



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

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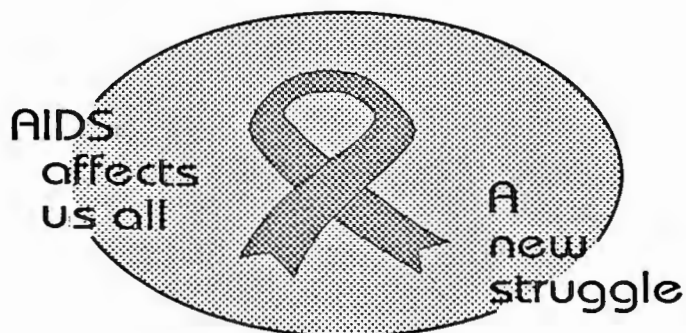
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Vol. 8

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No. 700
(Extraordinary)

We all have the power to prevent AIDS



Prevention is the cure

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HELPUNE**

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DEPARTMENT OF HEALTH

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PROVINCIAL NOTICE

NOTICE 1 OF 2001

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF AGRICULTURE AND LAND AFFAIRS

PUBLICATION OF ANIMAL HEALTH BILL, 2000 (EASTERN CAPE)

The above-mentioned Bill is hereby published in terms of Rule 152(1) of the Rules of the Legislature of the Province of the Eastern Cape, for general information and comment.

Any person who wishes to comment on the said Bill must submit such comment in writing to the Head of Department, Department of Agriculture and Land Affairs, Private Bag X0040, Bisho, 5605, Province of the Eastern Cape, to reach him within 14 days of the publication hereof.

PROVINCE OF THE EASTERN CAPE

ANIMAL HEALTH BILL, 2000

As introduced

**(BY THE MEMBER OF THE EXECUTIVE
COUNCIL RESPONSIBLE FOR AGRICULTURE
AND LAND AFFAIRS)**

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BILL

To provide for, measures to promote animal health and to control animal diseases; and for matters connected therewith.

BE IT ENACTED by the Legislature of the Province of the Eastern Cape as follows:

Definitions

1. (1) In this Act, unless the context otherwise indicates -

"animal" means -

- (a) any mammal, bird, fish, reptile or amphibian which is a member of the phylum vertebrates, including the carcass thereof;
- (b) any invertebrate which is by regulation declared to be an animal for the purpose of this Act;

"animal disease" means an impairment or disturbance of the normal function of any organ or the body of any animal that is caused by any protozoon, bacterium, virus, fungus, parasite, other organism or substance;

"animal or thing" means any animal, infectious thing, contaminated thing, animal product and any progeny or product in respect thereof;

"animal product" means any part or portion of, or product derived from or yield by any animal, including any such part, portion or product that has been processed;

"authorised person" means any person authorised in terms of section 3;

"contaminated thing" means any thing other than an animal or an infectious thing;

- (a) by means of which an animal disease can be spread; or
- (b) which is by regulation declared to be a contaminated thing for the purposes of this Act;

"controlled animal disease" means any animal disease in respect of which any general or particular control measure has been prescribed, and any animal disease which is not indigenous or native to the Province;

"controlled purpose" means the prevention of the bringing into the Province, or the prevention or combating of or control over an outbreak or the spreading, or the eradication, of any animal disease or, where applicable of any parasite;

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"controlled veterinary procedure" in relation to any animal or thing, means -

- (a) the isolation, detention, inspection, counting, examination, testing, immunisation, disinfection, observation, sampling, marking, treatment, care, destruction or any other disposal thereof;
- (b) the carrying out of any operation or of any post-mortem examination thereon; or
- (c) the rendering of any service pertaining specifically to the veterinary profession referred to in the rules made under section 30(1)(a) of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), in respect of any such animal or thing for any controlled purpose.

"control measure" means any measure prescribed by the MEC under section 10;

"conveyance" means any aircraft, ship, boat, train, motor car, van, wagon, truck, cart or other vehicle, or animal, or other mode of transport of whatever kind, including the fittings and equipment and, in the case of an animal, the harness and tackle thereof;

"conveyer" means a person who conveys any animal or thing in transit through the Province;

"Department" means the Department of Agriculture and Land Affairs in the Province;

"Gazette" means the Provincial Gazette;

"Head of department" means the head of the Department;

"infectious thing" means -

- (a) an animal that is infected or is suspected of being infected with an animal disease;
- (b) the progeny or product of an animal referred to in paragraph (a);
- (c) any protozoon, bacterium, virus, fungus, parasite or other organism or substance that can cause an animal disease; and
- (d) any other thing that is by regulation declared to be an infectious thing for the purposes of this Act;

"land" includes any building, structure, enclosure, premises, harbour, jetty, quay or mooring on land;

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"MEC" means the Member of the Executive Council responsible for agriculture in the Province;

"officer" means any officer as defined in section 1(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

"owner" means in relation to -

- (a) animals and other movable property, the person in whom ownership in respect thereof is vested and includes a person who is responsible for the charge, control or management thereof or a person who has such animal or movable property in his or her possession: Provided that in the case of game or animals that are not branded in terms of the Livestock Brands Act, 1962 (Act No 87 of 1962), or of which the ownership cannot readily be established, the user of the land on which such game or animals are present shall be deemed to be the owner thereof; and
- (b) land-
 - (i) the person in whose name that land is registered;
 - (ii) that has been purchased by a person but has not yet been registered in his or her name, means such purchaser;
 - (iii) that is subject to an usufruct, means the usufructuary, and
 - (iv) of which the owner or purchaser is a minor, mentally disordered person, insolvent or is otherwise incompetent in law to administer his or her estate, or is deceased, or is a body corporate under judicial management or liquidation, means the agent or legal representative of such owner or purchaser or another person authorised by law to administer his or her affairs or, in the case of a body corporate, the judicial manager or liquidator thereof;
 - (v) state land

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

"prescribe" means prescribe by regulation;

"progeny or product" in relation to any animal or infectious thing other than an animal,

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"controlled veterinary procedure" in relation to any animal or thing, means -

- (a) the isolation, detention, inspection, counting, examination, testing, immunisation, disinfection, observation, sampling, marking, treatment, care, destruction or any other disposal thereof;
- (b) the carrying out of any operation or of any post-mortem examination thereon; or
- (c) the rendering of any service pertaining specifically to the veterinary profession referred to in the rules made under section 30(1)(a) of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), in respect of any such animal or thing for any controlled purpose.

