

Act on animal welfare

2013 No 55, 8 April

Entry into force 1 January 2014. Amended by Act No 11/2014 (entry into force 4 February 2014).

Any reference in this Act to “the Minister” or “the Ministry” not accompanied by express mention of or reference to a specific field of responsibility shall be understood as being a reference to the **Minister of Fisheries and Agriculture** or to the **Ministry of Industries and Innovation** as responsible for the implementation of this Act.

Section I Objective, scope and definitions

■ Article 1 *Objective*

The objective of this Act is to promote animal welfare, which entails ensuring that they do not suffer distress, hunger or thirst, fear or suffering, pain, injuries or disease, considering that animals are sentient beings. Another objective of the Act is to allow animals to express their natural behaviour to the fullest.

■ Article 2 *Scope*

This Act shall apply to vertebrates as well as to decapods, squid and honey bees. The Act shall also apply to foetuses from the moment their sensory organs have reached the same stage of development as in living animals. The Act shall not apply to regular fishing activities nor to the catching of wild fish. The provisions of the Act constitute minimum requirements for the care of animals.

■ Article 3 *Definitions*

The following definitions shall apply for the purposes of this Act and any regulations or other administrative provisions issued pursuant to it:

1. *Keeping of animals* means any arrangement for the keeping of animals, whether for gainful purposes or not.
2. *Capture* means to catch an animal alive.
3. *Semi-feral animals* means animals not marked in accordance with Article 22 and which roam freely.
4. *Medical procedure* means a procedure or treatment carried out following a veterinarian’s diagnosis, including castration without incision of skin.
5. *Treatment* means any procedure, other than medical or surgical, involving an intervention in the body or behaviour of animals, such as birth assistance, hoof care, horseshoeing, shearing, grooming.
6. *Surgical procedure* means a procedure involving the incision of the skin or mucous membrane, with the exception of puncturing with needles.
7. *Keeper* means the owner of an animal or any other party responsible for the custody of an animal.
8. *Custody* means the care, feeding and guarding of animals.
9. *Hunting* means catching an animal for the purpose of killing it.

Section II Administration of animal welfare

■ Article 4 *General administration*

The Minister shall assume responsibility for the general administration of matters concerning animal welfare; in other respects, however, the administration shall be handled by the Food and Veterinary Authority, which shall monitor and enforce compliance with the provisions of this Act.

The Food and Veterinary Authority must seek the opinion of the Expert Advisory Board on Animal Welfare regarding strategic decisions and applications for a licence to conduct animal experiments.

■ Article 5 *Expert Advisory Board on Animal Welfare*

A special Expert Advisory Board on Animal Welfare shall be operated. The Board shall have five members and an equal number of alternates. The Minister shall approve the appointment of the Board, which shall have a term of appointment of three years. The Board shall be composed of professionals representing the largest possible number of specialist disciplines from among the following: veterinary science, zoology, ethology, animal welfare, animal testing, animal husbandry, and ethics.

The Chief Veterinary Officer shall serve as Chair of the Expert Advisory Board, its other members being appointed by the Farmers' Association of Iceland, the Icelandic Veterinary Association, the Icelandic Union of Animal Protection Societies, and the University of Iceland. The Board shall seek expert opinions whenever scientific questions are being discussed and the Board lacks specialist knowledge in the relevant field. The role of the Expert Advisory Board shall be to:

a. advise the Food and Veterinary Authority on policy and on individual questions regarding animal welfare;

b. provide the Food and Veterinary Authority with an evaluation of applications to conduct animal testing;

c. monitor developments in the field of animal welfare and update the Food and Veterinary Authority on important issues in that field;

d. discuss issues relating to animal welfare as requested by individual board members;

The Expert Advisory Board shall be housed at the premises of the Food and Veterinary Authority, which shall contribute the necessary facilities and a staff member with expert knowledge in the Board's field of responsibility. The Board shall maintain a written record of its activities and issue an annual report by 1 March each year. The Board shall follow procedures consistent with the provisions of the Administrative Procedures Act.

Section III General provisions regarding animal care

■ Article 6 *On animal care in general*

Animals must be treated well and their keepers shall be responsible for ensuring that they are cared for in accordance with the provisions of this Act. Ill treatment of animals is prohibited.

■ Article 7 *Duty to help*

A person who discovers, or has reason to believe, that an animal is sick, injured, trapped, or helpless in any other way shall provide care for the animal to the extent possible. If the animal's keeper cannot be reached, the incident shall be reported to the police, which shall seek the help of a veterinarian where deemed necessary. If help cannot be brought within a reasonable period of time, and the animal is obviously suffering from a fatal disease or injury, the animal may be killed, see Article 21. If the animal is livestock or a domestic pet, such killing must be reported to the Food and Veterinary Authority.

