



LAWS OF MALAYSIA

Act 772

ANIMAL WELFARE ACT 2015

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ANIMAL WELFARE ACT 2015

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LAWS OF MALAYSIA

Act 772

ANIMAL WELFARE ACT 2015

An Act to provide for the establishment of the Animal Welfare Board, to set out the functions of the Board, to promote the welfare and responsible ownership of animals, and for related matters.

[]

ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title, application and commencement

1. (1) This Act may be cited as the Animal Welfare Act 2015.

(2) This Act applies to Peninsular Malaysia and the Federal Territory of Labuan.

(3) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

“prescribed” means prescribed by the Minister by subsidiary legislation made under this Act;

“animal” means any living creature other than a human being and includes any beast, bird, aquatic animals, reptile or insect but does not include wildlife under the Wildlife Conservation Act 2010 [*Act 716*];

“performing animal” means any animal which is used for the purpose of any entertainment, exhibition, sports, audio-visual recording and animal shows;

“carcass” means the dead body of an animal and includes any part of the body whether separately or otherwise;

“animal welfare” includes the animal needs as specified in section 24;

“Board” means the Animal Welfare Board established under section 3;

“Minister” means the Minister charged with the responsibility for the agriculture and agro-based industry;

“animal welfare officer” means any public officer appointed under section 36;

“voluntary animal welfare assistant” means any qualified person appointed under section 37;

“owner” means any person who owns any animal and includes any person for the time being in charge of any animal or any person occupying any premises;

“conveyance” means any vehicle, vessel, ship, aircraft and any other mode of transportation whether by air, sea or land;

“veterinary authority” has the meaning assigned to it under the Animals Act 1953 [*Act 647*];

“premises” includes any house, building, hut, shed, structure, platform, plant, licensed warehouse, container and land whether or not enclosed or built upon;

“accepted veterinary management procedures” includes dehorning of cattle, nose roping of cattle, ear notching, ear tagging, clipping of furs, horns, tusks or nails, and making of marks on animals or any other procedures determined by the Board.

PART II

ANIMAL WELFARE BOARD

Establishment of Animal Welfare Board

3. A body to be known as the “Animal Welfare Board” is established.

Functions of the Board

4. (1) The Board shall have the following functions:

- (a) to monitor the work of associations or bodies established for the purpose of preventing trauma, pain or suffering to animals;
- (b) to monitor the work for the protection of animals, including animals in rescue homes, animal shelters or sanctuaries;
- (c) to monitor the situation of the place where the animals may find a shelter when the animals are infirmed or in need of protection;
- (d) to impart education in relation to the humane treatment of animals and to encourage the formation of public opinion relating to the infliction of trauma, pain or suffering to animals;
- (e) to promote the animal welfare by means of lectures, books, posters, cinematographic exhibitions and others;

- (f) to advise the Minister on any matter relating to animal welfare, the prevention of infliction of trauma, pain or suffering on animals, the prevention of unnecessary killing and to provide for the welfare and wellbeing of the animal;
- (g) to administer, enforce and ensure the effective implementation of this Act; and
- (h) to discharge all such functions as authorized under this Act or subsidiary legislation made under this Act, including those functions that may be entrusted to the Board under the direction of the Minister.

(2) In the exercise of its functions under this Act, the Board shall have the powers to issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Delegation of functions of the Board

5. (1) The Board may, subject to the conditions or restrictions as it thinks fit to impose, delegate any of its functions, except the power of delegation, to—

- (a) any committee established under section 13; or
- (b) any public officer.

(2) Any committee or public officer delegated with such functions shall be bound to observe and have regard to all conditions and restrictions imposed by the Board and all the requirements, procedures and matters specified by the Board.

(3) Any function delegated under this section shall be performed and exercised in the name and on behalf of the Board.

(4) The delegation under this section shall not preclude the Board itself from performing or exercising at any time any of the delegated functions.

Membership of the Board

6. (1) The Board shall consist of the following members:

- (a) the Director General of the Department of Veterinary Services, as Chairman;
- (b) a senior officer of the Department of Veterinary Services, who shall be appointed by the Minister as Deputy Chairman;
- (c) the Director General of the Department of Wildlife and National Parks Peninsular Malaysia or his representative;
- (d) the Director General of the Department of Fisheries or his representative;
- (e) the Director General of the Department of Local Government or his representative;
- (f) the dean of faculty in relation to veterinary, from a public institution of higher learning to be appointed by the Minister;
- (g) a senior officer of the Ministry of Agriculture and Agro-Based Industry to be appointed by the Minister;
- (h) a senior officer of the Ministry of Education to be appointed by the Minister; and
- (i) a senior officer of the Ministry of Health to be appointed by the Minister.

(2) The Minister may, after consultation with the Board, appoint any person to be a member of the Board.

(3) The Director of the Department of Veterinary Services and Animal Industry Sabah and the Senior Assistant Director (Veterinary) of the Department of Agriculture Sarawak shall be *ex-officio* members of the Board but shall not be entitled to vote at the meeting of the Board.

(4) The Minister shall, after consultation with the Board, appoint a senior officer of the Department of Veterinary Services to be the Secretary to the Board.

Alternate members

7. (1) The Minister may, in relation to each member appointed under paragraph 6(1)(f), (g), (h) or (i), appoint a person to be an alternate member to attend, as an alternate to such member, meetings of the Board when such member is unable to attend for any reason.

(2) An alternate member who attends the meetings of the Board shall, for all purposes, be deemed to be a member of the Board.

(3) An alternate member shall, unless he sooner resigns his office or his appointment is sooner revoked, cease to be an alternate member when the member in respect of whom he is an alternate member ceases to be a member of the Board.

Tenure of office

8. Subject to such conditions as may be specified in his instrument of appointment, a member of the Board appointed under paragraph 6(1)(b), (f), (g), (h) or (i) shall, unless he resigns or vacates his office or his appointment is revoked, hold office for a term not exceeding three years and shall be eligible for reappointment for a term not exceeding three years.