"control measure" means any measure prescribed by the MEC under section 10;

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- (a) an animal that is infected or is suspected of being infected with an animal disease;
- (b) the progeny or product of an animal referred to in paragraph (a);
- (c) any protozoon, bacterium, virus, fungus, parasite or other organism or substance that can cause an animal disease; and
- (d) any other thing that is by regulation declared to be an infectious thing for the purposes of this Act;

"land" includes any building, structure, enclosure, premises, harbour, jetty, quay or mooring on land;

LD 1

"MEC" means the Member of the Executive Council responsible for agriculture in the Province;

"officer" means any officer as defined in section 1(1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

"owner" means in relation to -

- (a) animals and other movable property, the person in whom ownership in respect thereof is vested and includes a person who is responsible for the charge, control or management thereof or a person who has such animal or movable property in his or her possession: Provided that in the case of game or animals that are not branded in terms of the Livestock Brands Act, 1962 (Act No 87 of 1962), or of which the ownership cannot readily be established, the user of the land on which such game or animals are present shall be deemed to be the owner thereof; and
- (b) land-
 - (i) the person in whose name that land is registered;
 - (ii) that has been purchased by a person but has not yet been registered in his or her name, means such purchaser;
 - (iii) that is subject to an usufruct, means the usufructuary, and
 - (iv) of which the owner or purchaser is a minor, mentally disordered person, insolvent or is otherwise incompetent in law to administer his or her estate, or is deceased, or is a body corporate under judicial management or liquidation, means the agent or legal representative of such owner or purchaser or another person authorised by law to administer his or her affairs or, in the case of a body corporate, the judicial manager or liquidator thereof;
 - (v) state land

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

"prescribe" means prescribe by regulation;

"progeny or product" in relation to any animal or infectious thing other than an animal,

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contaminated thing, animal product parasite, means any other animal or animal product, other such infectious thing, or other contaminated thing, animal product or parasite, obtained or derived therefrom, or descended or produced by, from or by means thereof, whatever the connection or degree of descent or relationship;

Province means the Province of the Eastern Cape as defined in Section 103 of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996);

provincial executive officer means any person designated under section 2(1);

quarantine station means any quarantine station established or declared under section 7.

remedy means any stock remedy which has been registered under the Fertilisers, Farm Feed, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), including any medicine or veterinary medicine as defined in section 1 of the Medicines and Related Substances Control Act, 1965 (Act No.101 of 1965);

this Act includes any regulation, control measures made or established hereunder;

user in relation to land, means -

- (a) any person who has a personal or real right in respect of land in his or her capacity as fiduciary, fideicommissary, servitude holder, possessor, lessee or occupier irrespective of whether or not he or she resides thereon;
- (b) in the case of land under the control of a local government body as defined in section 1 (1) or (2) of the Local Government Transition Act, 1993 (Act No 209 of 1993), that local government body;
- (c) any other person who is generally recognised as having tenure right on the land concerned; and

veterinarian means any person who is registered in terms of the Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982), to practise the veterinary profession of veterinarian.

- (2) For the purposes of this Act, unless the context otherwise indicates, any reference to land, in the case of land registered under a separate deed of title as a separate unit in any deeds registry and that is adjoined by other land separately registered in the name of the same owner, shall, irrespective of the respective pieces of land being divided physically by natural means or by roads, railway lines, aqueducts or otherwise, be construed as a reference to such land and such adjoining land as one unit.

LD 1**Designation, powers and duties of Provincial Executive Officer**

2. (1) The MEC shall designate an officer of the department who is a veterinarian as Provincial executive officer.
- (2) The Provincial executive officer shall, subject to the control of the MEC exercise the powers and perform the duties conferred or imposed upon him or her by or under this Act.
- (3) Whenever the Provincial executive officer considers an application, claim or request lodged with or directed to him or her in terms of this Act, he or she may-
 - (a) request the applicant, claimant or requestee to provide, within 30 days, such additional information as may be required by the Provincial executive officer;
 - (b) conduct or cause to be conducted any investigation or inquiry in connection therewith which may be necessary; and
 - (c) in his or her discretion refuse or grant such application, claim or request subject to such conditions as he or she may deem necessary
- (4) When any application, claim or request is refused, the Provincial executive officer shall notify the applicant, claimant or requestee in writing of the decision and the reasons therefor.
- (5)
 - (a) The Provincial executive officer may, on application or request, grant an extension for compliance with any provision of this Act.
 - (b) An application or request for extension shall be submitted to the Provincial executive officer in writing and shall set out reasons for requesting the granting of extension.
 - (c) An extension referred to in paragraph (a) shall be granted in writing for the period determined by the Provincial executive officer.
 - (d) When an application or request is refused, the Provincial executive officer shall notify the applicant or requestee in writing of the decision and of the grounds on which the refusal is based.
- (6) The Provincial executive officer shall issue, subject to such conditions as he or she may determine, a document as proof of approval to a person whose application or request has been approved.
- (7)
 - (a) If at any time the Provincial executive officer becomes aware of circumstances, if such circumstances were known to him or her or had prevailed when first considering the application or request, would have

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resulted in the refusal of such application or request or in the granting thereof subject to additional conditions or requirements, he or she may-

- (i) by written notice to the person concerned revoke such document; or
 - (ii) issue a substitutionary document as proof of assent or approval to the person concerned;
- (b) The Provincial executive officer may, on the written request of a person to whom a document referred to in subsection (6) has been issued, issue a substitutionary document as proof of assent or approval.

Delegations and authorisations by Provincial Executive Officer

3. (1) The Provincial executive officer may delegate or assign any of his or her powers and duties-
- (a) to an officer under his or her control;
 - (b) to an authorised person.
- (2) (a) The Provincial executive officer shall issue to each officer or authorised person a written authority stating that the person mentioned therein is authorised to exercise the powers and perform the duties specified therein, either -
- (i) in general;
 - (ii) in cases of a particular nature;
 - (iii) in respect of a specified control measure;
 - (iv) in respect of specified animal diseases or parasites; or
 - (v) in respect of animal diseases or parasites in a specific area.
- (b) An officer or authorised person shall produce such authority and proof of his or her identity on request of a person affected by the exercising of the powers or the performance of the duties concerned.
- (4) Any power exercised or duty performed by an officer or authorised person shall be deemed to have been exercised or performed by the Provincial executive officer.
- (5) The Provincial executive officer shall not be divested of any power, duty or function so delegated or assigned and may amend or withdraw any decision made or

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instruction given by an officer or authorised person by virtue of such delegation or assignment unless such decision has been conveyed to the person in respect of whom the decision applies, in which case the decision may be amended or withdrawn only if the amendment or withdrawal is to the benefit of such person or if he or she consents thereto.

