

L.N. 223 of 2017**VETERINARY SERVICES ACT
(CAP. 437)****Swine Rearing and Keeping Rules, 2017**

IN exercise of the powers conferred by articles 5(1), 7, 8, 9(1), 11 and 34 of the Veterinary Services Act, the Minister for the Environment, Sustainable Development and Climate Change has made the following rules:-

Citation and applicability.

1. (1) The title of these rules is the Swine Rearing and Keeping Rules, 2017.

(2) Persons already in possession of swine as pets before the coming into force of these rules shall conform with rule 20(b) and (f) within six months from the coming into force of these rules and with rule 20(d) within one year from the coming into force of these rules.

Interpretation.

2. For the purpose of these rules and unless the context otherwise requires:

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"Act" means the Veterinary Services Act;

"breeder" means any person licensed by the Director of Veterinary Services to keep and breed swine in order to produce swine for onward sale;

"Director" means the Director of Veterinary Services, and includes any officer of the Department of Veterinary Services duly authorised by him to act on his behalf;

"domestic waste" means any organic waste originating from private dwellings;

"fattener" means any person licensed by the Director of Veterinary Services to keep swine for fattening on a licensed farm whether for slaughter or for onward sale as pets;

"Food Chain Information" means the document containing the information of the holding of provenance of the arriving animals in accordance with the European Union hygiene regulations;

"keeper" means any person registered by the Director of Veterinary Services to keep swine as a pet but is not authorised to breed, sell, or slaughter swine for consumption;

"microchip" means electronic identification by means of the

implantation of a chip or transponder which complies with ISO standard 11784 or Annex A ISO standard 11785 for the purpose of monitoring and regulating the electronic identification of pet swine;

"site" means any place where swine are kept as pets;

"swill" means any organic waste originating from catering establishments such as hotels, restaurants (including takeaway restaurants), diners (including canteens), clubs, community establishments and other premises where food is prepared, served, packaged or otherwise. Swill shall also refer to international catering waste as defined in the Animal By-Products Regulation (Regulation No. EC 1069/2009);

"swine" means any animal of the species *Sus scrofa* and *Sus scrofa domesticus* and shall include pigs kept as pets including all pigs of exotic derivation or breed and pigs that are kept for exhibition purposes only;

"swine farm" means a place licensed by the Director to be used for the rearing of swine;

"to keep" means to own a swine as a pet whilst forbidden to breed, sell the same, or slaughter for consumption;

"to rear" means to breed and, or fatten swine.

3. (1) No person shall rear or keep swine unless he is registered for this purpose with the Veterinary Services and is in possession of the appropriate licence issued by the Director: Licence and registration.

Provided that licences for the keeping of swine shall be issued with regards to the particular swine that is intended to be kept as a pet.

(2) Any place which is intended for rearing swine shall be licensed by the Director as a swine farm.

4. No person shall obtain a licence to rear swine unless he satisfies the requirements laid down in Schedule III. Requirements to obtain a licence to rear swine.

5. (1) No person shall keep or rear swine without a licence issued by the Director in terms of these rules. Licence to keep or rear swine.

(2) An application for keeping or rearing swine shall be made to the Director on the appropriate form and shall contain the details prescribed in Schedule I:

Provided that the Director may request additional information or documentation from the applicant as reasonably and objectively justified:

Provided further that an applicant for a licence shall not commence to keep or rear swine before a formal licence is issued by the Director.

(3) A licence shall be deemed null *ab initio* if it transpires that the requirements of the application have not been fulfilled or the information or documentation submitted was false or incorrect:

Provided that no refunds of any fees paid shall be made in such cases.

Licence for a swine farm.

6. (1) No area shall be used to rear swine unless it is licensed by the Director as a swine farm in terms of these rules.

(2) An application for a swine farm shall be made to the Director on the appropriate form and shall contain the details prescribed in Schedule II:

Provided that the Director may request additional information or documentation from the applicant as reasonably and objectively justified:

Provided further that an applicant for a licence shall not commence to use the area as a swine farm before a formal licence is issued by the Director.

