

ANIMAL WELFARE AND PROTECTION ACT NEPAL, 2011

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ANIMAL WELFARE AND PROTECTION ACT - 2011

Preamble

Animals are living sentiment beings and therefore deserve due consideration and respect from peoples, civil society and the state .The act is required to achieve a reasonable balance between the welfare of animals and the interests of persons whose livelihood is dependent on animals with special references to the welfare of animals and the prevention of their ill-treatment; and, in particular:

- (1) To require owners of animals, and persons in charge of animals, to attend properly to the welfare of their animals.
- (2) To specify conduct that is or is not permissible in relation to any animal or class of animals.
- (3) To provide a process for approving the use of animals in research, testing, entertainment and teaching purposes.
- (4) To ensure the humane treatment of animals during transportation in commerce.
- (5) To protect animals from the theft and preventing the sale or use of animals.
- (6) To develop, issue and enforce official Codes of Welfare Practice to enforce and monitor ethical conduct.

- (7) To create awareness among people of the valuable social and public-health outcomes of an enforced animal welfare initiative

Chapter 1 Preliminary

An Act to bind Government of Nepal: To establish the law relating to the welfare of animals and the prevention of their ill treatment obliging owners to the welfare of their animals; and the approval of codes of ethical conduct by establishing a National Animal Welfare and Ethics Committee be enacted by the Parliament of Nepal as follows:

1. Short Title and Commencement

- (1) This Act shall be called "Animal Welfare and Protection Act -2011".
- (2) This Act shall come into force immediately.

2. Definition

In this Act, unless the context otherwise requires:

- 1) "Animal" means any live member of the animal kingdom that is a mammal; or a bird; or a reptile; or an amphibian or any octopus, squid, crab, lobster, or crayfish (including freshwater crayfish) and also includes any mammalian fetus, or any avian or reptilian pre-hatched young, that is in the last half of its period of gestation or development and any marsupial pouch young but does not include a human being.
- 2) "Animal establishment" means a place at which animals are used or held in the charge of any person, and which has, as its principal purpose, the using or holding of animals for display, sport, entertainment, temporary care, sale, conservation, production, scientific study, or other activity:
- 3) "Animal welfare" means, in essence, the Five Freedoms of Animals (established by UK Government, 1967), that is, Freedom from thirst, hunger and malnutrition; Freedom from discomfort due to environment; Freedom from pain, injury and disease; Freedom to express normal behaviour for the species; Freedom from fear and distress.
- 4) "Animal welfare export certificate" means an animal welfare export certificate issued by the national authority established by this act.
- 5) "Approved organization" means a private, governmental or non governmental organization declared by the national authority for the purposes of this Act.
- 6) "Auxiliary inspector" means an auxiliary staff appointed by the national authority.
- 7) "Code holder", in relation to a code of ethical conduct, means the person who obtained the Director-General's approval for a license valid under the code
- 8) "Code of welfare" means a code of welfare issued by the national authority.
- 9) "Controlled surgical procedure" means: list of declared surgical procedures by the animal welfare and ethical committee to be performed on animals which are performed by the veterinarian or by a person on his supervisions or by a person with veterinary approval. (eg. delevetting of a deer; ear cropping etc.)
- 10) "Department" means Department of Livestock Services of Government of Nepal
- 11) "Device" means any electrical or electronic thing (not being a trap) that is used for the purpose of killing, managing, entrapping, capturing, entangling, restraining, or immobilizing an animal and includes any contraption, process, or things that is declared by the national authority.
- 12) "Director-General" means the Director General of the Department of Livestock Services (DLS), Ministry of Agriculture and Co-operative (MOAC).
- 13) "Enforcement order" means an enforcement order made with notice or without notice in accordance with this act
- 14) "Feral animal" means an animal living in a wild state that could be wild species of animals or is also a member of a domesticated species.
- 15) "Hunt or kill" includes hunting, fishing, or searching for any animal and killing, taking, catching, trapping, capturing, tranquilizing, or immobilizing any animal by any means or pursuing or disturbing any animal.

- 16) "Ill-treat", in relation to an animal, means causing the animal to suffer, by any act or omission, pain or distress that in its kind or degree, or in its object, or in the circumstances in which it is inflicted, is unreasonable or unnecessary
- 17) "Inspector" means an inspector appointed by the Director General of DLS on approval of National Animal Welfare and Ethical Committee for the purpose of this Act.
- 18) "Marking", in relation to an animal, means marking that 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, for the purpose of distinguishing that animal or animals of that type from others, any band, ring, clip, tag, electronic identification device, or paint, or any other thing.
- 19) "Minister" means the Minister for Agriculture and Cooperative, Government of Nepal.
- 20) "Ministry" means, Ministry of Agriculture and Co-operative (MOAC)
- 21) "National Animal Welfare and Ethical Committee" means the National Animal Welfare and Ethical Committee established by this act
- 22) "Owner", used with reference to an animal, includes not only the owner but also any other person for the time being in possession or custody of the animal, whether with or without the consent of the owner;
- 23) "Person in charge" means a person who has the animal in that person's possession or custody, or under that person's care, control, or supervision.
- 24) "Pest" means any animal in a wild state that subject a threat to domestic and pet animals such as any feral cat, dog, rodent, rabbit, hare or any animal in a wild state that is a pest or unwanted organism to animals or as prescribed in National Park and Wild life Protection Act,2029.
- 25) "Physical, Health, and Behavioral needs", means providing proper and sufficient food and water, adequate shelter, opportunity to display normal patterns of behavior, physical handling in a manner which minimizes the likelihood of unreasonable or unnecessary pain or distress, protection from, and rapid diagnosis of, any significant injury or disease, being a need which, in each case, is appropriate to the species, environment, and circumstances of the animal.
- 26) "Prohibited device" means a device declared to be a prohibited device for the purposes of this act.
- 27) "Prohibited trap" means a trap declared to be a prohibited trap for the purposes of this Act.
- 28) "Prohibited surgical procedures" mean no person is allowed to perform these procedures as stated in the regulation.
- 29) "Project" means any experimental procedure, or series of related experiments, forming a discrete piece of research or a protocol for the carrying out of routine manipulations within a specified period or any experiment or demonstration, or series of related experiments or demonstrations, undertaken for teaching purposes and research.
- 30) "Restricted surgical procedure" any surgical protocols prohibited by the regulation of this act that should be undertaken only by a veterinarian, or veterinary student under direct veterinary supervision, who must first satisfy themselves that the procedure is in the interests of the animal and is of a higher ethical test on the performance of the procedure.
- 31) "Safari park" has the meaning given to it Tourism Act 2035.
- 32) "Threatened species" has the meaning given to it by National Park and Wild Life Protection Act, 2035.
- 33) "Endangered Species" has the meaning defined by National Park and Wild Life Protection act, 2029.
- 34) "Trap" means a net, cage, snare, pen, pitfall, or mechanical thing used for the purpose of killing, entrapping, capturing, entangling, restraining, or immobilizing an animal and includes any contraption, process, or things that is declared by the national authority but does not includes fenced area of land ,animal houses and enclosure or cage used for transport
- 35) "Vehicle" means carrier used for transportation of animals via. Land, air and sea as specified in regulation of this Act.
- 36) "Veterinarian" means a person registered as a veterinarian by the Nepal veterinary Council Act 2055.
- 37) "Veterinary Approval" means a certificate issued by a registered veterinarian to a person to perform controlled surgical procedures
- 38) "Wild animals" For the purpose of this article will be as defined by the Director-General of Department of Wildlife under National Park and Wildlife protection Act, 2029 and His Majesty's King Mahendra Nature Conservation Fund Act 2039 or any other Act or regulation requiring the declaration to be made.

