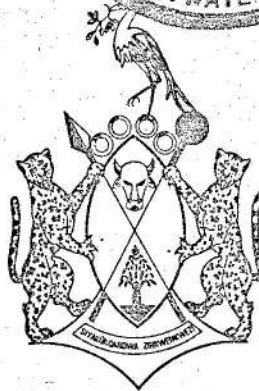
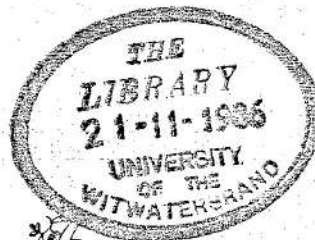


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DEPARTMENT OF AGRICULTURE AND FORESTRY

GOVERNMENT NOTICE NO. 76

IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS  
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY  
PUBLISHED FOR GENERAL INFORMATION:-

ANIMAL DISEASES ACT, 1986

ACT NO. 21 OF 1986

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# ANIMAL DISEASES ACT, 1986

## A C T

To provide for the combating and control of animal diseases and parasites and for measures to promote animal health and to provide for matters incidental thereto.

(English text signed by the President. Assented to on 18 September 1986.)

*BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:-*

### Definitions

1. (1) In this Act, unless the context otherwise indicates —
  - "administrative area" means an administrative area as defined in section 1 of the Administrative Authorities Act, 1984 (Act 37 of 1984);
  - "animal" means any mammal, bird, fish, reptile or amphibian which is a member of the phylum vertebrates and includes the carcase of any of the same;
  - "animal disease" means a disease to which animals are liable and whereby the normal functions of any organ or body of an animal are or is impaired or disturbed by any protozoon, bacterium, virus, fungus or parasite or other organism or agent;
  - "animal health scheme" means any scheme contemplated in section 10 (1);
  - "animal product" means any part or portion of, or any product derived from, an animal, whether processed or unprocessed;
  - "authorized person" means any person who, under section 3, is authorized or requested by the director to exercise or to perform any power or duty or to render any service, as the case may be;
  - "chief" means a chief as defined in section 1 of the Administrative Authorities Act, 1984;
  - "Ciskei" means the Republic of Ciskei;
  - "contaminating thing" means any thing (but not an animal) which is capable of introducing or spreading a regulated animal disease or a parasite into or within Ciskei or whereby any regulated animal disease or a parasite can be so introduced or spread, and includes any contaminating thing prescribed as such under subsection (6) of this section;
  - "controlling purpose" means —
    - (a) the prevention of the introduction into Ciskei of any animal disease or parasite;
    - (b) the prevention, control or eradication of any animal disease or parasite; or
    - (c) control over an outbreak or the spreading of any animal disease or parasite;
  - "controlling veterinary act" means an act performed for a controlling purpose and consisting of —
    - (a) the isolation, detention, inspection, testing, immunization, observation, sampling, marking, treatment or care, or the destruction or other disposal, of any animal or thing; or
    - (b) the carrying out of any operation or of any postmortem examination on any animal; or
    - (c) the rendering of any other veterinary service in respect of any animal;
  - "control measure" means any measure prescribed by the Minister under section 9 of a controlling purpose;
  - "conveyance" means any motor or other vehicle, any aircraft, ship, boat, train or other conveyance whatsoever, as well as the equipment and fittings thereof, and includes an animal and its harness or tackle;
  - "corporation" means a corporation established under section 5 of the Ciskeian Corporations Act, 1981 (Act 16 of 1981);
  - "customs officer" means an officer as defined in section 1 (1) of the Customs and Excise Act, 1964 (Act 91 of 1964);
  - "department" means the Department of Agriculture and Forestry;
  - "development corporation" means the development corporation referred to in section 2 of the Ciskeian Corporations Act, 1981;
  - "Director-General" means the Director-General of the department;
  - "director" means the veterinarian appointed in terms of the laws governing the public service as director of the division of veterinary services of the department and includes any officer acting under his delegation or authority;
  - "Gazette" means the Government Gazette of the Republic;
  - "headman" means a headman as defined in section 1 of the Administrative Authorities Act, 1984;
  - "infectious thing" means —
    - (a) any animal which is infected with a regulated animal disease or any parasite;
    - (b) any animal product whereby any regulated animal disease or parasite can be spread in Ciskei; and
    - (c) any other thing which is capable of causing any regulated animal disease,and includes any infectious thing prescribed as such under subsection (6) of this section;
  - "land" includes any building, structure, enclosure, premises, harbour, jetty, wharf or water and, in circumstances other than those contemplated in subsection (4) of this section, any land which adjoins the land in question;
  - "manager" means —
    - (a) in relation to State land, other than land referred to in paragraphs (b) and (c) of this definition or paragraph (a) of the definition of "owner", the person having the charge, control or management of such land;

ANIMAL DISEASES ACT, 1986

- (b) in relation to land in an administrative area occupied under communal conditions, the chief or headman of such area, as the case may be;
- (c) in relation to land comprising an irrigation scheme, the superintendent or other person in charge of such scheme;
- (d) in relation to land occupied by the development corporation or any corporation, such development corporation or such corporation, as the case may be;
- (e) in relation to any commonage leased as an agricultural unit as contemplated in paragraph (b) of the definition of "owner", the relevant lessee; and
- (f) in relation to any other land not occupied by its owner —
  - (i) subject to the provisions of subsection (3) of this section, if the land is occupied by any usufructuary, lessee, sub-lessee or any other person, such occupier; or
  - (ii) if there is carried on on such land an undertaking which is not under the supervision, management or control of the owner, any person present on such land during the normal hours of the carrying on of such undertaking and who supervises, manages or controls such undertaking or such land; or
  - (iii) in any other case, the person designated as authorized person in respect of such land;

"Minister" means the Minister of Agriculture and Forestry;

"officer" means an officer or employee as defined in section 1 (1) of the Public Service Act, 1981 (Act 2 of 1981) acting under delegation from, or under the control of, the director;

"order" means any order contemplated in section 15, which has been served on any person;

"owner" means —

- (a) in relation to State land —
  - (i) which is held under a lease or other document registered in the deeds registry and containing an option to purchase such land, the person registered as the holder of such lease or other document;
  - (ii) which is held under a deed of sale, the purchaser under such deed;
- (b) in relation to land of which any municipal council or other local institution of a like nature is the owner as contemplated in paragraph (c) (i) or of which right of use and occupation is vested in such council or other institution, excluding any commonage within its area which is leased as an agricultural unit for the sole account of a lessee, such council or other institution, as the case may be;
- (c) in relation to any other land —
  - (i) subject to the provisions of subsections (2) and (3) of this section, the registered owner of the land or, if the land has been sold, the purchaser; or
  - (ii) if its owner or purchaser is absent from Ciskei or cannot be traced, or is a minor or is mentally ill, insolvent or otherwise incompetent in law to manage his affairs or is dead or is a juristic person under judicial management or in liquidation, the agent or legal representative of such owner or purchaser, or any other person authorized in law to administer his estate or, in the case of such juristic person, its judicial manager or liquidator, in Ciskei;
- (d) in relation to any regulated animal or thing or any other movable property, the person in whom the ownership of such animal, thing or property is vested, including the person having the management, custody or control of such animal, thing or property or having it in his possession for purposes of treatment or care or, for the purposes of section 9 (2) and 11 (1) (b), in the case of any wild or foreign animal found on land or among animals, the owner or manager of such land or, as the case may be, the owner of such animals;

"parasite" means any organism which is detrimental to the health of any animal or which is capable of causing or spreading disease;

"permit" means a permit issued under this Act;

"place of entry" means —

- (a) any place, road or route designated or prescribed under section 6 (1) of the Customs and Excise Act, 1964 through or along which goods may be imported or enter into Ciskei; and
- (b) any place determined by the director under section 6 (2) (a) for the purposes of that section;

"prescribe" means to prescribe by regulation and "prescribed" has a corresponding meaning;

"progeny or product" in relation to any animal, infectious thing other than an animal, contaminating thing, animal product or parasite, means any other animal or any animal product, other infectious thing (not being an animal) or other contaminating thing, animal product or parasite, obtained or derived therefrom, or descended or produced by, from or by means thereof, whatever the connection or degree of descent or relationship may be;

"quarantine station" means any quarantine station established as such, or declared to be such, under section 5;

"regulated animal disease" means any animal disease in respect of which any general or particular control measure has been prescribed, and any animal disease which is not peculiar or indigenous to Ciskei;

"regulated animal or thing" means any animal, infectious thing, contaminating thing, animal product or parasite, and any progeny or product thereof;

"regulation" means any regulation made or in force under this Act;

"remedy" means any stock remedy which has been registered under the Fertilizer, Farm Feed, Agricultural



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Remedies and Stock Remedies Act, 1947 (Act 36 of 1947) and includes any medicine or veterinary medicine as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965);

"scheme" means any animal health scheme;

"serve" in relation to any notice or order, means to serve in the manner contemplated in section 15 (5) and "served" and "service" shall be construed accordingly;

"State land" includes any land which is not registered in the name of the State but which is nevertheless under the control or management of the State;

"this Act" includes any regulation, control measure or animal health scheme;

"Treasury" means the Minister of Finance and Economic Development or an officer of his department acting under his authority;

"veterinarian" means any person who is registered in accordance with law to practise the profession of veterinarian.

