



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

---

## STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

*Registered at the Post Office as a Newspaper*

*As 'n Nuusblad by die Poskantoor Geregistreer*

---

Vol. 399

CAPE TOWN, 28 SEPTEMBER 1998

No. 19292

KAAPSTAD, 28 SEPTEMBER 1998

---

OFFICE OF THE PRESIDENT

No. 1215. 28 September 1998

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

No. 62 of 1998: Animal Improvement Act, 1998.

---

KANTOOR VAN DIE PRESIDENT

No. 1215. 28 September 1998

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

No. 62 van 1998: Wet op Diereverbetering, 1998.

(English text signed by the Acting President.)  
(Assented to 16 September 1998.)

# ACT

**To provide for the breeding, identification and utilisation of genetically superior animals in order to improve the production and performance of animals in the interest of the Republic; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. In this Act, unless the context indicates otherwise—

- (i) “advertisement” in relation to an animal or genetic material and in relation to an inseminator, semen collector, embryo collector, embryo transferor, animal breeders’ society or registering authority means any written, illustrated, visual or other descriptive material or verbal statement, communication, representation or reference which is brought to the notice of a member of the public and which is intended to promote the sale or encourage the use of such animal or genetic material, or is intended to offer the services of an inseminator, semen collector, embryo collector, embryo transferor, animal breeders’ society or registering authority; and “advertise” has a corresponding meaning; (i) 5
- (ii) “animal” means a kind of animal or an animal of a specified breed of such kind of animal which has in terms of section 2 been declared as an animal for the purposes of this Act; (v) 15
- (iii) “animal breeders’ society” means a group of persons promoting the breeding, the recording or registration, the genetic improvement and the use of a kind of animal or an animal of a specified breed of such kind of animal, determining and applying breed standards, recommending in its sole discretion the recording or registration of an animal or a specified breed of a kind of animal bred in or imported into the Republic, and who is registered in terms of section 8(7)(a)(i); (vi) 20
- (iv) “animal improvement” means the scientifically based identification of genetically superior animals by means of the integrated registration and genetic information system or in a manner approved by the registrar and the discerning use thereof to improve the production or performance ability of the animal population in the interest of the Republic; (vii) 25
- (v) “appeal board” means an appeal board specified in section 23; (ii)
- (vi) “breed” means a population of animals which produces progeny possessing a high degree of genetic stability as evidenced by identifiable uniformity in breed standards and performance; (vi) 30
- (vii) “breeder” means the owner of a breeding female animal at the time of natural or artificial conception or at the birth of progeny; (xxxiv)
- (viii) “breed standards” means a written set of phenotypic or genotypic standards of excellence determined and applied in terms of the constitution of an animal breeders’ society for a kind of animal; (xxiii) 35
- (ix) “centre” means premises registered in terms of section 8(6)(b) for the collection, evaluation, processing, packing, labelling, storing and sale of semen, embryos or ova, as the case may be, of certain kinds of animal; (xxx) 40
- (x) “Department” means the Department of Agriculture in the national government; (iv)
- (xi) “Director-General” means the Director-General of the Department; (viii)

(Engelse teks deur die Waarnemende President geteken.)  
(Goedgekeur op 16 September 1998.)

# WET

Om voorsiening te maak vir die teling, identifisering en benutting van geneties meerderwaardige diere ten einde die produksie en prestasie van diere in belang van die Republiek te verhoog; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

## Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- 5 (i) “advertensie”, met betrekking tot ’n dier of genetiese materiaal en met betrekking tot ’n insemineerder, semenopvanger, embrio-opvanger, embrio-oorplaser, dieretelersgenootskap of registrerende owerheid, enige skriftelike, geïllustreerde, visuele of ander beskrywende stof of mondelinge verklaring, medeling, voorstelling of verwysing wat onder die aandag van ’n lid van die  
10 publiek gebring word, en wat bedoel is om die verkoop te bevorder of die gebruik van sodanige dier of genetiese materiaal aan te moedig, of wat bedoel is om die dienste van ’n insemineerder, semenopvanger, embrio-opvanger, embrio-oorplaser, dieretelersgenootskap of registrerende owerheid aan te bied; en het “adverteer” ’n ooreenstemmende betekenis; (i)
- 15 (ii) “appèlraad” ’n appèlraad in artikel 23 vermeld; (v)
- (iii) “beampte” ’n beampte soos omskryf in artikel 1(1) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), saamgelees met artikel 1 van die Staatsdienswysigingswet, 1996 (Wet No. 13 van 1996); (xxv)
- 20 (iv) “Departement” die Departement van Landbou in die nasionale regering; (x)
- (v) “dier” ’n soort dier of ’n dier van ’n vermelde ras van so ’n soort dier wat ingevolge artikel 2 as ’n dier vir die doeleindes van hierdie Wet verklaar is; (ii)
- (vi) “dieretelersgenootskap” ’n groep persone wat die teelt, die aantekening of  
25 registrasie, die genetiese verbetering en die gebruik van ’n soort dier of ’n dier van ’n vermelde ras van daardie soort dier bevorder, wat rasstandaarde bepaal en toepas, wat in sy uitsluitlike diskresie die aantekening of registrasie van ’n dier of ’n vermelde ras van ’n soort dier geteel in of ingevoer na die Republiek aanbeveel en wat ingevolge artikel 8(7)(a)(i) geregistreer is; (iii)
- 30 (vii) “diereverbetering” die wetenskaplik gefundeerde identifisering van geneties meerderwaardige diere deur middel van die geïntegreerde registrasie en genetiese inligtingstelsel, of op ’n wyse deur die registrateur goedgekeur, en die oordeelkundige aanwending daarvan ten einde die produksie- of prestasievermoë van die dierepopulasie in belang van die Republiek te verbeter; (iv)
- 35 (viii) “Direkteur-generaal” die Direkteur-generaal van die Departement; (xi)
- (ix) “eisel” die eisel van ’n dier; (xxvi)
- (x) “embrio” ’n bevrugte eisel van ’n dier; (xiii)
- (xi) “embrio-oorplaser” iemand wat die oorplasing van ova of embrio’s in  
40 ontvangende vroulike diere uitvoer en wat ingevolge artikel 8(6)(a) as sodanig geregistreer is ten opsigte van die soort dier waarvoor hy of sy die voorgeskrewe onderrigkursus voltooi het; (xvi)
- (xii) “embrio-oorplasing” die handeling om ’n eisel of embrio in ’n vroulike dier in te plant; (xv)

- (xii) "donor animal" means an animal which has been approved in terms of section 8(6)(c) for the collection of genetic material; (xxxii)
- (xiii) "embryo" means a fertilised ovum of an animal; (x)
- (xiv) "embryo collector" means a person who collects, evaluates, processes, packs or stores genetic material, or who carries out the artificial insemination or the transferring of ova or embryos into recipient female animals and who is registered as such in terms of section 8(6)(a) in respect of the kind of animal for which he or she has completed the prescribed course of instruction; (xiii) 5
- (xv) "embryo transfer" means the act of implanting an ovum or embryo in a female animal; (xii) 10
- (xvi) "embryo transferor" means a person who carries out the transferring of ova or embryos into recipient female animals and who is registered as such in terms of section 8(6)(a) in respect of the kind of animal for which he or she has completed the prescribed course of instruction; (xi)
- (xvii) "export" means to take out or send an animal or genetic material from the Republic to a country or territory outside the Republic or to cause an animal or genetic material to be so taken or sent out; (xxxv) 15
- (xviii) "genetic material" means ova, embryos, semen and any other material originating from an animal through which the hereditary factors of such animal can be transferred; (xv) 20
- (xix) "import" means to bring an animal or genetic material from outside the Republic into the Republic or to cause an animal or genetic material to be so brought into the Republic; (xviii)
- (xx) "import agent" means a person who imports genetic material on behalf of another person and who is registered as such in terms of section 8(6)(a); (xix) 25
- (xxi) "inseminator" means a person who carries out the artificial insemination of animals and who is registered as such in terms of section 8(6)(a) in respect of the kind of animal for which he or she has completed the prescribed course of instruction; (xvii)
- (xxii) "integrated registration and genetic information system" means the computer system which has been established in co-operation with the Department to integrate the pedigrees and performance data of animals; (xiv) 30
- (xxiii) "landrace" means a specified breed of a kind of animal indigenous to or developed in the Republic; (xx)
- (xxiv) "Minister" means the minister responsible for agriculture; (xxi) 35
- (xxv) "officer" means an officer as defined in section 1(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), read with section 1 of the Public Servant Amendment Act, 1996 (Act No. 13 of 1996); (iii)
- (xxvi) "ovum" means the ovum of an animal; (ix)
- (xxvii) "prescribed" means prescribed by regulation; (xxxviii) 40
- (xxviii) "register" means the register kept in terms of section 5; (xxiv)
- (xxvix) "registering authority" means an animal breeders' society or a group of animal breeders' societies which is registered as such in terms of section 8(7)(a)(ii); (xxvi)
- (xxx) "registrar" means the officer designated as Registrar of Animal Improvement in terms of section 3; (xxv) 45
- (xxxi) "regulation" means a regulation made under this Act; (xxvii)
- (xxxii) "scheme" means a scheme established in terms of section 20; (xxxi)
- (xxxiii) "sell" includes agree to sell, offer, advertise, keep, expose, transmit, convey, transport, or deliver for sale within or outside the Republic or exchange or dispose of or deliver to any person in any manner, whether for a consideration or otherwise, and "sale" has a corresponding meaning; (xxxvii) 50
- (xxxiv) "semen" means the semen of an animal; (xxviii)
- (xxxv) "semen collector" means a person who collects, evaluates, processes, packs or stores semen, or who carries out the artificial insemination of an animal, and who is registered as such in terms of section 8(6)(a) in respect of the kind of animal for which he or she has completed the prescribed course of instruction; (xxix) 55
- (xxxvi) "stud book animal" means an animal registered or recorded in the herd book kept by a registering authority; and "stud animal", "thoroughbred animal", "registered animal" and "recorded animal" has a corresponding meaning; (xxxiii) 60



- (xiii) "embrio-opvang" iemand wat genetiese materiaal opvang, evalueer, verwerk, verpak of opberg, of wat die kunsmatige inseminering of oorplanting van eiselle of embrio's na ontvangende vroulike diere uitvoer en wat ingevolge artikel 8(6)(a) as sodanig geregistreer is ten opsigte van die soort dier waarvoor hy of sy die voorgeskrewe onderrigkursus voltooi het; (xiv)
- 5 (xiv) "geïntegreerde registrasie en genetiese inligtingstelsel" die rekenaarsstelsel wat ingestel is in samewerking met die Departement, om die stambome en prestasie-data van diere te integreer; (xxii)
- 10 (xv) "genetiese materiaal" eiselle, embrio's, semen en enige ander materiaal afkomstig van 'n dier waardeur die erflikheidsfaktore van daardie dier oorgedra kan word; (xviii)
- (xvi) "hierdie Wet" ook die regulasies; (xxxvii)
- (xvii) "insemineerder" iemand wat die kunsmatige inseminering van diere uitvoer en wat ingevolge artikel 8(6)(a) as sodanig geregistreer is ten opsigte van die
- 15 soort dier waarvoor hy of sy die voorgeskrewe onderrigkursus voltooi het; (xxi)
- (xviii) "invoer" om 'n dier of genetiese materiaal van buite die Republiek af in die Republiek in te bring of sodanige inbring van 'n dier of genetiese materiaal in die Republiek te bewerkstellig; (xix)
- 20 (xix) "invoeragent" iemand wat genetiese materiaal namens iemand anders invoer en wat ingevolge artikel 8(6)(a) as sodanig geregistreer is; (xx)
- (xx) "landras" 'n bepaalde ras van 'n soort dier wat inheems is aan of ontwikkel is in die Republiek; (xxiii)
- (xxi) "Minister" die minister verantwoordelik vir landbou; (xxiv)
- 25 (xxii) "ras" 'n populasie van diere wat 'n nageslag voortbring wat oor 'n hoë graad van genetiese stabiliteit beskik soos blyk uit identifiseer bare eenvormigheid in rasstandaarde en -prestasie.
- (xxiii) "rasstandaarde" 'n geskrewe stel fenotipiese of genotipiese voortreffike standaarde vir 'n soort dier wat ingevolge die grondwet van 'n dieretelers-
- 30 genootskap vasgestel en toegepas is; (viii)
- (xxiv) "register" die register ingevolge artikel 5 gehou; (xxviii)
- (xxv) "registrator" die beampte wat ingevolge artikel 3 as Registrator van Veeverbetering aangewys is; (xxx)
- (xxvi) "registrerende owerheid" 'n dieretelersgenootskap of 'n groep dieretelers-
- 35 genootskappe wat ingevolge artikel 8(7)(a)(ii) as sodanig geregistreer is; (xxix)
- (xxvii) "regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig is; (xxxi)
- (xxviii) "semen" die saad van 'n dier; (xxxiv)
- (xxix) "semenopvang" iemand wat semen opvang, evalueer, verwerk, verpak of
- 40 opberg, of die kunsmatige inseminering van 'n dier uitvoer en wat ingevolge artikel 8(6)(a) as sodanig geregistreer is ten opsigte van die soort dier waarvoor hy of sy die voorgeskrewe onderrigkursus voltooi het; (xxxv)
- (xxx) "sentrum" 'n perseel wat ingevolge artikel 8(6)(b) vir die opvang, evaluering, verwerking, verpakking, etikettering, opberging en verkoop van semen, embrio's of eiselle, na gelang van die geval, van diere, geregistreer is; (ix)
- 45 (xxxi) "skema" 'n skema kragtens artikel 20 ingestel; (xxxii)
- (xxxii) "skenderdier" 'n dier wat ingevolge artikel 8(6)(c) vir die opvang van genetiese materiaal goedgekeur is; (xii)
- (xxxiii) "stamboekdier" 'n dier wat in die kuddeboek, gehou deur 'n registrerende
- 50 owerheid, geregistreer of aangeteken is en het "stoetdier", "volbloeddier" "geregistreerde dier" en "aangetekende dier" 'n ooreenstemmende betekenis; (xxxvi)
- (xxxiv) "teler" die eienaar van 'n telende vroulike dier ten tyde van natuurlike of kunsmatige bevrugting of tydens die geboorte van nageslag; (vii)
- 55 (xxxv) "uitvoer" om 'n dier of genetiese materiaal vanuit die Republiek na 'n land of gebied buite die Republiek te neem of te stuur of om 'n dier of genetiese materiaal aldus te laat uitneem of uitstuur; (xvii)
- (xxxvi) "veearts" iemand wat ingevolge die Wet op Veterinêre en Para-veterinêre Beroepe, 1982 (Wet No. 19 van 1982), geregistreer is om 'n veterinêre beroep soos omskryf in artikel 1 van daardie Wet, te beoefen; (xxxviii)
- 60 (xxxvii) "verkoop" ook ooreenkom om te verkoop, vir verkoop aanbod, adverteer, hou, uitstal, versend, stuur, vervoer, of lewer vir verkoop, in of buite die

- (xxxvii) "this Act" includes the regulations; (xvi) and  
 (xxxviii) "veterinarian" means a person registered in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), to practise a veterinary profession as defined in section 1 of that Act. (xxxvi)

### Application of Act

5

2. (1) This Act shall apply with reference to any kind of animal, or an animal of a specified breed of such kind of animal as the Minister may by notice in the *Gazette* declare to be an animal for the purposes of this Act.

