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WET

3 **KwaZulu-Natal Skutwet, 2006 (Wet No. 3 van 2006)** 2870

**KWAZULU-NATAL SKUTWET, 2006
(WET NO. 3 VAN 2006)****Goedgekeur op 2006-10-04****WET****Om die instelling van munisipale skutte en die skut van diere te reguleer; en om vir aangeleenthede in verband daarmee voorsiening te maak.****INDELING VAN ARTIKELS***Artikel*

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DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die provinsie KwaZulu-Natal soos volg:-

Omskrywings

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

“diensleweringsooreenkoms” ’n diensleweringsooreenkoms soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet No. 32 van 2000);

“dier” ’n perd, bees, donkie, skaap, bok, vark, volstruis, hond, kat of die kruising van enige sodanige dier, en **“diere”** het ’n ooreenstemmende betekenis;

“eienaar”, met betrekking tot enige —

(a) dier, die eienaar wat bekend is, of wie se identiteit met redelike ywer vasgestel kan word, en sluit die agent van die eienaar of ander persoon in wat wettiglik oor sodanige dier toesig het of in besit daarvan is; of

(b) grond, die eienaar, en sluit ’n huurder of wettige bewoner van sodanige grond of sy of haar agent in;

“georganiseerde plaaslike regering” die KwaZulu-Natal plaaslike regeringsvereniging wat die organisasie in die provinsie KwaZulu-Natal is wat ingevolge artikel 2(1) van die Wet op Georganiseerde Plaaslike Regering, 1997 (Wet No. 52 van 1997) erken word as verteenwoordigend van die meerderheid munisipaliteite in die provinsie;

“hierdie Wet” ook die regulasies en die bylaes tot die Wet;

“Hof” ’n Landdroshof soos bedoel in artikel 166(d) van die Grondwet, 1996 wat jurisdiksie het in die gebied waarin die skut geleë is;

“Koerant” die *Provinsiale Koerant* van KwaZulu-Natal;

“munisipaliteit” ’n munisipaliteit bedoel in artikel 155 van die Grondwet van die Republiek van Suid-Afrika, 1996, en ingestel by en kragtens artikels 11 en 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), saamgelees met artikels 3, 4 en 5 van die KwaZulu-Natal Wet op die Bepaling van Soorte Munisipaliteite, 2000 (Wet No. 7 van 2000), en **“munisipaliteite”** het ’n ooreenstemmende betekenis;

“regulasies” enige regulasies wat ingevolge artikel 28 uitgevaardig word;

“skut” ’n skut ingestel ingevolge artikel 3, en **“skutte”** het ’n ooreenstemmende betekenis;

“skutmeester” enige persoon aangestel ingevolge artikel 4, en sluit enige persoon in wat namens die aangestelde skutmeester optree;

“verantwoordelike lid van die Uitvoerende Raad” die lid van die Uitvoerende Raad van die provinsie KwaZulu-Natal verantwoordelik vir plaaslike regering.

Toepassing en administrasie van Wet

2. Hierdie Wet is op alle munisipaliteite in KwaZulu-Natal van toepassing, en word deur die verantwoordelike lid van die Uitvoerende Raad geadminestreer: Met dien verstande dat die Wet nie van toepassing is nie op ’n munisipaliteit wat, na die mening van die verantwoordelike lid van die Uitvoerende Raad, ’n skut ingevolge ’n munisipale verordening ingestel het wat aan die beginsels van hierdie Wet voldoen.

Instelling en bedryf van skutte

3.(1) Elke munisipaliteit sonder ’n skut moet, binne 12 maande na die inwerkingtreding van hierdie Wet, ’n skut instel en bedryf om sy gebied van jurisdiksie te dien.

(2) Ondanks die bepalings van subartikel (1), kan ’n munisipaliteit, binne ’n tydperk van 12 maande na die inwerkingtreding van hierdie Wet, ’n diensleweringsooreenkoms aangaan met ’n instelling of persoon vermeld in artikel 76(b) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), om voorsiening te maak vir ’n skut om sy gebied van jurisdiksie te dien.

Aanstelling van skutmeester

4. Elke munisipaliteit moet, ingevolge sy mensehulpbronbeleid, ’n paslik bekwame en ervare persoon as skutmeester aanstel: Met dien verstande dat ’n munisipaliteit nie sodanige skutmeester mag aanstel nie indien ’n skut ingevolge artikel 3(2) bedryf word.

Oortredende of loslopende diere mag geskut word

5.(1) Die eienaar van grond waarop enige dier oortree, mag sodanige dier vang: Met dien verstande dat sodanige dier nie na ’n skut verwyder mag word nie voordat skriftelike kennis van nie minder as 48 uur voor verwydering na die skut aan die eienaar gegee is nie.

(2) Enige dier wat sonder toesig op enige openbare pad of plek rondloop, kan gevang word om geskut te word deur —

(a) ’n lid van die Suid-Afrikaanse Polisie; of

(b) ’n lid van die Suid-Afrikaanse Nasionale Weermag;

(c) ’n lid van die KwaZulu-Natal Padverkeersinspektoraat;

(d) ’n lid van enige munisipale polisie- of beskermingsdienste; of

(e) die eienaar van die grond waaroor of waarlangs sodanige pad loop of grens aan sodanige openbare plek.

(3) ’n Persoon mag nie ’n dier, gevang met die doel om te skut ingevolge subartikels (1) en (2), vir langer as ses uur hou sonder om aan sodanige dier voldoende water en voedsel te voorsien nie.

(4) Enige persoon wat ’n dier gevang het met die doel om dit te skut, moet voldoen aan die bepalings van die *Kode vir goeie praktyk oor die hantering en vervoer van geskutte diere* vervat in bylae 1.

Diere te kwaai, weerspanning of wild om te skut

6. Indien 'n staatsveearts of amptenaar bedoel in artikel 5(2)(a) tot (c) tevrede is dat 'n dier wat op enige grond oortree, of sonder toesig op enige openbare pad of plek rondloop, te gevaarlik, kwaai, weerspanning of wild is, kan hy of sy toestemming verleen vir die genadige afmaak of ander beskikking oor die dier nadat skriftelike redes en skriftelike kennisgewing daarvan aan die eienaar van die dier verskaf is.

Loslating van diere voor verwydering na skut

7.(1) Die eienaar van 'n dier gevang ingevolge artikel 5(1) kan die eienaar van grond bedoel in artikel 5(1) vir die loslating van sodanige dier versoek voordat dit na die skut verwyder word.

(2) Die eienaar van grond bedoel in artikel 5(1) —

- (a) kan sodanige dier onverwyld loslaat; of
- (b) kan die loslating van die dier weier, waarna hy of sy by die Hof aansoek kan doen vir magtiging om die dier te skut of om skadevergoeding te eis vir enige skade wat hy of sy mag gely het, in welke geval die Hof enige bevel kan gee, met inbegrip van 'n kostebevel wat die Hof as regverdig en billik beskou.

(3) Die eienaar van 'n dier gevang ingevolge 5(2) kan aansoek doen vir die loslating van sodanige dier voordat dit na die skut verwyder word, in welke geval die persoon wat die dier gevang het sodanige dier onverwyld moet vrylaat.

Versorging van oortredende diere

8. 'n Persoon mag nie 'n dier laat werk, gebruik of mishandel wat op enige grond oortree of terwyl sodanige dier in die proses is om na 'n skut verwyder te word nie.

Skut waarheen diere geneem moet word

9. 'n Dier wat gevang word met die doel om dit te skut ingevolge artikel 5, moet na die naaste toeganklike skut verwyder word, met die kortste moontlike roete, en in die kortste moontlike tyd. Met dien verstande dat verskillende dierspesies ten alle tye volgens hulle spesie geskei moet word.

Inligting wat aan skutmeester verstrek moet word ten opsigte van diere wat na die skut gestuur word

10. 'n Persoon wat diere na die skut stuur, moet die skutmeester skriftelik in kennis stel van —

- (a) die aantal en beskrywing van die diere;
- (b) die grond waarop die diere oortree het; en
- (c) die afstand in kilometer, met die korste moontlike roete, tussen die plek op sodanige grond waar hulle gevang is en die skut.

Ontvangs by skut van diere wat geskut moet word

11. 'n Skutmeester mag nie weier om 'n dier te ontvang en te skut nie.