Designation of assignees

- 4.(1) The MEC may, for the purpose of this Act or certain provisions thereof, designate any person, undertaking, body, institution or association having an interest in or particular knowledge in respect of any animal or thing as an assignee in respect of that animal or thing.
- (2) An assignee so designated shall-
- (a) subject to the directions of the Provincial executive officer, exercise the powers and perform the duties that are conferred upon or assigned to the Provincial executive officer by or under this Act;
 - (b) in the case of a juristic person, notwithstanding anything to the contrary contained in any other law or in the absence of any express provision to that effect, be competent to exercise the powers and perform the duties referred to in paragraph (a); and
 - (c) unless the MEC in a particular case otherwise directs, an assignee has no recourse against the State in respect of any expenses incurred in connection with the exercising of such powers or performance of such duties.
- (3) An assignee may determine a fee, which fee shall be made known by notice in the *Gazette*, in respect of the powers exercised and duties performed by such assignee to ensure compliance of this Act.
- (4) If an assignee is negligent in exercising a power or in performing duty under this Act, or does not comply with the directions of the Provincial executive officer, or does not comply with the procedures or practises which that assignee is obliged to follow or apply, or that he or she acts in bad faith, the Provincial executive officer may forthwith terminate or suspend the designation of an assignee.

Limitations on investigations, experiments and research on manufacture and evaluation of certain products

5. (1) Subject to subsection (2), no person shall -

- (a) conduct any investigation, experiment or research on any vaccine, serum,

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toxin, anti-toxin, antigen or other biological product that consists of or originates wholly or partially from any animal or thing: Provided that the foregoing provisions of this paragraph shall not apply to any substance in so far as it is controlled under the Medicines and Related Substances Control Act, 1955 (Act No. 101 of 1955);

- (b) use any vaccine, serum, toxin, anti-toxin, antigen or other biological product referred to in paragraph (a) for the manufacture or evaluation of a product or remedy used for or intended to be used for the testing, diagnosis, prevention, treatment or cure of any animal disease or parasite, or for the maintenance or improvement of the health, growth, production or working capacity of any animal; or
 - (c) for the purposes of any investigation, experiment or research referred to in paragraph (a), or for the manufacture or evaluation of a product or remedy referred to in paragraph (b)-
 - (i) infect or contaminate any animal or thing with any animal disease or parasite; or
 - (ii) introduce information or collect in the Province, or have in his or her possession, or remove or transport from the place where it is normally found or kept, any animal or thing which is capable of spreading any animal disease or parasite.
- (2) The Provincial executive officer may exempt a person, in writing, from any prohibition specified in subsection (1), under such conditions as may be specified.

Detention and disposal of imported and in transit conveyed animals or things

6. (1) No person shall remove any imported or in transit conveyed animal or thing that is detained at the place of entry without the written authority of the Provincial executive officer or contrary to any condition imposed by the Provincial executive officer in granting such authority.
- (2) Any imported animal or thing that is required in terms of any provision of this Act to be detained at any quarantine station, camp, institution or other place, as may be determined by the Provincial executive officer, for purposes of any controlled veterinary procedure shall be-
- (a) removed to such quarantine station, camp, institution or place by or under the supervision of the Provincial executive officer; and
 - (b) detained at the quarantine station, camp, institution or place for the period determined by the Provincial executive officer.

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- (3) No person shall remove any animal or thing referred to in subsection (2), from any quarantine station, camp, institution or place referred to in that said subsection, without the written authority of the Provincial executive officer or contrary to any condition imposed by him or her in granting such authority.
- (4) (a) If it appears that an imported or in transit conveyed animal or thing is infected with an animal disease or poses a health risk, the Provincial executive officer may direct the importer or conveyer to-
- (i) destroy such animal or thing; or
- (ii) dispose of such animal or thing,
- in the manner and within the time period as the Provincial executive officer may determine and at the expense of such importer or conveyer, as the case may be.
- (b) If the animal or thing is not destroyed or disposed of within the time period determined by the Provincial executive officer, the Provincial executive officer may, in terms of section 15(2)(e), seize such animal or thing and dispose of it at his or her discretion.
- (c) The Provincial executive officer may recover all expenses incurred in connection with a disposal referred to in paragraph (b) from the importer or conveyer concerned.
- (5) Any authority granted in terms of section 8 of the Animal Diseases Act, 1984 (Act No. 35 of 1984), which is in force on the date of commencement of this Act shall be deemed to be an authority granted in terms of subsection (1).

Quarantine stations and Quarantine camps

7. (1) The Provincial executive officer may -

- (a) establish at any place in the Province, a quarantine station for the accommodation of any imported animal or thing that is required or permitted in terms of this Act to be detained or isolated; and
- (b) declare any suitable place in the Province other than a place referred to in paragraph (a), to be a quarantine camp for the accommodation of any animal or thing that is required or permitted in terms of this Act to be detained or isolated.
- (2) A quarantine station or camp shall be equipped and used for the purpose of the

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performance of controlled veterinary procedures in respect of any animal or thing referred to in subsection (1).

- (3) The Provincial executive officer shall in the case of a quarantine station, appoint an officer as quarantine master to take charge of such quarantine station subject to the instructions of the Provincial executive officer.
- (4) Any person who intends to import an animal that is required to be isolated in terms of an authority referred to in section 6, shall apply to the relevant quarantine master to reserve accommodation for such animal at the quarantine station.
- (5) An applicant shall, on receipt of the written confirmation for the accommodation of an animal referred to in subsection (4), pay the applicable prescribed reservation fee forthwith, to the quarantine master.
- (6) The applicant shall pay to the quarantine master the applicable prescribed accommodation fee upon occupation by the animal in the quarantine station.
- (7) Fees paid by any person in terms of subsection (5) shall-
 - (a) be utilised as part payment of fee payable in terms of subsection (6);
 - (b) be refunded to the person who paid the fee, if-
 - (i) such person has in writing cancelled, the reservation and has returned at least 30 days before the commencement of the period for which he or she has reserved accommodation, the authority issued to him or her for the importation of the animal or thing, to the provincial executive officer; or
 - (ii) the Provincial executive officer withdraws the authority issued; or
 - (c) otherwise be forfeited to the State.

Fencing

8.(1) The Provincial executive officer may erect-

- (a) a permanent fence on any land situated along the border boundaries of the Province, in order to prevent the straying of animals into the Province;
- (b) a permanent fence on the boundaries of any provincial park or private game reserve to prevent the movement of animals into or out of such park or reserve;
or

