



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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CAPE TOWN, 28TH MARCH, 1973.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 459.

28 Maart 1973.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 9 van 1973: Wysigingswet op Dieresiektes en -parasiete, 1973.

DEPARTMENT OF THE PRIME MINISTER.

No. 459.

28th March, 1973.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 9 of 1973: Animal Diseases and Parasites Amendment Act, 1973.

Act No. 9, 1973

## ANIMAL DISEASES AND PARASITES AMENDMENT ACT, 1973.

**ACT**

**To amend the provisions of the Animal Diseases and Parasites Act, 1956, relating to definitions; to provide for the construction, reconstruction, repair and maintenance of roads on and giving access to certain land; to apply the said Act in the territory of South West Africa; and to provide for incidental matters.**

*(Afrikaans text signed by the State President.)*  
*(Assented to 19th March, 1973.)*

**BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 13 of 1956, as amended by section 1 of Act 18 of 1967, section 1 of Act 51 of 1969 and section 1 of Act 46 of 1970.

**1. Section 1 of the Animal Diseases and Parasites Act, 1956** (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of "local authority" of the following definition:  
 "local authority" means any institution, council or body contemplated by paragraph (f) of section 84(1) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), or, in relation to the territory, any town council constituted or deemed to have been constituted under the provisions of the Municipal Ordinance, 1963 (Ordinance No. 13 of 1963 of the territory), or any village management board constituted or deemed to have been constituted under the provisions of the Village Management Boards Ordinance, 1963 (Ordinance No. 14 of 1963 of the territory);";
- (b) by the substitution for the definition of "Minister" of the following definition:  
 "Minister" means the Minister of Agriculture;";
- (c) by the substitution for the definition of "occupier" of the following definition:  
 "occupier" means, in relation to—
  - (a) any land used by the State, the person having the charge, control or management of such land;
  - (b) any land held by the South African Bantu Trust or any location as defined by section 35 of the Bantu Administration Act, 1927 (Act No. 38 of 1927), or, in relation to the territory, by section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928 of the territory), the chief thereof or, if there is no chief, the headman thereof,

## WYSIGINGSWET OP DIERESIEKTES EN -PARASiete, 1973 Wet No. 9, 1973

**WET**

**Tot wysiging van die bepalings van die Wet op Dieresiektes en -parasiete, 1956, betreffende woordomskrywings; om voor-siening te maak vir die bou, herbou, herstel en instandhouding van paaie op en wat toegang verleen tot sekere grond; om genoemde Wet in die gebied Suidwes-Afrika van toepassing te maak; en om voor-siening vir bykomstige aangeleenthede te maak.**

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 19 Maart 1973.)

**DAAR WORD BEPAAL** deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:

**1. Artikel 1 van die Wet op Dieresiektes en -parasiete, 1956** (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van „bewoner“ deur die volgende omskrywing te vervang:

„bewoner“, met betrekking tot—

(a) grond wat deur die Staat gebruik word, die persoon wat toesig hou oor sulke grond of dit beheer of bestuur;

(b) grond wat die Suid-Afrikaanse Bantoetrust besit, of 'n lokasie soos omskryf by artikel 35 van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), of, met betrekking tot die gebied, by artikel 25 van die Naturelle-administrasie Proklamasie, 1928 (Proklamasie No. 15 van 1928 van die gebied), die kaptein daarvan of, indien daar nie 'n kaptein is nie, die hoofman daarvan of, indien daar nie 'n hoofman is nie, dié persoon wat die Minister, na oorlegpleging met die Minister van Bantoe-administrasie en -ontwikkeling, as bewoner aanwys;

(c) 'n meent of uitspanning, wat nie deur 'n plaaslike owerheid beheer word nie, dié persoon wat die Minister, na oorlegpleging met die Administrateur van 'n Provinsie, met inbegrip van die gebied, waarin die meent of uitspanning geleë is, as bewoner aanwys; en enige ander grond, met inbegrip van Staatsgrond wat ingevolge 'n huurkontrak, vergunning of toekenning besit word, dié persoon wat daarop woon, of indien daar nie so iemand is nie, dié persoon wat gewoonlik daarop teenwoordig is gedurende die normale tye waarop 'n bedryf, waarvoor die grond gebruik word, beoefen word, en wat toesig hou oor sulke grond of so 'n bedryf, of dit beheer of bestuur, of indien daar nie so

Wysiging van artikel 1 van Wet 13 van 1956, soos gewysig deur artikel 1 van Wet 18 van 1967, artikel 1 van Wet 51 van 1969 en artikel 1 van Wet 46 van 1970.