Allowances and expenses

9. The members of the Board, alternate member or any other person invited to any meeting of the Board under subsection 12(6) may be paid such allowances and other expenses as the Minister may from time to time determine with the concurrence of the Minister of Finance.

Revocation of appointment and resignation

10. (1) The Minister may, at any time, revoke the appointment of any member of the Board appointed under paragraph 6(1)(b), (f), (g), (h) or (i).

(2) Any member of the Board appointed under paragraph 6(1)(b), (f), (g), (h) or (i) may, at any time, resign from his appointment by giving a notice in writing to the Minister.

Vacation of office

11. (1) The office of a member of the Board appointed under paragraph 6(1)(b), (f), (g), (h) or (i) shall be vacated if—

- (a) he dies;
- (b) there has been proved against him, or he has been convicted of, a charge in respect of—
 - (i) an offence involving fraud, dishonesty or moral turpitude;
 - (ii) an offence under any law relating to corruption; or
 - (iii) any other offence punishable with imprisonment, in itself only or in addition to or in lieu of a fine, for more than two years;
- (c) he becomes a bankrupt;
- (d) he is of unsound mind or is otherwise incapable of discharging his duties;
- (e) he absents himself from three consecutive meetings of the Board without leave from the Chairman;
- (f) his resignation is accepted by the Minister; or
- (g) his appointment is revoked by the Minister.

(2) Where a member appointed under paragraph 6(1)(b), (f), (g), (h) or (i) ceases to be a member of the Board, by reason of any provision in this Act, the Minister may appoint another person to fill the vacancy for the remaining term for which the vacating member was appointed in accordance with the provisions applicable.

Meeting of the Board

12. (1) The Board shall meet as often as may be necessary for the performance of its function and such meetings are to be held at such places and times as the Chairman may decide.

(2) The Chairman shall preside at all meetings of the Board and if for any reason the Chairman is unable to attend, the Deputy Chairman shall preside over the meeting.

(3) If at any meeting of the Board, the Chairman and the Deputy Chairman are unable to attend, the meeting shall be adjourned.

(4) The Chairman and four other members of the Board shall form a quorum at any meeting of the Board.

(5) Where there is an equality of votes, the Chairman or the Deputy Chairman replacing the Chairman referred to in subsection (2) shall have the casting vote.

(6) The Board may invite any person to attend any meeting of the Board for the purpose of advising the Board on any matter under discussion, but the person so invited shall not be entitled to vote at the said meeting.

Committees

13. (1) The Board may establish any committee as the Board considers necessary or expedient to assist the Board in the performance of its functions.

(2) A committee established under subsection (1) shall deliberate upon matters referred to it by the Board and make appropriate recommendations on the matters to the Board.

(3) The Board may elect any of its members to be the chairman of a committee.

(4) The Board may appoint any person to be a member of a committee.

(5) A member of a committee shall hold office for such term as specified in his letter of appointment and is eligible for reappointment for any term as may be determined by the Board.

(6) The Board may, at any time, revoke the appointment of any member of a committee.

(7) A member of a committee may, at any time, resign his office by giving a notice in writing to the chairman of the committee.

(8) The Board may, at any time, discontinue or alter the constitution of a committee.

(9) A committee may regulate its own procedure.

(10) A committee shall be subject to, and shall act in accordance with, any direction given to it by the Board.

(11) The meetings of a committee shall be held at such times and places as the chairman of the committee may determine.

(12) A committee shall cause—

(a) minutes of all its meetings to be maintained and kept in a proper form; and

(b) copies of the minutes of all its meetings to be submitted to the Board as soon as practicable.

(13) A committee may invite any person to attend any of its meetings for the purpose of advising the committee on any matter under discussion but that person shall not be entitled to vote at the meeting.

(14) Any minutes made of a meeting of the committee shall, if duly signed, be admissible as evidence in any legal proceedings without further proof.

(15) The members of the committee or any person invited under subsection (13) shall be paid such allowance and other expenses as the Board may determine.

(16) No act done or proceedings taken under this Act shall be questioned on the ground of—

(a) any vacancy in the membership of, or any defect in the constitution of, a committee; or

(b) any omission, defect or irregularity not affecting the merits of the case.

Power of Minister to give directions

14. The Minister may, from time to time, give directions to the Board consistent with the provisions of this Act and the Board shall give effect to all such directions.

PART III

LICENSING

Requirement for licence

15. (1) No person shall carry on the activities involving animals as specified in the Schedule unless he holds a valid licence granted under this Act.

(2) Notwithstanding subsection (1), a licence is not required for the activity of slaughtering animals for religious and customary purposes.

(3) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine of not less than fifteen thousand ringgit and not more than seventy-five thousand ringgit or to imprisonment for a term not more than two years or to both.

Application and issuance of licence

16. (1) An application for a licence shall be made to the Board in such manner as the Board may determine.

(2) The application under subsection (1) shall be accompanied by such documents or information as the Board may consider necessary and relevant to the application and the Board may, orally or in writing at any time after receiving the application and before the application is determined, require the applicant to provide such additional documents or information as the Board considers necessary for the purposes of determining the suitability of the applicant for the licence.

(3) The Board may, after receiving an application for a licence under subsection (1), issue the licence or refuse to issue the licence.

(4) Where an application for a licence is approved by the Board, the licence shall be issued in the name of the applicant upon payment of the prescribed fee and the Board may impose such terms and conditions as it may deem necessary.

Licence not transferable

17. (1) A licence under this Act shall not be transferable and no person shall use a licence of another person.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not more than one year or to both.

Duration of licence

18. A licence issued or renewed under this Act shall remain in force for a period of five years from the date of its issuance or renewal, unless—

- (a) the Board specifies any shorter period in the licence;
- (b) the licence is suspended or revoked;
- (c) the licensee is barred from holding the licence; or
- (d) the licensee is disqualified under section 52.

