



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRILANKA**

ANIMAL WELFARE

A

BILL

to provide for the protection of animals from cruelty; to foster kindness, compassion and responsible behaviour towards animals in the community; to establish a National Animal Welfare Authority; to provide for animal welfare generally; and for matters connected therewith or incidental thereto.

Presented by Hon. (Ven.) Athuraliye Rathana Thero, M. P. for Gampaha District on October 19, 2010

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Animal Welfare

AN ACT TO PROVIDE FOR THE PROTECTION OF ANIMALS FROM CRUELTY; TO FOSTER KINDNESS, COMPASSION AND RESPONSIBLE BEHAVIOUR TOWARDS ANIMALS IN THE COMMUNITY; TO ESTABLISH A NATIONAL ANIMAL WELFARE AUTHORITY; TO PROVIDE FOR ANIMAL WELFARE GENERALLY; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Animal Welfare Act, No. of 2010 and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*: Short title and date of operation.

Provided that the Minister may appoint different dates in respect of different Parts of this Act.

PART I

OBJECTIVES

2. The Objectives of this Act are— Objectives.
- (1) to recognize a duty of care on the part of persons in charge of animals to treat the animals humanely and to take all reasonable steps to ensure the well-being of those animals;
 - (2) to prevent cruelty to animals and to secure the protection and welfare of animals, to prohibit certain categories of conduct in relation to animals and impose penalties for breach of the law;
 - (3) to establish a National Animal Welfare Authority and to provide for regulations and codes of practice for animal welfare ; and
 - (4) to raise community awareness on animal welfare.

PART II

THE NATIONAL ANIMAL WELFARE AUTHORITY

3. (1) There shall be established an Authority which shall be called the National Animal Welfare Authority (hereinafter in this Act referred to as the "Authority").

Animal
Welfare
Authority.

(2) The Authority shall by the name assigned to it by subsection (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

4. The Authority shall consist of the following members :—

Constitution
of the
Authority.

(a) ten persons appointed by the Minister (hereinafter referred to as the "appointed members") as follows:—

(i) six persons with wide experience in animal welfare from among persons nominated by Animal Welfare Societies and at least one of whom shall be an Attorney-at-Law;

(ii) two persons with qualifications in veterinary science nominated by the Veterinary Council of Sri Lanka;

(iii) one person who is an Ayurvedic physician with experience in treating animals, nominated by the Ayurvedic Medical Council ; and

(iv) one person who is a professor or Senior Lecturer in clinical veterinary sciences of a recognized University in Sri Lanka nominated by the University Grants Commission ; and

(b) the following *ex-officio* members, namely :—

(i) the Director, of Wild Life Conservation or his nominee;

- (ii) the Director of the Department of National Zoological Gardens or his nominee;
- (iii) the Director General of the Central Environmental Authority or his nominee;
- 5 (iv) the Director General of the Department of Animal Production and Health appointed under the Animal Diseases Act, No. 59 of 1991 or his nominee;
- 10 (v) the Inspector General of Police or his nominee who shall be not below the rank of Deputy Inspector General of Police; and
- (vi) the Director in charge of Public Health Services in the Health Ministry or his nominee.

15 **5.** A person shall be disqualified from being appointed or continuing as a member of the Authority if— Disqualification from being a member.

- (a) he is or becomes a member of Parliament or any Provincial Council or any local authority; or
- (b) he is not, or ceases to be, a citizen of Sri Lanka; or
- 20 (c) he is under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind; or
- (d) he is an undischarged bankrupt or insolvent, having been declared a bankrupt or insolvent; or
- 25 (e) he is serving or has, at any time during the preceding seven years, served a sentence of imprisonment imposed by any court in Sri Lanka or any other country; or has at any time been found guilty by a Court of law for any offence under any law relating to animal protection or welfare whether in Sri Lanka
- 30 or any other country; or

(f) he holds or enjoys any right or benefit under any contract made by or on behalf of the Authority; or

(g) he has any financial or other interest that is likely to affect prejudicially the discharge by him of his functions as a member of the Authority.

6. (1) An appointed member may resign his office by letter addressed to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister.

Resignation and removal of members.

10 (2) The Minister may for reasons assigned remove an appointed member of the Authority from office.

(3) Where an appointed member dies, resigns or is removed from office, the Minister shall, having regard to the provisions of Section 5, appoint another member in his place.

15 (4) A member appointed under subsection (3) shall hold office for the unexpired part of the term of office of the member whom he succeeds.

7. Of the first appointed members, two shall hold office for a period of two years, two shall hold office for a period of three years, three shall hold office for a period of four years and three shall hold office for a period of five years, as specified in their respective letters of appointment. Members appointed to succeed such members shall hold office for a period of five years.

Term of office of members.

25 8. The members of the Authority shall be paid such remuneration out of the Fund of the Authority at such rates as may be determined by the Minister

Remuneration of members.

9. (1) The Minister shall appoint a Chairperson and a Deputy Chairperson of the Authority from among the appointed members.

Chairperson and Deputy Chairperson of the Authority.

(2) If the Chairperson or the Deputy Chairperson is by reason of illness or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint another member of the Authority to act in his place.

5 **10.** (1) The Chairperson of the Authority shall preside at every meeting of the Authority. In the absence of the Chairperson from any such meeting, the Deputy Chairperson shall preside at such meeting. In the absence of both the
10 meeting, a member elected from among the members present shall preside at such meeting.

Meetings of the Authority.

(2) The quorum for any meeting of the authority shall be seven members.

