

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of February 03, 2022

SUPPLEMENT

(Issued on 07.02.2022)



ANIMAL WELFARE

A

BILL

to provide for Animal Welfare and to prevent cruelty to Animals; to repeal the prevention of cruelty to Animals Ordinance (Chapter 475); and for matters connected therewith or incidental thereto

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Animal Welfare

L.D.-O. 5/2016

AN ACT TO PROVIDE FOR ANIMAL WELFARE AND TO PREVENT CRUELTY TO ANIMALS; TO REPEAL THE PREVENTION OF CRUELTY TO ANIMALS ORDINANCE (CHAPTER 475); 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, Short title No. of 2022.

- 5 2. The objects of this Act shall be to— Objects of
the Act
- (a) foster kindness, compassion and responsible behavior towards animals and secure the protection, welfare and wellbeing of animals; and
- 10 (b) protect animals from cruelty.

PART I

CHAPTER I

Cruelty to Animals

3. (1) A person shall not— Offence of
cruelty to
animals
- 15 (a) beat, kick, override, overload, overwork, overwalk, overbreed, torture, terrify or otherwise treat an animal so as to subject it to unnecessary pain or, being a person in charge of an animal, permit the animal to be so treated;
- 20 (b) use 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, permit any such unfit animal to be so used;

- 5 (c) train an animal in a way that is detrimental to its health and welfare, including forcing an animal to exceed its natural capacity or strength;
- 10 (d) willfully and unreasonably administer any poison, injurious drug or substance to an animal or willfully and unreasonably cause or attempt to cause any poison, injurious drug or substance to be taken by an animal;
- (e) convey or carry an animal in such a position so as to subject it to unnecessary pain;
- 15 (f) keep or confine an animal in any cage or place which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement;
- 20 (g) keep 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 unnecessary pain;
- 25 (h) being the person in charge of an animal, willfully deprive an animal of food, water or shelter;
- 30 (i) being the person in charge of an animal, kill the animal or it's offspring unless such animal constitute a grave and immediate danger to the public;

(j) being a person in charge of an animal neglect the animal causing starvation and pain; and

(k) cause unnecessary pain to an animal by any other willful act or omission.

5 (2) Any person who acts in contravention of the provisions of subsection (1) commits an offence and shall, upon conviction after trial by a Magistrate be liable to a fine not exceeding seventy thousand rupees or to imprisonment for a term not exceeding two years, or to both such fine and
10 imprisonment.

4. Any person who kills, any animal in a cruel manner, commits an offence and shall upon conviction after trial by a Magistrate be liable to a fine not exceeding one hundred and twenty five thousand rupees or to imprisonment for a
15 term not exceeding three years or both such fine and imprisonment.

Offence of killing of animals with cruelty

5. (1) Any person who intentionally kills or knowingly sells or delivers for killing, any pregnant animal except when the said animal constitutes a grave and immediate danger to
20 the public, commits an offence and shall upon conviction after trial by a Magistrate be liable to a fine not exceeding one hundred and twenty five thousand rupees or to imprisonment for a term not exceeding four years or to both such fine and imprisonment.

Offence of killing of pregnant animals

25 (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 has 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
30 was pregnant at the time of the commission of the offence shall be admissible in evidence and shall, unless there is evidence to the contrary, be proof of the facts stated therein.

- 6.** Without prejudice to the provisions of the Fauna and Flora Protection Ordinance (Chapter 469), a person shall not without any reasonable excuse, set or cause to be set a trap to capture, harm or kill an animal. Setting traps to capture & etc. prohibited
- 5 **7.** A person shall not confine a bird by means of— Unlawful restraint of birds prohibited
- (a) a ring, chain, string, cord or wire attached to its leg;
- (b) a restraint around its neck or body; or
- (c) pinioning.
- 10 **8.** A person shall not without reasonable cause permit any diseased or disabled animal to die in any public place, street or park. Permitting diseased or disabled animals to die in public places prohibited
- 9.** A person shall not abandon an animal. Abandonment of animals prohibited
- 15 **10.** A person shall not permit any animal to be subjected to— Treatment by unqualified person prohibited
- (a) any medical treatment by any person other than by a Veterinary Surgeon or by a Ayurvedic practitioner with experience in treating animals registered with the Ayurvedic Medical Council established by the Ayurveda Act, No. 31 of 1961; or
- 20 (b) any surgical treatment by any person other than by a Veterinary Surgeon.
- 11.** A person shall not castrate or sterilize an animal or cause animal to be castrated or sterilized unless such Unlawful castration or sterilization of animals prohibited
- 25 castration or sterilization is performed by or under the supervision of a Veterinary Surgeon.