- 39) "Manipulation" In relation to an animal, means, interfering with the normal physiological, behavioral, or anatomical integrity of the animal by deliberately subjecting to a procedure which is unusual or abnormal when compared with that to which animals of that type would be subjected under normal management or practice and involves exposure of the animal to any parasite, micro-organism, drug, chemical, biological product, radiation, electrical stimulation, or environmental condition; or enforced activity, restraint, nutrition, or surgical intervention; or depriving the animal of usual care.
The term defined by subsection (1) does not include any therapy or prophylaxis necessary or desirable for the welfare of an animal; or the killing of an animal by the owner or person in charge as the end point of research, testing, or teaching if the animal is killed in humane manner as prescribed.
- 40) "Scientific purposes" means:
1) In an activity performed to acquire, demonstrate or develop knowledge or a technique in a scientific discipline; Diagnosis, Environmental studies, field trials, producing biological products, Product testing, Research and Teaching.
2) The use of an animal for scientific purposes also includes using any of the remains of an animal that was killed for the purpose of carrying out an activity mentioned in subsection (a)
- 41) "Research, testing, and teaching" means, any work (being investigative work or experimental work or diagnostic work or toxicity testing work or potency testing work that involves the manipulation of any animal; or any work that is carried out for the purpose of producing antiserum or other biological products; and involves the manipulation of any animal; or any teaching that involves the manipulation of any animal.
- 42) "scientific use of code" means care and management of animals stated in the 'National Code of Practice for the Care and Use of Animals for Scientific Purposes', as prescribed in the regulation of this Act.
- 43) "Animal ethical committee" means an animal ethical committee established by the Scientific Code Holder under this Act.

3. PURPOSE AND APPLICATION OF ACT

To achieve a reasonable balance between the welfare of animals and the interests of persons whose livelihood is dependent on animals; and allow for the effect of advancements in scientific knowledge about animal biology and changes in community expectations about practices involving animals; protect animals from unjustifiable, unnecessary or unreasonable pain; ensure the use of animals for scientific and teaching purposes is accountable, open and responsible.

The purposes are to be primarily achieved by the following:

- 1) By establishing a National Animal Welfare and Ethical Committee Establishing Animal Welfare Organization at Central and similar organization at Zonal/State level
- 2) Providing for regulations about codes of practice for animal Welfare;
- 3) Allowing regulations to require compliance with codes of practice;
- 4) Imposing a duty of care on persons in charge of animals;
- 5) Prohibiting certain conduct and behavior in relation to animals;
- 6) Requiring a person using an animal for scientific purposes to comply with the scientific use code;
- 7) Providing for the registration of certain users of animals for scientific and teaching purposes;
- 8) Providing for the appointment of authorized officers to monitor compliance with compulsory code requirements and the scientific use of code;
- 9) Providing for the appointment of inspectors to investigate and enforce this Act;

4. DUTIES OF PERSONS HAVING CHARGE OF ANIMALS

It shall be the duty of every person having the care or charge of any animal, whether as owner or otherwise, to ensure the welfare and well-being of such animal and to prevent the infliction of trauma, pain or suffering upon such animals. In particular, every such person shall ensure that an animal in his care or under his charge has :

- i. Freedom from thirst, hunger and malnutrition,

- ii. Freedom from discomfort due to environment,
- iii. Freedom from pain, injury and disease,
- iv. Freedom to express normal behavior for the species,
- v. Freedom from fear and distress.

CHAPTER 2

Establishment of Animal Welfare and Ethics Committee

5 Organization of committee

- a) The Act will establish a "National Animal Welfare and Ethics Committee" as follows:
 - I. One representative from the Ministry of Agriculture and Cooperatives
 - II. One vice-chairperson from concerned civic societies nominated by the Government of Nepal
 - III. Four members from various Approved Animal Welfare Organizations
 - IV. One Representative from Nepal Bar Association
 - V. One representative from Nepal Veterinary Council
 - VI. One representative from Nepal Veterinary Association
 - VII. One representative from Nepal Para-Veterinary and Livestock Association
 - VIII. One Representative from Municipality Association
 - IX. One Member of Parliament
 - X. Member Secretary from Department of Livestock Services
- b) The Central Government shall nominate one of the members of the Board to be its Chairman and another member of the Board to be its Vice-Chairman.

6 Terms of Members

Every member of the National Animal Welfare and Ethics committee shall;

- (a) Be appointed and nominated by Government of Nepal by notice published in the Gazette; and
- (b) Tenure of members shall have terms of five years or until a successor is appointed from the date of the publication of the notice of appointment in the Gazette or such later date as may be specified in the notice; and shall be eligible for reappointment from time to time.

7 Termination of Membership

Membership shall be terminated in the following situation:

- (a) Any appointed member of this committee (including the chairperson and vice- chairperson of the committee) may at any time resign his or her office by giving written notice to that effect to the Government of Nepal.
- (b) Disability affecting performance of duty, bankruptcy, negligence of duty, or misconduct, proved to the dissatisfaction of Government of Nepal
- (c) The resignation submitted from the post of membership is accepted.
- (d) If a member dose not attend Council meeting for three consecutive session without giving valid justification to the Council and
- (e) Death.
- (f) If the chairperson or any other appointed member of the committee dies or resigns or is removed from office, the vacancy thus created must be fulfilled by the same procedure as mentioned in section 5.