Renewal of licence

19. (1) A licensee may apply for a renewal of his licence not later than sixty days before the date of expiry of the licence in any form and manner as may be determined by the Board.

(2) A licensee shall furnish to the Board any information as the Board considers necessary and relevant to the application.

(3) The Board may, after receiving an application for a renewal of licence under subsection (1), renew the licence or refuse to renew the licence.

(4) Where an application for a renewal of licence is approved by the Board, the licence shall be renewed upon payment of the prescribed fee and the Board may impose such terms and conditions as the Board considers necessary.

Display of licence

20. (1) A licensee shall display his licence at a conspicuous place at his premises.

(2) Notwithstanding subsection (1), a licensee is not required to cause a copy of the licence to be displayed if he carries on the activities outside the premises but the licensee shall ensure that he or the person in charge of the activity has a copy of the licence with him.

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not more than one year or to both.

Suspension and revocation of licence

21. (1) The Board may, by giving a notice in writing to the licensee, suspend the licence for a period of up to three months under any of the following circumstances:

- (a) the licensee or any employee of the licensee has been convicted of an offence under this Act;
- (b) the licensee has breached any conditions specified in the licence;
- (c) the licensee has failed to comply with any of the provisions of this Act or any subsidiary legislations made under this Act; or
- (d) the welfare of an animal would be under threat if the licence remained in force.

(2) Notwithstanding subsection (1), the licensee is allowed to apply for a renewal of licence during suspension period.

(3) The Board may, by giving a notice in writing to the licensee, revoke the licence under any of the following circumstances:

- (a) the licence has been obtained by fraud or misrepresentation;
- (b) the licensee fails to remedy the grounds of suspension or take reasonable steps to ensure that the grounds for the suspension will not recur within fourteen days before the end of the suspension period; or
- (c) the original purpose for which the licence was issued no longer exists.

(4) The Board may disqualify a licensee from applying for another licence before the expiration of the revoked licence.

(5) The Board shall give the licensee a notice in writing before the Board makes a decision under subsection (1) or (3).

(6) Upon suspension or revocation, a licensee shall surrender the licence to the Board not later than fourteen days from the date on which the notice of suspension or revocation is served on him.

(7) The Board shall return the suspended licence referred to in subsection (6) to the licensee after the end of the suspension period.

(8) Where a licence has been revoked or suspended, it shall have no effect from the date of revocation or during the period of suspension, as the case may be.

Appeal to Minister

22. (1) Any person aggrieved—

- (a) by the refusal of the Board to issue or renew any licence;
or
- (b) by the suspension or revocation of any licence,

may within thirty days after being informed in writing of the refusal, suspension or revocation, appeal in writing against such decision to the Minister.

(2) The Minister may, after considering the appeal made under subsection (1), confirm or set aside the decision appealed against, and the decision of the Minister shall be final.

Barred from holding licence

23. Where a person has been convicted of an offence under this Act or any of its subsidiary legislation, he may be barred from holding any licence by the Board for a period not exceeding five years commencing on the date when the proceeding in respect of the conviction is finally concluded.

PART IV

MATTERS RELATING TO ANIMAL WELFARE

Duties of owner or licensee

24. (1) The owner or a licensee shall have the duty to—

(a) take reasonable steps to ensure that the needs of an animal are fulfilled, which includes—

- (i) its need for a suitable environment;
- (ii) its need for a suitable diet;
- (iii) the need for it to be able to exhibit its normal behavior patterns;
- (iv) the need for it to be housed with or apart from other animals; and
- (v) the need for it to be protected from pain, suffering, injury and disease; and

(b) ensure that the circumstances to which it is relevant to have regard to the needs of an animal under paragraph (a) includes—

- (i) any lawful purpose for which the animal is kept; and
- (ii) any lawful activity undertaken in relation to the animal.

(2) Nothing in this section applies to the lawful destruction of any animal for any reasonable purposes in an appropriate and humane manner.

(3) An owner or a licensee who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine of not less than fifteen thousand ringgit and not more than seventy-five thousand ringgit or to imprisonment for a term not more than two years or to both.

Improvement notices

25. (1) Where an animal welfare officer is of the opinion that an owner or a licensee fails to comply with section 24, he may serve on the owner or the licensee an improvement notice containing the following:

- (a) the details of the non-compliance of section 24;
- (b) the steps to be taken by the owner or the licensee;
- (c) set out a period for the owner or the licensee to take those steps referred to in paragraph (b); and
- (d) the effect of the failure to comply with the direction as specified in the improvement notice.

(2) An owner or a licensee shall comply with the requirement of the notice referred to in subsection (1).

(3) If the improvement notice under subsection (1) is served to the owner or the licensee, no proceedings for an offence under subsection 24(3) shall be instituted.

(4) An animal welfare officer may, as he thinks necessary, extend the compliance period specified in the improvement notice.

(5) An owner or a licensee who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not more than one year or to both.

Animals used in research, testing or teaching

26. (1) No person shall use animals in research, testing or teaching unless—

- (a) all reasonable steps are taken to ensure that the physical, health and behavioral needs of those animals are in accordance with this Act and the subsidiary legislation as may be prescribed by the Minister;
- (b) the animals shall receive, where practicable, treatment that alleviates any unreasonable or unnecessary pain or distress when the animals are ill or injured; or
- (c) any degree of pain or distress is reduced to the minimum possible in the circumstances where the nature of the research, testing or teaching cannot comply with paragraph (a) or (b).

(2) No person, except school, shall use animals for research, testing or teaching unless the person is licensed by the Board.

(3) The guidelines on the research, testing or teaching of animals in school shall be in accordance with any guidelines issued by the Board.

(4) No person shall breed any animal to be used for research, testing or teaching unless it is approved by the Board.

(5) For the purpose of this section, “school” has the meaning assigned to it in the Education Act 1996 [*Act 550*].