- (2) Any person who claims that, or who acts as if, he is the manager or the purchaser of land within the meaning of paragraph (f) (i) of the definition of "manager" or paragraph (c) (i) of the definition of "owner", as the case may be, shall at the request of the director furnish him with written proof of his claim or of his right so to act.
- (3) Where land is held in undivided shares by two or more persons, the director may, after consultation with such holders of the undivided shares as he may trace after due enquiry, designate any one of such holders in writing as the owner of the land for the purposes of such provisions of this Act as he may specify.
- (4) Unless the contrary intention appears in any provision of this Act, any number of units of adjoining land which are held by one and the same owner under separate title shall be deemed to be one unit notwithstanding any physical division of such land by natural features or by roads, railway lines or aqueducts or otherwise.
- (5) The director may, by notice in the *Gazette* and for the purposes of such provisions of this Act as he may specify, approve any particular stock remedy, medicine or veterinary medicine, which is a "remedy" as defined in subsection (1), as a remedy which may be used to combat a specified animal disease or parasite.
- (6) The Minister may by regulation and for such provisions of this Act as may be mentioned therein, prescribe —
  - (a) things other than animals as contaminating things; and
  - (b) animal products or other things as infectious things.

*By whom powers, functions and duties of director may be exercised or performed.*

2. (1) Any power conferred or duty imposed by this Act upon the director may be exercised or performed —
  - (a) by the director personally;
  - (b) by an officer delegated or authorized thereto by the director; or
  - (c) subject to the provisions of section 3, by any authorized person.
- (2) The delegation or authority contemplated in paragraphs (b) and (c) of subsection (1) shall be in writing and shall state that the officer or person mentioned therein is empowered or authorized to exercise, to perform or to render, as the case may be, the powers, duties or services specified therein —
  - (a) generally; or
  - (b) in particular cases; or
  - (c) in cases of a particular nature; or
  - (d) in respect of a specified type of regulated animal or thing; or
  - (e) in respect of a specified animal disease; or
  - (f) on particular land; or
  - (g) in a particular area.
- (3) The holder of any such delegation or authority shall —
  - (a) produce it for inspection whenever he acts thereunder or if its production is demanded by any person who is or may be affected thereby; and
  - (b) surrender it for cancellation not later than 30 days after it becomes invalid or is no longer required.
- (4) Any person exercising any power or performing any duty under this Act shall do so with due regard to any instructions issued by the Minister.

*Authorized persons.*

3. (1) Any person, who has the requisite knowledge, experience, qualifications, equipment and means, may make application to the director, in the manner prescribed in section 21, for designation as an authorized person for the purposes of this Act, and the director may at his discretion and if he is satisfied as to the eligibility of the applicant —
  - (a) designate the applicant, in the manner prescribed in section 2 (2), as an authorized person; and
  - (b) enter into an appropriate agreement with him in such form as may be approved by the Director-General.
- (2) Notwithstanding anything in subsection (1) contained, the director may request any person —
  - (a) who would be eligible for designation as an authorized person if he were to make application under subsection (1), or
  - (b) who is in the employ of the State, to render on his behalf any service which the director would be required to render in the performance of his powers or the discharging of his duties under this Act.



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- (3) An authorized person (not being a person in the employ of the State) who has complied with or carried out any authorization or request conveyed to him under this section or under section 2 shall, on submission of his claim and report (if any) be entitled —
- (a) to the payment of such fees as may be prescribed by law or in any tariff approved by the Director-General; or
  - (b) if no such fees have been prescribed, to the refund of all expenses actually and necessarily incurred by him: Provided that if such authorized person is an owner or manager of land, or an owner of any animal or thing, in relation to which the authorization was carried out or the service rendered, he shall not be entitled to any such payment or refund.

*Appeal against decision or action of director's delegate or authorized person.*

4. (1) Any person who feels aggrieved by the decision or action of an officer referred to in section 2 (1) (b) or of any authorized person may appeal to the director against such decision or action within the prescribed period and in the prescribed manner and the director may, after such investigation as he may deem necessary, confirm, vary or set aside such decision or confirm, vary or countermand such action: Provided that the decision of the director shall be without prejudice to the validity of any prior decision or action of his delegate.
- (2) If the director is satisfied that any decision or action of an authorized person, which he has set aside, varied or countermanded, as the case may be, was *mala fide* or resulted from neglect or non-compliance with procedures and practices which the authorized person was obliged to follow or to apply, he may —
- (a) in the case of a first infringement, reprimand the authorized person concerned or, in the case of a second or any subsequent infringement, withdraw the designation of such person as an authorized person and cancel the agreement entered into with him under section 3 (1) (b); and
  - (b) if any fruitless expenditure of State money has resulted from the infringement, determine the amount thereof and recover it from the authorized person concerned, if he fails or refuses to pay such amount, in accordance with the provisions *mutatis mutandis* of section 36 of the Income Tax Act, 1984 (Act 44 of 1984).

*Quarantine stations.*

5. (1) The Minister may —
- (a) at any place in Ciskei establish, or cause to be established, a quarantine station for the accommodation of animals or things which in terms of this Act are required or permitted to be detained or isolated; and
  - (b) declare any place where any animal or thing which may be seized under this Act or which in terms of this Act, is required or permitted to be detained or isolated, is found, to be a quarantine station for the accommodation of such animal or thing until it is disposed of.
- (2) A quarantine station shall be equipped and used for the performance of controlling veterinary acts in relation to the animals and things detained or isolated therein.
- (3) The director shall appoint an officer as quarantine master to take charge, subject to his instructions, of a quarantine station.
- (4) (a) Any person requiring accommodation for any animal or thing at a quarantine station shall apply to the quarantine master and, if accommodation is available, the quarantine master shall furnish the applicant with written confirmation thereof.
- (b) An applicant shall on receipt of such written confirmation make payment in advance of such fees as may be prescribed.
- (5) Any person making use under this section of any quarantine station shall pay the prescribed accommodation fees to the quarantine master.
- (6) Fees paid by any person in terms of subsection (4) (b) shall —
- (i) be utilized as part payment of the fees payable in terms of subsection (5); or
  - (ii) be refunded if —
    - (aa) such person has returned to the director, at least 30 days before the commencement date of the period for which he has reserved accommodation, the permit issued to him for the importation of the relevant animal or thing and has in writing cancelled the reservation; or
    - (bb) the director has withdrawn the permit; or
  - (iii) otherwise be forfeited to the state.

*Importation into Ciskei of animals, parasites or certain things.*

6. (1) (a) No person shall import any animal, parasite or contaminating or infectious thing into Ciskei except under the authority of a permit and in compliance with the conditions of such permit.
- (b) The permit contemplated in paragraph (a) —
- (i) shall be obtained by the importer before the animal or thing concerned is removed from or out of any place outside Ciskei for the purpose of importation into Ciskei, whether by means of any conveyance or otherwise;
  - (ii) shall, in respect of any animal or animal product referred to in section 16 (1) of the Livestock Improvement Act, 1977 (Act 25 of 1977) or any animal contemplated in section 21 of the Ciskeian Agricultural Development Act, 1973, be issued only if the authority contemplated in the section concerned has been granted; and

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(iii) shall, where the director requires that the animal or thing be detained in a quarantine station, be issued only on proof being furnished to him that confirmation of the availability of accommodation has been received and that the prescribed fees have been paid, as contemplated in paragraphs (a) and (b), respectively, of section 5 (4) of this Act.

(2) Any animal or thing in respect of which a permit has been issued —

(a) shall be imported into Ciskei only through or at a place of entry referred to in paragraph (a) of the definition of "place of entry" in section 1 (1), or, in the case of any animal, through or at any other place which the director has, subject to the provisions of the Customs and Excise Act, 1964, determined for the purposes of this paragraph;

(b) shall be imported within the period specified in the permit;

(c) shall be detained in the prescribed manner at the place of entry, and shall be made available to the director for the purposes of the performance of controlling veterinary acts; and

(d) shall not without the authority of the director, contemplated in section 8 (1) (a), or contrary to any condition of such authority, be removed from such place.

(3) (a) The director may, if he knows or on reasonable grounds suspects that, contrary to any provision of this Act or any condition of a permit any animal or thing —

(i) is being removed or has been removed, from any place outside Ciskei for importation into Ciskei, or

(ii) is about to be imported by any person into Ciskei, or

(iii) is present on or in any conveyance, or forms part of any consignment, which is being or has been brought or sent by any person to Ciskei,

direct that the animal, thing, consignment or portion thereof determined by him shall not be imported into Ciskei or unloaded or removed from the conveyance, as the case may be, except with his consent and, if he has determined conditions in connection therewith, except in accordance with such conditions.

(b) The director may, if he deems it necessary, make such direction known by notice in the *Gazette*, and shall, irrespective of whether it has so been made known or not, make known the provisions of the direction as soon as may be practicable to all persons who to his knowledge are or will be involved in the importation, unloading or removal, as the case may be, or to any person in whose service any such persons are, or who exercises control over them, or over such unloading or removal.

(c) The provisions of subsection (2) (c) and (d) shall *mutatis mutandis* apply in respect of any animal or thing referred to in subsection (3) (a) which has been imported, unloaded or removed with the consent of the director as contemplated in the lastmentioned subsection: Provided that, in the application of the said subsection (2) (d), the removal contemplated therein shall not be effected unless the importer concerned has paid the fees which in terms of this Act are payable in respect of the requisite permit.

