

Staatskoerant

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DEPARTMENT OF AGRICULTURE.

The following Bill is published for general information:

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WETSONTWERP

Om die Wet met betrekking tot die Siektes en Parasiete van Diere te Konsolideer en te wysig.

(Deur die MINISTER VAN LANDBOU ingedien te word.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en Volksraad van die Unie van Suid-Afrika, as volg:—

Woordbepalings.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) „beampte”, ’n beampte van die Departement; (xii) 5
 - (ii) „besmetlike ding”, ’n ander ding as ’n dier, vervoermiddel of parasiet wat die Minister verklaar as iets wat vermoedelik ’n siekte of parasiet in die Unie kan inbring of versprei; (vii) 10
 - (iii) „bewoner”, met betrekking tot—
 - (a) grond in gebruik deur die Staat deur een van sy Departemente of administrasies, die beampte of persoon wat belas is met die toesig, beheer of bestuur van sulke grond; 15
 - (b) grond in besit of onder die beheer van die Naturelle Trust van Suid-Afrika of ’n lokasie soos omskryf by artikel vyf-en-dertig van die Naturelle Administrasie Wet, 1927, of ’n wysiging daarvan, die opperhoof of hoofman of iemand anders wat die Minister na beraad met die Minister van Naturellesake aanwys; 20
 - (c) ’n meent of uitspanning, wat nie onder die beheer van ’n plaaslike owerheid is nie, iemand wat die Minister, na beraad met die Administrateur van die betrokke Provinsie waarin die meent of uitspanning geleë is, aanwys; 25
 - (d) ander grond insluitende kroongrond wat gehou word onder huurkontrak, lisensie of toekenning, dié persoon wat daarop woon of daarop teenwoordig is gedurende die normale tye waarop ’n bedryf waarvoor die grond gebruik word beoefen word en wat belas is met die toesig, beheer of bestuur van sulke grond of bedryf, of indien daar nie so iemand is nie, die persoon wat kragtens die bepalinge van artikel sewentien van hierdie Wet as bewoner aangewys is; (xi) 30
 - (iv) „Departement”, die Departement van Landbou; (iv)
 - (v) „dier” ’n lid van die diereryk (die mens uitgesluit), wat vir die toepassing van hierdie Wet deur die Minister by kennisgewing in die Staatskoerant verklaar word ’n dier te wees; (i) 40
 - (vi) „Direkteur”, die Staatsveearts wat in beheer is van die Afdeling Veeartsenydiens; (v)
 - (vii) „eienaar”, met betrekking tot— 45
 - (a) (i) kroongrond gehou onder huurkontrak, lisensie of toekenning met ’n opsie om sulke grond te koop, geregistreer in die Kantoor van Aktes of ’n ander registrasiekantoor, dié persoon wat geregistreer is as die houer van die huurkontrak, lisensie of toekenning; 50
 - (ii) kroongrond gehou deur ’n verkoopakte, die koper onder so ’n akte;
 - (iii) ander kroongrond, die Staatsowerheid belas met die administrasie of beheer van sulke grond; 55
 - (b) grond gehou of beheer deur ’n plaaslike owerheid of die Naturelle Trust van Suid-Afrika, daardie plaaslike owerheid of Trust;
 - (c) ander grond, die geregistreerde eienaar van die grond en sluit in indien die eienaar— 60
 - (i) afwesig is van die Unie of nie opgespoor kan word nie, sy agent of wettige verteenwoordiger, indien enige, in die Unie; of
 - (ii) minderjarig of swaksinnig of bankrot of anders onbevoeg is om sy besittings te bestuur of oorlede is, die persoon wat volgens wet gemagtig is om sy boedel te bestuur; of 65

BILL

To consolidate and amend the Law Relating to Diseases and Parasites of Animals.

(To be introduced by the MINISTER OF AGRICULTURE.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates— Definitions.
- 5 (i) "animal" means any member of the animal Kingdom, other than man, which the Minister declares by Notice in the *Gazette* to be an animal for the purposes of this Act; (v)
- 10 (ii) "authorized person" means any person authorized under paragraph (b) of sub-section (1) of section eighteen; (viii)
- (iii) "conveyance" means any vehicle, vessel or air craft; (xxi)
- 15 (iv) "Department" means the Department of Agriculture; (iv)
- (v) "director" means the state veterinarian for the time being in control of the veterinary division of the Department; (vi)
- 20 (vi) "disease" means any disease to which animals are liable and which the Minister declares by notice in the *Gazette* to be a disease for the purposes of this Act; (xvii)
- (vii) "infectious thing" means any thing other than an animal, a conveyance, or a parasite, which the Minister declares to be likely to introduce into or spread within the Union any disease or parasite; (ii)
- 25 (viii) "land", in addition to its ordinary meaning includes any building or other structure, enclosure, premises, harbour, jetty, water and wharf; (ix)
- 30 (ix) "local authority" means any body contemplated by paragraph (vi) of section eighty-five of the South Africa Act, 1909; (xiv)
- (x) "Minister" means the Minister of Agriculture; (xi)
- 35 (xi) "occupier" means, in relation to—
- (a) any land used by the State through any of its departments or administrations, the official or person having the charge, control, or management, of such land;
- 40 (b) any land owned by or vested in the South African Native Trust or any location as defined by section thirty-five of the Native Administration Act, 1927, or any amendment thereof, the chief, or headman, or any other person whom the Minister may designate as occupier after consultation with the Minister of Native Affairs;
- 45 (c) any commonage or outspan not under the control of any local authority, such person as the Minister may designate as occupier after consultation with the Administrator of the Province in which such commonage or outspan is situated;
- 50 (d) any other land, including any Crown land held under a lease, licence or allotment the person resident thereon, or present thereon during the normal hours of any business for which such land is used, and having the charge, control or management of such land or business and, if there be no such person, the person designated as occupier under the provisions of section seventeen of this Act; (iii)
- 55 (xii) "officer" means an officer of the Department; (i)
- 60 (xiii) "owner" means, in relation to—
- (a) (i) any Crown land held under a lease, licence or allotment, registered in a deeds office or other registration office, and containing an option to purchase such land, the person registered as the holder of such lease, licence or allotment;
- 65 (ii) any Crown land held under a deed of sale, the purchaser under such deed;

- (iii) 'n maatskappy is wat onder geregtelike bestuur of in likwidasië is, die geregtelike bestuurder of likwidatier, al na die geval;
- (d) 'n dier, vervoermiddel of besmetlike ding of ander roerende voorwerp, die persoon wat op die tyd 5 belas is met die bestuur, bewaring of beheer daarvan; (xiii)
- (viii) „gemagtigde persoon”, 'n persoon gemagtig kragtens paragraaf (b) van sub-artikel (1) van artikel *agtien*; (ii)
- (ix) „grond”, benewens grond in die gewone betekenis 10 ook 'n gebou of ander bouwerk, omheining, perseel, hawe, kaai, water of skeepswerf; (viii)
- (x) „hierdie Wet”, ook die regulasies daarkragtens gemaak; (xxi)
- (xi) „Minister”, die Minister van Landbou; (x) 15
- (xii) „parasiet”, 'n plant of insek of ander ongewerwelde dier wat skadelik vir diere is of in die vermoë is om siekte in die Unie in te bring of te versprei en wat vir die toepassing van hierdie Wet deur die Minister by kennisgewing in die *Staatskoerant* verklaar is 'n 20 parasiet te wees; (xiv)
- (xiii) „permit”, 'n skriftelike permit wat ooreenkomstig die regulasies deur die Direkteur uitgereik word of deur 'n beampde wat skriftelik deur hom aangewys is; (xv)
- (xiv) „plaaslike bestuur”, enige liggaam in paragraaf (vi) 25 van artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet, 1909”, bedoel; (ix)
- (xv) „polisie-beampde”, 'n lid van 'n wetlik ingestelde polisiemag; (xvi)
- (xvi) „regulasie”, 'n regulasie kragtens hierdie Wet ge- 30 maak; (xviii)
- (xvii) „siekte”, 'n siekte waaraan diere onderhewig is en wat die Minister vir die toepassing van hierdie Wet by kennisgewing in die *Staatskoerant* as 'n siekte 35 verklaar; (vi)
- (xviii) „Staatsveearts”, 'n veearts in diens van die Departement; (xix)
- (xix) „vaste veeartseny-installasie”, 'n onroerende dipbak, bespuitingstoestel, drukgang, hok of kraal of bouwerk of voorwerp, tesame met onderdele en bybehore 40 wat nodig mag wees vir gebruik vir die doen aan die diere van 'n handeling wat hierdie Wet eis; (xxii)
- (xx) „verdwaal”, met betrekking tot diere, die beweging sonder oppasser na of van grond as die beweging van sulke diere na of van sodanige grond verbied is of aan 45 beperkings onderworpe is; (xx)
- (xxi) „vervoermiddel”, 'n voertuig, vaartuig of vliegtuig; (iii)
- (xxii) „voorgeskryf”, voorgeskryf kragtens regulasie onder hierdie Wet; (xvii) 50

Beheer van invoer van diere en besmetlike dinge.

2. (1) Niemand voer 'n dier in die Unie in of 'n ding wat die Minister by kennisgewing in die *Staatskoerant* as 'n besmetlike ding vir die toepassing van hierdie artikel verklaar het nie, of laat 'n dier of sodanige ding invoer nie, behalwe op gesag van 'n permit en onderworpe aan die voorwaardes in sodanige 55 permit gestel.

(2) Geen permit om 'n dier of besmetlike ding in die Unie in te voer word uitgereik aan iemand wat aan die Departement geld skuld ten opsigte van 'n dier of besmetlike ding wat hy 60 tevore ingevoer het voordat sodanige geld nie betaal is nie.

Pligte van eienaars op vervoermiddels wat die Unie binnekom.

3. (1) By aankoms in die Unie van 'n vervoermiddel van 'n plek van vertrek buite die Unie is dit die plig van die eienaar van sodanige vervoermiddel—

- (a) om sonder versuim skriftelik aan die voorgeskrewe beampde of persoon alle besonderhede van diere of 65 besmetlike dinge gemeld in sub-artikel (1) van artikel *twee* in of op sy vervoermiddel te verskaf, ongeag of hulle 'n deel vorm van die lading, vrag, toerusting of voorrade van die vervoermiddel of die eiendom is of in bewaring is van 'n passasier of lid van die bemanning 70 of personeel van sodanige vervoermiddel ongeag of hulle of sommige van hulle bestem is om in die Unie aan land gesit te word;
- (b) om in sodanige verslag inligting te verskaf wat 75 aantoon—
 - (i) die name van alle hawens of plekke deur sodanige vervoermiddel besoek op sy vaart of reis na die Unie;

- (iii) any other Crown land, the State authority administering or controlling such land;
- (b) any land vested in or controlled by any local authority or the South African Native Trust, such local authority or trust;
- (c) any other land, the registered owner of such land, and includes, if such owner—
- (i) is absent from the Union, or cannot be traced, his agent or legal representative, if any, in the Union; or
- (ii) is a minor, or mentally disordered or insolvent or otherwise incompetent in law to administer his estate, or is deceased, the person authorized by law to administer his estate; or
- (iii) is a company under judicial management or in liquidation, the judicial manager or liquidator, as the case may be;
- (d) any animal, conveyance, or infectious or other movable thing, the person having for the time being the management, custody or control thereof; (vii)
- (xiv) "parasite" means any plant or insect or other invertebrate injurious to animals or capable of introducing or spreading any disease into or within the Union and declared by the Minister by notice in the *Gazette* to be a parasite for the purposes of this Act; (xii)
- (xv) "permit", when used as a noun means a written permit issued in accordance with the regulations by the Director or by an officer designated by him; (xiii)
- (xvi) "police officer" means any member of a police force established under any law; (xv)
- (xvii) "prescribe" means prescribed by regulation under this Act; (xxii)
- (xviii) "regulation" means any regulation made under this Act; (xvi)
- (xix) "state veterinarian" means any veterinarian of the Department; (xviii)
- (xx) "stray" means in relation to any animal to move unattended by any person to or from any land when the movement of such an animal to or from such land is prohibited or restricted under this Act; (xx)
- (xxi) "this Act" includes the regulations made thereunder; (x)
- (xxii) "veterinary fixture" means any immovable dipping tank, spraying machine, crush, pen, race, or other structure or thing, together with such accessories and appurtenances thereof as may be necessary, for use in the doing to animals of any thing required to be done under this Act. (xix)

2. (1) Except upon the authority of a permit and subject to the conditions imposed in such permit, no person shall import, or cause to be imported into the Union, any animal or anything which the Minister may by notice in the *Gazette* declare to be an infectious thing for the purpose of this section. Control of importation of animals and infectious things.

(2) No permit to import an animal or infectious thing into the Union shall be granted to any person, who is indebted to the Department for any charges or fees in respect of any animal or infectious thing previously imported by him, until such charges or fees have been paid.

3. (1) Upon the arrival of any conveyance in the Union from any place of departure outside the Union it shall be the duty of the owner of such conveyance— Duties of owners on conveyances entering the Union.

- (a) to report in writing without delay to the prescribed officer or person particulars of all animals and infectious things referred to in sub-section (1) of section two which are in or upon his conveyance, irrespective of whether or not they or any of them are part of the cargo, load, equipment, or stores of the conveyance, or are the property or in the custody of any passenger or member of the crew or staff on such conveyance, and irrespective of whether or not they or any part of them are intended to be landed in the Union;
- (b) to include in such report information disclosing—
- (i) the names of all ports or places visited by such conveyance in the course of its voyage or journey to the Union.

- (ii) die diere en besmetlike dinge, indien enige, vervoer deur sodanige vervoermiddel tussen sodanige hawens en plekke en die kontak, indien enige, wat die diere en besmetlike dinge wat na die Unie gebring is met sodanige diere en besmette dinge gehad het; 5
- (iii) die tydelike landing opweg, indien enige, van die diere of besmetlike dinge wat deur die vervoermiddel na die Unie gebring is;
- (iv) alle gevalle van siekte of dood onder die diere op die vervoermiddel tydens die vaart of reis na die Unie; 10
- (v) die maatreëls, indien enige, geneem tydens die vaart of reis vir die ontsmetting van die vervoermiddel; en 15
- (vi) sodanige ander besonderhede as wat die Minister voorskryf;
- (c) om alle diere die Unie ingebring op te sluit en veilig te bewaar op die vervoermiddel en te sorg dat hulle nie ontsnap of verwyder word nie totdat 'n beambte magtig dat hulle verwyder, vrygelaat of dat daar andersins oor hulle beskik word; 20
- (d) om onverwyld aan die voorgeskrewe beambte skriftelik kennis te gee van die sterfte van 'n dier terwyl dit opgesluit was en van die ongemagtigde verdwyning van 'n dier uit sodanige bewaring; en 25
- (e) om enige besmetlike ding wat in of op die vervoermiddel is te hou totdat die verwydering, vrylating of ander beskikking daaroor deur 'n beambte goedgekeur is. 30

Aanhou en beskikking oor diere en dinge wat die Unie ingevoer word.