(6) Any person who contravenes any provision under this section commits an offence and shall, on conviction, be liable to a fine of not less than twenty thousand ringgit and not more than one hundred thousand ringgit or to imprisonment for a term not more than three years or to both.

Transportation of animals

27. (1) An owner or operator of any conveyance shall have the duty to provide for—

- (a) an adequate, clean and sanitary facilities; and
- (b) sufficient food and water,

to the animals which are being transported in a conveyance to ensure the safe delivery of the animals to the consignee at the place of consignment.

(2) No person shall confine or restrain cruelly animals which are being transported in a conveyance under subsection (1).

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine of not less than fifteen thousand ringgit and not more than seventy-five thousand ringgit or to imprisonment for a term not more than two years or to both.

Selling of animals to persons under the age of twelve years old

28. Any person who sells an animal to a person whom he has reasonable cause to believe to be under the age of twelve years old, unless such person is accompanied by an adult, commits an offence and shall, on conviction, be liable to a fine of not less than fifteen thousand ringgit and not more than seventy-five thousand ringgit or to imprisonment for a term not more than two years or to both.

PART V

CRUELTY TO ANIMALS

Cruelty offences

29. (1) Any person who—

- (a) cruelly beats, kicks, overloads, tortures or terrifies any animals;
- (b) overrides or overdrives any animal, except for activities in relation to equestrian sports which is listed in the First Schedule of the Sports Development Act 1997 [Act 576];
- (c) causes, procures or, being the owner, permits any animal to be so used;

- (d) being the owner of any animal or, being the person in charge of any animal in confinement, fails or neglects to provide such animal with sufficient food, drink or shelter;
- (e) by wantonly or unreasonably doing or omitting to do any act, causes any unnecessary pain or suffering, or, being the owner, permits any unnecessary pain or suffering to any animal;
- (f) causes, procures or, being the owner, permits any animal to be confined, conveyed, lifted or carried in such manner or position as to subject such animal to unnecessary pain or suffering;
- (g) employs, causes, procures or, being the owner, permits to be employed at any work or labour, any animal which in consequence of any disease, infirmity, wound or sore, or otherwise is unfit to be so employed;
- (h) mutilates any animal in any manner including ear cropping, tail docking, defanging, declawing, branding, piercing or debarking unless in the manner as determined and certified by a veterinary authority or a registered veterinary surgeon;
- (i) skins, roasts or kills any live animals for superstitious belief through a procedure which causes pain and suffering to the animals;
- (j) extracts any parts of any live animals through a procedure which causes pain and suffering to the animals for the purpose of getting skins, oils or other animal products;
- (k) dynamites, electrifies or poisons any streams, rivers or other water bodies for the purpose of killing, harvesting or catching animals;
- (l) keeps any animal chained or tethered by using a short or heavy chain or cord, or hobbles the legs of animal;
- (m) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and width to permit the natural movement of the animal;

- (n) offers for sale any animal which is suffering in pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment;
- (o) possesses, without reasonable cause, any animal which is suffering in pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment;
- (p) abandons any animal in circumstances which the animal is likely to suffer trauma, pain or suffering by reason of relocation, starvation, thirst, injury or illness;
- (q) being the owner of any animal, willfully or negligently causes any animal to go out unattended in any place while the animal is infected with infectious disease;
- (r) being the owner of animal, willfully or negligently causes any diseased, disabled or injured animal to die in any place;
- (s) causes, obtain or assists at the fighting or baiting of any animal, or keeps, uses, manages, or acts or assists in the management of any premises or place for the purpose of fighting or baiting any animal, or permits any premises or place to be so kept, managed or used, or receives or causes or obtains any person to receive, money for the admission of any person to such premises or place;
- (t) promotes or takes part in any shooting match or competition of which animals are released from captivity for the purpose of such shooting; or
- (u) organizes, participates, promotes or in any manner is associated with any sport or activity involving the use of animals, where such animals are subjected to cruelty, either during the sport or activity itself or while in training,

commits an offence and shall, on conviction, be liable to a fine of not less than twenty thousand ringgit and not more than one hundred thousand ringgit or to imprisonment for a term not more than three years or to both.

(2) Notwithstanding subsection (1), the following acts shall not constitute as an offence of cruelty:

- (a) any acts which the Board has determined to be accepted veterinary management procedures;
- (b) any baiting of any pest animals for the purposes of public health, disease control, population control and relocation for conservation done by any lawful authority or any person approved by the Board; or
- (c) feeding of animals as food for other animals in accordance with their natural eating habits.

Killing of animals

30. (1) No person shall kill by way of shooting with firearms any dog, cat or any other animal which may be prescribed by the Minister by notification in the *Gazette*, unless it is authorized by the veterinary authority during emergency or for the purposes of disease control.

(2) Notwithstanding subsection (1), the killing of any animal is prohibited unless—

- (a) the killing of the animal is for the purpose of human consumption;
- (b) the animal is incurably ill as determined and certified by the veterinary authority or a registered veterinary surgeon;
- (c) the killing of the animal is deemed necessary to end the suffering of such animal as determined and certified by a veterinary authority or a registered veterinary surgeon;
- (d) the killing is done to prevent an imminent danger to the life or limb of a human being;
- (e) the killing is done for the purpose of animal population control by any authorized authority under any written law;

- (f) the killing is approved by the animal ethics committee at the end of any research, testing and teaching procedures; or
- (g) the killing is for any other reasons as determined and certified by a veterinary authority or registered veterinary surgeon.

(3) For the purposes of this section—

“animal ethics committee” means the committee established by any institution and is approved by the Board;

“incurably ill” means an animal that is fatally wounded or sick with a grave prognosis certified by a veterinary authority or a registered veterinary surgeon.

(4) Any person who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine of not less than twenty thousand ringgit and not more than one hundred thousand ringgit or to imprisonment for a term not more than three years or to both.