**Disposal of illegally  
imported animals  
or things.**

7. (1) Where any animal or thing has been imported into Ciskei contrary to any provision of subsection (1) or (2) of section 6 or has without the consent of the director contemplated in subsection (3) (a) of the said section or contrary to any condition of such consent been unloaded or removed as contemplated in the lastmentioned subsection, the director may, when such animal or thing is found by him, seize it and any progeny or product thereof in any manner deemed fit by him and, subject to the provisions of subsections (2), (3) and (4), it shall thereupon be dealt with in accordance with any applicable provision of section 17.

(2) (a) Any such animal or thing or which any provision of section 17 (1) (a) applies by reason of the fact that no permit has been obtained for the importation thereof, together with any progeny or product thereof, may, where the director is of the opinion that a permit would have been issued if application had been made therefor be returned to the person who has imported the animal or thing for removal from Ciskei at his own expense within the period determined by the director.

(b) If any person referred to in paragraph (a) refuses to accept any such animal or thing or to remove it from Ciskei, the director may seize it and, at his discretion, destroy or otherwise dispose of it for the benefit of the State, or he may deal therewith in accordance with section 17 (2).

(3) Any animal or thing seized under subsection (1) or (2) and which is no longer required for any purpose contemplated in subsection (2) of section 17 or which would otherwise under any other provision of that section be restored to its owner, shall be returned to the director who shall dispose of it at his discretion for the benefit of the State.

(4) An owner or importer of any animal or thing referred to in subsection (1), shall, in addition to paying the expenses for which he is liable under section 17 (6), make good to the State all reasonable expenses connected therewith —

(a) the detention of the animal or thing before seizure thereof in terms of subsection (1) or (2) of this section; and

(b) any disposal thereof under subsection (2) or (3) of this section.



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## Removal and further detention of imported animal or thing.

8. (1) No person shall, without the authority in writing of the director, or contrary to any condition imposed by him, remove from the place of its detention, or from its place of entry if it has not yet been detained but is nevertheless required to be detained, any imported animal or thing which is being detained —
  - (a) in terms of subsection (2) (c) of section 6, or
  - (b) in terms of the subsection (2) (c), as applied by subsection (3) (c) of the said section, or
  - (c) for the purposes of any disposal or removal by the director or any other person under section 7 (2) or (3), or
  - (d) by or by virtue of any other provision of this Act at any place of entry.
- (2) Any imported animal or thing in respect of which the director has under or by virtue of any provision of this Act require that it be detained at a quarantine station or other place or institution determined by him for the purposes of a controlling veterinary act shall, subject to the regulations —
  - (i) be removed to such quarantine station, place or institution by or under the supervision of the director, or in a conveyance sealed by him; and
  - (ii) shall be detained at the quarantine station, place or institution for the period deemed necessary or determined by the director.
- (3) No person shall remove any animal or thing referred to in subsection (2), or any progeny or product thereof, from or out of any quarantine station, place or institution referred to in the said subsection, without the written authority of the director or contrary to any condition imposed by him in granting such authority.

## Control measures.

9. (1) (a) The Minister may for any controlling purpose prescribe general control measures, or a particular control measure in respect of any particular animal disease or parasite.
  - (b) A control measure may be prescribed in respect of the whole of Ciskei or in respect of a defined area therein.
  - (c) If a control measure has been prescribed for a particular area under the control of an officer, the director shall in the prescribed manner notify all owners and managers of land or owners of animals in that area of the area and, where applicable, the period within which the control measure shall apply.
  - (d) A control measure shall remain in force, where any period for the duration thereof has been prescribed, until such period has expired or, in any other case, until rescinded by the Minister.
- (2) Control measures may relate to —
  - (a) the powers and duties of owners and managers of land and owners of animals in respect of infectious or contaminating things or of animals or things which can on reasonable grounds be suspected of being infected with or contaminated by a regulated animal disease or a parasite, with regard to controlling veterinary acts, or any other examinations or acts in connection with such animals or things;
  - (b) the certificates or other documents which shall be issued, given, obtained, kept or produced as proof of, or in connection with, the performance of such examinations or acts;
  - (c) restrictions on and control over the slaughter, killing, hunting or catching and the movement and removal of such animals or things on, over, from or to land where a regulated animal disease or a parasite occurs, or is suspected to be present;
  - (d) subject to the applicable provisions of any other law, restrictions on and control over the movement of conveyances and persons on, over, from or to land where any animal or thing referred to in paragraph (a) is or was present or is suspected to be or to have been present, and the decontamination or other manner of treatment of any person, conveyance or other object;
  - (e) the powers and duties of owners in respect of such animals or things or of the director in relation to the establishment or construction of fences or other structures or appliances, whether temporary or permanent, together with the required equipment and appurtenances, on land, and the use, maintenance and removal thereof;
  - (f) particulars and information which are or is required to be recorded by owners in respect of such animals or things in registers or other documents;
  - (g) the powers and duties of the director, including powers to require the performance, or the abstaining from the performance, of acts by owners in respect of such animals and things or by owners or managers of land; and
  - (h) any other matter which the Minister deems expedient or necessary in respect of the controlling purpose in question, such animals and things, or any animal disease or parasite, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

## Animal health schemes.

10. (1) The Minister may by notice in the *Gazette* institute a scheme for any controlling purpose or for the improvement of animal health.
- (2) The Minister may in any such notice —
  - (a) state the objects of the scheme;
  - (b) define the kinds of animals and the animal disease or parasite to which the scheme shall apply;
  - (c) specify the kind of animals which are susceptible to the animal disease or parasite concerned or which are the carriers thereof or which may cause or spread it;



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- (d) define the kinds of animals in respect of which, for the achievement of the objects of the scheme concerned, controlling veterinary acts or tests, examinations, treatments or disposals by the person enrolled in the scheme shall be done, applied or effected;
  - (e) describe the manner in which animals referred to in paragraph (d) may become infected with the animal disease or parasite concerned and the characteristics of such infection in each such kind of animal;
  - (f) determine the tests to which the animals concerned and the progeny or products thereof shall be subjected in order to ascertain whether they are infected with the animal disease or parasite concerned, and determine the methods according to which such tests shall be carried out and the remedies or substances and equipment to be used for such tests;
  - (g) describe the positive or negative results of tests referred to in paragraph (f) and furnish the interpretation of such results;
  - (h) determine the further tests and examinations to which the animals concerned and the progeny or products thereof shall be subjected for the diagnosis of the animal disease or parasite concerned;
  - (i) determine the manner in which animals which are infected with the animal disease or parasite concerned and the progeny or products thereof shall be treated, kept, cared for or otherwise disposed of;
  - (j) determine the measures which shall be taken to prevent the infection or re-infection of the animals concerned and the progeny or products thereof with the animal disease or parasite concerned, or the spreading thereof;
  - (k) determine the requirements for joining the scheme;
  - (l) determine the manner in which a person intending to participate in such a scheme shall apply for admission thereto, the particulars to be furnished in such application and the circumstances under which such application shall be refused;
  - (m) determine the manner in which such person and the animals concerned shall be enrolled and the circumstances under which such enrolment shall lapse or be cancelled;
  - (n) determine the manner in which and the periods during which animals enrolled in terms of such scheme shall be kept, cared for and treated and the control to which they shall be subjected;
  - (o) specify the information to be recorded by any person enrolled in such scheme;
  - (p) indicate the facilities which such person shall provide for the purposes of the performance of any controlling veterinary act, or for any tending, detention, testing, treatment or examination of the animals concerned;
  - (q) specify the marks with which, and the manner in which, animals enrolled in terms of the scheme shall be marked;
  - (r) determine the manner in which an animal complying with the requirements of the scheme shall be certified, the restrictions on the use of any such certificate and the circumstances under which any such certificate shall lapse;
  - (s) specify the fees which shall be payable in respect of services rendered in terms of such scheme;
  - (t) determine other powers and duties to be exercised and performed by defined persons or officers in terms of such scheme;
  - (u) determine the circumstances in which the provisions of the scheme shall be applicable to all owners of animals of the kind concerned in any defined area, and set out the directions which are to be complied with in respect of such animals in such area; and
  - (v) provide generally for any other matter which, in his opinion, is necessary or expedient for the promotion or better achievement of the objects of the scheme, the generality of the powers conferred by this paragraph not being limited by the provisions of the preceding paragraphs.
- (3) Notwithstanding the provisions of subsection (2) (f), (g) and (h), the Minister may in the notice contemplated in subsection (1) empower the director to determine the tests, examinations, positive and negative results and the interpretation thereof, and the additional tests and examinations required, in connection with a scheme.
- (4) The provisions of a scheme shall be binding on every person, and in respect of the animals of which he is an owner, enrolled in terms of the scheme.
- (5) The Minister may under subsection (1) establish different schemes for the improvement of animal health in general, or of the health of different kinds of animals or in relation to different kinds of animal diseases or parasites.
- (6) The Minister may at any time by notice in the *Gazette* amend or revoke a scheme.
- (7) (a) The Minister may, in the notice contemplated in subsection (1), confer or impose upon the director or any body the powers or duties to be exercised or performed in terms of the provisions of any scheme by any person other than a person enrolled in the scheme: Provided that different powers or duties may be conferred or imposed upon the director and upon such other person or such other body: Provided further that, if the director deems it expedient, he may himself exercise or perform any power or duty so conferred or imposed upon such other person or body.
- (b) Any power conferred or duty imposed upon the director or person or body under paragraph (a) may --
- (i) in the case of the director, be exercised or performed by the director personally or by any officer; or

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- (ii) in the case of such person or body, be exercised or performed by such person himself or body itself, or by an employee or other person under the control or direction of the person or body concerned.
- (8) A person upon whom or body upon which powers or duties are conferred or imposed under subsection (7) (a) may, in respect of the exercise of those powers or the performance of those duties, be paid such allowances or other remuneration as the Minister may determine with the concurrence of the Treasury.

