

THE ANIMAL PROTECTION ACT

Swedish Code of Statues, SFS 1988:534

Promulgated on June 2, 1988.

The following is hereby provided by Act of Parliament.

Scope

Section 1

This Act applies to the care and treatment of domestic animals. It also applies to other animals if they are kept in captivity.

Basic provisions concerning the keeping and treatment of animals

Section 2

Animals shall be treated well and be protected from unnecessary suffering and disease.

Section 3

(1) Animals shall be provided with sufficient food and water and adequate care. Stables and other premises shall provide animals with adequate space and shelter, and they shall be kept clean.

(2) The Government or, upon authorization by the Government, the National Board of Agriculture may issue further directions concerning

- 1. stables and other premises for animals,
- 2. obligation to have such premises inspected prior to use, and
- 3. obligation to have new technology relating to animal husbandry pre-tested.

Section 4

(1) Animals which are bred and kept for the production of food, wool, skins or furs shall be kept and handled in a good environment for animals and in such a way as to promote their health and allow natural behaviour.

(2) The Government or, upon authorization by the Government, the National Board of Agriculture may issue further directions concerning the treatment of such animals.

Section 5

Animals must not be overstrained.

Nor may they be beaten or driven with implements which may easily wound or otherwise injure them.

Section 6

(1) Animals must not be kept tied in a painful way or in a way that does not allow them necessary freedom of movement or sufficient shelter against wind and weather.

(2) The Government or, upon authorization by the Government, the National Board of Agriculture may issue further directions concerning the tying of animals.

Section 7

The Government or, upon authorization by the Government, the National Board of Agriculture may issue directions concerning prohibitions or conditions relating to the keeping of animals in captivity.

Section 8

(1) The means of transport used for the transportation of animals shall be suitable for the purpose and provide shelter against heat and cold and protect the animals from shocks and abrasions and the like. To the extent necessary, the animals shall be kept separate from each other.

(2) The Government or, upon authorization by the Government, the National Board of Agriculture may issue further directions concerning the transportation of animals.

Section 9

A sick or injured animal shall be provided with the necessary care without delay, unless the illness or injury is so severe that the animal must be destroyed immediately.

Surgery, etc

Section 10

(1) It shall be prohibited to perform surgery on animals for other reasons than the requirements of veterinary medicine, unless directions concerning exceptions to this provision have been issued under the provisions of subsection (3) below.

(2) Subsection (1) above does not apply to animals used for purposes referred to in Section 19 (1).

(3) The Government or, upon authorization by the Government, the National Board of Agriculture may issue further directions concerning surgery on animals and concerning exceptions from subsection (1) in the case of such animals as are referred to in Section 4, or if special reasons exist.

Section 11

(1) A veterinary surgeon shall be called when surgery is to be performed on animals. The same shall apply to other treatment intended to prevent, establish the existence of, alleviate, or cure illness or injury in an animal, if the treatment causes material suffering.

(2) Subsection (1) above shall not apply if the treatment is so urgent that there is no time to call a veterinary surgeon.

(3) In the case of animals used for the purposes referred to in Section 19 (1), surgery or other treatment may also be performed by a person having the prescribed training.

(4) The Government or upon authorization by the Government, the National Board of Agriculture may issue directions concerning exceptions from subsection (1) above.

Section 12

(1) The Government or, upon authorization by the Government, the National Board of Agriculture may issue directions concerning prohibitions or conditions relating to

- 1. the use of genetical engineering on animals,
- 2. the feeding of hormones or other substances to animals in order to alter their characteristics for any other purpose than to prevent, establish the existence of, alleviate, or to cure disease or symptoms of disease, or
- 3. breeding of a kind that may entail suffering for the animals or have an effect on their natural behaviour.

(2) Subsection (1), item 2 does not apply to substances embraced by the Food Act (1985:295).

Slaughter, etc

Section 13

When animals are taken to slaughter and when they are slaughtered, they shall be spared unnecessary discomfort and suffering.

Section 14

(1) Domestic animals shall be stunned before being bled prior to slaughter. No other measures may be taken in connection with slaughter before the animal is dead.

(2) Sentence 1 of subsection (1) above shall not apply to animals which, as a result of illness or accident, must be slaughtered immediately.

(3) The Government or, upon authorization by the government, the National Board of Agriculture may issue directions concerning exceptions from sentence 1 of subsection (1) with respect to poultry and rabbits.

Section 15

The Government, or upon authorization by the Government, the National Board of Agriculture may issue further directions concerning the slaughter and killing of animals in other cases.

Obligation to obtain a licence for keeping animals in certain cases.