Skutregister

12.(1) Elke skutmeester moet —

- (a) 'n skutregister byhou wat die inligting bedoel in bylae 2 bevat, en wat op alle redelike tye vir openbare insae beskikbaar moet wees; en
- (b) die skutregister voltooi onmiddellik nadat enige dier in die skut ontvang is.

(2) 'n Skutmeester wat —

- (a) nalaat of weier om te voldoen aan enige van die bepalings van subartikel (1);
- (b) opsetlik 'n valse inskrywing in die skutregister maak;
- (c) op bedrieglike wyse enige vorige inskrywing vernietig of uitwis; of
- (d) met opset 'n onjuiste afskrif of uittreksel uit die skutregister aan enige persoon voorsien,

is skuldig aan 'n misdryf.

Kennisgewing aan eienaars van geskutte diere

13. 'n Skutmeester moet die eienaar van 'n geskutte dier onmiddellik van die skut van sodanige dier in kennis stel.

Versorging van geskutte diere

14.(1) 'n Skutmeester —

- (a) is verantwoordelik vir die behoorlike versorging van alle geskutte diere;
- (b) moet verseker dat vars water en voldoende voedsel ten alle tye vir geskutte diere beskikbaar is; en
- (c) is teenoor die eienaar van 'n geskutte dier aanspreeklik vir enige skade veroorsaak deur sy of haar opsetlike of nalatige handeling.

(2)(a) Indien die skutmeester van mening is dat 'n geskutte dier gevaarlik kwaai, permanent ongeskik of ongeneeslik siek is, kan hy of sy 'n bevel van die Hof aanvra welke Hof die afmaak of ander beskikking oor die geskutte dier kan magtig indien die Hof tevrede is dat die toestand van sodanige dier sy afmaking of beskikking noodsaak.

(b) Waar die Hof die afmaking of ander beskikking oor 'n dier na 'n aansoek van die skutmeester magtig, moet die skutmeester die eienaar onmiddellik skriftelik in kennis stel van die Hof se bevel en van die afmaking of beskikking oor die dier.

Afsondering van besmette diere

15. Enige skutmeester wat vermoed, of bewus is, dat 'n geskutte dier, of 'n dier wat geskut moet word, besmet is met enige siekte bedoel in die Wet op Dieresiektes, 1984 (Wet No. 35 van 1984), moet —

- (a) afsonderlike huisvesting aan sodanige dier verskaf;
- (b) die dier onmiddellik afsonder, en die siekte aan die naaste staatsveearts rapporteer; en
- (c) die eienaar van die dier onmiddellik van sodanige siekte in kennis stel.

Hantering van geskutte diere

16. 'n Skutmeester —

- (a) mag nie 'n geskutte dier laat werk of op enige wyse van gebruik maak nie of toelaat dat enige ander persoon sodanige dier laat werk of van gebruik maak nie; en
- (b) moet verseker dat alle geskutte manlike diere te alle tye afsonderlik van vroulike diere gehou word.

Vrekte van of besering aan geskutte diere

17. Indien 'n geskutte dier vrek of beseer word, moet die skutmeester —

- (a) die besering of oorsaak van die vrekte aanteken in die skutregister bedoel in artikel 12; en
- (b) die eienaar van die dier skriftelik van die besering of vrekte in kennis stel.

Afskrifte van Wet moet beskikbaar gestel word

18. Elke skutmeester moet verseker dat voldoende leesbare afskrifte van hierdie Wet in Engels, Zoeloe en Afrikaans by die skut ter insae is.

Gelde en koste betaalbaar aan skutmeester

19. 'n Skutmeester kan —

- (a) die gelde van die eienaar van 'n geskutte dier hef en vorder, en
- (b) die koste van enige dip, enting, mediese of enige ander behandeling wat nodig mag wees of vereis word ingevolge hierdie Wet van die eienaar van die geskutte dier verhaal,

in ooreenstemming met bylae 3.

Loslating van geskutte diere

20.(1) 'n Skutmeester moet 'n geskutte dier onmiddellik loslaat en 'n skriftelike kwitansie aan die eienaar gee as die eienaar —

- (a) bewys van eienaarskap van sodanige dier lewer; en
- (b) die gelde en koste aan die eienaar betaal wat ingevolge artikel 19 betaalbaar is.

(2) Indien die eienaar van 'n geskutte dier nie in staat is om die verskuldigde gelde en koste ingevolge artikel 19 te betaal nie, kan 'n skutmeester sodanige dier terughou met die doel om sodanige gelde en koste wat verskuldig en betaalbaar is, te verhaal.

Verkoop van geskutte diere

21.(1) Die skutmeester moet —

- (a) binne 14 dae nadat 'n dier geskut is by die Hof aansoek doen vir magtiging om die dier te verkoop; en
- (b) in die aansoek bedoel in paragraaf (a), bewyse by die Hof indien dat die skutmeester 'n rekeningstaat aan die eienaar voorgelê het wat al die verskuldigde bedrae, met inbegrip van gelde, koste en skadevergoeding verskuldig ingevolge hierdie Wet, uiteensit.

(2) Die rekeningstaat bedoel in subartikel (1)(b) moet insluit —

- (a) die gelde en koste deur die skutmeester aangegaan; en
- (b) die bedrag van enige skade wat die eienaar, op wie se grond die geskutte dier oortree het, gely het.

(3) Of die bedrae wat in die rekeningstaat bedoel in subartikel (1)(b) uiteengesit, betwis word al dan nie, moet die Hof —

- (a) die aangeleentheid summier ondersoek;
- (b) navraag doen of die skutmeester die eienaar van die dier kennis gegee het; en
- (c) sodanige bevel uitreik wat die Hof regverdig en billik ag, met inbegrip van 'n bevel —
 - (i) aangaande koste; en
 - (ii) oor die prosedure wat die skutmeester moet volg betreffende die verkoop van die dier.

Skutmeester mag nie geskutte diere koop nie

22. Geen skutmeester, of 'n familielid of vertroude medewerker van die skutmeester, mag 'n dier persoonlik of deur enige ander persoon koop wat vir verkoping by die betrokke skut aangebied word nie.

Diere onsuksesvol vir verkoping aangebied

23. In die geval waar 'n dier nie verkoop word soos in artikel 21 bedoel nie —

- (a) moet die skutmeester die Hof en die eienaar onmiddellik in kennis stel van sy geraamde waarde en die gelde en koste wat aangegaan is; en
- (b) die Hof kan sodanige bevel uitreik as wat die Hof regverdig en billik ag.

Opbrengs van verkoping

24. Indien enige geskutte dier verkoop word vir 'n prys wat meer is as —

- (a) die gelde en koste aangegaan; en
- (b) enige skadevergoeding ingevolge artikel 21 toegeken,

moet sodanige surplus binne 30 dae na die verkoping deur die skutmeester aan die eienaar oorbetal word, tensy die identiteit van die eienaar nie vasgestel kan word nie, in welke geval die surplus deur die skutmeester in die munisipale inkomstefonds gestort moet word.

Optrede vir die verhaling van skade

25. Niks in hierdie Wet verhinder enige persoon om 'n geding in enige Hof met jurisdiksie aanhangig te maak om die skade te verhaal wat weens die loslopende dier gely is nie.

Prosedure wat gevolg moet word by aansoeke voor Hof

26. 'n Aansoek voor die Hof vir —

- (a) die skut van 'n dier ingevolge hierdie Wet, moet voldoen aan die prosedure vermeld in reël 55 van die Reëls van die Hof; en
- (b) die verkoping van 'n geskutte dier ingevolge hierdie Wet, moet voldoen aan die prosedure vermeld in artikel 66 van die Wet op Landroshowe (Wet No. 32 van 1944), en reël 41 van die Reëls van die Hof, wat deur die Reëlsraad vir Geregshowe ingevolge artikel 6 van die Wet op die Reëlsraad vir Geregshowe (Wet No. 107 van 1985) uitgevaardig is en kragtens Regeringskennisgewing no. R1108 in *Regulasiekoerant* no. 980 van 21 Julie 1968, soos van tyd tot tyd gewysig, saamgelees met die nodige wysigings, gepubliseer is.

