

TRANSLATION

Draft

Animal Anti-Cruelty and Welfare Draft Act

B.E.....

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Whereas it is reasonable to legislate the law regarding the animal anti-cruelty and welfare,
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Section 1. This Act shall be called as the “Animal Anti-Cruelty and Welfare Act B.E.....”.

Section 2. This Act shall come into force ~~when reaching a period of one hundred and eighty days~~ from the next day after the announcement date in the government gazette.

Section 3. In this Act,
“Animal” means any animal that is normally kept as a house animal, an animal kept for usage, an animal kept as a vehicle, an animal kept as a friend, an animal kept as a food, or an animal kept for performance, such as dog, cat, cow, buffalo, horse, swine or poultry, or an animal kept for any other purposes, regardless of the presence or absence of its owner, but not and shall include any animal living in the nature as prescribed by the Minister.

- ~~(1) Any wildlife under the law regarding the wildlife conservation and protection~~
- ~~(2) Any aquatic animal under the law regarding the fishery~~
- ~~(3) Any other animals as prescribed by the Minister and approved by the Committee~~

“Cruelty” means any action or no action that provides an animal a physical or mental suffering, pain, illness, disability or that may result in its death and shall include a usage of any disabled, ill, old or pregnant animal for any exploitation, a usage of any animal for sexual



purpose, a usage of any animal in an unreasonable manner, or a usage of any ill, old or young animal in an inappropriate work.

“Animal welfare” means a keeping or a provision of any animal a suitable and healthy welfare with sufficient habitation, food and water.

“Animal owner” means an owner of the ownership and shall include an animal possessor or any person assigned to take care of any animal, whether he/she is assigned by the owner of the ownership or by the person assigned by the owner of the ownership.

“Animal welfare organization” means a group of persons or a juristic person that is registered as the animal welfare organization under this Act.

“Animal assistance establishment” means any place used for keeping any animal or any place used for assisting and looking after or protecting any abandoned, or unclaimed or cruelty-victimized animal.

“Committee” mean the Animal Anti-Cruelty and Welfare Committee.

“Veterinary” means any veterinary practitioner under the law regarding the veterinary profession.

“Official” means any person who is appointed by the Minister to follow this Act.

“Registrar” means any person who is appointed as the registrar.

“Director-General” means the Director-General of the Department of Livestock Department.

“Minister” means the Minister in charge of this Act.

Section 4. The Minister of Agriculture and Cooperatives shall be in charge of this Act and shall have the authority to appoint any official and to issue any announcement to follow this Act.

Such announcement shall come into force when it is announced in the government gazette.

Chapter 1

Animal Anti-Cruelty and Welfare Committee

Section 5. There shall be a committee called the “Animal Anti-Cruelty and Welfare Committee” that comprises the Permanent Secretary of the Ministry of Agriculture and Cooperatives as the committee chairman, the Secretary-General of the Basic Education Commission, the Director-General of the Department of Religious Affairs, ~~the Director-General of the Department of Trade Negotiations,~~ the Director-General of the Public Relations Department, the Director-General of Department of Fisheries, the Director-General of the Department of Local Government, the Director-General of ~~the Treaty and Law Department~~ the Department of International Organizations, the Director-General of the Department of Health,



the Director-General of the Department of National Parks, Wildlife and Plant Conservation, the Governor of the Tourism Authority of Thailand, and the Director of the Zoological Park Organization as the committee members by their positions, and no more than ~~four~~ seven experts appointed as committee members by the Minister.

The Director-General shall act as a committee member and the secretary.

Experts as set forth in paragraph one shall be appointed from any dean of the Faculty of Veterinary Medicine, any representative of associations or foundations that operate or conduct any activity ~~relating to~~ involved with the animal welfare, any representative of an animal welfare organization that is registered under this Act, or any representative of an animal assistance establishment that is registered under this Act, and any person who is knowledgeable, expert or experienced in regard to the animal anti-cruelty and welfare in accordance with the criteria, procedures and conditions prescribed by the Minister.

Section 6. Experts as set forth in Section 5 shall have the term of their positions of four years.

In the event that the Minister appoints a new expert to replace any expert who is out of his/her position before the term or appoints any additional expert while the existing expert is still in his/her position within the term, such newly or additionally appointed expert shall occupy that position for the remaining term of the existing expert.