(2) In the case of a new kind of animal or a new breed of such kind of animal to be imported into or to be bred in the Republic, the Minister shall make such declaration 10 after considering the request, taking the international law into consideration and after considering comments received in response to an invitation by the registrar to interested persons to comment on a proposed declaration that had been published in the *Gazette* at least 30 days prior to such declaration.

(3) Different kinds of animals or breeds of such kinds of animals may be so declared 15 in relation to different provisions of this Act: Provided that an animal or genetic material as referred to in section 17 shall only be declared upon a specific written application to the Minister by the relevant animal breeders' society.

(4) The Minister may declare that any provision of this Act shall only apply—

- (a) in one or more specified areas of the Republic; or 20  
 (b) to one or more specified countries.

### Designation of registrar

3. (1) The Minister shall designate an officer in the Department, who has an appropriate tertiary qualification in the field of animal improvement, as Registrar of Animal Improvement, who shall exercise the powers and perform the duties conferred 25 or imposed upon the registrar under this Act.

(2) (a) The registrar may delegate the powers or duties referred to in subsection (1) in writing to an officer who has appropriate qualifications and skills, or may authorise or direct such officer in writing to exercise such powers or perform such duties.

(b) Any power exercised or duty performed by an officer referred to in paragraph (a) 30 shall be deemed to have been exercised or performed by the registrar.

(c) Any decision made or order given by an officer referred to in paragraph (a) may be withdrawn or amended by the registrar, and shall, until it has been so withdrawn or amended, be deemed, except for the purposes of this paragraph, to have been made or 35 given by the registrar.

### Discretionary powers of registrar

4. (1) (a) Any discretionary power conferred on the registrar in terms of this Act, other than those conferred by section 16 or 17, shall not be exercised by him or her to the prejudice of any applicant or any other person who appears to the registrar to be an interested party, without giving such applicant or such other person an opportunity to be 40 heard within such period as may be prescribed or, if no period has been prescribed, within such reasonable period as the registrar may determine.

(b) An applicant or other person referred to in paragraph (a) may waive such right to be heard.

(2) Whenever in terms of this Act any period is specified within which any act is to be 45 performed or anything is to be done, the registrar may, subject to the provisions of section 16, extend such period either before or after its expiry.

### Register

5. (1) The registrar shall keep a register of semen collectors, inseminators, embryo 50 collectors, embryo transferors, import agents, centres, donor animals, animal breeders' societies and registering authorities which have been registered or approved and in which the prescribed particulars in respect of such semen collectors, inseminators, embryo collectors, embryo transferors, import agents, centres, donor animals, animal breeders' societies and registering authorities shall be recorded.

Republiek of op enige wyse hetsy teen 'n teenprestasie of andersins, aan iemand uitruil, van die hand sit of lewer; en het "verkoop", wanneer dit as 'n naamwoord gebruik word, 'n ooreenstemmende betekenis; (xxxiii) en (xxxviii) "voorgeskryf" by regulasie voorgeskryf. (xxvi)

## 5 Toepassing van Wet

2. (1) Hierdie Wet is van toepassing met betrekking tot enige soort dier, of 'n dier van 'n bepaalde ras van so 'n soort dier wat die Minister by kennisgewing in die *Staatskoerant* as 'n dier vir die doeleindes van hierdie Wet verklaar.

(2) In die geval van 'n nuwe soort dier of 'n nuwe ras van so 'n soort dier wat in die Republiek ingevoer of geteel staan te word, maak die Minister so 'n verklaring na oorweging van die aansoek, met inagneming van die internasionale reg en na oorweging van kommentaar ontvang in reaksie op 'n uitnodiging deur die registrateur aan belanghebbendes om kommentaar op 'n voorgestelde verklaring te lewer wat minstens 30 dae voor sodanige verklaring in die *Staatskoerant* gepubliseer is.

15 (3) Verskillende soorte diere of rasse van daardie soort dier kan aldus met betrekking tot verskillende bepalings van hierdie Wet verklaar word: Met dien verstande dat 'n dier of genetiese materiaal soos bedoel in artikel 17 slegs verklaar word na ontvangs van 'n spesifieke skriftelike aansoek aan die Minister deur die betrokke dieretelersgenootskap.

20 (4) Die Minister kan verklaar dat die een of ander bepaling van hierdie Wet slegs van toepassing is—

(a) in een of meer bepaalde gebiede van die Republiek; of

(b) op een of meer vermelde lande.

## Aanwysing van registrateur

25 3. (1) Die Minister wys 'n beampte van die Departement, wat oor 'n geskikte tersiêre kwalifikasie op die gebied van diereverbetering beskik, as Registrateur van Diereverbetering aan, wat die bevoegdhede uitoefen en pligte verrig wat kragtens hierdie Wet aan die registrateur verleen of opgedra is.

(2) (a) Die registrateur kan die bevoegdhede of pligte in subartikel (1) bedoel, skriftelik aan 'n beampte wat oor geskikte kwalifikasies en vaardighede beskik, delegeer, of kan so 'n beampte skriftelik magtig of gelas om sodanige bevoegdhede of pligte uit te oefen of te verrig.

(b) 'n Bevoegdheid uitgeoefen of plig verrig deur 'n beampte in paragraaf (a) bedoel, word geag deur die registrateur uitgeoefen of verrig te wees.

35 (c) 'n Beslissing of opdrag geneem of gegee deur 'n beampte in paragraaf (a) bedoel, kan deur die registrateur ingetrek of gewysig word, en word, totdat dit aldus ingetrek of gewysig is, geag, behalwe by die toepassing van hierdie paragraaf, deur die registrateur geneem of gegee te gewees het.

## Diskresionêre bevoegdhede van registrateur

40 4. (1) (a) 'n Diskresionêre bevoegdheid wat ingevolge hierdie Wet aan die registrateur verleen word, behalwe dié by artikel 16 of 17 verleen, word nie deur hom of haar tot nadeel van 'n aansoeker of iemand anders wat na die oordeel van die registrateur 'n belanghebbende is, uitgeoefen nie sonder dat hy of sy aan die aansoeker of ander persoon 'n geleentheid gegee het om binne die voorgeskrewe tydperk of, indien 'n tydperk nie voorgeskryf is nie, binne die redelike tyd wat die registrateur bepaal, aangehoor te word.

(b) 'n Aansoeker of ander persoon in paragraaf (a) bedoel, kan afstand doen van die reg om aangehoor te word.

50 (2) Wanneer 'n tydperk ingevolge hierdie Wet bepaal word waarbinne 'n handeling verrig of enigiets gedoen moet word, kan die registrateur, behoudens die bepalings van artikel 16, die betrokke tydperk verleng, hetsy voordat of nadat dit verstryk het.

## Register

5. (1) Die registrateur hou 'n register van semenopvangers, insemineerders, embrio-opvangers, embrio-oorplasers, invoeragente, sentrums, skenkerdiere, dieretelersgenootskappe en registrerende owerhede wat geregistreer of goedgekeur is en waarin die voorgeskrewe besonderhede met betrekking tot sodanige semenopvangers, insemineerders, embrio-opvangers, embrio-oorplasers, invoeragente, sentrums, skenkerdiere, dieretelersgenootskappe en registrerende owerhede aangeteken word.

(2) The register shall, upon payment of the prescribed fee, be open for inspection at the office of the registrar during office hours.

(3) The registrar shall furnish any person, at his or her request and on payment of the prescribed fee, with a copy of any particulars recorded in the register or a certificate in respect thereof.

5

### Register to be evidence

6. (1) The register shall be *prima facie* evidence of all matters directed or authorised by this Act to be noted therein.

(2) A certificate purporting to be signed by the registrar to the effect that an entry has or has not been made in the register or that any other thing authorised by this Act to be done, has or has not been done, shall be *prima facie* evidence of the matters specified in such certificate.

10

(3) A copy of an entry in the register or an extract from the register, purporting to be certified by the registrar, shall be admitted in evidence in any court of law without further proof or production of the original.

15

### Requirements for registration or approval

7. (1) A semen collector, inseminator, embryo collector or embryo transferor may be registered as such if—

- (a) he or she has successfully completed the prescribed course of instruction;
- (b) a veterinarian who has been designated by the registrar for such purpose has certified in the form determined by the registrar that the semen collector, inseminator, embryo collector or embryo transferor, as the case may be, has, in his or her opinion, sufficient practical and theoretical knowledge of the manner in which, in the case of a semen collector, semen or, in the case of an embryo collector, embryos or ova may be collected, evaluated, processed, packed or stored in terms of this Act, and in which animals, in the case of a semen collector, inseminator or embryo collector, may be so artificially inseminated or, in the case of an embryo collector or embryo transferor, be implanted with an ovum or embryo; and
- (c) he or she complies with such other requirements as may be prescribed.

20

25

30

(2) An import agent may be registered as such if he or she undertakes in writing to the registrar to make use of a customs clearing facility and laboratory conforming to the prescribed requirements for all genetic material imported by him or her on behalf of another person.

(3) Premises where genetic material is collected, evaluated, processed, packed, labelled, stored and sold, may be registered as a centre if—

35

- (a) the prescribed facilities are available at such premises for such purpose;
- (b) the technical operations at such premises, with reference to the care of animals being kept there, and the collection, evaluation, processing, packing, labelling and storage of genetic material, are controlled and managed by a person who complies with the prescribed requirements; and

40

- (c) such premises comply with such other requirements as may be prescribed.

(4) An animal may be approved as a donor of genetic material if—

- (a) a veterinarian has certified in the form determined by the registrar that such animal is acceptable in respect of—

45

- (i) general state of health;
- (ii) absence of disease;
- (iii) quality of its semen, and
- (iv) such other attributes as may be prescribed;

- (b) such animal complies with such other prescribed requirements.

50

### Registration or approval

8. (1) Any person who—

- (a) desires to be registered as a semen collector, inseminator, embryo collector, embryo transferor or import agent; or
- (b) desires—

55



(2) Die register is by betaling van die voorgeskrewe geld by die kantoor van die registrateur gedurende werksure ter insae beskikbaar.

(3) Die registrateur verstrek aan enigiemand op sy of haar versoek en by betaling van die voorgeskrewe geld 'n afskrif van enige besonderhede in die register aangeteken of 'n sertifikaat ten opsigte daarvan.

### Register dien as bewys

6. (1) Die register dien as *prima facie*-bewys van alle aangeleenthede wat deur hierdie Wet gelas of gemagtig word om daarin aangeteken te word.

(2) 'n Sertifikaat wat voorgee om deur die registrateur onderteken te wees ten effekte dat 'n inskrywing wel in die register gemaak is of nie gemaak is nie of dat enigiets anders wat ingevolge hierdie Wet gemagtig is om gedoen te word, wel gedoen is of nie gedoen is nie, is *prima facie*-bewys van die aangeleenthede in daardie sertifikaat vermeld.

(3) 'n Afskrif van 'n inskrywing in die register of 'n uittreksel uit die register wat voorgee om deur die registrateur gesertifiseer te wees, word sonder verdere bewys of voorlegging van die oorspronklike in 'n gereghof as getuienis toegelaat.

### Vereistes vir registrasie of goedkeuring

7. (1) 'n Semenopvanger, insemineerder, embryo-opvanger of embryo-oorplaser kan as sodanig geregistreer word indien—

- (a) hy of sy die voorgeskrewe onderrigkursus met welslae voltooi het;
- (b) 'n veearts wat vir die doel deur die registrateur aangewys is, in die vorm deur die registrateur bepaal, gesertifiseer het dat die semenopvanger, insemineerder, embryo-opvanger of embryo-oorplaser, na gelang van die geval, volgens sy of haar oordeel oor voldoende praktiese en teoretiese kennis beskik aangaande die wyse waarop, in die geval van 'n semenopvanger, semen of, in die geval van 'n embryo-opvanger, embryo's of eiselle ingevolge hierdie Wet opgevang, geëvalueer, verwerk, verpak of opgeberg kan word, en waarop diere, in die geval van 'n semenopvanger, insemineerder of embryo-opvanger aldus kunsmatig geïnsemineer of, in die geval van 'n embryo-opvanger of embryo-oorplaser, met 'n eisel of embryo ingeplant word; en
- (c) hy of sy voldoen aan die ander vereistes wat voorgeskryf is.

(2) 'n Invoeragent kan as sodanig geregistreer word indien hy of sy skriftelik teenoor die registrateur onderneem om van 'n doeane-inklaringsfasiliteit en laboratorium gebruik te maak, wat aan die voorgeskrewe vereistes vir alle genetiese materiaal wat deur hom of haar namens iemand anders ingevoer word, voldoen.

(3) 'n Perseel waar genetiese materiaal opgevang, geëvalueer, verwerk, verpak, geëtiketteer, opgeberg en verkoop word, kan as 'n sentrum geregistreer word, indien—

- (a) die voorgeskrewe fasiliteite vir daardie doel op daardie perseel beskikbaar is;
  - (b) die tegniese bedrywighede by so 'n perseel met betrekking tot die versorging van diere wat daar gehou word, en die opvang, evaluering, verwerking, verpakking, etikettering en opberging van genetiese materiaal daarop, beheer en bestuur word deur 'n persoon wat aan die voorgeskrewe vereistes voldoen; en
  - (c) daardie perseel voldoen aan die ander vereistes wat voorgeskryf is.
- (4) 'n Dier kan as 'n skenkerdier van genetiese materiaal goedgekeur word, indien—
- (a) 'n veearts in die vorm deur die registrateur bepaal, gesertifiseer het dat daardie dier aanvaarbaar is ten opsigte van—
    - (i) algemene gesondheidstoestand;
    - (ii) afwesigheid van siekte;
    - (iii) kwaliteit van sy semen waar toepaslik; en
    - (iv) enige ander hoedanighede wat voorgeskryf is;
  - (b) daardie dier aan die ander voorgeskrewe vereistes voldoen.