8 Zonal/State Animal Welfare and Ethics Committee

All Development Zones or Federal States shall establish a Zonal/State Animal Welfare and Ethics Committee with following members:

- a) One Chairperson: DDC representative from each DDC.
- b) Three members: from NGOs, approved organizations and civic societies of the district
- c) Four elected members from village or Municipality Animal welfare organizations

- d) Member Secretary: Chief, DLSO

9. Qualifications of members of committee

Government of Nepal, must, in making appointments have regard to the public interest in relation to the animal welfare, and the need for the Committee to possess knowledge and experience in the following areas:

- a) Veterinary science:
- b) Animal science:
- c) The commercial use of animals:
- d) The care, breeding, and management of companion animals:
- e) Ethical standards and conduct in respect of animals:
- f) Animal welfare advocacy:
- g) The public interest in respect of animals:
- h) Environmental and conservation management:
- i) Biological science:
- j) Educational institutes.

10. Rights and Duties of National Animal Welfare and Ethical committee

Committee shall have following rights and duties:

- a. To advise the Ministry of Agriculture and Co-operatives on any matter relating to the welfare of animals in:
 - (i) Research requirement into the welfare of animals; and
 - (ii) Legislative proposals concerning the welfare of animals:
- b. To make recommendations to the Government of Nepal for classification of surgical procedures applied to animals into categories of restricted surgical procedure; and controlled surgical procedure; and any other surgical procedure declared significant surgical procedure for the purposes of this Act:
- c. To declare traps or devices to be prohibited or restricted:
- d. To make recommendations to Government of Nepal concerning the issue, amendment, suspension, revocation, and review of codes of welfare:
- e. To promote and assist other organization or persons for the development of guidelines in relation to;
 - (i) The use of traps or devices or both
 - (ii) The hunting or killing of animals in a wild state.
- f. To advise Government of Nepal on ethical issues and animal welfare issues arising from use, research, testing, and teaching:
- g. To make recommendations to Government of Nepal related to manipulation:
- h. To provide advice and information on the development and review of codes of ethical conduct:
- i. To make recommendations to Government of Nepal concerning the approval, amendment, suspension, or revocation of any code of ethical conduct:
- j. To make recommendations to Government of Nepal concerning the setting of standards and policies for codes of ethical conduct:
- k. To provide information and advice to Committee for control and supervision of experiments on animals
- l. To recommendation of suitable persons for appointment as accredited reviewers for approval by Government of Nepal
- m. To asses the reports of independent reviews of code holders and Animal Ethics Committees:
- n. To assess applications from registered institutes and companies for the breeding and selling of animals
- o. Annual report--- The National Animal welfare and Ethics Committee must submit the annual report to Government of Nepal.

11. Subcommittees

- (a) The committee may from time to time appoint such sub-committees as required and fees and allowances of such committee will be as prescribed.

12. Administrative assistance

To enable the committee to carry out its functions the Director-General must provide administrative assistance at centre, and Zonal or State Government at Zonal or State level

13. Functions of Zonal/State Animal Welfare and Ethics Committee

1. ZAWEC will function as support organization for village development animal welfare committees in the district and also monitor, evaluate these committees for the following functions:
 - a) Enforcement of the Animal Welfare Act in the Zones or States
 - b) Investigation and filing of Cases in the civil court
 - c) Registration and renewal of local level Welfare Organizations
 - d) Monitoring and Evaluation of Animal Welfare Inspectors and Auxiliary Staffs
 - e) Data compilation
 - f) Coordination with Central level welfare Organizations
 - g) Facilitate DDC level welfare organization
 - h) Managing pouncing places by self or through approved organization
 - i) Registration of animals
 - j) Submission of Confidential report of Inspectors and auxiliary officers to National Animal Welfare and Ethics Committee annually.
2. Other terms and condition as prescribed

Chapter 3 Animal Welfare

14. Owner's Obligation for care of the animals

A person owner or in charge of an animal owes a duty of care to it and the person breaches the duty if the person does not take reasonable steps to ensure:

- a) the animal's needs for the food and water, accommodation or living conditions to allow display of normal patterns of behavior, the treatment of disease or injury, and appropriate handling of the animal by any person in accordance with welfare codes and good practice and scientific knowledge .
- b) the animals receive, where practicable, treatment that alleviates any unreasonable or unnecessary pain or distress from which the animals are suffering;
- c) Registration of the animals in local government or Animal welfare organization as prescribed
- d) Penalty for offence for sections a) and b) will be Rs 1000 to Rs 25.000 in section (c) as per species of animals.

15. Animal cruelty prohibited

- 1) Any of the following acts done by a person to animals is consider as cruelty
 - (a) Causes it pain in the circumstances that is unjustifiable, unnecessary or unreasonable;
 - (b) Beating to cause the animal pain;
 - (c) Abuses, terrifies, torments or worries it;
 - (d) Overdrives, overrides or overworks it;
 - (e) Uses on the animal an electrical device not prescribed under a regulation;
 - (f) Keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for its natural movement; or

- (g) Keeps any animal chained or tethered with a short or heavy chain or cord, or hobbles the legs of animal; or
- (h) Being the owner, neglects to exercise or cause to be exercised, or keeps any animal habitually chained up or in close confinement; or
- (i) Being the owner of any animal fails to provide such animal with sufficient food, drink or shelter; or
- (j) Abandons any animal in circumstances which render it likely that it will suffer trauma, pain or suffering by reason of relocation, starvation, thirst, injury, or illness; or
- (k) Transports animals against the prescribed transport standard issued by the national authority
- (l) Employs in any work or labour or for any purpose any animal without adequate rest, food or water, or which by reason of its age or any disease, infirmity, wound, sore or other cause, is unfit to be so employed, or, being the owner, permits any such unfit animal to be employed; or
- (m) Kills it in a way that is inhumane; or causes it not to die quickly; or causes it to die in unreasonable pain;
- (n) Carries out prohibited procedures prescribed that lead to mutilation on an animals
- (o) Mutilates an animal in any manner including ear cropping, tail docking, defanging, declawing, branding, piercing or kills any animal in any manner other than that prescribed by the Committee; or
- (p) Solely with a view to providing entertainment–
 - (i) Confines or causes to be confined any animal (including tying of an animal as a bait so as to make it an object of prey for any other animal; or
 - (ii) Incites any animal to fight any other animal or any human being;
 - (iii) organizes or keeps or uses or participates or acts in the management of any place for animal fighting, or for the purpose of baiting any animal, or permits or offers any place to be so used, contributes or receives consideration for its promotion or for the admission of any other person to any place kept or used for any such purposes; or
 - (iv) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting; or
 - (v) organizes, participates, promotes or in any manner is associated with any sport or activity involving the use of animals, where such animals are subjected to cruelty either during the sport or activity itself, or while in training; or
 - (vi) skins or roasts or kills for superstition or extracts parts of any live animals through a procedure which causes pain and suffering, for the purpose of getting skins, oils or other animal products; or
 - (vii) dynamites or electrifies streams or rivers or other water bodies; or
 - (viii) Electrifies a fence without authority of law,

Offenders shall be punishable in the case of a first offence, with fine which shall not be less than ten thousand rupees but which may extend to twenty five thousand rupees, or with imprisonment up to 2 years, or with both, and in the case of a second or subsequent offence, with fine which shall not be less than fifty thousand rupees but may extend to one lakh rupees, and with imprisonment for a term which shall not be less than one year but may extend to three years.