4. (1) Wanneer 'n dier of ding die Unie ingevoer word, of daarin kom en 'n Staatsveearts meen dat sodanige dier of ding 'n siekte in die Unie kan invoer of versprei, kan hy, hangende die Minister se opdrag insake die beskikking daaroor, sodanige dier of ding in afsondering aanhou. 35

(2) Die Direkteur kan, te eniger tyd en op enige plek, beslag laat lê op 'n dier of ding wat in die Unie ingevoer is of daarin gekom het en wat, na sy mening, 'n siekte kan invoer of versprei en, hangende die Minister se opdrag insake die beskikking daaroor, sodanige dier of ding in afsondering aanhou. 40

(3) Die Minister kan met betrekking tot 'n dier of ding aldus aangehou—

- (a) beveel dat dit vernietig word; of
- (b) beveel dat die eienaar dit uit die Unie verwyder binne sodanige tyd en op sodanige manier en met sodanige roete wat hy bepaal; of 45
- (c) verlot toestaan dat dit, onderworpe aan sodanige voorwaardes as wat hy stel, in die Unie gehou word; of
- (d) 'n bevel gee omtrent die beskikking daaroor, soos hy goed ag. 50

(4) Die eienaar word verantwoordelik gehou vir enige onkoste deur die Departement onder hierdie artikel aangegaan.

Beskikking oor dier of besmetlike ding wat die Minister beskou as onwettig ingevoer.

5. (1) Indien 'n dier of besmetlike ding in die Unie gevind word wat deur die Minister beskou word as in die Unie ingevoer te wees of daarin gekom het in stryd met die bepalings van hierdie Wet, of van 'n verordening deur hierdie Wet herroep kan hy dit laat konfiskeer, vernietig of na goeëddunke daaroor beskik. 55

(2) 'n Beambte of 'n gemagtigde persoon of polisiebeampte kan, hangende die Minister se besluit, beslag lê op 'n dier of besmetlike ding en dit aanhou indien hy bewus is of vermoed dat dit in die Unie ingevoer is of ingekom het in stryd met die bepalings van hierdie Wet of van 'n verordening deur hierdie Wet herroep. 60

(3) Die Minister kan 'n dier wat kragtens hierdie Wet aan vernietiging blootstaan, aanhou vir waarneming en behandeling. 65

Beskikking oor diere wat na die Unie verdwaal.

6. (1) Wanneer 'n bewoner van grond daarop, of wanneer 'n eienaar van diere tussen sy diere 'n dier vind ten opsigte waarvan hy weet of rede het om te vermoed dat sodanige dier na die Unie verdwaal het vanaf 'n plek buite die Unie, moet hy, 70

- (a) onmiddellik so 'n verdwaalde dier afsonder;
- (b) onverwyld die feite op die voorgeskrewe manier meld; en
- (c) sodanige verdwaalde dier in afsondering aanhou, hangende die Minister se opdrag wat betref die beskikking daaroor. 75

(2) Wanneer 'n beambte of 'n gemagtigde persoon binne die Unie 'n dier vind ten opsigte waarvan hy weet of rede het om te vermoed dat dit na die Unie verdwaal het, kan hy sodanige

- (ii) the animals and such infectious things, if any, carried by such conveyance between such ports or places, and the contact, if any, which the animals and such infectious things brought into the Union had with them;
- (iii) the temporary landings, if any, *en route* of the animals or such infectious things brought by the conveyance into the Union;
- (iv) all cases of sickness and death among the animals on the conveyance during the voyage or journey to the Union;
- (v) the measures, if any, taken during the voyage or journey for the disinfection of the conveyance; and
- (vi) such other particulars as the Minister may prescribe;
- (c) to confine and keep in secure confinement all animals brought into the Union upon the conveyance, and to prevent their escape or removal therefrom, until an officer has authorized their removal, or release, or disposal otherwise;
- (d) to report forthwith in writing to the prescribed officer or person the death of any animal while so confined and the unauthorized disappearance of any animal from such confinement; and
- (e) to retain any such infectious thing, which is in or upon such conveyance, until its removal, or release, or disposal otherwise, is authorized by an officer.

(2) This section shall apply to such infectious things whether they are intended to be landed in the Union or not.

4. (1) If when any animal or thing is introduced or has come into the Union it appears to a State Veterinarian that such animal or thing may introduce or spread disease into the Union, he may detain the same in isolation pending the Minister's direction as to its disposal.

Detention and disposal of animals and things introduced into the Union.

(2) The Director may at any time and place cause to be seized and detained in isolation pending the Minister's direction as to its disposal any animal or thing, which has been introduced or has come into the Union and which in his opinion may introduce or spread disease into the Union.

(3) The Minister may in respect of any animal or thing so detained—

- (a) order that it be destroyed, or
- (b) order the owner to remove it from the Union within such time and in such manner and by such route as he may direct, or
- (c) grant permission for it to be kept in the Union subject to such conditions as he may impose, or
- (d) make such other order for its disposal as he may deem fit.

(4) The owner shall be liable for any expense incurred by the Department under this section.

5. (1) If there be found within the Union any animal or infectious thing, which in the opinion of the Minister has been introduced or has come into the Union in contravention of the provisions of this Act, or of a law repealed by this Act, he may cause the same to be confiscated, destroyed or otherwise disposed of, as he may deem fit.

Disposal of animal or infectious thing which in the Minister's opinion was unlawfully introduced into the Union.

(2) Any officer or authorized person or police officer may seize and detain pending the Minister's decision any animal or infectious thing, which he knows or suspects to have been introduced or has come into the Union in contravention of the provisions of this Act or of a law repealed by this Act.

(3) The Minister may reserve for observation and treatment any animal liable to be destroyed under this Act.

6. (1) If any occupier of land finds thereon, or if any owner of animals finds with his animals, any animal which he knows or has reason to suspect has strayed thither from some place outside the Union he shall,

Disposal of animals straying into the Union.

- (a) immediately isolate such stray animal;
- (b) forthwith report the facts in the manner prescribed; and
- (c) detain such stray animal in isolation pending direction from the Minister as to its disposal.

(2) If an officer, or authorized person, finds within the Union any animal which he knows or has reason to suspect has strayed into the Union, he may isolate such animal and detain it in

dier afsonder en in afsondering aanhou of kan hy 'n bewoner van grond waarop so 'n dier is gelas om dit te doen of, wanneer so 'n dier op 'n publieke pad of plek gevind word, kan hy 'n bewoner van grond in die nabyheid gelas om dit te doen en moet hy die feite onverwyld op die voorgeskrewe wyse meld. 5

(3) Die Minister kan gelas dat sodanige dier gekonfiskeer of vernietig word of dat daar andersins oor beskik word, soos hy goed ag.

(4) Uit geld deur die Parlement beskikbaar gestel vergoed die Departement koste noodsaaklik deur 'n bewoner of eienaar aangegaan in die nakoming van die bepalings van sub-artikels (1) en (2) van hierdie artikel ten opsigte van die afsondering en aanhouding van verdwaalde diere. 10

Beheer van beweging van diere besmet of vermoedelik besmet met siekte.

7. Behalwe op gesag van 'n permit en onderworpe aan die voorwaardes in sodanige permit gestel kan niemand 'n dier, wat besmet of vermoedelik besmet is met 'n siekte, wat die Minister by kennisgewing in die *Staatskoerant* verklaar het as 'n siekte waarop hierdie artikel betrekking het, van grond waarop dit hom bevind, vervoer nie. 15

Verdwaal van diere besmet of vermoedelik besmet met siekte

8. Die eienaar van 'n dier wat besmet of vermoedelik besmet is met 'n siekte, wat deur die Minister by kennisgewing in die *Staatskoerant* verklaar is tot 'n siekte ten opsigte waarvan hierdie artikel van toepassing is, verhoed dat sodanige dier verdwaal van die grond waar dit hom bevind. 20

Beheer van beweging en verdwaal van diere in beperkte of verbode gebiede.

9. (1) Niemand bring 'n dier of ding waarvan die beweging na, op, in, binne of van grond of 'n gebied kragtens hierdie Wet verbied of beperk is na, op, in, binne of van grond of 'n gebied behalwe op gesag van 'n permit en onderworpe aan die voorwaardes in sodanige permit gestel. 25

(2) Die eienaar van 'n dier waarvan die beweging na, in, op, binne of van grond of gebied kragtens hierdie Wet verbied of beperk is, verhoed dat sodanige dier na, op, in, binne of van sodanige grond of gebied verdwaal. 30

Skut van diere besmet of vermoedelik besmet met siekte.

10. Nieteenstaande andersluidende bepalings in 'n wet betreffende skutte sit niemand 'n dier, wat besmet of vermoedelik besmet is met 'n siekte wat deur die Minister by kennisgewing in die *Staatskoerant* verklaar mag word tot 'n siekte waarop hierdie artikel betrekking het, in 'n skut of laat dit in 'n skut sit nie. 35

Bepalings vir die aanhou van en beskikking oor diere wat vervoer was of verdwaal het in stryd met hierdie Wet.

11. (1) Die Minister kan voorskryf watter maatreëls en deur wie maatreëls gencem word vir die aanhou en afsondering van en beskikking oor diere wat in stryd met die bepalings van hierdie Wet binne die Unie verdwaal of vermoedelik verdwaal het of vervoer is. 40

(2) Wanneer iemand wat nie die eienaar is van 'n dier wat ingevolge hierdie artikel aangehou is, noodwendig koste aangaan in die uitvoering van pligte hom ten opsigte van sodanige dier ingevolge hierdie artikel opgelê, word hy vir sodanige koste vergoed deur die Departement uit gelde wat deur die Parlement beskikbaar gestel word: Met dien verstande dat die Departement sodanige vergoeding kan verhaal op die eienaar. 50

Bevryding of verwydering van 'n aangehoue dier of ding.

12. (1) Niemand bevry of verwyder sonder 'n permit en onderworpe aan die voorwaardes in sodanige permit gestel 'n dier of ding wat aangehou is van 'n plek van aanhouding of afsondering nie. 55

(2) Geen sodanige permit word toegestaan ten opsigte van 'n dier waarvoor gelde aan die Departement verskuldig en betaalbaar is nie, voordat sodanige gelde nie betaal is nie.

Oprigting ens. van Veeartseny-installasies.

13. (1) Die Minister kan veeartseny-installasies op enige grond laat oprig, en die koste van die oprigting daarvan bestry uit geld wat vir daardie doel deur die Parlement voorsien word: Met dien verstande dat die Minister, na goeie dunnke, die eienaar van grond waarop sodanige veeartseny-installasie opgerig is, kan beveel om sodanige bedrag, soos deur hom vasgestel, by te dra tot die koste van sodanige oprigting: Met dien verstande verder dat indien die eienaar van grond kragtens hierdie sub-artikel bygedra het tot die koste van die oprigting van 'n veeartseny-installasie daarop en sodanige grond word aan iemand anders verpag of verhuur of is onderworpe aan 'n vruggebruik of serwituut waardeur die eienaar ontbloot is van sy reg om die grond te bewoon op die tydstop toe hy deur die Minister beveel is om by te dra tot die koste van die oprigting van die veeartseny-installasie, hy van die pagter, huurder, vruggebruiker of iemand wat die serwituut het, al na gelang van die geval, sodanige bedrag vir die gebruik van sodanige 75

isolation, or he may require the occupier of any land whereon such animal may be so to do, or if such animal be found in a public road or place, he may require the occupier of any land in the vicinity so to do, and he shall report the facts forthwith in the manner prescribed.

(3) The Minister may order any such animal to be confiscated, or destroyed, or otherwise disposed of, as he may deem fit.

(4) The Department shall out of money provided by Parliament reimburse the expenses necessarily incurred by any occupier or owner in complying with the requirements of sub-sections (1) and (2) of this section to isolate and detain stray animals.

7. No person shall except upon the authority of a permit and subject to the conditions imposed in such permit move from the land where it is, any animal infected or suspected of being infected with any disease, which the Minister may by notice in the *Gazette* declare to be a disease for the purposes of this section.

Control of movement of animals infected or suspected of being infected with disease.

8. The owner of any animal infected or suspected of being infected with any disease, which the Minister may by notice in the *Gazette* declare to be a disease for the purposes of this section shall prevent such animal from straying from the land where it is.

Straying of animals infected or suspected of being infected with disease.

9. (1) No person shall move into, within or from any land or area any animal or thing, the movement of which into, within or from such land or area is prohibited or restricted under this Act, except upon the authority of a permit and subject to the conditions imposed in such permit.

Control of movement and straying of animals in restricted or prohibited areas.

(2) The owner of any animal, the movement of which into, within or from any land or area is prohibited or restricted under this Act shall prevent such animal from straying into, within or from such land or area.

10. Notwithstanding any thing to the contrary in any law relating to pounds, no person shall impound or cause to be impounded in a public pound any animal infected or suspected of being infected with any disease, which the Minister may by notice in the *Gazette* declare to be a disease for the purposes of this section.

Impounding of animals infected or suspected of being infected with disease.

11. (1) The Minister may prescribe what, and by whom measures shall be taken for the detention, isolation, and disposal of animals which have, or are suspected of having strayed or been moved within the Union contrary to the provisions of this Act.

Provisions for detention and disposal of animals moved or straying in contravention of this Act.

(2) If any person other than the owner of an animal detained under this section is put to any necessary expenses in carrying out any duties imposed upon him under this section in respect of such animal, the Department shall out of monies provided by Parliament reimburse such expenses, provided that the Department may recover from such owner.

12. (1) No person shall rescue or remove without a permit and subject to the conditions imposed in such permit from any place of detention or isolation any animal or thing detained or isolated under this Act.

Rescue or removal of detained animal or thing.

(2) No such permit shall be granted in respect of any animal or thing on account of which charges or fees are due and payable to the Department, until such charges or fees have been paid.

13. (1) The Minister may cause veterinary fixtures to be constructed on any land and defray the cost of construction thereof out of monies provided by Parliament for that purpose: Provided that he may, if he thinks fit, order the owner of the land on which such fixture has been constructed, to contribute towards the said costs, an amount fixed by him: Provided further that if the owner of any land has under this sub-section contributed towards the costs of construction of a veterinary fixture thereon and such land is leased or let to another person or is subject to a usufruct or servitude, whereby the owner is divested of the occupation of the land at the time when he is ordered by the Minister to contribute towards the costs of construction of the fixture, he may charge the lessee, tenant, usufructuary, or person having the servitude, as the case may be, such amount in respect of the use of the veterinary fixture, and upon such terms of payment as the Minister may, having regard to the circumstances, fix: and provided further that if

Construction, etc. of veterinary fixtures.

veeartseny-installasie en op sodanige voorwaardes van betaling as wat die Minister, met inagneming van die omstandighede vasstel, kan vorder; en met dien verstande verder dat indien sodanige installasie opgerig is op Kroongrond wat gehou word deur iemand onder 'n huurkontrak, lisensie of toekenning sonder 'n opsie van aankoop en die Staat al die koste van sodanige oprigting of 'n deel daarvan gedra het, die Minister van Lande, na voltooiing van die werk, die huurgeld kan vermeerder met 'n bedrag wat hy, met inagneming van die koste van sodanige werk, redelik ag.