The relevant municipality shall ensure the implementation of measures as described in the first paragraph where the animals concerned are semi-feral or wild. However, with regard to

animals belonging to endangered populations or harmed in environmental accidents, the implementation of the measures shall be ensured by the Minister responsible for the protection and conservation of wild birds and mammals. Notwithstanding the duty to help outlined in the first paragraph, the Minister or the municipality may decide on the killing of wild animals where the foreseeable cost of implementing other measures is significant.

The keeper of an animal shall bear all costs incurred in complying with the provisions of the first paragraph. The municipality shall bear all costs incurred in complying with the provisions of the first paragraph where the animals concerned are semi-feral or wild animals and do not belong to an endangered population. The Ministry responsible for the protection and conservation of wild birds and mammals shall bear all costs incurred in complying with the provisions of the first paragraph where the animals concerned belong to an endangered population.

A person who has incurred expenses in complying with the provisions of the first paragraph shall be entitled to a compensation for all necessary costs from the party responsible for such costs under this Article. Municipalities may lay down rules regarding the payment of such compensation and shall submit the rules to the Minister for approval.

■ **Article 8** *Reporting requirement*

Where there is suspicion of inadequate animal care violating the provisions of this Act or regulations issued pursuant to it, the person becoming aware of this shall report it to the Food and Veterinary Authority or the police at the earliest possible opportunity. The police shall notify the Food and Veterinary Authority of any cases reported to it. The Authority shall investigate the validity of any report.

A person reporting an incident in accordance with the first paragraph may request to remain anonymous toward all parties other than the Food and Veterinary Authority and the police. Where revealing the identity of the reporting person is likely to harm the interests of that person, the request to remain anonymous shall be respected. Where there are insufficient grounds to grant anonymity, the reporting person shall be free to withdraw the report. A decision by the Food and Veterinary Authority regarding anonymity shall be subject to appeal to the Minister within two weeks of the decision being announced. The reporting person shall be informed of the right to appeal the Authority's decision.

■ **Article 9** *Reporting requirement for those dealing with animals*

All persons holding a position and carrying out work requiring them to deal with animal issues, and who become aware of a situation such as that described in Article 8, first paragraph, must report this to the Food and Veterinary Authority.

In particular, veterinarians and animal health workers must, to the extent possible, monitor how animals are cared for, their living conditions, procedures and treatments administered to animals, the methods of keeping animals, and equipment used on or for animals, and notify the Food and Veterinary Authority where they have reason to believe that an animal is in a situation such as that described in Article 8, first paragraph.

Reporting requirements according to this Article shall take precedence over the provisions of laws or codes of ethics requiring the professions concerned to respect the secrecy of confidential information.

■ **Article 10** *Ability, competence and responsibility*

Every person having the custody of animals shall possess or acquire a fundamental knowledge of the needs and proper care of the relevant animal species, and shall furthermore have the ability to care for the animal in accordance with this Act.

The operator of an animal facility requiring a licence shall make sure that any staff involved in the care of animals have sufficient competence and knowledge in that field. Anyone providing animal care services shall have sufficient knowledge to carry out the relevant tasks.

Children under 18 years of age and persons deprived of legal competence may not be given independent responsibility for the care of animals.

The Minister may issue a Regulation containing more detailed provisions on the requirements for the ability and competence of keepers of animals, such as their formal education.

■ **Article 11** *Transfer of custody*

An animal may not be sold, or transferred as a gift or otherwise, where there is reason to believe that the receiving person does not have the necessary facilities, ability or determination to care for the animal in accordance with this Act. The person receiving custody of an animal shall, where appropriate, be provided with any information relevant to its welfare.

Section IV Inspections and controls

■ **Article 12** *Inspections*

Extensive and technologically sophisticated animal facilities must be notified to the Food and Veterinary Authority prior to commencing operations. No such operations may begin unless the conditions relating to premises, equipment and knowledge, see Articles 10 and 29 to 32, have been fulfilled and an inspection has been carried out by the Food and Veterinary Authority.

The Minister shall issue a Regulation stipulating in which cases fish, poultry, pig and fur farming, and which technologically sophisticated animal facilities, shall be subject to a notification requirement and be governed by this Article.

■ **Article 13** *Controls*

[Any operation covered by this Act shall be subject to regular official controls by the Food and Veterinary Authority. The extent and frequency of the controls shall be risk-based.]¹⁾

The Minister shall issue a Regulation containing more detailed provisions on controls and their implementation.

¹⁾Act No 11/2014, Article 1.

Section V Care and treatment of animals

■ **Article 14** *Care*

The keepers of animals must ensure that they are well cared for, including by:

- a. making sure that the animals' needs are normally attended to on a daily basis; however, this shall not apply to animals in summer pastures;
- b. ensuring that feed, grazing areas and water are supplied in sufficient quality and quantity to meet the animals' needs;
- c. providing access to vegetation to herbivores during the summer;
- d. protecting the animals against injury, disease and parasites, or any other risk;
- e. making sure that sick or injured animals receive proper medical care or are put down;
- f. accustoming animals to human contact, where appropriate;
- g. ensuring that all necessary facilities are in place for the adequate care and treatment of the animals.