Administration of poisons

31. (1) Any person who without lawful authority or reasonable excuse—

- (a) administers any poisonous or injurious drug or substance to any animal; or
- (b) causes any poisonous or injurious drug or substance to be taken by any animal,

commits an offence and shall, on conviction, be liable to a fine of not less than twenty thousand ringgit and not more than one hundred thousand ringgit or to imprisonment for a term not more than three years or to both.

(2) For the purposes of this section, “poisonous or injurious drug or substance” includes a drug or substance which, by virtue of the quantity or manner in which it is administered or taken, has the effect of a poisonous or injurious drug or substance.

Animal fighting venture

32. (1) A person commits an offence if he—

- (a) causes an animal fight to take place or attempts to do so;
- (b) receives money for the admission to an animal fight;
- (c) publicizes a proposed animal fight;
- (d) provides information about an animal fight to another person with the intention of encouraging attendance at the fight;
- (e) makes or accepts a bet on the result of an animal fight;
- (f) makes or accepts a bet on anything which may occur during the animal fight;
- (g) takes part in an animal fight;
- (h) has in his possession, anything designed or adapted for the purposes of an animal fight;
- (i) keeps or trains any animal for the purpose of an animal fight; or
- (j) has any premises which is used for animal fight.

(2) No person shall, without lawful authority or reasonable excuse—

- (a) present at an animal fight; or
- (b) supply, publish, show or possess an audio-visual recording of an animal fight.

(3) Paragraph (2)(b) shall not apply—

- (a) if the audio-visual recording of an animal fight took place outside Malaysia; or

(b) if the supply of an audio-visual recording is for the purposes of its inclusion or, publication or showing in a film, documentary and news.

(4) For the purposes of this section—

“animal fight” means an occasion on which an animal is placed with another animal or with a human, for the purposes of fighting, wrestling or baiting;

“supply of an audio-visual recording” means the supply of an audio-visual recording in any manner including any audio-visual recording in the form of data stored electronically for the purposes of transmitting such data;

“publication or showing” means to publicize or show a moving image reproduced from an audio-visual recording by any means;

“audio-visual recording” means a recording, in any form, from which a moving image may by any means be reproduced and includes data stored in a computer, disc or by other electronic means which is capable of being converted to a moving image;

“animal fighting venture” means any event that involves a fight between at least two animal and is conducted for the purposes of sport, wagering or entertainment except the animals are expressing their natural behavior.

(5) Any person who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine of not less than twenty thousand ringgit and not more than one hundred thousand ringgit or to imprisonment for a term not more than three years or to both.

Failure to exercise reasonable care and supervision

33. (1) Any person who fails to exercise reasonable care and supervision relating to the protection of the animal from cruelty or animal welfare, commits an offence under this Part or any offence relating to animal welfare within the meaning of this Act.

(2) A person convicted of an offence under subsection (1) by reason of negligence shall not be liable to imprisonment without giving him an option of a fine.

PART VI

ANIMALS IN DISTRESS

Powers in relation to animals in distress

34. (1) If a registered veterinary surgeon certifies in writing that an animal shall be destroyed, an animal welfare officer may destroy or arrange for the animal to be destroyed where it is or take it to another place for it to be destroyed.

(2) Notwithstanding subsection (1), an animal welfare officer may destroy an animal without the certification of a registered veterinary surgeon if it appears to him that—

- (a) the condition of the animal is such that there is no reasonable alternative to destroy it; or
- (b) it is not reasonably practicable to get the certification of a registered veterinary surgeon at that time.

(3) An animal welfare officer may take an animal into possession if a registered veterinary surgeon certifies that—

- (a) the animal is suffering; or
- (b) the animal is likely to suffer if it is not taken into possession.

(4) An animal welfare officer may act under subsection (3) without the certificate of a registered veterinary surgeon if it appears to him that the animal is suffering or likely to suffer or is not reasonably practicable to get the certificate from a registered veterinary surgeon at that time.

(5) A registered veterinary surgeon or an animal welfare officer may examine and take samples from any animal for the purposes of subsection (1) or (3).

(6) If any animal is taken into possession under subsection (3), an animal welfare officer may—

(a) remove the animal or arrange for it to be removed, to a safe place;

(b) care for the animal or arrange for it to be cared for—

(i) at the premises where the animal was placed when it was taken into possession; or

(ii) at any other place as the animal welfare officer thinks fit; or

(c) mark the animal by using any method or in any manner in accordance with this Act, or arrange for it to be marked, for identification purposes.

(7) Any person may use any equipment at the premises referred to in paragraph (6)(b).

(8) The registered veterinary surgeon or the animal welfare officer shall notify the owner or licensee if any registered veterinary surgeon or animal welfare officer exercises his powers under this section without the knowledge of the owner or the licensee.

(9) The animal welfare officer may make an application to the court for the owner or the licensee to pay any cost and expenses incurred in carrying out his powers under this section.

(10) For the purposes of subsections (3) and (4), “possession” includes the possession of the offspring of any animal taken into possession.

Orders in relation to animals taken into possession

35. (1) Subject to subsection (3), if any animal is taken into possession, a court may make an order to—

(a) specify any treatment to be administered to the animal by a veterinary authority or any registered veterinary surgeon;

- (b) give up the possession of the animal to any other person;
- (c) direct for the selling of the animal;
- (d) direct the animal to be disposed by way of sale or otherwise; or
- (e) direct the animal or carcass to be destroyed.

(2) If any animal is taken into possession when the animal is pregnant, the court may make an order under subsection (1), in relation to any offspring that results from the pregnancy.

(3) A court may make an order under subsection (1) if—

- (a) there is an application by the owner or any other person who has sufficient interest to the animal; and
- (b) the owner or the licensee has been given an opportunity to be heard unless the court is satisfied that it is not reasonably practicable to communicate with the owner or the licensee.