15 (3) The Chairperson or the Deputy Chairperson or other member presiding at any meeting of the Authority, shall in addition to his own vote, have a casting vote.

20 (4) Subject to the preceding provisions of this section, the Authority may regulate the procedure in regard to the meetings of the Authority and the transaction of business at such meetings.

11. No act, decision or proceeding of the authority, shall be rendered invalid by reason only of the existence of any vacancy in the membership of the Authority or any defect in the appointment of any member thereof.

Acts not invalidated by reason of vacancy or defect in appointment.

25 **12.** (1) The seal of the Authority may be determined and devised by the Authority and may be altered in such manner as may be determined by the Authority.

Seal of the Authority.

(2) The seal of the Authority shall be in the custody of such person as the Authority may decide from time to time.

(3) The seal of the Authority shall not be affixed to any instrument or document except with the sanction of the Authority and in the presence of the Chairperson and one other member who shall sign the instrument or document in
5 token of their presence.

(4) The Authority shall maintain a register of the instruments and documents to which the seal of the Authority had been affixed.

13. The Authority may delegate any of the powers and
10 functions of the Authority to the Chairperson, the Deputy Chairperson, the Director, any Committee, any officer or any other member of the Authority and any such person to whom
any power or function is so delegated, shall exercise such power and discharge such function so delegated, subject to
15 the general or special directions of the Authority.

Delegation of powers and functions of the Authority.

PART III

FUNCTIONS AND POWERS

14. The functions of the Authority shall be—
20 (a) to advise the Government on the formulation of a national policy on animal welfare;
(b) to implement the provisions of this Act;
(c) to advise the Government on measures for the protection of animals and prevention of cruelty to animals;
25 (d) to keep the laws relating to animal welfare under constant review and advise the Government on amendments to be undertaken to any such laws;
(e) to formulate codes of practice relating to animal welfare which are consistent with internationally

Functions of the Authority.

accepted standards and best practices in consultation with relevant Agencies and Bodies and Animal Welfare Organizations;

- 5 (f) to create awareness of the objects and provisions of this Act among Government agencies, provincial authorities, local authorities, Animal Welfare Societies, religious institutions, schools and other educational institutions and the general public;
- 10 (g) to foster kindness and compassion and responsible behaviour towards animals;
- (h) to co-operate with animal welfare societies in promoting the objectives of this Act;
- 15 (i) to encourage the formation and development of animal welfare societies and to give financial and other assistance to such societies for the furtherance of the objectives of this Act;
- 20 (j) to advise the Government on appropriate standards and measures relating to the medical care of animals which may be provided in animal shelters and elsewhere;
- (k) to recommend legal, administrative or other reforms required for the effective implementation of national policy on animal welfare;
- 25 (l) to receive representations from the public relating to animal welfare and where necessary, to refer such representations to the appropriate authorities;
- (m) to monitor the progress of investigations and criminal proceedings relating to offences against animals;
- 30 (n) to take appropriate steps for securing the safety, protection and welfare of animals;

- (o) to advise and assist Government agencies, provincial authorities, local authorities, non-governmental organizations, animal welfare societies, religious institutions and the general public to co-ordinate campaigns against cruelty to animals; and to advice on any matter connected with animal welfare;
- (p) to prepare and maintain a national data base on matters pertaining to animal welfare;
- (q) to supervise and monitor institutions which provide animal care services, safety homes for animals and animal shelters;
- (r) to promote education in relation to the humane treatment of animals and the promotion of animal welfare;
- (s) to liaise and exchange information with foreign governments, international organizations and animal welfare associations in other countries, with respect to animal welfare and the prevention of all forms of cruelty to animals;
- (t) to keep and maintain a Register of Animal Welfare Associations or Societies and Animal Shelters; and
- (u) to establish special funds as provided for in this Act.
- 25 **15.** The Authority shall have the power— Powers of the Authority.
- (a) to acquire, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of, any movable or immovable property;
- (b) to borrow, with or without security, moneys, on such terms and conditions as may be approved by the Minister, for the purpose of discharging it's functions;

- (c) to accept gift, grants or donations whether in cash or otherwise and to apply them for discharging its functions;
- 5 (d) to establish committees at Provincial and District level for the exercise of such powers and discharge of such functions as may be delegated to them by the Authority;
- 10 (e) to issue licences, permits and certificates of competence for such purposes as are provided for under this Act;
- (f) to make appointments of staff of the Authority as provided for under this Act;
- 15 (g) to establish a social security scheme, and provide welfare and recreational facilities for its officers and employees;
- (h) to enter into and perform all such contracts, whether in or outside Sri Lanka, as may be necessary for the exercise of the powers and the discharge of the functions of the Authority;
- 20 (i) to make rules in respect of the administration of the affairs of the Authority;
- (j) to establish shelters for the purpose of providing care and custody to animals;
- 25 (k) to institute where appropriate, prosecutions for offences under this Act; and
- (l) to do all such other things as are necessary to facilitate the proper discharge of the functions of the Authority.