Section 16

(1) A licence to carry on activities must be obtained by a person who, commercially or on a large scale

- 1. breeds or sells dogs, or receives dogs to take care of and feed,

- 2. hires out or uses horses in riding-school activities, or
- 3. breeds furred animals.

(2) Applications shall be considered by the local Environment and Health Protection Committee, which also may withdraw a permit which has been granted.

(3) In considering applications, special attention shall be paid to the question of whether the applicant can be considered qualified to conduct the activity and whether the installations in which the activity is to take place are suitable from the point of view of animal protection.

Races and exhibitions involving animals

Section 17

(1) Animals must not be trained for or used in races in such a way that they are subjected to suffering. This shall also apply to film, video or television productions and shows or other types of exhibition arranged for the public.

(2) The Government or, upon authorization by the Government, the National Board of Agriculture may issue further directions concerning such use of animals.

Section 18

(1) An animal which is trained for or takes part in a race on a race-course may not be subjected to doping or other improper measures which affect the animal's capacity or temperament.

(2) The Government or, upon authorization by the Government, the National Board of Agriculture, may issue directions concerning measures which are not permitted.

Use of animals for scientific purposes, etc

Section 19

(1) Animals must not without permission from the Government or, if so decided by the Government, from the National Board of Agriculture, be used for scientific research or education, the diagnosis of diseases, the manufacture of drugs or chemical products or for other comparable purposes if the animals are subjected to surgery, injection, bleeding or other suffering. Only animals bred for such activities may be used. Such breeding may not take place without permission from the National Board of Agriculture.

(2) In considering applications pursuant to Subsection (1), special attention shall be paid to the question of whether the applicant can be considered qualified to conduct the activity and whether the installations in which the activity is to take place are suitable from the point of view of animal protection. In the considering of applications for the breeding of animals for experimental purposes, the necessity of using such animals shall also be taken into account.

(3) A licence issued pursuant to subsection (1) may be withdrawn.

The Government or upon authorization by the Government, the National Board of Agriculture, may issue directions concerning exceptions from the provisions of the subsection (1), sentence 2.

Section 20

(1) If a licence has been issued pursuant to Section 19 (1), sentence 1, there must be a supervisor approved by the National Board of Agriculture who is responsible for the activities.

(2) A person who uses animals in activities referred to in Section 19 (1), assists in such use of animals or looks after them shall be adequately trained.

(3) Directions concerning such training shall be issued by the Government or authority so empowered by the Government.

Section 21

(1) The use of animals for the purposes referred to in Section 19 (1) shall be subject to examination on ethical grounds before commencement of the activity.

(2) The Government or authority so empowered by the Government may issue further directions concerning such examination, as well as directions concerning exemption therefrom.

Section 22

The Government or authority so empowered by the Government may issue directions concerning exemption from the provisions of this Act in the case of animals that are used for the purposes referred to in Section 19 (1).

Section 23

A person using animals for the purposes referred to in Section 19 (1) shall submit information concerning the use of animals, as prescribed by the Government or the authority so empowered by the Government.

Supervision, etc

Section 24

(1) The National board of Agriculture shall exercise central supervision in compliance with this Act and, unless otherwise stated, the directions which have been issued under the provisions of this Act. The National board of Agriculture shall coordinate the activities of other supervisory authorities and, if necessary give advice and assistance in these activities.

(2) The local Environment and Health Protection Committees shall exercise supervision in municipalities unless the Government has prescribed that supervision shall be exercised by other means.

(3) Other supervisory activities shall be exercised by the authority or authorities so empowered by the Government.

(4) The police authorities shall if so requested give such assistance as is necessary in the exercise of supervision.

Section 25

The government or, upon authorization by the Government, the National Board of Agriculture may direct that a charge be made for supervision and other matters pursuant to this Act.

Section 26

(1) A supervisory authority may issue the orders and prohibitions which are necessary for compliance with this Act or with directions issued under the provisions of this Act.

(2) A supervisory authority may make orders or prohibitions subject to the penalty of a fine except, however in cases referred to in Section 29.

(3) If a person does not comply with this Act or with directions issued pursuant to this Act, or does not obey an order issued by a supervisory authority, the authority may order rectification to be made at his expense. In urgent cases such a decision may be issued without any previous order.

Section 27

(1) For the purpose of supervision in accordance with this Act, supervisory authorities shall be entitled access to areas, buildings, premises and other places where animals are kept and to inspect the animals perform inspections and take samples there.

(2) Supervisory authorities shall be entitled upon demand to receive such information and documents as are required for supervision.

Section 28

The provisions of Sections 24, 26 and 27 shall not apply to animals which are used in the armed forces.