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- (c) a temporary fence on or across any land to prevent movement of animals within the Province.
- (2) The Provincial executive officer shall notify, in writing, the owner and user, as the case may be, of the land referred to in subsection 1, of the intention to erect such fence.
- (3) The Provincial executive officer may-
 - (a) install gates, grids or other passages in the fence; and
 - (b) construct, re-construct or repair; and maintain any road, bridge, causeway, culvert or drift giving access to or is required for use in connection with the erection, maintenance, inspection and alteration of such a fence.
- (4) The Provincial executive officer shall maintain any road erected and any gate, grid and other passage installed in terms of subsections, (1) and (3) respectively, and may from time to time effect such alterations thereto as he or she deems necessary.
- (5) The Provincial executive officer may, for the purpose of the application of subsections (1) and (3), and after written notice is given to the owner or user, as the case may be, of the relevant land -
 - (a) enter and occupy the land, and take with him or her such assistance, officers, conveyance, tents, materials, tools or other things as he or she considers necessary;
 - (b) establish a permanent or temporary camp together with the necessary accessories and equipment on any suitable place on the land; and
 - (c) subject to subsection (6), dig out and remove any sand, soil, clay, gravel, stone, water, wood or other material that he or she requires from any place on the land or on any nearby land.
- (6) The Provincial executive officer may on submission of a written application to him or her by the land owner or user, as the case may be, pay to such owner or user reasonable compensation on a basis determined by the him or her, for the use of any material referred to in subsection (5)(c).
- (7)
 - (a) If the Provincial executive officer is of the opinion that any action performed in terms of subsections (1) and (3) will be of advantage to the owner or user, as the case may be, of the land, he or she may, subject to paragraph (b), recover any portion of the costs involved from such owner or user, as the case may be.

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- (b) Any amount recoverable in terms of paragraph (a) shall be determined by the Provincial executive officer on a basis determined by him or her, and he or she shall notify the owner or user, as the case may be, in writing of the amount recoverable and of the basis on which it was calculated.
- (8) No person shall -
- (a) without the written authority of the provincial executive officer, remove, alter or impair efficacy of any fence that has been erected under subsection (1), or of any gate, grid or passage installed therein under subsection (3) (a); or
 - (b) alter, obstruct or damage any road that has been built under subsection (3)(b), or any bridge, causeway, culvert or drift constructed thereon.

Disposal of straying animals

- 9.(1) Whenever an owner or user, as the case may be, of land finds on such land or whenever an owner of animals finds amongst his or her animals, any animal, which he or she knows has strayed thereto or has been unlawfully removed from a place outside the Province, or which can reasonably be suspected of having so strayed or removed, he or she shall-
- (a) forthwith isolate such animal;
 - (b) forthwith report the presence thereof to the Provincial executive officer in the prescribed manner; and
 - (c) detain the animal in isolation pending further instruction from the Provincial executive officer.
- (2) The Provincial executive officer may, after the presence of a foreign animal has been reported to him or her in terms of subsection (1) (b)-
- (a) if -
 - (i) any person who proves that he or she is the owner of the animal, submits within two days after such report to the Provincial executive officer, a written request to the Provincial executive officer for the restoration to him or her of the animal and reimburses the State for any expenses incurred in connection with the animal within seven days after having been requested to do so; and
 - (ii) the Provincial executive officer is of the opinion that the animal or any progeny or product thereof, does not pose a disease threat or is not concerned in or may not afford evidence in the commission or

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suspected commission of an offence, and that the circumstances under which the animal has been found justify such restoration;

direct that the animal and any such progeny or product thereof be restored to the owner;

- (b) direct that the person who found the animal shall forthwith remove the animal and any such progeny or product thereof to a place indicated by the Provincial executive officer for purposes of the performance of controlled veterinary procedures in respect thereof by the Provincial executive officer, or destroy it, or otherwise dispose of it in accordance with the instructions of the Provincial executive officer;
 - (c) himself or herself deal with the animal, and any such progeny or product thereof, in accordance with any applicable provision of section 15; or
 - (d) seize the animal or any such progeny or product thereof, in accordance with the provisions of section 15(1), and in his or her discretion destroy it or dispose thereof for the benefit of the State.
- (3) The provisions of subsections (1), (2) and (4) shall apply *mutatis mutandis* in respect of any animal and any progeny or product thereof found on land by the owner or user, as the case may be, of the land, or by any owner of animals thereon, if such person knows that it has strayed thereto, or has been unlawfully removed, from any other place in the Province, or if it can reasonably be suspected of having so strayed or been removed and knows that any circumstance referred to in section 13(1)(b) is present in respect thereof, or it can reasonably be so suspected.
- (4) No person shall, except pursuant to a provision of subsection (2) or under authority of the Provincial executive officer -
- (a) remove any animal or any progeny or product thereof, referred to in subsection (1) or (3) from any place where it is being detained in isolation in terms of any provision of this section; or
 - (b) contravene or fail to comply with any direction or instruction referred to in subsection (2)(b) that has been addressed to him or her.

Control measures

10.(1) The MEC may prescribe by means of regulations, control measures with regard to provincial norms and standards that shall apply throughout the Province.

(2) Control measures may relate to-

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- (a) the designation of specified animal diseases as controlled animal diseases;
 - (b) the designation of specified areas as controlled areas in respect of certain controlled animal diseases;
 - (c) the application of controlled veterinary procedures with regard to any animal or thing;
 - (d) the isolation of any animal or thing;
 - (e) access to certain places;
 - (f) the taking and analysis of samples of any animal or thing;
 - (g) the records to be kept in respect of any animal or thing;
 - (h) the movement of any animal or thing;
 - (i) the hunting, shooting, catching and disposing of game;
 - (j) the slaughter of any animal under certain conditions;
 - (k) actions with regard to the carcass of any animal, and the progeny and product of such animal, infected with controlled animal diseases;
 - (l) the disposal of any animal or thing;
 - (m) the erection and use of dipping tanks, spray races and crushes;
 - (n) the use of specified remedies in respect of specified controlled animal diseases; and
 - (o) any other matter that the MEC may deem necessary or expedient in order to achieve or promote the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection.
- (3) A control measure may-
- (a) impose a prohibition, restriction or obligation with regard to any matter mentioned in subsection (2);
 - (b) provide that a person may by means of a written consent be exempted from the prohibition, restriction or obligation concerned ; and
 - (c) specify the procedure with regard to the lodging of an application for such

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consent and the fees, if any, that are payable in respect thereof.

- (4) Different control measures may be prescribed in respect of -
 - (a) the Province;
 - (b) different kinds of animals;
 - (c) different animal diseases;
 - (d) different classes of owners and users of land, or owners of animals, or in such other respects as the MEC may determine.
- (5) If a control measure has been prescribed for a particular area, the Provincial executive officer shall in the manner prescribed, notify all owners and users, as the case may be, of land and owners of animals, in that area, of the type of control measure that will apply, the area that will be affected, and where applicable, the period within which the control measure shall apply.