(4) If a court makes an order under subsection (1), the court may—

- (a) appoint any person to carry out or arrange for the carrying out of the order;
- (b) give directions in relation to the carrying out of the order;
- (c) confer additional powers to any person, including power to enter premises where an animal to which the order applies is placed for the purpose of carrying out of the order; or
- (d) order a person to pay any expenses to carry out the order.

(5) A court, in exercising its power under this section, shall have regard to the necessity of protecting value of the animal and avoiding any increasing of expenses which a person may be ordered to pay.

(6) Any person who intentionally obstructs a person in the exercise of any powers conferred under this section commits an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not more than one year or to both.

PART VII

POWERS RELATING TO ENFORCEMENT

Animal welfare officer

36. (1) The Minister may appoint in writing, such number of public officers to be animal welfare officers as he thinks necessary for the purpose of this Act.

(2) An animal welfare officer shall have all powers vested on him under this Act or any subsidiary legislation made under this Act.

Voluntary animal welfare assistant

37. (1) The Board may appoint in writing, any qualified person to be voluntary animal welfare assistant to assist the animal welfare officer for the purpose of this Act.

(2) A voluntary animal welfare assistant may not exercise any powers under this Act or any subsidiary legislation made under this Act.

Authority card

38. (1) The Chairman shall issue to each animal welfare officer an authority card which shall be signed by the Chairman.

(2) Whenever an animal welfare officer exercises any of the powers under this Act or any subsidiary legislation made under this Act, he shall, on demand, produce to the person against whom the power is being exercised, the authority card issued to him under subsection (1).

Power of investigation

39. (1) An animal welfare officer shall have all the powers necessary to carry out an investigation of the commission of an offence under this Act or any subsidiary legislation made under this Act.

(2) For the purpose of subsection (1), the Criminal Procedure Code [Act 593] shall apply and an animal welfare officer shall have all the powers as provided for under the Criminal Procedure Code to carry out an investigation.

Search and seizure without warrant

40. If an animal welfare officer is satisfied upon information received that he has reasonable cause to believe that by reason of delay in obtaining a search warrant under section 56 of the Criminal Procedure Code the investigation would be adversely affected or evidence of the commission of an offence is likely to be tampered with, removed, damaged or destroyed, the animal welfare officer may enter the premises and exercise in, upon and in respect of the premises all the powers referred to in section 56 of the Criminal Procedure Code in as full and ample a manner as if he were authorized to do so by a warrant issued under that section.

Power to enter premises

41. Notwithstanding section 40, any animal welfare officer may enter any premises for the purpose of—

- (a) inspecting any animal, carcass, conveyance, substance or other thing as he considers necessary;
- (b) verifying the accuracy of records or statement or any information given to an animal welfare officer; or
- (c) collecting samples of any animal, carcass, conveyance, substance or other thing found in the premises as he thinks necessary for the purposes of analysis without any payment.

Power to stop, search and seize conveyance

42. (1) If an animal welfare officer has reasonable cause to suspect that any conveyance is carrying any animal, carcass, conveyance, substance or other thing in respect of which an offence under this Act or any of its subsidiary legislation is being or has been committed, he may stop and search the conveyance and may, if on examination he has reasonable cause to believe that such conveyance is or has been used for the commission of such offence, seize the conveyance and any animal, carcass, conveyance, substance or other thing found in the conveyance that is reasonably believed to furnish evidence of the commission of such offence.

(2) The person in control or in charge of the conveyance shall, if required to do so by the animal welfare officer—

- (a) stop the conveyance and allow the animal welfare officer to examine the conveyance; and
- (b) open all parts of the conveyance for search and take all measures necessary to enable or facilitate the carrying out of the search as the animal welfare officer thinks necessary.

(3) Any person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not more than one year or to both.

Power to seal premises or conveyance

43. (1) Where applicable and by reason of its nature, size or amount, it is not practicable to remove any animal, carcass, conveyance, substance or other thing that has been or on any premises or any animal, carcass, conveyance, substance or other thing in any conveyance referred to in subsection 42(1) seized under this section, the animal welfare officer shall, by any means, seal such premises or conveyance from where the animal, carcass, conveyance, substance or other thing was found.

(2) The owner or the occupier of the premises or conveyance shall be responsible for the general care or the welfare of the animal, the overall maintenance and safe keeping of any animal, carcass, conveyance, substance or other thing that has been sealed in the premises or conveyance referred to in subsection (1).

(3) Any person who, without lawful authority, breaks, tampers with or damages the seal referred to in subsection (1) or removes the animal, carcass, conveyance, substance or other thing that has been sealed, or attempts to do so commits an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not more than one year or to both.

List of things seized

44. (1) Where any seizure is made under this Act, the animal welfare officer making the seizure shall prepare a list of any animal, carcass, conveyance, substance or other thing seized and of the place in which the animal, carcass, conveyance, substance or other thing is found and shall sign the list.

(2) The list prepared in accordance with subsection (1) shall be delivered immediately to—

- (a) the occupier of the premises where the any animal, carcass, conveyance, substance or other thing seized is found;
or
- (b) the person in control or in charge of the conveyance, if the seizure is made under section 42.

(3) Where the seizure is made in or from any premises which is unoccupied, the animal welfare officer shall whenever possible post a list of the things seized conspicuously at or on the premises.

Orders to detain animals, carcass, etc., seized under this Act

45. (1) An animal welfare officer may apply to the court for an order to detain any animal, carcass, conveyance, substance or other thing which has been seized in respect of any offence under this Act then until the conclusion of such criminal proceeding.

(2) For the purposes of this section, “animal” includes offspring of such animal.