Prohibition to have charge of animals

Section 29

(1) A county administrative board may issue a prohibition against having charge of animals for a certain kind of animal in the case of a person who

- 1. neglects to comply with a decision issued by a supervisory authority pursuant to Section 26 which is of material importance from the point of view of animal protection,
- 2. has seriously neglected the supervision or care of an animal, or
- 3. has maltreated an animal.

(2) If a person against which the prohibition is directed is the owner of the animal, the county administrative board may further order him to dispose of it and forbid him to procure animals at all, or a certain kind of animal.

(3) The prohibition may apply to a certain period or until further notice.

Taking charge of animals, etc

Section 30

(1) If an animal is found so severely ill or injured that it should be destroyed immediately, a veterinary surgeon or a police officer and in urgent cases another person, may destroy the animal at once.

(2) The person who has killed the animal shall immediately notify the owner or keeper of the animal to this effect. If this cannot be done, the police authorities shall be notified.

Section 31

The county administrative board may decide that an animal shall be taken care of by the police authorities if

1. the animal is unwarrantably subjected to suffering and this is not remedied at the instructions of the supervisory authority,
2. a direction issued under the provisions of Section 26 is not complied with and the direction is of material importance from the point of view of animal protection, or
3. a direction which has been issued under the provisions of Section 29 is not complied with.

Section 32

(1) Notwithstanding the provisions of Section 31, item 1 concerning instructions and remedies, the county administrative board, a supervisory authority or the police authorities may decide that an animal which has been subjected to suffering shall immediately be taken in charge if

- 1. there is not prospect of the fault being remedied,
- 2. the owner of the animal is unknown or cannot be found, or
- 3. it is otherwise considered essential on the grounds of animal protection.

(2) If such a decision is delivered by an authority other than the county administrative board, notification thereof must be given to the county administrative board, which shall decide without delay whether it shall remain in force.

Section 33

When an animal has been taken in charge, the owner shall not have access to it without permission from the county administrative board.

Section 34

(1) When the county administrative board decides that an animal shall be taken in charge, the decision shall state whether the animal is to be sold or destroyed.

(2) If the county administrative board has decided that the animal is to be sold and the decision proves impossible to execute, the county administrative board may instead decide that the animal shall be killed.

(3) The animal shall be killed or sold by the agency of the police authorities.

Section 35

(1) Expenses incurred due to measures taken under the provisions of Sections 31 or 32 may be advanced from public funds.

(2) If an animal is taken in charge under the provisions of Sections 31 or 32, the expense shall ultimately be paid by the person against whom the measure was directed, unless there are special reasons to the contrary.

(3) If an animal taken in charge has been sold through the agency of the police authorities, the amount which shall ultimately be paid by the owner may be deducted from the purchase amount.

Liability, appeals, etc

Section 36

(1) The penalty for offences committed deliberately or through negligence

- 1. against Sections 3, 5, 6, 8-11, 16-19 or 21
- 2. against a direction issued under the provisions of this Act, or
- 3. for failure to comply with an order or a prohibition referred to in Section 29, shall be a fine or imprisonment for not more than one year.

(2) No penalty shall be imposed for minor offences. The same shall apply in the case of offences which are punishable under the Criminal Code.

Section 37

A person who neglects to obey an order to pay a fine or fails to comply with a finable prohibition shall not be liable under this Act for the action to which such an order or prohibition applies.

Section 38

(1) Appeals against a decision of an environment and health protection committee under the provisions of this Act or pursuant to provisions issued under this Act may be lodged with the county administrative board.

(2) Appeals against a decision made in special cases by a government authority other than the Government pursuant to this Act or pursuant to a government authorization under this Act may be lodged with the Administrative Court of Appeal.

(3) Other decisions rendered by the National Board of Agriculture or by another government authority pursuant to this Act, may be made to the Government.

Section 39

(1) Decisions referred to in Sections 29, 31 and 32 shall become effective immediately, unless decided otherwise by the authority.

(2) In other cases, an authority may decide that a decision shall apply even if an appeal has been made.

1. This Act enters into force on July 1, 1988 when the Animal Protection Act (1944:21) and the Act (1937:313) concerning the Slaughter of Domestic Animals shall cease to be valid.

2. Decisions concerning orders, prohibitions, permissions or licences which have been rendered before entry into force of this Act shall be considered as having been rendered under the new Act, unless otherwise decided by the Government or authority so empowered by the Government.

3. If reference is made in a law or other statute to a provision which has been superseded by a provision in this Act, the new provision shall apply instead.

4. The Government, or upon authorization by the Government, the National Board of Agriculture, may issue any directions concerning exceptions and exemptions that may be necessary during a transitional period.

On behalf of the Government

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