

**L.N. 265 of 2003**

**ANIMAL WELFARE ACT  
(ACT NO. XXV OF 2001)**

**The Keeping of Wild Animals in Zoos Regulations, 2003**

**IN exercise of the powers conferred by articles 7(2) and 8 of the Animal Welfare Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:-**

**Title and scope.**

1. (1) The title of these regulations is the Keeping of Wild Animals in Zoos Regulations, 2003.

(2) The objectives of these regulations are to protect wild fauna and to conserve biodiversity by providing for the adoption of licensing and inspection of zoos on the territory of Malta in order to strengthen the role of zoos in the conservation of biodiversity.

(3) The scope of these regulations is to implement the provisions found under European Union Council Directive 1999/22/EC relating to the keeping of wild animals in zoos.

**Definitions**

2. In these regulations unless the context requires otherwise-

"Zoos" means all permanent establishments where animals of wild species are kept for exhibition to the public for 7 or more days a year, with the exception of circuses, pet shops and establishments which the Veterinary Services exempts from the requirements of these regulations on the grounds that they do not exhibit a significant number of animals or species to the public and that the exemption will not jeopardise the objectives of these regulations.

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

### **Requirements applicable to zoos.**

3. The Veterinary Services shall take measures under regulations 4, 5 and 6 to ensure all zoos implement the following conservation measures, that is to say -

(1) participating in research from which conservation benefits accrue to the species, and, or training in relevant conservation skills, and, or the exchange of information relating to species conservation and/or, where appropriate, captive breeding, repopulation or reintroduction of species into the wild,

(2) promoting public education and awareness in relation to the conservation of biodiversity, particularly by providing information about the species exhibited and their natural habitats,

(3) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the individual species, *inter alia*, by providing species specific enrichment of the enclosures; and maintaining a high standard of animal husbandry with a developed programme of preventive and curative veterinary care and nutrition,

(4) preventing the escape of animals in order to avoid possible ecological threats to indigenous species and preventing intrusion of outside pests and vermin,

(5) keeping of up-to-date records of the zoo's collection appropriate to the species recorded.

### **Licensing and inspection.**

4. (1) The Director, on the advice of the Animal Welfare Council, shall adopt measures for licensing and inspection of existing and new zoos in order to ensure that the requirements of regulation 3 are met.

(2) Every zoo shall have a licence within four years after the entry into force of these regulations or, in the case of new zoos, before they are open to the public.

(3) Each licence shall contain conditions to enforce the requirements of regulation 3. Compliance with the conditions shall be monitored *inter alia* by means of regular inspection and appropriate steps shall be taken to ensure such compliance.

(4) Before granting, refusing, extending the period of, or significantly amending a

licence, an inspection by animal welfare officers shall be carried out in order to determine whether or not the licensing conditions or proposed licensing conditions are met.

(5) If the zoo is not licensed in accordance with these regulations or the licensing conditions are not met, the zoo or part thereof –

(a) shall be closed to the public by the Veterinary Services;

and, or

(b) shall comply with appropriate requirements imposed by the Veterinary Services to ensure that the licensing conditions are met.

Should these requirements not be complied with within an appropriate period to be determined within one year, the Veterinary Services shall withdraw or modify the licence and close the zoo or part thereof.

#### **Closure of zoos.**

5. In the event of a zoo or part thereof being closed, the Veterinary Services shall ensure that the animals concerned are treated or disposed of under conditions granted by this same Division and consistent with the purposes and provisions of these regulations.

#### **Penalty for non-fulfilment of obligations.**

6. (1) Subject to the provisions of these regulations and of the Animal Welfare Act, 2001, a person who infringes any of the provisions arising from these regulations, shall, on conviction, be liable to a fine (*multa*) of not less than Lm10, 000.

(2) Without prejudice to the provisions of sub-regulation (1) of this regulation, the Court may also order any person who is found guilty of committing an offence under these regulations, to pay for the expenses incurred by the Veterinary Services as a result of the said offence, the revocation of the permit issued under these regulations and the confiscation, retention and disposal of the *corpus delicti*.