Misdrywe en strawwe

27. 'n Persoon wat —

- (a) 'n dier loslaat wat wettiglik gevang is met die doel om geskut te word, of wat wettiglik geskut is;
- (b) 'n dier onwettiglik vang met die doel om dit te skut;
- (c) 'n dier onwettiglik skut; of
- (d) enige bepaling van hierdie oortree,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete, of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Regulasies

28.(1) Die verantwoordelike lid van die Uitvoerende Raad kan, na oorlegpleging met georganiseerde plaaslike regering —

- (a) regulasies uitvaardig rakende enige aangeleentheid vermeld in hierdie Wet wat, na die mening van die verantwoordelike lid van die Uitvoerende Raad, nodig of wenslik is vir die doeltreffende uitvoering of bevordering van die bepalings van die oogmerke van die Wet; of
- (b) indien by die toepassing van hierdie Wet, administratiewe probleme ondervind word, regulasies uitvaardig ten einde sodanige administratiewe probleme die hoof te bied.

(2) Die regulasies kan bepaal dat enige persoon wat enige regulasie oortree of versuim om daaraan te voldoen, skuldig is aan 'n misdryf en by skuldigbevinding strafbaar is met 'n boete, of gevangenisstraf van hoogstens ses maande.

Bylaes 1, 2 en 3 vorm deel van die Wet

29.(1) Bylaes 1, 2 en 3 is vir alle doeleindes deel van die Wet.

(2) Die verantwoordelike lid van die Uitvoerende Raad kan, by kennisgewing in die *Koerant* en na oorlegpleging met georganiseerde plaaslike regering, bylaes 1, 2 en 3 tot hierdie Wet wysig.

Herroeping van wette

30. Die wette vermeld in bylae 4 word hierby herroep tot die mate wat in die derde kolom van die genoemde bylae bepaal word.

Oorgangsreëlings

31.(1) 'n Skut wat ingevolge die herroepe Skutordonnansie, 1947 (Ordonnansie No. 32 van 1947 (*Natal*)) ingestel is, bly voortbestaan en word bedryf ingevolge die ooreenstemmende bepalings van hierdie Wet tot die dag onmiddellik voor die datum van —

- (a) die instelling van 'n skut ingevolge artikel 3(1) van hierdie Wet; of
- (b) die inwerkingtreding van die ooreenkoms bedoel in artikel 3(2) van hierdie Wet.

(2) In ooreenstemming met artikel 15 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), moet 'n munisipale raad van 'n munisipaliteit, binne ses maande na die inwerkingtreding van hierdie Wet, die bepalings van elke munisipale verordening aangaande die instelling en bedryf van skutte wat deur die munisipaliteit beheer word, hersien om ooreenstemming met die bepalings van hierdie Wet te verseker.

Kort titel

32. Hierdie Wet heet die KwaZulu-Natal Skutwet, 2006.

BYLAE 1**Kode vir goeie praktyk oor die hantering en vervoer van geskutte diere
(artikel 5(4))****DEEL I****Veekampvereistes**

1. Verskillende dierspesies moet in afsonderlike kampe gehou word.
2. Diere mag nie in oorvol kampe ingehou word nie, en die spasie wat in elke veekamp voorsien word, moet voldoende wees sodat al die diere gelyktydig kan plat lê, en mag nie minder as 1,5 vierkante meter vloeroppervlakte vir elke dier beslaan nie.
3. Weerspannige diere mag nie saam met ander diere gehou word nie.
4. Gespeende jong diere mag nie saam met volwasse diere gehou word nie, behalwe in die geval van 'n ma en haar afstammeling.
5. Voorsiening moet in kampe gemaak word vir —
 - (a) geriewe soos rakke, krippe en ander gepaste voedselhouders wat maklik is om skoon te maak, wat die voeding van 'n dier vanaf die vloer moontlik maak, en wat bereik kan word sonder dat die diere gesteur word;
 - (b) waterbakke wat ten alle tye voldoende vars water bevat;
 - (c) voldoende geriewe vir die behoorlike skoonmaak van kampe; en
 - (d) geriewe vir die veilige hantering van diere.
6. (a) Die kampe moet ten alle tye in 'n goeie toestand gehou word.
(b) Skerp voorwerpe soos draadpunte, gebreekte borde, skerp kante of skarniere en skroewe wat uitsteek en diere kan beseer, moet verwyder of andersins behoorlik bedek word.
7. Die vloer van die hele kamp, met inbegrip van die aflaaibanke, druk- en ander gange moet so ingerig word dat voldoende nie-glyerig oppervlaktes beskikbaar is wat doeltreffend en gepas skoongemaak, droog gehou en in 'n toestand gehou word wat geskik is vir die aanhou van diere.

DEEL II**Hantering van diere**

8. Diere moet ten alle tye sag en met geduld en verdraagsaamheid hanteer word.
9. Die volgende moet in gedagte gehou word wanneer diere hanteer word:
 - (a) diere reageer meer geredelik wanneer aangejaag word indien die drywer agter die dier maar binne sy gesigsveld staan; en
 - (b) skuddediere reageer meer geredelik wanneer in 'n groep as alleen aangejaag word.
10. Diere moet nie aan hulle bene gesleep word nie, of aan hulle koppe, ore of sterte gedra word nie.
11. Jong kalwers moet gedra word, indien hulle nie met gemak kan loop nie, deur die kalf om sy bors en agterlyf op te lig, alternatiewelik moet hulle gestuur word met een hand op die agterlyf en die ander naby die skouer of nek, en aangehelp word in die verlangde rigting teen 'n gemaklike pas.
12. Slegs stokke met seil of slaanflappe mag gebruik word wanneer diere aangejaag word en dit is verkieslik dat die grond agter die dier getref word eerder as wat die dier geslaan word.
13. Elektriese porstokke, stokke of prikkels mag nie op jong kalwers gebruik word nie.
14. Elektriese porstokke mag nie oordadig of onoordeelkundig gebruik word nie, of op die gesig, anus of geslagsdele van diere aangewend word nie.

DEEL III**Beweging van diere**

15. Diere wat te poot aangejaag word, moet ten alle tye onder behoorlike en bevoegde toesig wees.
16. Diere te poot moet op 'n kalm wyse aangejaag word teen 'n pas wat ontspanne en gerieflik is, wat eie aan daardie dier is, en nie vinniger is as die pas van die stadigste dier nie.
17. Diere mag nie vir tydperke langer as 10 ure aangejaag word nie sonder dat hulle vir 'n uur gerus word en van geskikte vars drinkwater vir al die diere voorsien word nie.
18. Geen dier te poot mag verder as die volgende afstande verskuif word nie:
 - (a) vir 'n reis wat nie langer as 'n dag duur nie:
 - (i) 20 kilometer vir skape en bokke; en

- (ii) 30 kilometer vir beeste; en
- (b) vir 'n reis wat langer as 'n dag duur:
 - (i) 20 kilometer op die eerste dag en 15 kilometer op elke volgende dag vir skape en bokke; en
 - (ii) 25 kilometer op die eerste dag en 20 kilometer op elke volgende dag vir beeste.

19. Diere moet dadelik wanneer die oornagkamp of finale bestemming bereik is van water en voldoende voedsel geskik vir die spesie voorsien word.

20. Diere moet nie in die donker verskuif word nie.

21. Geen siek, beseerde of gestremde dier mag te poot verskuif word nie.

DEEL IV

Voertuie wat vir vervoer van diere gebruik word

22. Voertuie en alle sleepwaens wat gebruik word vir die vervoer van hoefdiere moet geskik wees vir die vervoer van sodanige diere en in 'n padwaardige toestand wees.

23. Alle voertuie en sleepwaens vermeld in item 22 moet beskik oor —

- (a) 'n geskikte nie-glyerig vloer wat nie die skoonmaak van die vloer van die voertuig mag belemmer nie, en geskarnierde of verwyderbare strooklatte of staaltraliwerk is toelaatbaar;
- (b) voldoende ventilasie en lugbeweging wanneer in beweging asook wanneer dit stilstaan, en geen voertuig mag heeltemal toe wees nie;
- (c) voldoende beskerming teen uitlaatgasse, aangesien blootstelling aan uitlaatgasdampe die diere se asemhaling kan belemmer en angs veroorsaak;
- (d) kantwalle wat hoog genoeg is om te voorkom dat diere ontsnap of uitval: Met dien verstande dat —
 - (i) die kante en afskortings, wanneer dit gebruik word om diere te skei wat daarin vervoer word, se hoogte nie laer mag wees as die skouergewig van die grootste dier wat vervoer word nie;
 - (ii) in die geval van beeste, buiten kalwers, moet die minimum hoogte 1 800 millimeter wees; en
 - (iii) die minimum hoogte 750 millimeter moet wees in die geval van enige kleiner diere;
- (e) in multi-vlak voertuie, moet die hoogtes tussen die vlakke voldoende wees, en in die geval van skape en varke nie minder as 1 000 millimeter nie om die grootste diere in staat te stel om natuurlik te staan, vrylik en heeltemal regop om voldoende spasie te laat vir die vrye vloei van lug bokant die diere;
- (f) vloere wat stewig en dig is;
- (g) laai- aflaaioeninge aan die agterkant van die voertuig wat die volle breedte van die voertuig beslaan of, indien aan die kante, 'n wydte van nie minder as 2 400 millimeter nie; en
- (h) hekke, met of sonder afskortings —
 - (i) wat so ontwerp en gebou is dat dit sterk genoeg en geskik is vir die vervoer van die bedoelde vrag; en
 - (ii) wat vrylik kan oop- en toemaak en in staat is om veiligheid te verseker.