■ **Article 15** *Special prohibition*

It shall be prohibited to:

- a. overexert the strength or stamina of an animal;
- b. abandon animals in a helpless condition;
- c. have sexual intercourse or engage in other sexual activities with animals;
- d. use live animals for feed or bait, or as targets during shooting practice or shooting competitions;
- e. entice animals to fight;

- f. force animals to eat or drink, except as necessary for the purposes of medical treatment;
- g. mistreat animals in other, comparable ways.

■ **Article 16** *Procedures and treatment*

- Surgical and medical procedures and other treatment of animals shall only take place at such time and in such a way as to prioritise the welfare of the animals and preserve it to the extent possible following treatment. No procedure may take place where the animal would foreseeably suffer from disfigurement, ill health or pain following the procedure and the likelihood of a return to health is non-existent.
- Surgical procedures, including the removal of body parts or cosmetic operations, shall only take place for medical reasons. However, it shall be permitted to remove horns, spurs from one-day-old roosters, and to castrate animals. The marking of animals for identification purposes is also permitted according to relevant acts and regulations.
- When a painful procedure or treatment is carried out, the animal shall always be sedated or anaesthetised and given analgesic medication, with the exception of earmarking of lambs or kids less than one week old.
- Only veterinarians may treat and perform surgical or medical procedures on animals. However, other persons may perform the following, provided that they have been authorised to do so in accordance with the Act on veterinarians and animal health services:
 - a. medical procedures as directed by a veterinarian;
 - b. insemination of sheep, goats, cattle, pigs, foxes, turkeys, hens, and rabbits;
 - c. pregnancy testing of cattle;
 - d. tail-docking of piglets;
 - e. microchip implants.
- Anyone may perform the following:
 - a. the administration of drugs as directed by a veterinarian;
 - b. treatments causing neither pain nor discomfort;
 - c. tagging and earmarking, with the exception of microchip implants.

■ **Article 17** *Training, shows, competitions etc.*

- All those who train animals, or use them for competitions or shows or in other ways, shall ensure that they:
 - a. are physically fit for this and have received appropriate training;
 - b. have not been treated with drugs that suppress medical symptoms or boost performance to an extent contrary to their welfare;
 - c. are not subjected systematically to treatment which is harmful or causes unnecessary fear.

- The Minister may lay down more detailed rules based on this Article.

■ **Article 18** *Transport of animals and herding of livestock*

- When transporting animals, their welfare must be safeguarded to the extent practicable. During the transport or herding of livestock, care shall be taken to minimise the strain experienced by the animals and not to overexert their stamina or strength. An animal may neither be transported nor herded where it is clear that it is not able to endure this.
- All means of transport shall be appropriately equipped to suit the species of animal in question and ensure the safety of the animals. Animals must be provided with appropriate care, living conditions and supervision while in transit.
- The Minister shall issue a Regulation containing more detailed provisions on the transport and herding of animals as well as on licences for means of transport, their security equipment and identification. The Minister shall also lay down rules to ensure the welfare of animals in connection with transport. Moreover, the Minister shall issue more detailed provisions on the transit of animals from the place of departure to the place of destination, including loading densities, transloading, unloading, maximum travelling times, and requirements for the means of transport used for animals, including their loading equipment. In addition, rules may be laid

down regarding transporters' transport certificates, attendants' obligations with regard to livestock, special licences for transporters to be issued by the Food and Veterinary Authority, as well as rules requiring those involved in the transport of livestock to attend a training course covering such aspects as the welfare of animals and animal diseases.

■ **Article 19** *Breeding*

When breeding for the different characteristics of individual species, care shall be taken always to select healthy animals. Reproduction, including artificial insemination and genetic engineering, may not take place where it can be foreseen to:

a. alter characteristics in a way that negatively affects the health or behaviour of the animals or their offspring, or perpetuates such deficiencies;

b. reduces the animals' ability to exhibit natural behaviours.

The Minister may issue a Regulation containing more detailed requirements for the breeding of individual species of animals, having regard to the principles of animal welfare.

■ **Article 20** *Experimental, educational and medical activities*

Live animals may not be used for educational or experimental purposes, research, the production or testing of chemicals or drugs, or medical diagnosis, except with the express authorisation of the Food and Veterinary Authority, in those cases where such use causes the animals to experience distress or pain. However, this shall not apply to activities subject to licencing, provided that the issued licence authorises the use of live animals for the abovementioned purposes.

Live animals may only be used for experimental purposes where no other means to achieve comparable results are known. Live animals may never be used to test cosmetics.

Licences issued pursuant to the first paragraph shall cover the breeding, rearing, distribution, use and killing of experimental animals. Licences may be issued subject to any condition considered necessary to safeguard the welfare of experimental animals. During experiments and procedures performed on animals care shall be taken not to inflict more pain than absolutely necessary. The Food and Veterinary Authority shall ensure that those using animals for experimental purposes have received appropriate training and education in the relevant scientific discipline and completed a course in the care of experimental animals.