Provided that if at a later point in time, the need for enhancing the penalties prescribed is felt, the Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, achieve that objective through Rules framed for the purpose.

16. Classification of Surgical procedures

1. Significant surgical procedures will be classified as prohibited, restricted, controlled in regulation.
2. Restricted and controlled operation are only done by a veterinarian but the control surgical procedures are of minor risk and shall be permitted to perform by other skill person on veterinary approval where as none significant procedures are done by any skill persons as prescribed .
3. Any person other than specified in regulation will not take surgical procedure and penalty for such offence shall be Rs. 25,000 to Rs. 50,000 or six month imprisonment or both as specified.

17. Transport of animals

1. In charge of a vehicle or aircraft on which an animal is being transported, must ensure the provision of proper welfare of the animal reasonably comfortable and secure accommodation; and supply of proper and sufficient food and water.
2. In charge or owner of a vehicle, aircraft, or ship in or on which an animal is being transported commits an offence when without reasonable excuse, confines or transports an animal in a manner or position that causes the animal unreasonable or unnecessary pain or distress without adopting transport standard prescribed by the DLS.
3. The owner of or the person in charge of an animal commits an offence by allowing sick animals without reasonable excuse :
 - (a) To be driven or led on a road; or
 - (b) To be ridden; or
 - (c) To be transported in or on a vehicle, an aircraft, or a ship while the condition or health of that animal is unfit to be so driven, led, ridden, or transported.

Penalty to such offence shall be Rs. 25,000 to a corporation and Rs. 50,000 or imprisonment for 6 months, or both, in the case of an individual.

18. Breeding and supplying of animals :

No person shall carry on the business of breeding or selling any animal other than those registered with and licensed by the Committee and acting in the manner prescribed by the Committee

19. Slaughter in authorized slaughter houses :

No animal shall be slaughtered except in a slaughter house authorized in this behalf.

20. Safari parks

Owner or in charge of Safari parks and other places where wild animals raised legally for hunting or entertainment purposes shall bear the same obligations and liabilities as any other owner of, or person in charge of, an animal.

21. Supplier's obligation

- a) A person, he licensed "**supplier**" must not supply someone else an animal that has gone through surgical operation as without showing veterinarian's certificate.
- b) Suppliers will not sell to or buy from animals to a person less than 16 years of age.
- c) Penalty for such offence shall be Rs. 15,00 to Rs. 25,000

22. Severely injured animals not to be sold

- a) A person shall not purchase, acquire, keep or sell, or offer or expose for sale, an animal which is so severely injured or diseased or in such a condition that it is cruel to keep it alive.
- b) Maximum penalty: Rs 15,000 to Rs 25,000 as specified in its regulation for various species of animals.

23. Possession of prohibited trap or spur unlawful

- (a) A person must not possess and use any of the prohibited trap prescribed under regulation or a spur with sharpened or fixed rowels and cockfighting spur cap
- (b) Offence for possessing such illegal traps and spur will be fined with Rs. 15,000 to Rs 25,000 or six months imprisonment or both

24. Baits or harmful substances

- a) A person, other than the following, must not, with the intention of injuring or killing an animal, administer to, or feed, the animal a substance that the person knows is harmful or poisonous to it;
 - (i) An appointed animal welfare inspector;
 - (ii) A prescribed entity;
- b) A person must not, with the intention of injuring or killing any animal, lay bait or a substance that is harmful or poisonous to any other animal.
- c) Maximum penalty—Rs. 15,000 or 1 year's imprisonment.

25. Injuries to animals to be reported

- a) The driver of a vehicle which strikes and injures an animal shall not fail to take reasonable steps to alleviate the pain, and inform, as soon as practicable, an officer or a person in charge of the animal that the animal has been injured.
- b) Penalty for not reporting will be Rs. 5000 and other claim shall be as in other prevailing acts

26. Feral or pest animals

Killing a feral animal or pest animal for control of harmful effect from such animals shall be exempted for an offence of this act provided the act is in consistency with National Park and Wild life Protection Act, 2029 or His Majesty King Mahendra Nature Conservation Fund Act, 2039 without the use of a prohibited trap or spur.

27. Fishing using certain live bait

It is an offence exemption for an offence if—

- (a) the act that constitutes the offence involves the use of a live creature as follows for bait or as a lure to take, or attempt to take fish:
 - (i) a fish;
 - (ii) an invertebrate of a species from the class Cephalopoda or Malacostraca; and
 - (ii) the fishing or attempted fishing complies with any conditions prescribed under a regulation.

28. Dog population control

It is an offense to kill stray or community dogs. When public health is endangered such as in the case of a suspected rabies prevalence dogs should be captured and kept under observation for a minimum of ten days. The spread of rabies should be controlled through humane population control and mass vaccinations.

29. Slaughter under religious faith

1. Slaughtering animals to observe a religious faith and the slaughtered animal is to be used for human food without sale shall not constitute an offence of this act.
2. The procurement, transport and treatment of the animal before and during the actual act of ritual slaughter must be as per Section 15 (k) and (m) of this Act.
3. No animal slaughtered for ritual purposes shall be killed in a way that causes it not to die quickly; or causes it to die in unreasonable pain;

30. Power to alleviate suffering

1. If a veterinarian is of the opinion that an animal is so severely injured, diseased or in such a poor physical condition that it is cruel to keep it alive may destroy the animal, or ask to be destroyed in a manner that causes quick death without unnecessary suffering.
2. A veterinarian may conduct a post-mortem examination of a deceased animal and take samples from the body if he or she considers it to be necessary or desirable for the purposes of this Act.
3. A veterinarian who exercises a power under this section is entitled to receive fee from a person in charge of the animal as prescribed.

4. A veterinarian performing euthanasia on an animal should do everything possible to remove other animals from the environment so that the procedure is not viewed or heard by other animals.

