

THE ANIMAL WELFARE ACT, 2008

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 19 OF 2008

I ASSENT,

President

06 December, 2008

An Act to provide for the humane treatment of animals, establishment of the Animal Welfare advisory Council, monitoring and mitigation of animal abuse, promoting awareness on the importance of animal welfare and to provide for other related matters.

ENACTED by Parliament of the United Republic of Tanzania.

**PART I
PRELIMINARY PROVISIONS**

Short title
and
commencement

1. This Act may be cited as the Animal Welfare Act, 2008 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2.-(1) This act shall apply to Mainland Tanzania.

Cap. 279
and 283

(2) This Act shall not apply to all animals governed by the Fisheries Act and Wildlife Conservation Act.

Interpretation

3. In this Act, unless the context requires otherwise-
 "anaesthesia" means the loss of the sensations of touch, pressure, pain and temperature in any part of the body, or in the whole of it;
 "analgesia" means administration of drugs in order to relieve pain and feeling;
 "animal" means any vertebrate or invertebrate other than a human being;

- “animal breeding” means the application of any genetic technology for development of lines of domesticated animals;
- “animal carrier” means an authorized vehicle used for transporting an animal;
- “animal experiment” means an experiment using an animal for experimental or other scientific purpose;
- “animal handling” means petting, feeding, watering, leaning, manipulating, loading, crating, immobilizing, restraining, treating, training, working and moving or any similar activity with respect to an animal;
- “animal housing” means premises, place or structure where an animal is to be so kept;
- “animal pound” means a place where a stray animal may be taken and kept until it is claimed or disposed;
- “animal sanctuary” means an area or place where an animal is kept for refuge or safety;
- “biotechnology” means body of methods and techniques that employ as tools living cell of organisms or parts or products of those cells such as genes or enzymes to produce other products such as food or drugs;
- “bred animals” means animals specifically bred for the use in experiments in facilities approve by, or registered by the Director;
- “captive animal” means any animal other than a domesticated animal, of whatsoever kind or species, and whether a quadruped or not, including any bird, fish, or reptile, which is in captivity, or confinement, or which is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement;
- “companion animal” means an animal that, based on its loyalty or playful or beautiful appearance or song characteristics, is kept by humans for companionship and enjoyment rather than for economic reasons;
- “competent authority” means individuals designated as such by the Minister for purposes of administration of this Act;
- “Council” means the Animal Welfare Advisory Council established by Section 5;
- “Director” means the director responsible for animal welfare;
- “domestic animal” means any horse, ass, mule, camel, bull, sheep, pig, goat, dog, cat, or fowl, or any other animal of whatsoever kind or species and whether a quadruped or not, which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of man;
- “electrocution” means stunning of an animal by passing an electrical current through the brain and subsequently killing it by passing an electrical current through the hear;
- “experimental animal” means an animal bred or supplied for possible use in a procedure or an animal used in a procedure;
- “housing” means a dwelling place for animals with open or closed roof that animals are kept and includes kraal, zero grazing units, piggery, poultry houses and dogs kennels;
- “ill treatment” means causing the animal to suffer pain or distress by any act or omission, which in its kind, degree, object, or circumstances in which it is inflicted, is excessive or unnecessary;

“identification” means marking an animal by any method for the purpose of distinguishing that animal or animals of that type from others and includes affixing or applying to, or implanting in, that animal any band, ring, clip, tag, electronic identification device, paint or any other thing;

“inspector” means a welfare inspector appointed under section 7;

“Minister” means Minister responsible for livestock;

Cap. 319 “paraprofessional” has the same meaning as ascribed to it under the Veterinary Act

“poundable animal” means any domestic animal likely to stray outside the owner’s confinement and care;

“prohibited surgical operations” means surgical interventions prohibited by this Act;”

“research” means work designed to test a hypothesis;

“restricted area” means land, roads, farms, buildings or any other structures public or privately owned where animals are not allowed without a permit issued under any written laws;

“sentient” means capability of an animal to be aware of sensations, emotions, feeling pain, suffering and enjoying their species specific needs;

Cap. 319 “Veterinarian” has the same meaning ascribed to it under the Veterinary Act.

Fundamental
principles of
animal welfare

4. With a view to giving effect to the fundamental principles of National Livestock Policy and Animal Welfare, every person exercising powers under, applying or interpreting this Act shall have regard to-

(a) ensuring that animals are cared for according to their universally adopted five freedoms that include-

- (i) freedom from hunger, thirst, and malnutrition;
- (ii) freedom from fear and distress;
- (iii) freedom from physical discomfort;
- (iv) freedom from pain, injury and disease; and
- (v) freedom to express normal patterns of behaviour;

(b) recognizing that-

- (i) an animal is a sentient being;
- (ii) animal welfare is an important aspect of any developed society which reflects the degree of moral and cultural maturity of that society;
- (iii) animal welfare enhances livestock productivity and that a human being has a moral obligation to care, respect and protect an animal;

(c) ensuring that animal experimentation promotes the reduction in number of animals used, refinement of experimental methods and replacement of animal with non-animal use techniques.