The Minister shall issue a Regulation containing more detailed provisions on animal testing, including on the care of experimental animals and the supervision of animal testing, and on the education and training of persons using animals for experimental purposes.

■ **Article 21** *Killing*

Animals must be killed swiftly and painlessly, and where possible without other animals becoming aware of the killing. Causing the animals to experience unnecessary pain or fear shall be avoided.

Animals in human custody must be stunned unconscious before being killed, except where the killing method used produces immediate loss of consciousness. Following the killing, the death of the animal must be confirmed. Animals must not be killed by drowning, with the exception of minks caught in traps in cases where this is part of a systematic effort to control the size of the mink population, as authorised by the Act on the conservation, protection and hunting of wild birds and mammals. However, such trapping may only take place subject to having being notified to the Environment Agency of Iceland. Furthermore, killing animals using engine exhaust fumes shall be prohibited except in the case of fur-bearing animals, provided that the engines used have been specifically designed and manufactured for this purpose and subject to the approval of the Food and Veterinary Authority of the use of the engine.

Animals must always be stunned unconscious before being bled, and must remain unconscious at least from the start of bleeding until death occurs. The implements used to stun

and/or kill animals must be appropriate for the species concerned, and must be used correctly and receive proper maintenance.

- Emergency killing of animals, as referred to in Article 7, must take place in accordance with the provisions of the first and second paragraphs to the extent possible.
- The killing of animals may not take place as a form of entertainment or competition.
- The Minister shall issue a Regulation containing more detailed provisions regarding the persons authorised to kill animals, the killing methods to be used, and prohibited means of killing.

Section VI Identification of animals, etc.

■ Article 22 *Identification and registration requirement*

- Rabbits, cats, dogs, goats, horses, cattle, sheep and pigs must receive individual identification markings.
- The Food and Veterinary Authority shall be responsible for the operation of databases on identification markings as referred to in the first paragraph. The Authority may contractually entrust a third party with the operation of a database.
- The marking of animals shall take place using methods that minimise the pain inflicted to the animals and do not disturb their natural behaviour or cause undue distress.
- The Minister shall issue a Regulation containing more detailed provisions on the marking of animals, including on age limits, requirements for or a ban on marking or marking methods, and exemptions from marking requirements. The Regulation shall also include requirements for databases, the registration of individual animals in such databases and the administration thereof.

■ Article 23 *Release of animals into the wild*

- Animals having been raised by humans may not be released into the wild for the purpose of remaining there. However, the release of juvenile and adult fish shall be permitted. The keeper or, where the identity of the keeper is unknown, the municipality must herd or capture any animal, other than wild animals, presumed to suffer from lack of care or shelter in the wild.

■ Article 24 *Capture of animals*

- Where animals escape or stray off, their keepers shall take immediate action to capture them. The relevant municipality shall be under an obligation to take custody of such animals, read their identification markings, and take immediate action to contact their keeper. Municipalities must have the necessary facilities to take such animals into custody. Local authorities may seek payment from the keeper for any costs incurred, in accordance with the applicable tariff. If the keeper fails to retrieve the animal within a week of being notified of its capture, or if the keeper has not been identified within two weeks, the municipality may treat the animal as semi-feral and dispose of it accordingly. The municipality shall be regarded as the keeper of any animal of which it has taken custody.
- After 48 hours from the time of capture, the municipality may dispose of the animal to a new owner, sell it to recover the costs incurred, or order the animal to be put down without becoming liable for compensation.
- A municipality may entrust third parties with discharging the obligations referred to in the first and second paragraphs through a special contract.
- When capturing animals, no method shall be used which inflicts injury, pain or unnecessary fear on the animals. The Minister may issue a Regulation containing more detailed provisions on permitted methods for the capture of animals.

■ Article 25 *Distribution and labelling of animal products*

- The Minister shall issue a Regulation containing requirements for the labelling of articles of animal origin and animal products based on the principles of animal welfare. Moreover, the

Minister may lay down provisions restricting or prohibiting the importation and distribution of animal products the production of which is in violation of this Act, subject to any limitations arising from international agreements.

Section VII Wild animals

■ Article 26 *Capture of wild animals*

Wild animals may not be held in captivity. The Environment Agency of Iceland may issue authorisations for the capture of wild animals for research purposes, for use in museums and zoos, for breeding and reproduction, and for other similar uses. The Environment Agency of Iceland shall obtain the opinions of the Icelandic Institute of Natural History and the Food and Veterinary Authority on the capture of wild animals prior to issuing an authorisation.

When capturing wild animals, no method shall be used which inflicts injury or pain.

The Minister shall issue a Regulation containing the conditions for granting authorisations, and providing for the methods to be used for the capture of wild animals and their handling during transport and any period of custody. Moreover, the Minister may lay down provisions prohibiting the capture and custody of certain species of wild animals, having regard to the principles of animal welfare.