PART IV

STAFF OF THE AUTHORITY

16. (1) There shall be appointed to the Authority a Staff of the
Director, a Deputy Director, Assistant Directors, Animal authority.
5 Welfare Inspectors and such other officers and employees as
may be considered necessary for the effecient discharge of
its functions.
- (2) The power of appointment, transfer, dismissal and
disciplinary control of the Director, Deputy Director and the
10 Asistant Directors shall vest in the Authority.
- (3) The power of appointment, transfer, dismissal and
disciplinary control of other officers and employees other
than those referred to in subsection (2) shall vest in the
director.
- 15 (4) The officers appointed under subsection (1) shall be
remunerated in such manner and at such rates and shall be
subject to such conditions of service as may be determined
by the Authority with the approval of the Minister in charge
of the subject of Finance.
- 20 (5) At the request of the Authority an officer in the public
service may, with the consent of the officer and the Secretary
to the Ministry of the Minister in charge of the subject of
Public Administration, be temporarily appointed to the
Authority for such period as may be determined by the
25 Authority with like consent, or be permanently appointed
to such staff.
- (6) Where any officer in the public service is temporarily
appointed to the staff of the authority, the provisions of
subsection (2) of seciton 14 of the National Transport
30 Commission Act, No. 37 of 1991, shall, *mutatis mutandis*,
apply, to and in relation, to him.

(7) Where any officer in the public service is permanently appointed to the staff of the Authority, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis*,
5 apply, to and in relation, to him.

(8) Where the authority employs any person who has agreed to serve the Government for a specified period, any period of service to the Authority by that person shall be regarded as service to the Government for the purpose of
10 discharging the obligations of such agreement.

17. The Director of the Authority shall be the Chief Executive Officer of the Authority and shall in the discharge of his functions of this Act in compliance with the policy and directions of the Authority.
Director of the Authority.

15

PART V

FINANCE

18. (1) The Authority shall have its own Fund (hereinafter referred to as the "Fund")
Fund of the Authority

(2) There shall be paid into the Fund—

20 (a) all such sums of money as may be voted by Parliament for the use of the Authority out of the Consolidated Fund;

(b) all such sums of money as may be received by the Authority in the exercise, performance and discharge of its powers, duties and functions under this Act;
25 and

(c) all such sums of money as may be received by the Authority by way of gifts, grants or donations from any source whatsoever other than such sums as may be paid into Special Funds established in terms of section 19.
30

(3) There shall be paid out of the Fund all such sums as are required to defray the expenditure incurred by the Authority in the exercise, performance and discharge of its powers, duties and functions under this Act or under any other written law and all such sums as are required to be paid out of the Fund.

19. There may be established by the Authority Special Funds with monies received by way of gifts, grants or donations from any source whatsoever, for special projects or programmes aimed at providing support for animal welfare measures including the establishment of animal welfare centres, animal shelters, animal hospitals and other similar measures and the provisions of sections 20 and 21 of this Act shall, *mutatis mutandis*, apply to such Special Funds.

Special Funds
for Animal
Welfare

20. Every donation made by money or otherwise to the Authority shall, for the purposes of paragraph (b) of subsection (2) of Section 31 of the Inland Revenue Act, No. 38 of 2000 be deemed to be a donation made in money or otherwise to a fund established by the Government.

Exemption
from certain
taxes.

21. (1) The financial year of the Authority shall be the calendar year.

(2) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of the accounts of the Authority.

Financial
year and
audit of
accounts.

PART VI

DUTY OF CARE

22. A person in charge of an animal owes a duty of care to it.

Duty of Care
to animals.

23. Without prejudice to the generality of the provisions of section 22, it shall be the duty of every person in charge of an animal—

Duty of persons in charge of animals

- 5 (a) to take all reasonable measures to ensure the well being of such animal; and
- (b) to prevent the infliction upon such animal of unnecessary fear or pain; and
- 10 (c) to provide such animal with food, water, hygienic living conditions, adequate living space and shelter that is—
 - (i) appropriate; and
 - (ii) reasonably practicable for the person to provide.

PART VII

OFFENCES RELATING TO CRUELTY TO ANIMALS

- 15 **24.** (1) Any person who—
- Cruelty to animals.
- 20 (a) beats, kicks, overrides, overdrives, overloads, overworks, over-walks, tortures, terrifies or otherwise treats an animal so as to subject it to unnecessary pain or, being a person in charge of an animal, permits the animal to be so treated; or
 - 25 (b) uses an animal in any work or labour or for any other purpose for which by reason of any disease, infirmity, wound, or other cause, such animal is unfit to be so used or, being the person in charge of the animal, permits any such unfit animal to be so used; or
 - (c) trains an animal in a way that is detrimental to its health and welfare, including forcing an animal to exceed its natural capacities or strength; or

- 5 (d) willfully and unreasonably administers any poison, injurious drug or substance to an animal or wilfully and unreasonably causes or attempts to cause any poison, injurious drug or substance to be taken by an animal; or
- (e) conveys or carries an animal in such a manner or position as to subject it to pain; or
- 10 (f) keeps or confines an animal in any cage or any place which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or
- 15 (g) keeps an animal for an unreasonable length of time chained or tethered upon an unreasonably short or unreasonably heavy chain or cord or keeps an animal tied or bound or yoked in such a manner as to subject it to pain; or
- 20 (h) being the person in charge of an animal, willfully deprives an animal of food, water or shelter; or
- (i) being the person in charge of an animal, kills the animal or its off-spring unless it is a food animal and the killing is in compliance with the provisions of this Act or unless such animal constitutes a grave and immediate danger to the public;
- 25 (j) being a person in charge of animal, abandons the animal; or
- (k) causes unnecessary pain to an animal by any other willful act or omission,

30 shall be guilty of the offence of cruelty to animals and shall, upon conviction after trial before a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

25. Any person who kills an animal in an unnecessarily cruel manner shall be guilty of an offence and shall, upon conviction after trial before a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Killing of animal in unnecessary cruel manner, an offence.