(2) Die Minister kan gelas dat 'n eienaar van grond waarop daar diere is waaraan iets gedoen moet word wat die gebruik van 'n veeartseny-installasie kragtens hierdie Wet verg, op sy eie koste, daarop sodanige veeartseny-installasie binne 'n vasgestelde tydperk en volgens die planne en spesifikasies deur die Minister goedgekeur bou, instandhou, herstel of verbeter: Met dien verstande dat, as sodanige grond aan iemand anders verpag of verhuur is of onderworpe is aan 'n vruggebruik of serwituut waardeur die eienaar ontbloot is van sy reg om die grond te bewoon op die tyd wanneer hy deur die Minister gelas word om sodanige veeartseny-installasie te bou of te verbeter, die eienaar na voltooiing van die werk, van die pagter, huurder, vruggebruiker of iemand wat die serwituut het, al na die geval, sodanige bedrag ten opsigte van die gebruik van die veeartseny-installasie en op sodanige voorwaardes van betaling as die Minister, met inagneming van die omstandighede, vasstel, kan vra.

(3) Wanneer twee of meer eienaars van grond deur die Minister beveel word om op hul onderskeie grond dieselfde tipe veeartseny-installasie op te rig en sulke grond grens aanmekaar of word van mekaar geskei deur grond waarop geen sodanige veeartseny-installasie is nie, kan hulle met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy stel, skriftelik ooreenkom om sodanige veeartseny-installasie op te rig op die grond van een van hulle vir die gesamentlike gebruik deur die eienaars van diere wat gehou word of wei op hul onderskeie gronde en hulle bou dan sodanige veeartseny-installasie volgens die bevel van die Minister op die grond in die ooreenkoms aangewys.

(4) 'n Ooreenkoms kragtens die bepalings van sub-artikel (3) aangegaan word vervat in 'n notariële akte wat die eienaars van die gronde onverwyld by die Registrateur van Aktes inhandig vir registrasie teen die transportaktes van sodanige grond en deponeer terselfdertyd 'n afskrif van sodanige akte by die Direkteur; sodanige ooreenkoms word nie sonder die skriftelike goedkeuring van die Minister gekanselleer of gewysig nie en solank dit van krag is, is dit bindend op die eienaars van die betrokke gronde sowel as op hul regsopvolgers.

(5) Die Minister kan in 'n bevel om 'n veeartseny-installasie op te rig eis dat die eienaar sodanige installasie oprig op 'n plek aangewys in sodanige bevel of op 'n plek uitgekies deur 'n beampte in sodanige bevel genoem.

(6) Geen veeartseny-installasie opgerig kragtens hierdie artikel of 'n bevel uitgereik deur die Minister ingevolge 'n wet deur hierdie Wet herroep, kan sonder die goedkeuring van die Minister afgebreek, gesloop, verwyder of in doeltreffendheid benadeel word nie.

Gebruik van veeartseny-installasie vir diere op grond waar dit opgerig is.

14. Die Minister kan beveel dat die bewoner van grond waarop 'n veeartseny-installasie opgerig is sodanige installasie moet gebruik vir die doen van enigiets wat kragtens hierdie Wet gedoen moet word aan 'n dier wat op sodanige grond gehou word of wei en die nodige materiaal en hulpmiddels vir sodanige gebruik moet voorsien: Met dien verstande dat, waar die installasie gebruik word vir 'n dier waarvan hy nie die eienaar is nie die bewoner betaling kan eis van die eienaar van sodanige dier teen 'n bedrag wat die Minister bepaal: Met dien verstande verder egter dat indien die installasie kragtens sub-artikel (1) van artikel dertien opgerig is en die Staat al die koste van oprigting gedra het en dit word gebruik, soos voormeld, vir enige dier waarvan die genoemde bewoner nie die eienaar is nie, kan die Minister, na goeddunke, die eienaar beveel om sodanige fooi as wat hy bepaal aan die Departement te betaal vir sodanige gebruik.

Gebruik van installasie vir diere op ander gronde.

15. Die Minister kan, met die toestemming van die bewoner van grond waarop 'n veeartseny-installasie opgerig is, die eienaar van 'n dier wat gehou word of wei op grond waarop daar nie sodanige veeartseny-installasie is nie gelas om gebruik te maak van die installasie op eersgenoemde grond om iets te doen aan sodanige dier wat kragtens hierdie Wet vereis word. Die voorbehoudsbepalings by artikel veertien is *mutatis mutandis* van toepassing op hierdie artikel.

such veterinary fixture has been constructed wholly or partly at the expense of the State on Crown land held by any person under a lease, licence, or allotment, which does not contain an option to purchase such land, the Minister of Lands may on completion of the work, increase the rent by such amount as he may deem equitable having regard to the cost of such work.

(2) The Minister may order the owner of any land, whereon there are animals to which any thing involving the use of any veterinary fixture is required to be done under this Act, to construct, maintain, repair, or improve such veterinary fixture thereon at his own expense, and within a time fixed by him and in accordance with plans and specifications approved by him: Provided that, if such land is leased or let to another person or is subject to a usufruct or servitude, whereby the owner is divested of the occupation of the land at the time when he is ordered by the Minister to construct or improve such veterinary fixture, he may on completion of the work charge the lessee, tenant, usufructuary, or person having the servitude, as the case may be, such amount in respect of the use of the veterinary fixture and upon such terms as to payment as the Minister may, having regard to the circumstances, fix.

(3) If two or more owners of land are ordered by the Minister to construct on their respective lands the same type of veterinary fixture, and such lands are contiguous or separated from each other only by land on which there is no such veterinary fixture, they may with the approval of the Minister and subject to such conditions as he may impose agree in writing to construct such veterinary fixture on the land of any one of them for the common use of owners of animals kept or depastured on their respective lands, and they shall thereupon construct such veterinary fixture in accordance with the Minister's order upon the land stipulated in the agreement.

(4) Any agreement made under the provisions of sub-section (3) shall be embodied in a notarial deed, which the owners of the lands concerned shall forthwith deposit with the Registrar of Deeds for registration against the titles to such lands, and they shall at the same time lodge a copy of such deed with the Director; such agreement shall not be cancelled nor altered without the written consent of the Minister, and while it is in force it shall be binding upon the owners of the lands concerned and upon their successors in title.

(5) The Minister may in any order to construct a veterinary fixture require the owner to construct such a fixture upon a site designated in such order, or upon a site selected by an officer named in such order.

(6) No veterinary fixture erected under this section or in terms of an order issued by the Minister under any law repealed by this Act, shall be demolished, dismantled, removed, or impaired in efficacy, without the consent of the Minister.

14. The Minister may order the occupier of any land whereon there is any veterinary fixture to use such fixture for the doing of any thing required under this Act to be done to any animal kept or depastured on such land, and to furnish the necessary materials and facilities for such use: Provided that, if the fixture is used for any animal of which he is not the owner, the occupier may charge the owner of the animal such fee for the use as the Minister may fix: Provided further however that if the fixture has been constructed in terms of sub-section (1) of section thirteen and the State has borne the whole of the cost of such construction and the fixture is used as aforesaid for any animal of which the said occupier is not the owner, the Minister may, if he thinks fit, order the owner of the animal to pay to the Department, for such use, such fee as he may fix.

Use of veterinary fixture for animals on land where it is situated.

15. The Minister may, with the consent of the occupier of any land whereon there is any veterinary fixture, order the owner of any animal kept or depastured on land whereon there is no such veterinary fixture to make use of the fixture on the first-mentioned land for the doing to such animal of any thing required under this Act to be done to it. The provisos to section fourteen shall apply *mutatis mutandis* to this section.

Use of veterinary fixture for animals on other lands.

Oprigting van
omheinings.

16. (1) Die Minister kan indien hy van mening is dat hulle nodig is om enige siekte of parasiet te beheer of die inbrenging of verspreiding daarvan te verhoed, omheinings (insluitende hekke en motorhekke) laat oprig—

(a) langs of dwarsoor 'n publieke of private pad; 5

(b) langs die grenslyn van of dwarsoor grond,

en die koste van sodanige omheinings bestry met geld wat voorsien word deur die Parlement vir die toepassing van hierdie Wet; en wanneer sodanige omheining nie meer nodig is vir die doel waarvoor dit opgerig is nie kan hy dit laat verwyder 10 of in dele of as 'n geheel laat verkoop soos dit staan teen 'n prys deur hom goedgekeur of 'n ander bevel wat hy geskik ag oor die beskikking daarvan uitreik.

(2) Die Minister kan 'n eienaar van grond beveel om, omheinings (insluitende hekke en motorhekke) binne 'n vas- 15 gestelde tyd en volgens planne en spesifikasies deur die Departement goedgekeur op sodanige grond, hetsy langs die hele of 'n gedeelte van die grenslyn of elders daarop, op te rig, in stand te hou of te verbeter as sodanige heinings na die oordeel van die Minister nodig is vir die bestryding van 'n siekte of 20 parasiet of die voorkoming van die inbrenging of verspreiding daarvan, en kan hy die eienaar van grond aan die grenslyn gelas om sodanige bydrae, as wat hy bepaal, of in geld, of arbeid of materiaal of in een van hierdie vorms, te maak, vir die oprigting, instandhouding, regmaak of verbetering van die 25 hele of 'n gedeelte van die gesamentlike grensomheining. Die derde voorbehoudsbepaling by sub-artikel (1) en die voorbehoudsbepalings by sub-artikel (2) van artikel *dertien* sal *mutatis mutandis* van toepassing wees in verband met die oprigting van heinings ooreenkomstig hierdie sub-artikel. 30

(3) Geen omheining opgerig kragtens die bepaling van hierdie artikel of enige wet herroep deur hierdie Wet, word sonder die toestemming van die Minister verwyder of minder doeltreffend gemaak nie.

Aanwysing van 'n
bewoner van
grond.

17. (1) Die Minister kan 'n eienaar van grond waarop daar 35 geen bewoner is nie, by wyse van 'n kennisgewing, gelas om, binne 'n tydperk deur die Minister bepaal; maar wat nie korter as 'n kalendermaand vanaf die datum van sodanige kennis- 40 gewing is nie, iemand deur die Minister goedgekeur, te benoem as bewoner van sodanige grond vir die toepassing van hierdie Wet en by die Direkteur 'n skriftelike ooreenkoms van die besonderhede van die voorwaardes waarop sodanige persoon die benoeming aanvaar het, te deponeer.

(2) Indien sodanige eienaar nie opgespoor kan word nie of, nadat aan hom kennis gegee is, hy in gebreke bly om 'n bewoner 45 te benoem, soos gelas, kan die Minister vir die toepassing van hierdie Wet, enigiemand wat gewillig is om as sodanig op te tree op voorwaardes waartoe ooreengekom is tussen hom en die Departement, benoem as bewoner van sodanige eienaar se 50 grond. Enige koste daardeur aangegaan deur die Departement is skuld wat die Departement op sodanige eienaar kan verhaal. Elkeen aldus benoem het die reg om sodanige grond te betree en om daar enigiets te doen waartoe 'n bewoner gemagtig is of wat van hom kragtens hierdie Wet vereis word.

Bevoegdheid van
die Minister.

18. (1) Benewens die bevoegdheid aan hom deur hierdie 55 Wet verleen, het die Minister die volgende bevoegdhede—

(a) om, kragtens hierdie Wet, pligte toe te wys aan beamp- 60 tes en ander persone of afsonderlik of as lede van 'n klas, graad of groep en van sy bevoegdheid kragtens hierdie Wet (behalwe die bevoegdheid om regulasies te maak en om die oprigting van veeartseny-installasies kragtens artikel *dertien* te beveel, en die bevoegdheid 65 aan hom verleen by artikel *sestien*) met betrekking tot 'n besondere aangeleentheid of klas daarvan, skriftelik en onder sy handtekening oor te dra;

(b) om enige persoon, in die algemeen of in die besonder, te magtig om enige handeling wat kragtens hierdie 70 Wet verrig mag word, te verrig;

(c) om op enige plek in die Unie kwarantynstasies vir die akkommodasie van diere wat onderhewig is aan 75 aanhouding of afsondering kragtens hierdie Wet, op te rig of te laat oprig en die Direkteur kan 'n beampte of persoon aanstel in beheer van sodanige stasie;

(d) om, op enige grond of langs die grense van enige grond in die Unie, kordonne op te rig en in stand te 80 hou, indien hulle na sy mening nodig is vir die doeleindes van hierdie Wet.

(2) Enigiemand aan wie enige bevoegdheid kragtens para- 85 graaf (a) van sub-artikel (1) van hierdie artikel oorgedra is, oefen daardie magte uit onderworpe aan die Minister se bevel.

16. (1) The Minister may if in his opinion they are necessary for the control of or for preventing the introduction or spread of any disease or parasite cause fences (including gates and grids) to be erected—

Construction of fences.

5 (a) along or across any road, whether public or private; and

(b) along the boundary of or upon or across any land; defray the entire cost of any such fences out of money provided by Parliament for the purposes of this Act; and, whenever such a fence is no longer required for the purpose for which it was erected, he may cause it to be removed, or the whole or any part of it to be sold as it stands at a price approved by him, or make such other order for its disposal as he may deem fit.

(2) The Minister may order the owner of any land to erect, maintain, repair, or improve, within a time fixed by the Minister and in accordance with plans and specifications approved by the Department and at his own expense, fences (including gates and grids) upon such land, whether along the whole or any part of the boundary thereof or elsewhere thereon, if in the opinion of the Minister such fences are necessary for the control of or for preventing the introduction or spread of any disease or parasite, and in the case of a boundary fence he may order the owner of any land adjoining such boundary to make such contribution as he may direct, either in money, or labour, or material, or any of them, towards the erection, maintenance, repair, or improvement of the whole or any part of the common boundary fence. The third proviso to sub-section (1) and the proviso to sub-section (2) of section *thirteen* shall *mutatis mutandis*, apply in respect of any fencing done under this sub-section.

(3) No fence erected under the provisions of this section or any act repealed by this Act shall be removed or impaired in efficacy without the consent of the Minister.

17. (1) The Minister may by notice to the owner of any land, of which there is no occupier, require such owner within a period of time fixed by the Minister, which shall be not less than one calendar month from the date of such notice, to designate a person approved by the Minister, to be the occupier of such land for the purposes of this Act, and to deposit with the Director an agreement in writing setting forth in detail the terms upon which such person has accepted the designation. Such agreement shall not be altered or cancelled without the Minister's consent.

Designation of occupier of land.

(2) If an owner referred in sub-section (1) of this section cannot be traced, or having been given notice fails to designate an occupier as required, the Minister may designate as occupier of such owner's land for the purposes of this Act any person who is willing to act in that capacity upon such terms as may be arranged between the Department and such person, and any expenses thereby incurred by the Department shall be a debt recoverable from such owner. A person so designated shall have the right to enter upon such land and there to do anything authorized or required to be done by the occupier under this Act.