24. Die digtheid van diere wat in enige gegewe ruimte geplaas word, moet sodanig wees dat dit die gerief en veiligheid tydens vervoer verseker, en die aanbevole vloerspasie per dier is —

- (a) 1,4 vierkante meter vir 'n groot dier; en
- (b) 0,5 vierkante meter vir 'n klein dier.

DEEL V

Die gee van water en voedsel aan lewende diere voor laai

25. Diere moet van voldoende en geskikte voedsel en vars water voorsien word totdat die reis begin.

Op- en aflaaiprocedure

26. Die op- en aflaa van 'n voertuig moet so stil en kalm moontlik geskied, en met geduld, verdraagsaamheid en sonder onnodige treitering, vreesinboeseming, kneusings, beserings, lyding of onnodige stres.

27. Geen dier mag op- of afgelaai word deurdat hulle aan die kop, wol, vel, ore, stert, horings of bene opgetel word nie.

28. Geen dier mag op- of afgelaai word nie op 'n ander wyse as —

- (a) met behulp van 'n oploop met 'n nie-glyerige oppervlakte, stewig genoeg om die gewig te ondersteun van die spesie wat hanteer word, met sypanele of tralies wat voldoende is om te voorkom dat die diere ontsnap of van die oploop val, en met 'n helling nie steiler as 25 grade nie; of
- (b) by 'n laaibank met dieselfde hoogte as die vloer van die voertuig of, by aflaa, nie meer as 310 millimeter onder die vlak van die aflaaivoertuig nie, en met 'n helling wat nie 25 grade te bowe gaan nie.

29. Waar die vragmotor toegerus is met 'n aan boord verwyderbare laai-oploop moet die oploop oor 'n nie-glyerige oppervlakte beskik en lank genoeg wees wanneer dit laat sak word, 'n helling wat nie steiler is as die hellings in item 28 vermeld nie, en die afstand vanaf die grond tot die punt van die oploop mag nie 120 millimeter te bowe gaan nie.

30. Oplope moet korrek verstel word om dieselfde hoogte as die voertuig se vloer te wees.

31. Reise moet so gou moontlik begin na die lewende diere opgelaa is en die diere moet dadelik afgelaa word wanneer die bestemming bereik word.
32. Tensy voldoende voorsiening vir doeltreffende skeiding gemaak is, mag verskillende dierspesies nie in dieselfde voertuig gelaai of vervoer word nie.
33. Diere van verskillende ouderdomme, groottes en geslagte mag nie in dieselfde voertuig gelaai of vervoer word nie tensy voldoende voorsiening gemaak is vir die doeltreffende skeiding van sodanige diere.
34. Volwasse beeste met horings mag nie saam met beeste met afgesaagde horings vervoer word nie en hulle moet ook in afsonderlike van mekaar gehou word.
35. Indien daar goeie rede bestaan dat 'n diere geboorte mag skenk tydens 'n voorgenome reis, mag die diere nie op die voertuig gelaai word nie.
36. In die geval waar 'n diere geboorte skenk tydens vervoer, moet die nodige maatreëls getref word om die beskerming van die ma en haar kroos te beskerm teen vertrapping, besering en treitering deur die ander diere.
37. In die geval van —
(a) die onklaar raak van die vervoervoertuig;
(b) 'n ongeluk of botsing waarin die vervoervoertuig betrokke is; of
(c) besering aan, of vrekke van, enige diere wat vervoer word,
moet die voertuigbestuurder die besonderhede rapporteer aan, en bystand versoek van —
(i) in die geval van paragraaf (a), 'n insleepdiens;
(ii) in die geval van paragraaf (b), die Suid-Afrikaanse Polisie en verkeersowerhede; of
(iii) in die geval van paragraaf (c), 'n veearts.

DEEL VI

Inperking van diere tydens vervoer

38. Waar die vervoer van enige diere 'n besering aan die diere of enige ander diere kan veroorsaak, moet dit ingeperk word op so wyse dat sodanige besering voorkom word.
39. Geen diere mag vir langer as 4 ure in 'n 24-uurtydperk ingeperk word nie.
40. Geen draad of koord mag gebruik word om die diere se bene of voete vas te bind nie.
41. Om verwurging of dat die nek gebreek word, te voorkom, mag 'n skuifknoop nie gebruik word waar diere deur middel van horings of nek aan die voertuig vasgemaak word nie, en die tou moet aan die voertuig vasgemaak word op dieselfde vlak as die knieë van die diere om, indien die diere sou val, die moontlikheid van ernstige besering of vrekke verminder word, en die tou moet lank genoeg wees sodat die diere gerieflik in 'n natuurlike posisie kan plat lê met sy kop regop.

BYLAE 2

Skutregisterinligting (artikel 12)

'n Skutregister moet, minstens, die volgende inligting bevat:

1. Naam van skut
2. Datum waarop diere ontvang is
3. Getal en beskrywing van diere
4. Brandmerke of merke op diere
5. Oorplaatjienommer deur die skutmeester toegeken
6. Naam en adres van die persoon wat die diere gevang het
7. Naam en adres van die persoon wat die diere by die skut besorg het
8. Naam en adres van die grondeienaar
9. Naam en adres van eienaar van diere
10. Naam en adres of beskrywing van plek waar die diere gevind is
11. Afstand tussen skut en plek waar diere gevang is
12. Besonderhede van skade deur diere veroorsaak
13. Vervoerkoste betaalbaar
14. Besonderhede oor afmaking of beskikking oor diere

15. Oorsaak van vrekke of besering van geskutte dier
16. Beskrywing en bedrag van skutgeld
17. Skadevergoeding deur Hof toegestaan
18. Datum waarop dier losgelaat is
19. Datum van verkoping van dier
20. Opbrengs uit verkoop van dier
21. Naam en adres van koper
22. Surplusbedrag (indien enige) aan eienaar of munisipaliteit oorbetaal
23. Kwitansienommer
24. Besonderhede van Hofbevel rakende dier wat nie per geregtelike veiling verkoop is nie

BYLAE 3

Gelde en koste per dier verskuldig en betaalbaar aan skutmeester (artikel 19)

Tipe gelde of koste	Bedrag van gelde of koste verskuldig en betaalbaar
1. Vervoergelde	Die kilometertarief vir die voertuig wat, na die skutmeester se goeddunke, redelik nodig is om die betrokke dier na die skut te vervoer, soos van tyd tot tyd deur die Automobiel Assosiasie van Suid-Afrika (AA) vasgestel
2. Alles-insluitende skutgeld, met inbegrip van die volgende: (a) die skutgeld; (b) oppasgelde; (b) dip- en bespuitingsgelde; (c) wonddresseringskoste en -gelde; (d) medisynekoste en -gelde; en (e) veeartsenykundige gelde	(i) R15-00 per dag, of deel daarvan, vir enige vark, skaap, bok; en (ii) R50-00 per dag, of deel daarvan, vir enige ander dier

BYLAE 4

Herroeping van wette (artikel 30)