## Act No. 9, 1973 ANIMAL DISEASES AND PARASITES AMENDMENT ACT, 1973.

or, if there is no headman, the person whom the Minister may designate as occupier after consultation with the Minister of Bantu Administration and Development;

(c) any commonage or outspan not controlled by any local authority, the person whom the Minister may designate as occupier after consultation with the Administrator of any Province, including the territory, in which such commonage or outspan is situated; and

(d) any other land, including any State land held under a lease, licence or allotment, the person resident thereon, or, if there is no such person, the person ordinarily 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, or, if there is no such person, the person designated as occupier under the provisions of subsection (1) of section 17;";

(d) by the insertion after the definition of "regulation" of the following definitions:

"'Republic' includes the territory;

'State' includes the Administration of the territory;

'State land' includes land of the Administration of the territory;";

(e) by the insertion after the definition of "territorial waters of the Republic" of the following definition: "territory' means the territory of South West Africa;".

Insertion of  
section 18A in Act  
13 of 1956.

2. The following section is hereby inserted in the principal Act after section 18:

"Roads on  
or giving  
access to  
certain land.

18A. (1) Any person, including an officer of any department of State, provincial administration or divisional council, duly authorized thereto by the Minister, may construct, reconstruct, repair or maintain such roads as the Minister may deem necessary, on or giving access to any land on which any veterinary fixture in terms of section 13 or any fence in terms of section 16 has been or is to be erected or on which any cordon in terms of section 18 (1) (e) has been or is to be established.

(2) Any person authorized in terms of subsection (1) may, for the purpose of the construction, reconstruction, repair or maintenance of any road referred to in subsection (1) or for any other activity incidental thereto and after notice to the owner or occupier of the land in question, enter upon such land and may, without any obligation to pay compensation therefor, erect a temporary camp and dig or take away such stone, clay, gravel, earth, sand, water, bush, wood or other materials required for such construction, reconstruction, repair, maintenance or other activity.

(3) If any of the materials referred to in subsection (2) is not readily available on the land in question, the person authorized in terms of subsection (1) may, after notice to the owner or occupier of any other land, enter upon such other land for the removal therefrom of such materials as are reasonably required for the construction, reconstruction, repair or maintenance of any road referred to in subsection (1), in which case the compensation determined by the Minister shall be paid.

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- iemand is nie, dié persoon wat kragtens die bepalings van subartikel (1) van artikel 17 as bewoner aangewys is;”;
- (b) deur die volgende omskrywing na die omskrywing van „eienaar” in te voeg: „gebied”, die gebied Suidwes-Afrika;”;
  - (c) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang: „Minister”, die Minister van Landbou;”;
  - (d) deur die omskrywing van „plaaslike owerheid” deur die volgende omskrywing te vervang: „plaaslike owerheid”, enige instelling, raad of liggaam in paragraaf (f) van artikel 84 (1) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), bedoel, of, met betrekking tot die gebied, ‘n munisipaliteit ingestel of geag ingestel te wees ingevolge die bepalings van die Municipale Ordonnansie, 1963 (Ordonnansie No. 13 van 1963 van die gebied), of ‘n dorpsbestuur ingestel of geag ingestel te wees ingevolge die bepalings van die Ordonnansie op Dorpsbesture, 1963 (Ordonnansie No. 14 van 1963 van die gebied);”;
  - (e) deur die volgende omskrywing na die omskrywing van „regulasie” in te voeg: „Republiek”, ook die gebied;”.
  - (f) deur die volgende omskrywings na die omskrywing van „siekte” in te voeg: „Staat”, ook die Administrasie van die gebied; „Staatsgrond”, ook grond van die Administrasie van die gebied;”.