18. (1) The Minister shall, in addition to any other powers conferred on him by this Act, have the following powers:

Powers of the Minister.

(a) to assign duties under this Act to officers and other persons either individually or as members of a class, grade or group, and in relation to any particular matter or class of matters he may by writing under his hand delegate any of his powers under this Act (except the power to make regulations and to order the construction of veterinary fixtures in terms of section *thirteen* and the power conferred on him by section *sixteen*);

(b) to authorize any person, generally or specially to do anything or perform any act that may be done or performed under this Act;

(c) to establish or cause to be established at any place in the Union quarantine stations for the accommodation of animals liable to be detained or isolated under this Act, and the Director may appoint an officer or person to take charge of any such station;

(d) to establish and maintain cordons on any land or along the boundary of any land in the Union whenever they are in his opinion necessary for any purpose under this Act;

(2) Any person to whom any power has been delegated under paragraph (a) of sub-section (1) of this section shall exercise that power subject to the instructions of the Minister.

(3) Die Minister kan na wens sodanige oordraging skriftelik herroep en geen sodanige oordraging belet dat die Minister 'n bevoegdheid uitoefen nie.

(4) Indien 'n persoon aan wie pligte opgedra of bevoegdhede oorgedra is kragtens hierdie artikel nie in diens van die Staat is nie, kan die Minister vir die dienste van daardie persoon, uit gelde deur die Parlement beskikbaar gestel, sodanige bedrag betaal soos ooreengekom met hom of met sy werkgever, al na gelang van die geval.

Reg van toegang
ens. van beamptes
en gemagtigde
persone.

19. (1) Elke beampte en gemagtigde persoon kan grond of 'n vervoermiddel betree en saam met hom assistente, of hulle beamptes is al dan nie, en sodanige diere, vervoermiddels, toestelle, instrumente, gereedskap, medisyne en ander dinge wat hy vir sy doel nodig ag, neem en daar—

- (a) enige ding doen waarvoor hy die bevoegdheid besit of wat van hom kragtens hierdie Wet vereis word; 15
- (b) die verrigting van enige ding wat iemand anders kragtens hierdie Wet moet doen, afdwing, toesig daaroor hou of dit inspekteer;
- (c) soek na, en die eienaar, bewoner of iemand anders in beheer daarvan verplig om aan hom 'n dier of ding te toon wat daar mag wees en wat aan die bepalings van hierdie Wet onderworpe is; 20
- (d) sodanige diere en dinge nagaan, tel, inspekteer en hul identiteit vasstel; 25
- (e) uitvind of sulke diere of dinge met siekte besmet is;
- (f) vasstel of 'n ding wat kragtens hierdie Wet gedoen moet word, gedoen is of gedoen word;
- (g) op 'n dier of ding waarvan hy bewus is of vermoed dat die bepalings van hierdie Wet oortree is of wat na sy oordeel waarskynlik siekte of parasiete sal versprei, beslag lê en aanhou, hangende die beslissing van die Minister insake die beskikking daaroor. 30

(2) Ten einde vas te stel of 'n dier of ding met 'n siekte besmet is, het 'n Staatsveearts die bevoegdheid— 35

- (a) om te eis dat elkeen wat belang het by of enigsins te doen het met die oppas, beheer of bestuur van sodanige dier of ding, aan hom, vir sover hul kennis strek en dit na sy oordeel tersake is vir die regte diagnose van die geval en die maatreëls wat geneem moet word vir die bestryding en die verhoeding van die verspreiding van die siekte, volle besonderhede verskaf in verband met sodanige dier of ding;
- (b) om so 'n dier of ding te ondersoek of te toets op sodanige wyse as hy nodig ag; 45
- (c) om 'n doie dier te ondersoek en, indien hy dit nodig ag, om enige ander dier, waarvan die nadoodse ondersoek, na sy mening, sal help om 'n behoorlike diagnose te maak, af te maak;
- (d) om 'n orgaan of deel van 'n doie dier of afgemaakte dier te verwyder vir verdere ondersoek; en oor die algemeen 50
- (e) om verdere ondersoek wat hy nodig ag in te stel of te laat instel vir die behoorlike hantering van die geval kragtens hierdie Wet. 55

(3) Elke beampte en gemagtigde persoon kan alle redelike hulp eis van—

- (a) die eienaar van 'n dier, vervoermiddel of ding in verband met die verrigting van enigiets wat sodanige beampte of gemagtigde persoon gemagtig is om te doen of van hom kragtens hierdie Wet vereis word om te doen met betrekking tot sodanige dier, vervoermiddel of ding;
- (b) die bewoner van grond in verband met die verrigting van enigiets wat sodanige beampte of gemagtigde persoon gemagtig is om te doen of van hom kragtens hierdie Wet vereis word om te doen met betrekking tot 'n saak binne die beheer van sodanige bewoner ingevolge sy bewoning van sodanige grond; 65
- (c) die eienaar van grond in verband met die verrigting van enigiets wat sodanige beampte of gemagtigde persoon gemagtig is om te doen of van hom kragtens hierdie Wet vereis word om te doen met betrekking tot 'n saak binne die beheer van sodanige eienaar ingevolge sy eiendomsreg van sodanige grond. 70 75

(4) Enige beampte of polisie-amptenaar word gemagtig om enige grond benodig vir die doeleindes van 'n kordon, te betree en te beset en sodanige helpers, diere, vervoermiddels, tente, materiaal, instrumente, gereedskap, verdowingsmiddel of enige ander ding wat hy mag nodig ag vir die uitvoering van sy pligte 80

(3) Every such delegation shall be revocable in writing at will and no delegation shall prevent the exercise of any power by the Minister.

(4) If any person to whom duties are assigned or powers delegated under this section is not in the service of the State, the Minister may out of money provided by Parliament pay for the services of such person such amount as may be agreed upon either with him or with his employer, as the case may be.

19. (1) Every officer, and every authorized person may enter upon land or conveyance, and take with him such assistants, whether officers or not, and such animals, vehicles, appliances, instruments, tools, drugs, and other things as he deems necessary for his purpose, and there—

Powers of entry, etc. of officers and authorized persons.

- (a) do any thing, which he is empowered or required to do under this Act;
- (b) enforce, supervise, and inspect the doing of any thing, which any other person is required to do under this Act;
- (c) search for, and require the owner, occupier, or any other person for the time being in charge there to produce to him, any animal or thing, which may be there and which is subject to the provisions of this Act;
- (d) check, count, inspect, and establish the identity of any such animals and things;
- (e) ascertain whether any such animals or things are infected with disease;
- (f) ascertain whether any thing required to be done under this Act has been, or is being, done; and
- (g) seize and detain pending the Minister's decision as to its disposal any animal or thing, in respect of which he knows or suspects that the provisions of this Act have been contravened, or which in his opinion is likely to spread disease or parasites.

(2) For the purpose of ascertaining whether any animal or thing is infected with disease a State Veterinarian is empowered—

- (a) to call upon all persons concerned in or having any part in the care, control, or management of such animal or thing to furnish him with full information of the facts relating to such animal or thing within their knowledge, which are in his opinion relevant to the correct diagnosis of the case and to the measures which should be taken to control and prevent the spread of disease;
- (b) to examine and test such animal or thing in such manner as he may deem necessary;
- (c) to make an examination of any dead animal, and, if he deems it necessary, to slaughter any other animal, the post-mortem examination of which would in his opinion assist in reaching a proper diagnosis;
- (d) to remove any organ or part of a dead or slaughtered animal for further examination; and generally
- (e) to make or cause to be made such further investigation as he may deem necessary for the proper handling of the case under this Act.

(3) Every officer, and every authorized person, may require all reasonable assistance from—

- (a) the owner of any animal, conveyance, or thing, in the doing of anything which such officer or authorized person is authorized or required to do under this Act in relation to such animal, conveyance, or thing;
- (b) the occupier of any land, in the doing of anything which such officer or authorized person is authorized or required to do under this Act in relation to any matter within the control of such occupier by virtue of his occupation of such land;
- (c) the owner of any land, in the doing of anything which such officer or authorized person is authorized or required to do under this Act in relation to any matter within the control of such owner by virtue of his ownership of such land.

(4) Every officer or member of the Police Force is empowered to enter upon and occupy any land required for the purpose of any cordon and to take with him such assistants, animals, vehicles, tents, material, instrument, tool, drug and any other thing whatsoever as he may deem necessary for the performance

of vir die doeleindes van sodanige kordon, met hom saam te neem en daar—

- (a) 'n kamp met die nodige bykomstighede en toebehoorsels en 'n pad wat daartoe toegang verleen op te rig of aan te lê; 5
- (b) enige plantegroei te verwyder;
- (c) enige omheining of hek op te rig, te verander of te verwyder;
- (d) gebruik te maak van weiding, brandhout en water daarop; en 10
- (e) enige ander handeling wat die Minister mag beveel, te verrig.

Bevoegdheid om op te tree as eienaar of bewoner in gebreke bly of as saak dringend is.

20. (1) Wanneer die eienaar of bewoner van grond of die eienaar van 'n dier, vervoermiddel of ding in gebreke bly of weier om iets te doen wat hy kragtens hierdie Wet verplig is om te doen of wanneer in 'n geval waar dit nodig is om kennis te gee aan die eienaar of bewoner om iets te doen wat hy kragtens hierdie Wet verplig is om te doen en die dringendheid daarvan, na die mening van die Minister, van so 'n aard is dat dit sonder versuim gedoen moet word, kan die Departement, 20 sonder verdere kennisgewing of sonder hoegenaamd kennis te gee, al na die geval, dit self doen of dit laat doen namens die Departement en die koste daarby aangegaan van die betrokke eienaar of bewoner verhaal op die wyse wat hierdie artikel bepaal. 25

(2) Koste deur die Departement ingevolge hierdie artikel aangegaan is verskuldig en betaalbaar by aanvraag nadat die werk in verband met die ding wat gedoen moes word afgehandel is en is verhaalbaar deur 'n aksie in 'n bevoegde Hof: Met dien verstande, dat wanneer die ding een van dié is waarvoor daar in sub-artikel (2) van artikel *dertien* of in sub-artikel (2) van artikel *sestien* voorsiening gemaak is en die eienaar van die betrokke grond aansoek doen om in paaie te betaal, die Minister, indien hy die aansoek goedkeur, die paaie en die tydperk waarin die skuld betaal moet word, kan bepaal: 35 Met dien verstande verder dat die tydperk waarin sodanige skuld betaal moet word hoogstens tien jaar kan wees en dat rente teen 'n koers deur die Minister bepaal, opeisbaar is op die onbetaalde deel van die skuld en saam met elke paaie betaalbaar is. 40

(3) Wanneer die aansoek om in paaie te betaal ingevolge die bepaling van sub-artikel (2) toegestaan is, gee die Departement onverwyld die Registrateur van Aktes in wie se kantoor die grond geregistreer is skriftelik alle besonderhede wat aantoon— 45

- (a) die naam van sodanige eienaar en die beskrywing van die betrokke grond;
- (b) die aard en bedrag van die skuld; en
- (c) die fasiliteite wat toegestaan is vir die vereffening van die skuld; 50

en die Registrateur laat dit ten opsigte van die betrokke grond in sy register noteer en verskaf onverwyld 'n gesertifiseerde afskrif van die endossement aan die Departement.

- (4) (a) Wanneer 'n skuld deur die Registrateur ingevolge sub-artikel (3) genoteer is, is die bedrag van die skuld 55 (of die deel wat nog verskuldig is) 'n las op die betrokke grond en elke daaropvolgende eienaar is aanspreeklik vir die paaie en rente na gelang hulle verval, asof hy self die skuld gemaak het.
- (b) Ingeval sodanige grond verdeel of 'n deel daarvan 60 oorgedra word bepaal die Minister of, en indien wel, watter mate die skuld 'n las is op elke afsonderlike deel van die grond en elke daaropvolgende eienaar van enige sodanige deel is aanspreeklik vir die paaie en rente, na gelang hulle opeisbaar word, ten 65 opsigte van die eweredige bedrag wat daardie deel beswaar asof hy self die skuld gemaak het.
- (c) Geen oordrag van sodanige grond of 'n gedeelte daarvan of die registrasie van verdelingsaktes van eiendomsreg of oordrag daarvan vind voor 'n Registrateur 70 van Aktes plaas nie behalwe op gesag van 'n sertifikaat uitgereik deur die Departement en aan die Registrateur getoon wat aantoon—
 - (i) dat alle paaie en rente op daardie tyd ten opsigte van die skuld opeisbaar, betaal is; 75
 - (ii) watter bedrag van die skuld nog uitstaande is; en as die grond verdeel word of enige deel daarvan oorgedra word; en
 - (iii) watter bedrag van die skuld elke afsonderlike deel van die grond beswaar. 80

of his duty or for the purpose of such cordon and he may for the purpose of the cordon on the land so occupied—

- (a) establish a camp, together with the necessary accessories and appurtenances thereof and a road giving access thereto;
- (b) remove any vegetation;
- (c) erect, alter or remove any fence or gate;
- (d) make use of such grazing, fuel and water thereon; and
- (e) perform any other act as the Minister may direct.

20. (1) If the owner or occupier of any land, or the owner of any animal, conveyance, or thing, fails or refuses to do anything which he is required under this Act to do, or if, in any case in which notice to do a thing is required under this Act to be given to any such owner or occupier, the urgency of the matter is in the opinion of the Minister such that the thing should be done without any loss of time, the Department may without further notice, or without any notice as the case may be, do such thing itself or cause it to be done on its behalf, and recover the cost thereby incurred from the owner or occupier concerned in the manner provided in this section.

Power to take action if an owner or occupier is in default or matter urgent.

(2) Any cost incurred by the Department under this section shall be due and payable on demand on completion of the thing to be done, and may be recovered by action in any competent court: Provided that, if such thing is one of those for the doing of which provision is made in sub-section (2) of section *thirteen* or in sub-section (2) of section *sixteen*, and the owner of the land concerned applies for the facility of payment by instalments, the Minister may, if he approves of such application, fix the instalments by which, and the period within which, the debt shall be paid: Provided further that any such period shall not exceed ten years, and that interest at a rate fixed by the Minister shall be due on the unpaid balance of the debt and payable with each instalment.

(3) Whenever facility to pay in instalments is granted to any owner of land under the provisions of sub-section (2) the Department shall forthwith transmit in writing to the Registrar of Deeds in whose office such land is registered full information showing—

- (a) the name of such owner and the description of such land;
- (b) the nature and amount of the debt; and
- (c) the facilities granted for the payment of the debt; and the Registrar shall cause a note thereof to be made in his register in respect of the land in question, and shall forthwith transmit to the Department a certified copy of such note.

(4) (a) Whenever a debt has been noted by the Registrar under sub-section (3) the amount of such debt (or as much as may be owing) shall attach to the land concerned, and each successive owner of such land shall be liable for the instalments and interest as they fall due, as if the debt had been incurred by him.