Nommer en jaar van wet	Titel	Omvang van herroeping
Ordonnansie No. 32 van 1947	Skutordonnansie, 1947 (<i>Natal</i>)	In sy geheel
Ordonnansie No. 20 van 1952	Skutwysigingsordonnansie, 1952 (<i>Natal</i>)	In sy geheel
Ordonnansie No. 8 van 1954	Skutwysigingsordonnansie, 1954 (<i>Natal</i>)	In sy geheel
Ordonnansie No. 38 van 1956	Skutwysigingsordonnansie, 1956 (<i>Natal</i>)	In sy geheel
Ordonnansie No. 31 van 1964	Skutwysigingsordonnansie, 1964 (<i>Natal</i>)	In sy geheel
Ordonnansie No. 7 van 1965	Skutwysigingsordonnansie, 1965 (<i>Natal</i>)	In sy geheel
Ordonnansie No. 32 van 1969	Skutwysigingsordonnansie, 1969 (<i>Natal</i>)	In sy geheel
Ordonnansie No. 16 van 1978	Skutwysigingsordonnansie, 1978 (<i>Natal</i>)	In sy geheel
Ordonnansie No. 20 van 1983	Skutwysigingsordonnansie, 1983 (<i>Natal</i>)	In sy geheel
Ordonnansie No. 19 van 1986	Skutwysigingsordonnansie, 1986 (<i>Natal</i>)	In sy geheel

**UMTHETHO WEZIKIDI WAKWAZULU-NATALI, 2006
(UMTHETHO NO. 3 KA 2006)**

Uvunywe ngomhlaka 2006-10-04

UMTHETHO

Wokulawula ukusungulwa kwezikidi zomasipala kanye nokuvalelwa kwezilwane; kanye nokuhlinzekela oKunye okuphathele nalokho.

UKUHLELWA KWEZIGABA*Isigaba*

1. Izincazelo
 2. Ukusetshenziswa kanye nokuphathwa koMthetho
 3. Ukusungulwa kanye nokusebenza kwezikidi
 4. Ukuqokwa kwabagcinizikidi
 5. Izilwane eziqamula endaweni ngokungemthetho noma ezizulazulayo zingavalelwa esikidi
 6. Izilwane eziwuhlupho, ezinenkani ukuba zingavalelwa esikidi
 7. Ukukhululwa kwezilwane ngaphambili kokususwa esikidi
 8. Ukunakekelwa kwezilwane eziqamula endaweni ngokungemthetho
 9. Isikidi okumele izilwane zilethwe kuso
 10. Imininingwane okumele ihlinzekwe ngumgcinisikidi ngezilwane ezithunyelwe esikidi
 11. Ukwamukelwa kwezilwane okumele zivalelwe esikidi
 12. Irejista yesikidi
 13. Isaziso esiya kubanikazi bezilwane ezivalelwe esikidi
 14. Ukunakekelwa kwezilwane ezivalelwe esikidi
 15. Ukubekwa eceleni kwezilwane ezinezifo
 16. Ukuphathwa kwezilwane ezivalelwe esikidi
 17. Ukufa kanye nokulimala kwezilwane ezivalelwe esikidi
 18. Amakhophi oMthetho okumele atholakale
 19. Izimali ezikhokhelwa umgcinisikidi
 20. Ukukhululwa kwezilwane ezivalelwe esikidi
 21. Ukuthengiswa kwezilwane ezivalelwe esikidi
 22. Umgcinisikidi angethenge izilwane ezivalelwe esikidi
 23. Izilwane ezingakwazanga ukudayiseka
 24. Izinzuzo zokuthengisa
 25. Ukukhokhelwa ngomonakalo
 26. Inqubo elandelwayo ekufakweni kwesicelo eNkantolo
 27. Amacala kanye nezinhlawulo
 28. Imithethonqubo
 29. IziNhlelo 1, 2 kanye no-3 ezakha ingxenye yoMthetho
 30. Ukuchithwa kwemithetho
 31. Izinhlelo zesikhashana
 32. Isihloko esifingqiwe
- uHlelo 1: INqubo yokuSebenza Kahle ekuPhathweni kanye nasekuThuthweni kweZilwane eziValelwe
- uHlelo 2: Imininingwane yokuBhaliswa kwesiKidi
- uHlelo 3: Izimali kanye nezindleko ezikhokhelwa isilwane ngasinye futhi ekhokhwa kumgcinisikidi
- uHlelo 4: UkuChithwa kwemithetho

MAKUMISWE UMTHETHO yisiShayamthetho sesiFundazwe saKwaZulu-Natali kanje:—

Izincazelo

1. Kulo Mthetho, ngaphandle uma ingqikithi isho okunye —

“iGazethi” kusho iGazethi yesiFundazwe saKwaZulu-Natali esemthethweni;

“iLungu loMkhandlu oPhethe” kusho iLungu loMkhandlu oPhethe elibhekele ohulumeni basekhaya;

“imithethonqubo” kusho noma yimuphi umthethonqubo owenziwe ngokwesigaba 28;

“iNkantolo” kusho iNkantolo yeMantshi njengoba kubekiwe esigabeni 166(d) soMthethosisekelo, 1996, eyengamele indawo lapho isikidi sakhiwe khona;

“isikidi” kusho isikidi esisungulwe ngokwesigaba 3, kanye “nezikidi” zinencazelo efanayo;

“isilwane” kusho ihhashi, izinkomo, imbongolo, isiklabhu, imbuzi, ingulube, intshe,inja, ikati noma yiluphi uhlobo lwalezi zilwane, kanti “izilwane” zinencazelo efanayo;

“isivumelwano sokwethulwa kwemisebenzi” kusho isivumelwano sokwethulwa kwemisebenzi esichazwe ngokwesigaba 1 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000);

“lo Mthetho” kubandakanya imithethonqubo kanye neziNhlelo eziseMthethweni;

“ohulumeni basekhaya abahlelekile” kusho uSosesheni woHulumeni baseKhaya waKwaZulu-Natali oyileyo nhlango yesiFundazwe saKwaZulu-Natali esebenza ngokwesigaba 2(1) soMthetho woHulumeni baseKhaya abahlelekile, 1997 (uMthetho No. 52 ka 1997), othathwa njengomele iningi lomasipala esiFundazweni;

“umasipala” kusho umasipala ohlongozwe esigabeni 155 soMthethosisekelo weRiphabhuliki yaseNingizimu-Afrika, 1996, futhi esisungulwe ngaphansi kwezigaba 11 kanye no-12 zoMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), ezifundwa nezigaba 3, 4 kanye no-5 zoMthetho wokuNqunye kweziNhlelo zoMasipala waKwaZulu-Natali, 2000 (uMthetho No. 7 ka 2000), kanye “nomasipala” banencazelo efanayo;

“umgcinisikidi” kusho noma yimuphi umuntu oqokwe ngokwesigaba 4, futhi kubandakanya nanoma yimuphi umuntu obambele noma omele umgcinisikidi;

“umnikazi” maqondana nokunye kwalokhu —

- (a) nanoma yisiphi isilwane, kusho umnikazi owaziwayo, noma ukwaziwa kwakhe, ngokusebenzisa isizathu esizwakalayo, angaziswa, futhi kubandakanya umsebenzi womnikazi noma omunye umuntu ogcina ngokomthetho noma ofuye leso silwane; noma
- (b) nanoma yimuphi umhlaba, kusho umnikazi, futhi kubandakanya umqashi noma umnikazi wendawo osemthethweni noma umsebenzi wakhe.

Ukusetshenziswa kanye nokuPhathwa kwalo Mthetho

2. Lo Mthetho usebenza kubo bonke omasipala esiFundazweni saKwaZulu-Natali, futhi uphethwe yiLungu loMkhandlu oPhethe: Kuncike ekutheni lo Mthetho angeke usetshenziswe kumasipala, ngokombono weLungu loMkhandlu oPhethe, selisungule isikidi ngokwemithethodolobha kamasipala ehambisana nemigomo yoMthetho.

Ukusungulwa kanye nokusebenza kwezikidi

3.(1) Umasipala ngamunye ongenaso isikidi kumele, ezinyangeni eziyishumi nambili emuva kokuqaliswa kwalo Mthetho, usungule futhi usebenzise isikidi ukuze sisebenze endaweni onamandla kuso.

(2) Naphezu kwezinhlinzeko zesigatshana (1), umasipala ezinyangeni eziyishumi nambili emuva kokuqaliswa kwalo Mthetho, ungangena esivumelwaneni sokwethulwa kwemisebenzi nesikhungo noma nomuntu obekiwe esigabeni 76(b) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), ukuhlinzekela ngokusungulwa kanye nokusetshenziswa kwesikidi ukuthi sisetshenziswe endaweni owenganyelwe yiwo.