PART II

ESTABLISHMENT AND ADMINISTRATION

(a) Establishment of the Animal Welfare Advisory Council

5.-(1) There is established a Council to be known as the Animal Welfare Advisory Council.

(2) The provisions of the Schedule to this Act shall, in relation to members have effect as to the composition, tenure of office of its members, termination of appointments, proceedings of the Council and other related matters.

(3) The Minister may from time to time by notice in the *Gazette*, amend the Schedule.

6.-(1) The Council shall perform the function of advising the Minister on-

- (a) matters which under this Act are required to be referred to the Council;
- (b) such other matters connected with the administration of this Act as may be referred to the Council by the Minister; and
- (c) any other matter relating to animal welfare.

(2) Where a matter is required to be referred to the Council for advice, the Council shall submit the advice to the Minister in a written report and, in the event that the Minister proposes to dispose of that matter otherwise than in accordance with the advice of the Council, the Minister shall before disposing of the matter, publish the report of the Council.

(3) The Minister shall include in a report, to be published annually-

- (a) a statement on the number of matters which have been referred to the Council;
- (b) the number of cases which have been disposed of otherwise than in accordance with that advice of the Council and the reason for so doing.

(b) Inspection and enforcement

7.-(1) The Minister may designate the Director and competent authorities from local government authorities to carry out any duty, perform any function or exercise any power under this Act.

(2) The Minister may, upon advice of the Council and by notice published in the *Gazette*, appoint inspectors from amongst registered veterinarians, paraprofessionals, paraprofessional assistants, livestock officers or livestock field officers to be animal welfare inspectors.

Establishment of the Animal Welfare Advisory Council

Functions of the Council

Appointment and designation of animal welfare inspectors

(3) Without prejudice to subsection (1), every zoo sanitary inspector and members of the Police Force above the level of Inspector by virtue of his office shall be deemed to be an animal welfare inspector appointed to act generally for the purposes of this Act.

(4) The competent authorities and animal welfare inspectors shall act under the supervision of the Director in the carrying out the duties, performance of functions and the exercise of powers conferred or imposed upon the Director under this Act.

Powers and
duties of
animals
welfare
inspectors

8.-(1) The duties of an animal welfare inspector shall be to-

- (a) ensure that any animal that is carried by sea, road, railway, air or inland water is fit for the journey and is properly supplied with food, water and proper ventilation during the loading, passage and on landing;
- (b) protect an animal from ill treatment and unnecessary suffering during loading, passage and on landing;
- (c) ensure humane slaughter of an animal for food or trade;
- (d) ensure humane handling of a working, sporting or laboratory animal;
- (e) ensure animal handling complies with animal welfare principles and standards;
- (f) prepare and submit inspection report on matters related thereto to the veterinary authority; and
- (g) advise the Director on all matters concerning animal welfare.

(2) An animal welfare inspector shall, in the performance of his duties under subsection (1) have powers to-

- (a) enter and search a vehicle, vessel, aircraft, or premise known or suspected of keeping or transporting an animal;
- (b) require the owner or operator of a vehicle, vessel, air craft or premise to maintain minimum established standards for transporting or keeping an animal;
- (c) hand over to a police officer or an officer of the director of public prosecutions any person and or case deemed to have contravened the provisions of this Act, complaint or information from any other person; and
- (d) inquire in any matter from any person regarding violation of animal welfare standards.

(3) A local government authority may make By-laws for effective enforcement of this Act in its area of jurisdiction.

Power to
prosecute
Cap. 20

9.-(1) For the purpose of enforcing the provisions of this Act and any subsidiary legislation made under this Act, the Director shall, where he is of the opinion that an offence has been committed or is about to be committed under this act, commence investigation, and on completion of such investigation submit the report to the Director of Public Prosecutions.

(2) The court before which prosecution for such an offence is conducted may direct that the animal in respect of which the offence is alleged or proved to have been committed be-

- (a) sent for treatment and care to an infirmary; and
- (b) detained until it is, in the opinion of the court, fit for the work or labour on which it has been ordinarily employed.

(3) The cost of the treatment, feeding and watering of the animal in the infirmary shall be payable by the owner of the animal, according to such scale or rates as the Minister may prescribe in regulations.

(4) Where the owner refused or neglects to pay such costs and to remove the animal within such time as the court may prescribe, the court may order that the animal be sold and that the proceeds of the sale be applied to the payment of such costs.