26. (1) Any person who intentionally kills or knowingly sells or delivers for killing any pregnant animal except when the said animal constitutes grave and immediate danger to the public, shall be guilty of an offence and shall upon conviction after a trial before a Magistrate be liable to a fine not exceeding two hundred thousand rupees or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

Killing of pregnant animal, an offence.

(2) If in a prosecution for an offence under subsection (1) the question arises as to whether the animal in relation to which the offence is alleged to have been committed was pregnant at the time of the commission of the offence, a certificate under the hand of a Veterinary Surgeon to the effect that the animal was pregnant at the time of the commission of the offence shall be admissible in evidence without proof of signature and shall, unless there is evidence to the contrary, be proof of the facts stated therein.

PART VIII

PROHIBITED CONDUCT

27. Without prejudice to the provisions of the Fauna and Flora Protection Ordinance, no person shall, without any reasonable excuse, set or cause to be set a trap to capture, harm or kill an animal.

Setting traps to capture &c., prohibited.

28. No person shall confine a bird by means of—
 (a) a ring, chain, string, cord or wire attached to its leg; or

Unlawful confinement of birds prohibited

(b) a restraint around its neck or body; or

(c) pinioning.

29. No person shall use an animal to test cosmetics, cosmetic ingredients or cosmetic products. Use of animals for testing cosmetics &c., prohibited.

5 **30.** No person shall castrate or sterilize an animal or cause an animal to be castrated or sterilized, unless such castration or sterilization is performed by or under the supervision of a Veterinary Surgeon. Unlawful castration or sterilization of animals prohibited.

10 **31.** No person shall sell or offer for sale or contract to sell any animal which is in pain by reason of illness, disease, mutilation, starvation, thirst, overcrowding or ill-treatment, except for the purpose of medical treatment and care. Unlawful sale of animal suffering pain prohibited.

15 **32.** No person shall keep for sale or display for sale any animal in such circumstances as would, cause pain or distress to the animal. Unlawful keeping or displaying of animal for sale prohibited

33. No person shall make an animal available in any manner whatsoever for the purpose of being hunted, injured or killed by another animal. Making available an animal for hunting &c., prohibited.

20 **34.** No person shall carry on the business of breeding or trading in animals without obtaining a licence therefor as required by law. Unlawful breeding or trading prohibited.

35. Any person who acts in contravention of any of the prohibitions contained in sections 27 to 34 shall be guilty of an offence and shall, upon conviction after trial before a Punishment for engaging in prohibited conduct.

Magistrate be liable to a fine not exceeding twenty thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

5 **36.** (1) No person shall participate in, organize, manage, facilitate or advertise any of the following events (hereinafter called "a prohibited event"):— Prohibited events.

(a) sport-hunting or any other kind of recreational sport involving injury to or destruction of the lives of animals;

10 (b) any shooting match or competition in which animal is released from captivity for the purpose of shooting or hunting that animal; or

15 (c) any sporting event or entertainment that involves the confining of any animal (including tying of an animal) so as to make it an object of prey for any other animal or inciting any animal to fight any other animal.

(2) No person shall knowingly permit any premises of which he is the owner or of which he is in charge, to be used for a prohibited event.

(3) No person shall knowingly supply or train any animal for a prohibited event.

25 (4) Any person who contravenes the provisions of any of the foregoing sub sections shall be guilty of an offence and shall upon conviction after trial before a Magistrate be liable to a fine not exceeding twenty thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment. Penalty.

30 **37.** (1) No person shall slaughter or cause or permit to be slaughtered— Slaughter of buffaloes, cows and bulls an offence.

(a) any buffalo or buffalo calf; or

(b) any cow or cow calf; or

(c) any bull or bull calf.

(2) In this section the expression "buffalo" includes both a male and female buffalo and the expression "buffalo calf" includes both a male and female buffalo calf.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence, and shall upon conviction after a trial by a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

38. (1) Notwithstanding anything to the contrary in any other law with regard to the grant of licenses for the slaughter of any quadruped, no person shall slaughter or cause to be slaughtered a quadruped in a private dwelling house or a place of business or a public place.

Conditions regarding slaughter of quadrupeds.

(2) No person shall slaughter any quadruped where the meat or any part of the carcass of the quadruped is meant to be sold or distributed for any purpose whatever unless such person holds a certificate of competence in the slaughter of animals issued or recognized by the Authority.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and shall upon conviction after a trial before a Magistrate, be liable to a fine not exceeding twenty thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

"public place" for the purposes of this section includes any way, road, lane, square, court, alley, passage or open space whether a thoroughfare or not and any building to which the general public have access.

PART IX

TRANSPORT OF ANIMALS

- 5 **39.** No person shall convey, carry or transport, or cause to be conveyed, carried or transported any animal in such a manner as to subject such animal to unnecessary pain.
- Subjecting animal to unnecessary pain during transport, prohibited.
- 40.** Without prejudice to the generality of the foregoing provision, it shall be the duty of any person who conveys, carries or transports any animal to ensure the following:—
- Duties during transport of animals.
- 10 (a) that injury to such animal during loading and unloading is avoided;
- (b) that the animal is provided adequate space, air, hygienic conditions and reasonable comfort during the period of transit from the time of loading to the time of unloading;
- 15 (c) that no animal which is —
- (i) ill; or
- (ii) pregnant and is reasonably likely to give birth in transit or within forty eight hours thereafter,
- 20 is so conveyed, carried or transported, other than for purposes of medical treatment or the animal's own safety;
- (d) that any vehicle used in the conveyance, carriage or transportation of the animal has —
- 25 (i) facilities for the easy observance and inspection of the animal carried therein; and
- (ii) a ramp to load and unload such animal in a humane manner;