### Registrasie of goedkeuring

8. (1) Iemand wat—

- (a) verlang om as 'n semenopvanger, insemineerder, embryo-opvanger, embryo-oorplaser, of invoeragent geregistreer te word; of
- (b) verlang—



- (i) that premises be registered as a centre; or  
(ii) that an animal be approved as a donor animal of genetic material, shall apply to the registrar in the form determined by the registrar and in the prescribed manner, and such application shall be accompanied by the prescribed application fee for the kind of registration or approval concerned. 5
- (2) A group of persons who desires to be registered as an animal breeder's society shall apply to the registrar in the form determined by the registrar and in the prescribed manner, and such application shall be accompanied by the constitution of the animal breeders' society, and the prescribed application fee.
- (3) An animal breeders' society or group of animal breeders' societies who desires to be registered as a registering authority shall apply to the registrar in the form determined by the registrar and in the prescribed manner, and such application shall be accompanied by the constitution of the registering authority, and the prescribed application fee. 10
- (4) The registrar shall consider an application made in terms of subsection (1), (2) or (3), and may make any inquiry in connection therewith which he or she may deem necessary. 15
- (5) If the registrar refuses to grant an application made in terms of subsection (1), (2) or (3), he or she shall notify the applicant in writing of his or her decision and of the grounds on which it is based.
- (6) If the registrar is convinced that an application referred to in subsection (1) may be granted he or she shall— 20
- (a) register the applicant as a semen collector, inseminator, embryo collector, embryo transferor or import agent, as the case may be, and issue a registration certificate to him or her; or
- (b) register the premises as a centre and issue a registration certificate to the applicant; or 25
- (c) grant the application for the approval of the animal concerned as a donor animal and issue a certificate of approval to the applicant in respect of such approval, and record the applicable prescribed particulars in the register. 30
- (7) If the registrar is convinced that an application referred to in subsection (2) or (3) may be granted he or she shall—
- (a) register—
- (i) the group of persons as an animal breeders' society; or
- (ii) the animal breeders' society or group of animal breeders' societies as a registering authority, and issue to the animal breeder's society or the registering authority, as the case may be, a registration certificate; 35
- (b) record the applicable prescribed particulars in the register;
- (c) only in case of the first registration give notice in the *Gazette* of the registration of the animal breeders' society or registering authority, as the case may be, and of the date from which the registration concerned is valid and he or she shall notify the Registrar of Companies thereof, who shall as soon as possible after such date record the name of the animal breeders' society or the registering authority, as the case may be, in the register of companies held in terms of the Companies Act, 1973 (Act No. 61 of 1973). 45
- (8) The registration of a person as a semen collector, inseminator, embryo collector, embryo transferor or import agent, or of premises as a centre, or of an animal breeders' society or registering authority, or the approval of an animal as a donor animal is subject to the provisions of this Act and the prescribed conditions. 50
- (9) (a) An animal breeders' society or registering authority is a juristic person from its date of registration referred to in subsection (7).
- (b) Subject to paragraph (c), the provisions of the Companies Act, 1973 (Act No. 61 of 1973), do not apply to an animal breeders' society or a registering authority.
- (c) The Minister may by notice in the *Gazette* declare any provision of the Companies Act, 1973, which is consistent with the provisions of this Act, applicable to an animal breeders' society or registering authority, with such amendments as may be set out in the notice, and may withdraw or amend such notice. 55
- (d) The assets, liabilities, rights and duties which a person possesses in his or her

- (i) dat 'n perseel as 'n sentrum geregistreer word; of
- (ii) dat 'n dier as 'n skenkerdier vir genetiese materiaal goedgekeur word, doen by die registrateur daarom aansoek in die vorm wat die registrateur bepaal en op die voorgeskrewe wyse, en so 'n aansoek gaan vergesel van die voorgeskrewe
- 5 aansoekgeld vir die betrokke soort registrasie of goedkeuring.
- (2) 'n Groep persone wat verlang om as 'n dieretelersgenootskap geregistreer te word, moet by die registrateur daarom aansoek doen in die vorm wat die registrateur bepaal en op die voorgeskrewe wyse, en bedoelde aansoek gaan vergesel van die dieretelersgenootskap se grondwet, en die voorgeskrewe aansoekgeld.
- 10 (3) 'n Dieretelersgenootskap of groep dieretelersgenootskappe wat verlang om as 'n registrerende owerheid geregistreer te word, doen by die registrateur daarom aansoek in die vorm wat die registrateur bepaal en op die wyse wat voorgeskryf is, en bedoelde aansoek gaan vergesel van die registrerende owerheid se grondwet, en die voorgeskrewe aansoekgeld.
- 15 (4) Die registrateur oorweeg 'n aansoek ingevolge subartikel (1), (2) of (3) gedoen, en kan enige ondersoek in verband daarmee doen wat hy of sy nodig ag.
- (5) Indien die registrateur weier om 'n aansoek toe te staan wat ingevolge subartikel (1), (2) of (3) gedoen is, stel hy of sy die aansoeker skriftelik in kennis van sy of haar beslissing en die gronde waarop dit gegrond is.
- 20 (6) Indien die registrateur oortuig is dat 'n aansoek in subartikel (1) bedoel, toegestaan kan word—
- (a) registreer hy of sy die aansoeker as 'n semenopvanger, insemineerder, embryo-opvanger, embryo-oorplaser of invoeragent, na gelang van die geval, en reik aan hom of haar 'n registrasiesertifikaat uit; of
- 25 (b) registreer hy of sy die perseel as 'n sentrum en reik aan die aansoeker 'n registrasiesertifikaat uit; of
- (c) staan hy of sy die aansoek om die goedkeuring van die betrokke dier as 'n skenkerdier toe en reik hy of sy ten opsigte van daardie goedkeuring aan die aansoeker 'n sertifikaat van goedkeuring uit,
- 30 en teken hy of sy die toepaslike voorgeskrewe besonderhede in die register aan.
- (7) Indien die registrateur oortuig is dat 'n aansoek in subartikel (2) of (3) bedoel, toegestaan kan word—
- (a) registreer hy of sy—
- 35 (i) die groep persone as 'n dieretelersgenootskap; of
- (ii) die dieretelersgenootskap of groep dieretelersgenootskappe as 'n registrerende owerheid,
- en reik aan die dieretelersgenootskap of die registrerende owerheid, na gelang van die geval, 'n registrasiesertifikaat uit;
- 40 (b) teken hy of sy die toepaslike voorgeskrewe besonderhede in die register aan;
- (c) gee hy of sy slegs by eerste registrasie in die *Staatskoerant* kennis van die registrasie van die dieretelersgenootskap of registrerende owerheid, na gelang van die geval, en van die datum waarvandaan die betrokke registrasie geldig is en stel hy of sy die Registrateur van Maatskappye daarvan in kennis, wat so gou moontlik na daardie datum die naam van die dieretelersgenoot-
- 45 skap of registrerende owerheid, na gelang van die geval, aanteken in die register van maatskappye wat ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), gehou word.
- (8) Die registrasie van 'n persoon as 'n semenopvanger, insemineerder, embryo-opvanger, embryo-oorplaser of invoeragent, of van 'n perseel as 'n sentrum, of van 'n dieretelersgenootskap of registrerende owerheid, of die goedkeuring van 'n dier as 'n skenkerdier, is onderworpe aan die bepalings van hierdie Wet en die voorgeskrewe voorwaardes.
- (9) (a) 'n Dieretelersgenootskap of registrerende owerheid is vanaf die datum van sy registrasie in subartikel (7) bedoel, 'n regspersoon.
- 50 (b) Behoudens paragraaf (c), is die bepalings van die Maatskappywet, 1973 (Wet No. 61 van 1973), nie op 'n dieretelersgenootskap of 'n registrerende owerheid van toepassing nie.
- (c) Die Minister kan by kennisgewing in die *Staatskoerant* enige bepalings van die Maatskappywet, 1973, wat met die bepalings van hierdie Wet bestaanbaar is, op 'n dieretelersgenootskap of registrerende owerheid van toepassing verklaar, met die wysigings wat in die kennisgewing uiteengesit word, en kan so 'n kennisgewing intrek of wysig.
- 60 (d) Die bates, laste, regte en verpligtinge wat iemand in sy of haar hoedanigheid as

capacity as member of the group of persons referred to in subsection (2) on behalf of the members of such group, or for which such person is responsible on behalf of such members, shall pass on to the animal breeders' society concerned from the date of registration referred to in subsection (7).

### Renewal of registration or approval

5

9. (1) A registration or approval in terms of section 8(6) shall, except in the case of the prior termination thereof, in terms of section 10, be valid from the date of issue of the certificate until the date of expiry specified thereon, and shall thereafter be renewable from time to time.

(2) (a) A person to whom a certificate has been issued in terms of section 8(6), may apply to the registrar for the renewal of the registration or approval concerned within the prescribed time and in the prescribed manner, and such an application shall be accompanied by the prescribed renewal fee for the registration or approval concerned, as well as by the information or documents prescribed or as required by the registrar. 10

(b) The provisions of section 8(4), (5), (6) and (8) shall apply *mutatis mutandis* in respect of an application referred to in paragraph (a). 15

(c) A renewal granted in terms of paragraph (b) shall, subject to the prior termination thereof in terms of this Act, be valid for the prescribed period, and an application for the further renewal thereof shall be made within the prescribed period according to the provisions of paragraph (a), read with paragraph (b). 20

(d) The registrar shall not consider an application for the renewal of a registration or approval which has been received after its expiry date unless such application has been received within 90 days after such expiry date and the additional prescribed fees have been paid.

### Termination of registration or approval

25

10. (1) The registrar may at any time terminate the registration of a semen collector, inseminator, embryo collector, embryo transferor or import agent, or of any premises as a centre, and he or she may withdraw the approval of an animal, if he or she is convinced that—

(a) a requirement of this Act or a condition referred to in section 8(8) or section 8(8) as applied by subsection 9(2)(b), as the case may be, has not been complied with; or 30

(b) in the case of the approval of an animal, the animal no longer complies with the provisions of section 7(4).

(2) If the registrar terminates the registration of a semen collector, inseminator, embryo collector, embryo transferor or import agent or of premises as a centre, or withdraws the approval of an animal, he or she shall in writing inform the person to whom the certificate in question was issued thereof and of the grounds on which it is based. 35

(3) If the registrar has grounds to terminate the registration of a group of persons as an animal breeders' society, or of an animal breeders' society or of a group of animal breeders' societies as a registering authority, he or she shall lodge a complaint with the Minister in terms of the provisions of section 22. 40

### Animal breeders' society

11. (1) A group of persons may be registered as an animal breeders' society if— 45

(a) the kind of animal or a specified breed of such kind of animal with which such a group of persons is concerned, has been declared in terms of section 2 to be an animal for the purpose of this Act;

(b) no other such registration has been granted in respect of an animal breeders' society which is concerned with the same breed of such kind of animal; 50

(c) the constitution of such group of persons specifically provides—

(i) for the promoting, breeding, recording or registration, genetic improvement and use of a kind of animal or an animal of a specified breed of such kind of animal;

(ii) for the determination and the application of breed standards, and for the 55

lid van die groep persone in subartikel (2) bedoel ten behoeve van die lede van daardie groep besit, of waarvoor so 'n persoon ten behoeve van daardie lede aanspreeklik is, gaan vanaf die datum van registrasie in subartikel (7) bedoel, oor op die betrokke dieretelersgenootskap.

## 5 Hernuwing van registrasie of goedkeuring

9. (1) 'n Registrasie of goedkeuring ingevolge artikel 8(6) is, behalwe in geval van die beëindiging daarvan ingevolge artikel 10, geldig vanaf die datum van uitreiking van die sertifikaat tot die vervaldatum daarop aangedui, en is daarna van tyd tot tyd hernubaar.

- 10 (2) (a) Iemand aan wie 'n sertifikaat ingevolge artikel 8(6) uitgereik is, kan binne die voorgeskrewe tyd en op die voorgeskrewe wyse by die registrateur aansoek doen om die hernuwing van die betrokke registrasie of goedkeuring, en so 'n aansoek moet vergesel gaan van die voorgeskrewe hernuwingsgeld vir die betrokke registrasie of goedkeuring, asook van die inligting of stukke in verband daarmee wat voorgeskryf is of wat die registrateur verlang.

(b) Die bepalings van artikel 8(4), (5), (6) en (8) is met die nodige veranderinge van toepassing ten opsigte van 'n aansoek in paragraaf (a) vermeld.

- (c) 'n Hernuwing ingevolge paragraaf (b) toegestaan, is behoudens die vroeëre beëindiging daarvan ingevolge hierdie Wet geldig vir die voorgeskrewe tydperk, en 'n  
20 aansoek om die verdere hernuwing daarvan moet binne die voorgeskrewe tydperk ooreenkomstig die bepalings van paragraaf (a), saamgelees met paragraaf (b), gedoen word.

- (d) Die registrateur oorweeg nie 'n aansoek om die hernuwing van 'n registrasie of goedkeuring wat na die vervaldatum daarvan ontvang is nie, tensy die aansoek binne  
25 90 dae na sodanige vervaldatum ontvang is en die bykomende geld wat voorgeskryf is, betaal is.

## Beëindiging van registrasie of goedkeuring

10. (1) Die registrateur kan te eniger tyd die registrasie van 'n semenopvanger, insemineerder, embryo-opvanger, embryo-oorplaser of invoeragent, of van 'n perseel as  
30 'n sentrum, beëindig, en hy of sy kan die goedkeuring van 'n dier intrek indien hy of sy oortuig is dat—

- (a) 'n vereiste van hierdie Wet of 'n voorwaarde in artikel 8(8) bedoel, of artikel 8(8) soos toegepas deur artikel 9(2)(b), na gelang van die geval, nie nagekom is nie; of  
35 (b) in die geval van die goedkeuring van 'n dier, die dier nie meer aan die vereistes van artikel 7(4) voldoen nie.

- (2) Indien die registrateur die registrasie van 'n semenopvanger, insemineerder, embryo-opvanger, embryo-oorplaser, of invoeragent, of van 'n perseel as 'n sentrum, beëindig of die goedkeuring van 'n dier intrek, stel hy of sy die persoon aan wie die  
40 betrokke sertifikaat uitgereik is, skriftelik daarvan in kennis en van die gronde waarop dit gebaseer is.

- (3) Indien die registrateur gronde het om die registrasie van 'n groep persone as 'n dieretelersgenootskap, of van 'n dieretelersgenootskap of 'n groep van dieretelersgenootskappe as 'n registrerende owerheid, te beëindig, maak hy of sy ingevolge artikel  
45 22 'n klagte by die Minister aanhangig.

## Dieretelersgenootskap

11. (1) 'n Groep persone kan as 'n dieretelersgenootskap geregistreer word indien—  
50 (a) die soort dier of 'n bepaalde ras van so 'n soort dier waarby so 'n groep persone betrokke is ingevolge artikel 2 as 'n dier vir die doeleindes van hierdie Wet verklaar is;  
(b) geen ander sodanige registrasie ten opsigte van 'n dieretelersgenootskap wat betrokke is by dieselfde soort dier of ras van so 'n soort dier toegestaan is nie;  
(c) die grondwet van so 'n groep persone spesifiek voorsiening maak—  
55 (i) vir die bevordering, teelt, aantekening of registrasie, genetiese verbetering en gebruik van 'n soort dier of van 'n dier van 'n bepaalde ras van so 'n soort dier;  
(ii) vir die bepaling en toepassing van rasstandaarde, en vir die aanbeveling



- recommendation, in its sole discretion, to a registering authority of the recording or the registration of an animal or of a specified breed bred or imported into the Republic;
- (iii) for the continued commitment to animal improvement;
  - (iv) for the manner in which the constitution may be amended; and 5
  - (d) such group of persons complies with such requirements as may be prescribed.
- (2) An animal breeders' society or group of animal breeders' societies may be registered as a registering authority with reference to the kind of animal or kinds of animals of a specified breed or breeds of such kind of animals if—
- (a) no other such registration has been granted in respect of a registering authority 10 which is concerned with the same animal or breed of animal: Provided that if another registering authority has been previously registered as such in respect of a specified kind of animal or a specified breed of such kind of animal, the registrar may, with due allowance for the decision of the majority of the breeders registered as such with the relevant animal breeders' society 15 concerned with such a kind of animal or breed of such kind of animal, grant an application referred to in section 8(3);
  - (b) the constitution of such registering authority provides that—
    - (i) before any information with reference to an individual animal is accepted and the animal is registered or recorded, such information shall be 20 subject to verification in respect of the correctness of parentage, the interbirth cycle of the dam, the ownership of the parents at the time of serving and the birth of the animal;
    - (ii) the manner of verification of all registration particulars, the manner in which records are created and kept, and the contents of the records shall 25 comply with the requirements determined by the registrar, in consultation with all other registering authorities;
    - (iii) the applicable fees, if any, for the registration of prefixes and suffixes and for participation in the integrated registration and genetic information system, shall be paid to the organisation referred to in section 15(3)(a); 30
    - (iv) a breeder's right to direct participation in the integrated registration and genetic information system is acknowledged in the event of the animal breeders' society's failure to comply with its own constitution in the opinion of the registrar;
    - (v) the manner in which the constitution may be amended, is described; and 35
  - (c) such animal breeders' society or group of animal breeders' societies complies with such requirements as may be prescribed.