*Duties of owners or managers regarding the health of animals.*

- 11. (1) An owner or manager of land on which there are animals, and an owner of animals, shall, whether or not he has obtained advice from the director regarding the fitness or health of such animals or is, in relation to such animals, in possession of the certificate contemplated in section 13 (1) (c), and as the case may be —
  - (a) with due regard to the provisions of this Act, take all reasonable steps —
    - (i) to prevent the infection of such animals with any animal disease or parasite; or
    - (ii) to prevent the spreading from his land or animals of any animal disease or parasite; or
    - (iii) to eradicate any animal disease or parasite occurring on his land or amongst his animals;
  - (b) whenever his animals have become, or can reasonably be suspected of having become, infected with any animal disease or parasite, apply in respect of such animals the prescribed treatment or any other treatment which may be deemed suitable and customary in the particular circumstances; and
  - (c) if such animals have become, or can reasonably be suspected of having become, infected with a regulated animal disease, forthwith report the occurrence in the prescribed manner to the director.
- (2) A veterinarian who finds the presence or suspected presence of any regulated animal disease in any animal or progeny or product thereof, shall immediately report such occurrence to the director.

*Stray animals.*

- 12. (1) Whenever an owner or manager of land finds on the land, or whenever an owner of animals finds among his animals any animal which he knows has strayed thereto or has been unlawfully removed thereto from a place outside Ciskei, or which can reasonably be suspected of having so strayed or been removed, he shall deal with such animal in accordance with the applicable provisions of the Pounds Act, 1984 (Act 43 of 1984): Provided that, if he suspects on reasonable grounds that such animal is suffering from an animal disease, he shall —
  - (a) forthwith isolate such animal and report the finding of the animal to the director; and
  - (b) detain the animal, and any progeny or product thereof, in isolation, pending the decision of the director as to its disposal.
- (2) The director may, after the presence of a foreign animal has been reported to him in terms of subsection (1) —
  - (a) if —
    - (i) any person who alleges and proves that he is the owner of the animal submits, within two days after such report to the director, a written request to the director for the restoration to him of the animal, and reimburses the State for any expenses incurred in connection with the animal within seven days after having been requested to do so, and
    - (ii) the director is of the opinion that no provision of subsection (1) of section 17 is applicable in respect of the animal, or any progeny or product thereof, and that the circumstances under which the animal has been found justifies such a restoration,
  - direct that the animal and any progeny or product thereof be restored to the owner; or
  - (b) direct that the person who found the animal shall forthwith remove the animal, and any progeny or product thereof, to a place indicated by the director for purposes of the performance of controlling veterinary acts in respect thereof by the director, or destroy it, or otherwise dispose of it, in accordance with the instructions of the director; or
  - (c) himself deal with the animal, and any progeny or product thereof, in accordance with any applicable provision of section 17; or
  - (d) seize the animal, and any progeny or product thereof, and at his discretion destroy it, or dispose thereof for the benefit of the State.
- (3) The provisions of subsections (1), (2) (c) and (4) (a) shall *mutatis mutandis* also apply in respect of any animal and any progeny or product thereof found on land by the owner or manager of the land or by an owner of animals thereon, if such person knows that it has strayed thereto or has been unlawfully removed, from any other place in Ciskei, or if it can reasonably be suspected of having so strayed or been removed, and if he knows that any circumstance referred to in subsection (1) (b) of section 17 is present in respect thereof or if it can reasonably be so suspected.
- (4) No person shall, except pursuant to a provision of subsection (2) or under authority of the director —
  - (a) remove any animal, or any progeny or product thereof, referred to in subsection (1) or (3) from any place where it is being detained in isolation in terms of any provision of this section;
  - (b) contravene, or fail to comply with, any provision of a direction of the director referred to in subsection (2) (b) which has been addressed to him.



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**Director may render certain services.**

13. (1) Subject to the provisions of subsections (2) and (3), the director may on application made to him in the prescribed manner, in relation to any regulated animal or thing or any land, by the owner of such animal or thing or the owner or manager of such land —
- (a) for advice regarding the fitness or health thereof, or
  - (b) for the performance of any controlling act, or any act incidental to a controlling purpose, or any examination in respect thereof, or
  - (c) for the prescribed certificate of fitness or health in respect thereof,
- render such advice, perform such act or examination or, at his discretion, grant or refuse such certificate.
- (2) The director shall not be obliged to render any service contemplated in subsection (1) if, in a particular case, there is or are not available to him —
- (a) the required equipment, means or officers; or
  - (b) the required accommodation for the animal or thing at a place, centre, institution or quarantine station deemed suitable by him for the purpose.
- (3) The owner or manager to whom a service is rendered under this section, shall be liable for the payment of the prescribed fees: Provided that the director may exempt any owner or manager from such payment if he is of opinion that the rendering of the service —
- (a) is in accordance with the policy of the department regarding the promotion of animal health;
  - (b) is in the interests of the livestock industry in Ciskei;
  - (c) was rendered necessary by abnormal mortality amongst animals; or
  - (d) was necessitated by an unusual animal disease afflicting, or which could afflict, an appreciable number of animals.

**Director may assume control over land.**

14. (1) The director may, whenever he deems it necessary for any controlling purpose, by written notice served on any owner or manager of land declare that as from a specified date he assumes control over the land defined in the notice, including all fences, structures, facilities or improvements thereon, or only over certain fences, structures, facilities or improvements stated in the notice, either indefinitely or for such period as he may specify.
- (2) The director may at any time after the service of such a notice, and as from the date specified therein —
- (a) enter upon and occupy the land, and take with him such assistants, officers, conveyances, appliances, instruments, tools, remedies and other things as he may deem necessary for his purpose;
  - (b) establish a camp, together with the necessary accessories and equipment, on the land, and construct a road giving access thereto;
  - (c) remove any vegetation from the land;
  - (d) erect any fence or gate thereon, or alter or remove any existing fence or gate;
  - (e) use any suitable place on the land for the destruction or other disposal of any regulated animal or thing, irrespective of whether or not it originated from or was found on the land;
  - (f) make use of grazing, fuel and water;
  - (g) perform any act on the land which an owner or manager of the land is required in terms of this Act to perform, and recover any expenditure arising therefrom from the owner or manager; and
  - (h) perform all such other acts on or in respect of the land as he may deem necessary.
- (3) The director shall not effect any structural alterations or erect any permanent structures, other than fences, on any land over which he has assumed control under this section unless the Minister has previously consented thereto.

**Director may issue certain orders.**

15. (1) The director may for any controlling purpose serve an order on any owner of animals or things or any owner or manager of land wherein such owner or manager is directed, in respect of any specified regulated animal or thing, or land defined in the order, or any such animal or thing and such land, to comply with a specified provision of this Act or to perform, or to abstain from performing, any other defined act.
- (2) Such order shall, subject to the provisions of subsections (3) and (4), be binding on the person to whom it is directed and on any other person who is his legal successor in respect of the animals, things or land concerned.
- (3) Notwithstanding any provision to the contrary in any order regarding the movement or removal of any regulated animal or thing, the director may at any time, on the written application of the person concerned, grant him written authority to move or to remove any such animal or thing but subject to such conditions as the director may specify.
- (4) The director may by notice served on an owner or a manager, or his legal successor —
- (a) amend any order; or
  - (b) withdraw any order if, after such inspection or examination as he may deem necessary, the director is satisfied that the provisions of the order have been properly complied with and that the objects thereof have been achieved.
- (5) The provisions of section 36 of the Ciskeian Agricultural Development Act, 1973 (Act 5 of 1973) shall apply *mutatis mutandis* in respect of an order contemplated in subsection (1) and the service of such an order.