(5) The surplus, if any, of the proceeds of the sale shall, on application made by the owner within two months after the date of the sale, be paid to him:

Provided that the owner shall not be liable to make any payment in excess of the proceeds of the sale.

(6) Where no application has been made within two months, the surplus under subsection (5) shall be disposed of as if it were a fine.

10.-(1) In cooperation with stakeholders, the Director shall ensure the development of information and humane education programme to promote awareness, knowledge and compliance amongst organizations and individuals on animal welfare principles and provisions of this Act.

(2) The Director shall coordinate, support and monitor the establishment and operation of animal welfare advocacy groups existing before or after the commencement of this Act.

Humane
education
and animal
welfare
advocacy
groups

PART III
KEEPING OF ANIMALS

(a) Farm animals

Keeping
of a farm
animal

11.-(1) A person who keeps a farm animal shall provide appropriate housing, care and attention taking into account the physiological and behavioral needs of the animal.

(2) A person shall not cause any unnecessary pain, suffering or distress to or abandon a farm animal.

(3) The Minister shall prescribe minimum standards for appropriate housing system, animal carriers, animal transport vehicles on land, sea and air for each category of livestock in accordance with the a minimum animal welfare standards.

Housing
of a farm
animal

12. A person shall not manufacture, keep in stock, sale, deliver, or in any manner, make use of animal housing system, unless such a system is built, maintained and conforms to the prescribed minimum standards for the welfare of an animal.

Application
for fabricated
housing
system

13.-(1) The Director may, upon application from the manufacturer, importer or retailer, grant permission for the manufacturing, importation and use of a fabricated animal housing system.

(2) An application made under subsection (1) shall be accompanied by a report stating how the system meets animal welfare standards.

Revocation
of permit

14. The Director may revoke a permit issued to a manufacturer, importer or retailer where-

- (a) the information submitted at the time of the application was incorrect or misleading in such a manner that, had the information been known at the time the permit was granted, the application would have been rejected;
- or
- (b) in the opinion of the Director, circumstances exist which are detrimental to the welfare and safety of an animal.

Restriction
on housing
system

15. The Director may restrict the manufacturing, importation, supply or use of a housing system which does not conform to welfare standards.

(b) Companion animals

Companion
animals
and duty
to care

16.-(1) A person who keeps a companion animal or who has agreed to look after such animal shall be responsible for its complete health and welfare and shall assume the duty to care for the animal's well being.

(5) No permission shall be granted under subsection (4) without giving regard to the health, safety and welfare of an animal.

(6) A person shall not, for the purpose of affecting the performance or temperament of an animal used for rate or competition, administer any enhancement substance or treatments.

(7) A person shall not train an animal in a way that is detrimental to its health and welfare, such as by forcing it to exceed its natural capacities or strength by employing artificial aids which may cause unnecessary suffering, pain, injury or distress.

(8) A person shall not subject an animal for a show, advertising or similar purpose in a manner which can entail suffering, pain, injury or distress.

(9) A dog or a cat shall not be held or exhibited for sale except in a specialty shop, pet shop, and other business establishment offering an animal within the scope of business activity.

19.-(1) A person shall not carryout non-therapeutic procedures on a companion animal, except-

- (a) a neutering, which shall be promoted for social, public health and animal welfare reasons, and
- (b) the ear tipping of feral cats when used as a sign of neutering.

(2) Any surgical operation that may inflict suffering on an animal shall be performed only by a registered veterinarian, unless the operation is urgent and any delay would be detrimental to the animal welfare.

20.-(1) Any breeder or breeding establishment producing a companion animal for commercial sale shall be licensed and regulated by the competent authority.

(2) The breeding establishment shall be in accordance with the prescribed standards.

(3) The Control under subsection (1) shall include the restriction on the minimum and maximum age of breeding bitches and on the number and regularity of litters.

(4) A licensed breeder shall be required to keep full records of all litters bred, together with the sales and purchases of companion animals.

Surgical
procedures
and
manipulations

Licensing of
companion
animal
breeding

(2) Any expenses which may reasonably incurred by an animal welfare inspector in carrying out the provisions of this section may be recovered from the owner summarily as a civil debt and; any such expenses shall be defrayed out of the public revenue.

(3) In case of an emergency which visibly indicate extreme prolonged pain prior to death, a veterinarian or a paraprofessional may instantly kill an animal of a domesticated breed or any wild animal which has been domesticated.

(4) Where it is necessary to terminate the life of an animal such termination shall be done with minimum suffering, except in an emergency.

- (5) The methods of terminating the life of an animal shall be-
- (a) to cause immediate loss of consciousness and death; or
 - (b) the induction of deep general anaesthesia followed by an act which ultimately causes death.

(6) The person responsible for the termination shall ensure that the animal is dead before the carcass is disposed of.