#### Amendment of constitution

12. (1) An animal breeders' society or a registering authority shall make provision in its constitution for the manner in which such constitution may be amended: Provided 40 that such amendment shall not be inconsistent with the provisions of this Act or with the constitution of the relevant registering authority.

(2) The number of copies as may be prescribed of each such amendment or of the amended constitution shall be submitted to the registrar within 30 days after the amendment has been approved by an annual general meeting. 45

(3) If the registrar is of the opinion that such amendment is inconsistent with the provisions of this Act, he or she shall notify the animal breeders' society or registering authority, as the case may be, within 30 days in writing thereof and of the grounds on which the decision has been made whereupon the amendment shall be null and void.

#### Restriction of certain actions in respect of animals and genetic material 50

13. (1) No person shall—

- (a) collect, evaluate, process, pack or store embryos or ova unless—
  - (i) he or she is registered as an embryo collector in terms of section 8; or
  - (ii) he or she is the owner of an animal from which the embryos or ova are collected, evaluated, processed, packed or stored; 55
- (b) import genetic material on behalf of another person unless he or she is registered as an import agent in terms of section 8.



- in sy uitsluitlike diskresie, aan 'n registrerende owerheid van die aantekening of registrasie van 'n dier of dier van 'n bepaalde ras wat in die Republiek geteel of ingevoer;
- (iii) vir 'n voortdurende verbintenis tot diereverbetering;
- 5 (iv) vir die wyse waarop die grondwet gewysig kan word; en
- (d) daardie groep persone voldoen aan die ander vereistes wat voorgeskryf is.
- (2) 'n Dieretelersgenootskap of groep dieretelersgenootskappe kan as registrerende owerheid met betrekking tot die soort dier of soorte diere van 'n bepaalde ras of rasse van sodanige soorte diere geregistreer word, indien—
- 10 (a) geen ander sodanige registrasie ten opsigte van 'n registrerende owerheid wat betrokke is by dieselfde dier of ras van 'n dier toegestaan is nie: Met dien verstande dat indien 'n ander registrerende owerheid voorheen as sodanig ten opsigte van 'n bepaalde soort dier of 'n bepaalde ras van so 'n soort dier geregistreer is, die registrateur, met behoorlike inagneming van die besluit van die meerderheid van die telers wat as sodanig by die dieretelersgenootskap betrokke by so 'n soort dier of ras van so 'n soort dier geregistreer is, 'n aansoek in artikel 8(3) bedoel kan toestaan;
- 15 (b) die grondwet van die registrerende owerheid voorsiening maak dat—
- (i) voordat enige inligting met betrekking tot 'n individuele dier aanvaar is en die dier geregistreer of aangeteken word, daardie inligting onderwerp sal word aan verifikasie ten opsigte van die korrektheid van ouerskap, die tussengeboorteperiode van die moeder, die eienaarskap van die ouers ten tyde van dekking en die geboorte van die dier;
- 20 (ii) die wyse van verifikasie van alle registrasiebesonderhede, die wyse waarop rekords geskep en gehou word en dat die inhoud van die rekords sal voldoen aan die vereistes deur die registrateur, in oorleg met alle ander registrerende owerhede bepaal;
- 25 (iii) die toepaslike geld indien enige, vir die registrasie van voor- of agtervoegsels en vir deelname aan die geïntegreerde registrasie en genetiese inligting-stelsel aan die organisasie in artikel 15(3)(a) bedoel, betaal sal word;
- 30 (iv) 'n teler se reg op direkte deelname aan die geïntegreerde registrasie en genetiese inligtingstelsel in geval van die nie-nakoming deur die dieretelersgenootskap van sy eie grondwet na die oordeel van die registrateur, erken word;
- 35 (v) die wyse waarop die grondwet gewysig kan word, omskryf word; en
- (c) daardie dieretelersgenootskap of groep dieretelersgenootskappe voldoen aan die ander vereistes wat voorgeskryf is.

### Wysiging van grondwet

- 40 12. (1) 'n Dieretelersgenootskap of 'n registrerende owerheid maak in sy grondwet voorsiening vir die wyse waarop daardie grondwet gewysig kan word: Met dien verstande dat bedoelde wysiging nie onbestaanbaar met die bepalinge van hierdie Wet of met die bepalinge van die grondwet van die betrokke registrerende owerheid is nie.
- (2) Die getal afskrifte wat voorgeskryf word van elke sodanige wysiging of van die
- 45 gewysigde grondwet, moet binne 30 dae nadat die wysiging deur 'n algemene jaarvergadering goedgekeur is aan die registrateur voorgelê word.
- (3) Indien die registrateur van mening is dat daardie wysiging met die bepalinge van hierdie Wet onbestaanbaar is, moet hy of sy die betrokke dieretelersgenootskap of registrerende owerheid, na gelang van die geval, daarvan en van die gronde waarop die
- 50 besluit geneem is, binne 30 dae skriftelik in kennis stel, waarop die wysiging niegtig is.

### Beperking op sekere handelinge met betrekking tot diere en genetiese materiaal

13. (1) Niemand mag—
- (a) embryo's of eiselle opvang, valueer, verwerk, verpak of opberg nie tensy—
- 55 (i) hy of sy ingevolge artikel 8 as 'n embryo-opvanger geregistreer is; of
- (ii) hy of sy die eienaar is van 'n dier waarvan die embryo's of eiselle opgevang, geëvalueer, verwerk, verpak of opgeberg word;
- (b) genetiese materiaal namens iemand anders invoer nie tensy hy of sy ingevolge artikel 8 as 'n invoeragent geregistreer is.

(2) If a person who is registered as a semen collector, inseminator, embryo collector or embryo transferor in terms of section 8, artificially inseminates an animal or transfers ova or embryos into a recipient female animal, he or she shall provide the owner of such animal with a certificate containing the prescribed particulars.

#### Restriction on sale or importation of genetic material

5

**14.** (1) No person shall sell genetic material collected in the Republic or genetic material imported into the Republic unless such genetic material is accompanied by the prescribed written warranty.

(2) No person referred to in subsection (1) shall advertise that the progeny to be begotten from the use of such genetic material shall be recorded or registered in terms of any breed standards, unless the animal breeders' society concerned with animals to which the to be begotten progeny concerned belongs, grants prior approval in writing that such genetic material has been collected from a stud book animal of the specific breed and that such to be begotten progeny may be eligible for recording or registration in the herd book kept by the registering authority for that particular kind of animal or breed of such kind of animal.

#### Restriction on certain actions with reference to stud book animals

**15.** (1) No person shall—

- (a) represent or claim to represent breeders of stud book animals of a specific breed as an animal breeders' society;
- (b) advertise that he or she promotes the breeding, recording or registration, genetic improvement and use of a kind of animal or an animal of a specified breed of such kind of animal; or
- (c) determine and apply breed standards or recommend the recording or registration of an animal of a specified breed of animal bred in or imported into the Republic with a registering authority,

unless he or she is registered as an animal breeders' society in terms of section 8.

(2) No person shall in respect of the specified kind of animal or a specified breed of such kind of animal—

- (a) issue a certificate of registration of an animal which has been bred in or imported into the Republic;
- (b) issue a certificate of recording of an animal which has been bred in or imported into the Republic; or
- (c) issue a certificate with reference to the particulars of the pedigree of an animal which has been bred in or imported into the Republic,

unless he or she is registered as a registering authority in terms of section 8.

(3) (a) A certificate referred to in subsection (2)(a) or (b) shall only be issued if the registering authority concerned has registered on behalf of the breeder of the animal concerned a prefix or a suffix to indicate animals bred by him or her, with the organisation which is contracted by the Department to operate the integrated registration and genetic information system.

(b) Such a prefix or suffix shall be registered under conditions and on the payment of the fees determined by the organisation referred to in paragraph (a), and the registration of the prefix or suffix shall be maintained on the periodic payment of the fees and under the conditions which have been determined, and such organisation shall issue a certificate in respect of each such registration.

(c) A prefix or suffix which has been registered in favour of a person shall not be used by another person as a prefix or suffix or in any other manner to indicate an animal that has been bred by such other person.

(4) A power which in terms of subsection (2) only rests with a registering authority, shall not be so construed that it—

- (a) prohibits the breeder of an animal which is not registered or recorded by a registering authority to supply particulars of the pedigree of such animal in writing or otherwise; or
- (b) prohibits any person to supply particulars of the pedigree of an animal expressed on the certificate of registration or recording thereof in writing or otherwise.

- (2) Indien iemand wat ingevolge artikel 8 as 'n semenopvanger, insemineerder, embrio-opvanger of embrio-oorplaser geregistreer is, 'n dier kunsmatig insemineer of eiselle of embrio's na 'n ontvangende vroulike dier oordra, na gelang van die geval, moet hy of sy die eienaar van so 'n dier van 'n sertifikaat voorsien wat die  
5 voorgeskrewe besonderhede bevat.

#### **Beperking op verkoop of invoer van genetiese materiaal**

14. (1) Niemand mag genetiese materiaal wat binne die Republiek opgevang is of genetiese materiaal wat in die Republiek ingevoer is, verkoop nie tensy daardie genetiese materiaal vergesel gaan van die voorgeskrewe skriftelike waarborg.
- 10 (2) Niemand in subartikel (1) bedoel, mag adverteer dat die te verwekte nageslag deur die gebruik van sodanige genetiese materiaal aangeteken of geregistreer sal word ingevolge enige rasstandaarde nie, tensy die dieretelersgenootskap betrokke by diere van dieselfde ras as die te verwekte nageslag, vooraf geskrewe goedkeuring verleen dat sodanige genetiese materiaal vanaf 'n stamboekdier van daardie bepaalde ras opgevang
- 15 is en dat sodanige te verwekte nageslag kan kwalifiseer vir aantekening of registrasie in die kudderegister wat deur die registrerende owerheid vir daardie spesifieke soort dier of ras van so 'n dier gehou word.

#### **Beperking op sekere handelinge met betrekking tot stamboekdiere**

15. (1) Niemand mag—
- 20 (a) telers van stamboekdiere van 'n bepaalde ras as 'n dieretelersgenootskap verteenwoordig of aanspraak maak om hulle aldus te verteenwoordig nie;
- (b) adverteer dat hy of sy die teelt, aantekening of registrasie, genetiese verbetering en gebruik van 'n soort dier of 'n dier van 'n bepaalde ras van so 'n soort dier bevorder nie; of
- 25 (c) rasstandaarde bepaal en toepas, of die aantekening of registrasie van 'n dier van 'n bepaalde ras of dier wat in die Republiek geteel of ingevoer is, by 'n registrerende owerheid aanbeveel nie,
- tensy hy of sy ingevolge artikel 8 as dieretelersgenootskap geregistreer is.
- (2) Niemand mag ten opsigte van die bepaalde soort dier of 'n bepaalde ras van so  
30 'n soort dier—
- (a) 'n sertifikaat van registrasie van 'n dier wat in die Republiek geteel of daarin ingevoer is, uitreik nie;
- (b) 'n sertifikaat van aantekening van 'n dier wat in die Republiek geteel of daarin ingevoer is, uitreik nie; of
- 35 (c) 'n sertifikaat met betrekking tot die besonderhede in die stamboom van 'n dier wat in die Republiek geteel of daarin ingevoer is, uitreik nie,
- tensy hy of sy ingevolge artikel 8 as 'n registrerende owerheid geregistreer is.
- (3) (a) 'n Sertifikaat in subartikel (2)(a) of (b) bedoel, word slegs uitgereik indien die betrokke registrerende owerheid namens die teler van die betrokke dier 'n voor- of  
40 agtervoegsel, wat die diere deur hom of haar geteel, aandui, by die organisasie, wat deur die Departement gekontrakteer is om die geïntegreerde registrasie en genetiese inligtingstelsel te bedryf, geregistreer het.
- (b) So 'n voor- of agtervoegsel word geregistreer op die voorwaardes en teen betaling van die gelde wat bepaal word deur die organisasie in paragraaf (a) bedoel, en  
45 die registrasie van die voor- of agtervoegsel word in stand gehou teen die periodieke betaling van die gelde en op die voorwaardes wat bepaal is, en daardie organisasie moet 'n sertifikaat ten opsigte van elke sodanige registrasie uitreik.
- (c) 'n Voor- of agtervoegsel wat ten gunste van iemand geregistreer is, mag nie deur enigiemand anders as 'n voor- of agtervoegsel of op enige ander wyse gebruik word om  
50 'n dier deur sodanige ander persoon geteel, aan te dui nie.
- (4) 'n Bevoegdheid wat ingevolge subartikel (2) slegs by 'n registrerende owerheid berus, word nie so uitgelê nie dat dit—
- (a) die teler van 'n dier wat nie by 'n registrerende owerheid geregistreer of aangeteken is, verbied om besonderhede van die stamboom van daardie dier  
55 skriftelik of andersins te verstrek nie; of
- (b) iemand verbied om besonderhede van die stamboom van 'n dier wat op die sertifikaat van registrasie of aantekening daarvan weergegee word, skriftelik of andersins te verstrek nie.

**Importation of animals and genetic material**

16. (1) No person shall import into the Republic—

(a) an animal with the aim to record or register such animal in terms of any breed standards; or

(b) genetic material with the aim to record or register the progeny to be begotten from such genetic material in terms of any breed standards,

unless such importation has been authorised by the registrar in writing.

(2) Any person desiring to obtain authorisation referred to in subsection (1), shall apply to the registrar in the prescribed manner and in the form determined by the registrar and pay the prescribed application fee in the prescribed manner.

(3) (a) The registrar shall consider such an application on the basis of the breed standards in his or her possession which were laid down in terms of the constitution of the animal breeder's society concerned regarding the kind of animal to which such animal or genetic material intended for import, belongs.

(b) The animal breeder's society concerned shall provide the registrar in writing with the breed standards referred to in paragraph (a), as often as it may be amended, as well as with information relating to the occurrence of poor performances or hereditary defects of an animal outside the Republic from which the genetic material originates.

(c) If the registrar is of the opinion that the breed standards are not consistent with a provision of this Act or that it is undesirable for some or other reason, he or she may refer such standards to the animal breeders' society concerned with a written request to make a recommendation thereon on the grounds set out in the request.