Ukuqokwa komgcinisikidi

4. Umasipala ngamunye kumele, ngokwenqubomgomo yawo yokuphathwa kwezindaba zabasebenzi, uqoke umuntu onekhono futhi onolwazi lomsebenzi wokuba ngumgcinisikidi: Kuncike ekutheni umasipala angeke waqoka lowo mgcinisikidi uma isikidi sisetshenziswa ngokwesigaba 3(2).

Izilwane ezinqamula endaweni ngokungemthetho noma ezizulazulayo zingavalelwa esikidi

5.(1) Umnikazi womhlaba lapho kutholakale isilwane siqamula khona ngokungemthetho angasigcina lesi silwane: Kuncike ekutheni lesi silwane singesuswe siyiswe kwesinye isikidi ngaphambi kokunikeza umnikazi isaziso esibhaliwe esikhathini esingaphansi kwamahora angamashumi amane nesishiyagalombili ngaphambi kokususwa esikidi.

(2) Noma yisiphi isilwane esitholakala sizulazula emgwaqeni noma endaweni yomphakathi singagcinwa ngokuvalelwa esikidi —

- (a) yilungu loMbutho wamaPhoyisa eNingizimu-Afrika;
- (b) yilungu loMbutho wezokuVikela kaZwelonke;
- (c) yilungu lamaPhoyisa oMgwaqo KwaZulu-Natali;
- (d) yilungu lamaphoyisa kamasipala noma lombutho wezokuvikela;
- (e) umnikazi wanoma yimuphi umhlaba oseduze noma ongenela endaweni yomphakathi.

(3) Umuntu angegcine isilwane, esigcinwe ngezinhloso zokusivalela esikidi ngokwezigatshana (1) kanye no-(2), isikhathi esingaphezulu kwamahora ayisithupha ngaphandle kokusipha ukudla namanzi.

(4) Noma yimuphi umuntu ogcine isilwane ngezinhloso zokusivalela esikidi kumele ahambisane nezinhlinzeko zeNqubo yokuSebenza Kahle ekuPhathweni kanye nasekuThutheni kweziLwane eziValelwe esiKidi equkethwe oHlelweni 1.

Izilwane eziwuhlupho, ezinenkani ukuthi zingavalelwa esikidi

6. Uma uDokotela weziLwane osebenzela uHulumeni noma isiphathimandla okukhulunywe ngaso esigabeni 5(2)(a) kuya ku (c) saneliseka ngokuthi isilwane esitholakale siqamula endaweni ngokungemthetho kunoma yimuphi umhlaba, noma sizulazula emgwaqeni womphakathi noma endaweni yomphakathi, sinobungozi, sinolaka ukuthi singavalelwa esikidi, angagunyaza ukubulawa kwaleso silwane emuva kokunikeza izizathu ngokubhaliwe futhi nesaziso esibhalelwe umnikazi wesilwane.

Ukukhululwa kwezilwane ngaphambi kokususwa esikidi

7.(1) Umnikazi wesilwane esigciniwe ngokwesigaba 5(1) angafaka isicelo kumnikazi womhlaba okukhulunywe ngawo esigabeni 5(1) ukuthi kukhululwe leso silwane ngaphambi kokususwa kwaso esikidi.

(2) Umnikazi womhlaba okukhulunywe ngaye esigabeni 5(1) —

(a) angakhulula leso silwane ngaphambili; noma

(b) anganqabela ukukhululwa kwesilwane, lapho engafaka khona isicelo eNkantolo segunya lokuvala isilwane noma afake isicelo sokukhokhelwa umonakalo odalekile, lapho iNkantolo ingakhipha umthetho, kubandakanya nomthetho wezimali iNkantolo ewubona ulingene.

(3) Umnikazi wesilwane esigciniwe ngokwesigaba 5(2) angafaka isicelo sokukhululwa kwaleso silwane ngaphambi kokususwa kwaso esikidi, lapho umuntu ogcine isilwane kumele asikhulule leso silwane.

Ukunakekelwa kwezilwane eziqamula endaweni ngokungemthetho

8. Umuntu angesebenze, asebenzise noma aphahe kabi isilwane esitholakale siqamula endaweni ngokungemthetho kunoma yimuphi umhlaba noma ngesikhathi leso silwane sisenqubeni yokususwa esikidi.

Isikidi okumele izilwane ziyiswe kuso

9. Isilwane esigcinwe ngenhloso yokuvala esikidi ngokwesigaba 5, kumele siyiswe esikidi esiseduze, ngendlela emfishane, futhi esikhathini esifishane: Kuncike ekutheni izilwane eziwuhlobo oluthile kumele zihlukaniswe ngaso sonke isikhathi zibekwe ngezinhlobo zazo.

Imininingwane okumele ihlinzekelwe umgcinisikidi wezilwane ezithunyelwe esikidi

10. Umuntu othumela izilwane esikidi kumele azise umgcinisikidi ngesikidi esitholakala eduze ngokubhala phansi —

(a) inombo kanye nencazelo yezilwane;

(b) umhlaba lapho izilwane zitholakale zinqamula endaweni ngokungemthetho; futhi

(c) nebanga ngamakhilomitha, ngendlela emfishane, phakathi kwendawo yalowo mhlaba lapho bezigciniwe khona nesikidi.

Ukwamukelwa esikidi kwezilwane ezizovalelwa esikidi

11. Umgcinisikidi angenqabe ukwamukela isilwane ukuthi sivalelwe esikidi.

Irejista yesikidi

12.(1) Umgcinisikidi ngamunye kumele —

(a) agcine irejista yesikidi equkethe imininingwane ehlongozwe oHlelweni 2, okumele itholakale ukuthi ihlolwe ngumphakathi ngezikhathi ezifanele; futhi

(b) agcwalise irejista yesikidi ngokushesha ekwamukelweni kwesilwane esikidi.

(2) Umgcinisikidi —

(a) oziba noma owenqabela ukuhambisana nanoma yiziphi izinhlinzeko zesigatshana (1);

(b) obhala ngokwazi okungesilo iqiniso kwirejista yesikidi;

(c) oshabalalisa noma osula noma yini eyayibhaliwe ngaphambili kwirejista yesikidi; futhi

(d) oleta ikhophi engesilo iqiniso ngenhloso noma okhipha kwirejista yesikidi noma yimuphi umuntu, uyothweswa icala.

Isaziso kubanikazi bezilwane ezivalelwe esikidi

13. Umgcinisikidi kumele ngokushesha azise umnikazi wesilwane esivalelwe esikidi ngokubhala phansi ukuvala kwanoma yisiphi isilwane.

Ukunakekelwa kwezilwane ezivalelwe esikidi

14.(1) Umgcinisikidi —

(a) unomthwalo wokunakekela kahle zonke izilwane ezivalelwe esikidi;

(b) kumele aqinisekise ukuthi amanzi ahlanzekile kanye nokudla okufanele kuyatholwa yizilwane ezivalelwe esikidi ngaso sonke isikhathi; futhi

(c) uyohlawuliswa ngumnikazi wesilwane esivalelwe esikidi ngomonakalo odalekile owenzeke ngenhloso noma ngokunganaki noma ngokungenzi obekufanele kwenziwe.

(2)(a) Uma umgcinisikidi ebona ukuthi isilwane esivalelwe esikidi sinobungozi, sikhubazekile noma sigula kakhulu, angafaka isicelo eNkantolo, engagunyaza ukubulawa noma okunye ukususwa kwesilwane esivalelwe esikidi, uma iNkantolo yaneliseka ukuthi isimo saleso silwane sidinga ukuthi sibulawe noma sisuswe.

(b) Lapho iNkantolo igunyaza ukubulawa noma ukususwa kwesilwane okufakwe ngesicelo ngumgcinisikidi, umgcinisikidi kumele ngokushesha azise ngokubhaliswe umnikazi wesilwane ngomyalelo weNkantolo kanye nokubulawa noma ngokweqiwa komthetho.

Ukubekwa eceleni kwezilwane ezinezifo

15. Noma yimuphi umgcinisikidi osola, noma owaziyo, ukuthi isilwane esivalelwe esikidi, noma isilwane esizovalelwa esikidi, sinanoma yisiphi isifo esihlongozwe eMthethweni weZifo zeziLwane, 1984 (uMthetho No. 35 ka 1984), kumele —

- (a) abe nendawo eseceleni yokugcina lesi silwane;
- (b) ngokushesha abeke eceleni isilwane, bese ebika isifo kuDokotela weziLwane osebenzela uHulumeni; futhi
- (c) ngokushesha azise umnikazi wesilwane esinaleso sifo ngokubhaliwe.