## 2. Die volgende artikel word hierby in die Hoofwet na artikel 18 ingevoeg:

Invoeging van artikel 18A in Wet 13 van 1956.

„Paaie op 18A. (1) Iemand, met inbegrip van ‘n beampot of wat van ‘n Staatsdepartement, provinsiale administrasie toegang verleen tot sekere grond, wat behoorlik deur die Minister daartoe gemagtig is, kan dié paaie wat die Minister nodig ag, bou, herbou, herstel of in stand hou op, of wat toegang verleen tot, grond waarop ‘n veeartseny-installasie ingevolge artikel 13, ‘n omheining ingevolge artikel 16 of ‘n kordon ingevolge artikel 18 (1) (e) opgerig is of opgerig gaan word.

(2) Iemand wat ingevolge subartikel (1) gemagtig is, kan vir die bou, herbou, herstel of instandhouding van ‘n in subartikel (1) bedoelde pad of vir ‘n ander werkzaamheid wat daarmee in verband staan en na kennisgewing aan die eienaar of bewoner van die betrokke grond, daardie grond betree en kan, sonder enige verpligting om vergoeding daarvoor te betaal, ‘n tydelike kamp opslaan en die klip, klei, gruis, grond, sand, water, bosse, hout of ander materiaal uitgrawe of wegneem wat benodig is vir bedoelde bou, herbou, herstel, instandhouding of ander werkzaamheid.

(3) Indien enige van die in subartikel (2) bedoelde materiaal nie geredelik op die betrokke grond beskikbaar is nie, kan die persoon wat ingevolge subartikel (1) gemagtig is, na kennisgewing aan die eienaar of bewoner van enige ander grond, bedoelde ander grond betree vir die verwydering van dié materiaal wat redelikerwys benodig is vir die bou, herbou, herstel of instandhouding van ‘n in subartikel (1) bedoelde pad, in welke geval die vergoeding wat die Minister bepaal, betaal moet word.

## Act No. 9, 1973 ANIMAL DISEASES AND PARASITES AMENDMENT ACT, 1973.

Amendment of  
section 28 of Act  
13 of 1956, as  
amended by section  
3 of Act 18 of  
1967 and section  
12 of Act 51 of  
1969.

Amendment of  
section 32 of Act  
13 of 1956.

Insertion of section  
35A in Act 13 of  
1956.

Repeal of  
Ordinance 34 of  
1959 and Ordinance  
14 of 1967, of  
South-West Africa.

Short title and  
commencement.

(4) Any person authorized in terms of subsection (1) may take with him upon any land referred to in this section such equipment, material and such number of assistants and advisers as are required for the performance of anything authorized or permitted under this section.

(5) Any cost incurred under this section shall be defrayed out of moneys appropriated by Parliament for that purpose.

(6) In this section—  
'road', includes any bridge, culvert, causeway or drift traversed by any road and intended for use in connection with such road.".

3. Section 28 of the principal Act is hereby amended by the insertion after paragraph (l) of subsection (1) of the following paragraphs:

"(IA) obstructs or hinders any authorized person referred to in section 18A in the performance of anything authorized or permitted under that section;

(IB) obstructs or damages any road referred to in section 18A;".

4. Section 32 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) In any prosecution for an offence under this Act a document purporting to be an affidavit made by a person who therein alleges that, acting upon authority conferred upon him under this Act, he served upon the accused in accordance with the provisions of subsection (1) of this section a notice or other instrument, and sets forth the particulars of such notice or other instrument, and the time, place, and manner of service, shall upon its mere production, but subject, *mutatis mutandis*, to the provisions of subsection (6) of section 239 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or, in relation to the territory, subsection (7) of section 214 of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963 of the territory), be *prima facie* proof that such notice or instrument was duly served upon the accused and received by him."