Chapter 4 Codes of Welfare

31. A minimum standards for the care and conduct of animals

- 1) To establish best practices and ensure high standards of animal care, the Minister for Agriculture and cooperatives on the recommendation of the Animal Welfare and Ethics Committee will adopt a code of practice relating to animal welfare or vary or revoke or adopted code of practice, by notice in the Gazette .
- 2) while also outlining the minimum acceptable standards of care, both codes of welfare and recommendation of minimum standards shall be issued and systematically reviewed to ensure that they reflect current standards and practices.
- 3) A minimum standards for the care and conduct of animals by the owner regarding species, purpose of use, type of establishment, transport, slaughter and other entertainment and scientific use will be established through Codes of Animal Welfare with minimum standard and best practices to be observed by the persons caring for animals based on current scientific knowledge.
- 4) Recommended best practices in the codes are not legally binding. But failing to meet minimum standards can support a prosecution under the Animal Welfare Act. Similarly, evidence of meeting or exceeding minimum standards can be used as a defence against prosecution

32. Preparation of code

- 1) The Department of Livestock Services or approved organizations or civic societies or any person other than the National Animal Welfare and Ethics Committee can draft code of welfare. After the approval from the National Animal Welfare and Ethics committee, these draft codes will be subjected to public notification by publishing in one or more national daily newspapers or any other suitable means.
- 2) The National Animal Welfare and Ethics Committee may consult with those persons who, in response to a notice published make submissions on the draft code of welfare.
- 3) Ministry of Agriculture and co-operatives of Government of Nepal may, after considering the recommendation made by the National Animal Welfare and Ethics Committee decide to issue the code of welfare by a notice in the Gazette.
- 4) The National Animal Welfare and Ethics Committee may from time to time, at an intervals of not more than 5 years, reviews every code of welfare in force
- 5) As per advice of the National Animal Welfare and Ethics Committee, Nepal Government / ministry may from time to time, by notice in the Gazette may revoke, or amendment the code of welfare.

CHAPTER 5

USING ANIMALS FOR SCIENTIFIC PURPOSES

33. “Scientific purposes”

An animal is used for “scientific purposes” if it is used—

- (a) In an activity performed to acquire, demonstrate or develop knowledge or a technique in a scientific discipline; or *Examples of an activity for paragraph (a)*—
 - (I.) Diagnosis

- (II.) Environmental studies
 - (III.) Field trials
 - (IV.) Producing biological products
 - (V.) Product testing
 - (VI.) Research
 - (VII.) Teaching.
- (b) In connection with an activity mentioned in paragraph (a).
- (i) However, despite subsection (1), banding a bird or tagging a fish is not use of the bird or fish for scientific purposes.
 - (ii) The use of an animal for scientific purposes also includes using any of the remains of an animal that was killed for the purpose of carrying out an activity mentioned in subsection (1).

Requirement for registration

No person may carry out research, testing, or teaching involving the use of animals unless approved by the Committee for the Purpose of Control and Supervision of Experiments on Animals, established under this Act.:

34. Committee for control and supervision of experiments on animals :

- (1) For the purpose of controlling and supervising experiments on animals, there shall be established by the Central Government a Committee by notification in the official gazette consisting of such number of officials and non-officials, as it may think fit to appoint thereto, and which shall include
- (i) One representative from the Animal Welfare and Ethical Committee
 - (ii) One representative of the Nepal Veterinary Council
 - (iii) three reputed members of an Animal Welfare Organization
 - (iv) One Representative from a University that has Veterinary Faculties
 - (v) One representative from Nepal Medical Research Council
 - (vi) One representative from Nepal Animal Science Association

(2) The Central Government shall nominate one of the Members of the Committee to be its Chairman.

(3) The Committee shall have power to regulate its own Procedure in relation to the performance of its duties.

(4) The funds of the Committee shall consist of grants made to it from time to time by the Government and of contributions, donations, subscriptions, bequests, gifts and the like made to it by any person.

35. Sub-Committees :

(1) The Committee may constitute as many sub-committees as it thinks fit for exercising any power or discharging any duty of the Committee or for inquiring into or reporting and advising on any matter which the Committee may refer.

(2) A sub-committee shall consist of Members of the Committee and other persons to aid and advice the committee. The sub committee may also co-opt other members if needed.

36. Staff of the Committee :

Subject to the control of the Central Government, the Committee may committee appoint such number of officers and other employees as may be necessary to enable it to exercise its powers and perform its duties and may determine the remuneration and other terms and conditions of service of such officers and other employees.

37. . Duties of the Committee and power of the Committee to make rules relating to experiments on animals :

(1) It shall be the duty of the Committee to take all such measures as may be necessary to ensure that animals are not subjected to unnecessary trauma, pain or suffering before, during or after the performance of experiments on them, and ensure that experiments only to gain manual skills, or experiments whose results are known, or experiments that have non animal alternatives, or repetitive experiments, are not performed and to maintain records of various experiments performed by institutes registered with it, and to

maintain details of various available non animal alternatives and for that purpose it may, by notification in the Gazette and subject to the condition of previous publication, make such rules as it may think fit in relation to the conduct of such experiments.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the following matters namely:

(a) the registration of institutions carrying on experiments on animals;

(b) the reports and other information which shall be forwarded to the Committee by institutions carrying on experiments on animals;

(3) In particular, and without prejudice to the generality of the foregoing power, the regulations made by the Committee shall be designed to secure the following objectives, namely:

(a) that in cases where experiments are performed in any institution, the responsibility for such experiments would be on the person in charge of the institution, and that in cases where experiments are performed outside an institution by others on their behalf, the responsibility for such experiments shall be joint in ensuring that the experiments are performed by qualified individuals in compliance with the conditions prescribed by the committee;

(b) the experiments are performed with due care and humanity and that experiments involving operations are performed under the influence of an anesthetic of sufficient potency to prevent the animals feeling pain;

(c) that animals which, in the course of experiments under the influence of anesthetics, are so injured that their recovery would involve serious suffering, are euthanized in the manner prescribed while still insensible;

(d) that experiments and dissections are avoided in hospitals, educational institutes including undergraduate medical colleges, pharmacy colleges, zoology and other degree and diploma colleges and universities;

(e) that experiments on certain species of animals are avoided when it is possible to achieve the same results by experiments upon other species of animals that are less affected by the experiments;

(f) that experiments are not performed for the purpose of acquiring manual skill;

(g) that the animals intended to be used or used for experiments are cared for during and after experiments and rehabilitated wherever feasible in rehabilitation centers, and not in such offending institutes;

(h) that suitable records are maintained with respect to experiments performed on animals.