(7) A person shall not terminate the life of an animal-

- (a) by drowning and any other method of suffocation which do not produce the effect required by sub-section (4) and (5).
- (b) by using of any poisonous substance or drug, the does and application of which cannot be controlled so as to give the effect mentioned in sub-section (4); and
- (c) by electrocution, unless preceded by immediate induction of loss of consciousness.

28.-(1) Injured, orphaned or diseased animal which is found straying or ownerless shall be taken to the animal sanctuary or hospice established as rescue centers for treatment and care after which may be returned to the owner upon claiming or adopted by a new owner after recovery.

(2) For the purpose of subsection (1) local government authorities shall establish and or allow the private sector and or civil society organization on application to establish in their respective areas of jurisdictions animal rescue centres, hospice and sanctuary to care for injured or orphaned animals.

(e) Slaughtering of animals

29.-(1) An animal shall be slaughtered through a method which-

- (a) involves instantaneous killing; or

(5) A person who selects a companion animal for breeding shall have regard to any anatomical, physiological and behavioural characteristic, which is likely to put at risk the health and welfare of either the offspring or the female parent.

Licensing of
sellers and
dealers in
companion
animals

21.-(1) Any person selling or dealing in companion animals shall be licensed and regulated by the competent authority.

(2) Licensed dealers shall only be permitted to purchase a companion animal from a licensed breeder.

(3) A person shall not sell an animal in an unauthorized place.

(4) A person who sells a companion animal shall avail a full history of that animal, details of its former owner or owners and breeder's details.

(c) Transportation of animals

Transport-
ation of
animals

22.-(1) A person shall not transport an animal in a manner that is likely to cause pain, injury or undue suffering or distress.

(2) an injured animal or an animal that presents physiological weakness or pathological process shall not be considered fit for transportation.

(3) A person shall not transport an animal in a means other than the prescribed means.

(4) The Director shall establish a system for inspection and certification of any vehicle intended for transportation of animals.

(5) An animal shall not be transported unless-

- (a) the animal is accompanied by a movement permit on its fitness issued by a registered veterinarian appointed by the competent authority;
- (b) the registered veterinarian is satisfied that the means of transport in which the animal is to travel complies with the requirements of this Act,
and shall not cause any welfare problems during the journey.

23. Notwithstanding the provisions of the Animal Diseases Act, no livestock movement permit shall be issued where an animal-

- (a) has given birth forty-eight hours before the departure;

Animals
unfit for
transport-
ation
Cap. 156

- (b) is likely to give birth during carriage; or
- (c) is ill, injured or unfit for transport, taking into account the nature of the means of transport, the nature, manner or duration of the journey or the circumstances under which transportation is to take place.

Revocation
of movement
permit

24. Where circumstances have occurred or have become known under which, had they been known or had they occurred at the time the movement permit was issued, the certificate would not have been issued, the Director shall revoke the movement permit.

Certificates
and
documents

25.-(1) During transportation of an animal, the transporter shall, at all times, carry a permit and other documents relevant for animal movement issued under this Act.

(2) The transporter shall ensure that an animal which falls ill or gets injured during transportation receives appropriate veterinary attention.

(3) A vehicle and its fittings intended to transport animals shall be designed, constructed, maintained and operated in accordance with the standards that shall be prescribed under this Act so as to-

- (a) avoid injury or suffering, and to ensure the safety of the animals;
- (b) make them free of any sharp edges or projections;
- (c) protect the animals from inclement weather;
- (d) prevent animals from escaping or falling out;
- (e) have a floor which is non slippery and sufficiently strong to bear the animals' collective weight;
- (f) provide access to an animal to enable it to be inspected and cared for as and when necessary.

(d) Care of injured animals

Care of
injured
animals

26.-(1) A person driving or operating a vehicle or bicycle which strikes or injures an animal shall stop and provide care and attention to the animal as is necessary to relieve pain and aid its recovery and where the animal is a domestic animal, such person shall use reasonable diligence to notify the nearest local government authority or the police to take care of the animal as the case may be.

(2) Local government authorities shall make arrangements for the quick removal and burial of a killed animal on a road or street in their areas of jurisdiction for atheistic reasons and environmental pollution control.

Killing
severely
injured
animals

27.-(1) Where an animal welfare inspector finds, on any road or in any public place, any diseased animal or severely injured animal or animal which is in physical condition that, in his opinion having regard to the means available for removing the animal, there is no possibility of removing it without cruelty, such officer may, without the consent of the owner, slaughter the animal, or cause it to be instantly killed and remove the carcass or cause the carcass to be removed from the road or public place.

(2) Any expenses which may reasonably incurred by an animal welfare inspector in carrying out the provisions of this section may be recovered from the owner summarily as a civil debt and; any such expenses shall be defrayed out of the public revenue.

