

L.N. 266 of 2003

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

Farm Animals (Protection) Regulations, 2003.

IN exercise of the powers conferred by articles 7(2) and 9(2) of the Animal Welfare Act, 2001, the Minister for Rural Affairs and the Environment has made the following regulations:-

Title, commencement and scope.

1. (1) The title of these regulations is the Farm Animals (Protection) Regulations, 2003 which lay down minimum standards for the protection of animals bred or kept for farming purposes.

(2) These requirements shall not apply to –

- (a) animals living in the wild;
- (b) animals intended for use in competitions, shows, cultural or sporting events or activities;
- (c) experimental or laboratory animals;
- (d) any invertebrate animal.

(3) These regulations shall apply without prejudice to specific Community veterinary rules laid down elsewhere, and in particular to European Union Council Directives 91/629/EEC and 91/630/EEC, which shall continue to apply.

(4) The scope of these regulations is to implement the provisions found under European Union Council Directive 98/58/EC concerning the protection of animals kept for farming purposes.

Definitions.

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

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

(b) “competent authority” means the competent authority within the meaning of article 2(6) of European Union Council Directive 90/425/EEC, for Malta, Veterinary Services.

(c) “owner” or “keeper” means any natural or legal person or persons responsible for or in charge of animals whether on a permanent or temporary basis;

(d) “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.

Animal welfare.

3. In the territory of Malta, the owners or keepers take all reasonable steps to ensure the welfare of animals under their care and to ensure that those animals are not caused any unnecessary pain, suffering or injury.

Conditions for breeding and keeping of animals.

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

Application of the European Convention for the Protection of Animals kept for Farming Purposes.

5. (1) In the territory of Malta shall be taken any proposals which may be necessary for the uniform application of the European Convention for the Protection of Animals Kept for Farming Purposes and, on the basis of a scientific evaluation, any recommendations made under this Convention and any other appropriate specific rules.

(2) In addition, on the basis of experience acquired in particular concerning the measures referred to in sub-regulation (1) and technical and scientific developments, any appropriate European Community provisions shall be adopted.

Inspections.

6. (1) In the territory of Malta, inspections are carried out by the Veterinary Services to check compliance with the provisions of these regulations. Such inspections may be carried out at the same time as checks for other purposes.

(2) Veterinary Services shall submit to the European Commission reports on the inspections required under sub-regulation (1) of this regulation.

(3) In accordance with European Community rules and in accordance with the procedure laid down in article 7(2) of the Animal Welfare Act, 2001, proposals may be adopted with a view to regulate -

(a) the inspections required under sub-regulation (1) of this regulation;

(b) the format, content and frequency of submission of the reports referred to in sub-regulation (2) of this regulation.

On-the-spot checks by veterinary experts.

7. (1) Veterinary experts from the European Commission may, in conjunction with the Veterinary Services, make on-the-spot checks.

(2) Veterinary Services shall provide the veterinary experts with any assistance they may require in the performance of their tasks. In particular, access on the same basis as officials of the competent authority shall be given to all concerned persons, information and documentation as well as access to places, establishments, installations and means of transport in order for the checks to be carried out.

(3) The Veterinary Services shall take any measures which may be necessary to take account of the results of the check.

Penalty for non-fulfilment of obligations.

8. (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 two thousand liri (Lm2,000) and not exceeding six thousand liri (Lm6,000).

(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*.

SCHEDULE

Staff

1. Animals shall be cared for by a sufficient number of staff who possess the appropriate ability, knowledge and professional competence.

Inspection

2. All animals kept in husbandry systems in which their welfare depends on frequent human attention shall be inspected at least once a day. Animals in other systems shall be inspected at intervals sufficient to avoid any suffering.

3. Adequate lighting (fixed or portable) shall be available to enable the animals to be thoroughly inspected at any time.

