

EXTRACTS DATED 2ND NOVEMBER, 2016

BILL No. 21 of 2016

Wednesday 2nd November, 2016

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

2nd November, 2016.

The following Bill which will be introduced in the National Assembly is published for general information.

SE. Isaacs,
Clerk of the National Assembly.



BILL No. 21 of 2016

ANIMAL WELFARE BILL 2016

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ABILL
In1ituled

AN ACT to deal with the welfare of animals; to provide for their protection and health; and connected matters.

A.D. 2016

Enacted by the Parliament of Guyana:-

PART I
PRELIMINARY

Short title and commencement.

1. (1) This Act may be cited as the Animal Welfare Act 2016.

(2) This Act shall come into force on a date to be appointed by the Minister by order.

Interpretation.

2. In this Act, unless the context otheiwise requires -

"abandoned animal" .means any animal whose owner has intentionally abandoned it;

"alien animal species" means animal species which do not occur naturally within the territory of Guyana;

"anaesthesia" means a procedure performed to eliminate the sensation of pain in animals using special purpose means;

"analgesia" means a procedure performed to reduce or eliminate the sensation of pain in animals using special purpose means without causing loss of consciousness;

"animal" means all vertebrates excluding their embryonic and foetal stages and human beings;

Cap. 71:10.

"animal shelter" means a facility used to house and provide necessary care for abandoned and lost animals;

"Authority" means the Guyana Livestock Development Authority established under the Guyana Livestock Development Authority Act;

"circus and performances involving animals" means performances involving animals, which are organised by legal and natural persons with the aim of entertaining the audience;

"companion animal" means any animal kept by man for companionship, protection, assistance or interest;

"competent authority" means the Head of the Animal Health Unit within the Guyana Livestock Development Authority and persons acting on his instructions and with his authority;

"domestic animal" means an animal tamed by man and used for the production of food, feed and animal by-products and for other economic purposes;

"experiments" means one or more procedures performed on an animal for experimental purposes which may cause it pain, suffering or injury;

"humane killing" means a procedure performed by using tools and methods approved for such purpose and in a manner which causes the animals a minimum of pain, suffering and fear;

"intervention" means any procedure resulting in damage to or the loss of a sensitive part of the body or the alteration of bone structure of an animal;

"lost animal" means an animal that has strayed from its owner, without the consent of the owner, who is searching for it;

"Minister" means the Minister with responsibility for Agriculture;

"owner" means any natural or legal person who is the owner, user or custodian of an animal and who is, as such, responsible for the health and welfare of the animal on a permanent or temporary basis;

"service animal" includes bodyguard dogs, property guard dogs, guide dogs for the blind, assistance dogs, search dogs and dogs used for performing other tasks, horses and other animals used by man for purposes other than "production";

"slaughter" means causing the death of an animal by bleeding;

"slaughter according to religious rite" means the slaughter of animals without stunning, carried out by a person authorised by a religious community;

"stunning" means an obligatory procedure to be carried out prior to slaughter or humane killing whereby an animal is put into a state of reduced consciousness;

"transporter" refers to a natural or legal person transporting live animals;

"working horse" means a horse used to perform certain tasks;

"working dog" means a dog used to perform certain tasks;

"wild animals" refers to any animal other than domestic animals, companion animals, working dogs and working horses and service animals;

"zoological garden" means a business engaged in by natural and legal persons who keep domestic and wild animals for exhibition to the public for at least seven days a year, with the exception of circuses, pet shops, temporary exhibitions of animals, collections of animals not open to the public, aquariums and terrariums used for decoration in premises and establishments where animals are raised.

3. The Authority shall be responsible for the administration of the provisions of this Act.

**PART II
PROTECTION OF ANIMALS**

Prohibited acts and protection of animals.

4. (1) No person shall subject any animal to unnecessary pain or intentionally expose an animal to a condition that causes or is likely to cause pain, suffering, fear or injury.