- 12.** A person shall not use an animal, to test cosmetics, cosmetic ingredients or cosmetic products unless it is for prescribed purposes. Use of animals for testing cosmetics & etc. prohibited
- 13.** A person shall not keep for sale or display for sale any animal in such circumstances as would, cause pain or distress to the animal. Pain or distress to animals for sale prohibited
- 14.** A person shall not sell or offer for sale or contract to sell any animal which is in pain by reason of illness, disease, mutilation, starvation, thirst, over - crowding or ill treatment, except for the purpose of medical treatment and care. Unlawful sale of animal suffering of pain prohibited
- 15.** A person shall not make an animal available in any manner for the purpose of being hunted, injured or killed by another animal. Making available an animal for hunting & etc. prohibited
- 16.** (1) A person shall not participate in, organize, manage, facilitate or advertise any of the following events (hereinafter referred to as "prohibited events"):- Prohibited events
- (a) sport-hunting or any other kind of recreational sport involving injury to or destruction of the lives of animals;
- (b) any shooting match or competition in which an animal is released from captivity for the purpose of shooting or hunting that animal;
- (c) any sporting event or entertainment that involves the confining of any animal (including tying of an animal) as an object of prey for any other animal or inciting any animal to fight any other animal; or
- (d) fighting or baiting of any animal.

(2) A person shall not permit any premises of which he is the owner or of which he is in charge, to be used for a prohibited event.

(3) A person shall not supply or train any animal for a prohibited event.

17. Any person who acts in contravention of the provisions of sections 6 to 16 commits an offence and shall, upon conviction after trial by a Magistrate be liable to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Punishment
for engaging
in prohibited
conduct

18. The provisions of this chapter, shall not apply to—

Provisions
relating to
offences, not
to apply for
certain acts

(a) the dehorning of cattle or buffaloes, castration, branding or fixing identity numbers, nose-roping of an animal, or restricting movements of elephants in public places, done by a Veterinary Surgeon or a person qualified to do such practices;

(b) depopulation of poultry or destruction of animals for control of diseases under the Animal Diseases Act, No. 59 of 1992;

(c) slaughter of animals for food consumption performed under the provisions of Butchers' Ordinance (Chapter 272) and any other written law on slaughter of animals;

(d) transport of poultry from hatchery to farms, production centers and processing or marketing places under the Animals Act, No.29 of 1958;

(e) use of animals for testing of drugs or cosmetics in accordance with prescribed procedure;

(f) withdrawal or limiting of food necessary for animal production chain or slaughter under the Animals Act, No.29 of 1958; and

5 (g) slaughter or culling of animals under the Animals Act, No.29 of 1958 and Butchers' Ordinance (Chapter 272).

CHAPTER II

Transport of Animals

10 **19.** A person shall not convey, carry or transport, or cause to be conveyed, carried or transported any animal in such a manner so as to subject such animal to unnecessary pain or suffering or that is likely to cause injury or danger to such animal. Transportation of animals under certain conditions be an offence

15 **20.** Without prejudice to the generality of the foregoing provisions and in addition to any conditions of transport imposed under any other written law, it shall be the duty of any person who conveys, carries or transports any animal to ensure the following:- Conditions applicable to transportation of animals

20 (a) that injury to such animal during loading and unloading and during transport 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;

25 (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, is conveyed, carried or transported, other than for purposes of medical treatment or the animals own safety;

30

- (d) that any vehicle used in the conveyance, carriage or transportation of the animal has—
 - (i) facilities for the easy observance and inspection of the animal carried therein; and
 - 5 (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;
- 10 (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
- 15 and the environmental factors such as the weather, temperature and terrain;
- (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
- 20 other animals;
- (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
- 25 time;
- (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 no longer that the animal can endure without food
- 30 or water;

- (j) that animals are provided with, adequate food, water and rest time depending on the duration of the journey as may be prescribed taking into consideration the respective species of animals; and
- 5 (k) where practicable during long journeys sufficient steps are made to enable animal to be given rest, food and water and to attend to its hygiene.