For an appointment of any expert to replace any vacant position as set forth in paragraph two in which the remaining term is less than ninety days, the Minister may not perform such appointment.

When the term as set forth in paragraph one is reached and if there is no appointment any new expert, the existing expert who is out of his/her position according to such term shall still occupy his/her position to work until the newly appointed expert initiates his/her duty.

Any existing expert who is out of his/her position according to the term may be re-appointed but shall never occupy his/her position for more than two consecutive terms.

Section 7. In addition to the vacancy according to the term, any expert shall be out of his/her position in case of:

- (1) Death,
- (2) Resignation,
- (3) Being fired by the Minister due to his/her neglect of duty, misconduct or incompetence,
- (4) Bankruptcy,
- (5) Being an incompetent or virtually incompetent person,
- (6) Being imprisoned by a final sentence, unless this penalty is ordered for an offense committed by negligence or for a petty offense, or
- (7) Being out of the dean of the Faculty of Veterinary Medicine, the representative of associations or foundations that operate or conduct any activity ~~relating to~~ involved with the animal welfare, the representative of an animal welfare organization that is registered under this Act, or the representative of an animal assistance establishment that is registered under this Act, in case he/she is appointed as a committee member in such status.



Section 8. The Committee shall have the following authorities and duties:

- (1) Propose the Minister any policy, plan and measure and create an awareness of animal anti-cruelty and welfare,
- (2) Provide the Minister any comment regarding the revision and amendment of any law regarding the animal anti-cruelty and welfare,
- (3) Provide the Minister any comment regarding the issue of any announcement under this Act,
- (4) Define the criteria in examining and following up the performance under this Act,
- (4/1) Consider any appeal under this Act, and
- (5) Take any other action defined as the authorities and duties of the Committee by law or assigned by the Minister.

Section 9. ~~Any meeting of the Committee shall comprise at least half of all committee members to become a valid quorum.~~ The Committee shall hold a meeting of the Committee at least twice a year.

Any meeting of the Committee shall comprise at least half of all committee members to become a valid quorum.

At any meeting of the Committee, if the committee chairman is unavailable or cannot perform his/her duty, the meeting shall choose one committee member as the chairman of the meeting.

Any final decision of the meeting shall hold the majority. One committee member shall have one vote. If the votes are equal, the chairman of the meeting shall provide another vote to finalize.

Section 10. The Committee shall have the authority to appoint a subcommittee to take any action as assigned by the Committee.

Any meeting of the subcommittee shall be subject to the provisions in Section 9 mutatis mutandis.

Chapter 2

Animal Welfare Organization

Section 11. Any group of persons or juristic person with objectives or activities relating to the animal anti-cruelty and welfare and without political, exploitable or profit-sharing objectives shall be entitled to apply for a registration as an animal welfare organization to the registrar.

Criteria, procedures and conditions of applying for a registration shall be as prescribed by the Director-General.



Section 12. Any animal welfare organization may be supported by the Department of Livestock Development or other governmental organizations in conducting the following activities:

- (1) Establishment of a network of volunteers to help work with the officials under this Act,
- (2) Public relations and distribution of information so that the people understand and get involved with the animal anti-cruelty and welfare,
- (3) Establishment of any project or activity regarding the animal anti-cruelty and welfare,
- (4) Solving of any problem regarding the animal anti-cruelty and welfare, and
- (5) Research regarding the animal anti-cruelty and welfare.

Section 13. If it appears that any animal welfare organization conducts its activity against the law or ~~has its objectives of~~ takes any political, exploitable or profit-sharing action or any action against the good order or moral of the people, the registrar shall have the authority to issue a written order and to define a period to suspend such activity. If such animal welfare organization does not follow the order within a specified period, the registrar shall have the authority to withdraw its registration.

Chapter 3

Animal Assistance Establishment

Section 14. In order to support the animal anti-cruelty and welfare, any person who establishes an animal assistance establishment that conducts any activity without political, exploitable or profit-sharing objectives shall be entitled to apply for a registration as an animal assistance establishment to the registrar.

Criteria, procedures and conditions of applying for a registration shall be as prescribed by the Director-General.