(3) A licence shall be deemed null *ab initio* if it transpires that the requirements of the application have not been fulfilled or the information or documentation submitted was false or incorrect:

Provided that no refunds of any fees paid shall be made in such cases.

Processing of an application.

7. (1) The Director shall without delay acknowledge receipt of an application and receipt of the applicable licence fee in writing to the applicant.

(2) An application shall be deemed to be incomplete, and shall be returned to the applicant if it is not accompanied by all the information and, or documentation requested in these rules.

(3) Upon receipt of a complete application form, the Director shall within ninety (90) calendar days from the date of receipt of an application form:

(a) inform the applicant of the need to supply any additional information or documentation; or

(b) issue the licence subject to any conditions he may deem fit; or

(c) refuse the application for a licence giving its reasons for such a refusal.

8. Any licence under these rules shall be subject to the payment of a fee and annually thereafter: Payment of licence fee.

Provided that the licence of a keeper shall be payable only once on filing of the application.

9. (1) The Director may, by order notified to licence holders, at any time suspend a licence: Suspension or revocation of a licence.

(a) if the licence holder is in breach of any condition of the licence;

(b) if the licence holder is in breach of these rules or any other legislation applicable to the breeding, keeping or fattening of swine as the case may be;

(c) if it is the Director's opinion that there is a risk of the introduction or spreading of disease;

(d) if a swine farm is not used for rearing swine for a period of one year.

(2) Suspension shall be for a period of time specified in the order and subject to the conditions contained in the same.

(3) In suspending a licence the Director may, as the case may be:

(a) impose any conditions deemed as necessary;

(b) halt the transfer of any or all animals to which the licence refers including to slaughterhouses;

(c) order the slaughter and, or culling of any or all animals affected by the order of revocation or suspension in an approved slaughterhouse;

(d) order the culling of animals on the site where they were being reared in a manner that is effective and humane;

(e) order the disposal of carcasses in accordance with the Animal By-Products Regulation (Regulation EC 1069/2009);

(f) take any other measures he may deem necessary.

Validity of licences.

10. (1) Licences for fatteners and breeders shall be issued for a term of one calendar year and, unless otherwise suspended or forfeited, shall be renewable subject to the continued compliance with the requirements of these rules including the payment of the relevant fee applicable thereto.

(2) Licences for keepers shall be valid for the entire lifetime of the swine kept as a pet.

(3) The licenses referred to in sub-rules (1) and (2) may only be issued once the provisions of these rules are complied with to the satisfaction of the Director and once the prescribed licensing fees are paid in accordance with rule 25.

(4) Licenses for swine farms shall not be renewed unless rearing has been carried out for a period of twelve consecutive months on the farm.

Approval of site in which to rear swine.

11. No person shall rear swine in any place which has not been inspected and approved by the Veterinary Services and licensed as a swine farm.

Illegal holdings of swine.

12. (1) The Director shall have the right to enter, without prior notice, any premises where there is the suspicion that any swine is being kept or reared without the appropriate licence.

(2) Any unregistered site where swine are found shall be deemed to be in breach of these rules and the Director may, notwithstanding any other action which may be taken in terms of these rules, act upon such a violation by applying the provisions laid down in rule 22.

Plans, extension and alterations of sites in which to rear swine.

13. (1) Each application for a licence to rear swine shall be accompanied by a permit, including development permits, and plans of the site of rearing issued by the relevant competent authorities.

(2) Extensions or alterations to sites within which to rear swine may only be carried out following the obtainment of relevant permits, including but not limited to development and environmental permits as required, and subject to the approval of the Director.

Movement of swine.

14. (1) Swine shall not be moved from one location to another unless the said movement is allowed with the prior written

approval of the Director.

(2) Approval of the Director for the movement of swine shall be sought through the submission of the appropriate form containing the details established in Schedule IV.