(4) If the registrar decides to grant an application—

(a) he or she shall authorise the import concerned in writing and immediately send a copy of the authorisation referred to in subsection (1) to the animal breeders' society and registering authority concerned; and

(b) the authorisation referred to in paragraph (a) shall be subject to the prescribed conditions or, in so far as it is not contrary to the conditions or the provisions of this Act, such conditions as may be determined by the registrar.

(5) A condition referred to in subsection (4)(b) may include a requirement regarding the quality thereof.

(6) If the registrar refuses such an application, he or she shall notify the applicant in writing of his or her decision and the grounds on which it is based.

(7) An authorisation in terms of this section shall not exempt the authorised person from the provisions of any other legislation in respect of the import of anything into the Republic.

(8) (a) If—

(i) a person who has imported an animal or genetic material into the Republic—

(aa) imported or used such animal or genetic material in contravention of the provisions of this Act;

(bb) furnished information in or concerning his or her application to import such animal or genetic material to the registrar which is not true in any material respect; or

(cc) contravened or failed to comply with a condition in terms of which he or she is under this section authorised to import any such animal or genetic material; or

(ii) the registrar is at any time of the opinion that an animal or genetic material, which such person has under this section been authorised to import, is harmful to animal improvement in the Republic,

the registrar may, whether or not criminal proceedings have been or may be instituted in terms of this Act against such person, direct him or her by written notice to destroy or remove from the Republic such animal or genetic material before a specified date at his or her own expense.

(b) If such animal or genetic material has not been destroyed or removed from the Republic before the date referred to in paragraph (a), such animal or genetic material shall be forfeited to the State and be destroyed or dealt with in such other manner as may be determined by the registrar.



**Invoer van diere en genetiese materiaal**

16. (1) Niemand mag in die Republiek—

- (a) 'n diere invoer met die doel om so 'n diere aan te teken of te registreer ingevolge enige rasstandaarde nie; of
- 5 (b) genetiese materiaal invoer met die doel om die te verwekte nageslag van sodanige genetiese materiaal aan te teken of te registreer volgens enige rasstandaarde nie,

tensy daardie invoer skriftelik deur die registrateur gemagtig is.

(2) Iemand wat 'n magtiging ingevolge subartikel (1) wil bekom, moet op die voorgeskrewe wyse en in die vorm deur die registrateur bepaal by die registrateur daarom aansoek doen en die voorgeskrewe aansoekgeld op die voorgeskrewe wyse betaal.

(3) (a) Die registrateur oorweeg so 'n aansoek met inagneming van die rasstandaarde wat in sy of haar besit is en wat neergelê is ingevolge die grondwet van die dieretelersgenootskap wat betrokke is by die soort diere waaraan so 'n diere of genetiese materiaal wat vir invoer bestem is, behoort.

(b) Die betrokke dieretelersgenootskap moet die registrateur skriftelik voorsien van die rasstandaarde in paragraaf (a) bedoel, telkens wanneer wysigings daaraan aangebring word, asook van inligting in verband met die voorkoms van swak prestasies of 20 erflike gebreke by 'n diere buite die Republiek waarvan genetiese materiaal afkomstig is.

(c) Indien die registrateur van oordeel is dat die rasstandaarde nie met 'n bepaling van hierdie Wet bestaanbaar is nie, of dat dit om die een of ander rede ongewens is, kan hy of sy sodanige standaarde na die betrokke dieretelersgenootskap verwys met 'n 25 skriftelike versoek om 'n aanbeveling daaromtrent te maak op grond van die oorwegings in die versoek vermeld.

(4) Indien die registrateur besluit om 'n aansoek toe te staan—

- (a) magtig hy of sy die betrokke invoer skriftelik, en moet hy of sy onverwyld 'n afskrif van die magtiging in subartikel (1) bedoel, aan die betrokke dieretelersgenootskap en registrerende owerheid stuur; en
- 30 (b) is die magtiging in paragraaf (a) bedoel, onderworpe aan die voorgeskrewe voorwaardes of, vir sover dit nie strydig met sodanige voorwaardes of die bepalings van hierdie Wet is nie, die voorwaardes wat die registrateur bepaal het.

35 (5) 'n Voorwaarde in subartikel (4)(b) bedoel, kan 'n vereiste betreffende die gehalte daarvan insluit.

(6) Indien die registrateur so 'n aansoek weier, stel hy of sy die aansoeker skriftelik in kennis van sy of haar beslissing en die gronde waarop dit gebaseer is.

(7) 'n Magtiging ingevolge hierdie artikel stel nie die gemagtigde persoon vry van 40 die bepalings van enige ander wet met betrekking tot die invoer van enigiets in die Republiek nie.

(8) (a) Indien—

- (i) 'n persoon wat 'n diere of genetiese materiaal in die Republiek ingevoer het—
- 45 (aa) so 'n diere of genetiese materiaal strydig met die bepalings van hierdie Wet ingevoer of gebruik het;
- (bb) inligting in of in verband met sy of haar aansoek om so 'n diere of genetiese materiaal in te voer aan die registrateur verstrek het wat in 'n wesenlike opsig nie waar is nie; of
- 50 (cc) 'n voorwaarde ingevolge waarvan hy of sy kragtens hierdie artikel gemagtig is om 'n diere of genetiese materiaal in te voer, oortree het of versuim het om daaraan te voldoen; of

(ii) die registrateur te eniger tyd van oordeel is dat 'n diere of genetiese materiaal wat so 'n persoon kragtens hierdie artikel gemagtig was om in te voer skadelik is vir diereverbetering in die Republiek,

55 kan die registrateur, hetsy strafregtelike stappe ingevolge hierdie Wet teen so 'n persoon ingestel is of nie, hom of haar by wyse van 'n skriftelike kennisgewing gelas om voor 'n bepaalde datum so 'n diere of genetiese materiaal op eie koste te vernietig of uit die Republiek te verwyder.

(b) Indien so 'n diere of genetiese materiaal nie voor die datum in paragraaf (a) 60 bedoel, vernietig of uit die Republiek verwyder is nie, word daardie diere of genetiese materiaal aan die Staat verbeur en vernietig of word daarvoor beskik op die wyse wat die registrateur bepaal.

(c) Cost incurred by the State concerning the destruction of or the disposal of an animal or genetic material in terms of paragraph (b), may be recovered from the person referred to in paragraph (a).

### Exportation of animals and genetic material of landrace

17. (1) No person shall export from the Republic an animal or genetic material of a landrace unless such exportation has been authorised by the registrar in writing. 5

(2) The provisions of section 16(4), (5), (6), (7) and (8) shall *mutatis mutandis* apply for the purposes of this section.

### Prohibition of false or misleading advertisements

18. (1) No person shall publish or distribute a false or misleading advertisement in respect of— 10

- (a) the pedigree or performance particulars of an animal;
  - (b) the sale of an animal or genetic material; or
  - (c) the presentation of semen collection, embryo collection, artificial insemination, or the transferring of ova or embryos into recipient female animals, 15
- or cause or permit such advertisement to be published or distributed.

(2) If a person, other than the person who advertises the pedigree or performance particulars of an animal, sells an animal or genetic material or performs semen collection, embryo-collection, artificial insemination or transferring of ova or embryos into recipient female animals or animals to which the false or misleading advertisement 20 relates, is charged with a contravention of subsection (1), it shall be a sufficient defence if he or she proves that he or she did not know or could not reasonably be expected to have known that the advertisement was false or misleading in any respect, unless it is proved that the accused failed on demand by the registrar or a police officer to furnish the name and address of the person at whose instance the advertisement was published or 25 distributed.

### Confidentiality

19. No person shall disclose to any other person information acquired by him or her in the performance of his or her functions in terms of this Act, or the constitution of an animal breeder's society, or the constitution of a registering authority and which relates 30 to the business or affairs of another person, without the express written approval of such other person, except when required by any court of law or under any legislation.

### Establishment of schemes

20. (1) The Minister may, by notice in the *Gazette*, establish a scheme for the evaluation and certification of the performance of animals or a kind of breed of animal specified in the notice, with the objective of improving the genetic production potential of such animals: Provided that a cost benefit analysis of such a scheme has been carried 35 out.

(2) Different schemes may be instituted for different kinds of animals or different breeds of kinds of animals, and the requirements in a scheme for such different animals, may differ. 40

(3) The Minister may in a notice in terms of subsection (1) whereby a scheme is established—

- (a) designate the person who or the body which shall exercise the powers and perform the duties conferred or imposed in terms of the said notice; and 45
- (b) authorise such person or body to make rules in consultation with the organisation contracted by the Department to operate the integrated registration and genetic information system,

under such conditions as the Minister may determine in the said notice.

### Inspection

21. (1) The registrar or an officer referred to in section 3(2)(a), may perform the functions of an inspector referred to in subsection (3). 50

(c) Koste deur die Staat aangegaan in verband met die vernietiging van of beskikking oor 'n dier of genetiese materiaal ingevolge paragraaf (b), kan van die persoon in paragraaf (a) bedoel, verhaal word.

#### **Uitvoer van diere en genetiese materiaal van landras**

- 5     **17.** (1) Niemand mag 'n dier of genetiese materiaal van 'n landras uit die Republiek uitvoer nie tensy so 'n uitvoer skriftelik deur die registrateur gemagtig is.  
(2) Die bepalings van artikel 16(4), (5), (6), (7) en (8) is met die nodige veranderinge van toepassing vir die doeleindes van hierdie artikel.

#### **Verbod op vals of misleidende advertensies**

- 10    **18.** (1) Niemand mag 'n vals of misleidende advertensie met betrekking tot—  
      (a) die stamboom- of prestasiebesonderhede van 'n dier;  
      (b) die verkoop van 'n dier of genetiese materiaal; of  
      (c) die aanbied van semenopvang, embrio-opvang, kunsmatige inseminering, of die oorplasing van eiselle en embrio's na ontvanger vroulike diere,  
15    publiseer of versprei nie of so 'n advertensie laat publiseer of versprei nie.  
      (2) Indien iemand anders as die persoon wat die stamboom- of prestasiebesonderhede van 'n dier adverteer, 'n dier of genetiese materiaal verkoop of die semenopvang, embrio-opvang, kunsmatige inseminering of oorplasing van eiselle en embrio's na ontvanger vroulike diere of diere waarop die vals of misleidende  
20    advertensie betrekking het uitvoer, aangekla word van 'n oortreding van subartikel (1), is dit 'n voldoende verdediging as hy of sy bewys dat hulle nie geweet het nie of daar nie redelikerwys van hom of haar verwag kon word om te weet het nie dat die advertensie in enige opsig vals of misleidend was, tensy bewys word dat die  
25    beskuldigde versuim het om op versoek van die registrateur of 'n polisiebeampte die naam en adres te verstrek van die persoon op wie se versoek die advertensie gepubliseer of versprei is.

#### **Vertroulikheid**

- 19.** Niemand mag inligting wat deur hom of haar by die verrigting van sy of haar werksaamhede ingevolge hierdie Wet, of die grondwet van 'n dieretelersgenootskap, of  
30    die grondwet van 'n registrerende owerheid verkry is en wat op die besigheid of sake van 'n ander persoon betrekking het, sonder die uitdruklike skriftelike toestemming van so 'n ander persoon, aan iemand anders openbaar nie, behalwe wanneer daar deur 'n hof of kragtens enige wet vereis word dat hy of sy dit doen.

#### **Instelling van skemas**

- 35    **20.** (1) Die Minister kan, by kennisgewing in die *Staatskoerant*, 'n skema instel vir die evaluering en sertifisering van die prestasie van diere of 'n soort ras van 'n dier in die kennisgewing bepaal, met die doel om die genetiese produksievermoë van sodanige diere te verbeter. Met dien verstande dat 'n koste voordeel-analise van so 'n skema uitevoer is.  
40    (2) Verskillende skemas kan ingestel word vir verskillende soorte diere of verskillende rasse van soorte diere, en die vereistes in 'n skema vir sodanige verskillende diere kan verskil.  
      (3) Die Minister kan in 'n kennisgewing ingevolge subartikel (1) waarby 'n skema ingestel word—  
45    (a) die persoon of liggaam aanwys wat die bevoegdhede uitoefen en die pligte verrig wat ingevolge genoemde kennisgewing verleen of opgelê is; en  
      (b) daardie persoon of liggaam magtig om reëls op te stel in oorleg met die organisasie wat deur die Departement gekontrakteeer is om die geïntegreerde registrasie en genetiese inligtingstelsel te bedryf,  
50    onder die voorwaardes wat die Minister in die kennisgewing bepaal.

#### **Inspeksie**

- 21.** (1) Die registrateur of 'n beampte in artikel 3(2)(a) bedoel kan die werksaamhede van 'n inspekteur in subartikel (3) bedoel, verrig.

(2) The registrar shall furnish an officer referred to in section 3(2)(a), with a certificate that he or she is authorised to act as inspector in terms of this Act.

(3) An inspector may, on the authority of a warrant issued in terms of subsection (4)—

- (a) at any reasonable time, enter premises with regard to which he or she has reason to believe that an offence is being or has been committed in terms of this Act, in order to investigate and obtain evidence; 5
- (b) examine or test or cause to be examined or tested, any animal or genetic material to which this Act applies and which is found in or at such premises;
- (c) examine or test or cause to be examined or tested any equipment, material, substance or other article which is used or is suspected to be used at or in connection with the collection, evaluation, processing, packing or storing of genetic material or the artificial insemination or transferring of ova or embryos into recipient female animals; 10
- (d) inspect the operations or process in connection with any action referred to in paragraph (c), and demand from the owner or custodian of the animal, genetic material, equipment, material, substance or other article concerned, or from the person who has it in his or her custody, or who supervises such operations or processes, any information or an explanation regarding the operation, process, animal, genetic material, material, substance or other article: Provided that such information or explanation shall only be admissible as evidence in a court of law against such owner or person on a charge referred to in section 25(1)(b); 15
- (e) take or cause to be taken such samples of the blood of an animal or genetic material, material, substance or other article as he or she may deem necessary, and for such purpose open any container in which such genetic material, material, substance or other article is contained and require reasonable assistance from the owner or the person who has such animal, genetic material, material, substance or other article in his or her custody; 25
- (f) examine and make copies of or take extracts from any book or document in respect of which he or she on reasonable grounds suspects that it relates to such animal, genetic material, material, substance or other article, irrespective of whether or not it is kept on or at the place, premises or conveyance concerned or at any other place, and demand from the owner of such book or document or from the person who has it in his or her custody an explanation regarding any record or entry therein: Provided that such explanation shall only be admissible as evidence in a court of law against such owner or person on a charge referred to in section 25(1)(b); and 30
- (g) seize any number of animals, or the whole, or any part of genetic material, material, substance or other article, or of any book or document. 35

(4) (a) A warrant referred to in subsection (3) shall be issued by a judge of the High Court or by a magistrate who has jurisdiction in the area in which the premises in question are situated, and shall only be issued if it appears from information under oath that there are reasonable grounds to believe that an animal, genetic material, equipment, material, substance or other article referred to in subsection (3)(b) or (c) is upon or in such premises, and shall specify which of the acts mentioned in that subsection may be performed thereunder by the person to whom it is issued. 40

(b) A warrant issued in terms of this section shall be executed by day and shall be conducted with strict regard to decency and order.