21. Any person who fails to comply with or contravenes the provisions of sections 19 or 20 commits an offence and shall upon conviction after trial by a Magistrate be liable to a fine not exceeding seventy thousand rupees or to imprisonment for a term not exceeding two years or both such fine and imprisonment.

Punishments
for engaging
in unlawful
transportation

CHAPTER III

15 Use of live Animals for Experimental and Teaching Purposes

22. Nothing contained in this Act shall render unlawful the performance of experiments on animals for the purpose of advancement by new discovery of knowledge which shall be useful for saving life, for prolonging life, for alleviating suffering, for combating any disease, for improving productivity, for testing safety or efficacy of pharmaceuticals on human beings, animals or plants or for the use of animals for teaching:

Experiments
on animals

25 Provided that, when making decisions on the conduct of such experiments the party concerned shall consider, 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.

23. (1) An Animal welfare officer may—

Power of
entry and
inspection

(a) enter at any time considered reasonable by such officer and inspect any institution or place in which experiments on animals are being carried on; and

(b) require any person to produce any data or record kept by him with respect to experiments on animals.

(2) Any person who violates any regulation relating to experiment of an animal commits an offence and shall on conviction after trial by a Magistrate be liable to a fine not exceeding twenty five thousand rupees or to imprisonment for a term not exceeding three months or to both.

CHAPTER IV

Regulation of Sale of Animals as Pets

24. (1) Any person who keeps or maintains a pet shop shall adhere to the following conditions:-

Regularizing
of pet shops

(a) animals at all times shall be kept in accommodation suitable in regard to size, temperature, lighting, ventilation and cleanliness;

(b) animals shall be adequately supplied with suitable food and drink and visited at suitable intervals;

(c) animals, being mammals, shall not be sold at age below the prescribed age;

(d) all reasonable precautions shall be taken to prevent the spread of infectious diseases among animals; and

(e) appropriate steps shall be taken in case of fire or other emergency.

(2) Any person who contravenes the provisions of this section, commits an offence and shall upon conviction after trial by a Magistrate be liable to a fine not exceeding thirty thousand rupees or to imprisonment for a term not exceeding
5 three months or to both such fine and imprisonment.

25. Any person who—

Offence of
selling
animals on
streets etc.

(a) carries on the business of selling animals as pets on any part of a street, road or public place; or

10 (b) sells any animal as a pet to a person who is below the age of fifteen years,

commits an offence and shall upon conviction after trial by a Magistrate be liable to a fine not exceeding ten thousand rupees or to imprisonment for a term not exceeding three
15 months or to both such fine and imprisonment.

26. (1) An Animal Welfare Officer may subject to compliance with such precautionary measures as may be prescribed from time to time, to prevent the spread among animals of infectious diseases, enter and inspect any pet
20 shop at all reasonable times of the day for the purpose of ascertaining whether an offence has been or is being committed under this Act.

Inspection of
pet shops

(2) Any person who willfully obstructs or delays an Animal Welfare Officer in the exercise of his powers of entry
25 or inspection under this section commits an offence and shall upon conviction after trial by a Magistrate be liable to a fine not exceeding twenty five thousand rupees and to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(3) For the purpose of this Chapter “pet shop” means any premises where any person carrying on a business of selling animals as pets including a private dwelling and the keeping or maintenance of animals in any such premises for the purpose of selling by the keeper or by any other person.

PART II

ESTABLISHMENT OF THE ANIMAL WELFARE ADVISORY COMMITTEE

27. (1) There shall be established a Committee which shall be called the Animal Welfare Advisory Committee (hereinafter referred to as the “Advisory Committee”) comprising of the following—

Establishment
of an Animal
Welfare
Advisory
Committee

(a) *ex-officio* members, namely—

- (i) the Secretary to the Ministry of the Minister assigned the subject of Livestock Development or his nominee;
- (ii) the Secretary to the Ministry of the Minister assigned the subject of Local Authorities or his nominee;
- (iii) the Secretary to the Ministry of the Minister assigned the subject of Fisheries or his nominee;
- (iv) the Director-General of Animal Production and Health appointed by Animal Diseases Act, No. 59 of 1992 or his nominee;
- (v) the Director General of the Department of Wild Life Conservation or his nominee;
- (vi) the Director General of National Zoological Gardens appointed by National Zoological Gardens Act, No. 41 of 1982 or his nominee;