Orders with regard to control measures

- 11.(1) The Provincial executive officer may order any owner or user, as the case may be, of land or any owner of any animal or thing -
 - (a) to comply with any provision of the particular control measure with regard to the land, animal or thing as specified in such order; or
 - (b) to perform or abstain from performing any other act on or with regard to such land, animal or thing.
- (2) An order may provide that anything required in terms thereof shall be complied with in the manner and within the period specified therein.
- (3) An order shall be in the form of a written notice that shall be served in the prescribed manner on the owner or user, as the case may be, of the land or the owner of the animal or thing, and shall be binding on the owner such animal or thing, and on the owner or user, as the case may be, of the land specified therein and on his or her successor in title in respect of that land.
- (4) (a) The Provincial executive officer may -
 - (i) amend any order; or
 - (ii) if the Provincial executive officer is satisfied after such investigation, inspection or examination as he or she deems necessary, that the

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provisions of the order have been complied with and that the objects thereof have been achieved, withdraw any order:

Provided that such amendment or withdrawal shall not exempt the person from complying with any other provision of any control measure that is binding on him or her.

- (b) The amendment or withdrawal of an order as contemplated in paragraph (a) shall be made known in the manner set out in subsection (3).
- (5) A document that was issued as an order in terms of section 15 of the Animal Diseases Act, 1984 (Act No. 35 of 1984), and is in force on the date of commencement of this Act, shall be deemed to be an order in terms of this section.

Assumption of control over land, animal or thing

- 12. (1) The Provincial executive officer may, for any controlled purpose, declare by notice referred to in subsection (4), that he or she assumes control over any land, animal or thing for such controlled purpose.
- (2) The control referred to in subsection (1) shall be exercised if the Provincial executive officer is satisfied that -
 - (a) the owner or user, as the case may be, of the land or owner of the animal or thing refuses, fails or is unable to apply a control measure in a manner that will ensure the achievement of the objects thereof; or
 - (b) the occurrence of any animal disease in the animal or thing on such land or adjoining land, threatens or could detrimentally affect the animal health status in the Province or any specific portion thereof.
- (3) The assumption of control over land may be in respect of any land or a specified portion thereof and may include all or specified fences, structures, facilities and improvements on such land.
- (4) A notice of assumption of control shall -
 - (a) be served in a prescribed manner on the owner or user, as the case may be, of the land, or on the owner of the animal or thing;
 - (b) define the land and specify the extent of such assumption as referred to in subsection (3);
 - (c) specify the date of commencement of such assumption of control; and

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- (d) where possible, specify the duration of such assumption of control.
- (5) Subject to the provisions of subsection (6), the Provincial executive officer may, at any time after a notice has been served and as from the commencement date specified therein -
- (a) enter and occupy the land, and take with him or her any such assistance, officers, conveyance, appliance, instruments, tools, remedies and other things as the Provincial executive officer may deem necessary for his or her purpose;
 - (b) establish a camp, together with the necessary accessories and equipment on the land and construct a road giving access thereto;
 - (c) remove any vegetation on the land;
 - (d) erect any fence or gate thereon, or alter or remove any existing fence or gate;
 - (e) use any suitable place on the land for the destruction or other disposal of any animal or thing, irrespective of whether or not it originated from or was found on that land;
 - (f) make use of grazing, fuel and water found on that land;
 - (g) perform any act on the land that the user or owner thereof, as the case may be, is required in terms of this Act to perform, and recover any expenditure connected therewith from such owner or user; and
 - (h) perform such other acts on or in respect of the land as the Provincial executive officer may deem necessary for the controlled purpose.
- (6) Notwithstanding the provisions of subsection (5), the Provincial executive officer shall not effect any structural alterations or erect any permanent structures, except fences on any land over which the provincial executive officer assumes control in terms of this section, unless the MEC has previously consented thereto.

Duties of owners and users regarding health of animals

- 13.(1) Any owner or user, as the case may be, of land on which there are animals and any owner of animals shall -
- (a) take, with due observance of the provisions of this Act, all reasonable steps -
 - (i) to prevent the infection of any animal with any animal disease or parasite;

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- (ii) to prevent the spreading of any animal disease or parasite from the relevant land or animal; and
 - (iii) that are necessary for the eradication of any animal disease and parasite on the land or in respect of an animal in question; and
- (b) whenever such animal-
- (i) has become or can reasonably be suspected of having become infected with any animal disease or parasite, apply in respect of such animal the prescribed treatment that may be deemed suitable and customary in the particular circumstances; and
 - (ii) has become or can reasonably be suspected of having become infected with a controlled animal disease, immediately report such incidence in the prescribed manner to the Provincial executive officer.
- (c) report, immediately to the Provincial executive officer, any abnormal mobility and mortality amongst his or her animals.
- (2) A veterinarian or any other person, who finds the incidence or suspected incidence of any controlled animal disease in any animal or thing shall immediately report such incidence in the prescribed manner to the Provincial executive officer.

Services rendered by Provincial executive officer

14. (1) The Provincial executive officer may, subject to subsection (2), whenever the owner or user, as the case may be, of any land, or the owner of an animal or thing, applies voluntarily in the prescribed manner to the Provincial executive officer -
- (a) for the rendering of advice by the Provincial executive officer to such person regarding the fitness or the health of;
 - (b) to effect or perform any examination or controlled veterinary procedure or any other act connected with a controlled purpose, in respect of; or
 - (c) for a prescribed certificate of fitness or health in respect of;
- that land, animal or thing, as the case may be, shall render such advice, effect or perform such examination or performance, or issue such certificate or refuse to issue it, as the case may be.
- (2) The Provincial executive officer shall not be obliged to render any service referred to in subsection (1) if the required officers, equipment or accommodation for the animal or thing at a place, institution or quarantine station necessary for that purpose is not

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available to the Provincial executive officer.

- (3) Subject to subsection (4), the person to whom a service is rendered under this section, shall pay the prescribed fee in respect of the service rendered.
- (4) The Provincial executive officer may exempt a person referred to in subsection (3) from the payment of fees referred to in that subsection if the rendering of the relevant service-
 - (a) is in accordance with the policy aims of the Department regarding the promotion of animal health;
 - (b) is in the interest of the livestock industry in the Province;
 - (c) is necessary due to an abnormal morbidity or mortality of animals; or
 - (d) is necessary as a result of an unusual animal disease affecting or that can affect an appreciable number of animals.

