First article. Modification of the Civil Code.

The Civil Code is modified in the following terms:

One. A new letter c) is introduced in the first paragraph of the current article 90 in the following terms, with the consequent modification of the numbering of the current letters c) to f), which become d) to g):

«C) The destination of the companion animals, if they exist, taking into account the

interest of the family members and the welfare of the animal, being able to foresee the distribution of the times of coexistence and care if necessary, as well as the charges associated with care of the animal. "

Two. Article 91 is worded as follows:

«Article 91.

In the judgments of nullity, separation or divorce, or in their execution, the Judge, in

defect of agreement of the spouses or in case of non-approval, will determine as

to the provisions of the following articles, the measures to replace those already adopted

previously in relation to the children, the family home, the fate of the animals of

company, the marriage charges, liquidation of the economic regime and the precautions or guarantees respective, establishing those that proceed if for any of these concepts there had not been adopted none. These measures may be modified when the circumstances are substantially altered."

Three. A new article 94 bis is introduced with the following content:

«Article 94 bis.

The judicial authority will entrust the companion animals for their care to one or both

spouses, and will determine, where appropriate, the way in which the spouse to whom they have not been entrusted, can have them in their company, all serving the interest of family members and the welfare of the animal, regardless of its ownership. This circumstance shall be recorded in the corresponding animal identification record. "

Four. A new 2nd measure is introduced in article 103 in the following terms,

modifying the numbering of the current measures 2nd to 5th, which become 3rd to 6th:

«2.ª Determine, taking into account the interests of the members of the family and the welfare of the animal, if companion animals are entrusted to one or both spouses, how the spouse who has not been entrusted may have them in his company, as well as precautionary measures convenient to preserve the right of each one. "

Five. The rubric of the Second Book of the Civil Code and its Title I is modified, in the terms

following:

«BOOK TWO

Of animals, goods, property and their modifications

TITLE I

Of the classification of animals and goods. "

Six. In Book Two, Title I, the heading «Preliminary provision» is replaced by «Provisions

preliminaries ”, under which articles 333 and 333 bis will be included, with the following wording:

«Article 333.

1. Animals are living beings endowed with sensitivity. Only the regime will be applicable

of goods and of things to the extent that it is compatible with their nature and with

the provisions for their protection.

2. The owner, possessor or holder of any other right over an animal must exercise their

rights over him and the duties of care for him respecting his quality of being a living being endowed with sensitivity, ensuring their well-being according to the characteristics of each species and respecting the limitations established in this and the other regulations in force.

3. Expenses for the healing and care of an animal injured or abandoned by a

third parties are recoverable by whoever paid them to the extent that they have been provided

and even when they have been superior to the value of the animal.

4. In the event that the injury to a companion animal has caused its death or a

serious impairment of his physical or mental health, both his owner and those who live with him animals have the right to compensation to include reparation for the moral damage caused. "

«Article 333 bis.

All things that are or can be appropriated are considered as goods movable or immovable. Animals can also be the object of appropriation, with the limitations that are established in the legal norms and to the extent that they do not prohibit it. "

Seven. Numeral 6 of article 334 is deleted, passing the current 7 to 10, to be 6 to 9. The

current content of the article is now part of its section 1 and section 2 is added with the following drafting:

"2. The animal nurseries, dovecotes, beehives, fish ponds or similar hatcheries, remain under the regime of goods when the owner has placed them or conserve them for the purpose of keeping them attached to the farm and forming part of it in a permanent way, without prejudice to the consideration of living beings endowed with animal sensitivity and the special laws that protect them. "

Eight. The second paragraph of article 346 is worded as follows:

«When only the word furniture is used it won’t be understood money, credits, commercial papers, securities, jewelry, scientific or artistic collections, books, medals, weapons, clothing, horse or carriage harness, grains, wines and merchandise, or other things that are not primarily intended to furnish or furnish the rooms, except in the case where it is clear to the contrary from the context of the law or the individual provision. "

Nine. Article 348 is worded as follows:

«Article 348.

Property is the right to enjoy and dispose of a thing or an animal, without further limitations

than those established in the laws.

The owner has an action against the holder and the possessor of the thing or animal to

vindicate it. "

Ten. The first paragraph of article 355 is amended as follows:

«The spontaneous productions of the nature and the products of animals

that are part of an agricultural or industrial company are considered fruits of nature. "

Eleven. Article 357 is worded as follows:

«Article 357.

1. Natural or industrial fruits are not considered, unless they are manifest or born.

2. In the case of animals, only to the extent that it is compatible with the standards intended

To its protection, the young are subjected to the regime of the fruits, as long as they are in their mother’s womb, even if they were not born. "

Twelve. Article 430 is worded as follows:

«Article 430.