- (vii) the Director General of the Central Environmental Authority appointed by National Environmental Act, No. 47 of 1980 or his nominee;
- 5 (viii) Director, Veterinary Research Institute of the Department of Animal Production and Health;
- (ix) the Inspector General of Police or his nominee, not below the rank of a Deputy Inspector General of Police;
- 10 (x) the president of the Council of Veterinary Surgeons; and
- (xi) the Dean of the Faculty on Veterinary Medicine and Animal Science of the University of Peradeniya or his nominee.
- 15 (b) members appointed by the Minister:–
 - (i) a veterinary surgeon actively engaged in animal welfare nominated by the Secretary, Ministry of the Minister assigned the subject of livestock Development;
 - 20 (ii) two academics involved in animal experimentation nominated by University Grants Commission established by University Act, No. 16 of 1978;
 - 25 (iii) one person from registered animal associations dealing with laboratory animal science nominated by such associations;
 - (iv) two persons from registered animal welfare organizations; and
 - 30 (v) two persons representing poultry and livestock industries.

(2) The Minister shall appoint a Chairman of the Advisory Committee from among the members of the Advisory Committee.

5 (3) It shall be the duty of the Advisory Committee to advise the Minister -

- (a) on the issues relating to welfare of animals;
- (b) on the measures need to be taken for the protection of animals and prevention of cruelty to animals;
- 10 (c) on international laws and standards relating to animal welfare and review the provisions of this Act;
- (d) on any matter relating to laboratory facilities for experiments on animals; and
- 15 (e) relating to any matter on which regulations are to be made under this Act,

as the Minister may require from time to time.

(4) The Advisory Committee shall meet at least once in every three months.

20 (5) Every appointed member of the Advisory Committee shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of three years from the date of his appointment and unless removed from office shall be eligible for re-appointment for not more than one further term, whether consecutive or otherwise.

25 (6) The Advisory Committee may regulate its own procedure in regard to its meetings and in relation to the performance of its duties.

(7) The quorum for any meeting of the Advisory Committee shall be eleven members.

PART III

GENERAL PROVISIONS

28. (1) Notwithstanding anything to the contrary in this Act or any other written law, an animal shall not be subjected to any act which is permissible under this Act or any other written law, unless such act is carried out in a humane manner.

No animal shall be subjected to cruelty

(2) For the purpose of this section “humane manner” means carrying out or performing an act in such manner, that it causes the least amount of distress, pain, suffering, trauma, anguish or torment to any such animal.

(3) Any person who acts in contravention of the provisions of subsection (1) commits an offence and shall, upon conviction after trial by a Magistrate be liable to a fine not exceeding seventy thousand rupees or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

29. All offences under this Act shall be deemed to be cognizable offences within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979.

Offences under this Act to be cognizable

30. For the purpose of carrying on an investigation, an Animal Welfare Officer accompanied by a Police Officer not below the rank of a Sub Inspector may, upon obtaining a warrant from Magistrate’s Court—

Prevention of the commission or continued commission of an offence

(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 electronic data and 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; or

5 (d) take any photograph or video, relating to such offence:

10 Provided that, where upon information received, such Animal Welfare Officer is of the view that it is urgently required to take any of the steps referred to in paragraph (a), (b), (c) or (d) 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 officer to take any of the steps referred to in paragraph (a), (b), (c) or (d) before obtaining a warrant and such 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.

31. (1) Upon an investigation being carried out under section 30, where an Animal Welfare Officer has reasonable grounds to believe that an animal— Issue of animal welfare directions

- 25 (a) is not being cared for;
- (b) is not provided with adequate food, water or shelter in accordance with recommended animal husbandry or rearing practices;
- (c) is experiencing excessive pain;
- 30 (d) requires veterinary treatment; or
- (e) is being worked while unfit for work,

he may issue a written direction which shall be called an “animal welfare direction” (hereinafter referred to as the “direction”) in form “A” set out in the Schedule to this Act to the person in charge of the animal.

5 (2) Upon receiving a direction under subsection (1), the person in charge of that animal shall take remedial steps and in particular do one or more of the following:—

(a) care for or treat the animal in the manner stated in the direction;

10 (b) provide the animal with food, water, rest, shelter or other living conditions stated in the direction;

(c) relocate the animal for any of the purposes stated in paragraphs (a), or (b); and

15 (d) refrain from moving the animal from the premises where it is kept until such date mentioned in that direction.

