

L.N. 187 of 2022

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

Farm Animals (Protection) (Amendment) Regulations, 2022

IN EXERCISE of the powers conferred by articles 7(2) and 8(1) of the Animal Welfare Act, the Minister responsible for Veterinary Services has made the following regulations:-

1. The title of these regulations is the Farm Animals (Protection) (Amendment) Regulations, 2022 and these regulations shall be read and construed as one with the Farm Animals (Protection) Regulations, hereinafter referred to as "the principal regulations". Citation.
S.L. 439.09.
2. In the Maltese version of the principal regulations, the word "subartikolu", wherever it occurs, shall be substituted by the word "subregolament". Amends the principal regulations.
3. Regulation 1 of the principal regulations shall be amended as follows: Amends regulation 1 of the principal regulations.
 - (a) sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) The title of these regulations is the farm Animals (Protection) and Inspection of Holdings Regulations";
 - (b) sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

"(3) These regulations shall apply without prejudice to specific Community veterinary rules laid down elsewhere, and in particular to European Union Council Directives 1999/74/EC, 2008/119/EC and 2008/120/EC, which shall continue to apply."; and
 - (c) sub-regulation (4) thereof shall be substituted by the following new sub-regulation:

"(4) The scope of these regulations is to implement the provisions found under European Union Council Directive 98/58/EC concerning the protection of animals kept for farming purposes and to implement the Commission Implementing Regulation (EU) 2019/723 of

2 May 2019 laying down rules for the application of Regulation (EU) 2017/625 of the European Parliament and of the Council as regards the standard model form to be used in the annual reports submitted by Member States."

Substitutes regulation 2 of the principal regulations.

4. Regulation 2 of the principal regulations shall be substituted by the following new regulation:

" 2. For the purposes of these regulations the following definitions shall apply:

Cap. 439. "Act" means the Animal Welfare Act;

"animal" means any animal (including fish, reptiles or amphibians) bred or kept for the production of food, wool, skin or fur or for other farming purposes;

"bird" means a bird of any species of bird including, but is not limited, to any type of poultry such as ducks, geese, chickens and turkeys;

"competent authority" means the competent authority within the meaning of Article 3(3) of Regulation (EU) 2017/625 of the European Parliament and the Council, for Malta, Veterinary Services;

"Director" means the Director responsible for the Veterinary Services and includes, to the extent of the authority given, any officer authorised by him, in writing, to act in that behalf for any of the purposes of these regulations;

"force feeding a bird" means a process that causes the bird to consume more food than a typical bird of the same species would consume voluntarily or for health reasons. Force feeding methods include, but are not limited to, delivering feed through a tube or other device inserted into the bird's oesophagus;

"owner" or "keeper" means any natural or legal person or persons responsible for or in charge of animals whether on a permanent basis or on a temporary basis;

Cap. 437. "trading partner" shall have the same meaning as provided in article 2 of the Veterinary Services Act and shall include Member States of the European Union."

5. In regulation 3 of the principal regulations, the words "or keepers take all" shall be substituted by the words "or keepers shall take all".

Amends regulation 3 of the principal regulations.

6. Immediately after regulation 3 of the principal regulations there shall be added the following new regulations:

Adds new regulations to the principal regulations.

"Prohibition of force feeding a bird.

3A. (1) No person shall force feed a bird for the purpose of enlarging the bird's liver beyond normal size.

(2) No person shall force feed a bird as mentioned in sub-regulation (1).

Prohibition of fur farming.

3B. (1) No person shall keep animals solely or primarily:

(a) for slaughter, whether by himself or another, for the value of their fur; or

(b) for breeding progeny for such slaughter.

(2) No person shall cause or permit another person to keep animals as mentioned in sub-regulation (1).

(3) The references in this regulation to keeping animals for slaughter or to breeding progeny for slaughter include keeping or breeding them for sale for slaughter respectively."

7. Regulation 4 of the principal regulations shall be substituted by the following new regulation:

Substitutes regulation 4 of the principal regulations.

"4. Veterinary Services shall ensure that owners and keepers are following the conditions under which animals (other than fish, reptiles, amphibians) are bred or kept, having regards to their species and to their degree of development, adaptation and domestication, and to their physiological and ethological needs in accordance with established experience and scientific knowledge, comply with the provisions set out in the Schedule."

8. Immediately after regulation 6 of the principal regulations there shall be added the following new regulation:

Adds new regulation to the principal regulations.

"Presentation of report.

6A. (1) The Veterinary Services in Malta shall submit a report including the results of the inspections carried out in the field of the protection of animals kept for farming purposes. This report shall be addressed to the trading partners and to the European Commission.

(2) In light of the provisions of article 6(3) of European Union Council Directive 98/58/EC, the report shall comply with the information specified in the Annex of Commission Implementing Regulation (EU) 2019/723.

(3) The report shall be presented yearly, by the 31st August."

Amends regulation 8 of the principal regulations.

9. Immediately after sub-regulation (2) of regulation 8 of the principal regulations there shall be added the following new sub-regulation:

"(3) Where the Director has reasonable cause to believe that an offence against these regulations has been committed and that it would be appropriate to impose an administrative penalty under article 47 of the Act, the Director shall proceed in accordance with the provisions of the said article 47 of the Act."

Amends the Schedule to the principal regulations.

10. Item 19 of the Schedule to the principal regulations shall be substituted by the following new item:

"19. Pending the adoption of specific provisions concerning mutilations in accordance with the procedure laid down in article 7 the Veterinary Services Act, and without prejudice to European Union Council Directive 2008/120/EC, mutilations for non-therapeutic reasons are forbidden on animals breed in the territory of Malta."

Repeal and saving. S.L. 439.11.

11. The Inspection of Holdings (Farm Animals) Regulations are hereby repealed without prejudice to anything done or omitted to be done thereunder.