Section 15. Any person who establishes an animal assistance establishment as set forth in Section 14 may be supported by the Department of Livestock Development or other governmental organizations in the following matters:

- (1) Knowledge regarding the animal anti-cruelty and welfare,
- (2) Control of the number of animals and prevention of animal plague within his/her animal assistance establishment, and
- (3) Any other matters relating to the animal anti-cruelty and welfare.



Section 16. If it appears that any animal assistance establishment that is registered under Section 14 conducts its activity with political, exploitable or profit-sharing objectives or takes any action that provides any animal a cruelty or unsuitable welfare, the registrar shall have the authority to issue a written order and to define a period to correct such activity as appropriate. If such animal assistance establishment does not follow the order within a specified period, the registrar shall have the authority to withdraw its registration.

Chapter 3/1

Appeal

Section 16/1. In the event that the registrar issues an order to not perform a registration applied under Sections 11 or 14, the order receiver shall be entitled to make an appeal to the Committee within fifteen days from the date of receiving such order.

Section 16/2. In the event that the registrar issues an order to withdraw a registration applied under Sections 13 or 16, the order receiver shall be entitled to make an appeal to the Committee within fifteen days from the date of receiving such order.

Any appeal as set forth in paragraph one shall not abate the enforcement of the order, unless the appellant makes a request and the Committee deems reasonable for giving a temporary abatement on the enforcement of such order.

Section 16/3. The Committee shall consider and complete any appeal as set forth in Sections 16/1 and 16/2 within forty five days from the date of receiving such appeal.

Any appeal decision of the Committee shall be final.

Criteria, procedures and conditions of making and considering an appeal shall be as prescribed by the Committee.

Chapter 4

Animal Anti-Cruelty

Section 17. Any person shall be prohibited from taking any action that provides any animal a cruelty with no reasonable cause.



Section 18. The following actions shall not be deemed an animal cruelty as set forth in Section 17:

- (1) Slaughter of any animal as food (only any animal kept as food),
- (2) Slaughter of any animal in accordance with the law regarding the control of the slaughter and sale of meat,
- (3) Slaughter of any animal to control the plague in accordance with the law regarding the animal plague,
- (4) Slaughter of any animal in case a veterinary deems that such animal is ill, disabled or injured and cannot be remedied or treated to survive without a suffering,
- (5) Slaughter of any animal in accordance with any religious ceremony or belief,
- (6) Slaughter of any animal in case it is necessary to protect the life or body of any human or other animals or to prevent the damage against the property,
- (7) Any action towards an animal's body that is deemed the veterinary profession taken by any veterinary practitioner or by any person who is authorized to do so without any registration and who is licensed to serve as a veterinary practitioner by the Veterinary Council in accordance with the law regarding the veterinary profession,
- (8) Cutting of any ear, tail, hair, horn or ivory with a reasonable cause and without any harm to the animal or its existence,
- (9) Arrangement of any animal fighting in accordance with any local tradition,
- (10) Any other actions that are specially allowed by the law, and
- (11) Any other actions as prescribed by the Minister and approved by the Committee

Chapter 5

Animal Welfare

Section 19. Any animal owner shall provide an appropriate animal welfare for his/her animal in accordance with the criteria, procedures and conditions prescribed by the Minister.

Prescribing as set forth in paragraph one shall take into account the type, kind, nature, condition and age of such animal.

Section 20. Any animal owner shall be prohibited from leaving, abandoning or taking any action to discharge his/her animal out of his/her supervision without a reasonable cause.

Any action as set forth in paragraph one shall exclude a transfer of ownership or possession right to any person who intends to take care of such animal instead.

Section 21. For transporting or using any animal for work or performance, any animal owner or any involved person shall provide an appropriate animal welfare in accordance with the criteria, procedures and conditions prescribed by the Minister.

Prescribing as set forth in paragraph one shall take into account the type, kind, nature, condition and age of such animal.