(2) No person shall -

- (a) raise an animal in a way that causes or is likely to cause pain, suffering, fear or injury;
- (b) import or sell animals raised in the way prohibited by paragraph (a);
- (c) through selection or other methods increase aggressiveness of an animal;
- (d) incite or train animals to be aggressive against humans or other animals, except in the case of the training of working and hunting dogs under the supervision of qualified persons;
- (e) train animals to fight or in any way associate with animal fights, including organising, attending, betting and advertising;
- (f) give an animal as a prize in any game of chance;
- (g) use technical devices, aids and tools aimed at controlling behaviour of animals by punishment, including prong collars or training devices involving the use of electric current or chemical substances, except when training working dogs;

- (hr) organise any dog race on hard surfaces;
- (i) give to an animal any stimulant or illegal substance in order to improve their performance in sports, competitions and shows;
- (j) give to an animal any unauthorised stimulant or substance in order to enhance its growth and weight gain;
- (k) use any animal in a circus, other shows, film, television production, advertisement, exhibition or competition in which the animal is forced to behave unnaturally, or is subject to pain, suffering, fear or injury;
- (l) force an animal into a behaviour that causes or is likely to cause pain, suffering, fear or injury;
- (m) expose an animal to adverse temperatures and weather conditions and hygiene standards unacceptable for individual animal species, or to lack of oxygen, thus causing them pain, suffering, fear or injury;
- (n) give any animal food or substance the ingestion of which will cause pain, suffering, fear, injury or death;
- (o) force an animal to take artificial or unnatural food or substances, except where scientifically justified or instructed by a veterinarian for animal health reasons;
- (p) neglect an animal in terms of its health, housing, nutrition and care;
- (q) cut off sensitive parts of the body of a live animal;
- (r) use traps other than those specified;
- (s) feed live animals to other animals unless unavoidable;
- (t) use live animals as hunting bait;
- (u) restrict the movement of an animal in any way that causes it pain, suffering, fear or injury.

(3) Notwithstanding anything to the contrary provided in subsections (1) and (2), any person may carry out any necessary procedure or do anything necessary -

- (a) for the health and protection of an animal, the control of pests and the control of human and animal diseases;
- (b) to control the movement of an animal raised for production purposes through the use of electric shocks and the setting up of electric fences.

(4) A person who contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for six months.

Protection of animals while kept or raised.

5. An owner who -

- (a) abandons an animal, whether domestic, companion, wild or otherwise, kept under his control;
- (b) exposes a raised or cultivated wild animal to the wild or settle it in the wild, unless prepared for survival in such environment, in accordance with a special programme; or
- (c) inflicts pain, suffering or injury upon an animal during training,

commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for three months.

Obligation to render assistance.

6. (1) Any person who injures an animal shall render all necessary assistance to the animal or arrange for assistance to be provided.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for three months.

7. (1) A person shall conduct all surgical or technical interventions on animals, using anaesthesia, in compliance with the current standards of the veterinary practice.

~~---(2)-A person--who fails to comply with subsection (1)-1;emmits an offence.~~

8. (1) Except as otherwise provided in this section the partial or total amputation of a sensitive part of the body of an animal shall be prohibited, including-

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- (a) the marking of an animal contrary to the Animal Health Act;
- (b) ear cropping and tail docking in dogs, declawing of cats, devocalisation and other interventions aimed at changing the phenotypic appearance of the animal.

(2) Notwithstanding anything to the contrary provided in this Act the partial or total amputation or removal of a sensitive part of the body of an animal shall be permitted -

- (a) where performed with prior anaesthesia and post-operative analgesia and where it is necessary for animal health and safety, experiments on animals, zoo technical purposes and controlling the reproduction of animals and to prevent pain, suffering, self-injury or injury to other animals;
- (b) in the case of a hunting dog, where it is done in compliance with specified kennel standards.

(3) A person shall not use anaesthesia -

- (a) when the risks posed by anaesthesia would be disproportionate to its benefits;
- (b) during the marking of animals, unless necessary for the

safety of the person carrying out the marking;

- (c) in certain diagnostic and therapeutic procedures in accordance with accepted standard of veterinary practice;
- (d) when the pain caused by anaesthesia is greater than that caused-by the intervention itself;
- (e) when it is incompatible with the results hoped to be achieved by the experiment.

Protection of
animals at the time
of humane killing.