(3) Any person moving swine from any location to another shall do so in an acceptable and humane manner and in a vehicle assuring the right conditions for the well-being of the animal. The said person shall also carry with him the Director's written approval which authorises the movement of the swine:

Provided that movement of swine from a licensed farm to an approved abattoir shall be exempt from the submission of the form containing the details established in Schedule IV as long as swine are accompanied by the Food Chain Information.

15. (1) Swill and domestic waste shall not be fed to swine. Swill, waste and by-products.

(2) Animal by-products (except international catering waste) may be authorised as feed for swine by the Director in accordance with the Animal By-Products Regulation (Regulation No. EC 1069/2009).

(3) The Director may authorise the use of by-products of food industries as feed for swine when he is satisfied that the originator thereof is registered with the Veterinary Services and is subject to regular controls according to relevant legislation in force.

16. (1) No person licensed to rear swine shall collect or transport swill, waste, or by-products. Prohibition to collect, transport, swill, waste or by-products.

(2) No vehicle used for the collection or transport of swill, waste or by-products shall be kept in any site approved as a swine farm.

(3) The Director may authorise any person licensed to rear swine to collect and transport by-products allowed as feed for swine in accordance with rule 15(2) and (3).

17. Licensed swine breeders and fatteners may have a feeding mill or feed mixing technology on the site where the swine are being reared provided that the site is registered and, or approved in line with the provisions of Regulation (EC) No. 183/2005 laying down the requirements for feed hygiene. On-farm feed producers.

18. (1) No licensed fatterer or breeder shall acquire swine from anyone other than a holding and subject to such swine's Acquisition of swine.

identification as well as the obtainment of the necessary movement authorisation in accordance with rule 14.

(2) Licensed keepers shall only acquire swine following authorisation to do so after an application for movement of the swine which is upheld by the Director prior to the movement.

Compliance to other laws or regulations applicable to swine.

19. A person licensed to rear swine under these rules shall not be exempt from compliance with the requirements of any other law or regulation applicable to swine from time to time.

Keeping of swine as pets.

20. Swine may be kept as a pet on the following conditions:

(a) the intended keeper is to be approved as such after applying for a licence to keep swine as a pet in terms of these rules;

(b) swine shall be identifiable by a microchip inserted beneath the skin of the left ear by a warranted veterinarian;

(c) on payment of the prescribed fee, a licence shall be issued by the Director provided that all provisions of these rules have been complied with;

(d) there may be no more than two swine on one site and no more than one swine shall be kept per person;

(e) swine are only to be moved from approved sites with the prior approval of the Director except for emergency veterinary visits which are to be confirmed as such in writing by the veterinarian attending to the swine kept as a pet;

(f) male swine shall be rendered surgically sterile through castration;

(g) breeding of swine by keepers is prohibited;

(h) persons applying for a licence in terms of these rules shall be eighteen years old or over and able to take charge of a swine kept as a pet. Any person convicted of offences against the Animal Welfare Act shall be forbidden from keeping a swine or applying for a keeper licence;

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(i) the Director shall be notified within seven days from when any licensed swine kept as a pet dies;

(j) the Director shall be notified within forty-eight hours by a keeper in the case of the loss of a licensed swine kept

as a pet through an appropriate means of notification as may be stipulated by the Director from time to time;

(k) carcasses of swine kept as pets shall never enter the food-chain or otherwise be used for human or animal consumption. The said carcasses are to be disposed of in terms of the Animal By-Products Regulation (Regulation No. EC 1069/2009).

21. (1) Swine may only be imported or moved into Malta from EU Member States or third countries in terms of the legislation from time to time in force governing importation, trade and transport. Movement of swine into and outside of Malta.

(2) Competent authorities must be notified of any swine due to enter or leave Malta within forty-eight hours prior to the transfer. Any swine entering Malta as a pet must be immediately identified with a microchip in accordance with rule 20(b) and registered with the Veterinary Services upon arrival.