Powers to enter, search and to carry out inspections and controlled veterinary procedures

- 15.(1) Subject to the provisions of subsection (5), the Provincial executive officer, assignee or any other person authorised thereto may, in order to exercise the powers or perform the duties conferred or imposed upon him or her by or under this Act and for that purpose only, at any reasonably time -
 - (a) enter any land, place, premises or conveyance in or on which any animal or thing or other article in respect of which this Act applies, is or is on reasonable grounds suspected to be;
 - (b) proceed over any land in order to reach any land, place, premises or conveyance referred to in paragraph (a); or
 - (c) order to stop and enter, take control of or board any conveyance at any place within the Province.
- (2) The Provincial executive officer, assignee, or authorised person may, when acting under subsection (1)-
 - (a) take along such officers, assistants, conveyances, implements, equipment, instruments, remedies and other aids as may be required in order to exercise the powers and perform the duties concerned;
 - (b) direct a person in control of or employed at such land, place, premises or

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conveyance, or of any animal or thing that is present therein or thereon, to render all reasonable assistance that is required to exercise the powers and perform the duties in connection with that land, place, premises, conveyance, animal or thing or anything else kept thereon or therein;

- (c) search for any animal or thing or anything else to which this Act applies, and if it is suspected on reasonable grounds to be present on or in such land, place, premises or conveyance, require the owner or person in charge thereof to produce it to the Provincial executive officer;
- (d) make any investigation as he or she deems necessary regarding the presence of any animal disease or parasite;
- (e) isolate, detain or seize any animal or thing for a particular controlled purpose that he or she knows or on reasonable grounds suspects to be infected with an animal disease or parasite, or to be so contaminated;
- (f) remove anything seized, from the place, premises or conveyance where it has been seized, or leave it thereon and if he or she deems it necessary, attach any identification mark or seal thereto, or to the container thereof;
- (g) install beacons or affix marks or seals;
- (h) inspect or test any appliance or equipment that is available for use in connection with an animal disease;
- (i) take such samples of any animal, thing or other articles as he or she may be deem necessary, and for this purpose open any container in which that animal or thing or other article is contained;
- (j) test, examine or analyse any sample referred to in paragraph (1), or cause it to be tested, examined or analysed;
- (k) ascertain whether anything required to be done in terms of this Act has been or is being done;
- (l) inspect and supervise the doing of anything that a person is in terms of this Act required to do;
- (m) check, count and establish the identity, origin and descent of any animal or thing found during an inspection and treat it against any animal disease, effect any controlled veterinary procedure in respect thereof, and make the prescribed temporary or permanent marks in the prescribed manner;

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- (n) require that a person referred to in paragraph (b), forthwith or at a time and place fixed by the executive officer, produce to the executive officer for inspection, or provide him or her with a copy of any register, book, record or other document that such person is required to keep or produce in terms of this Act;
- (o) demand from the owner or custodian, as the case may be, of such register, book, record or other document or data capturing device an explanation regarding any entry, deletion, alteration, omission or note therein;

- (p) make in or on such register, book, record or other document such notes that he or she may deem expedient, in respect of any entry appearing thereon or therein or that is required to appear therein or which, in the opinion of the Provincial executive officer, is inaccurate or false;
- (3) The Provincial executive officer shall, when entering any land, place, premises or conveyance in terms of subsection (1), show proof of his or her identity and authority when requested thereto by the owner or user, as the case may be, of the land, conveyance, animal or thing.
- (4) In the case of action under subsection (2) (h), (i), (j) and (l) by the relevant person referred to in subsection (1), the owner or user, as the case may be, of the land or the owner of the animal or thing, shall pay the prescribed fees or the amount determined by the assignee, as the case may be, for the performance of such action.
- (5) Notwithstanding the provisions of subsection (1), powers to enter, search and carry out inspection, and performance of any act referred to in subsections (1) and (2) shall, for the purpose of proving the commission or suspected commission of an offence under this Act or for the purpose of an investigation in terms of section 21, or for any other purpose other than those envisaged in subsection (1), be conducted under the authority of a warrant.
- (6) A warrant referred to in subsection (5) shall be issued by a Judge of the High Court or a magistrate who has jurisdiction in the area where the land, or conveyance is situated, or where the conveyance will be, and shall only be issued if it appears to the Judge or magistrate from information under oath that there are reasonable grounds for believing that anything in respect of which the provisions of this Act apply is or on such land, or conveyance, and shall specify which of the acts mentioned in subsections (1) and (2) may be performed thereunder by the person to whom it is issued.
- (7) A warrant issued in terms of this section shall be executed by day unless the person who issues the warrant, authorises the execution thereof by night, at times which shall be reasonable, and entry and search of any land, or conveyance shall be conducted with strict regard to decency and order, including a persons right to dignity, security and personal privacy.
- (8) The Provincial executive officer, when executing the warrant in terms of this section shall immediately before commencing with the execution -
 - (a) identify himself or herself to the person in control of the land or conveyance, 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 spot on the land or conveyance; and

- (b) supply at the request of such a person, particulars regarding his or her authority to execute such warrant.
- (9) The Provincial executive officer may without a warrant enter any land or conveyance and perform any of the acts mentioned in subsections (1) and (2) for any purpose referred to in subsection (5), if -
- (a) the owner, user or any person referred to in subsection (2) (b), who is competent to do so, consents thereto; or
 - (b) he or she on reasonable ground believes -
 - (i) that a warrant will be issued to him or her in terms of subsection (6) if he or she applies for such warrant; and
 - (ii) that the delay in obtaining such warrant would defeat the object of the investigation.
- (10) A warrant issued in terms of subsection (6) may be issued on any day and shall be of force until-
- (a) it is executed; or
 - (b) it is cancelled by the person who issued it or, if such person is not available, by any person with similar authority; or
 - (c) the expiry of one month from the day of its issue; or
 - (d) the purpose for which the warrant was issued, no longer exists,
- whichever may occur first.

Disposal of isolated, detained or seized animal or thing

16.(1) Any animal or thing that is isolated, detained or seized in terms of section 15(2)(e) may -

- (a) be removed to a place that is deemed suitable by the Provincial executive officer for the purpose of performing any controlled veterinary procedure thereon;
- (b) be slaughtered, by the Provincial executive officer, if it is a living animal and a post-mortem examination is considered necessary;
- (c) if the Provincial executive officer is of the opinion that the owner or user, as

the case may be, of the land or the owner of the animal or thing, possesses the necessary means to detain and care for such animal or thing in a manner that will ensure that the relevant animal disease or parasite will not spread, be placed in the care of such person in accordance with conditions agreed upon by the Provincial executive officer with such person;

- (d) if the Provincial executive officer is of the opinion that-
 - (i) any isolation or treatment thereof will not promote the relevant controlled purpose; or
 - (ii) that the calculated cost of the performance of any act referred to in paragraphs (a) and (c), exceeds the estimated value of the animal or thing; or
 - (iii) that no remedy or equipment is available to perform any act referred to in paragraph (a), be destroyed or otherwise disposed of, or the owner concerned may be ordered to destroy or dispose of it in the manner determined by the Provincial executive officer.
- (2) The Provincial executive officer shall, as soon as he or she is satisfied that the isolation, detention or seizure of any animal or thing in terms of section 15(2)(e), is no longer necessary for any controlled purpose, return it to the owner.
- (3) The carcass of any animal isolated, detained or seized in terms of section 15(2)(e), or which has been slaughtered pursuant to subsection (1)(b), shall be forfeited to the State, and the Provincial executive officer may-
 - (a) if he or she is able to dispose of the carcass in a manner beneficial to the State, so dispose of it, in which case any expenditure resulting therefrom shall be defrayed from the income obtained therefrom; or
 - (b) where paragraph (a) is not applicable, dispose of the carcass at his or her discretion.
- (4) An owner of any animal or thing isolated, detained or seized in terms of section 15(2)(e), shall reimburse the State for any reasonable expenses incurred by the Provincial executive officer or authorised person in connection with the performance by him or her of any act under any provision of subsection (1), (2) or (3) in respect thereof, and which costs can not be defrayed from any income referred to in subsection (3)(a): Provided that this subsection shall not apply in respect of any animal to which any provision of an animal health scheme applies.
- (5) If no criminal proceedings are instituted in connection with any animal or thing

isolated, detained or seized in terms of section 15(5), or it appears that such animal or thing is not required at the trial for purpose of evidence and the provincial executive officer is satisfied that such animal or thing poses no disease threat, the Provincial executive officer may release that animal or thing and return it to the owner.

