



HM Government of Gibraltar

Ministry of Education, Heritage,
Environment, Energy and
Climate Change

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Animals Act

The Government has published a Bill to amend the Animals and Birds Act.

As well as a general update of the Act which dates from 1948, including the removal of the word 'Birds' (which are of course animals) from the title, there are significant changes which will benefit animals welfare. These changes have been the subject of an extensive review by a number of stakeholders, with input from a number of non-governmental organisations.

Policy Background

Since the Animals and Birds Act was originally enacted in 1948, animal welfare and rights issues have seen significant development. Awareness of the suffering of animals has risen, and the public outcry that ensues on instances where animals have suffered cruelty or distress exceeds the levels of redress the law currently provides.

Only domestic, owned animals, are protected under the existing Act. The amendments to this respond to public requests that cruelty offences have a wider application, to animals for whom nobody is directly responsible.

New provisions

Extension of offence of cruelty

The offence of cruelty has been extended to apply to animals even if they do not have owners and includes cruelty to wild animals. The maximum penalty for cruelty to animals has been increased to 5 years imprisonment on indictment.

Prohibition of dolphinarium

Whilst the Nature Protection Act 1991 provides protection against taking dolphins from the wild, it does not prevent a person in Gibraltar from acquiring an animal which was already kept in

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captivity. Measures have therefore been introduced to prevent any dolphins or whales being kept in captivity, amongst other things, effectively banning dolphinariums and similar collections.

Animals in distress

Based on English Animal Welfare Act 2006, a new Part has been introduced into the Act, incorporating extensive provisions to provide authorised officers with the powers to access properties where they reasonably believe an animal is in distress. These provisions, will, amongst other things, provide the Magistrates with powers to grant a warrant to access residential premises, and to make orders relating to the re-homing or treatment of the animal. This will, for example, cover instances where dogs are kept in hot, closed cars.

An authorised officer who finds an animal that is suffering may take those steps that need to be taken immediately to alleviate the animal's suffering. It also allows officers to take into possession not only animals which are suffering but also those which are likely to suffer if action is not taken.

The provisions also confer powers of entry for the purposes of dealing with an animal that is believed to be suffering or likely to suffer if remedial action is not taken.

Minister for the Environment John Cortes commented, "Animal welfare is of great importance in any community and animal cruelty has been shown to be linked to violent acts in general. Our law was very out of date, and the powers and penalties at present do not reflect what our 20th century society expects. I am grateful to all the stakeholders who have approached me on these matters, which have included GONNS, Save the Street Cats and the Cat Welfare Society, and for all those experts who have assisted in the drafting. This is a significant and important piece of legislation. There is more to be done, and there are more reviews planned, which will cover many aspects of animal welfare and management and environmental governance in general. As a community we have a duty to do this."