(3) No swine shall enter Malta from within a Member State and, or third country deemed by the Director to be infected by any relevant disease.

22. The Director may, at his discretion: Enforcement.

(a) order the suspension of all movements into and out of approved sites as well as into or out of Malta for any reason deemed necessary for the protection of current stock or due to non-compliance by a licence holder with these rules or with any licence condition;

(b) order the slaughter of swine deemed unfit for keeping or for human consumption based on the results of an inspection;

(c) order the adequate disposal of carcasses deemed unfit for consumption or other use following an ante or post mortem inspection;

(d) order the destruction and disposal of swine or derivative products deemed unfit for consumption in accordance with paragraph (c);

(e) order the return of swine to its place of origin if there results to be any breach of these rules;

(f) carry out or make any other order deemed fit by the Director.

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- Swine control. **23.** (1) A Police officer or any officer authorised by the Director may seize and detain any swine for the purpose of identifying it.
- (2) Breeders, fatteners and keepers shall not abandon their swine.
- (3) No swine shall be allowed in a public place except for exhibitions, shows, fairs and similar activities without the prior approval of the Director.
- Expenses. **24.** The cost of any action taken or ordered by the Director in terms of these rules shall always be borne by the owner of the swine.
- Licensing fees. **25.** (1) Breeders and fatteners shall apply with the Director for a licence using the form containing details in Schedule I and Schedule II and they shall thereafter pay the annual licensing fee.
- (2) Keepers shall apply with the Director for a lifetime licence using the form in Schedule I and they shall pay a one-time licensing fee.
- Offences and penalties. **26.** Any person who acts in contravention of these rules shall be guilty of an offence and shall, on conviction, be liable to the penalties contemplated in the Act.

SCHEDULE I

[Rule 5(2)]

Details of the Application Form for a Licence to Rear or Keep Swine

Applicant's name

Applicant's identity card number

Applicant's residential address

Address of proposed swine rearing or keeping site

List of all relevant permits (including development and environmental permits) and plans relating to the site and issued by the competent authorities (if applicable):

(copies of listed permits / plans to be attached by applicant)

(please note that copies of the planning permit, site plan and plans of the proposed swine habitation quarters shall be required ad validatem)

Nature of the application:

Breeder

Fattener

Keeper*

Intended number of swine[†]

Swine Microchip No.:

* Owner of a Swine kept as pet.

[†] Not more than one pet swine allowed per keeper.

SCHEDULE II

[Rule 6(2)]

Details of the Application Form for a Licence of a Swine Farm

Applicant's name

Applicant's identity card number

Applicant's residential address

Address of proposed swine rearing site

List of all relevant permits (including development and environmental permits) and plans relating to the site and issued by the competent authorities (if applicable):

(copies of listed permits / plans to be attached by applicant)

(please note that copies of the planning permit, site plan and plans of the proposed swine habitation quarters shall be required ad validatem)

Nature of the application:

Breeder

Fattener

Intended number of swine

SCHEDULE III

(Rule 4)

Pre-requisites for holding of a Licence to Rear Swine

1. Planning Authority permits and Environment and Resources Authority permits with approved plans for animal holding for new applicants.
2. Proven experience in pig husbandry or possession of relevant qualification equivalent to Malta Qualification Framework Level 4 or an equivalent, relevant and recognised qualification as deemed appropriate by the Director.

3. A waste management plan as endorsed by the relevant competent authority.

SCHEDULE IV

[Rule 14(2)]

Details of the Application Form for Approval of the Movement of Swine

Date of application

Transfer from

Name / identity card number of license holder moving the swine

Address and license / registration number of site from where the swine is being moved

Swine/s identification number (microchip, tattoo, eartag number)

Swine category (gilt, sow, boar, piglet, weaner)

Number of swine being moved

Transfer to

Name / identity card number of license holder receiving the swine

Address and license / registration number of site to where the swine is being moved

Reason(s) for movement of the swine