(5) Any inspector executing a warrant in terms of this section shall immediately before commencing with the execution— 50

- (a) identify himself or herself to the person in control of the premises, if such person is present, and hand to such person a copy of the warrant or, if such person is not present, affix such copy to a prominent place on the premises;
- (b) at the request of such person, show the certificate referred to in subsection (2) to such person. 55

(6) (a) A sample taken in terms of subsection (3)(e) shall, as soon as possible after it has been taken, be submitted to a person who is competent to test, examine or analyse that sample.

(b) An inspector shall in respect of each sample taken, issue a receipt of sampling to the person who has custody of such animal or genetic material, at the request of such person. 60



(2) Die registrateur voorsien 'n beampte in artikel 3(2)(a) bedoel van 'n sertifikaat dat hy of sy gemagtig is om as inspekteur ingevolge hierdie Wet op te tree.

(3) 'n Inspekteur kan, op gesag van 'n lasbrief ingevolge subartikel (4) uitgereik—

- 5 (a) te eniger redelike tyd 'n perseel betree met betrekking waartoe hy of sy rede het om te glo dat 'n misdryf ingevolge hierdie Wet gepleeg is of word, ten einde ondersoek in te stel en getuienis te verkry;
- (b) enige dier of genetiese materiaal waarop hierdie Wet van toepassing is en wat in of op daardie perseel gevind word, ondersoek of toets of laat ondersoek of toets;
- 10 (c) enige toerusting, materiaal, stof of ander artikel wat gebruik word of vermoed word dat dit gebruik word by of in verband met die opvang, evaluering, verwerking, verpakking of opberging van genetiese materiaal of die kunsmatige inseminasie of oorplanting van eïelle of embrio's in ontvangende, vroulike diere, ondersoek of toets of laat ondersoek of toets;
- 15 (d) die bedrywighede of prosesse in verband met enige optrede in paragraaf (c) bedoel, inspekteer, en van die eienaar of toesighouer oor die dier, genetiese materiaal, toerusting, materiaal, stof of ander betrokke artikel, of van die persoon wat dit in sy of haar bewaring het, of wat oor daardie bedrywighede of prosesse toesig hou, enige inligting of 'n verduideliking rakende die
- 20 bedrywigheid, proses, dier, genetiese materiaal, materiaal, stof of ander artikel eis: Met dien verstande dat daardie inligting of verduideliking slegs toelaatbaar is as getuienis in 'n geregshof teen so 'n eienaar of persoon op 'n klag in artikel 25(1)(b) bedoel;
- 25 (e) sodanige monsters van die bloed van 'n dier of van genetiese materiaal, materiaal, stof of ander artikel neem of laat neem wat hy of sy nodig ag, en vir dié doel enige houer oopmaak waarin daardie genetiese materiaal, materiaal, stof of ander artikel bevat is en van die eienaar of die persoon wat daardie dier, genetiese materiaal, stof of ander artikel onder sy of haar bewaring het redelike bystand vereis;
- 30 (f) enige boek of stuk ten opsigte waarvan hy of sy op redelike gronde vermoed dat dit op sodanige dier, genetiese materiaal, materiaal, stof of ander artikel betrekking het, nagaan en afskrifte daarvan of uittreksels daaruit maak, ongeag of dit by die betrokke plek, perseel of vervoermiddel of by 'n ander
- 35 plek gehou word, en van die eienaar van daardie boek of stuk of van die persoon wat dit in sy of haar bewaring het, 'n verduideliking betreffende enige aantekening of inskrywing daarin vereis: Met dien verstande dat sodanige verduideliking slegs as getuienis in 'n geregshof teen daardie eienaar of persoon toelaatbaar is op 'n aanklag in artikel 25(1)(b) bedoel; en
- 40 (g) op enige aantal diere, of op die geheel, of op enige deel van genetiese materiaal, materiaal, stof of artikel, of op enige boek of dokument beslag lê.

(4) (a) 'n Lasbrief bedoel in subartikel (3) word deur 'n regter van die Hoë hof of 'n landdros wat regsbevoegdheid het in die gebied waar die betrokke perseel geleë is, uitgereik, en word slegs uitgereik indien dit blyk uit inligting onder eed dat daar redelike gronde is om te glo dat 'n dier, genetiese materiaal, toerusting, materiaal, stof

45 of ander artikel in subartikel (3)(b) of (c) bedoel, op of in sodanige perseel is, en moet aandui welke van die handelinge in daardie subartikel bedoel daarkragtens verrig mag word deur die persoon aan wie dit uitgereik is.

(b) 'n Lasbrief wat ingevolge hierdie artikel uitgereik word, word gedurende die dag uitgevoer en word met streng oorweging van behoorlikheid en orde uitgevoer.

50 (5) 'n Inspekteur wat 'n lasbrief ingevolge hierdie artikel uitvoer, moet onmiddellik voor hy of sy met die uitvoering begin—

- 55 (a) homself of haarself identifiseer aan die persoon in beheer van die perseel indien sodanige persoon teenwoordig is, en 'n afskrif van die lasbrief aan sodanige persoon oorhandig of indien sodanige persoon nie teenwoordig is nie, sodanige afskrif op 'n opvallende plek by die perseel aanbring;
- (b) aan sodanige persoon, op daardie persoon se versoek, die sertifikaat in subartikel (2) bedoel, toon.

(6) (a) 'n Monster wat ingevolge subartikel (3)(e) geneem is, moet so gou moontlik nadat dit geneem is, aan 'n persoon oorhandig word wat bevoeg is om daardie monster

60 te toets, te ondersoek of te analiseer.

(b) 'n Inspekteur reik met betrekking tot elke monster wat geneem is, op versoek van die betrokke persoon, 'n bewys van die monster uit aan die persoon wat so 'n dier of genetiese materiaal in sy of haar bewaring het.

(7) (a) An inspector concerned may remove any quantity of animals, genetic material, material, substance or other article, or any book or document thus seized, from the place, premises or conveyance where he or she seized it, or leave it thereon and, if he or she deems it necessary, attach such identification mark or seal as he or she may deem necessary on such animal, genetic material, substance or other article or the container thereof, or on such book or document. 5

(b) The registrar may—

(i) grant authority that an animal, genetic material, substance or other article seized in terms of subsection (3)(g), may within the period and in the manner specified in such authorisation, be treated or dealt with; 10

(ii) if he or she is satisfied that the cause for the seizure concerned has been removed by such treatment or action, return that animal, genetic material, material, substance or other article to the person from whom it was seized.

(c) If no criminal proceedings are instituted in connection with an animal, genetic material, material, substance or other article seized in terms of subsection (3)(g), or if it appears that such animal, genetic material, material, substance or other article is not required at the trial for the purposes of evidence or an order of court, that animal, genetic material, material, substance or other article shall be returned to the person from whom it was seized. 15

### Complaints against animal breeders' societies and registering authorities 20

22. (1) If a complaint is lodged with the Minister that an animal breeders' society or a registering authority has not properly attained or is unlikely properly to attain the objectives for which a registration certificate has been issued, he or she may refer such complaint for inquiry to a committee consisting of three members, who in the opinion of the Minister, have expert knowledge of the subject of the complaint and who are appointed by the Minister, one of whom he or she shall designate as the chairperson of such committee. 25

(2) The Minister shall at least one month prior to the commencement of such inquiry notify such animal breeders' society or registering authority in writing of the act or omission which is to be the subject of the inquiry and of the date on which the inquiry shall commence, and such animal breeders' society or registering authority shall be entitled to be represented at such inquiry by legal representation. 30

(3) The provisions of section 23(4), (5), (6), (7) and (8) shall *mutatis mutandis* apply with reference to an inquiry referred to in subsection (1).

(4) If the committee referred to in subsection (1) finds that the animal breeders' society or registering authority concerned has not properly attained or is unlikely properly to attain the objectives specified in subsection (1), the Minister may cancel the registration of the animal breeders' society or registering authority or suspend it for the period determined by him or her, whereupon the powers of the animal breeders' society or registering authority shall for the period of suspension or, in the case of the cancellation of the registration, respectively vest temporarily in the registering authority concerned or permanently in another registering authority determined by the Minister, as the case may be. 35 40

(5) When an animal breeders' society or a registering authority voluntarily decides to dissolve in accordance with its constitution or when the registration of an animal breeders' society or registering authority is cancelled in terms of subsection (4), such animal breeders' society or registering authority shall be dissolved, and as from the date of such cancellation all the remaining assets, liabilities, rights and obligations of such animal breeders' society or registering authority shall devolve as may be determined in the constitution of the said animal breeders' society or the registering authority concerned. 45 50

(6) (a) The registrar shall give notice in the *Gazette* of the cancellation in terms of subsection (4) of the registration of an animal breeders' society or registering authority.

(b) The registrar shall delete the name of such animal breeders' society or registering authority from the register. 55

(c) The registrar shall notify the Registrar of Companies of such cancellation whereupon the Registrar of Companies shall delete the name of such animal breeders' society or registering authority from the Register of Companies.

(7) (a) Die betrokke inspekteur kan enige hoeveelheid diere, genetiese materiaal, materiaal, stof of ander artikel, of 'n boek of stuk, waarop aldus beslag gelê is, van die plek, perseel of vervoermiddel waar hy of sy beslag daarop gelê het, verwyder of daarop laat en, indien hy of sy dit nodig ag, enige identifikasiemerk of seël wat hy of sy nodig ag, op sodanige dier, genetiese materiaal, materiaal, stof of ander artikel, of die houer daarvan, of op sodanige boek of stuk, aanbring.

(b) Die registrateur kan—

(i) magtiging verleen dat 'n dier, genetiese materiaal, materiaal, stof of ander artikel waarop daar ingevolge subartikel (3)(g) beslag gelê is, binne die tydperk en op die wyse in so 'n magtiging vermeld, behandel of mee gehandel mag word;

(ii) indien hy of sy oortuig is dat die oorsaak vir die betrokke beslaglegging deur sodanige behandeling of handeling verwyder is, daardie dier, genetiese materiaal, materiaal, stof of ander artikel teruggee aan die persoon van wie dit in beslag geneem is.

(c) Indien geen strafregtelike verrigtinge ingestel word in verband met 'n dier, genetiese materiaal of materiaal, stof of ander artikel waarop ingevolge subartikel (3)(g) beslag gelê is nie, of indien dit blyk dat sodanige dier, genetiese materiaal, materiaal, stof of ander artikel nie by die verhoor vir die doeleindes van bewyslewering of 'n hofbevel nodig is nie, word daardie dier, genetiese materiaal, stof of ander artikel teruggegee aan die persoon van wie dit in beslag geneem is.

#### Klagtes teen dieretelersgenootskappe en registrerende owerhede

22. (1) Indien 'n klagte by die Minister ingedien word dat 'n dieretelersgenootskap of 'n registrerende owerheid die oogmerke waarvoor 'n registrasiesertifikaat daaraan uitgereik is, nie behoorlik bereik het nie of waarskynlik nie behoorlik sal bereik nie, kan hy of sy die klagte vir ondersoek verwys na 'n komitee bestaande uit drie lede wat na die oordeel van die Minister deskundige kennis aangaande die onderwerp van die klagte het en wat deur die Minister aangestel word, van wie hy of sy een as die voorsitter van die komitee aanwys.

(2) Die Minister moet minstens een maand voor die aanvang van sodanige ondersoek daardie dieretelersgenootskap of registrerende owerheid skriftelik in kennis stel van die handeling of versuim wat die onderwerp van die ondersoek sal uitmaak en van die datum waarop die ondersoek 'n aanvang neem, en die dieretelersgenootskap of registrerende owerheid is geregtig om by die ondersoek deur regsverteenvoering te word.

(3) Die bepalinge van artikel 23(4), (5), (6), (7) en (8) is met die nodige veranderinge van toepassing met betrekking tot 'n ondersoek in subartikel (1) bedoel.

(4) Indien die komitee in subartikel (1) bedoel, bevind dat die betrokke dieretelersgenootskap of registrerende owerheid die oogmerke in subartikel (1) bedoel, nie behoorlik bereik het nie of waarskynlik nie behoorlik sal bereik nie, kan die Minister die registrasie van die dieretelersgenootskap of registrerende owerheid beëindig of opskort vir die tydperk deur hom of haar bepaal, waarop die bevoegdhede van die dieretelersgenootskap of registrerende owerheid vir die tydperk van opskorting of, in die geval van die beëindiging van die registrasie, na gelang van die geval, tydelik oorgaan op die betrokke registrerende owerheid of permanent oorgaan op 'n ander registrerende owerheid deur die Minister bepaal.

(5) Indien 'n dieretelersgenootskap of registrerende owerheid uit eie beweging besluit om in ooreenstemming met sy grondwet te ontbind of indien die registrasie van 'n dieretelersgenootskap of 'n registrerende owerheid ingevolge subartikel (4) beëindig word, word die dieretelersgenootskap of registrerende owerheid ontbind, en vanaf die datum van bedoelde ontbinding word oor al die bates, laste, regte en verpligtinge van die dieretelersgenootskap of registrerende owerheid beskik soos in die grondwet van die betrokke dieretelersgenootskap of die registrerende owerheid bepaal.

(6) (a) Die registrateur gee in die *Staatskoerant* kennis van die beëindiging ingevolge subartikel (4), van die registrasie van 'n dieretelersgenootskap of registrerende owerheid;

(b) Die registrateur skrap die naam van so 'n dieretelersgenootskap of registrerende owerheid uit die register.

(c) Die registrateur stel die Registrateur van Maatskappye in kennis van sodanige beëindiging, waarop die Registrateur van Maatskappye die naam van die dieretelersgenootskap of registrerende owerheid uit die register van maatskappye skrap.

(7) Any member of the committee referred to in subsection (1) who is not in the full-time employment of the State, may be paid such allowances as the Minister may with the concurrence of the Minister of Finance determine.

### Appeals

23. (1) Any person whose interests are affected by any decision or direction of the registrar under this Act, may appeal against such decision or direction to an appeal board appointed by the Director-General for the purposes of the appeal concerned. 5

(2) An appeal referred to in subsection (1), shall be lodged in the prescribed manner within the prescribed period, and the prescribed fee shall be payable in respect of such appeal. 10

(3) An appeal board shall consist of—

(a) a person who is appointed on the ground of his or her legal knowledge and who shall act as chairperson of the appeal board; and

(b) two persons who, in the opinion of the Director-General, have expert knowledge of the subject of the appeal. 15

(4) Any person who has a direct or indirect interest in the outcome of the appeal, shall not be appointed in terms of subsection (1).

(5) All the members of an appeal board shall constitute a quorum for a meeting of that appeal board.