Orders in relation to animals, carcass, etc., seized under this Act

46. (1) If upon an application by an animal welfare officer, the court is satisfied that, where applicable, any animal, carcass, substance or other thing seized under this Act—

- (a) is subject to speedy and natural decay, which is perishable in nature;
- (b) is liable to depreciate in value within a short time;
- (c) is liable to die in short time due to its deteriorating physical condition;
- (d) is dangerous, toxic, harmful or poisonous substance such as banned and dangerous drugs or harmful and poisonous carcass or meat; or
- (e) whom the custody of which is unreasonable in view of the expense or inconvenience that would thereby involved,

may make an order for the said animal, carcass, substance or other thing to be destroyed or otherwise disposed of in such manner as the court may think fit based on the report of a Government registered veterinary surgeon, and the proceeds of sale, if any, shall be kept until the conclusion of such criminal proceedings.

(2) A court may make an order under subsection (1) if—

- (a) the owner or the licensee has been given an opportunity to be heard; or
- (b) the court is satisfied that it is not reasonably practicable to communicate with the owner or the licensee.

(3) Where a court makes an order under subsection (1), the court may order a person to pay any expenses to carry out the order.

(4) The court, in exercising its power under this section, shall have regard to the necessity of protecting value of the animal and avoiding any increasing of expenses which a person may be ordered to pay.

(5) For the purposes of this section, “animal” includes offspring of such animal.

Animal welfare officer may seek assistance to examine things relating to offence

47. An animal welfare officer may seek the assistance of any person to examine any animal, carcass, conveyance, substance or other thing seized or detained under this Act if such person has the necessary qualification to examine such animal, carcass, conveyance, substance or other thing for the purposes of an investigation under this Act.

Cost of holding animal, etc., seized

48. Where any animal, carcass, conveyance, substance or other thing seized under this Act is held in the custody of the animal welfare officer pending completion of any proceedings in respect of an offence under this Act, the cost of holding it in custody shall, in the event of any person being convicted of such offence, be a debt due to the Government, by such person and shall be recoverable accordingly.

No costs or damages arising from seizure to be recoverable

49. No person shall, in any proceedings before any court in respect of the seizure of any animal, carcass, conveyance, substance or other thing seized in the exercise or the purported exercise of any power conferred under this Act, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

PART VIII**ANCILLARY POWER OF THE COURT****Second or subsequent offence**

50. Any person guilty for a second or subsequent similar offence under this Act or any subsidiary legislation made under this Act shall, on conviction, be liable to a fine not more than twice the original sum of fine for that offence or to imprisonment for a term not less than three months.

Deprivation

51. (1) Where a person is convicted of an offence under any section 26, 29, 30, 31 or 32 and he is the owner or the licensee in relation to which the offence was committed, the court before which he is convicted may, instead of or in addition to dealing with the owner or the licensee in any other way, make an order to deprive the ownership of the animal from the owner or the licensee, or make an order for the animal to be disposed or destroyed.

(2) Where the owner or the licensee of an animal is convicted of an offence under subsection 52(3) as a result of a breach of an order under subsection 52(1), the court before which he is convicted may, instead of or in addition to dealing with the owner or licensee in any other way, make an order to deprive the ownership of the animal from the owner or the licensee, or make an order for the animal to be disposed or destroyed.

(3) If the animal in respect of which an order made under subsection (1) or (2) has any offspring, the court may include in the order, the deprivation of the ownership of the offspring or for the said animal to be disposed or destroyed.

(4) If the court makes an order under subsection (1) or (2), the court may—

- (a) appoint any animal welfare officer to carry out or arrange for the carrying out of the order; and
- (b) order the owner or the licensee to pay the expenses of carrying out such order.

Disqualification

52. (1) Where a person is convicted of an offence under section 15, 24, 26, 27, 28, 29, 30, 31 or 32, the court before which he is convicted may, instead of or in addition to dealing with him in any other way, make an order to disqualify him for a period not more than one year from—

- (a) owning animals;
- (b) keeping animals;

- (c) participating in the keeping of animals; and
- (d) being a party to an arrangement under which he is entitled to control or influence the way in which animals are kept.

(2) The court may—

- (a) suspend the operation of the order pending an appeal; or
- (b) where it appears to the court that the person owns or keeps an animal to which the order applies, suspend the operation of the order and of any order made under section 53 in connection with the disqualification, for such period as it thinks necessary to enable alternative arrangements to be made in respect of the animal.

(3) A person who contravenes a disqualification order under subsection (1) commits an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not more than one year or to both.

Seizure of animals in connection with disqualification

53. (1) Where a person is convicted of an offence under subsection 52(3) in breach of an order under paragraph 52(1)(a) or (b), the court before which he is convicted may order that all animals be taken into possession by the animal welfare officer.

(2) An order under subsection (1), relating to any animal owned by the person subject to the disqualification under section 52, shall have effect as an order under section 51.

(3) The court before which an order was made under this section may—

- (a) appoint an animal welfare officer to carry out or arrange for the carrying out of, the order; and
- (b) order the person to pay the expenses of carrying out such order.

Power of court to order destruction of animal

54. (1) The court before which a person is convicted of an offence under section 24, 26, 28, 31 or 32 may order the destruction of an animal in relation to which the offence was committed, if the court is satisfied, on the basis of the evidence given by a registered veterinary surgeon or animal welfare officer, that it is appropriate to do so in the interests of the animal.

(2) If the court makes an order under subsection (1), the court may—

- (a) appoint an animal welfare officer to carry out or arrange for the carrying out of the order; and
- (b) order the person, if any, to pay the expenses of carrying out the order.

Forfeiture of item used in or related to the offences

55. (1) Where a person is convicted of an offence under this Act or any of its subsidiary legislation, the court may order any item relating to the offence and the proceed of any sale, if any, to be forfeited, destroyed or dealt with in such manner as may be specified in the order.

(2) Where any item related to the offence has been seized under this Act but the person who is alleged to have committed the offence is unknown or cannot be found, the court may, if it is satisfied that an offence has been committed, order that such item relating to the offence to be forfeited.

(3) No order for forfeiture shall be made in respect of a conveyance unless the name of the owner and the place of his residence is known and that he is given an opportunity to be heard.

