

L.N. 193 of 2015**ANIMAL WELFARE ACT
(CAP. 439)****Emergency Euthanasia of Animals Regulations, 2015**

IN exercise of the powers conferred by article 11 of the Animal Welfare Act, the Minister for Sustainable Development, the Environment and Climate Change, in consultation with the Minister for Finance, has made the following regulations:-

Citation and
scope.

1. (1) The title of these regulations is the Emergency Euthanasia of Animals Regulations, 2015.

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(2) The scope of these regulations is to implement national measures, in line with article 11 of the Animal Welfare Act, with respect to the emergency euthanasia of animals in public places and spaces within the Maltese territory.

(3) Animals that have been victims of an accident that prevents their transport for welfare reasons may undergo emergency euthanasia on the spot. The aim is to spare any avoidable pain, distress or suffering to the animal.

Interpretation.

2. (1) Unless stated otherwise in these regulations, the definitions contained in the Act, in Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing and in the manual of practical guidelines as published in the Gazette by the Director to assess fitness for transport of adult bovines shall apply. The same guidelines shall be utilised to assess fitness for transport of other animals that are not transportable without causing pain.

(2) For the purpose of these regulations and unless the context otherwise requires:

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"the Act" means the Animal Welfare Act;

"animal" means any vertebrate animal;

"killing" means any intentionally induced process which causes the death of an animal;

"emergency euthanasia" means the killing of animals which are injured, in severe pain or suffering and where there is no other practical possibility to alleviate this pain or suffering;

"official veterinarian" means a veterinary surgeon registered in

terms of article 43 of the Veterinary Services Act who is employed by the State as a veterinary officer;

"private veterinarian" means a veterinary surgeon registered in terms of article 43 of the Veterinary Services Act who exercises and performs private veterinary activities.

3. These regulations shall apply in case of an emergency Applicability. situation in public places or spaces which, in the event of any of the situations listed hereunder, may require euthanasia on the spot:

(a) profuse and continuous bleeding (severe haemorrhage), where the animal would have already lost more than an estimated 3% of its weight;

(b) serious open wounds which may result in the prolapse of visceral organs and also where the official veterinarian or private veterinarian has determined that the wound is causing severe pain or suffering to the animal;

(c) orthopaedic/musculoskeletal traumas and lesions which would be either causing severe pain or suffering or would not allow the animal to stand in an upright position;

(d) loss of consciousness; the official veterinarian or private veterinarian must determine whether there is a temporary loss of consciousness or a permanent loss of consciousness. In the latter case the breathing rate, pulse rate, heart rate and temperature must be determined, where possible;

(e) any other situation where animals can become uncontrollable and thus represent an increased risk to the health and safety of humans.

4. (1) (a) An official veterinarian or private veterinarian Obligations and responsibilities. called during an emergency shall be obliged to determine the level of pain and, or suffering of the animal after which the official veterinarian or private veterinarian may take the decision to euthanize the animal in order to relieve it from that condition. If the animal is not in any of the conditions referred to in regulation 3 and can be moved from the spot, the official veterinarian or private veterinarian may issue the necessary instructions to move the animal to a safer place to carry out treatment.

(b) Emergency euthanasia shall be carried out under the responsibility of the official veterinarian or private veterinarian without causing the animal unnecessary pain, suffering or distress.

(c) The official veterinarian or private veterinarian shall carry out euthanasia in accordance with standard veterinary practices and take all appropriate actions to safeguard the welfare of animal(s) in the best available conditions and circumstances.

(d) In the event that an animal is not under control and is dangerous to the public, the official veterinarian or private veterinarian may, in consultation with the police, arrange for a marksman or an officer experienced in the use of firearms to put down the animal with a free projectile from a standard firearm.

(e) The official veterinarian or private veterinarian carrying out euthanasia shall make sure that the animal is clinically dead before the body is disposed of.

(f) Disposal of the carcass shall be at the expense and the responsibility of the owner. The provisions of Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing shall apply with regard to such disposal.

(2) The decision to euthanise an animal by the official veterinarian shall be final and in no circumstance shall the Ministry concerned, the Director, or the official veterinarian be held responsible for any loss by the owner of the animal euthanised by the official veterinarian.

(3) Whenever both the official veterinarian and the private veterinarian arrive on the scene of the emergency at the same time, the private veterinarian shall take over the care and welfare of the animal.

Charges.

5. When an animal is to be euthanised by the official veterinarian, the owner of the animal shall be liable to a charge of one hundred and fifty euro (€150) payable to the Director together with the expenses referred to in regulation 4(1)(f).

Penalties.

6. Any person who obstructs an official veterinarian or a private veterinarian in the performance of his functions under these regulations shall be guilty of an offence and shall be liable to the penalties referred to in articles 45 and 47 of the Act.