(3) In case of an emergency which visibly indicate extreme prolonged pain prior to death, a veterinarian or a paraprofessional may instantly kill an animal of a domesticated breed or any wild animal which has been domesticated.

(4) Where it is necessary to terminate the life of an animal such termination shall be done with minimum suffering, except in an emergency.

(5) The methods of terminating the life of an animal shall be-

- (a) to cause immediate loss of consciousness and death; or
- (b) the induction of deep general anaesthesia followed by an act which ultimately causes death.

(6) The person responsible for the termination shall ensure that the animal is dead before the carcass is disposed of.

(7) A person shall not terminate the life of an animal-

- (a) by drowning and any other method of suffocation which do not produce the effect required by sub-section (4) and (5).
- (b) by using of any poisonous substance or drug, the does and application of which cannot be controlled so as to give the effect mentioned in sub-section (4); and
- (c) by electrocution, unless preceded by immediate induction of loss of consciousness.

Animals
sanctuary
or hospice

28.-(1) Injured, orphaned or diseased animal which is found straying or ownerless shall be taken to the animal sanctuary or hospice established as rescue centers for treatment and care after which may be returned to the owner upon claiming or adopted by a new owner after recovery.

(2) For the purpose of subsection (1) local government authorities shall establish and or allow the private sector and or civil society organization on application to establish in their respective areas of jurisdictions animal rescue centres, hospice and sanctuary to care for injured or orphaned animals.

(d) Slaughtering of animals

Humane
slaugh-
tering

29.-(1) An animal shall be slaughtered through a method which-

- (a) involves instantaneous killing; or

(b) instantaneously rendering an animal unconscious and ends in death without the recover of consciousness.

(2) The following methods of slaughtering an animal may be used where an animal is in the category of solipeds ruminants or pigs-

- (a) mechanical means of employing an instrument which administer a blow or penetrate the brain; or
- (b) electronarcosis.

(3) The stunning device shall be applied to the correct head position to produce an immediate stun that lasts until death.

(4) Where the method is through electrical stunning, sufficient current shall be applied to each animal to produce an immediate stun that lasts until death.

(5) The Director shall issue guidelines on the correct head position and amount of current to be applied for different stunning methods for different species.

(6) An animal may be stuck or bled as soon as possible after stunning.

(7). Every competent authority shall in its area of jurisdiction carry out period inspection on instruments and apparatus used for slaughtering animals.

Approval
of religious
slaughter

30. The provisions of this Part shall not apply where the religious belief specify the mode of slaughtering an animal provided that-

- (a) it is performed by a person in possession of necessary knowledge and skill;
- (b) it is performed exclusively in the presence of a veterinarian in charge of slaughtering and meat inspection;
- (c) it is performed in a way that the large blood vessels in the throat area are opened with one single cut;
- (d) the equipments are available to ensure that the animals intended for such slaughtering can be brought into the position required for slaughtering without any delay; and
- (e) it is performed in a way that other animals waiting for slaughter not to see the slaughtering process.

Slaughtering
of a pregnant
animal
discouraged

31.-(1) A person shall not slaughter an animal which is pregnant unless, is for the purpose of alleviating intractable suffering or for unavoidable disease control.

(2) Ante-mortem inspection by veterinarian or a meat inspector referred to in the Tanzania Food, Drugs and Cosmetics Act shall in addition include pregnancy diagnosis to detect and withdraw a pregnant animal from being slaughtered.

Killing for
disease
control
purposes
Cap. 156

32. Killing for disease control purposes referred to in the Animal Disease Act shall take account of the welfare of the animal, and utilize the most humane method available according to circumstances.

PART IV

THE USE OF AN ANIMAL FOR WORKING AND ENTERTAINMENT

Duty of care
to a working
animal

33.-(1) Any person who keeps a working animal or who has agreed to look after it shall-

- (a) be responsible for its complete health and welfare;
- (b) provide housing, care and attention taking into account of its physiological and behavioral needs, including appropriate food, water, shelter, exercise and companionship; and
- (c) ensure the veterinary, health and maintenance needs of the animal.

(2) A person shall not cause a working animal any avoidable suffering, injury, pain or distress.

(3) A working animal shall be provided with shade, shelter, a soft lying area and adequate space for relation during rest periods.

Working
animals
not to be
overworked

34.-(1) There shall be reasonable limitation on the intensity and duration of the work to be performed by a working animal, including satisfactory periods of rest and relaxation.

(2) A person shall not over work, overload, or ride on an animal or make it perform any work that stretches their natural capacities.

(3) The Minister shall by regulations prescribed the design, standards and methods of application appropriate gears for the different categories of working animals so as not to compromise their animal welfare in the cause of their use.

Use of an
animal
in sports

35.-(1) A person shall not organize sports that test the speed or strength of an animal unless such sports are held in accordance with regulations made under this Act.