9. (1) A person may humanely kill an animal when -

- (a) medical treatment of the animal is likely to be long lasting, cause suffering and the outcome of the treatment is uncertain;
- (b) the animal has reached an advanced age and its vital functions are failing;
- (c) the animal is suffering from an incurable disease;
- (d) it is necessary for the implementation of disease control measures generally and in particular for diseases that threatens humans and is likely to cause great economic damage;
- (e) the animal constitutes a danger to the community;
- (f) it is done for the purpose of pest control;
- (g) it is necessary for the purpose of performing an experiment on the animal or producing biological preparations or after the completion of the experiment or after using the animal for the production of biological preparations;
- (h) the animal kept or bred for production purposes is sick or injured, and slaughter or humane killing under the veterinarian's supervision is not possible.

(2) The owner of an animal, after consultation with a veterinarian, may decide to humanely kill the animal in keeping with subsection (1) (a) and (b) except in the case of subsection (1) (h) where ~~the owner may humanely kill in his sole discretion.~~

(3) A veterinarian in his sole discretion may humanely kill an animal in the cases referred to in subsection (1) (c) to (g).

(4) The humane killing of an animal, generally, shall be carried out by a veterinarian or qualified veterinary technician under the supervision of a veterinarian, except where otherwise provided for and in the following cases -

- (a) the humane killing of animals bred or kept for production purposes;
- (b) the humane killing of animals for the purposes of teaching, conducting experiments or producing biological preparations;
- (c) pest control;
- (d) when it is necessary to humanely kill an animal without delay because it suffers severe and incurable pain.

Humane killing without delay.

10. (1) The owner of an animal that suffers from severe and incurable pain shall, without delay, have the animal humanely killed.

(2) An owner of an animal who fails to comply with subsection (1) commits an offence.

Protection of animals during transport.

11. (1) No person shall transport any animal without the permission of the competent authority and without a certificate of approval of means of transport issued by the competent authority.

(2) A transporter shall personally or through a designated agent be

rc:possible for the safety, feeding, watering and resting of the animals during transport.

(3) A transporter when transporting animals shall comply with the following conditions -

- (a) steps must be taken in advance to minimise the length of the journey and of any delay, and to meet the animals' needs during the journey;
- (b) the animals must be fit for the journey;
- (c) the means of transport must be designed, constructed, maintained and operated so as to avoid injury and suffering and to ensure the safety of the animals;
- (d) the loading and unloading facilities and equipment must be designed, constructed, maintained and operated so as to avoid pain, suffering and injury and ensure the safety of the animals;
- (e) the conditions of the means of transport of animals must be regularly checked and maintained;
- (f) sufficient floor area and height must be provided for the animals, appropriate to their species and age and the length of the journey;
- (g) water and feed must be offered to the animals at suitable intervals and must be appropriate in quality and quantity to the species, size and age of the animals;
- (h) during the journey, the animals must be rested at appropriate intervals;
- (i) in the case of aquatic animals transported in special means of transport or containers, a sufficient quantity of water of appropriate temperature and an adequate

oxygen supply must be provided during transport, depending on the needs of the particular animal species;

- (j) late-pregnant females during a period equal to ten percent of the length of gestation before giving birth shall not be considered fit for transport, except when emergency veterinary treatment is needed;
- (k) when the upright position of a container in which animals are transported is not readily visible from outside, the said position must be indicated by a sign;
- (l) where it is not apparent from the nature of a container that live animals are carried in it, the container must be clearly marked to indicate that it contains live animals as well as the species of those animals.

(4) All persons handling animals at an assembly centre or resting points shall be trained in the care of animals.

(5) The competent authority shall keep a register of transporters of animals.

(6) Notwithstanding anything in this section to the contrary, a farmer may using his own vehicle transport his own animal for not more than fifty kilometres from any holding.

(7) The competent authority shall keep a register of resting points for animals transported.

(8) A person who fails to comply with subsections (1), (3) or (4) commits an offence.

12. A person shall not transport animals in a way that causes the animals' pain, suffering, injury or death.

Humane
transportation of
animals.

