

Ministry of Agriculture
Division of Veterinary Services
Post Office Box 8007, Dep.
OSLO 1
Norway

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No. 73

THE WELFARE OF ANIMALS ACT OF 20. DECEMBER 1974, No. 73

Chapter I. General provisions

Section 1.

Animals to which the Act applies.

This Act applies to live mammals, birds, toads, frogs, salamanders, reptiles, fish and crustaceans.

Section 2.

General treatment of animals.

Animals shall be treated well, and due regard shall be given to their natural instincts and needs so that they are not in danger of being caused unnecessary suffering.

Section 3.

Inspection.

The police, members of animal welfare boards and state employed veterinarians may, at any time, inspect animals to which this Act applies as well as the quarters, housing etc. where such animals are kept.

Section 4.

Animal housing.

Persons owning or having in their care any domestic animal, pet, or animal held in captivity in any way shall ensure that the animal has fully suitable quarters with sufficient space, suitable warmth, enough light and access to fresh air etc. as appropriate to the needs of the kind of animal in question.

When weather conditions so permit, the Ministry may, in the case of certain kinds of animal, grant exemption from the obligation to provide housing.

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Section 5.

Supervision and care.

Persons owning or having in their care any domestic animal, pet or animal held in captivity in any way, or looking after such animals for owner or proprietor shall ensure that -

1. the animal receives sufficient food and water of satisfactory quality, as appropriate to the needs of the animal in question,
2. the animal receives proper care and attention with, among other things, attention being given to the care of claws or hooves,
3. restraining ties or barriers neither injure the animal, nor cause it unnecessary inconvenience,
4. sick or injured animals receive suitable treatment and are destroyed if need be,
5. animals at pasture are brought home before frost and snow are likely in the autumn.

Section 6.

Aid.

Any person who comes across an animal which is obviously sick, injured or helpless, shall assist it as much as possible. If it is not possible to render assistance or sufficient assistance, and the animal in question is a domestic animal, tame reindeer or large game animal, the person shall inform the owner of the animal or proprietor or the nearest police authority as soon as possible.

Any person who comes across an animal which clearly cannot survive or recover may destroy the said animal at once in accordance with the provisions in section 10, if such action is necessary to save the animal from further suffering. A person who destroys a domestic animal, tame reindeer or large game animal must inform the nearest police authority as soon as possible. Domestic animals, tame reindeer, and big game animals must not be destroyed according to this provision if it is possible to contact the owner or proprietor, a veterinarian or the police within a reasonable period of time.

Costs incurred with regard to measures taken in accordance with this section will be covered by the State, though claims for reimbursement may be made against the owner or proprietor.

Section 7.

Medical and surgical treatment.

No person other than a veterinarian may carry out a surgical procedure or initiate the medical treatment of animals when there is reason to believe that the procedure or treatment may cause the animal to suffer. If there is reason to believe that the procedure or treatment will cause the animal considerable pain, the veterinarian shall employ total or local anaesthesia, unless there are medical contra-indications. A person who is not a veterinarian may nevertheless castrate or sterilize buck reindeer, and also pigs up to one month old, without employing anaesthetics.

Section 8.

Prohibited ways of treating animals.

It is forbidden -

1. to kick animals or to beat animals with sticks, with ropes or straps in which there is a knot or the like, or to hit with anything else which may cause the animal as much pain,
2. to use a whip to urge on a horse when competing in horse racing competitions (trotting and riding),
3. to use live animals as bait or as food for other animals,
4. to force-feed animals,
5. to brand animals except for the marking of hoof, shell or horn,
6. to dope animals for competition or any other purpose, or to use doped animals for such purpose,
7. to train an animal in such a manner that it is in danger of being caused unnecessary suffering or fear.

Section 9.

Killing of animals.

The killing of animals shall be carried out in such a manner that they are not in danger of being caused unnecessary suffering.

When killing horses, cattle, sheep and goats, pigs, poultry, rabbits or tame reindeer, the animal shall be stunned before being bled. The killing of animals must only be carried out by persons over the age of sixteen years and who have the appropriate competence. As far as possible, killing must take place out of the sight of other animals.

Animals must not be skinned, scalded or plucked before they are dead. This does not however apply to crustaceans.

The provisions in the first and third sub-section apply also to hunting and fishing.

Section 10.

Destruction in an emergency situation.

The immediate destruction of an animal because it is sick, injured, or otherwise helpless, must be carried out in such a way that the animal suffers as little as possible, and as far as possible in accordance with the provisions of section 9. The efficacy of the weapon used shall be such that the animal is not in danger of being caused unnecessary suffering.

The provisions laid down in the above sub-section also apply when killing domestic animals which have become so wild that it is impossible to capture them in the normal way.