(2) An animal shall not be entered for the competition or take part in a competition if, on inspection, the animal is found to contain one or more of the substance prohibited by the Act, the ingredients whereof or the metabolites of which exceed the prescribed minimum levels.

Animal
fights

36.-(1) A person shall not promote, arrange, participate in, attend, assist at, receive money for or in any way facilitate an event involving the fighting, training, harassing or tormenting of an animal.

(2) A person shall not breed, sell or offer for sale an animal for fighting purpose.

PART V
SURGICAL OPERATIONS, BIO-TECHNOLOGY AND
ANIMAL EXPERIMENT

Surgical
operations

37. A person shall not perform a surgical operation for the purpose of modifying the appearance of an animal by which any part of the animal's body is removed or damaged, other than for a curative purpose.

Prohibited
surgical
operations

38. An animal which has undergone a surgical operation prohibited under the provisions of this Act shall not be-

- (a) entered for or admitted to show, exhibition or competitions; or
- (b) kept in stock for sale, offered for sale or brought.

Biotechnology

39.-(1) A person shall not carry out any of the following practices unless he has applied and obtained a permit from the Minister acting on the advice of the Council-

- (a) the alteration of the genetic material of an animal in a manner which infringes the natural barriers of sexual reproduction and of recombination;
- (b) the application of biotechnological technology or the administration of substances to animals or embryos that modify genetic make up of animals.

(2) An animal or animal product which has been subjected to the practices referred to in subsection (1) shall not be produced, transported, put at another person's disposal, sold, bought, kept in stock to be sold, disposed of or introduced in Mainland Tanzania, without permission of the Director.

Permit for
animal
experiments

40.-(1) A person shall not conduct an animal experiment without obtaining a permit from the Director.

(2) The permit shall allow animal experiments in so far as they are intended to benefit, either directly or indirectly, the health or nutrition of a human being or an animal and any other purpose deemed to be of sufficient value.

Issue
of permit

41.-(1) The permit referred to in section 40 shall be issued if-

- (a) the practice in question does not adversely affect the welfare of an animal; and
- (b) such practice is not in breach of ethical rules and standards prescribed by the Minister.

(2) The permit shall specify the practice for which it is required and may include any condition and restriction which the Minister may determine.

42. Animal experiments shall be performed by authorized persons or under the direct responsibility of such persons.

Authorized persons to perform animal experiments

43.-(1) A permit issued under section 40 may be revoked where-

Revocation of permit

- (a) the information submitted in the application is incorrect or inaccurate;
- (b) the information submitted is misleading such that a different decision would have been taken if the correct information had been available at the time when the application was under consideration.
- (c) the holder does not comply with the conditions of the permit; or
- (d) the permit is not used for a continuous period of one year.

(3) A permit issued under section 41 shall not be transferable.

44.-(1) A person shall not carry out an animal experiment unless the way in which the experiment is to be conducted has been determined by a person whose qualifications satisfy the requirements prescribed in the regulations.

Restrictions on animal experiments

(2) An animal experiment shall not be carried out-

- (a) for a purpose which may be achieved by means other than an animal experiment, or by means of an experiment using fewer animals or entailing less distress than the experiment in question;
- (b) for a purpose the importance of which does not justify the distress caused to the animal; or
- (c) for such purposes as may be prescribed by the Minister.

45.-(1) A person shall not conduct an experience on an animal-

Unlawful experiments

- (a) which is not bred in a licensed breeding establishment;
- (b) in a laboratory not operated by a license holder; or
- (c) which is not obtained directly from another licensed establishment in which animals are bred or used either exclusively or mainly for animal experiments or scientific research.

(2) For the purposes of subsection (1) "breeding establishment" means any establishment where laboratory animals are bred with a view to their use in experiments

Obligation
of a permit
holder

46.-(1) The holder of a permit shall ensure that the animal suffers as little pain, injury, fear or distress as possible without defeating the objective of the experiment.

(2) The permit holder shall ensure that, where the animal on which the experiment is being carried out could experience pain, injury, fear or distress as a result of facts carried out without anaesthesia, a general or local anaesthetic is administered to the animal to prevent such distress.

(3) The provision of subsection (2) shall not apply in cases where the anaesthetic would defeat the object of the experiment.

(4) The permit holder shall ensure that an animal which, if allowed to live, would suffer distress for a prolonged period as a result of an act performed as part of the experiment, is immediately put to death.

Records on
experiments

47.-(1) The permit holder shall keep detailed records concerning the procurement of animals for experiment as well as the experiment conducted as may be prescribed in regulations, and shall supply the record to the Director as may be required.

(2) The permit holder shall ensure that the service of a veterinarian in supervising the welfare of the animal undergoing experiment is availed.