13. (1) A person commits an offence, if the person -
- (a) tortures a wild animal;
 - (b) restrains a wild animal from satisfying its physiological needs for a period longer than the period that may be prescribed by regulations;
 - (c) prevents a wild animal from accessing water or any part of the habitat essential for the survival of a species;
 - (d) fences any area, contaminates any water, chases away any wild animal thereby preventing it from accessing water and excluding it from its natural habitat;
 - (e) destroys an entire habitat or portions thereof, essential to the survival of a species;
 - (f) introduces into the habitat of a wild animal any dangerous alien animal species likely to destroy the animal in the wild;
 - (g) captures or kills live animals in the wild in a way that may cause them lengthy suffering, unless justified for reasons of scientific research or for the purpose of helping a population;
 - (h) does anything that will have harmful consequences on wild animals.

(2) Any public institution charged with the responsibility of managing protected parts of nature inhabited by wild animals shall ensure that -

- (a) all necessary conditions are satisfied for biological survival of a natural population consistent with ecological balance;
- (b) any disturbance of an existing or new habitat of wild animals shall be reasonably restored;
- (c) veterinary healthcare is available when necessary for the wild animals in the protected area.

PART III
PROTECTION AT THE TIME OF SLAUGHTER OR HUMANE KILLING

Stunning of
animals:---

14. (1) Except in the case of poultry and rabbits slaughtered for private domestic consumption, a person shall stun all animals before slaughtering:

(2) Without prejudice to the generality of subsection (1), a person may slaughter an animal without prior stunning in cases of emergency slaughter or slaughter according to religious rites.

(3) Stunning equipment or methods that cause or are likely to cause pain, suffering or fear to animals shall not be used.

(4) The Minister shall by regulations prescribe the methods of stunning and the equipment to be used.

(5) A person who fails to comply with subsections (1) or (3) commits an offence.

The handling of
animals in
slaughterhouses.

15. (I) All persons handling animals in a slaughterhouse shall comply with the following requirements -

(a) the unloading of animals at a slaughterhouse must be done using suitable equipment and in a manner that minimises pain, suffering or fear in the animal;

(b) the moving of animals within the precincts of the slaughterhouse to their lairages must be done with care and without causing pain, suffering or fear, with the use of suitable tools;

(c) slaughterhouses must be equipped with suitable stalls and pens where animals are to be kept, protected from adverse weather conditions, fed and given water.

(2) A person who slaughters an animal shall do so in the manner and with the use of the equipment prescribed.

Slaughtering and humane killing.

16. (1) A person conducting the humane killing of an animal shall do so in a way as to avoid unnecessary pain, suffering, injury or fear to the animal.

(2) Animals may be moved, lairaged and cared for in the slaughterhouse, restrained, stunned, slaughtered or humanely killed only by persons who are trained to perform these tasks.

(3) A person who slaughters an animal for private domestic consumption shall ensure that the animal be slaughtered in a way as to spare the animal any unnecessary pain, suffering, injury or fear, in accordance with the provisions of this Act.

(4) Where, in the case of emergency slaughter, stunning is not possible, a person shall carry out a slaughter in a way as to spare the animals any unnecessary pain, suffering, injury or fear.

(5) A person who slaughter according to religious rite shall do so in a slaughterhouse specially approved by the competent authority for that purpose.

(6) A person who fails to comply with the provisions of this section commits an offence.

PART IV ANIMAL WELFARE COMMISSION

Establishment and composition of Commission.

17. The Minister shall establish an Animal Welfare Commission which shall comprise no less than eight and no more than twelve members drawn from experts from the following disciplines, veterinary medicine, human medicine, biology, pharmacy, biochemistry and agronomy, as well as representatives from the animal protection associations.

Functions of the Commission.

18. (!) The Animal Welfare Commission shall -

- (a) issue opinions on proposals for legislation in the field of animal protection;
- (b) advise the Minister on current scientific and technical developments in the field of animal welfare;
- (c) prepare and submit to the Minister not later than the end of March in any current year, an annual report on its work for the preceding year;
- (d) provide opinions on matters relating to animal protection when requested by competent state administration bodies.

(2) The Animal Welfare Commission shall establish its rules of procedure.