(b) In the event of such land being partitioned, or a portion thereof transferred, the Minister shall determine whether, and, if so, the extent to which, the debt shall attach to each separate portion of the land, and each successive owner of any such portion shall be liable for the instalments and interest as they fall due in respect of the proportionate amount which attaches to that portion, as if the debt had been incurred by him.

(c) No transfer of any such land or any portion thereof, or registration of any partition deeds of title or transfer thereof, shall be passed before any Registrar of Deeds, except upon the production to him of a certificate issued by the Department and indicating—

- (i) that all instalments and interest then due in respect of the debt have been paid; and
- (ii) the amount still owing in respect of the debt; and, if the land is being partitioned, or any portion thereof is being transferred;
- (iii) the amount of the debt which shall attach to each separate portion of the land.

(d) Die sertifikaat genoem in paragraaf (c) hiervan is afdoende bewys van die feite daarin genoem en die Registrateur teken op die dokument van eiendomsreg of transportakte van sodanige grond of betrokke deel daarvan die bedrag aan van 'n las wat volgens die sertifikaat op sodanige grond of enige deel daarvan rus, al na gelang van die geval. 5

(5) Dit staan die skuldenaar vry om te eniger tyd die onbetaalde balans van die skuld tesame met die rente nog daarop verskuldig te betaal en by ontvangs van 'n sertifikaat van die Departement dat die hele skuld en rente gedelg is, kanselleer die Registrateur die aantekening in sy register.

Permitte.

21. (1) Onderworpe aan die bepalings van sub-artikel (1) van artikel *twee-en-twintig* kan 'n permit deur die Direkteur of die beamppte deur hom aangewys om permitte uit te reik, na 15 goëddunke, uitgereik word en kan die Direkteur of op sy bevel, die deur hom aangewese persoon dit intrek.

(2) Enige persoon wat toesig oor 'n dier of ding het wat binne die Unie vervoer word op gesag van 'n permit kragtens hierdie Wet uitgereik, moet sodanige permit vir inspeksie toon, 20 op aanvraag deur 'n beamppte of 'n polisiebeamppte.

Appelle.

22. (1) Indien die Direkteur of 'n beamppte wat deur hom aangewys is om permitte uit te reik, weier om 'n permit te verleen of 'n permit intrek, sal daar die reg van appel teen sodanige weiering of intrekking na die Minister, wie se beslissing 25 finaal is, wees.

(2) Enige persoon wat ontevrede is met die bedrag van enige vergoeding deur die Minister toegeken, sal die reg van appel na die houe hê.

Geen geding teen die Staat vir handeling ter goeder trou verrig nie.

23. Geen regsgeding word teen die Regering of die Minister 30 of enige beamppte of gemagtigde persoon ingestel vir enige handeling ter goeder trou kragtens hierdie Wet verrig nie.

Vergoeding.

24. (1) Geen vergoeding sal aan enige persoon ten opsigte van—

(a) 'n dier of besmetlike ding wat kragtens artikels *vyf* en *ses* (na gelang van die geval) gekonfiskeer, vernietig of andersins oor beskik word; 35

(b) enige handeling ter goeder trou verrig kragtens artikel *drie-en-twintig*;

betaal word nie, tensy die Minister anders beveel. 40

(2) Wanneer 'n dier kragtens sub-artikel (3) van artikel *vyf* vir waarneming of behandeling aangehou word, sal, onderworpe aan die bepalings van sub-artikel (6), vergoeding aan die eienaar van sodanige dier betaalbaar wees asof daardie dier vernietig is. 45

(3) As die Minister beveel dat vergoeding betaalbaar is, sal dit, onderworpe aan die bepalings van sub-artikels (4), (5), (6), (7) en (8), betaalbaar wees aan die eienaar ooreenkomstig die regulasies en die skale van waardes deur die Minister voorgeskryf. 50

(4) Indien die Minister beveel dat vergoeding betaal word vir 'n dier wat vernietig of gekonfiskeer word kragtens die bepalings van artikel *ses*, word die bedrag wat aan 'n bewoner of eienaar kragtens sub-artikel (4) van artikel *ses* betaal of betaalbaar is tesame met enige verdere onkoste deur die 55 Departement ten opsigte van daardie dier aangegaan, afgetrek van die bedrag aldus betaalbaar as vergoeding.

(5) Die karkas van 'n dier wat kragtens hierdie Wet afgemaak word, word die eiendom van die Goewerment wat daaroor kan beskik soos die Minister beveel: Met dien verstande dat as vergoeding betaal word en sodanige karkas of 'n gedeelte daarvan verkoop word vir 'n bedrag hoër as die vergoeding wat aan die eienaar betaal is, moet die Departement, na aftrekking van alle redelike onkoste ten opsigte van die verkoop van sodanige dier, die balans aan die eienaar betaal: Met dien 65 verstande verder dat, as die Minister beveel dat sodanige karkas of 'n gedeelte daarvan wat 'n handelswaarde het en wat na die mening van die Direkteur teruggegee kan word aan die eienaar sonder gevaar dat siektes daardeur versprei sal word, teruggegee word, kan daardie waarde soos deur die Direkteur aangeslaan, afgetrek word van enige vergoeding betaalbaar aan die eienaar ten opsigte van die vernietiging van sodanige dier.

(6) Die voorbehoudsbepalings by sub-artikel (5) sal *mutatis mutandis* van toepassing wees as die Minister bepaal het dat vergoeding aan die eienaar betaal word ten opsigte van 'n dier 75 wat aangehou is vir waarneming en behandeling kragtens sub-artikel (3) van artikel *vyf* of 'n dier of besmetlike ding wat

(d) The certificate mentioned in paragraph (c) hereof shall be conclusive proof of the facts stated therein, and the Registrar shall note on the document of title or deed of transfer of such land, or of the relevant portion thereof, the amount of any liability which in terms of the certificate attached to such land or such portion, as the case may be.

(5) It shall be competent for the debtor at any time to pay the balance of the debt still unpaid together with the interest then due, and upon receipt of a certificate from the Department that the whole of the debt and interest have been paid the Registrar shall cancel the note in his register.

21. (1) Subject to the provisions of sub-section (1) of section *Permits.*
twenty-two the granting of a permit shall be in the discretion of the Director or the officer designated by him to issue permits, which permit may be cancelled by the Director in his discretion, or on his instructions by the said designated officer.

(2) The person in charge of any animal or thing which is being moved within the Union upon the authority of a permit issued under this Act shall produce such permit for inspection on demand by an officer or by a member of the Police Force.

22. (1) If the Director or officer designated by him to issue permits, refuses to grant a permit or cancels a permit, an appeal against such refusal or cancellation shall lie to the Minister whose decision shall be final.

(2) If any person is dissatisfied with the amount of compensation awarded by the Minister, an appeal shall lie to the court.

23. No action shall lie against the Government or the Minister or any officer or authorized person for anything done in good faith under this Act. *No action against State for anything done in good faith.*

24. (1) No compensation shall be payable to any person in respect of— *Compensation.*

(a) any animal or infectious thing confiscated, destroyed or otherwise disposed of in terms of sections *five* and *six* (as the case may be);

(b) anything done in good faith under section *twenty-three*; unless the Minister otherwise directs.

(2) When any animal is reserved for observation and treatment in terms of sub-section (3) of section *five*, compensation shall subject to the provisions of sub-section (6) be payable to the owner of such animal as would have been payable if such animal had in fact been destroyed.

(3) If the Minister orders compensation to be paid it shall, subject to the provisions of sub-sections (4), (5), (6), (7) and (8), be payable to the owner in accordance with the regulations and the scales prescribed by the Minister.

(4) If the Minister orders compensation to be paid in respect of any animal confiscated or destroyed under the provisions of section *six* the amount to be so paid shall be reduced by deducting therefrom a sum equal to that paid or payable to any occupier or owner in terms of sub-section (4) of section *six* and a sum equal to any further expense incurred by the Department in respect of such animals.

(5) When any animal has been destroyed under this Act, the carcase of such animal shall be the property of the Government and may be disposed of as the Minister may direct: Provided that if compensation is paid, and if such carcase or any part thereof is disposed of by sale and the sum therefor exceeds the amount paid to the owner as compensation the Department shall, after deducting any reasonable expenses incidental to the sale, pay the balance of such excess to such owner; and provided further that, if the Minister directs that such carcase or any part thereof, which has a commercial value and which in the opinion of the Director can be returned to the owner without danger of spreading disease, be so returned, such value as assessed by the Director shall be deducted from any compensation payable to the owner in respect of the destruction of such animal.

(6) When any animal is reserved for observation and treatment in terms of sub-section (3) of section *five* or when any animal or any infectious thing is confiscated under this Act and the Minister directs that compensation be paid to the owner the provisos to sub-section (5) shall *mutatis mutandis* apply,

kragtens hierdie Wet vernietig is, indien daardie dier of besmetlike ding verkoop of aan die eienaar teruggegee is.

(7) Indien die eienaar ten opsigte van 'n dier of besmetlike ding wat kragtens hierdie Wet vernietig is 'n assuransiepolis besit wat uitbetaalbaar is by die vernietiging van sodanige dier of ding kan die Minister daardie bedrag aftrek van die bedrag van vergoeding betaalbaar aan die eienaar ten opsigte van sodanige vernietiging. 5

(8) Die Minister kan na goeë dunde vergoeding ten opsigte van 'n dier of besmetlike ding wat kragtens hierdie Wet vernietig, gekonfiskeer of andersins oor beskik is, gedeeltelik of ten volle terughou as, na sy oordeel, die eienaar of persoon in beheer daarvan, skuldig was aan 'n oortreding ten opsigte daarvan kragtens hierdie Wet of as, na sy oordeel, sodanige dier in die Unie ingevoer is, dit ten tye daarvan aan 'n siekte gely het. 15

Fondse vir vergoeding en opgawes aan Parlement.

25. (1) Vergoeding betaal deur die Departement kragtens hierdie Wet word betaal uit geld wat die Parlement vir daardie doel voorsien.

(2) Binne een-en-twintig dae na die afsluiting van die jaar eindigende op die een-en-dertigste dag van Maart as die Parlement dan sit of, indien nie, dan binne een-en-twintig dae na die aanvang van die volgende sitting lê die Minister voor altwee Huise van die Parlement 'n opgawe ten opsigte van die jaar wat aantoon— 25

- (a) die totale hoeveelheid diere van elke diersoort wat kragtens hierdie Wet vernietig of gekonfiskeer is; en
- (b) die totale bedrag uitbetaal as vergoeding met inbegrip van besonderhede wat aantoon die bedrag betaal ten opsigte van elke diersoort en elke soort siekte en die omstandighede waaronder sodanige vergoeding betaal is. 30

Gebruik van grond vir die vernietiging en beskikking oor diere.

26. (1) Die Minister kan beveel, dat grond wat na sy oordeel geskik is vir die doel, gebruik kan word vir die vernietiging van 'n dier wat kragtens hierdie Wet aan vernietiging onderworpe is, en hoe oor die karkas daarvan beskik moet word, ongeag of die grond in besit is van of bewoon word deur die eienaar van sodanige dier of nie. 35

(2) Die Minister kan eis en beveel dat openbare of private abattoirs gebruik word vir die vernietiging van diere wat, kragtens hierdie Wet, beveel word om vernietig te word, by betaling uit geld deur die Parlement beskikbaar gestel van sodanige fooi soos deur die Minister bepaal. 40

Strafbepalings.

27. (1) Iemand wat—

- (a) met die doel om siektes te versprei ('n beskuldigde word vermoed sodanige bedoeling te hê tensy hy tot bevrediging van die hof die teendeel bewys)— 45
 - (i) die virus of mikro-organisme van 'n siekte of parasiet of enige ander ding, wat in staat is om 'n siekte te verwek of oor te dra, die Unie binnebring; of 50
 - (ii) in 'n besmette gebied besig gevind word om 'n parasiet of enige ander ding, lewendig of dood, wat in staat is om 'n siekte te verwek of oor te dra, te versamel; of 55
 - (iii) 'n dier wat besmet is met 'n siekte of 'n besmetlike ding vervoer of gebruik; of
 - (iv) op enige plek in die Unie in besit van 'n parasiet of enige ander ding wat 'n siekte kan verwek of versprei, gevind word; 60
- (b) in besit van 'n dier of 'n besmetlike ding gevind word ten opsigte waarvan daar op enige tyd 'n redelike suspisie bestaan dat dit in die Unie ingevoer is of daarin gekom het teenstrydig met die bepalinge van hierdie Wet; 65
- (c) die bepalinge van sub-artikel (1) van artikel twee, sub-artikel (1) van artikel ses, artikels sewe, agt, nege, tien en sub-artikel (1) van artikel twaalf, sub-artikel (6) van artikel dertien, sub-artikel (3) van artikel sestien en sub-artikel (2) van artikel een-en-twintig oortree of versuim om daaraan te voldoen; 70
- (d) 'n permit op valse voorwendsels verkry;
- (e) 'n permit of 'n sertifikaat gemeld in paragraaf (c) van sub-artikel (3) van artikel twintig in enige opsig verander, namaak of vervals; 75
- (d) met die bedoeling om die bepalinge van hierdie Wet te onduik 'n veranderde, nagemaakte of vervalste permit of sertifikaat gebruik;
- (g) 'n handeling verrig teenstrydig met die voorwaardes waaronder 'n permit aan hom verleen is; 80

if such animal or thing is disposed of by sale or is returned to the owner.

(7) If the owner of any animal or infectious thing destroyed under this Act has any insurance upon such animal or thing which is payable upon such destruction, the Minister may deduct from any compensation payable in respect of such animal or thing an amount equal to the sum of such insurance.

(8) The Minister may, if he thinks fit, withhold either wholly or in part any compensation in respect of an animal or infectious thing destroyed, confiscated or otherwise disposed of under this Act, if in his opinion the owner or person having charge thereof has been guilty of an offence under this Act in respect thereof or if in his opinion such animal having been imported into the Union, was diseased at the time when it entered the Union.

25. (1) Any compensation paid by the Department under this Act shall be paid out of money provided by Parliament for the purpose. Funds for compensation, and returns to Parliament.

(2) Within twenty-one days after the close of each year ending on the thirty-first day of March if Parliament is then in session, or if not then within twenty-one days after the commencement of its next session, the Minister shall lay before both Houses of Parliament a return showing in respect of such year—

(a) the total number of each species of animals confiscated and destroyed under this Act; and

(b) the total amount paid as compensation therefor including details showing the amount paid in respect of each species of animals and each kind of disease and the circumstances under which such compensation was paid.

26. (1) The Minister may order the use of any land which in his opinion is suitable for the purpose, for the destruction of any animal liable to be destroyed under this Act and for the disposal of its carcase, whether such land is owned or occupied by the owner of such animal or not. Use of land for destruction and disposal of animals.

(2) The Minister may requisition and order the use of abattoirs, whether public or private, for the destruction of animals ordered to be destroyed under this Act, on payment out of money provided by Parliament of such fees as may be determined by the Minister.

