzjali li saru għaliha.”.

3. Regolament 2 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

Jemenda r-regolament 2 tar-regolamenti prinċipali.

(a) minnufih qabel it-tifsira “awtorità kompetenti” għandha tidhol din it-tifsira l-għdida li ġejja:

“ “l-Att” tfisser l-Att dwar it-Trattament Xieraq tal-Annimali;”;

(b) minnufih wara t-tifsira “awtorità kompetenti”, għandhom jidhlu dawn it-tifsiriet il-godda li ġejjin:

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“awtorizzazzjoni” tfisser kull awtorizzazzjoni mogħtija taħt l-Att dwar is-Servizzi Veterinarji għat-trobbija tal-annimali tal-ispeċi tal-bovini, u f’dak li għandu x’jaqsam ma’ sidien jew detenturi u s-servizzi tagħhom tfisser permess, liċenza, *warrant*, appuntament, konċessjoni jew kull deċiżjoni li tirrigwarda aċċess għal attività tas-servizz jew l-eżercizzju tagħha;

“detentur” tfisser kull persuna naturali jew ġuridika li tkun responsabbli għal jew inkarigata mit-tiġieġ skond kuntratt jew skond il-liġi kemm fuq bażi permanenti kemm temporanja;

“id-Direttur” tfisser id-Direttur responsabbli għas-servizzi veterinarji jew ir-rappreżentant tiegħu imqabbad minnu b’mod xieraq biex jaġixxi f’ismu;

A.L. 351 tal-2009.

“konsumatur aħħari” għandu jkollha l-istess tifsira kif mogħtija lilha taħt ir-Regolamenti tal-2009 dwar il-Ħtiġiet ta’ Saħħa ta’ l-Annimali li Jirregolaw il-Kummerċ, u l-Importazzjoni fil-Komunità ta’ Annimali, Semen, Ova u Embrijuni Mhux Sogġetti Għal Ħtiġiet ta’ Saħħa ta’ l-Annimali Stabbiliti f’Atti Speċifiċi tal-Komunità;” u

(ċ) minnufih wara t-tifsira “għoġol”, għandhom jidhlu dawn it-tifsiriet il-godda li ġejjin:

“ “il-prodott” tfisser kull prodott ta’ oriġini mill-annimali;

“sid” tfisser kull persuna jew persuni naturali jew ġuridiċi li jkollhom l-istabbiliment fejn ikunu jinżammu t-tiġieġ;”.

Jemenda r-regolament 3 tar-regolamenti prinċipali.

4. Minnufih wara s-subregolament (4) tar-regolament 3 tar-regolamenti prinċipali, għandhom jidhlu dawn is-subregolamenti godda li ġejjin:

“(5) Id-Direttur għandu japplika dawk il-miżuri amministrattivi kollha neċessarji li jkunu konformi mal-ħtiġiet tal-Katina Alimentari u s-Saħħa tal-Annimali skond il-ħtiġiet ta’ dawn ir-regolamenti, biex jiżgura li ma jkunx hemm ksur ta’ dawn ir-regolamenti kif ukoll biex inaqqas ir-riskju għal konsumaturi aħħarin u kull riskju supplimentari għal annimali u għall-ambjent.

(6) Dawn il-miżuri għandhom jinkludu l-konfiska diretta tal-prodott, is-sospensjoni tal-attivitajiet li jkunu qegħdin jiġu mwettqa mis-sid jew detentur tal-annimali, li jkunu primarjament responsabbli għat-trattament xieraq tal-annimali, u r-revoka, it-teħid jew sospensjoni tal-awtorizzazzjoni, liċenza jew permess f'dak li għandu x'jaqsam ma' daww l-attivitajiet meta dawn ikunu qegħdin joħolqu riskju lil konsumaturi aħħarin u lill-ambjent. L-applikazzjoni ta' multi amministrattiva u pieni effettivi u dissważivi skond l-artikoli 45 u 47 tal-Att għandhom ukoll japplikaw f'dan ir-rigward.”.

5. Minflok is-subregolament 2 tar-regolament 9 tar-regolamenti prinċipali għandu jidhol dan li ġej:

Jemenda r-regolament 9 tar-regolamenti prinċipali.

“(2) Kull persuna li tonqos milli tħares dawn ir-regolamenti tista', meta tinsab ħatja, tkun ukoll soġġetta għad-dispożizzjonijiet u l-miżuri msemmija fis-subregolamenti (5) u (6) tar-regolament 3 ta' dawn ir-regolamenti.

(3) Kull dritt mogħti lill-awtorità kompetenti taħt dawn ir-regolamenti, biex tapplika daww il-miżuri kollha neċessarji msemmija fis-subregolamenti (5) u (6) tar-regolament 3 ta' dawn ir-regolamenti, għandu jiġi mogħti lill-Awtorità mingħajr preġudizzju għal proċeduri kriminali oħrajn li jistgħu jittieħdu taħt l-Att jew taħt xi liġi oħra meta persuna twettaq xi reat billi tonqos milli tikkonforma ruħha ma' dawn ir-regolamenti.”.

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

Calves (Protection Amendment) Regulations, 2011

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

Title.
L.N. 258 of 2003.

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

Amends regulation 1 of the principal regulations.

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

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

Amends regulation 2 of the principal regulations.

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

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

“ “the Act” means the Animal Welfare Act;

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

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

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

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

L.N. 351 of 2009.

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

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

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

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

Amends regulation 3 of the principal regulations.

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

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

Amends regulation
9 of the principal
regualtions.

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

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

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