(3) Nothing contained in subsection (1) shall prevent the Animal Welfare Officer from taking any of the remedial steps mentioned in subsection (2) where such welfare officer is of
20 the opinion that it is in the best interests of the animal to do so. In such an event the Animal Welfare Officer shall record his reasons for taking such steps and shall forthwith make a complain to the Police Station of the area.

(4) A person who fails to comply with a direction given
25 under subsection (1) without reasonable cause, commits an offence and shall upon conviction after trial by a Magistrate be liable to a fine not exceeding twenty five thousand rupees.

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

- 5 **32.** A Magistrate may, upon application made by an Animal Welfare Officer or a Police Officer, 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—
- Placing animals in shelter & care during investigation and trial to ensure its welfare
- (a) an Animal Care Center;
- (b) a non-governmental organization whose primary object is concern with the welfare of animals; or
- 10 (c) a person referred to in paragraphs (a) and (b) of section 36,

in order to prevent the continued commission of an offence or for the purpose of providing such animal with necessary care or medical treatment.

- 15 **33.** Any person who obstructs or resists an Animal Welfare Officer or Police Officer in the exercise of any powers under this Act commits an offence and shall upon conviction after trial before a Magistrate, be liable to a fine not exceeding three thousand rupees or to imprisonment for a term not exceeding three years or both such fine and imprisonment.
- Obstructing an Animal Welfare Officer or Police Officer, be an offence
- 20

34. A prosecution for an offence under this Act may be instituted by—

By whom prosecutions can be instituted

- (a) an Animal Welfare Officer;
- (b) a peace officer; or
- 25 (c) any person on the basis of a complaint made to a Magistrate having jurisdiction in terms of section 136(1) (a) of the Code of Criminal Procedure Act, No. 15 of 1979.

35. (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, order for—

Forfeiture
and re-
imbursement
of expenses,
after
conviction

- 5 (a) the forfeiture of the animal 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-imbursement 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) Where an animal is forfeited under paragraph (a) of subsection (1), the Magistrate making such order may direct

15 such animal be handed into—

- (a) the custody of an animal care center;
- (b) any non- governmental organization whose primary objective is concerned with welfare of animals; or
- 20 (c) the custody of any person whom the court is satisfied, to be actively engaged in caring for animals.

 (3) It shall be the duty of such animal care center, non-governmental organization or person as the case may be, to care for such animal.

25 (4) Where the owner of the weapon, instrument or vehicle is a third party not being the spouse or child of the person convicted, an order of forfeiture under paragraph (b) of subsection (1) shall be made only after giving notice to such owner to show cause why such an order should not be made

30 and no such order shall be made if the owner establishes to

the satisfaction of the court that he had taken all precautions to prevent the use of the weapon, instrument or vehicle in the commission of the offence, or that the weapon, instrument or vehicle has been used without his knowledge:

- 5 Provided that, where the weapon, instrument or vehicle has been used for the commission of an offence for the second time, the Magistrate shall make an order forfeiting such weapon, instrument or vehicle.

(5) Any animal, weapon, instrument or vehicle forfeited
10 to the state by an order of court shall—

- (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;
- 15 (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; and
- (c) be dealt with in terms of the provisions of this Act.

20 **36.** Where an animal becomes a subject of court proceedings, it shall be lawful for—

- (a) a person authorized by an Animal Welfare Society; or
- 25 (b) a person in the opinion of the court is considered as a suitable person under the circumstances to make representations on behalf of the animal,

to intervene in the court proceedings to safeguard the interests of the animal.

Rights of
intervention
in cases
involving
animals

37. Every person who commits an offence under this Act or under regulations made thereunder for which no punishment is expressly provided shall upon conviction after trial by a Magistrate be liable to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Penalty for offences where not expressly provided

38. Where an offence under this Act is committed by a 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 that firm,

shall be deemed to be guilty of an 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 without his knowledge or that he exercised due diligence to prevent the commission of such offence.

39. Any person who abets the commission of an offence or attempts or conspires to commit an offence under this Act, commits an offence and shall upon conviction be liable to the same punishment as is provided for the offence.

Abetting an offence

40. A prosecution for an offence committed under this Act shall not be instituted after the expiration of twelve months from the date of the commission of the offence.

Limitation of time for prosecution

41. The provisions of this Act shall not apply to pest control activities or to any reasonable measures taken under any written law to safeguard human life, animal life or property.

