



Office of the Commissioner for Animal Welfare

**Investigation by the Commissioner for Animal Welfare into an Inspection Conducted by the
Animal Welfare Directorate in Fra Diegu, Marsa on 8th October 2025**

Submitted by: Alison Bezzina

Commissioner for Animal Welfare

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Executive Summary

This investigation by the Office of the Commissioner for Animal Welfare (CAW) concerns an inspection conducted by the Animal Welfare Directorate (AWD) on 8 October 2025 at a residence in Fra Diegu, Marsa. During the inspection, a Chihuahua was found in poor condition and confiscated. However, another dog, a Pitbull, was left behind despite also showing signs of neglect.

Following media reports and subsequent complaints received by the CAW, an investigation was launched to review the Directorate's handling of the case, the decision-making process, and its alignment with the Animal Welfare Act (Cap. 439). The investigation found that the Pitbull displayed indicators of neglect, including poor nutrition and cropped ears—an illegal practice in Malta constituting cruelty under the law. These findings should have prompted immediate confiscation.

Correspondence between CAW and AWD revealed significant delays in communication and highlighted AWD's current interpretation of the law — namely, that CAW lacks the authority to inspect sites under investigation. This interpretation is not only overly restrictive but also a convenient one for AWD, as it effectively shields the Directorate from external scrutiny during the most critical stages of an investigation. By preventing the Commissioner from conducting independent on-site assessments, AWD retains exclusive control over evidence gathering and case interpretation, thereby weakening transparency and limiting the Commissioner's ability to fulfil her statutory duty to review and investigate the Directorate's work as outlined in Article 44A(f) of the Animal Welfare Act.

The report concludes that AWD's decision to leave the Pitbull with the owner was inconsistent with Article 44B of the Animal Welfare Act, which empowers the Director to seize any animal likely to be

subjected to ill treatment. It further recommends that confiscation decisions should be made at Director level, CAW should be granted inspection powers, and the law should establish clear response timeframes during open investigations. The Ministry is urged to address the persistent lack of space at AWD, which continues to undermine the Directorate's operations and decision-making.

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1. Background

On 8 October 2025, media outlets reported that the Animal Welfare Directorate (AWD) conducted an inspection at a residence in Fra Diegu, Marsa, where a Chihuahua was found in very poor condition and subsequently confiscated.

<https://tvmnews.mt/news/ufficjali-tal-animal-welfare-jikkonfiskaw-kelb-miz mum-fuq-bejt-fil-marsa/>

During a TVM interview, the AWD veterinarian stated that the dog had not been provided with even basic veterinary care and was suffering from serious health issues.

<https://youtu.be/xleWBtuyUvQ?si=7yYc7g8H2X0E6XZ0>

On 9 October 2025, the Office of the Commissioner for Animal Welfare (CAW) received credible reports and photographs indicating that another dog — a Pitbull — was also found on the same premises in unsatisfactory condition, yet was not seized. CAW initiated an investigation to understand the rationale behind the decision to confiscate one animal but not the other.

2. Correspondence and Timeline

9 October 2025 - CAW formally wrote to the Director of Animal Welfare requesting the full inspection report, and justification for not confiscating the Pitbull.

Evening of 9 October 2025 - The Director replied, attaching a redacted report and asserting that CAW had no authority to conduct site inspections under Cap. 439. The Director warned that any independent inspection would be ultra vires and unethical.

10 October 2025 - CAW responded, disagreeing with the Director's interpretation of the law and recommending that AWD urgently conduct a second inspection, this time with a second veterinarian to ensure an independent opinion. The Commissioner reiterated that the decision to confiscate should not depend solely on body condition, but on the overall risk of neglect.

14 October 2025 - AWD followed up to inform CAW that a veterinary inspection was scheduled to take place within two weeks, as advised by the veterinarian on duty. An interim visit by AWD had reportedly taken place, during which the owner was found to have changed the dog's diet.

22 October 2025 - CAW requested clarification on whether an internal Standard Operating Procedure (SOP) exists for cases where multiple animals are found during an inspection but only some show signs of neglect. CAW also asked how AWD determined that the Pitbull was not at risk of likely neglect, given the authority provided under Article 44B to act pre-emptively.

To date, no further updates have been received, and to CAW's knowledge, the Pitbull remains in the care of the same owner.

3. Observations

1. Inconsistent Enforcement

The decision to confiscate the Chihuahua but leave the Pitbull raises serious concerns about consistency and judgement. Both animals were under the care of the same owner, in the same environment, suggesting a pattern of neglect rather than an isolated incident.

2. Welfare Risk and Neglect

The Pitbull's primary issue was poor nutrition, one of the most basic indicators of neglect and a breach of responsible ownership. This alone justifies confiscation under Article 44B of the Animal Welfare Act, which empowers AWD to seize any animal that "has been or is likely to be subjected to ill treatment."

Furthermore, the Pitbull was found to have cropped ears, an illegal practice in Malta and an act that constitutes mutilation and cruelty under the Animal Welfare Act. Unless the owner could provide verifiable proof that the dog had been adopted or imported with its ears already cropped, this fact should have been treated as a separate and serious breach of the law. The presence of a dog with cropped ears, combined with signs of nutritional neglect, represents clear evidence of cruelty and further justified immediate confiscation.

3. Decision-Making Authority

Evidence suggests that the attending veterinarian made the confiscation decision primarily on clinical grounds. However, such decisions should be taken by the Director, who must consider both medical and environmental welfare factors.