Compensation

17.(1) Subject to subsection (4), the owner of any animal or thing that has been destroyed or otherwise disposed of pursuant to any control measure, or any provision of section 16(1) or (3), or any other provision of this Act, by the Provincial executive officer on his or her authority, may submit an application for compensation for the loss of the animal or thing to the Provincial executive officer.

(2) The Provincial executive officer may, taking into consideration -

- (a) the applicable compensation, based on a fair market value of the animal or thing, that has been prescribed for purposes of this section or, where no compensation has been so prescribed, any amount fixed by him or her in accordance with any criterion deemed applicable by the Provincial executive officer ;
- (b) the value of any thing that has, in connection with the animal or thing, been returned to the owner;
- (c) any amount that is due to the State by the owner pursuant to any provision of this Act in respect of the animal or thing; and
- (d) any amount that may accrue to the owner from any insurance thereof,

fix a fair amount as compensation,

(3) Notwithstanding the provisions of subsection (2), the Provincial executive officer shall, where a carcass has been disposed of in terms of section 16(3), fix the nett income accruing from such disposal against any amount payable to the State by the owner by virtue of any provision of this Act in respect of that carcass, is to be set off, as compensation in respect of the carcass, if -

- (a) the owner is otherwise entitled in terms of this section to compensation; and
- (b) that the nett income exceeds the amount prescribed in respect of any such carcass.

(4) No compensation shall be payable for the destruction or disposal, in terms of this Act, of any animal or thing that has been connected with a commission of an offence in terms of this Act, or in respect of which such offence has been committed.

Appeals

- 18.(1) Any person whose interests are affected by any decision, direction, action or omission by the Provincial executive officer, authorised person or an assignee, or any person under the control or direction of such person under this Act, may appeal against such decision, direction, action or omission to the MEC.
- (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,
- (3) The MEC shall -
- (a) refer the appeal for investigation and decision to an appeal board, the members of which shall be appointed by the MEC; and
 - (b) designate one of the members as chairperson of the appeal board
- (4) The appeal board referred to in subsection (3)(a) shall consist of at least three persons, who in the opinion of the MEC, as the case may be, have adequate skills and are suitable to decide on the appeal.
- (5) A person who has a direct or indirect interest in the outcome of an appeal shall not be appointed as a member of the appeal board, and if such person has been appointed, he or she shall be disqualified and the MEC, shall appoint another person as member of the appeal board.
- (6) All the members of an appeal board shall constitute a quorum for a meeting of that board and -
- (a) the decision of the majority of the members thereof shall be the decision of that appeal board; and
 - (b) the chairman of that appeal board shall, in the case of an equality of votes, have a casting vote in addition to his or her deliberative vote.
- (7) (a) The appellant may request the appeal board or be requested by that appeal board to appear at an inquiry before the board so as to be heard or questioned.
- (b) An appellant appearing at such inquiry shall be entitled to legal representation.
- (8) Any appeal board may -
- (a) confirm, set aside or amend any decision, direction, action or omission which

is the subject of the appeal; or

- (b) make any other order in connection therewith as the board may deem fit.
- (9) The persons referred to in subsection (1), shall be bound by a decision of an appeal board.
- (10) The decision of an appeal board together with the reasons therefor shall be in writing and copies thereof shall be furnished to the MEC, the appellant and the Provincial executive officer, assignee or authorised person, as the case may be.
- (11) If a decision, direction or action which is the subject of an appeal -
 - (a) is set aside, the amount referred to in subsection (2) shall be refunded to the appellant; and
 - (b) is amended, such portion of the amount referred to in subsection (2), as the board may determine, shall be refunded to the appellant.

Determination and payment of fees and other amounts

- 19.(1) All fees payable by any person in terms of any provision of this Act, except amounts that are fixed under any such provision by the Provincial executive officer, shall be determined by the MEC with the concurrence of the MEC responsible for finance.
- (2) Fees and amounts referred to in subsection (1) -
- (a) that have been determined and are mentioned in any regulation or direction made or given under this Act shall within 60 days after having become recoverable; and
 - (b) that have been determined but are not so mentioned, or which have been fixed as contemplated in subsection (1), shall within 60 days after the debtor has been notified in the prescribed manner of the amount due;
- be paid in the prescribed manner.

Keeping and production of documents

- 20.(1) A copy of any authority, order or other document that has been issued, granted, served or given to a person by the Provincial executive officer under this Act and, in the case of an order, the prescribed documents that shall be obtained in connection with the serving thereof, as well as any application, correspondence or other document submitted to the Provincial executive officer and arising from the administration and

application of this Act, shall be stored safely by such person for the periods that are fixed in respect thereof by or pursuant to any provision of the Archives Act, 1962 (Act No. 6 of 1962).

- (2) Any person who is required under this Act to have an authority or other document, or to whom an authority, order, certificate or other document has been issued, granted, served or given in terms of this Act, shall on request, immediately produce that authority, order, certificate or document concerned to the Provincial executive officer, assignee, an authorised person or a customs officer.
- (3) Any authority, order, certificate or other document that was issued, granted or served on a person by the Provincial executive officer under this Act shall, for the duration of the validity thereof, be kept safely by the person in whose favour it was issued or granted to, or on whom it was served.

Confidentiality

21.(1) Subject to the provisions of the Promotion of Access to Information Act, 2000, (Act No. 2 of 2000), no person shall disclose any information that relates to the business or affairs of any person, acquired by him or her through the exercise of his or her powers or performance of his or her duties in terms of this Act, except -

- (a) in so far as it is necessary for the proper application of the provisions of this Act;
- (b) where it is deemed to be in the interest of the public;
- (c) for the purpose of any legal proceedings under this Act;
- (d) when ordered to do so by any competent court; or
- (e) if he or she is authorised in writing to do so by the MEC.