Ukuphathwa kwezilwane ezivalelwe esikidi

16. Umgcinisikidi —

- (a) angesebenze noma yingayiphi indlela asebenzise isilwane esivalelwe esikidi noma avumele ukuthi lesi silwane sisetshenziswe noma sisetshenziswe yinoma yimuphi umuntu; futhi
- (b) kumele aqinisekise ukuthi zonke izilwane ezivalelwe esikidi zesilisa ngaso sonke isikhathi ziyahlukaniswa nezilwane zesi-fazane.

Ukufa noma ukulimala kwezilwane ezivalelwe esikidi

17. Uma isilwane esivalelwe esikidi silimala noma sifa, umgcinisikidi kumele —

- (a) agcine umlando wokulimala noma imbangela yokufa kwaso kwirejista yesikidi okukhulunywe ngayo esigabeni 12; futhi
- (b) azise umnikazi wesilwane ngokubhaliwe maqondana nokulimala noma nokufa kwesilwane.

Amakhophi oMthetho kumele atholakale

18. Umgcinisikidi kumele aqinisekise ukuthi amakhophi afanelekile esiNgisi, isiZulu kanye nesiBhunu oMthetho ayatholakala esikidi ukuze ahlolwe.

Izimali ezikhokhelwa umgcinisikidi

19. Umgcinisikidi —

- (a) angakhokhisa, futhi akhokhelwe, ngumnikazi wesilwane esivalelwe esikidi izimali; futhi
- (b) akhokhelwe ngumnikazi wesilwane esivalelwe esikidi izimali zokudipha, zokwelashwa, zokugoma, noma okunye ukwelashwa okudingekile ngokoMthetho nanoma yimuphi omunye umthetho,

ngokuhambisana noHlelo 3.

Ukukhululwa kwezilwane ezivalelwe esikidi

20.(1) Umgcinisikidi kumele ngokushesha akhulule isilwane esivalelwe esikidi, futhi anikeze umnikazi wesilwane irisidi elibhaliwe, umnikazi —

- (a) ahlinzekele ngobufakazi bobunikazi baleso silwane; futhi
- (b) akhokhele umgcinisikidi noma iyiphi imali okumele ikhokhwe ngokwesigaba 19.

(2) Uma umnikazi wesilwane esivalelwe esikidi engakwazi ukukhokha izimali okumele zikhokhwe ngokwesigaba 19, umgcinisikidi angasigcina lesi silwane ukuze kukhokhwe lezo zimali.

Ukudayiswa kwezilwane ezivalelwe esikidi

21.(1) Umgcinisikidi kumele —

- (a) esikhathini esingangezinsuku eziyishumi nane kusukela kuvalelwa isilwane esikidi, afake isicelo eNkantolo segunya lokuthengisa isilwane; futhi
- (b) esicelweni esihlongozwe endimeni (a), ahlinzeke iNkantolo ngobufakazi bokuthi umgcinisikidi ufake isitatimende esiveza zonke izimali ezikhokhwe ngumnikazi, kubandakanya, nezimali zemonakalo, okumele zikhokhwe ngokoMthetho.

(2) Isitatimende esihlongozwe esigatshaneni (1)(b) kumele sibandakanye —

- (a) izimali ezitholwe ngumgcinisikidi; kanye
- (b) nenani lomonakalo odalekile kumnikazi womhlaba lapho kunqamule ngokungemthetho isilwane esivalelwe esikidi.

(3) Uma kwenzeka noma kungenzeki ukuthi izimali ezibekiwe esitatimendeni esihlongozwe esigatshaneni (1)(b) ziphikiswa, iNkantolo kumele —

- (a) kafushane iphenye lolu daba;
- (b) iphenye ukuthi isaziso sanikezwa umnikazi wesilwane ngumgcinisikidi; futhi
- (c) yenze umthetho obonakala ufanele futhi ulingene, kubandakanya nomthetho —
 - (i) wezimali okumele zikhokhwe; futhi
 - (ii) kwinqubo okumele ilandelwe ngumgcinisikidi ekudayisweni kwesilwane.

Umgcinisikidi angeke athenga izilwane ezivalelwe esikidi

22. Umgcinisikidi, noma ilungu lomndeni noma osondelene nomgcinisikidi, angeke athenga isilwane esidayisa endalini kuleso sikidi, ngokuzithengela yena qobo noma ngokuthengisa omunye umuntu.

Izilwane ezingadayisekanga

23. Esimweni lapho noma yisiphi isilwane esingadayisekanga njengoba kuhlongozwe esigabeni 21 —

- (a) umgcinisikidi kumele ngokushesha aluleke iNkantolo kanye nomnikazi wesilwane ngenani elilinganiselwe kanye nezimali okumele zikhokhwe; futhi
- (b) iNkantolo ingenza lowo myalelo njengoba ingabona kufanele.

Inzuzo yokudayisa

24. Uma noma yisiphi isilwane esivalelwe esikidi sidayiswe ngenani eleqile —

- (a) ezimalini ezibiziwe obekufanele zikhokhwe; futhi
- (b) nanoma yimuphi umonakalo okhokhwa ngokwesigaba 21,

lokhu kweqela kumele kukhokhwe ngumgcinisikidi ekhokhela umnikazi wesilwane zingakapheli izinsuku ezingamashumi amathathu kudayisiwe, ngaphandle uma umnikazi wesilwane engaziwa, kuleso simo imali eyeqile kumele ikhokhwe ngumgcinisikidi esikhwameni sokuqoqwa kwezimali zomasipala.

Ukukhokhelwa ngomonakalo

25. Akukho lutho kulo Mthetho okugwema noma yimuphi umuntu ozomisa isinyathelo kunoma iyiphi iNkantolo eyengamele ukuthi kukhokhelwe umonakalo owadaleka ngenxa yokunqamula kwesilwane ngokungemthetho.

Inqubo okumele ilandelwe ekufakweni kwesicelo eNkantolo

26. Isicelo esifakwe eNkantolo —

- (a) sokuvalwa kwesilwane esikidi ngokwalo Mthetho, kumele sihambisane nenqubo okukhulunywe ngayo kuMgomo 55 wemiGomo yaseNkantolo; kanye
- (b) nesokudayiswa kwesilwane esivalelwe esikidi ngokwalo Mthetho, kumele sihambisane nenqubo okukhulunywe ngayo esigabeni 66 soMthetho weziNkantolo zeMantshi, 1994 (uMthetho No. 32 ka 1944), kanye noMthetho 41 wemiThetho yeNkantolo, eyenziwe yimiThetho yeNkantolo yoMthetho ngokwesigaba 6 soMthetho weBhodi yemiThetho yeNkantolo yoMthetho, 1985 (uMthetho No. 107 ka 1985), futhi yashicilelwa kwiSaziso sikaHulumeni No. R. 118 kwiGazethi yemiThethonqubo No. 980 ngosuku lwama-21 kuNhlangulana 1968, njengoba yachitshiyelwa emya kwesikhathi, ifundwa noshintsho oludingekile.

Amacala kanye nezinhlawulo

27. Umuntu —

- (a) okhulula isilwane esagcinwa ngokusemthethweni ngenhloso yokusivalela esikidi noma esivalelwe esikidi ngokusemthethweni;
 - (b) ogcina isilwane ngokungemthetho ngenhloso yokusivalela esikidi;
 - (c) ovalela isilwane esikidi ngokungemthetho; noma
 - (d) ophikisana nanoma yikuphi okuhlinzekwe yilo Mthetho,
- uyothweswa icala futhi angathola inhlawulo, noma avalelwe ejele isikhathi esingeqile izinyangeni eziyisithupha.

Imithethonqubo

28.(1) ILungu loMkhandlu oPhethe, ngemuva kokubonisana nohulumeni basekhaya abahlelekile —

- (a) lingenza imithethonqubo eqondene nanoma yiluphi udaba okukhulunywe ngalo kulo Mthetho lapho, ngokubona kweLungu loMkhandlu oPhethe, lungadingeka noma lufanele ekusebenzeni noma ekuqhubeni izinhlinzeko kanye nezinjongo zalo Mthetho; noma
- (b) uma lisebenzisa lo Mthetho, kunezinkinga zokuphatha, lingenza imithethonqubo yokuqeda lezo zinkinga zokuphatha.