(4) In making any regulations under this section, the Committee shall be guided by such directions as the Central Government (consistent with the object for which the Committee is set up) may give to it, and the Central Government is hereby authorized to give such directions.

(5) All rules/regulations made, and requirements/conditions prescribed by the Committee

a) shall be binding on all individuals performing experiments outside institutions and on

b) persons in-charge of institutions in which experiments are performed.

c)

38. Power of entry and inspection :

For the purpose of ensuring that the rules/regulations made, or requirements/conditions prescribed by it are being complied with, the Committee or the Board as the case may be may authorize any of its officers or any other person in writing to inspect any institution or place where experiments are being carried on, and report to the committee, the result of such inspection, and any officer or person so authorized may—

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

(b) require any person to produce any record kept by him with respect to experiments on animals; and

(c) Seize the animal if he has any reason to believe that the provisions of the Act are not being complied with or that the animals are being treated cruelly. The animals so seized shall be kept in the custody of a recognized animal welfare organization

39. Power to prohibit experiments on animals :

If the Committee is satisfied, on the report of any officer or other person made to it as a result of any inspection under section 38 or otherwise, that the rules/regulations made or requirements/conditions prescribed by it under section 37 are not being complied with by any person or institution carrying on experiments on animals, the Committee may, after giving an opportunity to the person or institution of being heard in the matter, by order, prohibit the person or institution from carrying on any experiments either for a specified period or indefinitely, or may allow the person or institution to carry on such experiments subject to such special conditions as the Committee may think fit to impose.

40. Penalties :

If any person-

- (a) contravenes Section 33 or any order made by the Committee under section 39; or
- (b) commits a breach of any requirement/condition imposed by the Committee under those sections; he shall be punishable with fine which shall not be less than twenty thousand rupees but may extend to fifty thousand rupees, or imprisonment which shall not be less than one year but may extend to three years, or with both, and in the case of a second or subsequent offence with fine which shall not be less than seventy five thousand rupees but may extend to rupees one lakh, and with imprisonment which shall not be less than two years but which may extend to five years.

Further, that when the contravention or breach has taken place within an institution, the person in charge of such an institution shall also be deemed to be jointly guilty of the offence, and shall be punishable accordingly under the Act. Provided that if at a later point in time, the need for enhancing the penalties prescribed is felt, the Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, achieve that objective through Rules framed for the purpose.

41. Reporting obligations of registered person

- (1) Each registered person must, on or before 16 th July in each year shall submit a written "annual report" to the Committee covering the activities of that fiscal year.
- (2) For subsection (1), an annual report must state—
 - (a) Information prescribed under a regulation about—
 - (i) Animals (numbers, species) that the institute has used, or allowed to be used, with details about the scientific purposes; and
 - (ii) Complaints, inquiries and grievances about the use of animals for scientific purposes; and
 - (b) Another matter prescribed under a regulation about the scientific use of animals by the person.
- (3) Maximum penalty in failing submission of the report shall be Rs 25,000.

CHAPTER 6 PERFORMING ANIMALS

42. "Exhibit" and "train" defined :

In this Chapter, "exhibit" means exhibit and/or display at any entertainment, and "train" means train for the purpose of any such exhibition, and the expressions "exhibitor" and "trainer" have respectively the corresponding meanings.

43. Restriction on exhibition and training of performing animals :

No person shall

- (i) exhibit or train any performing animal unless he is registered in accordance with the provisions of this Act.
- (ii) exhibit or train as a performing animal, any animal which the Nepal Government may, by notification in the official gazette, specify as an animal which shall not be exhibited or trained as a performing animal.

44. Procedure for registration :

- (1) Every person desirous of exhibiting or training any performing animal may, on making an application in the prescribed form to the Animal Welfare and Ethics Committee and on payment of the prescribed fee, be registered under this Act, unless the Animal Welfare and Ethics Committee is of the opinion that such exhibition, training, or performance shall cause trauma, pain or suffering to the animal.
- (2) An application for registration under this Chapter shall contain such particulars as to the animals and as to the general nature of the performances in which the animals are to be exhibited or for which they are to be trained as may be prescribed, and the particulars so given shall be entered in the register maintained by the prescribed authority.
- (3) The prescribed authority shall give to every person whose name appears on the register kept by them, a certificate of registration in the prescribed form containing the particulars entered in the register.

(4) Every register kept under this Chapter shall at all reasonable times be open for inspection on payment of the prescribed fee, and any person shall, on payment of the prescribed fee, be entitled to obtain copies thereof or make extracts therefrom.

(5) Any person whose name is entered in the register shall, subject to the provisions of any order made under this Act by any court, be entitled, on making an application for the purpose, to have the particulars entered in the register with respect to him varied, and where any such particulars are so varied, the existing certificate shall be cancelled and a new certificate issued.

45. Power to enter premises :

(1) Any person authorized in writing by the prescribed authority referred to in section 44 and any police officer not below the rank of a subinspector may

- (a) enter at all reasonable times and inspect any premises in which any performing animals are being trained or exhibited or kept for training or exhibition, and check any such animals found therein; and
- (b) require any person who, he has reason to believe is a trainer or exhibitor of performing animals to produce his certificate of registration.

46. Offences : If any person -

(a) not being registered under this chapter, exhibits and/or displays or trains any performing animal; or

(b) being registered under this Act, exhibits and/or displays or trains any performing animal with respect to which or in a manner with respect to which, he is not registered; or in violation of the terms and conditions specified by prescribed authority; or provides false or inaccurate information for obtaining registration; or

(c) exhibits and/or displays or trains as a performing animal, any animal which is not to be used for the purpose by reason of a notification issued under clause (ii) of section 43;

or

(d) obstructs or wilfully delays any person or police officer referred to in section 45 in the exercise of powers under this Act as to entry and inspection; or

(e) conceals any animal with a view to avoiding such inspection; or

(f) being a person registered under the Act, on being duly required in pursuance of this Act to produce his certificate under this Act, fails without reasonable excuse so to do; or

(g) applies to be registered under this Act when not entitled to be so registered; or

(h) inflicts injury during training, exhibition and/or display, performance, or carelessly handles or negligently causes trauma, pain or suffering to the animal; or

(i) being a producer of cinematography makes an animal perform in a film without seeking prior permission of the prescribed authority; or

(j) being a broadcaster, broadcasts any programme in which an animal is made to perform without seeking prior permission of the prescribed authority,

He shall be punishable, on conviction, with fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees, or imprisonment which shall not be less than one year but may extend to three years, or with both, and in the case of a second or subsequent offence, with fine which shall not be less than seventy five thousand thousand rupees but may extend to one lakh rupees, and with imprisonment which shall not be less than two years but which may extend to five years.