PARTV THE KEEPING OF ANIMALS USED FOR PRODUCTION PURPOSES

Principles for the keeping of animals.

19.(1) A person may keep an animal for production purposes if its biological needs can be met in a way that does not impede its physiological functions and behaviour.

(2) The owner of an animal kept for production purposes shall, taking into consideration the age, species, degree of development, adaptation and domestication of the animal ensure that it has adequate food, care, space and land for freedom of movement and accommodation appropriate to its physiological and ethological needs.

(3) Any person who wishes to keep an animal for production purposes shall register with the Authority.

(4) A person who keeps animals for production purposes shall have training and experience in caring for such animals.

Care of ill or injured animals.

20. (1) An owner shall, without delay, care for any animal which shows signs of illness or is injured and, where necessary, ensure that the animal receives veterinary attention.

(2) The owner of an ill or injured animal shall place that animal in accommodation appropriate to its needs and, where necessary, in a separate area or pen.

(3) A person who fails to comply with the provisions of this section commits an offence.

Movement of animals.

21. (1) A person shall not restrict the movement of an animal in such a way as to cause it unnecessary pain, suffering, fear or injury.

(2) The owner of an animal kept on a tether shall-

(a) allow that animal a daily time off the tether so that the animal can move freely in accordance with its physiological and ethological needs;

(b) allow the animal ease of movement; and

(c) not subject the animal to pain, suffering, fear or injury.

(3) A person who cares for domestic animals and farmed wild animals shall provide the animals with suitable facilities or shelters to move around and with an adequate running and grazing area.

(4) A person shall not tether a wild animal, except for -

(a) veterinary-health or safety reasons; and

(b) the training of raptors for falconry.

(5) A person who fails to comply with the provisions of this section commits an offence.

Feeding and watering.

22. (1) A person who cares for an animal shall ensure that the type, quality and quantity of feed provided to that animal is appropriate to the species, age and physiological needs of the animal.

(2) The owner of an animal shall provide the animal with access to sufficient quantities of drinking water of suitable quality according to its needs.

(3) The owner of an animal shall-

(a) keep a feeding and watering facilities, and equipment clean; and

(b) equip all facilities in such a way that the animal can take food and water in a manner appropriate to its species.

(4) A person who fails to comply with the provisions of this section commits an offence.

Construction and equipment of animal houses.

23. (1) Any person constructing an animal house shall-

(a) use materials and equipment which are -

(i) not harmful to the animal nor adversely affect its health; and

(ii) easy to clean and, where necessary, disinfect;

(b) ensure that the animal house, enclosures and equipment are constructed so that there are no sharp comers, edges or protrusions likely to cause injury to animals.

(2) A person who fails to comply with the provisions of this section commits an offence.

Animals not kept in buildings.

24. (1) Where animals are temporarily or pennanently not kept in buildings, the owner shall, where necessary, provide -

(a) adequate shelter from adverse weather and climatic conditions; and

(b) protection from predators and other risks that threatens their

health and well-being.

(2) A person who fails to comply with the provisions of this section commits an offence.

Inspection of
animals and
equipment.

25.(1) The owner of animals shall ensure that animals kept on holdings or in husbandry system!; in which their health and welfare depend on human care must be inspected on a regular basis, at least once per day.

(2) To enable the animals to be inspected at any time, the owner shall provide adequate lighting to the extent necessary for the care and inspection of the animals.

(3) The owner of animals shall regularly inspect all automated and mechanical equipment essential for maintaining the health of the animals, at least once per day.

(4) Where defects are discovered, the owner shall rectify them immediately, or if this is impossible, provide backup equipment to preserve the health and well-being of the animals.

Record.

26. (1) The owner of animals shall maintain a record of medical treatment given to each animal and the number of animals that died or was killed.

(2) The owner shall-

- (a) retain records required to be maintained under subsection (I) for at least one year; and
- (b) make the records available to the competent authority on request within that period.

(3) A person who fails to comply with the provisions of this section commits an offence.

**PART VI
PROTECTION OF COMPANION ANIMALS**

Protection of
companion animals.

27. (1) A person shall keep companion animals in conditions appropriate to their needs.

(2) A person shall not sell companion animals to persons under the age of eighteen years.