(6) An appeal shall be heard on the date and at the place and time determined by the chairperson of an appeal board, and he or she shall notify the appellant and the registrar in writing thereof. 20

(7) The chairperson of an appeal board may, for the purposes of the hearing of an appeal—

(a) subpoena any person who, in his or her opinion, may give material information concerning the subject of the hearing or has in his or her possession or custody or under his or her control any document which has any bearing upon the subject of the hearing, to appear before him or her at a time and place specified in the subpoena, to be interrogated or to produce that document, and the chairperson may retain for examination any document so produced; 30

(b) administer an oath to or accept an affirmation from any person called as a witness at the hearing; and

(c) call any person present at the hearing as a witness and interrogate him or her and require him or her to produce any document in his or her possession or custody or under his or her control. 35

(8) The procedure at the hearing of the appeal shall be determined by the chairperson.

(9) The appellant, if he or she appears before an appeal board at the hearing of an appeal, and the registrar may make use of legal representation.

(10) An appeal board— 40

(a) shall within 90 days of its appointment in terms of subsection (1) come to a decision;

(b) may confirm, set aside or amend the decision or direction concerned which is the subject of the appeal; and

(c) may make such order in connection therewith as it may deem fit. 45

(11) The decision of an appeal board together with the reasons therefor shall be in writing and copies thereof shall be furnished to the registrar and the appellant.

(12) If the appeal board sets aside any decision or action, the prescribed fee paid by the appellant in respect of the appeal in question shall be refunded to him or her, or, if the appeal board varies such decision or action, it may in its discretion direct that the whole or such part of such fee as it may determine, be refunded to the appellant. 50

(13) A member of the appeal board and any person subpoenaed under subsection (7)(c) who is not in the full-time employment of the State, may be paid such allowances as the Minister may with the concurrence of the Minister of Finance determine.

### State not exempted from fees

55

24. The State shall not be exempted from the payment of any fees payable in terms of this Act.



(7) 'n Lid van die komitee in subartikel (1) bedoel, wat nie in die heeltidse diens van die Staat is nie, kan die toelaes betaal word wat die Minister met die instemming van die Minister van Finansies bepaal.

### Appèlle

- 5     **23.** (1) Iemand wie se belange geraak word deur 'n beslissing of lasgewing van die registrateur kragtens hierdie Wet, kan teen sodanige beslissing of lasgewing appelleer na 'n appèlraad wat vir doeleindes van die betrokke appèl deur die Direkteur-generaal aangestel word.
- 10     (2) 'n Appèl in subartikel (1) bedoel, word binne die voorgeskrewe tydperk op die voorgeskrewe wyse aangeteken, en die voorgeskrewe geld is ten opsigte van sodanige appèl betaalbaar.
- 15     (3) 'n Appèlraad bestaan uit—  
       (a) iemand wat op grond van sy of haar regs kennis aangestel is, en wat as voorsitter van die appèlraad optree; en  
       (b) twee persone wat, na die oordeel van die Direkteur-generaal, deskundige kennis van die onderwerp van die appèl dra.
- 20     (4) Iemand wat 'n regstreekse of onregstreekse belang by die uitslag van die appèl het, word nie ingevolge subartikel (1) aangestel nie.
- 25     (5) Al die lede van 'n appèlraad maak 'n kworum vir 'n vergadering van daardie appèlraad uit.
- (6) 'n Appèl word aangehoor op die datum, plek en tyd deur die voorsitter van die appèlraad bepaal, en hy of sy stel die appellant en die registrateur skriftelik daarvan in kennis.
- (7) Die voorsitter van 'n appèlraad kan vir die doeleindes van die aanhoor van 'n appèl—  
       (a) iemand wat na sy of haar oordeel wesenlike inligting kan verstrek aangaande die onderwerp van die verhoor of wat 'n stuk wat betrekking het op die onderwerp van die verhoor in sy of haar besit of bewaring of onder sy of haar beheer het, dagvaar om op 'n tyd en plek in die dagvaarding vermeld voor hom of haar te verskyn om ondervra te word of om daardie stuk voor te lê, en die voorsitter kan 'n stuk wat aldus voorgelê is, vir ondersoek behou;  
       (b) iemand wat by die verhoor as 'n getuie opgeroep word, 'n eed oplê of 'n bevestiging van hom of haar aanneem; en  
       (c) iemand wat by die verhoor aanwesig is, as 'n getuie oproep en hom of haar ondervra en hom of haar aansê om enige stuk in sy of haar besit of bewaring of onder sy of haar beheer voor te lê.
- 30     (8) Die prosedure by die verhoor van die appèl word deur die voorsitter bepaal.
- 35     (9) Die appellant, indien hy of sy voor 'n appèlraad by die aanhoor van 'n appèl verskyn, en die registrateur kan van regsvertegenwoordiging gebruik maak.
- 40     (10) 'n Appèlraad—  
       (a) moet 'n beslissing maak binne 90 dae nadat dit ingevolge subartikel (1) aangestel is;  
       (b) kan die betrokke beslissing of lasgewing waarteen geappelleer word, bekragtig, tersyde stel of wysig; en  
       (c) kan die bevel in verband daarmee uitreik wat dit dienstig ag.
- 45     (11) Die beslissing van 'n appèlraad tesame met die redes daarvoor moet op skrif wees, en afskrifte daarvan moet aan die registrateur en die appellant voorsien word.
- 50     (12) Indien 'n appèlraad 'n beslissing of optrede tersyde stel, word die voorgeskrewe geld wat deur die appellant ten opsigte van die betrokke appèl betaal is, aan hom of haar terugbetaal, of, indien die appèlraad die betrokke beslissing of optrede wysig, kan dit na goeë dunks gelas dat al die geld of die gedeelte daarvan wat die raad bepaal aan die appellant terugbetaal word.
- 55     (13) 'n Lid van die appèlraad en iemand wat kragtens subartikel (7)(c) gedagvaar is wat nie in die heeltidse diens van die Staat is nie, kan die toelaes betaal word wat die Minister met die instemming van die Minister van Finansies bepaal.

### Staat nie vrygestel van gelde nie

**24.** Die Staat is nie vrygestel nie van enige gelde ingevolge hierdie Wet betaalbaar.

**Offences and penalties****25. (1) Any person who—**

- (a) makes or causes to be made a false entry in the register, or who makes or causes to be made a copy which falsely purports to be a copy of an entry in the register, or who produces or tenders or causes to be produced or tendered such an entry or copy as evidence; 5
- (b) refuses or fails to furnish information or give an explanation or to answer to the best of his or her ability to a question lawfully demanded from or put to him or her by a person referred to in section 21(1) in the exercising of his or her powers or the performing of his or her duties under this Act, or furnishes information, an explanation or answer to such person which is false or misleading, knowing that it is false or misleading; 10
- (c) having been duly summoned to appear at proceedings in terms of section 23, or section 23 as applied by section 22, fails without lawful cause so to appear;
- (d) having appeared as a witness at proceedings in terms of section 23, or section 23 as applied by section 22, refuses without lawful cause to be sworn or to make an affirmation or to produce any document or answer any question which he or she may be lawfully required to produce or answer; 15
- (e) collects, evaluates, processes, packs or stores embryos or ova or imports genetic material on behalf of another person in contravention of section 13(1); 20
- (f) fails to provide the owner of an animal with the prescribed certificate in contravention of section 13(2);
- (g) sells or imports genetic material in contravention of section 14(1);
- (h) advertises in contravention of section 14(2);
- (i) makes any false or misleading statement— 25
  - (i) in or in connection with an application in terms of this Act; or
  - (ii) at the sale of any animal or genetic material or at the rendering of services relating to the artificial insemination or the transferring of ova or embryos to recipient female animals or the collection, evaluation, processing, packing or labelling of genetic material; 30
- (j) manages a centre which does not comply with the requirements of section 7(3) or uses premises that are not registered as a centre under this Act, for activities in connection with the collection, evaluation, processing, packing, labelling, transport and sale of genetic material; 35
- (k) imports any animal or genetic material into the Republic in contravention of section 16;
- (l) contravenes or fails to comply with any condition on which he or she has under section 16(4)(b) been authorised to import any animal or genetic material into the Republic;
- (m) exports any animal or genetic material of a landrace from the Republic in contravention of section 17; 40
- (n) tampers with any sample taken or any animal, equipment, genetic material, book, document or other article seized under this Act;
- (o) acts as an animal breeders' society in contravention of the provisions of section 15(1); 45
- (p) other than a registering authority, except in the circumstances referred to in section 15(4), furnishes in writing particulars of the registration or recording of an animal bred in or imported into the Republic, or certifies, publishes or otherwise makes known the pedigrees of animals;
- (q) uses a prefix or suffix not registered in terms of section 15(3) as a prefix or suffix or in any other manner to designate animals bred by him or her, or who so uses a prefix or suffix registered in terms of that section in favour of any other person; 50
- (r) in furnishing particulars in the circumstances referred to in section 15(4), makes a false statement relating to the pedigree of an animal; 55
- (s) contravenes any provision of section 18(1);
- (t) contravenes the provisions of section 19,

**Misdrywe en strawwe****25. (1) Iemand wat—**

- (a) 'n valse inskrywing in die register maak of laat maak, of wat 'n afskrif maak of laat maak wat valslik voorgee 'n afskrif van 'n inskrywing in die register te wees, of wat so 'n inskrywing of so 'n afskrif daarvan as getuienis voorlê of aanbied of laat voorlê of aanbied;
- (b) weier of versuim om inligting te verstrek of 'n verduideliking te verskaf of na sy of haar beste vermoë te antwoord op 'n vraag wat regtens deur 'n persoon in artikel 21(1) bedoel, by die uitoefening van sy of haar bevoegdhede of die verrigting van sy of haar pligte kragtens hierdie Wet van hom of haar geëis of aan hom of haar gestel word, of aan sodanige persoon inligting, 'n verduideliking of 'n antwoord verstrek wat vals of misleidend is, wetende dat dit vals of misleidend is;
- (c) nadat hy of sy behoorlik gedagvaar is om by verrigtinge ingevolge artikel 23, of artikel 23 soos toegepas deur artikel 22, te verskyn, sonder wettige rede versuim om aldus te verskyn;
- (d) nadat hy of sy as 'n getuie by verrigtinge ingevolge artikel 23, of artikel 23 soos toegepas deur artikel 22, verskyn het, sonder wettige rede weier om beëdig te word of 'n bevestiging te doen of om 'n stuk voor te lê of 'n vraag te beantwoord wat hy of sy regtens aangesê kan word om voor te lê of te beantwoord;
- (e) in stryd met artikel 13(1) embryo's of eiselle opvang, evalueer, verwerk, verpak of opberg of genetiese materiaal namens iemand anders invoer;
- (f) in stryd met artikel 13(2) versuim om die eienaar van 'n dier van die voorgeskrewe sertifikaat te voorsien;
- (g) in stryd met artikel 14(1) genetiese materiaal verkoop of invoer;
- (h) in stryd met artikel 14(2) adverteer;
- (i) 'n valse of misleidende verklaring maak—
  - (i) in of in verband met 'n aansoek ingevolge hierdie Wet; of
  - (ii) by die verkoop van 'n dier of genetiese materiaal of by die lewering van dienste betreffende die kunsmatige inseminering of die oorplanting van eiselle of embryo's na ontvangende vroulike diere of die opvang, evaluering, verwerking, verpakking of etikettering van genetiese materiaal;
- (j) 'n sentrum bestuur wat nie aan die vereistes in artikel 7(3) voldoen nie of wat 'n perseel wat nie kragtens hierdie Wet as 'n sentrum geregistreer is nie, gebruik vir bedrywighede in verband met die opvang, evaluering, verwerking, verpakking, etikettering, opberging, vervoer en verkoop van genetiese materiaal;
- (k) 'n dier of genetiese materiaal in stryd met artikel 16 in die Republiek invoer;
- (l) enige voorwaarde waaronder hy of sy kragtens artikel 16(4)(b) gemagtig is om enige dier of genetiese materiaal in die Republiek in te voer, oortree of versuim om daaraan te voldoen;
- (m) enige dier of genetiese materiaal van 'n landras in stryd met artikel 17 uit die Republiek uitvoer;
- (n) met 'n monster geneem of 'n dier, toerusting, genetiese materiaal, 'n boek, stuk of ander artikel waarop kragtens hierdie Wet beslag gelê is, peuter;
- (o) in stryd met die bepalinge van artikel 15(1) as dieretelersgenootskap optree;
- (p) nie 'n registrerende owerheid is nie, wat, behalwe onder die omstandighede in artikel 15(4) bedoel, skriftelike besonderhede van die registrasie of aantekening van 'n dier wat in die Republiek geteel of daarin ingevoer is, verstrek, of die stambome van diere sertifiseer, publiseer of andersins bekend maak;
- (q) 'n voor- of agtervoegsel wat nie ingevolge artikel 15(3) geregistreer is nie, as 'n voor- of agtervoegsel of op 'n ander wyse gebruik om diere wat deur hom of haar geteel is, aan te dui of wat 'n voor- of agtervoegsel wat ingevolge daardie artikel ten gunste van iemand anders geregistreer is, aldus gebruik;
- (r) by die verstrekking van besonderhede onder die omstandighede in artikel 15(4) bedoel, 'n vals verklaring met betrekking tot die afstamming van 'n dier maak;
- (s) 'n bepaling van artikel 18(1) oortree;
- (t) die bepalinge van artikel 19 oortree;

shall be guilty of an offence and on conviction liable—

- (i) in the case of an offence referred to in paragraph (c), (d), (f), (h), (s) or (t), to a fine or to imprisonment for a period not exceeding one year;
  - (ii) in the case of—
    - (aa) a first conviction of an offence referred to in paragraph (a), (b), (p), (q) or (r), to a fine or to imprisonment for a period not exceeding one year; or
    - (bb) a second or subsequent conviction of an offence referred to in item (aa), whether it is the same offence or any other offence referred to in item (aa), to a fine or to imprisonment for a period not exceeding two years;
  - (iii) in the case of—
    - (aa) a first conviction of an offence referred to in paragraph (e), (g), (i), (j), (k), (l), (m), (n) or (o), to a fine, or to imprisonment for a period not exceeding two years; or
    - (bb) a second or subsequent conviction of an offence referred to in item (aa), whether it is the same offence or any other offence referred to in item (aa), to a fine or to imprisonment for a period not exceeding four years.
- (2) The court convicting any person of an offence under this Act may upon the application of the prosecutor declare any animal or genetic material in respect of which the offence was committed and all other animals or genetic material of a similar nature of which such person is the owner or which are in his or her possession, to be forfeited to the State.
- (3) Anything forfeited under subsection (2) shall be disposed of in such manner as the Director-General may direct.
- (4) Costs incurred in respect of any action under subsection (3), may be recovered from the person convicted.
- (5) A magistrate's court shall have jurisdiction to impose any penalty provided for by this section.

### Presumptions and evidence

26. In any prosecution under this Act—

- (a) any genetic material in or upon any place, premises, vehicle or vessel at the time a sample thereof is taken in terms of section 21(3)(e) shall, unless the contrary is proved, be presumed to be in the same condition or to possess the same properties as such sample;
- (b) any statement or entry contained in any book or document kept by any person, or by the manager, agent or employee of such person, or found upon or in any premises occupied by, or any vehicle or vessel used in the business of any person, shall be admissible in evidence against such person as an admission of the facts set forth in that statement or entry, unless it is proved that such statement or entry was not made by such person, or by the manager, agent or employee of such person in the course of his or her work as manager or in the course of his or her agency or employment.