Selective
breeding of
animals

48. A person shall not breed an animal with anatomical physiological or behavioural characteristics, which are likely to put at risk the health and welfare of either the off springs or the parents.

PART VI

CONTROL OF AGGRESSIVE ANIMALS AND ANIMAL POUNDS

Aggressive
animals

49.-(1) Save as may otherwise be prescribed, any aggressive animal which may present a danger to the safety of a human being or other animals and which are classified as such by the Minister shall not be bred, imported or sold in Tanzania.

(2) Save as may otherwise be prescribed, aggressive animals shall not be kept in stock and may be destroyed if this is deemed to be necessary or expedient by the Director.

Establish-
ment of
pound

50.-(1) A person who wishes to establish a pound shall apply to the Director or competent authority in a local government authority for a permit.

(2) A pound established pursuant to subsection (1) shall be registered and be the property of and maintained by the owner.

Notice to
owners of
animals
impounded

51. Where an animal is impounded, the pound owner shall serve notice of such animal being impounded upon the owner or person having the charge of the animal by leaving such notice at the usual place of abode or village or hamlet of the owner or person having charge of such animal to be served.

Costs of
keeping
animals
in pound

52.-(1) Where any animal has been impounded, and notice of such impounding has been served upon the owner or a person having the charge of such animal shall, in default of such animal being sold for a sum sufficient to defray costs and charges, be liable to payment of extra expenses.

(2) Upon the expiration of the day after an animal is impounded and the pound owner is unable to ascertain who is the owner or person having the charge of such animal, he shall cause a notice of impounding to be posted at the ward executive officer, primary court of the area in which the pound is situated, and at any other place which the animal welfare officer may direct.

Disposal of
impounded
animals

53. An animal received into a pound shall be detained until sold or otherwise disposed of in a manner deemed fit by an animal welfare officer or inspector.

Sale of
impounded
animals

54.-(1) The owner of a pound may, on such day as the court may order, sale by public auction any animal which has been detained for more than ten days exclusive of the days of seizure and sale.

(2) The notice of public auction under this section shall be issued as the court may order.

Disposal
of proceeds
of sale

55. The pound owner shall after the sale of impounded animal deduct the seizure and pound expenses and pay to the owner of the animal the balance of the proceeds of the sale.

Records
to be
kept by
pound
owners

56. Any pound owner shall keep records describing-

- (a) the impounded animal;
- (b) The owner of the impounded animal;
- (c) The person bringing the impounded animal to the pound;
- (d) The amount of monies due or received in respect of the disposition of an impounded animal; and
- (e) other matters as the Director may direct.

Measures
to reduce
stray
animals

57.-(1) A local government authority shall prescribe by By-laws and or issue orders requiring dogs and cats owners to tie or participate in proactive measures intended to prevent straying.

(2) Any impounded dog or cat shall be neutered before subsequent rehoming or sale so that they do not contribute to the straying problem.

(3) The tie order issued under subsection (1) shall state the time, manner and area covered in the respective area of a local government authority.

Poundable
animals not
allowed to
trespass

58.-(1) Any impounded animal shall not be allowed to trespass in or upon a restricted area.

(2) Any animal found trespassing in or upon restricted areas may be seized by the owner or occupier of the restricted area.

(3) A person who seizes any animal shall send or take such animal to the nearest pound to be detained and dealt with accordingly.

(4) The provisions of subsection (3) shall not apply if-

- (a) the owner or occupier of the restricted area decides to secure and keep a seized animal for a period not exceeding four days after the day of seizure;
- (b) the owner of the seized animal or any person lawfully authorized by him may pay at any time before such animal is received into the pound the seizure fee to be prescribed by regulations to the owner or occupier of the trespassed area and the person having charged to such animal shall upon such payment being made deliver the animals to the person making the payment.

(5) Where the pounded animal is found trespassing on the same restricted area for more than once and such trespass takes place within fourteen days after a preceding one, the owner or occupier of the restricted area may charge for the second and every other such trespass twice the amount of the seizure fees prescribed by regulations.

PART VII OFFENCES AND PENALTIES

Offences
and
penalties

59.-(1) A person shall not-

- (a) cruelly beat, kick, ill-treat, over-ride, over-drive, over-load, torture, infuriate, or terrify an animal;
- (b) cause, procure or assist in the baiting of animal fights for any category of animals;
- (c) convey or carry, an animal in such a manner or position as to cause that animal any unnecessary suffering;

- (d) keep use, manage or act or assist in the management of any premises or place for the purposes of animal fighting or baiting;
- (e) receive or cause, to be received or procure any person to receive money for the admission of any person to such premises or place, or cause to be taken;
- (f) without any reasonable cause or excuse, administer or cause to be administered or, being the owner, permit such administration or taking of any poisonous or injurious drug or substance to any animal; or
- (g) subject or being the owner, permit cause to be subjected an animal to any operation which is performed without due care and humanity.