- (e) that the floor of any vehicle used in such conveyance, carriage or transportation is free from holes or cracks likely to cause injury to any animal;
 - 5 (f) that any vehicle used in such conveyance, carriage or transportation has adequate covering so as to give the animal such protection as is appropriate to the circumstances having regard to the type of animal being transported, the distance to be covered and the environmental factors such as the weather, temperature and terrain;
 - 10 (g) that no animal prone to aggressiveness is conveyed, carried or transported together with other animals unless adequate precaution is taken to prevent such animal attacking or causing harm or injury to such other animals;
 - 15 (h) that such conveyance, carriage or transportation from the point of loading to the point of unloading is carried out without unnecessary delay and without confining any animal for an unreasonable period of time;
 - 20 (i) that where, conditions of transport require that an animal be deprived of food and water during transport care is taken to ensure that the journey is not longer than the animal can endure without food or water;
 - 25 (j) that where practicable during long journeys sufficient stops are made to enable the animal to be given rest, food and water and to attend to its hygiene.
- 30 **41.** (1) Any person who fails to comply with or Penalty.
contravenes the provisions of sections 39 or 40 shall be guilty of an offence and shall upon conviction after trial by

a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

5 (2) Upon the conviction of any person for an offence under this Part, the Magistrate may, in addition to any sentence imposed under sub section (1) and subject to the provisions of sub section (3) make an order forfeiting the vehicle which was used in the commission of the offence and the animal or animals therein.

10 (3) Where the owner of the vehicle is a third party not being the spouse or child of the person convicted, an Order of forfeiture under paragraph (2) shall be made only after giving notice to such owner to show cause why such an Order should not be made and no such Order shall be made
15 if the owner establishes to the satisfaction of the Court that he had taken all precautions to prevent the use of the vehicle in the commission of the offence or that the vehicle has been used therefore without his knowledge :

20 Provided that where the vehicle belongs to a person whose vehicle has been used for the commission of an offence for the third time, the Magistrate shall make an order forfeiting such vehicle.

(4) Any vehicle or animal forfeited to the State by an order of court shall—

25 (a) if no appeal is preferred against such order, vest absolutely in the State with effect from the date on which the period prescribed for preferring an appeal against such order expires; and

30 (b) if an appeal has been preferred against such order, vest absolutely in the State with effect from the date on which the order is finally affirmed on appeal.

(c) be dealt with in terms of the provisions of this Act.

PART X

USE OF LIVE ANIMALS FOR SCIENTIFIC PURPOSES

42. (1) No person shall use live animals for teaching or research or experimentation unless such person has obtained a permit for the said purpose from the Authority.

Use of live animals for experiments &c.,

(2) In issuing a permit, the Authority shall have regard, amongst other considerations that it considers relevant, to the availability of alternative methods and devices that do not involve experimentation on live animals, including computer simulations and other audio-visual methods, synthetically produced models, ethically sourced cadavers and clinical experiences.

(3) The Authority may refuse to issue a permit upon being satisfied that such research can be carried out or such teaching or experimentation can be performed using such alternatives as are referred to in subsection (2).

PART XI

INVESTIGATION AND PROSECUTION

43. All investigations under this Act shall, unless otherwise provided herein, be conducted in compliance with the provisions of the Code of Criminal Procedure Act, No. 15 of 1979.

Applicability of Code of Criminal Procedure Act for investigations.

44. A Police officer not below the rank of Inspector of Police or an Inspector may, after obtaining a Warrant therefore:—

Search &c.,

(a) enter and inspect any premises where he has reason to believe that an offence under this Act has been committed, is being committed or is about to be committed;

- (b) examine any books, registers or records relating to animals maintained at such premises;
- (c) question any person in any such premises with regard to the commission or imminent commission of an offence under this Act:

Provided that, where upon information received, a Police Officer not below the rank of an Inspector of Police or an Inspector is of the view that it is urgently necessary to take any of the above steps to prevent the commission or continued commission of an offence, or to prevent the destruction of any document or other thing that may constitute evidence of the commission of an offence under this Act, or to ensure the welfare of any animal, it shall be lawful for such Police officer or Inspector to take any of the above steps before obtaining a warrant and such Inspector or Police Officer shall, within twenty four hours of having taken such step, submit to Court a report on the steps taken and the reasons which warranted the taking of such steps without obtaining a warrant.

- 20 **45.** (1) Where, after investigation, an Inspector has reasonable grounds to believe that an animal —
- (a) is not being cared for;
 - (b) is not being provided with adequate food, water and shelter;
 - 25 (c) is experiencing pain;
 - (d) requires veterinary treatment; or
 - (e) is being worked while unfit for work,

Issue of
Animal
Welfare
Directions by
Inspectors.

he may issue a written direction to the person in charge of the animal requiring that person to take remedial steps and in particular to do one or more of the following:—

- 5 (i) to care for or treat the animal in the manner stated in the direction;
- (ii) to provide the animal with food, water, rest, shelter or other living conditions stated in the direction;
- 10 (iii) to consult a Veterinary Surgeon about the animal's condition by a date or time stipulated in the direction;
- (iv) to relocate the animal for any of the purposes stated in sub-paragraphs (i), (ii) or (iii) above; or
- 15 (v) to refrain from moving the animal from the place where it is kept until a stipulated time or the happening of a stipulated event.