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*Powers of entry and inspection of director.*

16. (1) (a) The director may at any time, without prior notice to any owner or manager or any other person, whenever he deems it necessary for any controlling purpose, or in the exercising or performing by him of any power or duty granted to or imposed upon him by or under this Act —
- (i) order to stop and enter upon, take control of or board any conveyance at any place in Ciskei or within its territorial waters, as defined in section 2 of the Territorial Waters Act, 1963 (Act 87 of 1963).
- (b) The director may, when acting under paragraph (a) —
- (i) take with him such assistants or officers and conveyances, instruments, tools, remedies or other things as he may deem necessary for his purpose;
  - (ii) require all reasonable assistance from an owner or manager of land of which the land in question forms part, or from a person who is the owner of the conveyance concerned or of any regulated animal or thing which is or has been on the land, or in or on that conveyance, in order to enable him to exercise or to perform his powers or duties in relation to any part or portion of the land or that conveyance.
- (2) The director may on such land or in respect of such conveyance —
- (a) (i) search for any regulated animal or thing and, if he on reasonable grounds suspects it to be thereon or therein, require the owner or manager to produce it to him;
  - (ii) make investigations regarding the presence or absence of any animal diseases or parasite;
  - (iii) instal beacons or affix marks or seals;
  - (iv) inspect or test any appliance or equipment which is available for use in connection with any controlling purpose;
  - (v) take and analyse or test samples of any remedy, or the final mixture thereof, which is intended for use in respect of any applicable controlling purpose;
  - (vi) ascertain whether anything required to be done in terms of this Act has been or is being done;
  - (vii) inspect and supervise the doing of anything which any person is required to do in terms of this Act;
  - (viii) check, count, and establish the identity, origin and descent of, treat against any animal disease or parasite, and carry out any controlling veterinary act in respect of, any regulated animal or thing found by him, and make in the prescribed manner any prescribed temporary or permanent marks; and
  - (ix) in general, make such further investigations and perform such other acts as he may deem necessary;
- (b) require that a person referred to in subsection (1) (b) (ii), forthwith or at a time and place fixed by the director —
- (i) produce to him for inspection, or provide him with, a copy of any register, book, record or other document which such person is required in terms of this Act, or in respect of any animal, thing or conveyance referred to in the said subsection in terms of the provisions of any other law, to keep or to produce, and the director may make in such document such notes as he may deem expedient in respect of any entry appearing therein or which is required to appear therein, or which in his opinion is inaccurate or false;
  - (ii) explain any entry, deletion, alteration, omission or note in such document; and
  - (iii) furnish him with any other information required by him.
- (3) The director may, whenever he addresses or interrogates any person under this section, address or interrogate such person either in private or in the presence of any other person, as he may deem fit and require.

*Seizure by director of animals or other things.*

17. (1) The director may at any time in any manner deemed fit by him and without notice to any person, seize —
- (a) any animal, conveyance or document referred to in section 16 (2) (b) (i), or any other thing —
    - (i) which is concerned, or is on reasonable grounds believed by him to be concerned, in the commission or suspected commission of any offence under this Act; or
    - (ii) which may afford evidence of the commission or suspected commission of any such offence; or
    - (iii) which is intended, or is on reasonable grounds believed by him to be intended, to be used in the commission of any such offence;
  - (b) subject to the provisions of section 19, any infectious or contaminating thing, or any animal or thing which he on reasonable grounds suspects to be a contaminating or infectious thing, or any animal which he knows, or on reasonable grounds suspects, to have strayed to the place where he finds it from a place outside Ciskei.
- (2) The director shall without delay deliver any thing seized by him under subsection (1) (a) to a police official as defined in section 1 (1) of the Criminal Procedure Act, 1977 (Act 51 of 1977), and it shall be disposed of in accordance with the applicable provisions of that Act relating to the seizure of objects by the State.
- (3) Any animal or thing seized by the director under subsection (1) (b) may, by him —
- (a) be removed to any place deemed suitable by him, and he may perform such controlling veterinary acts in respect thereof as he may deem necessary or expedient;
  - (b) if it is a living animal and the director considers a postmortem examination necessary, be slaughtered;
  - (c) if he is of opinion that the owner of the animal or thing at the time of the seizure possesses the necessary equipment and means to detain and care for such animal or thing and, where applicable, any progeny or product thereof, in a manner which will ensure that the regulated animal disease or parasite in question will not spread, be placed with conditions agreed upon by the director with such person; or

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- (d) be destroyed or otherwise disposed of, if he is of the opinion —
- (i) that any isolation or treatment of the animal or thing will not promote the appropriate controlling purpose; or
  - (ii) that the calculated cost of the performance in respect thereof of any act referred to in paragraphs (a), (b) or (c) exceeds the estimated value thereof; or
  - (iii) that no remedy or equipment is available to enable him to act in accordance with paragraph (a) or (b) in respect thereof:

Provided that it shall be competent for the director to order the owner concerned to destroy or otherwise dispose of such animal or thing.

- (4) The director shall, as soon as he is satisfied that the detention of any animal or thing seized by him under subsection (1) (b) and which has been dealt with in accordance with subsection (3) (a) or (c) is no longer necessary for any controlling purpose, return it to, or consent to its being restored to the full possession of, the owner concerned.
- (5) The carcase of any animal seized under subsection (1) (b) or which has been slaughtered pursuant to the provisions of subsection (3) (b), or which has been destroyed or disposed of under subsection (3) (d), shall be forfeited to the State, and the director may —
  - (a) if he is able to dispose of the carcase in a manner beneficial to the State, so dispose of it, in which case any expenditure resulting therefrom shall be recovered from the income derived therefrom; or
  - (b) where paragraph (a) is not applicable, dispose of the carcase at his discretion.
- (6) The owner of any animal or thing seized under subsection (1) (b), shall make good to the State any reasonable expenses incurred by the director in connection with the performance by him of any act under any provision of subsection (3), (4) or (5) in respect thereof, and which cannot be met from any income contemplated in subsection (5) (a): Provided that the foregoing provisions of this subsection shall not apply in respect of any animal to which any provision of an animal health scheme applies.

*Provisions  
relating  
to fences.*

18. (1) (a) The director may for any controlling purpose or, in order to control in connection therewith the movement, removal or transport of animals, erect permanent fences along, on or across public or private roads or along the boundaries of any land, or temporary fences on or across any land, and may instal, gates, grids or other passages in any such fence.
- (b) The director shall maintain any fences erected or passages installed under paragraph (a) and may from time to time effect such alterations thereto as he may deem necessary.
- (2) The director may on any land build, rebuild, repair and maintain roads giving access to, or which are necessary in connection with the erection, maintenance and alteration of, any fence contemplated in subsection (1), and may construct thereon any bridge, causeway, culvert or drift which is necessary for the use or maintenance of such road.
- (3) The director may for the purposes contemplated in subsections (1), (2) and (6), after notice to the owner or manager of the land in question —
- (a) enter upon and occupy such land, and take with him such assistants or officers and conveyances, tents, materials, tools and other things as he considers necessary;
  - (b) pitch a temporary camp on any suitable place on the land; and
  - (c) subject to the provisions of subsection (4), dig out or take and remove sand, soil, clay, gravel, stone, water, wood or other material which he requires from any place on such land or on any nearby land on which it is available.
- (4) The director may, on submission to him of a written application, pay to the relevant owner or manager, on a basis determined by the director with the concurrence of the Treasury, reasonable compensation for the use of any material referred to in section (3) (c) or may, where he is of opinion that any such payment is under the particular circumstances not justified, refuse such application.
- (5) (a) Where the director is of opinion that the erection of a fence or the building of a road contemplated in subsection (1) or (2), as the case may be, or any passage in respect of such fence or bridge, causeway, culvert or drift in respect of such road, or any alteration, repair or maintenance thereof, will be of advantage to the owner or manager of the land, the director may, subject to the provisions of paragraph (b), recover from the owner or manager, such portion of the relevant costs as he may deem equitable.
- (b) The amount to be recovered under paragraph (a), shall be determined by the director on such basis as he may decide, and he shall notify the owner or manager in writing of the amount recoverable and of the basis on which it was calculated.



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- (6) The director may, with the concurrence of the Treasury, remove, wholly or partially, any fence erected under section (1) (a) which is no longer used or suitable for the purposes for which it was erected and may sell or otherwise dispose of it for the benefit of the State in the manner, and on the conditions, determined by him.
- (7) No person shall —
- (a) without the written authority of the director remove, alter or render less effective any fence which has been erected under subsection (1) or any gate, grid or passage installed therein; or
  - (b) alter, obstruct or damage any road which has been built under subsection (2) or any bridge, causeway, culvert or drift constructed thereon.
- (8) For the purposes of the provisions of subsection (1) (a) and (b) regarding the installation of gates, grids and passages in, and effecting of alterations to, fences, and the provisions of subsections (3), (4), (5) and (7) (a) in so far as they relate to fences, any fence which has been erected on the international boundaries of Ciskei, shall be deemed to be a fence erected under subsection (1) (a) for a controlling purpose.

*Owner of animal or other thing may be compensated.*

19. (1) Whenever any animal or other thing has been destroyed or otherwise disposed of by the director or on his authority pursuant to any control measure or any provision of section 17 (3) or (5) or any other provision of this Act, its owner may make application to the director for compensation for the loss of the animal or thing.
- (2) Upon receipt of any such application, the director may fix the amount (if any) payable as compensation but, in so doing, shall take into consideration —
- (a) the applicable compensation, based on the fair market value of the animal or thing, which has been prescribed for the purposes of this section or, where no compensation has been so prescribed, any amount fixed by him in accordance with such criterion as he may deem to be applicable;
  - (b) the value of any thing which in relation to such animal or thing has been returned to the owner;
  - (c) any amount which is due by the owner to the State under any provision of this Act in respect of the animal or thing; and
  - (d) any amount which may accrue to the owner from any relevant insurance.
- (3) Notwithstanding the provisions of subsection (2), the director shall, in the case where a carcass has been disposed of in terms of section 17 (5), fix as compensation for the carcass, the nett proceeds derived from such disposal less any amount payable to the State by the owner under any provision of this Act in respect of the carcass if —
- (a) the owner is otherwise entitled to compensation in terms of this section; and
  - (b) the nett proceeds exceed the amount prescribed in respect of such carcass.