### Delegation of powers and assignment of duties

27. (1) The Minister may either generally or in relation to any particular matter delegate or assign to any officer of the Department any power conferred or duty imposed upon him or her under this Act, other than a power conferred by section 29.

(2) An animal breeders' society or registering authority may either generally or in relation to any particular matter delegate or assign in writing to its executive body elected in terms of its constitution, or to officers of such animal breeders' society or registering authority, any power conferred or duty imposed upon it under this Act.

### Regulations

28. (1) The Minister may make regulations—



is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- (i) in die geval van 'n misdryf in paragraaf (c), (d), (f), (h), (s) of (t) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens een jaar;
- (ii) in die geval van—
  - 5 (aa) 'n eerste skuldigbevinding aan 'n misdryf in paragraaf (a), (b), (p), (q) of (r) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens een jaar; of
  - (bb) 'n tweede of daaropvolgende skuldigbevinding aan 'n misdryf in item (aa) bedoel, met 'n boete of met gevangenisstraf vir 'n tydperk van
  - 10 hoogstens twee jaar;
- (iii) in die geval van—
  - (aa) 'n eerste skuldigbevinding aan 'n misdryf in paragraaf (e), (g), (i), (j), (k), (l), (m), (n) of (o) bedoel, met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar; of
  - 15 (bb) 'n tweede of daaropvolgende skuldigbevinding aan 'n misdryf in item (aa) bedoel, hetsy dit dieselfde misdryf of 'n ander misdryf in item (bb) bedoel, met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens vier jaar.

(2) Die hof wat iemand weens 'n misdryf kragtens hierdie Wet skuldig bevind, kan op aansoek van die aanklaer enige dier of genetiese materiaal ten opsigte waarvan die misdryf gepleeg is en alle ander diere of genetiese materiaal van 'n soortgelyke aard waarvan daardie persoon die eienaar is of wat hy of sy in sy of haar besit het, aan die Staat verbeurd verklaar.

(3) Oor iets wat kragtens subartikel (2) verbeur is, word beskik op die wyse wat deur die Direkteur-generaal gelas word.

(4) Koste aangegaan ten opsigte van optrede kragtens subartikel (3) kan op die veroordeelde verhaal word.

(5) 'n Landdroshof is bevoeg om enige straf op te lê waarvoor hierdie artikel voorsiening maak.

### 30 Vermoedens en bewys

26. In enige vervolging kragtens hierdie Wet—

- (a) word enige genetiese materiaal wat in of op 'n plek, perseel, voertuig of vaartuig is wanneer 'n monster daarvan ingevolge artikel 21(3)(e) geneem word, vermoed tensy die teendeel bewys word, in dieselfde toestand te wees of dieselfde eienskappe te besit as daardie monster;
- 35 (b) is 'n verklaring of inskrywing bevat in 'n boek of stuk deur iemand, of deur die bestuurder, agent of werknemer van so iemand, gehou, of gevind op of in 'n perseel geokkupeer deur, of 'n voertuig of vaartuig gebruik in die besigheid van iemand, toelaatbaar as getuienis teen so iemand as 'n
- 40 erkenning van die feite uiteengesit in daardie verklaring of inskrywing, tensy dit bewys word dat sodanige verklaring of inskrywing nie deur so iemand of deur die bestuurder, agent of werknemer van so iemand in die loop van sy of haar werk as bestuurder of in die loop van sy of haar agentskap of diens gemaak is nie.

### 45 Delegering van bevoegdheid en opdra van pligte

27. (1) Die Minister kan 'n bevoegdheid of plig by hierdie Wet aan hom of haar verleen of hom of haar opgelê, uitgesonderd 'n bevoegdheid by artikel 29 verleen, aan 'n beampte in die Departement in die algemeen of met betrekking tot 'n bepaalde aangeleentheid, deleger of opdra.

50 (2) 'n Dieretelersgenootskap of 'n registrerende owerheid kan 'n bevoegdheid of plig by hierdie Wet aan hom verleen of hom opgelê, skriftelik aan sy uitvoerende liggaam, wat ingevolge sy grondwet verkies is, of aan amptenare van so 'n dieretelersgenootskap of 'n registrerende owerheid, in die algemeen of met betrekking tot 'n bepaalde aangeleentheid, deleger of opdra.

### 55 Regulasies

28. (1) Die Minister kan regulasies uitvaardig—

- (a) prescribing any certificate or other document or form to be issued or used for the purposes of this Act;
  - (b) prescribing the period of validity and conditions of a certificate or authorisation issued under this Act;
  - (c) prescribing the fees payable in respect of any application, examination, matter or document; 5
  - (d) prescribing the requirements to be complied with for the registration of a semen collector, inseminator, embryo collector, embryo transferor or import agent as such, or of premises as a centre, or an animal breeders' society or a registering authority or for the approval of a donor animal for the purpose of the collection of genetic material, and the conditions subject to which such registration or approval shall be made; 10
  - (e) prescribing the manner in which the technical operations at a centre relating to the care and the state of health of animals being kept there and to the collection, evaluation, packing, labelling, storage and sale of semen, embryos or ova shall be regulated, the supervision of such operations, the periodical inspection of animals kept at a centre and the equipment to be used at a centre; 15
  - (f) prescribing the manner in which a donor animal which has been approved for the purpose of collecting of genetic material and the genetic material collected from it, shall be identified; 20
  - (g) prescribing the properties of a warranty to be given in connection with the sale of genetic material;
  - (h) with regard to any matter which in terms of this Act is required or permitted to be prescribed by regulation,
- and, in general, with regard to any matter which the Minister may consider necessary or expedient to prescribe or regulate in order to attain or further the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection. 25
- (2) Different regulations may be made in terms of this section in respect of different animals or in respect of different classes of semen collectors, inseminators, embryo collectors, embryo transferors, import agents, centres, animal breeders' societies or registering authorities. 30
- (3) A regulation may prescribe penalties of a fine or imprisonment not exceeding six months for any contravention or a failure to comply with its provisions.
- (4) No regulations prescribing any fees shall be made except with the concurrence of the Minister of Finance. 35

### Repeal of laws and savings

29. (1) This Act shall apply to the whole of the national territory of the Republic.
- (2) Subject to the provisions of subsection (3), this Act shall repeal—
- (a) the Acts mentioned in columns one and two of the Schedule to the extent set out in the third column of the Schedule; and 40
  - (b) any law relating to animal improvement which applied in the territory of any entity which prior to the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), possessed legislative authority with regard to the improvement of animals. 45
- (3) (a) The South African Stud Book and Livestock Improvement Association referred to in section 22 of the Livestock Improvement Act, 1977 (Act No. 25 of 1977), shall at the commencement of section 8 of this Act be deemed to be a registering authority which is registered in terms of section 8(7)(a)(ii) of this Act and which has the power of a registering authority with reference to any kind of animal or specific breed of such kind of animal in respect of which no registering authority exists. 50
- (b) A livestock breeders' society to which a certificate of incorporation has been issued or continued in terms of section 18 of the Livestock Improvement Act, 1977, and which is in force immediately prior to the commencement of section 8 of this Act shall be deemed to be an animal breeders' society which is registered in terms of section 8(7)(a)(i) of this Act. 55
- (c) The registrar shall as soon as possible after the commencement of section 8 of this

- (a) wat 'n sertifikaat of ander stuk of vorm voorskryf wat vir die doeleindes van hierdie Wet uitgereik of gebruik moet word;
- (b) wat die geldigheidsduur en voorwaardes van 'n sertifikaat of magtiging wat kragtens hierdie Wet uitgereik word, voorskryf;
- 5 (c) wat die gelde voorskryf wat betaalbaar is ten opsigte van 'n aansoek, ondersoek, aangeleentheid of stuk;
- (d) wat die vereistes waaraan voldoen moet word vir die registrasie van 'n semenopvanger, insemineerder, embrio-opvanger, embrio-oorplaser of in-voeragent as sodanig, of 'n perseel as 'n sentrum, of 'n dieretelersgenootskap, of 'n registrerende owerheid of vir die goedkeuring van 'n skenkerdier
- 10 vir die doeleindes van die opvang van genetiese materiaal, en die voorwaardes waarop sodanige registrasie of goedkeuring geskied, voorskryf;
- (e) wat die wyse waarop die tegniese bedrywighede by 'n sentrum met betrekking tot die versorging en die gesondheidstoestand van diere wat daar gehou word en die opvang, evaluering, verpakking, etikettering, opberging
- 15 en verkoop van semen, embrio's of eiselle gereël moet word, die toesig oor daardie bedrywighede, die periodieke ondersoek van diere wat by 'n sentrum gehou word en die toerusting wat by 'n sentrum gebruik moet word, voorskryf;
- (f) wat die wyse waarop 'n skenkerdier wat vir die opvang van genetiese materiaal goedgekeur is en die genetiese materiaal wat daarvan opgevang is, geïdentifiseer moet word, voorskryf;
- (g) wat die eienskappe van 'n waarborg voorskryf wat in verband met die verkoop van genetiese materiaal gegee moet word;
- 25 (h) met betrekking tot 'n aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word,

en, in die algemeen, met betrekking tot enige aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf of te reël ten einde die oogmerke van hierdie Wet te bereik of te bevorder, en die algemeenheid van hierdie bepaling word nie deur die

30 voorafgaande paragrawe van hierdie subartikel beperk nie.

(2) Verskillende regulasies kan ingevolge hierdie artikel uitgevaardig word ten opsigte van verskillende diere of ten opsigte van verskillende klasse semenopvangers, insemineerders, embrio-opvangers, embrio-oorplasers, invoeragente sentrums of dieretelersgenootskappe of registrerende owerhede.

35 (3) 'n Regulasie kan vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen, 'n boete, of gevangenisstraf vir 'n tydperk van hoogstens ses maande voorskryf.

(4) Geen regulasies wat gelde voorskryf, word uitgevaardig nie, behalwe met die instemming van die Minister van Finansies.

### Herroeping van wette en voorbehoude

40 29. (1) Hierdie Wet is op die hele nasionale grondgebied van die Republiek van toepassing.

(2) Behoudens die bepalings van subartikel (3), herroep hierdie Wet—

- (a) die Wet in kolomme een en twee van die Bylae vermeld in die mate in die derde kolom van die Bylae uiteengesit; en
- 45 (b) enige wet met betrekking tot die verbetering van diere wat van toepassing was op die grondgebied van 'n entiteit wat voor die inwerkingtredingsdatum van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), wetgewende bevoegdheid gehad het met betrekking tot die verbetering van diere.
- 50 (3) (a) Die Suid-Afrikaanse Stamboek- en Veeverbeteringsvereniging in artikel 22 van die Veeverbeteringswet, 1977 (Wet No. 25 van 1977), bedoel, word by die inwerkingtreding van artikel 8 van hierdie Wet geag 'n registrerende owerheid te wees wat ingevolge artikel 8(7)(a)(ii) van hierdie Wet geregistreer is en wat die bevoegdhede van 'n registrerende owerheid met betrekking tot enige soort dier of bepaalde ras van
- 55 'n soort dier ten opsigte waarvan daar nie 'n registrerende owerheid bestaan nie, besit.
- (b) 'n Veetelersgenootskap aan wie 'n sertifikaat van regs persoonlikheid ingevolge artikel 18 van die Veeverbeteringswet, 1977, uitgereik of in stand gehou is en wat onmiddellik voor die inwerkingtreding van hierdie Wet van krag is, word by die inwerkingtreding van artikel 8 van hierdie Wet, geag 'n dieretelersgenootskap te wees
- 60 wat ingevolge artikel 8(7)(a)(i) van hierdie Wet geregistreer is.
- (c) So gou moontlik na die inwerkingtreding van artikel 8 van hierdie Wet reik die

**Act No. 62, 1998****ANIMAL IMPROVEMENT ACT, 1998**

Act, issue free of charge in terms of section 8(7) of this Act to the South African Stud Book and Livestock Improvement Association referred to in paragraph (a), a registration certificate as registering authority, and to each animal breeders' society referred to in paragraph (b), a registration certificate as an animal breeders' society.

(d) The South African Stud Book and Livestock Improvement Association referred to in paragraph (a) shall at the commencement of section 15 of this Act have the powers of an animal breeders' society specified in that section with reference to any kind of animal or specific breed of such kind of animal in respect of which no animal breeders' society exists. 5

(e) The registrar shall as soon as possible after the commencement of section 8 of this Act issue free of charge in terms of section 8(6) of this Act to all parties referred to in paragraphs (a), (b) and (c) certificates of registration. 10

**Short title and commencement**

**30.** This Act shall be called the Animal Improvement Act, 1998, and shall come into operation on a date determined by the President by proclamation in the *Gazette*. 15



registrator kosteloos ingevolge artikel 8(7) aan die Suid-Afrikaanse Stamboek- en Veeverbeteringsvereniging in paragraaf (a) bedoel en elke dieretelersgenootskap in paragraaf (b) bedoel onderskeidelik 'n registrasiesertifikaat as registrerende owerheid en 'n registrasiesertifikaat as dieretelersgenootskap uit.

- 5 (d) Die Suid-Afrikaanse Stamboek- en Veeverbeteringsvereniging in paragraaf (a) bedoel, het by die inwerkingtreding van artikel 15 van hierdie Wet die bevoegdhede van 'n dieretelersgenootskap in daardie artikel bedoel met betrekking tot enige soort dier of bepaalde ras van 'n soort dier ten opsigte waarvan daar nie 'n dieretelersgenootskap bestaan nie.
- 10 (e) Die registrator reik so gou moontlik na die inwerkingtreding van artikel 8 van hierdie Wet gratis registrasiesertifikate ingevolge artikel 8(6) aan alle partye in paragrafe (a), (b) en (c) bedoel uit.

#### **Kort titel en inwerkingtreding**

30. Hierdie Wet heet die Wet op Diereverbetering, 1998, en tree in werking op 'n
- 15 datum wat die President by proklamasie in die *Staatskoerant* bepaal.

Act No. 62, 1998

ANIMAL IMPROVEMENT ACT, 1998

**SCHEDULE**

| No. and year of law | Short title                         | Extent of repeal |
|---------------------|-------------------------------------|------------------|
| Act No. 25 of 1977  | Livestock Improvement Act           | The whole        |
| Act No. 31 of 1984  | Livestock Improvement Amendment Act | The whole        |
| Act No. 85 of 1990  | Livestock Improvement Amendment Act | The whole        |
| Act No. 129 of 1993 | General Law Third Amendment Act     | Section 37       |
| Act No. 60 of 1997  | Livestock Improvement Amendment Act | The whole        |

**BYLAE**

| No. en jaar van Wet  | Kort titel                      | Omvang van herroeping |
|----------------------|---------------------------------|-----------------------|
| Wet No. 25 van 1977  | Veeverbeteringswet              | Die geheel.           |
| Wet No. 31 van 1984  | Wysigingswet op Veeverbetering  | Die geheel.           |
| Wet No. 85 van 1990  | Wysigingswet op Veeverbetering  | Die geheel.           |
| Wet No. 124 van 1993 | Derde Algemene Regswysigingswet | Artikel 37.           |
| Wet No. 60 van 1997  | Wysigingswet op Veeverbetering  | Die geheel.           |