5. The following section is hereby inserted in the principal Act after section 35:

"Application of Act 35A. This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel."

6. (1) Subject to the provisions of subsection (2), the Animal Diseases and Parasites Ordinance, 1959, and the Animal Diseases and Parasites Amendment Ordinance, 1967, of the territory of South West Africa, are hereby repealed.

(2) Anything done under a provision of any law repealed by subsection (1), shall be deemed to have been done under the corresponding provision of the principal Act.

(3) This section shall apply also in the Eastern Caprivi Zipfel.

7. This Act shall be called the Animal Diseases and Parasites Amendment Act, 1973, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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(4) Iemand wat ingevolge subartikel (1) gemagtig is, kan op enige in hierdie artikel bedoelde grond die toerusting, materiaal en die aantal assistente en raadgewers met hom saamneem wat benodig is vir die verrigting van enigiets wat ingevolge hierdie artikel gemagtig of veroorloof is.

(5) Enige koste wat ingevolge hierdie artikel aangegaan word, word bestry uit fondse wat vir daardie doel deur die Parlement bewillig word.

(6) In hierdie artikel beteken—

,pad', ook 'n brug, duiksloot, spoelbrug of drif waaroor 'n pad loop en wat vir gebruik in verband met daardie pad bestem is.”.

**3.** Artikel 28 van die Hoofwet word hierby gewysig deur die Wysiging van artikel 28 van Wet 13 van 1956, soos volgende paragrawe na paragraaf (I) van subartikel (1) in te voeg:

„(IA) 'n in artikel 18A bedoelde gemagtigde persoon by die verrigting van enigiets wat ingevolge daardie artikel gemagtig of veroorloof is, belemmer of hinder;

(IB) 'n in artikel 18A bedoelde pad versper of beskadig;”.

**4.** Artikel 32 van die Hoofwet word hierby gewysig deur Wysiging van artikel 32 van Wet 13 van 1956.

„(3) In 'n vervolg weens 'n oortreding kragtens hierdie Wet is 'n dokument wat voorgee 'n beëdigde verklaring te wees, afgelê deur iemand wat daarin beweer dat hy, handelende op gesag ingevolge hierdie Wet aan hom verleen, aan die beskuldigde ooreenkomsdig die bepalings van subartikel (1) van hierdie artikel 'n kennisgewing of ander dokument bestel het, en die besonderhede van daardie kennisgewing of ander dokument en die tydstip, plek en wyse van bestelling uiteenstel, by die blote oorlegging daarvan, maar onderworpe, *mutatis mutandis*, aan die bepalings van subartikel (6) van artikel 239 van die Strafproseswet, 1955 (Wet No. 56 van 1955), of met betrekking tot die gebied, subartikel 7 van artikel 214 van die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963 van die gebied), *prima facie*-bewys dat daardie kennisgewing of dokument behoorlik aan die beskuldigde bestel en deur hom ontvang is.”.

**5.** Die volgende artikel word hierby in die Hoofwet na artikel 35 ingevoeg: Invoeging van artikel 35A in Wet 13 van 1956.

„Toepassing 35A. Hierdie Wet en 'n wysiging daarvan is ook van Wet in in die gebied, met inbegrip van die Oostelike Caprivi Suidwes-Afrika. Zipfel, van toepassing.”.

**6.** (1) Die Ordonnansie op Dieresiektes en -parasiete, 1959, Herroeping van Ordonnansie 34 van 1959 en Ordonnansie 14 van 1967 van Suidwes-Afrika word, behoudens die bepalings van subartikel (2), hierby herroep.

(2) Enigiets wat kragtens 'n bepaling van 'n in subartikel (1) herroep wet gedoen is, word geag kragtens die ooreenstemmende bepaling van die Hoofwet gedoen te gewees het.

(3) Hierdie artikel is ook in die Oostelike Caprivi Zipfel van toepassing.

**7.** Hierdie Wet heet die Wysigingswet op Dieresiektes en Kort titel en -parasiete, 1973, en tree in werking op 'n datum wat deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal word.

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