Provided that if at a later point in time, the need for enhancing the penalties prescribed is felt, the Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, achieve that objective through Rules framed for the purpose.

47. Exemptions:

Nothing contained in this Chapter shall apply to -

(a) the training of animals for bonafide military or police purpose or the exhibition of any such animals so trained; or

(b) animals kept in any zoological garden as recognized by the Department of Wildlife

Chapter 7

Provisions Relating to Administration

Purpose of this is to specify the criteria for an organization to be declared as an approved organization and the powers and duties of approved organizations in relation to animals in their custody; and provide for the appointment of inspectors and auxiliary officers and their function.

48. Approved organizations

Government of Nepal may from time to time, on the application of any organization, declare that organization, by notice in the Gazette, to be an approved organization for the purposes of this Act.

49. Criteria

Government of Nepal must, before declaring an organization to be an approved organization for the purposes of this Act, be satisfied, by the production to Government of Nepal of suitable evidence, that;

- (i) The principal purpose of the organization is to promote the welfare of animals; and
- (ii) The accountability arrangements, financial arrangements, and management of the organization are such that, having regard to the interests of the public, the organization is suitable to be declared to be an approved organization; and
- (iii) The functions and powers of the organization are not such that the organization could face a conflict of interest if it were to have both those functions and powers and the functions and powers of an approved organization; and
- (iv) The employment contracts or arrangements between the organization and the organization's inspectors and auxiliary officers are such that, having regard to the interests of the public, the organization is suitable to be declared to be an approved organization; and
- (v) The persons who may be recommended for appointment as inspectors or auxiliary officers will have the relevant technical expertise and experience to be able to exercise competently the powers, duties, and functions conferred or imposed on inspectors and auxiliary officers under this Act.
- (vi) All the organization approved under this act must submit their annual progress report before or on 16th July of every year and prescribed subscription fee for annual renewal of the organization.

50. Appointment of inspectors

- 1) Director General of DLS will seek approval from the National Animal Welfare and Ethical committee for an individual or a government employee or any person on the recommendation of an approved organization or Zonal/State Animal Welfare Committee before appointment of any person as an inspector for the purposes of this Act. Particular purposes will be specified in the inspector's instrument of appointment letter; or particular purposes of this Act or the general purposes of this Act; or a particular district or to act generally throughout country.
- 2) DG, DLS may appoint a person to be an inspector under subsection 1) only where the NAWEC is satisfied that the person has the experience, technical competence, and other qualifications to undertake the functions of an inspector.
- 3) Every gazetted officer of the police force is, by virtue of his or her office, deemed to be an inspector appointed to act generally throughout Nepal for the general purposes of this Act.
- 4) Every inspector appointed under subsection (1)---
 - (a) Is appointed for such term, not exceeding 5 years, as Government of Nepal thinks fit, and is eligible for reappointment from time to time:
 - (b) May at any time be removed from office by Government of Nepal for incapacity affecting performance of duty, neglect of duty, or misconduct proved to the satisfaction of the Government:
 - (c) May resign his or her office by giving written notice to that effect to Government of Nepal:
 - (d) Should surrender to Government of Nepal his or her instrument of appointment after expiry of his or her term appointment.
- e) The Director-General may from time to time establish performance standards and technical standards for inspectors appointed under subsection (1).
- (f) Every inspector appointed under subsection (1) or subsection (2) must, when performing his or her functions or duties under this Act or exercising his or her powers under this Act, use his or her best endeavors to comply with, and give effect to, the relevant performance standards or technical standards.

51. Appointment of auxiliary officers

- 1) The Director-General may from time to time, on the recommendation of an approved organization and district animal welfare committee may appoint any person to be an auxiliary officer for the purposes of this Act.
- 2) No person appointed as an auxiliary officer by the Director-General under this section be an employed in the public service by virtue of that appointment.
- 3) The Director-General may at any time revoke any appointment made under subsection (1).

52. Inspectors and auxiliary officers to act under direction of Director-General

- 1) All inspectors and auxiliary officers must act under the direction of the Director-General in the exercise and performance of the powers, duties, and functions conferred or imposed on them under this Act.
- 2) In the event of any conflict arising between the powers, duties, and functions conferred or imposed on an inspector or auxiliary officer, as the case may be, as an employee or member of an approved organization and the powers, duties, and functions conferred or imposed on that inspector or auxiliary officer under this Act, the powers, duties, and functions conferred or imposed on that inspector or auxiliary officer under this Act prevail.

53. Power to inspect land, premises, and places and stationary vehicles, aircraft, and ships

- 1) An inspector may enter, without warrant, that land or those premises or that place or any such vehicle, aircraft, or ship for the purposes of inspecting any animal on or in that land or those premises or that place or in or on any such vehicle, aircraft, or ship at any reasonable time or times;
- 2) A member of the police may, for the purpose of exercising the powers conferred by this section or of enabling an inspector to exercise any of the powers conferred by this section, stop any vehicle if the member of the police has reasonable grounds to believe that an animal on or in that vehicle is suffering or is likely to suffer unreasonable or unnecessary pain or distress.
- 3) May take all such steps as the inspector considers are necessary or desirable to prevent or mitigate the suffering of the animal; and
- 4) May, by notice in writing given by the inspector to the owner or the person in charge of the animal or any person appearing to be in charge of the animal, require the person to whom the notice is given to take all such steps as the inspector considers are necessary or desirable to prevent or mitigate the suffering of the animal.
- 5) A person commits an offence that, without reasonable excuse, refuses or fails to comply with any requirement of an inspector under subsection (4) (b).
- (iii) A person who commits an offence against subsection (4) is liable to a fine not exceeding Rs 15,000 in the case of an individual and Rs 30,000 in the case of a corporate body.