Natural possession is the possession of a thing or animal, or the enjoyment of a right by a

person. Civil possession is that same possession or enjoyment together with the intention of having the thing, animal or right as yours. "

Thirteen. Article 431 is worded as follows:

«Article 431.

Possession is exercised in things, in animals or in rights by the same person

who has them and enjoys them, or on his behalf. "

Fourteen. Article 432 is worded as follows:

«Article 432.

Possession of property, animals and rights can be had in one of two

concepts: or the owner, or the holder of the thing, animal or right to keep them or enjoy them, while the domain belongs to someone else. "

Fifteen. Article 437 is worded as follows:

«Article 437.

Only things, animals and rights that are susceptible to

appropriation."

Sixteen. Article 438 is worded as follows:

«Article 438.

Possession is acquired by material occupation of the thing, animal or right possessed, or by

the fact of being subject to the action of our will, or by our own acts and legal formalities established to acquire such right. "

Seventeen. Article 465 is drawn up as follows:

«Article 465.

Wild or wild animals are only possessed while they are in our power; the

domesticated relates to domestic or companion if they retain the habit of reverting to

the holder's house or if they have been identified as such. "

Eighteen. New wording is given to article 499 in the following terms:

«Article 499.

If the usufruct is constituted on a herd or herd of cattle, the usufructuary will be

forced to replace with the young the heads that die annually and ordinarily, or are missing by the predation of other animals.

If the livestock on which the usufruct is constituted perish completely, through no fault of the

beneficial owner, as a result of a contagious disease or other unusual event, the

usufructuary will comply with delivering to the owner the remains of the animals or their yields, without prejudice to the application, in any case, of the legal and regulatory safety regulations for food and animal health on said products or remains.

If the herd should perish in part, also by accident, and through no fault of the usufructuary,

the usufruct will continue with the part that is conserved.

If the cattle are sterile, the usufructuary must return at the end of the usufruct the heads that

live and with respect to those who have died, the provisions of article 482 of this Code shall apply. "

Nineteen. Article 610 is modified, which now has the following content:

«Article 610.

Assets can be taken by occupation by their nature of lacking an owner, the hidden treasure and abandoned furniture.

With the exceptions that may derive from the rules for its identification, protection or preservation, unowned animals are susceptible to occupation, including

those that can be the object of hunting and fishing.

The right to hunt and fish is governed by special laws. "

Twenty. The third paragraph of article 612 is deleted.

Twenty two. Numeral 1 of article 1346 is modified, which is worded as follows:

"1. The goods, animals and rights that belonged to him at the beginning of the company."

Twenty three. The current content of article 1484 is now numbered as paragraph 1 and a

new section 2 with the following wording:

"two. The seller of an animal responds to the buyer for the breach of its

duties of veterinary assistance and care necessary to ensure their health and well-being, if the

animal suffers an injury, illness or significant alteration of behavior that originates

prior to sale. »

Twenty four. Article 1485 is modified, which is worded as follows:

«Article 1485.

The seller responds to the buyer of the sanitation for the vices or hidden defects of the animal

or the thing sold, even if he ignored them.

This provision will not apply when otherwise stipulated, and the seller will ignore the

hidden vices or defects of what was sold. "

Twenty-five. Article 1492 is modified, which is worded as follows:

«Article 1492.

The provisions of the previous article regarding the sale of animals is also understood

applicable to that of things. "

Twenty six. Article 1493 is modified, which is worded as follows:

«Article 1493.

Sanitation for the hidden vices of animals destined for a productive purpose does not

apply in sales made at a fair or public auction, or when they are intended for

slaughter or slaughter in accordance with the applicable legislation, except in the case provided in the following article."

Second article. Modification of the Mortgage Law, approved by Decree of February 8, 1846.

A new first section is introduced in article 111 of the Mortgage Law, approved by Decree

of February 8, 1846, in the following terms, passing the current paragraphs first to third to

be second to fourth:

"First. The animals placed or destined in a farm dedicated to the exploitation

livestock, industrial or recreational. The pact of extension of the mortgage does not apply to the animals of company."

Third article. Modification of Law 1/2000, of January 7, on Civil Procedure.

A new numeral 1 is introduced in article 605 of Law 1/2000, of January 7, on Civil Prosecution, in the following terms, changing the current numerals 1 to 4 to be 2 to 5:

«1. The pets, without prejudice to the seizure of the income that them themselves can generate. "

First final provision. Competency title.

The first and second articles are issued under the jurisdiction of the State in matters of civil legislation and management of records and public instruments in accordance with the Article 149.1.8.ª of the Constitution.

The third article is issued under the protection of the competence that corresponds to the State in matters of procedural legislation, in accordance with article 149.1.6.ª of the Constitution.