Chapter 6

Official

Section 22. In performing the duties under this Act, any official shall have the following authorities and duties:

- (1) Issue a summons to any animal owner, any representative of an animal welfare organization, any supervisor of an animal assistance establishment, or any involved person to testify or submit any relevant document or evidence for following this Act,
- (2) Visit any place to examine when he/she is notified or with a believable event that there is an animal cruelty in accordance with this Act,
- (3) Order to stop any vehicle in order to examine when he/she is notified or with a believable event that there is an animal cruelty in accordance with this Act,
- (4) Seize or attach any animal or animal carrion with a suspect event that it is killed or provided an cruelty as well as any document, evidence, vehicle, tool, equipment or material relating to any offense under this Act as the evidence for taking a legal action, and
- (5) Bring any animal provided with a cruelty to receive a medical examination or help any animal under danger in case it appears that such animal has no owner any person to provide it a medical examination or help.

Visting in any place as set forth in (2) to perform an searching examination shall have a search warrant, unless there is a believable event that if it takes a long time to obtain a search warrant any evidence relating to such offense may be moved, hidden or destroyed, such searching examination can be conducted without any search warrant but shall follow the Criminal Procedural Code regarding the searching examination.

Section 23. In the event that any animal is found left, abandoned or without its owner, the official shall provide an appropriate animal welfare to such animal.

Section 24. In the event that any animal is found suffering due to an illness or severe injury and any veterinary deems that such animal will be more suffering than it should be if it survives, the competent official shall order to kill that animal.

Killing any animal as set forth in paragraph one shall be done by a veterinary, and if such animal has its owner a consent shall be obtained from such animal owner,

Section 25. In performing the duties of any official under Section 22, any animal owner or any involved person shall facilitate the official as appropriate.

Section 26. In performing the duties under this Act, any official shall present his/her personal card to any animal owner or involved person.

The official's personal card shall be in the form as prescribed by the Minister.



Section 27. In performing the duties under this Act, any official shall act as an official in accordance with the Criminal Code.

Chapter 7

Penalties

Section 28. Any person who violates Section 17 shall be imprisoned for not more than ~~one~~ two years or fined for not more than ~~twenty thousand~~ forty thousand baht, or both.

Section 29. Any animal owner or any person who fails to comply with the criteria, procedures and conditions as prescribed by the Minister under Sections 19 and 21 or who violates Section 20 shall be fined for not more than ~~twenty thousand~~ forty thousand baht.

Section 29/1. In the event that the court has sentenced any person according to Sections 28 and 29 and considered that further leaving such animal under the possession of that animal owner or offender may provide a cruelty or an inappropriate animal welfare to such animal, the court may order to prohibit such animal owner or offender from possessing such animal and assign any governmental organization or any person as deemed reasonable to possess or take care of such animal.

Section 30. Any person who fails to comply with Section 25 shall be fined for not more than ~~ten thousand~~ twenty thousand baht.

Section 31. The Director-General or his/her delegate shall have the authority to compare the penalties for all offenses under this Act with only fine penalty.

When any suspect has paid a fine in the amount compared within a specified reasonable period with no later than fifteen days, the case shall be deemed ending in accordance with the Criminal Procedural Code.

When any suspect disagrees a fine in the amount compared or agrees but does not pay such fine within a specified period shall be legally taken.



Transitory Provisions

Section 32. At the initial term, the Committee that comprises the committee members by their positions under Section 5 shall perform their duties for a while until there are the experts under this Act, which shall not be later than one hundred and eighty days from the effective date of this Act.

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รับรองคำแปลถูกต้อง
Certified Correct Translation

(อินชวัก สว่างแจ้ง)
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TRANSLATION

Summary of Performance

Consideration of the Animal Anti-Cruelty and Welfare Draft Act B.E.....

By

The Extraordinary Commission for Consideration of the Animal Anti-Cruelty and Welfare
Draft Act B.E.....

The National Legislative Assembly

The Extraordinary Commission held the following six meetings for their consideration:

1st Meeting – Thursday 16 October 2014

2nd Meeting – Friday 17, October 2014

3rd Meeting – Wednesday 22 October 2014

4th Meeting – Tuesday 28 October 2014

5th Meeting – Wednesday 29 October 2014

6th Meeting – Thursday 30 October 2014

Responsible Team

To Prepare a Report of the Extraordinary Commission

For Consideration of the Animal Anti-Cruelty and Welfare Draft Act B.E.....

The National Legislative Assembly

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