4. Any animal which appears to be ill or injured must be cared for appropriately without delay and, where an animal does not respond to such care, veterinary advice must be obtained as soon as possible. Where necessary sick or injured animals shall be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.

Record keeping

5. The owner or keeper of the animals shall maintain a record of any medicinal treatment given and of the number of mortalities found to each inspection.

Where equivalent information is required to be kept for other purposes, this shall also suffice for the purposes of these regulations.

6. These records shall be retained for a period of at least three years and shall be made available to the Veterinary Services when carrying out an inspection or when otherwise requested.

Freedom of movement

7. The freedom of movement of an animal, having regard to its species and in accordance with established experience and scientific knowledge, must not be restricted in such a way as to cause it unnecessary suffering or injury.

Where an animal is continuously or regularly tethered or confined, it must be given the space appropriate to its physiological and ethological needs in accordance with established experience and scientific knowledge.

Buildings and accommodation

8. Materials to be used for the construction of accommodation, and in particular for the construction of pens and equipment with which the animals may come into contact, must not be harmful to the animals and must be capable of being thoroughly cleaned and disinfected.

9. Accommodation and fittings for securing animals shall be constructed and maintained so that there are no sharp edges or protrusions likely to cause injury to the animals.

10. Air circulation, dust levels, temperature, relative air humidity and gas concentrations must be kept within limits which are not harmful to the animals.

11. Animals kept in buildings must not be kept either in permanent darkness or without an appropriate period of rest from artificial lighting. Where the natural light available is insufficient to meet the physiological and ethological needs of the animals, appropriate artificial lighting must be provided.

Animals not kept in buildings

12. Animals not kept in buildings shall where necessary and possible be given protection from adverse weather conditions, predators and risks to their health.

Automatic or mechanical equipment

13. All automated or mechanical equipment essential for the health and well-being of the animals must be inspected at least once daily. Where defects are discovered, these must be rectified immediately, or if this is impossible, appropriate steps must be taken to safeguard the health and well-being of the animals.

Where the health and well-being of the animals is dependent on an artificial ventilation system, provision must be made for an appropriate backup system to guarantee sufficient air renewal to preserve the health and well-being of the animals in the event of failure of the system, and an alarm system must be provided to give warning of breakdown. The alarm system must be tested regularly.

Feed, water and other substances

14. Animals must be fed a wholesome diet which is appropriate to their age and species and which is fed to them in sufficient quantity to maintain them in good health and satisfy their nutritional needs. No animal shall be provided with food or liquid in a manner, nor shall such food or liquid contain any substance, which may cause unnecessary suffering or injury.

15. All animals must have access to feed at intervals appropriate to their physiological needs.

16. All animals must have access to a suitable water supply or be able to satisfy their fluid intake needs by other means.

17. Feeding and watering equipment must be designed, constructed and placed so that contamination of food and water and the harmful effects of competition between the animals are minimised.

18. No other substance, with the exception of those given for therapeutic, or prophylactic purposes or for the purposes of zootechnical treatment as defined in article 1(2)(c) of European Union Council Directive 96/ 22/EC, must be administered to an animal unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of that substance is not detrimental to the health or welfare of the animal.

Mutilations

19. Pending the adoption of specific provisions concerning mutilations in accordance with the procedure laid down in article 7 the Animal Welfare Act, and without prejudice to European Union Council Directive 91/630/EEC, mutilations for non-therapeutic reasons are forbidden on animals bred in the territory of Malta.

Breeding procedures

20. Natural or artificial breeding or breeding procedures which cause or are likely to cause suffering or injury to any of the animals concerned must not be practised.

This provision shall not preclude the use of certain procedures likely to cause minimal or momentary suffering or injury, or which might necessitate interventions which would not cause lasting injury, where these are allowed by national provisions.

21. No animal shall be kept for farming purposes unless it can reasonably be expected, on the basis of its genotype or phenotype, that it can be kept without detrimental effect on its health or welfare.