Exemption

42. (1) The Prevention of Cruelty to Animals Ordinance (Chapter 475) is hereby repealed. Repeals and savings

(2) Notwithstanding the repeal of Prevention of Cruelty to Animals Ordinance (hereinafter referred to as “the repealed Ordinance”)–

10 (a) all decrees, orders and judgments entered or made by a competent court or tribunal under the repealed Ordinance on the date preceding the date of operation of this Act shall with effect from the date of operation of this Act be deemed to have been made under this Act, and may be enforced accordingly; and

15 (b) every order or rule made under the repealed Ordinance and in force on the day immediately preceding the date of operation of this Act and not inconsistent with the provisions of this Act, shall continue to be in force until the regulations are made under this Act.

20 **43.** (1) The Minister may, in consultation with the Regulations Advisory Committee make regulations in respect of all matters which are stated or required by this Act to be prescribed or in respect of all matters for which regulations are required or authorized to be made by this Act.

25 (2) In particular, and without prejudice to the generality of powers conferred by subsection (1), the Minister may, in consultation with the Advisory Committee make regulations taking into consideration international norms and practices, where he considers it necessary 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;
- 5 (c) regulating the use of any type of bit or harness and conduct of the business of a farrier;
- (d) the precautions to be taken in the capture of animals;
- (e) the conditions and means under which animals may be transported;
- (f) conditions relating to Zoo and aquaria;
- 10 (g) boarding kennels, hostels for pets and other similar Institutions run on a commercial basis;
- (h) conditions relating to animals in theme parks, performing animals;
- (i) conditions relating to use of animals in experiments;
- 15 (j) conditions of animals in captivity and stray animals;
- (k) formulation of Codes of Practices relating to animal welfare;
- (l) conditions relating to pet shops and control of pests in animals;
- 20 (m) conditions relating to livestock and allied industries;
- (n) the age below which animals shall not be sold;
- (o) the purposes in respect of which animals may be used to cosmetics, cosmetic ingredients or cosmetic products;
- 25 (p) conditions for animal training;

- (q) conditions for keeping animals;
- (r) conditions relating to care of animals during an illness or injury; and
- (s) the standards to be maintained by, the manner of obtaining approval and the procedure to be followed for the establishment, monitoring and inspection of any animal care center, non-governmental organization or person referred to in paragraphs (a), (b) and (c) of subsection (2) of section 35.

(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 date as may be specified in such regulation.

- (4) Every regulation made by the Minister shall after three months of 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 done there under.

44. In this Act, unless the context otherwise requires— Interpretation

“animal” means, any living being other than a human being and includes domestic animal, farm animal, animal in captivity, wild animal, companion animal, aquatic animal, stray animal and food animal;

“animal care center” means, a place for care of animals other than a Veterinary clinic or an Animal hospital;

“animal welfare officer” means, any government veterinary surgeon;

5 “animal welfare society” means, an animal welfare society registered under companies Act, No. 7 of 2007 or registered as a non governmental organization under the Voluntary Social Services Organization (Registration and Supervision) Act, No. 31 of 1980.

“cage” includes a pen, kennel, hutch or any other similar receptacle;

10 “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

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

“infirmary” means, a shelter established to keep sick or aged or disabled animals;

20 “Minister” means, the Minister to whom this Act is assigned under Article 44 or 45 of the Constitution;

“over-walking” in relation to an animal means, forcible walking under cruel or distressful conditions;

“pain” includes, distress and mental or physical suffering;

25 “peace officer” includes, any Government Veterinary Surgeon;

“person” includes, any body of persons, cooperate or unincorporated;

“pinioning” in relation to a bird means disabling a bird’s wing or removing a part of a bird’s wing;

“prescribed” means, prescribed by regulations by or under this Act;

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

10 “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—

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

15 (b) any enclosure, such as a cage used for transporting an animal;

“vehicle” means, any conveyance used as a means of transport;

20 “Veterinary Surgeon” means, a Veterinary Surgeon registered under the Veterinary Surgeons and Practitioners Act, No. 46 of 1956;

“veterinary treatment of an animal” means—

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

25 (b) a medical or surgical procedure performed on an animal by a Veterinary Surgeon; or

(c) a medical procedure of a curative or preventive nature performed on animal.

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

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

Sinhala text to prevail in case of inconsistency

[Section 31]

SCHEDULE

FORM “A”

ANIMAL WELFARE DIRECTION

Name of the person in charge of the animal:-

Address:-

Address where animal 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:-

Direction issued:-

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