(2) Such a direction shall be called an Animal Welfare Direction and shall be in the form set out in the Schedule hereto.

20 (3) Nothing contained in sub section (1) shall prevent the Inspector himself from taking any of the remedial steps mentioned in subsection (1) where such Inspector is of the opinion that it is in the best interests of the animal to do so. In such an event the Inspector shall record his reasons for taking such steps and shall forthwith make an entry to that effect at
25 the Police Station of the area.

(4) A person who fails to comply with a direction given under sub section (1) without reasonable cause shall be guilty of an offence and shall upon conviction after trial by a Magistrate be liable to a fine not exceeding five thousand
30 rupees or to imprisonment for a term of three months or to both such fine and imprisonment.

(5) The issue of a direction under this section in respect of any act or omission shall not by itself prejudice the institution of a prosecution for an offence under this Act in respect of such act or omission.

- 5 **46.** A Magistrate may, upon application made therefore by a Police Officer or Inspector, or on his own motion, make order that any animal in respect of whom an offence is alleged to have been committed, is being committed or is likely to be committed, be placed in the care and custody of a suitable person, a State Farm, animal shelter or other suitable Institution who or which is willing to take custody of such animal, upon being satisfied that it is necessary to do so to prevent the continued commission of an offence or for the purpose of providing such animal with necessary care or 15 medical treatment.
- Placing animals in shelter & c. during investigation and trial to ensure its welfare.
- 20 **47.** Any person who obstructs or resists an Inspector or Police Officer in the exercise of any powers under this Act shall be guilty of an offence and shall upon conviction after a trial before a Magistrate, be liable to a fine not exceeding three thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.
- Obstructing a Police Officer, Inspector, an offence.
- 25 **48.** A prosecution for an offence under this Act may be instituted:—
- By whom prosecutions can be instituted.
- (a) by a peace officer; or
- (b) by the Authority; or
- (c) upon a complaint made to a Magistrate having jurisdiction in terms of the provisions of Section 136 (1) (a) of the Code of Criminal Procedure Act No. 15 of 1979.
- 30 **49.** It shall be lawful for a Magistrate to try summarily any offence under this Act or any regulation made there under and to impose punishments prescribed in respect of the same notwithstanding anything to the contrary contained in any other law.
- Offences triable summarily.

50. (1) Where any person is convicted of an offence in relation to an animal under this Act the Magistrate may, in addition to any punishment that may be imposed, made Order for—

Forfeiture, re-imburement of expenses, after conviction.

- 5 (a) the forfeiture of the animal or animals in respect of which the offence was committed;
- (b) the forfeiture of any weapon, instrument or vehicle used in the commission of the offence; or
- 10 (c) the re-imburement of expenses incurred by any person or institution in whose care and custody any animal was placed in terms of the provisions of this Act.

(2) The Magistrate in making an Order under paragraph (a) of subsection (1) may direct that the care and custody of the animal be given to a suitable person, a State Farm, animal shelter or other suitable institution with the consent of such person or the person in charge of such Farm, shelter or other institution, as the case may be.

(3) The provisions of subsections (3) and (4) of section 41 shall *mutatis mutandis* apply to an Order for the forfeiture of a vehicle, under paragraph (b) of subsection (1).

PART XII

MISCELLANEOUS

51. (1) The Minister may make regulations giving effect to the principles and provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of the foregoing power, the Minister may make regulations in respect of any of the following matters:—

- 30 (a) the maximum load to be carried or drawn by any animal;

- (b) the conditions to be observed for preventing the overcrowding of animals in any vehicle, cage or enclosure;
- (c) regulating the use of any type of bit or harness;
- 5 (d) regulating the conduct of the business of a farrier;
- (e) the precautions to be taken in the capture of animals;
- (f) the conditions and means under which animals may be transported;
- (g) conditions relating to aquaria;
- 10 (h) breeding, vaccinating and sterilizing of animals;
- (i) conditions relating to farm animals including conditions and practices relating to poultry;
- (j) boarding kennels, hotels for pets and other similar institutions run on a commercial basis;
- 15 (k) conditions relating to performing animals;
- (l) conditions relating to pet shops;
- (m) conditions and practices relating to slaughterhouses;
- (n) stray animals;
- 20 (o) conditions relating to animals in theme parks;
- (p) conditions relating to animals in captivity;
- (q) conditions relating to experiments on animals;
- (r) conditions relating to pest control.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in such regulation.

5 (4) Every regulation made by the Minister shall as soon as convenient after its publication in the *Gazette*, be brought before Parliament. Any Regulation which is not approved by the Parliament shall be deemed to be rescinded from the date of disapproval but without prejudice to anything previously
10 done thereunder.

52. Where an animal becomes a subject of Court proceedings, it shall be lawful for the Authority, an Inspector or a person authorized by an Animal Welfare Society to intervene in the Court proceedings to safeguard the interests
15 of the animal. Right of intervention in cases involving animals.

53. Every person who contravenes any provision of this Act or any Regulation made thereunder shall be guilty of an offence. Contravention of provisions of Act or Regulation, an offence.

54. Every person who commits an offence under this
20 Act or under any Regulation made thereunder for which no punishment is expressly provided, shall on conviction after trial before a Magistrate, be liable to a fine not exceeding five thousand rupees or to imprisonment for a period not exceeding six months or to both such fine and imprisonment. Penalty for offences where not expressly provided.