(4) Where there is proceed from any sale of such item relating to the offence seized under this Act, the court may, if it is satisfied that an offence has been committed, order that such proceed to be forfeited.

(5) For the purposes of this section, “item” means any things or substance in respect of which an offence has been committed and which is a subject matter in relation to the evidence necessary to establish the commission of the offence.

PART IX

GENERAL

Offence committed by body corporate

56. Where a body corporate commits an offence under this Act or any of its subsidiary legislation, any person who at the time of the commission of the offence was a chief executive officer, director, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management—

- (a) may be charged severally or jointly in the same proceedings with the body corporate; and
- (b) where the body corporate is found guilty of the offence, shall be deemed to be guilty of the offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves—
 - (i) that the offence was committed without his knowledge, consent or connivance; and
 - (ii) that he took all reasonable precautions and had exercised due diligence to prevent the commission of the offence.

Failure to comply with lawful order

57. (1) The Minister may make any order as may be expedient or necessary for the better carrying out the provisions of this Act.

(2) Any person who fails to comply with any written order issued by the Minister commits an offence and shall, on conviction, be liable to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not more than one year or to both.

Photograph of animal to be admissible as evidence

58. Photograph or a copy of the photograph of an animal shall be admissible as evidence in court if it involves unreasonable expenses or inconvenience for the animal to be brought to the court.

Protection against suits and legal proceedings

59. No action, suit, prosecution or other proceeding shall be brought, instituted or maintained in any court against—

- (a) any member of the Board, any authorized officer or any registered veterinary surgeon for or on account of or in respect of any act ordered or done for the purpose of carrying into effect of this Act; and
- (b) any other person for or an account of or in respect of any act done or purported to be done by him under the order, direction or instruction of the Minister, the Board or any officer duly authorized under this Act,

if the act was done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served by it.

Compounding of offences

60. (1) The Board may, with the consent in writing of the Public Prosecutor, offer to compound any offence committed by any person under this Act or any of its subsidiary legislation by making a written offer to the person suspected of having committed the offence.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and where the amount specified in the offer under subsection (1) is not paid within the time specified in the offer or within such extended period as the Board or any animal welfare officer that the Board has delegated such power in writing, may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(3) Where an offence has been compounded under subsection (1)—

- (a) no prosecution shall be instituted after that in respect of the offence against the person to whom the offer to compound was made; and
- (b) any animal, carcass, conveyance, substance or other thing seized from any premises shall be released or forfeited by the animal welfare officer after taking into consideration the nature of the offence and the condition of the animal, carcass, conveyance, substance or other thing in accordance with the term and conditions of the compound.

Institution of prosecution

61. No prosecution for or in relation to an offence under this Act or any subsidiary legislation made under this Act shall be instituted except by or with the written consent of the Public Prosecutor.

Power to make regulations

62. (1) The Minister may, after consulting the Board, make such regulations as may be expedient or necessary for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of subsection (1), regulations may be made for the following purposes:

- (a) to prescribe all matters relating to subsection 24(1);
- (b) to prescribe all matters relating to the handling of animals;
- (c) to prescribe all matters relating to animals used in research, testing or teaching;
- (d) to prescribe all matters relating to the managing and up keeping of the experimental, rescued, rehabilitated and captured animals;

- (e) to prescribe matters relating to the maximum load, including any load occasioned by the weight of passengers, to be carried or drawn by any animal;
- (f) to prescribe all matters relating to the precautions to be taken in the transport of animals whether by rail, road, inland waterway, sea or air and in the cages or other receptacles or any manner in which the animal may be so transported;
- (g) to prescribe all matters relating to the handling of animals prior to the slaughter and the process of slaughtering;
- (h) to prescribe all matters relating to the training, housing, upkeep, exhibition, display or depiction of performing animal or the breeding or sale of animals;
- (i) to prescribe all matters relating to licensing;
- (j) to prescribe the fees payable under this Act;
- (k) to prescribe the offences which may be compounded;
- (l) to prescribe all matters relating to the costs which are recoverable under this Act and any of its subsidiary legislation, the amounts of those costs or the method by which they are to be assessed, the persons liable for payment of the costs and the circumstances in which the recovery of costs may be remitted or waived in whole or in part;
- (m) to prescribe all matters relating to the qualifications, experiences, conduct and duties of the animal welfare officer and voluntary animal welfare assistant;
- (n) to prescribe all matters relating to improvement notices;
- (o) to prescribe all matters relating to accepted veterinary management procedures;
- (p) to regulate training providers or its organization in the field of animal welfare including the training modules; and

(q) to provide for such other matters as are contemplated by, or necessary for giving full effect to, the provisions of this Act and their due administration.

(3) The regulations made under this section may prescribe any act in contravention of the regulations to be an offence and may prescribe penalties of a fine not more than ten thousand ringgit or imprisonment for a term not more than two years or both for such offence.

Power to amend Schedule

63. The Minister may, by order published in the *Gazette*, amend the Schedule to this Act.

Transitional provisions

64. (1) Any person who, on the date of the coming into operation of this Act, is undertaking an activity to which this Act applies shall, within six months from the date of the coming into operation of this Act, apply for a licence under section 16 and such application shall be treated as a fresh application and not as an application for renewal of a licence.

(2) Upon receipt of an application under subsection (1), the Board shall issue an acknowledgement of receipt to such person.

(3) Pending the determination of such application, such person may continue to undertake the activity.

SCHEDULE

[Section 15]

Activities involving animals

The following activities are regarded as activities involving the use animals for the purposes of this Act:

1. Animal boarding
2. Animal riding and spelling

3. Performing animal
4. Breeding of animals
5. Research, testing and teaching on animals
6. Animal rescue and rehabilitation
7. Activities relating to animal pound and animal shelters
8. Quarantine of animals
9. Animal training
10. Captivity of live animal for sale activities
11. Slaughtering of animals
12. Animal disposing
13. Strays controlling by any individual, organization or body corporate.