Chapter II. Special provisions concerning domestic animals and tame reindeer

Section 11.

Prohibited ways of treating animals.

It is forbidden -

1. to work or drive animals too hard,
2. to lead animals tied to motor vehicles, including tractors and snow-scooters, in such a way that the animal is in danger of being caused unnecessary suffering.
3. to turn out to pasture animals with hobbles, poles fastened to their legs or the like unless under daily supervision,
4. to use a training collar on a dog except during periods of active training,

5. to keep a dog permanently tied to a lead which is less than 10 metres long,
6. to fit blinkers or other devices to poultry to prevent pecking or the like.

Section 12.

Disposal of horses.

It is forbidden to dispose of, buy or obtain by barter a horse which is over 20 years old, other than for immediate slaughter, or as part of the deal when the farm to which it belongs is sold together with the livestock. The same applies to horses which have such disease or impediment which makes their use as working horses unjustifiable.

Section 13.

Prohibited operations.

It is forbidden -

1. to castrate dogs, cats and poultry. A veterinarian may nevertheless castrate dogs and cats when special circumstances make this necessary,
2. to dock ear or tail and to exhibit any animal which has had its ears or tail docked after this Act came into force. Ear marking is nevertheless lawful when not more than 1/3 of the ear is removed. The Ministry is empowered to issue regulations which, under specified conditions, allow exemption from the ban as regards the docking of the tail in pigs if docking is necessary for animal welfare reasons,
3. to insert a ring in the snout of pigs or to employ other painful measures to prevent them rooting about in the soil. A veterinarian may however insert a ring in the snout of pigs, in accordance with regulations issued by the Ministry, when special circumstances make this necessary,
4. to dehorn animals. The Ministry is empowered to issue regulations concerning exemption from the ban as regards

tame reindeer. The Ministry may also issue regulations which, under specified conditions, permit a veterinarian to disbud other animals up to six weeks old, and in special circumstances, to remove the horns of animals over six weeks old,

5. to debeak poultry, either by cutting or cautery. The Ministry is empowered to issue regulations concerning exemption to this prohibition,
6. to remove ("dub") the comb (snood) in poultry,
7. to remove the vocal cords of dogs.

Notwithstanding the provisions stated in the first subsection, a veterinarian may carry out such operations when these are necessary for veterinary medical reasons.

Chapter III. Special provisions concerning fish and crustaceans

Section 14.

Miscellaneous prohibitions.

It is forbidden -

1. to hang live fish on a rod, line, hook or the like which is pushed through or into the body of the fish,
2. to keep fish in a lock (keep) net in such a way that the fish are in danger of being caused injury,
3. to place live fish or crustaceans in a shop window.

Chapter IV. Exhibition of Animals

Section 15.

Prohibition against exhibiting animals in public.

No person must arrange for the public exhibition, including exhibition in a public place for advertising or decorative purposes, of animals other than fish.

This ban does not apply to exhibitions of domestic animals or pets which are arranged as an integral part of activities to improve breeds.

The Ministry may, under certain specified conditions, allow exemptions to the ban on exhibitions. Applications for permission to hold exhibitions in zoological gardens, bird gardens and the like shall be accompanied by detailed plans for the whole exhibition site and its management, as well as adequate information concerning the financial basis for the realisation of the project.

Chapter V. Animal boarding establishments, trading and hiring out of animals

Section 16.

Management of animal boarding establishments.

No person must run an animal boarding establishment without the permission of the County Veterinary Officer (Fylkesveterinæren).

Places where trotting or racehorses are stabled are not considered to be animal boarding establishments.

Section 17.

Animal trading.

No person must trade in animals as a profession without the permission of the County Veterinary Officer. This provision does not apply to trade which is a natural part of the livestock enterprise in question.

Section 18.

Hiring out of animals.

No person may hire out animals as a profession without the permission of the County Veterinary Officer.

Section 19.

Withdrawal of permission.

Permission to run enterprises mentioned in sections 16-18 may be withdrawn if the permit holder is sentenced to punishment for violation of this Act or the regulations issued in its pursuance, or if he fails to comply with requirements laid down when permission was granted. The same applies when the permit holder has otherwise behaved in such manner that it is no longer possible to have confidence in him that he is suitable to run an enterprise as mentioned.

Chapter VI. The use of animals in education and research

Section 20.

The use of animals for educational purposes.

It is forbidden to use live animals for educational purposes except as a necessary part of professional training. The Ministry can refuse to allow such use of animals when there is doubt as to the need.

Teaching must be carried out in such a way that the animal is not in danger of being caused unnecessary suffering.

Section 21.

The use of animals in reasearch etc. - experimental work.