4. Resource Constraints and Potential Bias

Given AWD's ongoing and persistent space limitations, which have never been effectively addressed, questions remain as to whether lack of space influenced the decision to leave the Pitbull behind. The fact that a smaller breed was seized while a larger one was not adds to public suspicion and undermines confidence in AWD's objectivity.

5. Oversight Limitations

AWD's position that CAW lacks authority to conduct inspections severely limits CAW's ability to fulfil its legal duty under Cap. 439, Article 44A(f) to review and investigate the Directorate's operations. This restrictive interpretation of the law is concerning from an accountability perspective.

6. Lack of Urgency and Accountability

. There are currently no repercussions for delayed responses from AWD even during an open CAW investigation. This undermines transparency, hinders timely oversight, and risks eroding public confidence in the system's responsiveness to animal welfare concerns.

4. Findings

1. The Chihuahua's confiscation was appropriate and lawful.
2. The decision not to confiscate the Pitbull was unjustified given the evidence of neglect, cropped ears, and risk of continued suffering.
3. AWD's decision-making process relied too heavily on veterinary assessment without sufficient consideration of environmental and other risk.
4. AWD's interpretation of CAW's investigative powers undermines effective oversight.
5. The ongoing lack of space at AWD may be influencing welfare decisions, contrary to the best interests of the animals concerned.
6. Delayed and limited responses to the Commissioner's queries reflect a lack of procedural urgency and accountability.

5. Recommendations

1. Confiscation Policy

Article 44B(1) of the Animal Welfare Act (Cap. 439) expressly empowers the Director of Animal Welfare to “seize any animal which has been or is likely to be subjected to ill treatment.” This provision establishes not only a right but a duty to act preventively, where there is a clear likelihood of harm. It logically follows that when one animal under an owner’s care is confirmed to have suffered neglect or abuse, there exists a strong and reasonable presumption that other animals in the same environment are also at risk of similar treatment. In such cases, the likelihood threshold under Article 44B is clearly met, and all animals should be confiscated to prevent ongoing or future suffering. The decision to leave any animal behind under the same ownership should therefore be considered inconsistent with the intent and spirit of the law.

Furthermore, the Animal Welfare Act now empowers the Courts to issue bans prohibiting individuals found guilty of animal abuse from owning or residing with other animals. If the Directorate chooses to confiscate only one or two animals during an inspection—while leaving others behind—it risks weakening its own case. A Magistrate may find it difficult to justify imposing a ban when the Directorate itself had deemed it fit to leave animals in the offender’s care. The Directorate should therefore always aim for maximum legal and prosecutorial impact, ensuring that its enforcement actions support rather than undermine potential Court outcomes. Partial confiscation in such cases jeopardises both the welfare of the remaining animals and the credibility of any future prosecution.

2. Decision-Making Protocol

The final decision to confiscate or not should be taken by the Director of Animal Welfare, informed by veterinary advice but based on a holistic welfare assessment that includes environment, nutrition, shelter, and risk of ongoing neglect.

3. Inspection Powers for CAW

Since it is within the CAW's statutory remit to investigate and review the work of the Animal Welfare Directorate, it follows that the Commissioner and her officers must be empowered to re-inspect sites or cases where an AWD inspection is under question. The ability to revisit a site after a disputed or incomplete inspection should be a fundamental and unquestionable right—a no-brainer—to ensure transparency, accuracy, and fairness in animal welfare enforcement. When accompanied by community police officers, such inspections can be conducted without jeopardising ongoing investigations. The absence of this power seriously limits CAW's oversight capacity and weakens the system of checks and balances intended by law.

4. Legal Framework for Timeliness and Accountability

The Animal Welfare Act should be amended to set statutory response timeframes for AWD and other relevant authorities when responding to CAW queries during open investigations. These timeframes should be tighter and more urgent in cases where an animal is still potentially in danger or at ongoing risk of harm. The law should also include accountability mechanisms or consequences for failing to meet these deadlines, ensuring that oversight processes remain effective and that animal welfare concerns are addressed promptly.

5. Addressing Space Constraints

The Ministry responsible for Animal Welfare must prioritise resolving AWD's chronic lack of space, which continues to compromise enforcement decisions and animal welfare outcomes.

6. Second Opinion in High-Profile Cases

In controversial or sensitive cases, AWD should adopt the practice of obtaining a second veterinary opinion to ensure transparency and professional integrity.

6. Conclusion

This case demonstrates systemic weaknesses in both policy and practice within the Animal Welfare Directorate. While the Chihuahua's confiscation was justified, the decision to leave the Pitbull behind—despite clear signs of neglect, evidence of mutilation, and a legal basis for seizure—was not. The reasoning appears inconsistent with the law's preventive intent and may have been influenced by operational constraints rather than welfare principles.

The Commissioner for Animal Welfare therefore recommends urgent reform in AWD procedures, including:

- confiscating all animals at risk under the same ownership, in accordance with Article 44B of the Animal Welfare Act;
- ensuring confiscation decisions are made at the Director level;
- granting CAW officials inspection authority and the right to re-inspect disputed cases;
- establishing legal timelines for inter-entity communication—especially when animals remain at risk; and
- addressing capacity issues that impede proper enforcement.

List of Abbreviations

CAW	Office of the Commissioner for Animal Welfare
AWD	Animal Welfare Directorate
TVM	Television Malta
SOP	Standard Operating Procedure
Cap. 439	Animal Welfare Act, Chapter 439 of the Laws of Malta
Article 44A(f)	Empowers the Commissioner to review and investigate the functions and workings of the Directorate
Article 44B	Empowers the Director of Animal Welfare to seize animals that have been or are likely to be subjected to ill treatment