(3) A person shall not keep and handle a companion animal, or allow it to move, in a way that poses a risk to the health and safety of other animals and people, in particular children.

(4) The owner of a companion animal shall ensure the controlled reproduction of the animal which is under his control.

(5) Any owner of a companion animal shall take care of the offspring or bear the costs of its care.

(6) A person who fails to comply with the provisions of this section commits an offence.

Breeders of
companion
animals.

28. (1) Where a person wishes to breed three or more companion animals for the purpose of selling the animals, the person shall apply to the competent authority for permission before he commences breeding the animals:

(2) The competent authority shall keep a register of breeders referred to in subsection (1)

(3) A person who fails to comply with subsection (1) commits an offence.

Temporary
housing of
companion
animals.

29. (1) Any person may with the approval of the competent authority establish a temporary facility for the housing of companion animals.

(2) The competent authority shall keep a register of the facilities for the temporary housing of companion animals.

(3) A person who fails to comply with subsection (1) commits an offence.

30. (1) No one shall establish a zoological garden without first obtaining the permission of the competent authority.

(2) Upon receipt of permission from the competent authority, the person may proceed to establish, operate and manage the zoological garden in accordance with the outlining requirements regulations prescribed in section 39(2) and any relevant provision of the Regulations made under the Wildlife Conservation and Management Act.

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(3) The competent authority shall keep a register of zoological gardens.

(4) The owner or administrator of a zoological garden shall ensure that --

- (a) animal housing facilities are adequate for each animal species kept in the zoological garden;
- (b) outdoor exercise enclosures are provided where necessary;
- (c) each animal receives an adequate daily supply of feed and water;
- (d) veterinary health care is available to the animals when necessary;
- (e) each animal receives humane treatment by staff members;
- (f) each animal is protected from visitors;
- (g) visitors are protected from the animals in the zoological garden;
- (h) a plan is in place to take care of animals should the zoological garden be closed.

(5) The competent authority may close a zoological garden or part thereof for any contravention of the provisions of this section.

(6) In cases considered appropriate by the competent authority, the competent authority may direct that an animal be given to a specified person or humanely killed.

(7) Where the competent authority incurs any expense in taking care of an animal in or belonging to a zoological garden, the owner of the zoological garden shall reimburse competent authority.

Protection of animals used in circuses and performances involving animals.

31. (1) A person shall not keep or use a wild animal in a circus and performances involving animals without the permission of the competent authority.

(2) A person shall not use an animal with a physical defect or a confined animal in a circus or in a performance.

(3) Where a person wishes to have a circus or change the venue where a circus will be held, the person shall apply to the competent authority for approval with supporting information on the availability of the venue or the new venue, the types and times of performances and the number and species of animals to be used.

(4) The competent authority on being satisfied with the information provided and that there are no veterinary health obstacles to the movement of the animals shall issue an approval in writing.

(5) Anyone who contravenes subsections (1), (2) or (3) commits an offence.

Protection of animals used in film and television productions, exhibitions and competitions.

32.(1) Anyone who intends to use any animal in a film or television production, exhibition or competition shall at least seven days prior to the intended use notify the competent authority of the place and time of the event and the manner in which the animals are kept.

(2) It shall be an offence to use an animal in a film or television production, exhibition or competition without providing the competent authority with the requisite notification.

**PART VU
ANIMAL SHELTERS**

Protection of
abandoned and
lost animals.

33. (1) The owner of a lost animal shall make a report within three days to an animal shelter except in the case of a dog which must be reported to a person authorised to keep a dog register.

(2) A person who recovers his animal from a shelter shall pay to the shelter the expenses incurred in the housing and feeding of the animal.

(3) A person who finds an animal abandoned or suspected to be abandoned or lost shall inform an animal shelter.

(4) An animal shelter shall provide for the collection of abandoned and lost animals and, in the case their owners cannot be identified immediately, for their housing.

(5) Any wild animal found shall be placed in a shelter for wild animals which shall ensure that it is returned to the wild, if possible, or otherwise be offered to a zoological garden equipped to receive it.

(6) Where the zoological garden is unable to receive the animal, the animal may be humanely killed.