(2) A person who contravenes subsection (1) commits an offence and shall on conviction be liable to imprisonment for a term not exceeding one month or to a fine not exceeding one hundred thousand shillings.

(3) Without prejudice to subsection (2), the Director, a competent authority and animal welfare inspector may reprimand or issue a correction order in respect of first offenders.

PART VIII MISCELLANBOUS PROVISIONS

60.-(1) Where a person has committed an offence under section 59 (1) and agree to pay a fine in lieu of prosecution in the court of law, the Director or any competent authority authorized by the Director my-

- (a) compound the offence by accepting a sum of money not exceeding fifty thousand shillings;
- (b) Order the release a subject matter for any other thing seized in connection with the offence on payment of the sum specified.

(2) Any competent authority shall submit to the Director in every three month a list of compounded offences that have been compounded within that period.

61.-(1) The provisions of the Wildlife Conservation Act, shall not apply to this Act.

(2) The provisions of the Fisheries Act and Wildlife Conservation Act shall apply for animal welfare aspects of the animals covered by those laws.

Compounding offences

Exceptions

Caps. 279 and 283

Reference
to the
Minister

62. A person who is not satisfied by the decision of the Director for refusal to grant, renew a permit or the decisions to revoke any permit issued under this Act may, within thirty days from the date of the decision make reference to the Minister.

Power
to make
regulations

63.-(1) The Minister may make regulations for better carrying out of the objectives and purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing-

- (a) conditions under which an animal shall, in each case, be kept;
- (b) the manner in which a specie or category or animals are to be kept, including-
 - (i) the manner in which an animal shall be tied or tethered;
 - (ii) the manner in which an animal shall be segregated according to age, sex, or species;
- (c) for the listing of the categories and the species of an animal for which the Regulations shall be applicable;
- (d) the enforcement of any restrictions or obligation relating to the protection of an animal and animal welfare in general contained in international conventions, treaties or any other international agreement to which Tanzania is a party to;
- (e) circumstances in which it shall be permissible to kill an animal, and the manner in which such killing may take place;
- (f) the manner, means and the person by whom an animal may be killed;
- (g) the transportation of an animal for the purpose of slaughter;
- (h) condition in which an animal may be housed;
- (i) for the breeding of an animal including the method of breeding as well as the species and categories of animals which may be used for breeding purpose;
- (j) the manner for category of young animal, not to be separated from their parent until they have reached such age as may be prescribed;
- (k) the manner for keeping an animal for the purpose of recreation sports, instruction, education, public display, show, exhibition, sale at market and auction or for any other similar purpose;
- (l) the governing administration or otherwise of substances which may be used on an animal participating in competition;
- (m) the establishment, administration, upkeep and general maintenance of any installation, building or group of buildings, premises or any other facility intended for the carrying out of animal experiment;
- (n) the manner for establishment and operation of the animal pound;
- (o) the establishment and consolidation of animal welfare for animal kept for work, sport, research, companionship or food;
- (p) the establishment and operation of animal sanctuary or hospice or rescue centres and circumstances under which subsection (1) applies;

—
SCHEDULE
—

Made under section 5(2)

Composition
of the
Council

1. The Council shall consist of eleven members who shall be appointed by the Minister, as follows:-

- (a) the Chairman who shall be a qualified person in animal welfare matters;
- (b) the Director of animal welfare who shall serve as the Secretary to the Council and its Executive Officer;
- (c) a State Attorney from the office of the Attorney General;
- (d) one veterinarian representing the private sector;
- (e) two representatives from animal welfare advocacy groups;
- (f) a police officer from the Office of the Inspector General of Police;
- (g) one person appointed from association of institution of Higher learning universities majoring in agriculture;
- (h) on leading animal behaviorists;
- (i) one leading animal welfare ethicist; and
- (j) one zoologist.

Tenure
of office

2. A member of the Council appointed under paragraph 1 shall hold office for three years and shall be eligible for re-appointed.

Termination
of
members

3.-(1) A person shall cease to be a member of the Council where he-

- (a) absents from three consecutive meetings of the Council without good cause;
- (b) ceases to hold office or position for which he was appointed;
- (c) tenders resignation in writing to the appointing authority;
- (d) dies; or
- (e) suffers from mental disorder or terminal illness.

(2) Subject to sub-paragraph (1) replacement shall be done promptly.


Meetings
of the
Council

4. The Council shall meet not less than four times in a year and at such time as it may be necessary or expedient for transaction of business and such meetings shall be held at such place, times and dates as shall be determined by the secretary and approved by the Chairman.

Quorum

5. Quorum for the meeting of the Council shall be two thirds of the total number of members.

Passed in the National Assembly on the 3rd November, 2008.


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Acting Clerk of the National Assembly