■ Article 27 *Hunting*

Hunting must always be conducted in a manner that minimises the pain inflicted on the animals and the time needed to kill them. Hunters must do everything within their means to kill any animal which they have injured.

When hunting, no method shall be used which inflicts unnecessary injury or pain on an animal. Moreover, hunting for wild animals must comply with the current provisions of the Act on the conservation, protection and hunting of wild birds and mammals.

The Minister, having consulted with the Minister responsible for the administration of the hunting, protection and conservation of wild birds and mammals, shall issue a Regulation containing more detailed provisions on hunting methods.

■ Article 28 *Pests*

For purposes of pest control, no method shall be used which inflicts unnecessary injury or pain on the animals. Measures must be taken to ensure that pesticides do not cause harm to animals other than pests.

Moreover, pest control measures must comply with the current provisions of the Act on the conservation, protection and hunting of wild birds and mammals and the Public Health and Pollution Control Act.

The Minister, having consulted with the Minister responsible for sanitary matters and health controls, shall issue a Regulation containing more detailed provisions on methods for pest control.

Section VIII Living conditions, environment, etc.

■ Article 29 *Animals' living conditions*

Keepers of animals shall ensure that animals are kept in an environment consistent with the principles of animal welfare, including as regards their safety and health, and adapted to both the animal's particular needs and the specific characteristics of the species. Animals shall be provided with an environment where they are able, as appropriate, to stay active, move around, rest, spend time outdoors, graze, or exhibit any other behaviour natural to them.

Animals that are kept permanently outdoors shall have access to shelter from the elements in keeping with their needs. During winter, access to housing or other safe and appropriate shelter against any weather shall be ensured.

When authorisations issued pursuant to other Acts concern activities liable to have a negative impact on the wellbeing of animals, or otherwise affect their welfare, for example by

reason of noise or pollution, the principles of animal welfare shall be taken into account in accordance with the provisions of this Act.

The Minister shall issue a Regulation containing more detailed requirements for the living conditions of individual species of animals.

■ **Article 30** *Buildings and equipment*

Houses, furnishings, fences and other equipment intended for animals shall be of a character appropriate to the needs and safety of the animals with regard to their feeding, behaviour, movement, spatial requirements, and rest, as well as any other aspect of their living conditions, such as air quality, lighting, acoustics and the materials used. Care shall also be taken to ensure that animals are not held in conditions exposing them to a risk of accidents or to the danger of becoming trapped or helpless in an emergency.

The Minister shall issue a Regulation containing further provisions on the living conditions and care provided to animals pursuant to this Article.

■ **Article 31** *Requirements as regards the living conditions of wild animals in zoos*

Wild animals may only be kept in zoos subject to the provision of living conditions allowing the animal to adapt sufficiently, having regard to the principles of animal welfare.

The Minister shall issue a Regulation on requirements for the living conditions of wild animals in zoos. The Regulation shall explicitly provide for the living conditions of such individual species of animals as are commonly held in Icelandic zoos.

■ **Article 32** *Keeping of animals, methods and equipment*

All persons involved in the keeping of animals shall be responsible for ensuring that working methods, machinery, tools and other equipment used on or for animals of which they have custody are not detrimental to animal welfare.

All persons who promote working methods in relation to the keeping of animals, or distribute machinery, tools or any other equipment used in that context, shall be responsible for ensuring that such methods or equipment are not detrimental to animal welfare.

The Food and Veterinary Authority may require the persons concerned to provide information and documents demonstrating that the provisions of the first and second paragraphs are met.

The Minister shall issue a Regulation prohibiting or restricting the distribution of certain working methods, machinery, tools and other equipment. Moreover, the Minister may issue a Regulation containing more detailed provisions on assessments and tests.

Section IX Charging of fees, etc.

■ **Article 33** *Fees to be charged*

The Food and Veterinary Authority may charge fees, in accordance with the applicable tariff, for licence applications, inspections, controls, follow-up work, and the processing of notifications made pursuant to Articles 12, 13, 18, 20, 22 and 26.

The Food and Veterinary Authority shall draw up a proposal for such a tariff and submit it to the Minister for approval and publication in the B section of the Law Gazette. The fees charged may not exceed the cost incurred for administrative work, inspections, controls and follow-up.

Section X Administrative provisions and sanctions

■ **Article 34** *Powers of the Food and Veterinary Authority; obligations of keepers*

The Food and Veterinary Authority may carry out inspection visits in any location where animals are kept for the purpose of examining the animals' environment and living conditions, or when applying coercive measures. This includes powers to take samples and photographs, and to investigate and photocopy documents. However, the inspection powers do not permit the Authority to enter private homes, outbuildings or other similar premises

without the consent of the owner or occupant, except after obtaining a court order, subject to the provisions of the second paragraph. The provisions of the Act on criminal procedure as regards searches and the seizure of items must be complied with.