No person shall carry out biological tests on animals without special permission. Permission may be granted if the purpose is to diagnose animal or human disease or if the purpose concerns research, or the production or testing of medicine, medicament, preparation, poisonous substance or the like for use in man, animals or plants.

Such tests and the like must be carried out in such a manner that the animal is not in danger of being caused any greater suffering than is strictly necessary to achieve the purpose.

Any person who has been given permission in accordance with the first sub-section, notwithstanding section 9 of the Veterinary Surgeons Act of 10. December 1948, No 3, may employ total or local anaesthesia on the animals in question.

Section 22.

The granting of permission to carry out tests and the like.

Permission in accordance with section 21 is granted by a committee which is appointed by the Ministry for four years terms of office.

The King can issue regulations regarding the constitution of the committee, its terms of reference and working procedures, and its powers of inspection.

The Ministry shall be the instance of appeal as regards the decisions of the committee.

Chapter VII. Animal Welfare Boards

Section 23.

Election of Animal Welfare Boards.

In order to assist the police in ensuring compliance with the provisions of this Act and of the regulations issued in pursuance thereof, each local authority* shall appoint an animal welfare board, with three or five members as decided by the local authority council.

The District Veterinary Officer shall be a member unless the Ministry appoint another veterinarian to the office.

The remaining members and an equal number of substitutes are elected by the local authority council for four years terms of office. Two years after the first election, half of these, chosen by the drawing of lots, stand down. Subsequently, every other year, the member or members who have served for the longest period stand down. A person who has completed a four year term of office may refuse re-election for the next four years. The rules of eligibility and right of refusal to accept office are the same as for local government elections. Primarily, persons with practical knowledge of animal husbandry and animal care shall be elected to the board.

The board itself elects its chairman and vice-chairman.

Section 24.

Minutes, lawful decisions.

The animal welfare board shall keep minutes of its meetings. All decisions, including brief reasons for them, and any expert statements, shall be recorded therein. The minute book shall be approved by the chairman of the local authority council.

The committee has a quorum when at least half the members - among whom must be either the chairman or vice-chairman - are present.

In order for a decision to be valid, at least half of the members of the board must vote in favour.

* borough, urban or rural district (in Norwegian = kommune)

Section 25.

Measures.

If the animal welfare board considers that there is reason to believe that domestic animals, pets, or animals held in captivity in any way are in danger of being caused unnecessary suffering, the board shall immediately investigate the circumstances. If the board finds reason to do so, it shall give guidance to the owner or proprietor and suggest measures which are necessary to correct the situation. If the owner or proprietor has not carried out the suggested measures within a reasonable time limit laid down by the board, the board shall present a report of the situation, and of its proposed measures, to the police.

After having received a report of the situation from the board, the police shall give to the owner or proprietor the directives which they consider necessary, and lay down a time limit by which these shall be complied with. In urgent cases, the police may issue directives even though the case has not been dealt with by the board. Directives given to a proprietor shall also be notified to the owner, as well as to the animal welfare board which shall control that the directives are complied with.

If a directive is not complied with, the police shall take the necessary course of action. The police may not, however, reduce livestock numbers without this action having been advised by the animal welfare board.

If the board is made aware that there are, contrary to current regulations, stray dogs in the district, the board shall notify the police of the situation.

Action taken in accordance with this section does not prevent the instigation of penal proceedings in accordance with section 31 of this Act.

Section 26.

Annual Report.

The animal welfare board shall, before the end of February, present a report of its activities during the previous year to the local authorities, who shall forward it to the County Veterinary Officer.

Section 27.

Defrayment and apportioning of costs.

Costs occasioned by measures taken in accordance with section 25 shall be covered either by the owner or proprietor, and can be recovered by lien.

If the owner or proprietor is unable to cover the costs, or it cannot be established who owns or is responsible for the animals, costs shall be defrayed by the local authorities.

The veterinary member of the animal welfare board, cfr. section 23, and any special veterinary expert called in by the board, shall receive a fee determined by the Ministry and in addition shall be paid travel and diet allowances according to the official Government rates. These expenses shall be borne by the State.

The other members of the animal welfare board, and non-veterinary experts shall receive travel and diet allowances and be recompensed for any loss of salary etc. in accordance with the current regulations laid down in local authority legislation.

Other costs incurred through the work of the animal welfare board shall be borne by the local authorities.

Chapter VIII. Miscellaneous provisions

Section 28.

The closing of cabins, huts, mountain farm buildings, etc.

No person must leave a cabin, shack, mountain or other hut, cow shed, stable, barn or the like situated in outlying fields or in hill or mountain districts, without making quite sure that doors are shut in such a way that grazing animals cannot gain entry and be trapped inside.

Section 29.

Fences.