54. Powers in Relation to Injured or Sick Animals

- 1) If an inspector, auxiliary officer, or a veterinarian finds a severely injured or sick animal in any place, and in his or her opinion, the animal should be destroyed because reasonable treatment will not be sufficient to make the animal respond and the animal will suffer unreasonable or unnecessary pain or distress if it continues to live, he or she must, as soon as possible,
 - (a) Consult with the owner of that animal, if that owner can be found within a reasonable time; and
 - (b) If the owner asks for a second opinion from a veterinarian as to whether that animal should be destroyed, allow the owner to obtain that second opinion.
- 2) If the owner of a severely injured or sick animal cannot be found within a reasonable time or the owner of a severely injured or sick animal does not, agree to the destruction of the animal and is not possible to obtain a second opinion from a veterinarian within a reasonable time the inspector, or auxiliary officer, or veterinarian, as the case may be, must, without delay, destroy that animal or cause it to be destroyed.
- 3) If the owner of a severely injured or sick animal is found and consulted under subsection (1), and agrees destroy of and second opinion from other veterinarian endorses the destruction either the inspector, auxiliary officer, veterinarian or slaughterhouse official, as the case may be, must, without delay, destroy that animal or cause it to be destroyed; or
- 4) When, under this section, an inspector, auxiliary officer, or veterinarian destroys an animal, the carcasses should be disposed off in a suitable manner as it may be fit.
- 5) Animals suspected of being diseased should not be returned to the owner if the intention is

- 6) to consume the carcass as food.
- 7) Penalty: NRs. 25,000 or imprisonment for 6 months.

55. Duties of approved organization

- 1) Where a person other than the owner of an animal gives that animal into the custody of an approved organization and that approved organization accepts custody of that animal, or where an approved organization takes any animal into its custody, that approved organization;
 - (a) Must take reasonable steps to identify the owner of the animal; and
 - (b) May take such steps, as it considers necessary or desirable to prevent or mitigate any suffering of the animal.
- 2) Where the approved organization cannot identify the owner of the animal, an inspector or auxiliary officer acting for the approved organization after animal being in custody for 30 days may recommend for sell of the animal; or find a home for the animal; or destroy or dispose the animal in such manner as the inspector or auxiliary officer thinks fit and does not violate the welfare codes:
- 3) Where the approved organization both identifies the owner of the animal and knows the address of the owner of the animal, the approved organization must give to the owner a written notice informing the owner that the approved organization is holding the animal in its custody and that, unless the owner, within 7 days of the receipt of that notice, claims the animal and pays any costs incurred by the approved organization in caring for the animal or in providing veterinary treatment to the animal (being costs that the approved organization wishes to claim), the approved organization may---
 - (a) Sell the animal; or
 - (b) Find a home for the animal; or
 - (c) Destroy or otherwise dispose of the animal in such manner as the inspector or auxiliary officer thinks fit and does not violate the welfare codes:.
- 4) Where an animal is sold under subsection (2) or subsection (4), the approved organization must, after deducting any costs incurred by the approved organization in caring for the animal or providing veterinary treatment to the animal, apply the proceeds of the sale towards the costs of the animal welfare work of the approved organization.

56. Obligation to maintain register

- (i) An approved organization must record in a register the numbers and types of animals sold, re-homed, destroyed, or otherwise disposed off in relation to each animal,
 - (a) Particulars of the date when custody of the animal was obtained and of the date when the animal was disposed of; and
 - (b) A record of whether the animal was sold, re-homed, destroyed, or otherwise disposed of.
- (ii) The records in relation to each animal must be kept for at least 1 year after the date on which the approved organization obtained custody of the animal.

57. Application for enforcement order

- (i) An inspector or District Animal welfare and Ethical Committee may apply to a District Court for an enforcement order requiring any person to comply with the provisions of---
 - (a) This Act; or
 - (b) Any regulations made under this Act; or
 - (c) A code of ethical conduct or conditions imposed by an Animal Ethics Committee in giving its approval of a project.
- (ii) Every application to a District Court under this section must be for enforcement order that has been acting in contravention of the provisions of this Act or of any regulations made under this Act or of any code of ethical conduct or of any conditions imposed by an Animal Ethics Committee in giving its approval of a project or is likely to do so.
- (iii) Temporary enforcement order; An enforcement order may be made on an application without notice if the District Court is satisfied that the delay that would be caused by proceeding on notice would or might entail a risk of harm to any animal.

58. Appeals to High Court

- (i) Where, on any application a District Court---

- (a) Has made or refused to make an enforcement order; or
 - (b) Has otherwise finally determined or has dismissed the proceedings, any party to the proceedings or any other person prejudicially affected may appeal to the High Court in accordance with this section.
- (ii) An appeal under this section must be made within 21 days .
- (iii) High Court decision on an appeal under this section is final.

59. Protection of persons acting under authority of Act

- (i) No inspector, auxiliary officer, accredited reviewer, or person assisting an inspector or member of the police is personally liable for any act done or omitted in good faith by the inspector, auxiliary officer, accredited reviewer, or person in pursuance or intended pursuance of any of the functions, duties, or powers conferred by this Act on the inspector, auxiliary officer, accredited reviewer, or person.

60. Obstruction of inspector or auxiliary officer

- (i) A person commits an offence that willfully obstructs or hinders an inspector or auxiliary officer in the exercise of the inspector's or auxiliary officer's powers or in the performance of the inspector's or auxiliary officer's duties under this Act.
- (ii) A person who commits an offence against subsection (1) is liable on a summary conviction, ---
 - (a) In the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding Rs.15,000 or to both; or
 - (b) In the case of a corporate body, to a fine not exceeding Rs 25,000.

Chapter 8 Miscellaneous Provisions

61. Hunting in safari parks

Nothing in this Act makes it unlawful to hunt a wild animal that is permitted by other acts for hunting in a safari park.

62. Agricultural compounds and hazardous substances

Nothing in this Act applies in relation to the use of---

- (i) Any agricultural compound that---
 - (a) Is registered under the Agricultural Compounds and Veterinary Medicines Act
 - (b) Is used in accordance with the conditions subject to which it is registered

63. Criteria in relation to recovery of costs

- (i) The costs that are justifiable and calculated in a transparent way for administering this Act is intended to be recovered in accordance with the principles of equity and efficiency. Government of Nepal shall support regulatory function of this act initially for five years and in subsequent years recovery mechanisms of costs of a particular function or service shall be encouraged.
- (ii) Regulations made under in may provide for the recovery of the costs of administering this Act and of performing the powers, duties, and functions conferred or imposed by or under this Act by 1 or more of the following methods:
 - (a) Fixed charges:
 - (b) Charges fixed on an hourly or other unit basis:
 - (c) Estimated charges paid before the provision of the service or performance of the function followed by reconciliation and an appropriate payment or refund after provision of the service or performance of the function:
 - (d) Actual and reasonable charges:

- (e) Refundable or non-refundable deposits paid before provision of the service or performance of the function:
- (f) Charges imposed on users of services or third parties:
- (g) Liens on property in the possession of the Crown.

64. Amendment and nullification of conflicting acts

If this Act is conflicted with other existing Acts then either conflicting act may be made nullified or be amended in accordance with this Act.