Where a serious infringement of this Act or any Regulations issued pursuant to it is suspected, the police may without notice remove an animal from the custody of its owner or keeper, following the decision of the Food and Veterinary Authority. For this purpose, the police may enter private homes, outbuildings and other similar premises without court order in cases where an acute risk is perceived to exist that the wait for a court order would cause harm to the animals in question.

The Food and Veterinary Authority may seek the assistance of the police in carrying out inspections pursuant to the first and second paragraphs.

During investigations and inspections the animals' keeper shall provide, at no cost, any assistance necessary for the inspection, such as the assistance of staff and access to premises and technical equipment. Furthermore, the Food and Veterinary Authority shall be provided with all information requested and any documents relevant for the inspection. Other public entities which are in the possession of information likely to be relevant for the inspection shall forward that information to the Food and Veterinary Authority at the request of the latter.

■ **Article 35** *Halting of operations*

The Food and Veterinary Authority may limit or halt operations for serious or repeated offences or when the parties concerned fail to comply with its directions within the specified time limit. The assistance of the police may be sought to halt operations.

■ **Article 36** *Daily penalties; remedies at the expense of the keeper*

The Food and Veterinary Authority may impose daily penalties on a keeper. Daily penalties shall be subject to a maximum amount fixed in a Regulation issued by the Minister. Daily penalties shall be paid to the Treasury after subtraction of imposition and collection costs, and may be collected by execution without a prior judgment or settlement.

The Food and Veterinary Authority may require remedies to be implemented. Where a keeper of animals refuses to comply with the directions of the Food and Veterinary Authority, the latter may order the situation to be remedied at the expense of the keeper.

■ **Article 37** *Temporary custody; seizure*

The Food and Veterinary Authority may decide to remove animals from the care of their keeper and take them into temporary custody where the relevant parties fail to comply with its directions within the specified time limit; temporary custody shall be implemented by the Food and Veterinary Authority, which may furthermore seek the assistance of the police. On taking animals into temporary custody the Food and Veterinary Authority shall decide whether to move them to a new location or keep them in place. After 48 hours from the taking of animals into temporary custody, the Food and Veterinary Authority may order them to be put down if neither the Authority nor the owner have succeeded in providing an appropriate environment or proper living conditions for the animals. The Food and Veterinary Authority shall be considered the keeper of the animals while temporary custody lasts, and shall be under an obligation to care for them and organise the transport of animals removed from the care of their keeper, as well as being responsible for feeding, attending to and providing appropriate living conditions for the animals, all of which shall occur at the expense of their keeper. The Food and Veterinary Authority shall decide whether to lift the temporary custody of animals or dispose of them in other ways, taking into account the right to reply of the party concerned, who shall be offered the possibility to provide an adequate guarantee for the payment of costs incurred for the storage, feeding and care of the animals until such time as a judgment is rendered, see Article 41. The Food and Veterinary Authority shall dispose of the animals and may put them up to auction, sell them for rearing or for slaughtering, or order them to be put down where they cannot be disposed of in another fashion.

The Food and Veterinary Authority may confiscate machinery and tools which do not meet the requirements of Article 32, in order to prevent the ill treatment of animals.

Licensed slaughterhouses must accept such animals for slaughtering without delay where requested by the Food and Veterinary Authority.

■ **Article 38** *Urgent remedies*

Where the Food and Veterinary Authority considers that urgent remedies are required, it may remove animals from the care of their keeper or order animals which have suffered permanent damage by reason of underfeeding, severe treatment, accidents or harsh living conditions to be put down. The above measures shall be decided on in consultation with or at the direction of the police. The Food and Veterinary Authority shall not be obliged to grant the right to reply pursuant to the Administrative Procedures Act in those cases where urgent remedies are required.

The putting down of animals pursuant to this Article shall be carried out by the Food and Veterinary Authority, which may furthermore seek the assistance of the police. Licensed slaughterhouses must accept such animals for slaughtering without delay where requested by the Food and Veterinary Authority.

■ **Article 39** *Temporary ban on keeping animals*

Where the Food and Veterinary Authority considers this necessary to put a stop to or prevent ill treatment of animals, it may without notice suspend the authorisation of a keeper to keep or care for animals, until such time as remedies are implemented or a judgment is rendered as described in Article 44.

■ **Article 40** *The cost of implementing coercive measures*

Keepers of animals, and any party responsible for activities falling under the Act, may be ordered to repay costs incurred in the application of Articles 37 to 39 and Article 44. An order by the Food and Veterinary Authority or the Police Commissioner to repay costs shall be backed by a statutory lien in the animals. The lien shall also cover interest and collection costs, as appropriate. In addition, the Food and Veterinary Authority and the police may collect costs incurred in the application of coercive measures by execution without a prior judgment or settlement. The owner of an animal shall not be entitled to compensation when the animal is killed or disposed of in other ways in accordance with the Act.