*Permission to be obtained for investigations, experiments or research with, or manufacture or evaluation of, certain products.*

20. No person shall, except under a permit and in compliance with such conditions as may be prescribed or as may be determined by the director in any specific case —
- (a) conduct any investigation, experiment or research with any vaccine, serum, toxin, anti-toxin, antigen or other biological product which consists or originates wholly or partially of, or from, any micro-organism, or of or from the glands, organs, fluids, or any other part, of an animal or parasite: Provided that the foregoing provisions of this paragraph shall not apply in respect of any substance in so far as it is controlled under the Medicines and Related Substances Control Act, 1965 (Act 101 of 1965); or
  - (b) for the manufacture or evaluation of a product or remedy used for or intended to be used at or for the testing, diagnosis, prevention, treatment or cure of any animal disease or parasite, or for the maintenance or improvement of the health, growth, production or working capacity of an animal, use any vaccine, serum, toxin, anti-toxin, antigen or other biological product referred to in paragraph (a); or
  - (c) for the purposes of any investigation, experiment or research referred to in paragraph (a), or for the manufacture or evaluation of a product or remedy referred to in paragraph (b) —
    - (i) infect or contaminate any animal or any other thing with any animal disease or parasite; or
    - (ii) introduce into or collect in Ciskei, or have in his possession, or remove or transport from the place where it is normally found or kept, any regulated animal or thing, or any protozoon, bacterium, virus, fungus, parasite, other organism or agent which is capable of spreading any animal disease or parasite.

*General provisions regarding applications, claims or requests.*

21. (1) Any application, claim or request (hereinafter in this section referred to as the application) which under this Act is required or permitted to be lodged with or submitted to the director by any applicant, claimant or person (hereinafter in this section referred to as the applicant) shall —



- (a) be made or submitted in the prescribed manner;
- (b) contain the prescribed particulars and information;
- (c) be made or submitted within the prescribed time; and
- (d) be accompanied by the prescribed documents and the prescribed application fee or other fees or amounts:

Provided that, if the director so requests, the applicant shall furnish him with such further particulars, information or documents as he may require:

Provided further that nothing herein contained shall be construed —

- (i) as derogating from any other provision of this Act; or
  - (ii) as prohibiting or preventing the director from condoning any departure from any provision of paragraph (a), (b), (c) or (d), other than the requirement of paragraph (d) regarding the payment of moneys.
- (2) No application fee or other amount paid to the director under subsection (1) shall be refunded to the applicant unless such refund is expressly authorized by any other provision of this Act.
- (3) The director —
- (a) shall duly consider every application lodged with him under this Act and make such enquiries or investigations thereanent as he may deem necessary;
  - (b) may at his discretion refuse or grant any application;
  - (c) may when he grants any application impose in respect thereof, in addition to such conditions as may be prescribed, such conditions as he may deem necessary with due regard to the nature of the application and, where applicable, the aims of the relevant controlling purpose; and
  - (d) shall, when he grants the application, issue the appropriate permit, authority, consent or other document, as the case may be, but subject to the provisions of subsection (4); or
  - (e) shall, when he refuses the application, notify the applicant thereof and of the reasons for the refusal.
- (2) The director may, by notice in writing and for any good and sufficient reason, withdraw any permit, authority, consent or other document issued by him under subsection (3) (d) before it has been acted upon by the applicant or can otherwise be withdrawn without prejudice to the applicant, but subject in each case to the provisions of section 23.

*Determination  
and payment  
of fees or  
other amounts.*

22. (1) All fees or other amounts payable by any person in terms of any provision of this Act, except amounts that are fixed under any such provision by the director or any other competent person, shall be determined by the Minister with the concurrence of the Treasury.
- (2) The fees or amounts contemplated in subsection (1) shall —
- (a) in the case of fees or other amounts which have been determined and are mentioned in any regulation or direction made or given under this Act, be paid in the prescribed manner within 60 days after having become recoverable; and
  - (b) in the case of fees or other amounts which have been determined but are not so mentioned, or which have been fixed as contemplated in subsection (1), be paid in the prescribed manner within 60 days after the debtor concerned has been notified of the amount due.
- (3) In the case of any amount which becomes payable in terms of section 18 (5) (a) or section 18 (6) or as a result of the erection by the director of a permanent structure under a control measure, the amount due shall be repayable within 60 days after the date on which the director has in writing notified the owner or manager concerned of the amount owing by him: Provided that the Minister may, upon any representations made to him by any such owner or manager within the aforesaid period and subject to such conditions as he may determine with the concurrence of the Treasury —
- (a) postpone payment of the amount owing for a specified period; or
  - (b) authorize payment of the amount owing to be made in specified instalments at specified times.
- (4) Except where the Minister has otherwise determined in any case dealt with by him under subsection (3), interest calculated at the rate of 15 percent per annum shall as from the date of expiry of the aforesaid periods of 60 days be payable on the fees or amounts payable to the State under any provision of this Act.

*Objection to  
decision or action  
of director or  
other person or body.*

23. (1) Any person who feels aggrieved by any decision of or action taken by the director under this Act, or by any other person or body referred to in section 10 (7) (a), or by any employee or other person under the control or direction of any such person or body, may within the prescribed period and on payment of the prescribed amount (if any) lodge with the Minister in accordance with the provisions of this section an objection against such decision or action.

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- (2) An objection shall be directed in the prescribed manner to the Director-general who shall submit it together with his recommendation to the Minister for a final decision.
- (3) (a) For the purposes of his recommendation, the Director-General may, if he deems it necessary, designate one or more senior officers in the department to carry out an investigation regarding the reasons for the objection and the circumstances which give rise to the complaint, and to submit to him a written report thereon.  
(b) The director and any other officer who has been involved in the decision or action concerned shall not be qualified to be designated under paragraph (a).  
(c) The person who lodged the objection, or his representative, and the director or other officer, person or body who have been involved in the decision or action concerned, may, at their own request or at the request of the officer or officers referred to in paragraph (a), submit oral or written representations to that officer or officers, and may be interrogated.
- (4) (a) The Minister may, after consideration of the objection and the recommendation of the Director-General, confirm, vary, set aside or countermand the relevant decision or action, and may for the disposal of the matter, issue, subject to the provisions of this Act, such orders to the director as he may deem necessary.  
(b) The Director-General shall notify the person who lodged the objection and the director in writing of the decision of the Minister.  
(c) If the Minister varies, sets aside or countermands the decision or action in question, any amount paid by the objector under subsection (1) or such portion thereof as the Minister may determine, shall be refunded to the objector.  
(d) The decision of the Minister under paragraph (a) or (c) shall be final.

*Preservation  
and production  
of documents.*

24. (1) A copy of any permit, authority, order or other document which has been issued or granted to or served on or given to a person by the director under this Act and, in the case of an order, the prescribed documents constituting the return of service, as well as any application, correspondence or other document submitted to the director and arising from the administration and application of the provisions of this Act, shall be kept and preserved by the director for the periods fixed in respect thereof by or under any provision of the Ciskeian Archives Act, 1976 (Act 4 of 1976).
- (2) Any person of whom it is required under this Act to have a permit, authority or other document, or to or on whom a permit, authority, order, certificate or other document has been issued, granted, served or given in terms of this Act shall, on the demand of the director or an authorized person or a customs officer, forthwith produce such permit, authority, order, certificate or document to him.
- (3) Any permit, authority, order, certificate or other document which was issued, granted or given to or served on a person by the director under this Act shall, during the period of validity thereof, be kept and preserved by the person in whose favour it was issued, granted or given, or on whom it was served.
- (4) Any certificate or other document —  
(a) purporting to indicate that any act required to be performed under this Act in relation to a regulated animal or thing or to any land has in fact been performed, or  
(b) stating that any act or activity mentioned therein has been performed or carried out, shall for the period of validity thereof be kept and preserved by the person who in terms of this Act is required to have such certificate or other document in his possession.

*Preservation  
of secrecy.*

25. (1) No person shall, except in the performance of his duties under this Act, or for the purposes of legal proceedings thereunder or when required to do so by any competent court, excluding a civil court, or under any law, or with the written consent of the Minister, disclose to any other person any information acquired by him in the performance of such duties, and which relates to the business or affairs of anybody.
- (2) No person shall, except with the written consent of the Minister, give access to any other person other than the director, an officer, or any other person entitled thereto in terms of any law, to any records or registers kept in terms of this Act.

*Limitation  
of liability  
of South African  
Transport Services  
and livestock  
auctioneers.*

26. (1) The South African Transport Services Administration shall not be liable in damages —  
(a) by reason of its refusal to transport any animal or thing —  
(i) whenever it knows, or it may on reasonable grounds be suspected, that such animal or thing is an infectious or contaminating thing;  
(ii) if any permit or other document is required by this Act for the transport or removal of such animal or thing and the consignor is not able or fails to produce to it that permit or document or any duplicate or copy thereof; or



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- (iii) by reason of any prohibition under this Act of the removal or transport of such animal or thing from the land on which it is kept or is present; or
- (b) by reason of its detention or disposal of any such animal or thing in accordance with the direction in writing of the director.
- (2) A livestock auctioneer shall not be liable for damages if he refuses to sell any animal in respect of which he knows, or on reasonable grounds suspects, that it is infested with any regulated animal disease or parasite, or in respect of which any circumstances contemplated in subparagraph (ii) or (iii) of subsection (1) (a) is of application, and which has been entrusted to him for sale, or if the director has directed him in writing to detain or to dispose of any animal.
- (3) The consignor or owner of any animal or thing which has been detained or disposed of in terms of subsection (1) (b) or (2), shall be liable to the South African Transport Services or the livestock auctioneer concerned, as the case may be, for any costs incurred in connection with such detention or disposal.