55. Where an offence under this Act is committed by a
25 body of persons, then— Offences committed by a body of persons.

(a) if that body of persons is a body corporate, every director or officer of that body corporate; and

(b) if that body of persons is a firm, every partner of
30 that firm,

Shall be deemed to be guilty of such offence:

Provided that a director or an officer of such body corporate or partner of such firm shall not be deemed to be guilty of such offence if he establishes that such offence was committed
5 without his knowledge or that he exercised due diligence to prevent the commission of such offence.

56. Any person who abets the commission of an offence or attempts or conspires to commit an offence under this Act shall be guilty of an offence and shall upon conviction be
10 liable to the same punishment as is provided for the offence. Abetting &c.,
an offence.

57. No prosecution for an offence committed under this Act shall be instituted after the expiration of twelve months from the date of the commission of the offence. Limitation of
time for
prosecution.

58. The provisions of this Act shall not apply to pest
15 control activities or to any reasonable measures taken to safeguard human life or property. Exemptions.

59. (1) The Prevention of Cruelty to Animals Ordinance, No. 13 of 1907 is hereby repealed. All prosecutions commenced under the said Ordinance and pending as at the
20 date of its repeal shall be continued and completed under the provisions of the said Ordinance as if it were still in force. Repeal of
Ordinance,
No. 13 of
1907.

(2) All regulations, proclamations, orders and notifications issued or made under the Prevention of Cruelty to Animals Ordinance and in force on the day preceding the
25 date on which this Part of this Act comes into operation shall, in so far as they are not inconsistent with this Act, continue to remain in force and shall be deemed to have been issued or made under this Act and shall so remain in force until repealed or rescinded under this Act.

60. Section 38 of the Animals Act, No. 29 of 1958 (as amended by Act, No. 46 of 1988) is hereby further amended
30 Definition of
"animal"
under Section
38 of the
Animals Act.

by the repeal of the definition of "animal" and the substitution, of the following definition therefore:—

5 "animal" means neat cattle (*ela haraka*) or buffalo and in section 3c and Part IV, includes a sheep, goat, pig or poultry."

61. In the event of inconsistency between the provisions of this Act and any other Act relating to animals, the provisions of this Act shall prevail.

This Act to prevail in the event of inconsistency with other Acts relating to animals.

PART XIII

10

GENERAL

62. (1) For the purpose of enabling the Authority to exercise, perform and discharge any of the functions, powers, and duties under section 14 and section 15 of this Act, the Authority or any person authorized in that behalf by the Authority may by notice in writing require any person to furnish to the Authority or to the person authorized, within such period as shall be specified in the notice, information pertaining to any animal as may be specified.

Authority may call for information.

(2) It shall be the duty of any person who is required to furnish any information by a notice under subsection (1) to comply with such requirement within the period specified in such notice, except where such person is precluded from divulging such information under the provisions of any law.

(3) No member, officer or employee of the Authority shall disclose to any person outside the Authority and other than for the purposes of the Authority any information furnished under subsection (1) except when required so to do by a court of law.

63. The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act, shall be construed accordingly.

Authority to be a scheduled institution within the meaning of the Bribery Act.

64. All members, officers and servants of the Authority shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Members, officers and servants of the Authority deemed to be public servants.

65. (1) Where any immovable property of the State is required for any purpose of the Authority, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the Crown Lands Ordinance and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Authority.

State property both movable and immovable to be made available to the Authority.

(2) Where any movable property of the State is required for any purpose of the Authority, the Minister may, by Order published in the Gazette, transfer to and vest in the Authority the possession and use of such movable property:

15 Provided however, that no Order affecting any movable property of the State shall be made by the Minister under the preceding provisions of this subsection, without the concurrence of the Minister having control over such property.

20 66. (1) Where any immovable property is required to be acquired for any specific purpose of the Authority and the Minister by Order published in the *Gazette* approves of the proposed acquisition for that purpose that property shall be deemed to be required for a public purpose and may
25 accordingly be acquired under the Land Acquisition Act and transferred to the Authority.

Acquisition of immovable property under the Land Acquisition Act.

(2) Any sum payable, for the acquisition of any immovable property under the Land Acquisition Act for the Authority shall be paid out of the Fund of the Authority.

30 67. (1) No suit or prosecution shall be instituted —
(a) against the Authority, for any act, which in good faith is done or purported to be done by the Authority under this Act; or

Protection for action taken under this Act or on the direction of the Authority.

(b) against any member, officer or employee of the Authority for any act which in good faith is done or purported to be done by him under this Act or on the direction of the Authority.

5 (2) Any expenses incurred by any such person as is referred to in paragraph (b) of subsection (1), in any suit or prosecution instituted against him in respect of any act which is done or purported to be done by him under this Act or on the direction of the Authority shall be paid out of the Fund of
10 the Authority, if the Court holds that such act was done in good faith.

15 **68.** The Minister may, require or direct the Authority to furnish to the Minister, in such form as the Minister may require, returns, accounts and other information with respect to the work of the Authority and the Authority shall carry out every such direction. Furnishing of information to the Minister.

20 **69.** The Authority shall publish in the national languages, within four months after the end of each financial year of the Authority and make to the Minister a report on the exercise and performance by the Authority of its powers and duties during that year and on its policy and programme. The Minister shall lay a copy of such report before Parliament. Annual Report.

PART XIV

INTERPRETATION

25 **70.** In this Act, unless the context otherwise requires— Interpretation.