■ **Article 41** *Disputes with regard to measures to be applied*

Where the keeper of an animal is unwilling to abide by a decision to place the animal in temporary custody, or to suspend the keeper's authorisation to keep or provide care for animals, a court may be called upon to settle the dispute, either separately or as part of a criminal case brought against the keeper. However, any such procedure shall not suspend the implementation of measures or the execution of decisions pursuant to Articles 37 and 39.

■ **Article 42** *Administrative fines*

The Food and Veterinary Authority may impose administrative fines on any natural or legal person violating the following legislation or any administrative provisions issued on the basis thereof:

- a. the prohibition of Article 6;
- b. the obligation of Article 14;
- c. the prohibition of Article 15;
- d. the prohibition of Article 16;
- e. the obligation of Article 17;
- f. the prohibition of Article 18;
- g. the prohibition of Article 19;
- h. the prohibition of Article 20;
- i. the obligation and the prohibition of Article 21;
- j. the prohibition of Article 23;

- k. the prohibition of Article 26;
- l. the prohibition of Article 27;
- m. the prohibition of Article 28;
- n. the obligation of Article 29;
- o. the obligation of Article 30;
- p. the requirements of Article 31;
- q. the obligation of Article 32.

Administrative fines may be imposed in an amount ranging from ISK 10,000 to ISK1 million. Fines shall be imposed taking into consideration such factors as the severity of the offence, its duration, the offender's willingness to cooperate, and whether the case is one of repeated offence. The Food and Veterinary Authority may impose higher fines where the offender has made financial gain from the offence. In such cases, the amount of the administrative fine may amount to up to twice the financial gain resulting from an infringement of this Act, not exceeding ISK 5 million. If the administrative fine imposed has not been paid within a month of the decision of the Food and Veterinary Authority, late-payment interest shall be calculated on the amount of the fine. The imposition and calculation of late-payment interest shall be governed by the Act on interest and price indexation. Decisions on administrative fines shall be enforceable by execution, and the amount of the fine shall be paid to the Treasury after subtraction of imposition and collection costs.

Administrative fines may be imposed irrespective of whether the offence results from an intentional or negligent act.

Where the offender is an individual, and the case can be resolved through the imposition of an administrative fine or a report to the police, a person suspected on reasonable grounds of infringing the law shall have the right to refuse to answer questions or hand over documents or objects, unless any relevance of this for a decision regarding the offence can be excluded. However, this right shall not extend to the refusal to relinquish animals. The Food and Veterinary Authority shall inform the suspect of this right.

The powers of the Food and Veterinary Authority to impose administrative fines pursuant to this Act shall lapse five years after the behaviour ended.

Where a party is unwilling to abide by the decision of the Food and Veterinary Authority to impose an administrative fine, an action for annulment may be brought before the courts. A case must be brought within three months of the notification to the party of the Authority's decision. The bringing of a court case shall neither suspend the legal effects of the Authority's decision nor its enforceability by execution.

The period provided for in the fifth paragraph shall cease to run when the Food and Veterinary Authority notifies the party of its decision to open an investigation into the alleged infringement. This shall have a legal effect *vis-à-vis* all those involved in the infringement.

Where an administrative fine has been imposed no other sanctions shall apply.

■ Article 43 *Revocation of licence*

The Food and Veterinary Authority may revoke a licence issued to an operator pursuant to Article 18 where the operator is guilty of repeatedly failing to meet its obligations under this Act or any other act applying to its operations or transport activities, or where the operator repeatedly disregards the conditions or terms of the licence.

Prior to revoking a licence in accordance with the first paragraph, the Food and Veterinary Authority shall issue a warning to the licensee containing the reasons for the revocation and, where appropriate, setting a time limit for remedying any deficiencies, cf. Article 36.

■ Article 44 *Revocation of licence through court ruling*

Where a party is guilty of a significant or repeated infringement of this Act or any Regulations issued pursuant to it, that party may be stripped of its licence to keep animals, to be involved in animal trading or dealing with animals in other ways. The same shall apply

where there is evidence that the party does not have the ability to care for animals within the meaning of Article 10. The revocation of a licence may either concern animals in general or individual species, and be temporary or permanent. The prosecuting authorities may seek the revocation of a licence in a criminal case irrespective of whether a punishment of the defendant is sought. A person who has been deprived of a licence pursuant to this paragraph and who disregards a court ruling to that effect shall be liable to fines.