27. (1) Any person who—

Offences.

(a) with intent to spread disease (such intent shall be presumed unless the accused proves the contrary to the satisfaction of the court)—

(i) introduces into the Union the virus or micro-organism of any disease or any parasite or any other thing whatsoever capable of producing or transmitting any disease; or

(ii) is found collecting in any infected area any parasites, or any other thing animate or inanimate which is capable of producing or transmitting disease; or

(iii) moves or uses any animal infected with disease or any infectious thing; or

(iv) is found anywhere within the Union in possession of any parasite or any other thing capable of producing or transmitting disease.

(b) is found in possession of any animal or infectious thing with regard to which there is at any time a reasonable suspicion that it was introduced or came into the Union in contravention of the provisions of this Act;

(c) contravenes or fails to comply with the provisions of sub-section (1) of section two, sub-section (1) of section six, sections seven, eight, nine, ten and sub-section (1) of section twelve, sub-section (6) of section thirteen, sub-section (3) of section sixteen, and sub-section (2) of section twenty-one;

(d) obtains a permit by means of false representations;

(e) alters, falsifies or forges a permit or a certificate referred to in paragraph (c) of sub-section (3) of section twenty in any particular;

(f) uses any altered, falsified or forged permit or certificate with intent to evade the provisions of this Act;

(g) having obtained a permit does any act in breach of the conditions subject to which the permit was granted;

- (h) versuim of nalaat om enige saak te rapporteer wat hy verplig is om te rapporteer kragtens paragrafe (a) en (d) van sub-artikel (1) van artikel drie of paragraaf (b) van sub-artikel (1) van artikel ses;
- (i) in enige rapport gemeld in paragraaf (h) van hierdie sub-artikel, 'n valse verklaring maak wel wetende dat dit vals is; 5
- (j) betrokke is by of enigsins verantwoordelik is vir die versorging, beheer of bestuur van 'n dier of 'n ding en weier om inligting te verstrek of valse inligting 10 verstrek aan 'n Staatsveearts wat hom, vir die doeleindes van sub-artikel (2) van artikel neëntien, versoek het om, sover sy kennis strek, volle besonderhede ten opsigte van sodanige dier of ding aan hom te verskaf; 15
- (k) sonder magtiging (bewys waarvan op hom rus) 'n hek of veeartseny-installasie opgerig kragtens hierdie Wet, verander, beskadig, verwyder, daarmee peuter of dit in doeltreffendheid benadeel;
- (l) 'n beampte of 'n gemagtigde persoon belemmer of 20 hinder in die uitoefening van sy magte of die verrigting van sy pligte;
- (m) 'n dier, vervoermiddel, toestel, instrument, gereedskap, verdowingsmiddel of enige ander ding wat, vir die doel van hierdie Wet, onder beheer is van 'n beampte 25 of gemagtigde persoon, beskadig, beseer of sonder magtiging (die bewys waarvan op hom rus) verwyder;
- (n) weier of in gebreke bly om 'n bevel gegee kragtens artikels dertien, veertien of sub-artikel (2) van artikel 30 sestig uit te voer;
- (o) onder valse voorwendsels enige vergoeding kragtens hierdie Wet verkry of probeer verkry of medepligtig is in die verkryging daarvan;
- (p) enige bepaling van hierdie Wet oortree of ingebreke 35 bly om te voldoen aan 'n bepaling van hierdie Wet waaraan hy moet voldoen, wat nie voorheen in hierdie Wet tot 'n misdryf verklaar is nie, of enige proklamasie, regulasie, bevel en kennisgewing instandgehou deur sub-artikel (2) van artikel ses-en-dertig oortree of in gebreke bly om daaraan te voldoen, is aan 'n 40 misdryf skuldig en by skuldigbevinding strafbaar—
- (i) in die geval van 'n oortreding ingevolge paragraaf (a) van sub-artikel (1), tot gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens vyf jaar; 45
- (ii) in die geval van 'n oortreding ingevolge paragrafe (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) of (p) van sub-artikel (1)—
- (aa) by 'n eerste veroordeling, met 'n boete van 50 hoogstens vyftig pond of by wanbetaling tot gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van hoogstens ses maande: Met dien verstande dat, in die geval van 'n skuldigbevinding ingevolge 'n oortreding kragtens sub-artikel (1) van artikel (2) of 55 paragraaf (b) van sub-artikel (1) van hierdie artikel of artikels sewe, agt of nege hy strafbaar is tot sodanige gevangenisstraf sonder die keuse van 'n boete of met sodanige boete sowel as sodanige gevangenisstraf; 60
- (bb) by 'n tweede veroordeling met 'n boete van hoogstens honderd pond of by wanbetaling tot gevangenisstraf met of sonder dwangarbeid, vir 'n periode van hoogstens een jaar of tot sodanige gevangenisstraf sonder die 65 keuse van 'n boete of tot sodanige boete sowel as sodanige gevangenisstraf;
- (cc) by 'n derde of daaropvolgende veroordeling met 'n boete van hoogstens tweehonderd-en-vyftig pond en by wanbetaling tot gevangenisstraf, met of sonder dwangarbeid, vir 'n 70 periode van hoogstens twee jaar of tot sodanige gevangenisstraf sonder die keuse van 'n boete of met sodanige boete sowel as sodanige gevangenisstraf. 75
- (2) Dit sal 'n afdoende verweer teen 'n aanklag kragtens paragraaf (b) van sub-artikel (1) van hierdie artikel wees as die beskuldigde tot bevrediging van die hof bewys—
- (a) dat hy sodanige dier wettiglik aangehou het ingevolge artikel ses; of 80

- (h) fails or neglects to report any matter which it is his duty to report in terms of paragraphs (a) and (d) of sub-section (1) of section *three* or paragraph (b) of sub-section (1) of section *six*;
- 5 (i) makes any false statement in any report referred to in paragraph (h) of this sub-section, knowing such statement to be false;
- 10 (j) being concerned in or having any part in the care, control or management of any animal or thing, refuses to give or gives false information, when called upon by a State Veterinarian for the purpose of sub-section (2) of section *nineteen*, to furnish him with full information of the facts relating to such animal or thing within his knowledge;
- 15 (k) without authority (proof whereof shall rest on him) alters, damages, removes, interferes with, or impairs in efficacy, any fence or veterinary fixture erected for the purposes of this Act;
- 20 (l) obstructs or interferes with any officer or authorized person in the exercise of his powers or the performance of his duty under this Act;
- (m) damages, injures, or removes without authority (proof whereof shall rest on him) any animal, vehicle, appliance, instrument, tool, drug, or other thing, which is in the custody of an officer or authorized person for the purpose of this Act;
- 25 (n) refuses or fails to carry out any order given under sections *thirteen*, *fourteen* and sub-section (2) of section *sixteen*;
- 30 (o) obtains or attempts to obtain, or aids or abets any other person to obtain by means of false pretences any compensation under this Act;
- (p) contravenes any provision of this Act or who makes default in complying with any provision of this Act with which it is his duty to comply, where such contravention or default is not elsewhere in this Act declared an offence, or contravenes or fails to comply with any proclamation, regulation, order and notice kept in force by sub-section (2) of section *thirty-six*, shall be guilty of an offence and on conviction liable—
- 35 (i) in the case of a contravention under paragraph (a) of sub-section (1) to imprisonment with compulsory labour for a period not exceeding five years;
- 40 (ii) in the case of a contravention under paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) or (p) of sub-section (1)—
- (aa) on a first conviction to a fine not exceeding fifty pounds, and in default of payment to imprisonment with or without compulsory labour not exceeding six months: Provided that, if the conviction be in respect of a contravention under sub-section (1) of section *two* or under paragraph (b) of this sub-section or sections *seven*, *eight* or *nine* he shall be liable to such imprisonment without the option of a fine or to both such fine and such imprisonment;
- 50 (bb) on a second conviction to a fine not exceeding one hundred pounds and in default of payment to imprisonment with or without compulsory labour for a period not exceeding one year or to such imprisonment without the option of a fine or to both such fine and such imprisonment;
- 60 (cc) on a third or subsequent conviction, to a fine not exceeding two hundred and fifty pounds and in default of payment to imprisonment with or without compulsory labour for a period not exceeding two years or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.
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(2) It shall be a sufficient defence to a charge under paragraph (b) of sub-section (1) of this section if the accused proves to the satisfaction of the court—

- (a) that he was lawfully detaining such animal in terms of section *six*; or

- (b) dat hy, nadat hy in besit van sodanige dier of ding buite die Unie gekom het, dit wettiglik in die Unie inbring het; of
 - (c) dat hy in besit van sodanige dier of ding in die Unie gekom het deur aankoop op 'n publieke veiling of onder omstandighede wat geen redelike gronde openbaar het om hom te laat vermoed dat dit in stryd was met die bepalings van hierdie Wet nie of op 'n tydstip nadat die Minister besluit het om die dier of ding nie te konfiskeer of te vernietig nie.
- (3) 'n Skuldigbevinding weens die oortreding van die bepalings van 'n wet deur hierdie Wet herroep of van 'n proklamasie, regulasie of ministeriële bevel daarkragtens uitgereik, word geag 'n vorige skuldigbevinding kragtens hierdie Wet te wees.

Regsbevoegdheid.

28. Ondanks andersluidende wetsbepalings, besit 'n Magistraatshof regsbevoegdheid om enige straf op te lê wat hierdie Wet bepaal.

Vermoedens.

29. Waar dit in 'n vervolging kragtens hierdie Wet nodig is om, ter stawing van die aanklag, te bewys dat—
- (a) die beskuldigde kennis gedra het van 'n feit, saak of ding, word sodanige kennis vermoed tensy en totdat hy, ter bevrediging van die hof, bewys dat hy nie sodanige kennis gedra het nie en dat hy met redelike ywer en waaksaamheid nie sodanige kennis kon opgedoen het nie;
 - (b) die beskuldigde vermoed het of redelike grond gehad het om te vermoed dat 'n feit bestaan, word daar aangeneem dat hy dit wel vermoed het en dat daar redelike grond was waarvan hy kennis gedra het om dit te vermoed, tensy en totdat hy, ter bevrediging van die hof, die teenoorgestelde bewys;
 - (c) die beskuldigde ten tye van die pleging van die beweerde misdryf nie in besit van 'n permit of ander magtiging wat hom gemagtig het om die daad te doen wat hy, na bewering, gedoen het, was nie, word daar aangeneem dat hy destyds nie die houer van sodanige permit of magtiging was nie tensy en totdat hy, ter bevrediging van die hof, die teenoorgestelde bewys;
 - (d) die beskuldigde sekere diere na of vanaf sekere grond vervoer het, en daar word bewys dat hy op die dag tersake in die klagskrif, 'n sekere aantal diere, van die soort wat na bewering vervoer is, op sodanige grond gehad het en dat hy op die dag daarna 'n groter of kleiner getal van sodanige diere daarop gehad het, word dit aangeneem dat hy 'n aantal diere gelykstaande aan die verskil in getal op die twee dae na of vanaf (al na gelang van die geval) sodanige grond vervoer het en geen bewys word geverg om die identiteit van 'n besondere dier wat vervoer is, vas te stel nie: Met dien verstande dat dit 'n afdoende weerlegging van die vermoede sal wees as die beskuldigde, tot bevrediging van die hof, bewys dat hy nie die diere of 'n aantal daarvan vervoer het nie en dat hy alle redelike maatreëls getref het om te verhoed dat hulle verdwaal of vervoer word;
 - (e) die beskuldigde in gebreke gebly het om te verhoed dat 'n ding plaasvind en daar word bewys dat die ding in werklikheid gebeur het, word daar aangeneem dat hy in gebreke gebly het om te verhoed dat die ding gebeur tensy en totdat hy, ter bevrediging van die hof, bewys dat hy alle redelike ywer aan die dag gelê het en voorsorgmaatreëls getref het en nie die voorval daarvan kon verhoed het nie;
 - (f) 'n dier verdwaal het en daar bewys is dat sodanige dier gevind is op grond waar dit kragtens die bepalings van hierdie Wet nie behoort te wees nie en toe dit gevind is nie onder toesig van 'n wagter of iemand anders was nie of nie deur of namens sy eienaar weggedryf is nie, word daar aangeneem dat dit na sodanige grond verdwaal het tensy en totdat die teenoorgestelde, ter bevrediging van die hof, bewys word;
 - (g) 'n beampte aangestel is of dat pligte aan hom toegewys of bevoegdheid aan hom gedelegeer is, word daar aangeneem dat so 'n beampte behoorlik aangestel is of dat sodanige pligte behoorlik aan hom toegewys is of dat sodanige bevoegdheid behoorlik aan hom gedelegeer is tensy en totdat die teenoorgestelde, ter bevrediging van die hof, bewys word;

- (b) that having acquired possession of such animal or thing outside the Union, he introduced it lawfully into the Union; or
- 5 (c) that, having acquired such possession within the Union, he did so by purchase at a public sale, or in circumstances disclosing no reasonable grounds to suspect a contravention of the provisions of this Act, or at a time after the Minister had decided not to confiscate or destroy such animal or thing.

10 (3) Any conviction for contravening the provisions of any law repealed by this Act or of any proclamation, regulation or Minister's Order, made thereunder, shall be deemed to be a previous conviction under this Act.

28. Notwithstanding anything to the contrary in any other Jurisdiction of
15 law contained a Magistrate's Court shall have jurisdiction to Magistrate's Court.
impose any penalty provided by this Act.

29. Where in any prosecution under this Act it would be Presumptions.
necessary in order to establish the charge, to prove that—

- 20 (a) the accused had knowledge of any fact, matter, or thing such knowledge shall be presumed, unless and until he proves to the satisfaction of the court that he had no such knowledge and that he could not by the exercise of reasonable diligence and vigilance have gained such knowledge;
- 25 (b) the accused suspected or had reasonable grounds to suspect the existence of a fact, it shall be presumed that he did so suspect and that there were reasonable grounds, of which he had knowledge, so to suspect, unless and until he proves the contrary to the satisfaction of the court;
- 30 (c) the accused was not at the time of the commission of the alleged offence the holder of a permit or other authority empowering him to do the act which he is alleged to have done, it shall be presumed that at the time he was not the holder of such permit or authority, unless and until he proves the contrary to the satisfaction of the court;
- 35 (d) the accused had moved certain animals to or from any land, and it is proved that on a day relevant to the charge he had upon such land a certain number of animals of the kind alleged to have been moved and that on a subsequent day relevant to the charge he had a greater or a smaller number of such animals on such land, it shall be presumed that he moved to or from such land, as the case may be, a number of animals equal to the difference between the numbers on the two days, and no proof shall be required to establish the identity of any particular animal as having been moved: Provided that it shall be a sufficient rebuttal of this presumption if the accused proved to the satisfaction of the court that he did not move such animals, nor any of them, and that he took all reasonable measures to prevent them from straying or being moved;
- 40 (e) the accused failed to prevent the occurrence of any thing, and it is proved that such thing occurred, it shall be presumed that he failed to prevent its occurrence, unless and until he proves to the satisfaction of the court that he used all reasonable diligence and precautions and that he could not have prevented its occurrence;
- 45 (f) an animal had strayed, and it is proved that such animal was found upon land where under the provisions of this Act it should not be and, when so found, was unattended by any person, or was being driven off by or on behalf of its owner, it shall be presumed that such animal had strayed on to such land unless and until the contrary is proved to the satisfaction of the court;
- 50 (g) an officer has been appointed, or that duties have been assigned to him, or that powers have been delegated to him, it shall be presumed that such officer was duly appointed, or that such duties were duly assigned to him, or that such powers were duly delegated to him, as the case may be, unless and until the contrary is proved to the satisfaction of the court;
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- (h) iemand 'n gemagtigde persoon binne die bedoeling van hierdie Wet is, word daar aangeneem dat so iemand behoorlik gemagtig is tensy en totdat die teenoor-gestelde, ter bevrediging van die hof, bewys word;
- (i) 'n kennisgewing wat die tyd of tussenpose bepaal vir die doen van iets wat gereeld op 'n vasgestelde tyd of na 'n gesette tussenpose kragtens hierdie Wet gedoen moet word op iemand gedien is en dit word bewys dat hy sodanige ding by drie agtereenvolgende geleent-hede op die vasgestelde tyd of na die gesette tussen-10 pose gedoen het, is daar 'n onweerlegbare vermoede dat die kennisgewing behoorlik op hom gedien is.