The
establishment of
an animal shelter.

34. (1) Any person may upon satisfaction of the requirements set by the competent authority establish and operate an animal shelter.

(2) The competent authority shall keep a register of all animal shelters.

Duties and
obligations of
animal shelter.

35. (1) The management or owner of an animal shelter shall-

- (a) record and store all reports received on lost or abandoned animals;
- (b) house and feed abandoned or lost animals placed in its care and custody;
- (c) where necessary collect abandoned or lost animals;

(d) where necessary ensure that animals in its care and custody receive veterinary treatment;

(e) record all deaths and humane-killing of animals in its care;

(f) record all animals permanently removed from or taken out of the shelter;

(g) comply with all directions given by the competent authority from time to time including the manner of handling lost and abandoned animals.

(2) An animal shelter shall implement the measures ordered by the competent authority.

(3) Any animal placed or taken into an animal shelter may be sold or placed in a foster home by the management of the shelter where not claimed by the owner within fifteen days of being placed in the shelter.

(4) Any animal placed or taken into an animal shelter and not sold, placed in a foster home or returned to the owner may be humanely killed after sixty days.

(5) A person who fails to comply with the provisions of this section commits an offence.

Promoting animal protection and supervision

36. (1) The owner of an animal shelter shall make available to the public, information on lost and abandoned animals in his care.

(2) The competent authority shall inspect animal shelters at regular intervals to ensure compliance with the provisions of this Act.

Protection of animals in pet shops.

37. (1) No one shall without the approval of the Authority sell or offer for sale in a shop or confined space any companion animal.

(2) The competent authority in issuing approval may stipulate conditions to be complied with and any breach thereof may result in the withdrawal of the approval.

(3) No owner of a pet shop shall employ staff not trained in the care of animals to sell in the pet shop.

(4) The owner of a pet shop shall provide written instructions on the proper care of animal purchased from his shop.

(5) A person shall only offer an animal for sale in a pet shop which comes from a registered establishment.

(6) The competent authority shall keep a register of pet shops.

(7) A person who fails to comply with subsections (1), (3), (4) or (5) commits an offence.

PART VIII PENALTIES

Penalties.

38. Where no penalty is provided for an offence committed under this Act, such offence shall upon summary conviction be punishable by a fine of sixty thousand dollars and to imprisonment for four months.

PARTIX MISCELLANEOUS

Power to make regulations.

39. (1) The Minister may make regulations generally for the purpose of carrying out the provisions of this Act.

(2) In particular and without limiting the generality of subsection (1), the Minister may make regulations -

- (a) prescribing the form of an application, other form or document, and fees to be charged by the competent authority;
- (b) prescribing the requirements and conditions under which animals are transported;
- (c) establishing the conditions to be satisfied at resting points and assembly centres for animals;
- (d) stipulating the training requirements for attendants and

- staff at assembly centres and resting points for animals;
- (e) stipulating the methods and equipment to be used for the slaughter and humane killing of an animal;
 - (f) outlining training requirements for staff who are responsible for the care, the restraint, the stunning and the slaughter of animals in a slaughterhouse;
 - (g) prescribing the methods of stunning and the equipment to be used;
 - (h) prescribing the requirements for the housing and keeping of experimental animals;
 - (i) setting out the general content of records to be kept on animals used in experiment;
 - (j) prescribing the method and requirements of the breeding of animals of any type or species;
 - (k) providing for the requirements and manner of keeping animals for production purposes;
 - (l) outlining qualification of persons taking care of animals, the manner and method of registering persons who keep animals and the keeping of records of animals used for production purposes;
 - (m) stipulating the requirements for the keeping and raising of wild animals;
 - (n) stipulating the requirements for and the manner of keeping dangerous or potentially dangerous animals;
 - (o) prescribing the requirements and methods of the breeding of companion animals;
 - (p) prescribing the facilities required for the temporary housing of companion animals;
 - (q) outlining the requirements for the establishment, operation and management of a zoological garden;
 - (r) prescribing the training requirements for staff taking care

- of an animal in the zoological garden;
- (s) stipulating conditions to be satisfied for the keeping and use of animals in circus, in exhibition and competition;
- (t) prescribing the requirements for the establishment and operation of an animal shelter;
- (u) specifying traps to be used to capture animals;
- (v) specifying kennel standards for dogs;
- (w) and any other matter deemed necessary to achieve the purposes of this Act.