*Limitation  
of liability  
in respect of  
bona fide act  
omission.*

27. Except where otherwise provided in this Act, no person, including the State, shall be liable for damages in respect of anything done or omitted in good faith by such person in the exercise of a power or the performance of a duty under, or by virtue of, any provision of this Act, or in the rendering of any service in terms of this Act, or in respect of anything which may result therefrom.

*Extent to which  
State bound by  
this Act.*

28. This Act shall bind the State except as regards —
- (a) the provisions of any section in so far as they —
    - (i) impose a duty to pay any fee; or
    - (ii) grant a right to claim any compensation; and
  - (b) the penal provisions.

*Defects  
in forms.*

29. A defect in the form of any document, which in terms of any law is required to be executed in a particular manner or in a document issued in terms of this Act, shall, if the document complies substantially with the applicable requirements, not render unlawful any administrative act performed in terms of this Act in the matter to which such document relates, and shall not be a ground for exception in any legal proceedings which may be instituted in respect of such matter.

*Expenditure  
to be met  
from voted funds.*

30. All expenditure arising from the exercise or performance of any power or duty granted to or imposed upon the Minister or the director by or under this Act, or which has otherwise been incurred in the administration or application of any provision of this Act, shall, subject to the provisions of this Act, be defrayed from moneys appropriated by the National Assembly for the purpose.

*Regulations.*

31. (1) The Minister may make regulations —
- (a) prescribing the manner in which any regulated animal or thing which is required or permitted to be isolated under this Act by any owner of animals, or by any owner or manager of land on that land, shall be isolated and cared for and treated in isolation;
  - (b) prescribing the manner in which any infectious or contaminating thing, or anything which can be suspected of being an infected or contaminating thing, shall be cared for, treated, disinfected, destroyed or disposed of by any owner thereof, or by any owner or manager of land on which any such thing is present;
  - (c) prescribing any matter which is required or permitted to be prescribed in terms of this Act; and
  - (d) prescribing, in general, any matter which the Minister deems expedient or necessary for the achievement of the aims or objects of this Act, the generality of the Provisions of this paragraph not being limited or restricted by the provisions of the preceding paragraphs of this subsection.
- (2) Different regulations, which differ in the respects deemed expedient by the Minister, may be made under this section in relation to different areas in Ciskei, different classes of regulated animals and things or different animal diseases or parasites.

*Offences and  
penalties.*

32. (1) Any person who —
- (a) with the object of introducing or spreading any animal disease or parasite in Ciskei, contravenes any provision of section 20 or of a condition of a permit referred to in that section or fails to comply with any provision of any such condition,
  - (b) (i) with the object of spreading any animal disease or parasite in Ciskei, contravenes any provision of section 8 (1) or (3) or section 12 (4) (a), or



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- (ii) with such object as aforesaid and without the authority in writing of the director or contrary to any condition of such authority, removes any animal or thing which has been isolated or is being detained under or pursuant to any other provision of this Act, from such isolation or detention, or
- (iii) in circumstances not constituting an offence under any other provision of this subsection and without the authority in writing of the director or contrary to any condition of such authority, removes from isolation or detention any animal or thing which has been isolated or is being detained under or pursuant to any provision of this Act,
- (c) obstructs or hinders the director, an officer, an authorized person or any other person in the exercise of any power or the performance of any duty under this Act,
- (d) damages, removes without the consent of the director or the officer or person concerned or otherwise tampers with any conveyance, appliance, instrument, tool, equipment, remedy or any other object belonging to, or under the supervision or custody of, the director, an officer, an authorized person or any other person who is exercising or performing, or is required to exercise or perform, any power or duty in terms of this Act, with, or in connection with any such object, or, in the case of any animal which is a conveyance as defined in section 1, injures it or removes it without the consent of any such incumbent or person as aforesaid, or otherwise interferes with it,
- (e) in order to compel the director, an officer, an authorized person or any other person to perform or to abstain from performing any act in respect of the exercise of any power or the performance of any duty under this Act, or on account of the director, any officer, any authorized person or any such person having performed or abstained from the performance of such act, threatens to use violence or force, or suggests the use of violence or force, towards any of the same,
- (f) obtains from the director by false representations any permit, consent or authority under any provision of this Act, or any other decision which, under any such provision is required or permitted to be given,
- (g) alters in any particular or forges any permit, consent, authority or any other document issued, given, granted or required under any provision of this Act,
- (h) with intent to evade any provision of this Act, uses or utters any altered or forged permit, consent, authority or other document referred to in paragraph (g),
- (i) damages, destroys, moves, removes, erases, alters or otherwise tampers with any beacon, mark or seal which has under any provision of this Act been installed or affixed on, or in connection with, any land, regulated animal or thing or any other thing,
- (j) performs, or abstains from performing, any act for which a permit, consent or authority or other document is required under this Act, without such permit, consent, authority or document having been issued, granted or given in respect thereof to him, such performance or abstention not being penalized by any other provision of this subsection,
- (k) obtains or aids and abets any other person to obtain by means of false representations any compensation under this Act,
- (l) damages, destroys or otherwise tampers with any sample taken under this Act, or any object seized under this Act or, in the case of a seized animal, injures it, or removes it out of the possession or control of the director or destroys it,
- (m) (i) removes, or causes to be removed, any animal or thing for the importation of which a permit referred to in section 6 (1) (a) is required, from or out of any place outside Ciskei, and places it on any conveyance, or causes it to be so placed, with the object of importing it by means of such conveyance into Ciskei without such permit having been issued to him, or  
(ii) contravenes any provision of section 6 (2) (a) or (b),
- (n) (i) refuses or fails to stop any conveyance, or to permit the director to take it under his control or to board it, as contemplated in section 16 (1) (a) (ii), whenever he is for that purpose so directed or requested by the director,  
(ii) refuses or fails to render reasonable assistance whenever it is demanded from him by the director under section 16 (1) (b) (ii), or  
(iii) refuses or fails to comply with any requirement of the director contemplated in section 16 (2) (b),
- (o) as an owner of animals on whom a provision of an animal health scheme is binding, contravenes any such provision, or fails to comply therewith,
- (p) contravenes any provision of a control measure or fails to comply therewith,
- (q) refuses or fails to accept any order or other document served on him in terms of this Act,
- (r) (i) contravenes, or fails to comply with, any provision of an order, or  
(ii) as the legal successor of any person referred to in subparagraph (i), contravenes any provision of an order referred to in that subparagraph, or fails to comply therewith,

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- (s) refuses or fails to comply with any provision of section 11,
  - (t) contravenes any provision of section 18 (7) (a) or (b),
  - (u) contravenes any provision of section 2 (3), 12 (1) (a) or (b), 12 (4) (b) or 24, or fails to comply therewith,
  - (v) contravenes any provision of section 25,
  - (w) contravenes, or fails to comply with, any prescribed condition or any other condition imposed by the director under this Act in respect of any permit, consent or authority, or any direction given or issued by the director, an officer, or any other person or body where such contravention or failure is not penalized by any other provision of this subsection, or
  - (x) contravenes, or fails to comply with, any regulation where such contravention or failure is not penalized by any other provision of this subsection,
- shall be guilty of an offence, and —
- (aa) on conviction of an offence referred to in paragraph (a) or (b) (i) or (ii), be liable to imprisonment for a period not exceeding seven years;
  - (bb) on a first conviction of an offence referred to in paragraph (b) (iii), (e), (f), (g), (i), (n), (q), (r) (i) or (ii), (s) or (t), be liable to a fine not exceeding R5 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;
  - (cc) on a second conviction of an offence referred to in item (bb), be liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding ten years, or to both such fine and such imprisonment;
  - (dd) on a first conviction of an offence referred to in any paragraph of this subsection other than a paragraph mentioned in item (aa) and (bb), be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment;
  - (ee) on a second conviction of an offence referred to in item (dd), be liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding four years, or to both such fine and such imprisonment; and
  - (ff) on a third or subsequent conviction of an offence referred to in items (bb) or (dd), respectively, be liable to imprisonment for a period not exceeding the periods referred to in item (cc) or (ee), respectively, without the option of a fine.
- (2) Any livestock auctioneer contemplated in subsection (2) of section 26 through whose agency any animal referred to in that subsection is sold, or who contravenes any direction of the director referred to therein, or fails to comply therewith, shall be guilty of an offence, and be liable on any first, second or subsequent conviction to punishment in accordance with the provisions of items (bb), (cc) and (ff) in so far as it relates to any period of imprisonment referred to in the said item (cc), respectively, of subsection (1) of this section.
- (3) An offence referred to in subsection (1) (m) (i) shall, in relation to the jurisdiction of any court, be deemed to have been committed at any place where the accused happens to be.
- (4) On the conviction of any person for any offence under this Act, a conviction for the corresponding offence under any Act repealed by section 35 (1) of this Act, or of any regulation made thereunder, shall be deemed to be a previous conviction under this Act.