State as getuienis.

30. By 'n vervolging kragtens hierdie Wet word 'n staat wat deur 'n beampte of gemagtigde persoon in die uitoefening van sy ampsplig gehou word, geag *prima facie* bewys te wees 15 van die feite daarin opgeteken wanneer dit getoon word deur die beampte of persoon in wie se bewaring dit is. Behalwe met die goedkeuring van die Minister het niemand behalwe 'n beampte of gemagtigde persoon insage in sodanige state wat kragtens hierdie Wet gehou word nie en geen sodanige state 20 word in 'n regsgeding gebruik behalwe by vervolgings kragtens hierdie Wet.

Dien van kennis-gewings.

31. (1) 'n Kennisgewing of ander dokument kragtens hierdie Wet kan gedien word—

- (a) deur 'n afskrif daarvan persoonlik af te gee aan die 25 persoon op wie dit gedien moet word; of
- (b) deur so 'n afskrif te laat by sy gewone of laas bekende woonplek of plek waar hy sy beroep beoefen; of
- (c) deur so 'n afskrif per aangetekende pos te stuur na sy gewone of laas bekende woonplek of plek waar 30 hy sy beroep beoefen; of
- (d) op enige ander manier soos deur die Minister voorgeskryf (insluitende metodes van diening wat nie vereis dat die kennisgewing of ander dokument of 'n afskrif daarvan afgelewer moet word by die betrokke 35 persoon of persone nie), wat na die mening van die Minister, die inhoud van sodanige kennisgewing of dokument doeltreffend onder hulle aandag sal bring: Met dien verstande dat, waar die persone op wie sodanige manier van diening toepaslik gemaak is, 40 naturelle is, die Minister van Naturellesake daarom-trent raadpleeg voordat hy dit voorskryf.

(2) Waar twee of meer persone gesamentlik grond besit, word 'n kennisgewing kragtens hierdie Wet op een van hulle as eienaar van die grond gedien, beskou as gedien op hulle 45 almal.

(3) Die blote voorlegging van 'n dokument wat voorgegee word 'n beëdigde verklaring te wees deur iemand wat beweer dat hy, handelende op gesag aan hom verleen kragtens hierdie Wet, op die beskuldigde ooreenkomstig die bepalinge van sub- 50 artikel (1) van hierdie artikel 'n kennisgewing of ander dokum-ent (met vermelding van besonderhede van sodanige kennis-gewing of ander dokument en die tyd, plek en manier van diening) gedien het sal by 'n vervolging kragtens hierdie Wet maar onderworpe aan die bepalinge van sub-artikel (6) van 55 artikel tweehonderd nege-en-dertig van die Straffproseswet, 1955 (Wet No. 56 van 1955), *prima facie* bewys lewer dat sodanige kennisgewing op die beskuldigde gedien en deur hom ontvang is.

(4) By sodanige vervolging kan die verweer nie opgewerp 60 word dat die beskuldigde in werklikheid nie 'n kennisgewing of ander dokument ontvang het nie as daar bewys word dat hy geweier het om dit te ontvang toe dit aan hom persoonlik of per aangetekende pos aangebied was, of dat hy geweier of in gebreke gebly het om enige handeling te verrig wat van hom 65 vereis word kragtens 'n deur by paragraaf (d) van sub-artikel (1) van hierdie artikel voorgeskrewe wyse van diening, tensy hy tot bevrediging van die hof bewys dat hy nie in gebreke gebly het as gevolg van enige gebrek aan ywer van sy kant nie.

Verstelling vir navorsing ens.

32. Niks in hierdie Wet vervat word so vertolk dat dit die 70 dade of versuim van 'n beampte of persoon wat deur die Minister gemagtig word om ondersoek in te stel na of proewe of na-vorsing te doen in verband met 'n siekte, belet of strafbaar maak nie, indien en vir sover as sy optrede sodanige ondersoek, proef of navorsing bevorder. 75

Beperking van regs-gedinge teen Administrasie van Spoorweë en Hawens.

33. Geen regs-geding word teen die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens ingestel op grond van sy weiering om 'n dier of ding waarvan die verwydering kragtens hierdie Wet belet is of vir die verwydering waarvan 'n permit

- (h) any person is an authorized person within the meaning of this Act, it shall be presumed that such person was duly authorized, unless and until the contrary is proved to the satisfaction of the court;
- 5 (i) a notice fixing the time or interval of doing any thing required to be done regularly at a fixed time or interval under this Act was served upon any person, and it is proved that he did such thing on three consecutive occasions at such time or interval, it shall be presumed conclusively that such notice was duly served upon him.

30. In any prosecution under this Act any record kept by any officer or authorized person in the course of his duty shall be *prima facie* proof of the facts therein recorded upon its production by the officer or person in whose custody it is. Except with the Minister's consent no person other than an officer or authorized person shall be given access to any record kept under and for the purposes of this Act and no such record shall be used in connection with any legal proceedings other than prosecutions under this Act.

Records as evidence.

31. (1) Service of any notice or other instrument under this Act may be effected—

Service of Notices.

- (a) by delivering a copy thereof personally to the person upon whom it is to be served; or
- 25 (b) by leaving such copy at his usual or last known place of residence or business; or
- (c) by sending such copy by registered post to his usual or last known place of residence or business; or
- 30 (d) in such other manner as the Minister may prescribe (including such modes of service not requiring the notice or other instrument or a copy thereof to be delivered to the person or persons concerned) that will in the opinion of the Minister effectively bring to their knowledge the contents of such notice or other instrument, provided that if the persons to whom such mode of service is made applicable are natives the Minister shall consult with the Minister of Native affairs thereanent before prescribing it.

(2) If any land is owned jointly by two or more persons any notice under this Act which is served upon any one of them as owner of such land shall be deemed to have been served upon them all.

(3) In any prosecution under this Act a document purporting to be an affidavit made by a person who alleges therein that acting upon authority conferred upon him under this Act he served upon the accused in accordance with the provisions of sub-section (1) of this section a notice or other instrument (setting forth the particulars of such notice or other instrument and the time, place, and manner of service) shall upon its mere production, but subject to the provisions of sub-section (6) of section two-hundred-and-thirty-nine of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), be *prima facie* proof that such notice was duly served upon the accused and received by him.

(4) In any such prosecution it shall be no defence that the accused did not in fact receive a notice or other instrument, if it is proved that he refused to accept such notice or other instrument when it was tendered to him either personally or by registered post, or that he refused or failed to do any act required of him under any mode of service prescribed by paragraph (d) of sub-section (1) of this section, unless he proves to the satisfaction of the court that his failure was not due to any lack of diligence on his part.

32. Nothing in this Act contained shall be construed as prohibiting or penalizing the acts or omissions of any officer or person authorized by the Minister to conduct investigations, experiments or research in connection with any disease in so far as his conduct is in furtherance of any such investigation, experiment, or research.

Exemption for research.

33. No action shall lie against the South African Railways and Harbours Administration by reason of its refusal to transport any animal or thing, the removal of which is prohibited under this Act, or for the removal of which a permit is required

Limitations of actions against Railways and Harbours Administration.

kragtens hierdie Wet vereis word, te vervoer nie, indien die weiering geskied as gevolg van sodanige verbod of versuim van die afsender om die nodige permit aan die Administrasie te toon, al na gelang van die geval, of op grond van sy aanhouding of beskikking oor 'n dier of ding ooreenkomstig 'n bevel uitgereik deur die Direkteur kragtens hierdie Wet, indien sodanige aanhouding of beskikking geskied as gevolg van so 'n bevel deur die Direkteur uitgereik.

Regulasies.

34. (1) Die Minister kan regulasies maak wat nie in stryd met hierdie Wet is nie—

- (a) waardeur die behandeling, invoer, landing, verskeping, beweging, vervoer of verwydering van diere en besmetlike dinge vanuit en binne die Unie verbied, beheer, reguleer en beperk en die inenting van 'n dier vereis word vir die doeleindes van die voorkoming van die inbrenging, verspreiding of voorkoms van siektes of parasiete en die uitroeiing daarvan in die Unie; 15
- (b) waardeur die vertoon van diere of besmetlike dinge aan beamptes of gemagtigde persone, en die aanhouding, afsondering, inspeksie, nagaan, tel, toets, ontsmetting, skoonmaak, versekering en merk daarvan en die brandmerk, monsterring, muilband, knip, skeer, en immunisering van diere, en die vernietiging, beslaglegging, begrawe en opgrawe van diere en die beskikking daarvoor op enige ander wyse, beheer, reguleer of vereis word vir die doeleindes van die voorkoming van die inbrenging, verspreiding of voorkoms van siektes of parasiete en die uitroeiing daarvan in die Unie; 20
- (c) waardeur die invoer, vervaardiging, adverteer, verkoop, uitgifte, verspreiding, gebruik van of beskikking oor 'n entstof, serum, toksien, anti-toksien, antigeen of enige ander produk wat of geheel of gedeeltelik vervaardig is van enige mikro-organisme of van die kliere, organe, vloeistowwe of enige ander gedeelte van enige dier en wat gebruik word of bedoel is om gebruik te word vir die toets, behandeling of immunisering van enige dier vir of teen 'n siekte, verbied, beheer, reguleer of beperk word en waardeur die eenheid van standaardisering, mate van uitwerking, suiwerheid, gehalte, kwaliteit, verpakking, aanbring van etikette, opberging, inspeksie, aanhouding, toets, beslaglegging op, konfiskering en vernietiging daarvan beheer en reguleer word; 30
- (d) waardeur die aanmeld van die besmetting of vermoedelike besmetting van 'n dier met 'n siekte of die aanmeld van die dood van 'n dier aan enige oorsaak hoegenaamd insluitende die slag daarvan en die verskaffing van smere en ander monsters en organe van 'n dier wat besmet of vermoedelik besmet is met enige siekte of wat dood is van enige oorsaak hoegenaamd, insluitende die slag daarvan, beheer of reguleer word; 45
- (e) waardeur die oprigting en gebruik van kwarantynstasies en die behandeling van diere daarin, insluitende die voeding, watergee, versorging en verwydering van en toegang tot sodanige diere, beheer en reguleer word; 50
- (f) waardeur die registrasie van kermisse, marke, vendusiekrake, tentoonstellingsterreine, sirkusse, diereversamelings, dieretuine, wildreserwes, voëlparkke, troeteldierwinkels, hondehokke, dierehospitale, diereklinieke, dieretuistes, skutte, renbane, abattoirs, slagpale en ander plekke waarheen diere gebring word of waar hulle versamel word vir verkoping, vertoning, sport, uitvoering van toertjies, huisvesting of om geskut, behandel of geslag te word, beheer en reguleer word; en waardeur die aangeleenthede wat aan die Departement rapporteer moet word deur die persone in bevel van sodanige plekke, voorgeskryf word asook die voorsorgmaatreëls wat by sulke plekke getref moet word teen die verspreiding van siektes, insluitende die vereiste dat diere wat by 'n abattoir of slagpaal aankom daar geslag moet word op of binne 'n sekere tyd en waardeur die bring na of die versameling van diere op sodanige plekke verbied of beperk word indien dit volgens sy mening waarskynlik is dat siektes daardeur versprei kan word; 60
- (g) waardeur die skoonmaak, ontsmetting en bevryding van parasiete van enige grond of vervoermiddel, insluitende die skoonmaak en verbrand van enige plantegroei of plantaardige materiaal daarop beheer 75

under this Act, or by reason of its detention or disposal of any animal or thing in accordance with an order issued by the Director under the provisions of this Act, if the reason for its refusal was the fact of such prohibition or the failure of the
 5 consignor to produce to the Administration the requisite permit, or if the reason for such detention or disposal was the issue of an order to that effect by the Director, as the case may be.