Application of Act in respect of the State

22. This Act, excluding -

- (a) the provisions of any section in so far as it -
 - (i) imposes a duty to pay any fees; or
 - (ii) grants a right to claim any compensation; and
- (b) the penal provisions,

shall bind the State.

Defects in form

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

Regulations

24.(1) The MEC may make regulations -

- (a) regarding any matter which in terms of this Act is required or permitted to be prescribed;
- (b) regarding the qualifications, powers and duties of specified persons;
- (c) regarding the payment of fees if an animal or thing is examined by an officer in terms of this Act and regarding fees determined by assignees;
- (d) prescribing the manner in which any animal or thing which is required or permitted to be isolated under this Act, shall be isolated, cared for and treated in isolation;
- (e) prescribing the manner in which any infectious or contaminated thing, or anything which can be suspected of being an infectious or contaminated thing, shall be cared for, treated, disinfected, destroyed or disposed ;
- (f) prescribing-
 - (i) things other than animals or infectious things, as contaminated things; and
 - (ii) animal products or other things, as infectious things;
- (g) declaring certain invertebrates to be an animal for the purpose of this Act;
- (h) regarding the manner and periods within which specified applications have to be submitted, the documents that are to accompany such applications and the fees that are payable in respect of such applications;

- (i) Prescribing, in general, any matter that the MEC deems expedient or necessary for the achievement of the purposes of this Act, the generality of this paragraph not being restricted by the provisions of the other paragraphs of this subsection.
- (2) Different regulations that differ in the respects deemed expedient by the MEC, may be made under this section, in relation to different areas in the Province, different classes of animals and things or animal diseases or parasites.

Offences and penalties

25.(1) Any person who -

- (a) contravenes or fails to comply with any provision of sections 5; 6(1), (3); 8(8); 9(4)(a) or 21;
- (b) removes any animal or thing that has been isolated or is being detained under or pursuant to any provision of this Act, without the written authority of the Provincial executive officer or contrary to any condition of such authority, from such isolation or detention;
- (c) obstructs or hinders the Provincial executive officer, an officer, an authorised person, assignee or any other person in the exercise of any power or the performance of any duty under this Act;
- (d) refuses or fails to comply with any prohibition, restriction or obligation, or any condition relating thereto, contained in a control measure that applies to such person or any animal or thing belonging to or in the control of such person;
- (e) refuses or fails to comply with any order issued in terms of section 11 (1);
- (f) refuse or fails to comply with a condition or requirement subject to which a certificate, authority, consent or other proof of assent or approval has been issued under this Act; .
- (g) while being a participant in a scheme, contravenes any provision of that scheme or fails to comply therewith;
- (h) refuses or fails to stop any conveyance, or to permit the provincial executive officer, authorised person or assignee to take it under his or her control , as contemplated in section 15(1), whenever such person is for that purpose directed or requested by the provincial executive officer, authorised person or assignee;

- (i) refuses or fails to render reasonable assistance whenever it is demanded from him or her in terms of section 15(2)(b);
- (j) refuses or fails to provide information or give an explanation or an answer to a question lawfully required in terms of section 15(2)(n) and (o), or furnishes information, an explanation or an answer that is false or misleading, knowing that it is false or misleading;
- (k) obstructs or hinders, in any manner, the Provincial executive officer, assignee or authorised person in the exercise of any power or the performance of any duty under this Act;
- (l) damages, destroys or otherwise tampers with any sample taken under this Act, or any object so seized;
- (m) damages, removes or otherwise tampers with any conveyance, appliance, instrument, tool, equipment, remedy or any other object belonging to or under the supervision or custody of the Provincial executive officer, an authorised person or any other person who is exercising or performing or is required to exercise or perform any power or duty in terms of this Act, with or in connection with any such object or, in the case of any such animal, injures it, or removes it without the consent of any such person, or otherwise interferes with it;
- (n) alters in any manner or forges in any manner any certificate, consent or other proof of assent or approval that is issued under this Act, or obtains such document or any other decision from the Provincial executive officer, Provincial executive or authorised person under false pretences;
- (o) with the intent to evade any provision of this Act, uses a document that has been altered or forged as contemplated in paragraph (n);
- (p) damages, destroys, moves, removes, erases, alters or otherwise tampers with any beacon, mark or seal that has been under any provision of this Act been installed or affixed on, or in connection with, any land, animal or thing or any other thing;
- (q) performs, or abstains from performing, any act for which a consent or authority or other document is required under this Act, without such consent, authority or document having been issued, granted or given in respect thereof to him or her such performance or abstention not being penalised by any other provision of this subsection;
- (r) obtains, or aids and abets any other person to obtain by means of false

representation, any compensation under this Act;

- (s) contravenes any provision of a control measure, or fails to comply therewith;
- (t) refuses or fails to receive any order or other document served on him or her in terms of this Act;
- (u) as a successor in title to an owner of any animal or thing, or land to which the provisions of this Act applies, fails to comply with any instruction, order or provision that is applicable to that animal or thing, or land;
- (v) contravenes or fails to comply with any regulation, such contravention or failure not being penalised by any other provision of this subsection,

shall be guilty of an offence.

(2) Any person found guilty of an offence under this Act shall -

- (a) in the case of a first conviction, be liable to a fine not exceeding R 8 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment,
 - (b) in the case of a second or subsequent conviction, whether the same or any other offence referred to in subsection 2(a), be liable to a fine not exceeding R16 000 or to imprisonment for a period not exceeding four years, or to both such fine and such imprisonment.
- (3) Notwithstanding anything contained in any other law, a magistrate's court shall be competent to impose any penalty provided for in this section.
- (4) On any conviction for any offence under this Act, a conviction for a corresponding offence under any law made thereunder, shall be deemed to be a previous conviction under this Act.

Presumptions and evidence

26. In any prosecution for any offence under this Act -

- (a) it shall be presumed, unless the contrary is proved, that any sample taken from an animal or thing in terms of this Act is representative of that animal or thing from which it was taken and that such animal or thing possesses the same properties as that sample;
- (b) any document purporting to be certified by the Provincial executive officer, assignee, or authorised person to the effect that it is a true copy of the document to which the proceedings relate, shall be admissible as evidence in

any court without any further proof or the production of the original document;

- (c) particulars of any event, action or facts that have been recorded in terms of a control measure by the Provincial executive officer, assignee, or authorised person, shall be prima facie evidence of the event, action or facts in question, and shall be admitted in evidence in any court, unless the contrary is proved;
- (d) any declaration or other document that purports to have been issued by the government of, or any competent authority in any foreign State, shall be prima facie evidence of such declaration or of the event, action or facts stated therein, and shall be admitted as evidence in any court unless the contrary is proved.

Short title

27. This Act shall be called the Animal Health Act, 2000 (Eastern Cape) and shall come into effect upon a date to be fixed by the Premier by Proclamation in the Gazette.
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