## Presumptions and proof.

33. (1) Whenever in any prosecution for any offence under this Act it is necessary in order to establish the charge to prove that —
- (a) the accused did or omitted to do anything with the object of bringing into Ciskei or of spreading in Ciskei any animal disease or parasite, it shall, on proof —
    - (i) that, contrary to any provision of this Act or of any condition imposed by virtue thereof, he brought any infectious or contaminating thing, or any progeny or product thereof, into Ciskei, or removed it from any isolation or detention, or
    - (ii) that contrary to any provision of this Act or of any condition imposed by virtue thereof he
      - (aa) intentionally infected or contaminated any animal, animal product or any other thing with any animal disease or parasite, or
      - (bb) brought into Ciskei, collected, possessed, transported or removed from any place any protozoan, bacterium, virus, fungus, parasite, other organism or agent which is capable of causing or spreading any animal disease or parasite,
- be presumed, unless and until the contrary is proved to the satisfaction of the court, that he entered the object of bringing into Ciskei or of spreading in Ciskei any animal disease or parasite;
- (b) any permit, authority, consent, certificate or other document has not been issued, given or granted, as the case may be, to any person who in terms of this Act is required to be in possession thereof, it shall, on proof that such person refused or failed, or was unable, to produce the relevant document on demand as contemplated in section 24 (2), be presumed, unless and until the contrary is proved to the satisfaction of the court that such document has not been issued, given or granted to him;



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- (c) the accused imported or brought into Ciskei any animal or thing contrary to any provision of this Act or any condition imposed by virtue thereof, it shall, on proof that such animal or thing was found in Ciskei under circumstances giving rise to a reasonable inference that it was imported or brought into Ciskei by him contrary to any such provision or condition, be presumed that he so imported or brought it in, unless and until it is proved to the satisfaction of the court that —
    - (i) he did not so import it or bring it in; or
    - (ii) he so imported it or brought it in lawfully; or
    - (iii) he, before the alleged contravention, had been an owner in respect thereof and that it had not been removed from any place where it had been present or detained, by himself or on his authority;
  - (d) the accused —
    - (i) had knowledge of any fact, matter or thing, it shall be presumed that he had such knowledge, 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; or
    - (ii) suspected, or that there were reasonable grounds for him to suspect, the existence of a fact, it shall be presumed that he did so suspect or, as the case may be, that there were reasonable grounds so to suspect, unless and until he proves the contrary to the satisfaction of the court;
  - (e) the accused moved to land or removed from land animals of a particular kind, or permitted such to be done, and it is proved that, at a time relevant to the charge, he had a particular number of animals of the kind allegedly moved or removed on that land, and that he later, at a time also so relevant had thereon a greater or smaller number of such animals, as the case may be, it shall without the necessity of proving that he moved or removed any particular animal or permitted it to be done, be presumed that he moved or removed animals of the kind in question to or from the relevant land, as the case may be, or permitted it to be done, unless and until it is proved to the satisfaction of the court that he did not so move or remove those animals or permit such to be done, and that he took all reasonable precautionary measures to prevent the animals from being moved or removed from straying;
  - (f) any animal was brought on to land contrary to any provision of this Act or any condition imposed by virtue thereof, it shall on proof that, within the period of time relevant to the charge —
    - (i) the relevant animal was marked or branded with marks or brands other than those with which an owner in respect of animals on that land normally marks or brands his animals, or those with which he is in terms of the Livestock Brands Act, 1962 (Act 87 of 1962) entitled to brand his animals; or
    - (ii) any former brand was deleted, altered or rendered unrecognizable, be presumed, unless and until the contrary is proved to the satisfaction of the court, that the animal has so been brought on to the land; and
  - (g) the accused failed to apply reasonable diligence and to take reasonable precautionary measures to prevent any animal from straying from any place where it was present or isolated or detained, it shall, on proof that the animal —
    - (i) has been found on any other place where, in terms of this Act, it is not permitted to be, or
    - (ii) has been found on any other place while no person had supervision or control thereover, be presumed, unless and until the contrary is proved to the satisfaction of the court, that he so failed to apply reasonable diligence and to take reasonable precautionary measures.
- (2) In any prosecution for an offence under this Act —
- (a) a document which purports to be certified by the director to the effect that it is a true copy of a permit, authority, order, certificate or other document issued, granted, served, given or obtained in terms of this Act, shall be admitted in evidence in any court without further proof or the production of the original thereof;
  - (b) particulars of any event, action or facts which have been recorded in terms of a control measure by the director or any authorized person, shall be *prima facie* evidence of the event, action or facts in question, and shall be admitted in evidence in any court;
  - (c) a declaration or other document which purports to have been issued by the government of, or any competent authority in, any foreign State, shall be *prima facie* evidence of the event, action or facts stated therein, and shall be admitted in evidence in any court; and
  - (d) the production of the prescribed documents which the director has obtained in connection with the service of an order or any notice regarding a control measure referred to in section 9 (1) (c), shall be *prima facie* evidence of the fact that the relevant order has been received by the person on whom it was served, or that owners of animals have been notified as contemplated in the said section, and shall be admitted in evidence in any court.

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*Vacarious  
liability*

34. (1) Whenever any manager, representative, agent, employee or member of the household of any person (in this section called the principal) does or omits to do any act which it would be an offence under this Act for the principal to do or to omit to do, the principal shall be deemed himself to have done or omitted to do that act, and shall be liable to be convicted and sentenced in respect thereof, unless it is proved that —
- (a) in doing or omitting to do that act, the manager, representative, agent, employee or member of the household was acting without the connivance or the permission of the principal; and
  - (b) all reasonable steps were taken by the principal to prevent any act or omission of the kind in question; and
  - (c) it was not under any condition or circumstance within the scope of the authority or in the course of the employment of such manager, representative, agent, employee or member of the household to do or to omit to do acts, whether lawful or unlawful, of the nature of the act or omission charged,
- and the fact that the principal issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took all reasonable steps to prevent the act or omission charged.
- (2) Whenever any manager, representative, agent, employee or member of the household of the principal does or omits to do an act which it would be an offence under this Act for the principal to do or to omit to do, such manager, representative, agent, employee or member of the household shall, without derogation from any other liability incurred by him on account of the relevant act or omission, be liable to be convicted and sentenced in respect thereof as if he were the principal.
- (3) Any such manager, representative, agent, employee or member of the household may be so convicted and sentenced in addition to the principal.
- (4) In the application of the provisions of this section in any prosecution, evidence that any land, animal, thing or conveyance was, at the time of the act or omission charged, in the possession or under the custody, supervision, control or care of any manager, representative, agent, employee or member of the household of the principal, shall be *prima facie* proof that the principal is an owner in respect thereof.
- (5) For the purposes of this section manager, representative, agent or employee, in relation to the principal includes any person serving under the control of the principal.

*Repeal of laws,  
savings and  
transitional  
provisions.*

35. (1) Subject to the provisions of this section, the laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column thereof.
- (2) Notwithstanding the repeal of the Animal Diseases and Parasites Act, 1956 (Act No. 13 of 1956) —
- (a) any permit issued under section 2 (1), 7, 9 (1) or 12, consent granted under section 4 (3) (c), 13 (8) or 16 (6), and, in so far as it relates to any such consent or authority, any delegation of powers under section 18 (1) (a), of the said Act, in force at the time of such repeal, shall, subject to the provisions of subsection (3), remain in force for a period of three years after the date of commencement of this Act, or for its period of validity, whichever period is the shorter; and
  - (b) any other provision of the said Act, including a regulation or notice made or published thereunder, shall, in so far as such provision applies in respect of any such permit, authority, consent or delegation, remain in force until the date of expiry of the shorter period referred to in paragraph (a).
- (3) Subject to the provisions of subsection (2), anything done under any provision of any law repealed by subsection (1) shall be deemed to have been done under the corresponding provision of this Act.

*Short  
title and  
commencement.*

36. 36. This Act shall be called the Animal Diseases Act, 1986 and shall come into operation on a date to be fixed by the President by proclamation in the *Gazette*.



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SCHEDULE

LAWS REPEALED

No and Year of law	Short Title	Extent of repeal
Act I of 1956	Animal Diseases and Parasites Act, 1956	The whole
Act III of 1967	Animal Diseases and Parasites Amendment Act, 1967	The whole
Act III of 1968	General Law Amendment Act, 1968	Section 42
Act III of 1969	Animal Diseases and Parasites Amendment Act, 1969	The whole
Act IV of 1970	Animal Diseases and Parasites Amendment Act, 1970	The whole
Act II of 1973	Animal Diseases and Parasites Amendment Act, 1973	The whole

<b>OKUQULATHIWEYO</b> <i>Inani le- saziso</i> <b>76</b>	<b>CONTENTS</b> <i>Govt. Notice No.</i> <b>76</b>
<b>DEPARTMENT OF AGRICULTURE AND FORESTRY</b>  <b>GOVERNMENT NOTICE NO. 76</b>  <b>ANIMAL DISEASES ACT, 1986</b> <b>(ACT NO. 21 OF 1986)</b>	<b>DEPARTMENT OF AGRICULTURE AND FORESTRY</b>  <b>GOVERNMENT NOTICE NO. 76</b>  <b>ANIMAL DISEASES ACT, 1986</b> <b>(ACT NO. 21 OF 1986)</b>