"animal" means any living being other than a human-being and includes a domestic animal, a farm animal, an animal in captivity, a wild animal, a companion animal, a stray animal and a food animal as
30 hereinafter defined;

"animal in captivity" means an animal kept in a zoo or circus or other situation of confinement, whether

for work or ceremonial or any other purpose, other than a domestic animal or a farm animal;

5 "animal shelter" means a shelter or infirmary or any other location or transit point used for safe keeping and maintenance of animals;

"Authority" means the National Animal Welfare Authority established under Part II of this Act;

10 "Ayurvedic Medical Council" means the Ayurvedic Medical Council established by the Ayurvedic Medical Council Act, No. 31 of 1961;

"cage" includes a pen, kennel, hutch and other similar receptacle;

15 "Central Environmental Authority" means the Central Environmental Authority established by the National Environmental Act, No. 47 of 1980;

"Chairperson" means the Chairperson of the Authority appointed under Section 9 of this Act;

"companion animal" includes an animal kept as a guide or a pet;

20 "confine" in relation to an animal, means to restrict its freedom of movement including—

(a) by enclosure in a cage, pit, yard, field or other enclosure serving to restrict freedom of access and movement; and

25 (b) by pinioning, tethering or other manner of restraint;

"Director" means Director appointed under this Act and includes a Deputy Director and an Assistant Director;

"domestic animal" means—

- (i) an animal of a species commonly kept as pets, whether or not that animal is being kept as a pet at the relevant time;
- 5 (ii) an animal of any species if that animal has been or is being kept as a pet;
- (iii) an animal used for riding, racing, transport, work, breeding or display;
- 10 (iv) an animal used as a guard or guide or companion animal;

"farm animal" means an animal kept or used for agricultural or dairy or livestock purposes and includes poultry;

15 "food animal" means an animal whose flesh is consumed as food by humans;

"Inspector" means an Animal Welfare Inspector appointed under section 16;

20 "ill-treat" in relation to an animal means causing an animal to suffer, by any act or omission, pain or distress that in its kind or degree or in its object or in the circumstances in which it is inflicted, is cruel;

"infirmary" means a shelter established to keep sick or aged or disabled animals;

25 "local authority" means a Municipal Council, Urban Council or Pradeshiya Sabha and includes any authority created and established by or under, any law to exercise, perform or discharge powers, duties and functions corresponding to or similar

to powers, duties and functions exercised, performed and discharged by any such Council or Sabha;

5 "Minister" means the Minister in charge of the subject of animal welfare;

"overwalking" in relation to an animal means forcible walking under cruel or distressful conditions;

"pain" includes distress and mental or physical suffering;

10 "peace officer" includes Police Officers, Grama Niladharis appointed by a Divisional Secretary in writing to perform police duties;

"person" includes any body of person, corporate or unincorporated;

15 "person in charge of an animal" means a person who—

(a) owns or has a lease, license or other proprietary right to or over the animal; or

(b) has custody of the animal, whether lawfully or otherwise;

20 "pinioning" in relation to a bird means disabling a bird's wing or removing part of a bird's wing;

"possession" includes control and custody;

"prescribed" means prescribed by or under this Act;

25 "research" in relation to an animal means an experiment, procedure, test or study in which an animal is used and includes subjecting an animal to surgical, medical, psychological, biological, chemical or physical treatment;

"stray animal" means an animal at large or an abandoned animal or an animal which is not a wild animal wandering in a street, road or any public place;

5 "trap" means a net, cage, snare, pen, pitfall or electrical device or mechanical thing used for the purpose of killing, entrapping, entangling, restraining or immobilizing an animal; but does not include—

10 (i) any fenced area of land or other effective enclosure used for handling, herding or mustering an animal; or

(ii) any enclosure, such as cage used for transporting an animal;

15 "University Grants Commission" means the University Grants Commission established by the Universities Act, No. 16 of 1978 ;

"vehicle" means any conveyance used as a means of transport;

20 "Veterinary Council of Sri Lanka" means the Veterinary Council of Sri Lanka constituted by the Veterinary Surgeons and Practitioners Act, No. 46 of 1956;

25 "Veterinary Surgeon" means a Veterinary Surgeon registered under the Veterinary Surgeons and Practitioners Act, No. 46 of 1956 and includes a Veterinary Practitioner;

"Veterinary treatment of an animal" means—

(i) consulting with a Veterinary Surgeon about an animal's condition;

30 (ii) a medical or surgical procedure performed on an animal by a Veterinary Surgeon; or

(iii) a medical procedure of a curative nature performed on an animal;

“welfare of an animal” includes the health, safety and well-being of an animal;

5 “wild animal” means an elephant or any other species of animal listed in the Schedules to the Fauna and Flora Protection Ordinance that is not in captivity.

71. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

SCHEDULE

[Section 45 (2)]

ANIMAL WELFARE DIRECTION

Name of the person in charge of the animal:—

His/Her address:—

Address where animals is kept:—

Identification of the animal, if any:—

Special marks, if any:—

Sex, Breed and type of animal:—

Conditions under which the animal is kept:—

Remarks, if any:—

Date and time:—

Signature of the Inspector:—

Name and Designation:—

DECLARATION BY THE PERSON IN CHARGE OF THE
ANIMAL

I agree to abide by the foregoing direction issued to me in the interest of the said animal's. I hereby undertake to comply with the said direction, failing which I am aware that I may be charged for breach of the provisions of the Animal Welfare Act.

Signature of the person in charge of
the animal:

Date:—

(in case compliance is refused, the Inspector shall record it and the action taken by him under the remarks column)

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