Fences shall be so constructed and maintained that the risk of grazing animals injuring themselves is as slight as possible. Fence remnants shall be removed. If the person or persons responsible for the fence do not remove such remnants within a time limit laid down by the animal welfare board, the board shall arrange for this to be done. The person responsible for the fence shall cover the costs.

Except together with other, easily visible fencing material, the use of barbed wire in fences in outlying fields is forbidden. The King can determine the period of grace for the removal of any other barbed wire fences which are in existence when the Act comes into force.

Notwithstanding the provision of the second sub-section above, the local authority council may, by a decision endorsed by the Ministry, prohibit the use of barbed wire fences. Such prohibition may apply in the whole of the local authority district or parts of it, applying to outlying fields and/or between outlying and inlying fields.

Section 30.

Powers given to the Ministry to issued special regulations.

The Ministry is empowered to issue special regulations concerning -

1. animal housing,
2. transport of animals,
3. anaesthetising and killing animals,
4. conditions for the granting of permission to run animal boarding establishments or trade in, or hire out, animals as a profession,
5. the work of animal welfare boards,
6. conditions for, or prohibition against the import or keeping as domestic animals, pets or the holding in captivity in other ways, of exotic animals,
7. conditions for, or prohibition against, the use of live animals as lottery prizes.

The Ministry may also issue other regulations in pursuance of this Act.

Chapter IX. Penal provisions

Section 31.

Penalties.

Any person who wilfully or negligently violates provisions laid down in this Act or in regulations issued in its pursuance

shall be punished by fines or up to six months imprisonment. Persons who have been previously convicted for such violation may be punished by fines or imprisonment for up to one year.

The penal provisions also apply to incitement and abetment.

Violation of this Act is deemed to constitute a misdemeanour whatever the penalty imposed.

Section 32.

Deprivation of the right to have anything to do with animals.

If any person has, in a particularly serious manner or more than once, violated regulations, contained in or issued in pursuance of this Act, he may, for an unlimited or specified period, be sentenced to lose the right to own, keep, use, trade in or slaughter animals, to care for animals or to go hunting or fishing. The sentence may state that the guilty person shall be deprived of one or more of these rights or all, and can be limited to apply to certain kinds of animals only. Sentence of deprivation of these rights can be pronounced even though no subjective conditions for punishment exist*.

Petition for conviction in accordance with the above subsection can be put forward in penal proceedings in accordance with section 31 or in special cases according to the provision of the Penal Act. The public prosecuting authorities shall instigate penal proceedings if the animal welfare board has so requested.

If the sentence is such that the convicted person is to be deprived of animals in his care, the police shall, when the sentence is final, give the person a short time limit within which to dispose of the animals. If this time limit is exceeded, the police shall, as soon as possible, arrange for the animals to be sold or slaughtered. The convicted person bears all the costs.

If the convicted person fails to respect the sentence, he can be punished in accordance with section 31.

Chapter X. Coming into force etc.

Section 33.

Where the Act applies. Svalbard.

This Act shall, with the exception of chapter VII, also apply in Svalbard.

* i.e. the person in question cannot be deemed accountable for his actions.

Section 34.

Coming into force. Transitional provisions.

The King shall determine when this Act is to come into force. However, the provision in section 13, No. 2 as far as the docking of tails in dogs is concerned shall not come into force until such time as determined by the Ministry.

When this Act comes into force, the following Acts will be repealed:

1. Animal Welfare Act of 7. June 1935.
2. Slaughter of Domestic Animals and Tame Reindeer Act of 21. June 1929.

Regulations and rules issued in pursuance of the mentioned Acts will continue in force, so far as they do not conflict with the provisions of this Act, until they are repealed or replaced by regulations issued in the pursuance of this Act.

ROYAL DECREE OF 19. NOVEMBER 1976

The coming into force of the Welfare of Animals Act of 20. December 1974, No. 73. Delegation of powers.

I.

The Welfare of Animals Act of 20. December 1974, No. 73 comes into force on the 1. January 1977 except for the provision in section 13, No. 2 as far as the docking of tails in dogs is concerned.

II.

The powers which in section 22 of the Act are assigned to the King are delegated to the Ministry of Agriculture.

III.

The powers which in the Act are assigned to the "Ministry" shall be executed by the Ministry of Agriculture.

IV.

Permission to run dog breeding kennels, dog boarding kennels and the like given by the animal welfare boards in accordance with section 10, No. 15 of the Welfare of Animals Act of 7. June 1935, permission to trade in horses or dogs given by the police in accordance with section 10, No. 16 of the same Act, and permission to carry out painful tests on animals given by the Ministry of Social Affairs in accordance with section 14 of the same Act will be valid until 1. January 1978.