■ **Article 45** *Criminal liability*

- A person shall be subject to a fine or imprisonment for:
 - a. failing to comply with the notification obligation of Article 8;
 - b. failing to comply with the obligation to provide care of Article 14;
 - c. violating the prohibition of Article 15;
 - d. training animals which are physically unfit for that purpose, or using physically unfit or improperly trained animals for competitions or shows or other purposes;
 - e. treating animals used for competitions or shows or for other purposes with drugs that suppress medical symptoms or boost performance to an extent contrary to their welfare;
 - f. subjecting animals used for competitions or shows or for other purposes to a treatment which is harmful or causes unnecessary fear;
 - g. failing to comply with the obligation to provide animals with appropriate living conditions as laid down in Article 29 or administrative provisions issued pursuant to it;
 - h. infringing the provisions of Articles 16, 18 to 28, 31 or 32, or any administrative provisions issued pursuant to them.
- In the case of a significant or repeated infringement of the type described in the first paragraph, the offender shall be imprisoned for up to two years unless the offence is considered serious enough to warrant a punishment in accordance with Article 174 of the General Penal Code.
- Infringements as described in the first and second paragraphs shall incur criminal liability where they result from intentional or negligent acts.
- A legal entity may be fined for infringements as described in the first or second paragraph irrespective of the liability for the entity's operations of any of the entity's responsible managers, employees or other relevant persons. A legal entity may be liable for penalties even if it cannot be verified which of the above persons is responsible. The criminal liability of public authorities shall be subject to the same conditions provided that an infringement as described in the first or second paragraph has been committed in the context of an operation considered comparable to a privately run enterprise.
- Attempted infringements and participation in infringements as described in the first and second paragraphs shall be punishable in accordance with the General Penal Code.
- Infringements of this Act shall only be made the subject of a police investigation following a complaint by the Food and Veterinary Authority.
- Where an alleged infringement of this Act is punishable either by administrative fine or criminal sanctions, the Food and Veterinary Authority shall evaluate whether to report the case to the police or close it by means of an administrative decision. Significant infringements must be reported to the police. An infringement is considered significant if it has been committed in a particularly reprehensible manner or under exceedingly aggravating circumstances. The Food and Veterinary Authority may furthermore decide to report a case concerning an infringement of this Act to the police at any stage of its investigation. Care shall be taken to treat cases that are comparable in the same manner.
- When the Food and Veterinary Authority reports a case to the police, it shall forward copies of all documents on which the suspicion of an infringement rests. The provisions of Sections IV to VII of the Administrative Procedures Act shall not apply to a decision by the Food and Veterinary Authority to report a case to the police.

- The Food and Veterinary Authority may forward to the police and to the prosecuting authorities any information or document which the Authority has obtained and which is relevant for infringements of the type referred to in the seventh paragraph.
- The police and the prosecuting authorities may forward to Food and Veterinary Authority any information or document which they have obtained and which is relevant for infringements of the type referred to in the seventh paragraph. The police may participate in any measure implemented by the Food and Veterinary Authority as part of its investigation of infringements of the type referred to in the seventh paragraph.
- Where a prosecutor concludes that there are insufficient grounds for prosecuting a case of alleged criminal behaviour, and where the behaviour in question is also liable to administrative sanctions, the case may be referred or sent back to the Food and Veterinary Authority for processing and decision.

■ **Article 46** *Regulatory powers*

- The Minister may issue a Regulation containing more detailed provisions on the implementation of this Act.¹⁾

¹⁾*Regulation No 1160/2013 (on quality controlled sheep farming). Regulation No 910/2014 (on the welfare of horses). Regulation No 1065/2014 (on the welfare of cattle). Regulation No 1066/2014 (on the welfare of sheep and goats). Regulation No 1276/2014 (on the welfare of pigs). Regulation No 1277/2014 (on the welfare of minks).*

Section XI Entry into force etc.

■ **Article 47** *Entry into force*

- This Act shall enter into force on 1 January 2014. ... Regulations issued pursuant to the Animal Protection Act, No 15/1994, as well as regulations pertaining to the living conditions and welfare of animals, issued pursuant to Act No 103/2002, on livestock management, etc., shall remain applicable to the extent that they are consistent with the provisions of this Act.¹⁾

¹⁾*See now: Regulation No 127/1958, cf. No 232/1968. Regulation No 251/1995, cf. No 904/2001 and 701/2002. Regulation No 635/1996. Regulation No 504/1998, cf. No 246/1999 and 15/2000. Regulation No 557/1998. Regulation No 59/2000. Regulation No 526/2001. Regulation No 279/2002. Regulation No 743/2002, cf. No 231/2003. Regulation No 1077/2004. Regulation No 968/2011. Regulation No 969/2011. Regulation No 970/2011, cf. No 215/2012. Regulation No 971/2011. Regulation No 972/2011, cf. No 89/2012 and 183/2012. Regulation No 973/2011, cf. No 182/2012. Regulation No 974/2011. Regulation No 975/2011, cf. No 336/2012. Regulation No 1189/2011. Regulation No 911/2012. Regulation No 916/2012.*

■ **Article 48** *Choice of law*

- Where the Food and Veterinary Authority has initiated a procedure during the period of application of an older Act, the provisions of this Act shall apply to that procedure from the entry into force of the Act. This shall apply even in cases where the relevant facts occurred, in part or in full, during the period of application of the older Act.

■ **Article 49** *Amendments to other Acts. ...*

Disclaimer: This is an English translation. The original Icelandic text, as published in the Law Gazette (Sjónartíðindi), is the authoritative text. Should there be discrepancy between this translation and the authoritative text, the latter prevails.