(3) A person who commits an offence under Regulations made under this Act shall be liable on summary conviction to a fine of fifty thousand dollars and to imprisonment for three months.

Act not in
derogation.

40. This Act shall be in addition to and not in derogation of any other law relating to offences prescribed in this Act in relation to animals.

EXPLANATORY MEMORANDUM

This Bill deals with the welfare of animals and makes provision for their protection and health.

Part I (clauses 1 to 3) defines words and terms found in the Bill. The Authority is responsible for the administration of the provisions of the Act.

Part II (clauses 4 to 13) deals with the protection of animals. Clause 4 identifies prohibited acts and provides a fine of one hundred thousand dollars and imprisonment for six months where a person contravenes the prohibited acts. Clause 6 imposes an obligation on any person who injures an animal to render all necessary assistance or arrange for assistance to be provided to that animal. Clause 7 provides for technical and surgical interventions on animals to be performed only when the animals are under anaesthesia. Clause 8 states that amputation or removal of a sensitive part of an animal shall be permitted with prior anaesthesia and where it is necessary for animal health and safety, experiments, zoo technical purposes, controlling the reproduction of animals and to prevent pain, suffering, self-injury or injury to other animals. Clauses 9 and 10 identify the circumstances where the owner or a veterinarian in his sole discretion may humanely kill an animal. Clause 11 deals with the protection of animals during transport and clause 12 provides that animals must be transported in a humane manner. Clause 13 makes provision for the protection of wild animals.

Part III (clauses 14 to 16) deals with the protection of animals at the time of slaughter or humane killing. Clause 14 provides that except in the case of poultry and rabbits slaughtered for private domestic consumption, a person shall stun animals before slaughtering. Clause 15 sets out the requirements to be followed by persons handling animals in a slaughterhouse. Clause 16 states that a person conducting the humane killing of an animal shall do so in such a way as to avoid unnecessary pain, suffering, fear or injury to the animal.

Part IV (clauses 17 and 18) makes provision for the establishment and composition of an Animal Welfare Commission and sets out the functions of the Commission.

Part V (clauses 19 to 26) deals with the keeping of animals used for production purposes. Clause 19 provides that the owner of an animal kept for production purposes shall ensure that the animal has adequate food, care, space, land for freedom of movement and accommodation

appropriate to its physiological and ethological needs. A person who wishes to keep an animal for production purposes shall register with the Authority and have training and experience in caring for the specific type of animal. Clause 23 makes provision for any person who is constructing an animal house to use materials and equipment which are not harmful to the animal and are easy to clean. Clause 25 imposes the obligation on the owner of an animal kept on holdings or in husbandry systems to inspect the animal on a regular basis, at least once per day. Clause 26 provides that the owner of animals shall maintain a record of medical treatment given to each animal and the number of animals that died or was killed.

Part VI (clauses 27 to 32) addresses protection of companion animals. Clause 27 states that a person shall keep a companion animal in conditions appropriate to its needs. Clause 28 provides where a person wishes to breed three or more companion animals for the purpose of selling the animals, the person shall apply to the competent authority for permission before he commences breeding the animals. Clauses 30, 31 and 32 deal with the protection of animals in zoological gardens, animals used in circuses and other performances and animals used in film and television productions, exhibitions and competitions.

Part VII (clauses 33 to 37) deals with animal shelters. Clause 34 states that any person may upon satisfaction of the requirements set by the competent authority establish and operate an animal shelter. Clause 36 provides that the owner of an animal shelter shall make available to the public, information on lost and abandoned animals in his care. Clause 37 deals with the protection of animals in a pet shop.

Part VIII (clause 38) provides a penalty where none is provided for offences committed under the Act of sixty thousand dollars and imprisonment for four months.

Part IX (clauses 39 and 40) gives the Minister power to make regulations and provides that the offences in this Act relating to animals are in addition to and not in derogation of any other law.



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Minister of Agriculture