34. (1) The Minister may make regulations not inconsistent Regulations.
 with this Act:

- 10 (a) prohibiting, controlling, regulating or restricting the treatment, importation, landing, trans-shipment, movement and the removal from and within the Union of any animal or infectious thing, or requiring the inoculation of any animal, for the purpose of preventing
 15 the introduction or spread of diseases and parasites into the Union, and of preventing their occurrence or spread within, and of eradicating them from the Union;
- 20 (b) controlling, regulating and requiring the production to officers and authorized persons, the detention, isolation, inspection, checking, counting, testing, disinfecting, disinfesting, securing and marking of any animals or infectious thing, the branding, mustering, muzzling, clipping, shearing and immunization of any
 25 animal, the destruction, seizure, burial, exhumation and disposal otherwise of any infectious thing, for the purpose of preventing the introduction or spread of disease and parasites into the Union and of preventing their occurrence or spread within and of eradicating them from the Union;
- 30 (c) prohibiting, controlling, regulating or restricting the importation, manufacture, advertising, selling, issue, distribution, use or disposal and controlling and regulating the unit of standardization, standard of
 35 potency, purity, quality, packing, labelling, storing, inspection, detention, testing, seizure, confiscation and destruction of any vaccine, serum, toxin, antitoxin, antigen or other product derived wholly or partly from any micro-organism, or from the glands, organs,
 40 fluids or any part of any animals, and used or intended for use in or for the testing, treatment, or immunization of any animal for or against any disease;
- 45 (d) controlling and regulating the reporting of the infection or the suspected infection of any animal with any disease, the reporting of the death of any animal from any cause whatsoever including slaughter, and the furnishing of smears and other specimens and organs from any animal which is infected or suspected of
 50 being infected with any disease or which dies from any cause whatsoever, including slaughter;
- 55 (e) controlling and regulating the establishment and use of quarantine stations and the management of animals therein, including the feeding, watering and tending of such animals and the access to animals therein and the removal of animals therefrom;
- 60 (f) controlling and regulating the registration of fairs, markets, saleyards, showgrounds, circuses, menageries, zoological gardens, game reserves, bird sanctuaries, pet shops, kennels, animal hospitals, animal clinics, animal homes, pounds, race-courses, abattoirs, slaughter poles, and other places to which animals are brought, or where they are assembled for sale, exhibition, sport, performance, boarding, impounding, treatment, or slaughter; prescribing the reports to be
 65 submitted to the Department by those in charge of such places; and prescribing the precautions to be taken at such places against the spread of disease, including the requirement that animals arriving at any abattoir or slaughter pole shall be slaughtered there at or within a certain time, and restricting or prohibiting the bringing and assembling of animals to and at such places, if in his opinion such bringing or assembling would be likely to spread disease;
- 70 (g) controlling and regulating the cleansing, disinfection, and disinfestation of any land or conveyance, including the clearing and burning of any vegetation and
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en reguleer word vir die doeleindes om die verspreiding van siektes te voorkom;

- (h) waardeur die beslaglegging op en die aanhouding, konfiskering en vernietiging van en die beskikking oor 'n dier, wat besmet of vermoedelik besmet is met 'n siekte of wat verdwaal het of wat vervoer is in stryd met die bepalings van hierdie Wet of die beslaglegging, aanhouding, konfiskering, vernietiging, of beskikking waarvan volgens sy mening nodig is om die verspreiding of uitwissing van 'n siekte te voorkom, beheer en reguleer word en waardeur die basis van vergoeding, die manier waarop en die vorm waarin aansoek om vergoeding gedoen moet word en die besonderhede wat daarin verstrekk moet word, voorgeskryf word;
- (i) waardeur die beweging van enige persoon op enige grond belet en beperk word indien dit waarskynlik is dat sodanige beweging volgens sy oordeel die verspreiding van 'n siekte kan aanhelp; en waardeur die manier waarop die klere en liggaam van sodanige persoon ontsmet moet word asook enige ander voorsorgmaatreëls wat getref moet word om die verspreiding van 'n siekte deur sodanige persoon te verhoed, voorgeskryf word;
- (j) waardeur die informasie omtrent enige saak wat onderworpe is aan die bepalings van hierdie Wet, wat enige persoon moet verstrekk aan beamptes of gemagtigde persone, voorgeskryf en reguleer word;
- (k) waardeur die aantekeninge en registers wat gehou moet word en die omstandighede waaronder en die persone deur wie enige persoon van die hou van sodanige aantekeninge en registers vrygestel kan word en die persone deur wie en die omstandighede waaronder sulke aantekeninge en registers ondersoek kan word, voorgeskryf word en waardeur die beslaglegging daarop en die vernietiging daarvan en beskikking daarvoor en die maak van uittreksels en verstrekking van inligting daaruit, reguleer en beheer word;
- (l) betreffende die verpligte inenting, behandeling, ontsmetting en bevryding van parasiete van enige dier op enige grond of gebied en betreffende die verpligte verwydering en uitsluiting van enige dier van daardie grond of gebied;
- (m) waardeur die vorm van sertifikate, permitte en ander dokumente wat kragtens hierdie Wet vereis word en die besonderhede wat in sodanige vorm ingevoeg of verstrekk moet word, voorgeskryf word;
- (n) waardeur die fooie en koste wat betaal moet word vir enige handeling deur of ten behoeve van die Departement kragtens hierdie Wet verrig, voorgeskryf word;
- (o) waardeur enige aangeleentheid wat volgens hierdie Wet voorgeskryf moet word, voorgeskryf word; en in die algemeen enige regulasie oor enige aangeleentheid, hetsy reeds voorheen vermeld al dan nie, wat hy noodsaaklik of wenslik ag om voor te skryf, te beheer, te reguleer of te verbied met die doel om uitvoering te gee aan die bepalings van hierdie Wet of vir die doel om die inbreng, verspreiding of voorkoms van siektes en parasiete in die Unie te verhoed en om hulle uit te roei.

(2) Verskillende regulasies kan gemaak word ten opsigte van verskillende klasse diere, siektes, parasiete, dinge, grond, gebiede, persone of omstandighede en kan in bepaalde opsigte onderskeid maak tussen sekere dele van die Unie soos die Minister nodig of raadsaam ag vir die beter uitvoering van hierdie Wet of vir die voorkoming, beheer of uitroeiing van enige siekte of parasiet.

(3) Die Minister kan enige proklamasie, regulasie, bevel of kennisgewing wat kragtens sub-artikel (2) van artikel ses-entertig instandgehou word, wysig, ophef of herroep.

(4) Voordat enige regulasies kragtens hierdie artikel uitgevaardig word, moet dit deur die Minister in die *Staatskoerant* gepubliseer word tesame met 'n kennisgewing dat alle belanghebbendes uitgenooi word om enige besware teen of vertoë oor die voorgestelde regulasies binne 'n bepaalde tydperk, maar wat nie minder as vier weke vanaf die datum van publikasie van sodanige kennisgewing is nie, skriftelik in te dien. Daarna kan die regulasies, met of sonder wysigings, soos die Minister goedgevind, uitgevaardig word: Met dien verstande dat, indien na sy oordeel, die doel van enige regulasies verrydel sal word as gevolg van vertraging, die regulasies uitgevaardig kan word sonder voorafgaande publikasie daarvan in die *Staatskoerant*.

vegetable matter on any land, to prevent the spread of disease;

- 5 (h) controlling and regulating the seizure, detention, confiscation, destruction and disposal of any animal which is infected or suspected of being infected with any disease, or which has strayed or been moved contrary to the provisions of this Act, or the seizure, detention, confiscation, destruction, or disposal of which is in his opinion necessary to prevent the spread of or to eradicate any disease and prescribing the scales of compensation and the manner and form in which application for compensation shall be made and the particulars to be furnished in such form;
- 10 (i) restricting and prohibiting the movement of any person upon any land, where in his opinion such movement would be likely to spread disease and prescribing the manner of disinfection of the body and clothing of such a person and other precautions to be taken to prevent the spread of disease by such person;
- 15 (j) prescribing and regulating the information to be furnished by any person to officers and authorized persons on any matter which is subject to the provisions of this Act;
- 20 (k) prescribing the records and registers to be kept and the circumstances under which and the persons by whom any person may be exempted from maintaining such records and registers and the persons by whom and the circumstances under which such records or registers may be inspected and regulating and controlling the seizure, destruction and disposal thereof and the taking of extracts and the furnishing of information therefrom;
- 25 (l) as to the compulsory inoculation, treatment, disinfection and disinfesting of any animal in any land or area and the compulsory removal and exclusion of any animal from such land or area;
- 30 (m) prescribing the form of certificates, permits and other documents required under this Act and the particulars to be inserted or furnished on any such form;
- 35 (n) prescribing the fees and charges to be paid for anything done by or on behalf of the department under this Act;
- 40 (o) prescribing any matter which may be prescribed under this Act; and generally any regulations on any matter whether hereinbefore specified or not which he deems necessary or expedient to prescribe, control, regulate, restrict or prohibit for the purpose of carrying out and giving effect to this Act, or for the purpose of preventing the introduction or spread of diseases and parasites into the Union, and of preventing their occurrence or spread within, and of eradicating them from the Union.
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55 (2) Different regulations may be made with reference to different classes of animals, diseases, parasites, things, land, areas, persons, and circumstances and may be varied so as to differentiate between different parts of the Union in any particular as the Minister may deem necessary or expedient for the better administration of this Act, and for the prevention, control or eradication of any disease or parasite.

60 (3) The Minister may amend, suspend or repeal any proclamation, regulation, order or notice which is continued in force under sub-section (2) of section *thirty-six* of this Act.

(4) Before any regulations are issued under this section, such regulations shall be published by the Minister in the *Gazette* together with a notice inviting all interested persons to submit in writing, any objections to or representations concerning the proposed regulations, within a stated period, but not less than four weeks from the date of publication of such notice, after which period the regulations may be promulgated with or without modifications as the Minister may deem fit: Provided that, if in his opinion the purpose of any regulation would be defeated by delay such regulation may be promulgated without prior publication in the *Gazette*.

(5) 'n Kragtens sub-artikel (1) uitgevaardigde regulasie word binne veertien dae na afkondiging daarvan in beide Huisse van die Parlement ter Tafel gelê indien die Parlement dan in gewone sitting is, of indien die Parlement nie dan in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting, en bly op genoemde Tafels vir minstens agt-en-twintig agtereenvolgende dae, en indien die Parlement gepro-rogeer word voordat die nodige agt-en-twintig dae verloop het, word sodanige regulasie weer soos vermeld binne veertien dae na die aanvang van sy eersvolgende gewone sitting ter Tafel 10 gelê.

(6) (a) Indien so 'n regulasie nie deur beide Huisse van die Parlement by besluit wat gedurende dieselfde sitting geneem word (naamlik 'n sitting waarin so 'n regulasie ooreenkomstig sub-artikel (5) in beide Huisse van die Parlement ter Tafel gelê is) goedgekeur word nie, verval die regskrag van so 'n regulasie aan die end van drie kalender maande vanaf die datum van 'n besluit deur die een of ander Huis van die Parlement wat dit afkeur, in die mate waarin dit aldus afgekeur word. 20

(b) Die bepalings van paragraaf (a) doen geen afbreuk nie aan die geldigheid van enigiets ooreenkomstig so 'n regulasie of 'n bepaling daarvan gedoen tot op die datum waarop die regskrag daarvan verval het, of aan enige reg, voorreg, verpligting of aanspreeklikheid wat op bedoelde datum reeds ingevolge so 'n regulasie of so 'n bepaling daarvan verkry, opgeloop of aangegaan is. 25

Wet bind die Kroon.

35. Hierdie Wet bind die Kroon.

Herroeping van Wette.

36. (1) Die wette genoem in die Bylae van hierdie Wet word hierby herroep soos in die Bylae aangetoon. 30

(2) Alle proklamasies, regulasies, bevele en kennisgewings uitgereik of gegee kragtens die genoemde wette en van krag by die inwerkingtreding van hierdie Wet, bly van krag totdat hulle kragtens hierdie Wet teruggetrek word. 35

(3) Persone aan wie pligte toegewys of bevoegdhede gedelegeer is kragtens enige van die genoemde Wette en wat die toegewese pligte of gedelegeerde bevoegdhede uitvoer by die inwerkingtreding van hierdie Wet word geag dit kragtens hierdie Wet uit te voer. 40

Kort titel en datum van inwerkingtreding.

37. Hierdie Wet heet die Wet op Siektes en Parasiete van Diere, 1956, en tree in werking op 'n deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaalde datum.

Bylae.

No. en jaar van Wet.	Kort titel van Wet.	In hoeverre herroep.
<i>Kaap die Goeie Hoop:</i>		
Wet No. 31 van 1908.	Cattle Cleansing Act, 1908 ..	Die hele wet.
Wet No. 43 van 1909.	Cattle Cleansing Act Amendment Act, 1909.	Die hele wet.
<i>Unie:</i>		
Wet No. 11 van 1910.	Kaap Provinsie Veereinigings Wet, 1910.	Die hele wet.
Wet No. 14 van 1911.	Veeziekten Wet, 1911	Die hele wet.
Wet No. 17 van 1912	Omheiningswet, 1912	Hoofstuk II (artikels 9 tot 18).
Wet No. 25 van 1916.	Veeziekten Wet Wijzigingswet, 1916.	Die hele wet.
Wet No. 31 van 1923.	Veeziekten Wet Wijzigingswet, 1923.	Die hele wet.
Wet No. 18 van 1925.	Veeziekten Wet, 1911, Verdere Wijzigingswet, 1925.	Die hele wet.
Wet No. 5 van 1930.	Veeziekten Wet (Wysigings) Wet 1930.	Die hele wet.
Wet No. 37 van 1937.	Veeziekten Wysigingswet, 1937 ..	Die hele wet.
Wet No. 17 van 1940.	Veeziekten Wysigingswet, 1940 ..	Die hele wet.

(5) Any regulation made under sub-section (1) shall be laid on the Tables of both Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within 5 fourteen days after the commencement of its next ensuing ordinary session, and shall remain on the said Tables for at least twenty-eight consecutive days, and if Parliament is prorogued before the necessary twenty-eight days have elapsed, such regulation shall again be laid on the said Tables as afore- 10 said within fourteen days after the commencement of its next ensuing ordinary session.

(6) (a) If such regulation is not approved in both Houses of Parliament by resolution passed in the same session (being a session during which such regulation has been laid on the Tables of both Houses of Parliament in terms of sub-section (5)) such regulation shall 15 cease to be of force and effect at the end of three calendar months as from the date of any resolution of either House of Parliament disapproving thereof to the extent of such disapproval.

(b) The provisions of paragraph (a) are without prejudice to the validity of anything done in terms of such regulation or any provision thereof up to the date upon which it so ceased to be of force and effect, or 20 to any right, privilege, obligation or liability required, accrued or incurred as at the said date under and by virtue of such regulation or such provision thereof.

35. This Act shall be binding on the Crown.

Act binding on the Crown.

36. (1) The laws set forth in the Schedule to this Act are 30 hereby repealed to the extent shown in the said Schedule. Repeal of Laws.

(2) All proclamations, regulations, orders and notices made or given under any of the said Laws, and in force at the commencement of this Act shall remain in force until withdrawn under this Act.

35 (3) All persons assigned duties, or delegated powers, under any of the said laws, and performing the assigned duties, or exercising the delegated powers, at the commencement of this Act, shall be deemed to be performing such duties or exercising such powers, under this Act.

40 37. This Act shall be called the Diseases and Parasites of Animals Act, 1956, and shall come into operation on a date to be fixed by the Governor-General by Proclamation in the Gazette. Short title and date of commencement.

Schedule.

No. and year of law.	Short title of law.	Extent repealed.
<i>Cape of Good Hope:</i>		
Act No. 31 of 1908.	Cattle Cleansing Act, 1908 ..	The whole.
Act No. 43 of 1909.	Cattle Cleansing Act Amendment Act, 1909.	The whole.
<i>Union:</i>		
Act No. 11 of 1910.	Cape Province Cattle Cleansing Act, 1910.	The whole.
Act No. 14 of 1911.	Diseases of Stock Act, 1911 ..	The whole.
Act No. 17 of 1912.	Fencing Act, 1912.. ..	Chapter II (sections 9 to 18).
Act No. 25 of 1916	Diseases of Stock Act Amendment Act, 1916.	The whole.
Act No. 31 of 1923.	Diseases of Stock Act Amendment Act, 1923.	The whole.
Act No. 18 of 1925.	Diseases of Stock Act, 1911, Further Amendment Act, 1925.	The whole.
Act No. 5 of 1930.	Diseases of Stock (Amendment) Act, 1930.	The whole.
Act No. 37 of 1937.	Diseases of Stock Amendment Act, 1937.	The whole.
Act No. 17 of 1940.	Diseases of Stock Amendment Act, 1940.	The whole.