(2) Imithethonqubo ingahlinzekela ukuthi noma yimuphi umuntu ophikisana nanoma yimuphi umthethonqubo noma ehluleka ukuhambisana nalokhu unecala futhi uyothola inhlawulo, noma uyovalelwa ejele isikhathi esingeqile izinyanga eziyisithupha.

IziNhlelo 1, 2 kanye no-3 ezakha ingxenye yoMthetho

29.(1) IziNhlelo 1, 2, kanye no-3 kulo Mthetho zakha ingxenye yoMthetho ngazo zonke izinhloso.

(2) ILungu loMkhandlu oPhethe elibhekele, ngokufaka isaziso kwiGazethi futhi emva kokubonisana nohulumeni basekhaya abahlelekile, lingachibiyela iziNhlelo 1, 2, kanye no-3 kulo Mthetho.

Ukuchithwa kwemithetho

30. Imithetho ebaluliwe oHlelweni 4 ngalokhu iyachithwa ngendlela ebekiwe ohlwini lwesithathu loHlelo okukhulunywe ngalo.

Izinhlalo zesikhashana

31.(1) Isikidi esasungulwa ngokwe-Odinensi yeziKidi, 1947 (Odinensi No. 32 ka 1947) (yaseNatali) eyachithwa, siyaqhubeka futhi sisebenze ngokwezinhlinzeko ezihambisana nalo Mthetho kuze kube wusuku olwandulela usuku —

- (a) lokusungulwa kwesikidi ngokwesigaba 3(1) salo Mthetho; noma
- (b) lokuqala kokusebenza kwesivumelwano esihlongozwe ngokwesigaba 3(2) salo Mthetho.

(2) Ngokuhambisana nesigaba 15 soMthetho weziNhlelo zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000), umkhandlu kamasipala kumele, esikhathini esingeqile ezinyangeni eziyisithupha kusukela ngosuku lokuqala kokusebenza kwalo Mthetho, ubuyekeze izinhlinzeko zemithethodolobha yabo bonke omasipala ephathelene nokusungulwa kanye nokusebenza kwezikidi eziphethwe ngumasipala ukuqinisekisa ukusebenza ngokuhambisana nemigomo yalo Mthetho.

Isihloko esifingqiwe

32. Lo Mthetho ubizwa ngokuthi uMthetho weziKidi waKwaZulu-Natali, 2006.

UHLELO 1

INqubo yokuSebenza Kahle ekuPhatheni kanye nasekuThuthweni kweziLwane eziValelwe eziKidi (iSigaba 5(4))

INGXENYE 1

Izidingo zepaneko

1. Izilwane ezinhlobonhlobo kumele zigcinwe kumapaneko ahlukenene.

2. Izilwane zingevalelwe kumapaneko agcwele ngokweqile, kanti futhi indawo yokugcina izilwane ehlinzekelwe kuleso kulelo paneko kumele ibe ngeyenele ukuvumela ukuba zonke izilwane zilale.

3. Izilwane ezinolaka aziyukugcinwa nezinye izilwane.

4. Izilwane ezisencane, ezilunyuliwe, aziyukugcinwa nezilwane ezindala, ngaphandle kwesimo lapho kukhona unina kanye nomntwana.

5. Kumele kuhlinzekelwe lokhu, kumapaneko ezilwane —

- (a) izinto ezifana nezitsha zokufaka ukudla, imikhombe noma imikhombe ehlanzeka kalula, evumela ukuthi izilwane eziphansi zikwazi ukufinyelela ekudleni, futhi ezohlinzekelwa ngaphandle kokuphazanyiswa kwezilwane;
- (b) izitsha zamanzi ezinamanzi ahlanzekile ngaso sonke isikhathi;
- (c) izimpahla ezifanele zokuhlanza ipaneko; futhi
- (d) nezimpahla zokuphatha kahle izilwane ngokuphephile.

6.(a) Ipaneko kumele ngaso sonke isikhathi lihlale likhandiwe noma lilungisiwe.

(b) Izinto ezicijile ezifana nezingcingo, amabhodi aphukile, izipikili ezigobile, ezingabangela ubungozi ezilwaneni, kumele zisuswe noma zimbozwe kahle.

7. Iphansi lepaneko, kubandakanya udonga lokuthulula izinto, imijaho, kanye nemihubhe, kumele yakhiwe ukuze kuhlinzekelwe ngezindawo ezingashibiliki ezifanele futhi ezilungele ukuhlanza zigcinwe zomile futhi zisesimweni esifanele sokubamba izilwane.

INGXENYE II

Ukuphathwa kwezilwane

8. Izilwane kumele ngaso sonke isikhathi zigcinwe ngendlela efanelekile futhi ngesineke nangokubekczela.

9. Lokhu okulandelayo kumele kugcinwe emqondweni uma kuphathwa izilwane —

- (a) izilwane ziphendula ngokushesha okukhulu uma umqhubi wazo eziqhuba emi ngemuva kwezilwane kodwa endaweni lapho zizombona khona; futhi
- (b) izilwane eziluswayo ziphendula ngokushesha okukhulu uma ziqhutshwa ziwumhlambi kunokuba iqhutshwa ngayinye.

10. Izilwane aziyukudonsa ngemilenze, noma ngamakhandla, ngamadlebe noma ngemisila.

11. Amathole amancane kumele athwalwe uma engakwazi ukuzihambela kahle, ngokuthi kuphakanyiswe ithole esifubeni nasemilenzeni engemuva, noma kumele ziluswe isandla esisodwa sisemilenzeni owodwa engemuva kanye nomunye ongasehlombe noma emqaleni, bese lihanjiswa endleleni efanelekile nejubane elifanelekile.

12. Izinduku ezinekanivasi noma izitswebhu kuphela ezingasetshenziswa uma kuqhutshwa izilwane kanti futhi kungcono ukushaya phansi ngemuva kwesilwane kunokushaya isilwane uqobo.

13. Izindukwana zikagesi, izinswazi angeke zasetsheziwa ematholeni.

14. Izindukwana zikagesi angeke zasetsheziwa ngokudlulele noma ebusweni, ezinqeni noma ezithweni zesilwane.

INGXENYE III

Ukuhamba kwezilwane

15. Izilwane eziqhutshwa ngezinselo kumele ngaso sonke isikhathi zibhekwe kahle ngendlela efanele.

16. Izilwane ezihamba ngezinselo kumele ziqhutshwe ngendlela engagqilazi futhi chamba kahle, efanele ukuhamba izilwane, futhi engasheshi kunejubane lesilwane esihamba kancane.

17. Izilwane angeke zaqhutshwa isikhathi esingaphezulu kwamahora ayishumi ngaphandle kokuphunyezwa isikhathi esingangehora elilodwa futhi zihlinzekwe ngamanzi anele ahlanzekile.

18. Asikho isilwane esihamba ngezinselo esiyohamba ngokweqile kulamabanga alandelayo —

(a) ngesikhathi sohambo olungeqile osukwini olulodwa —

(i) iziklabhu nezimbuzi ziyohamba amakhilomitha angamashumi amabili; futhi

(ii) izinkomo ziyohamba amakhilomitha angamashumi amathathu; futhi

(b) ngesikhathi sohambo olungeqile osukwini olulodwa —

(i) iziklabhu nezimbuzi ziyohamba amakhilomitha angamashumi amabili ngosuku lokuqala bese kuba amakhilomitha ayishumi nanhlanu usuku nosuku olulandelayo; futhi

(ii) izinkomo ziyohamba amakhilomitha angamashumi amabili nanhlanu ngosuku lokuqala bese kuba amakhilomitha angamashumi amabili usuku nosuku olulandelayo.

19. Izilwane kumele ziphiwe amanzi kanye nokudla ngokushesha uma zifika endaweni yazo yokulala noma uma sezifikile endaweni lapho kuyiwa khona, ziphiwe ukudla okufanele okusezingeni elifanele futhi okufanele lolo hlobo lwezilwane.

20. Izilwane azinakuhanjiswa ebumnyameni.

21. Asikho isilwane esigulayo, esilimele noma esikhubazekile esiyohanjiswa ngezinselo.

INGXENYE IV

Izithuthi ezisetshenziselwa ukuthutha izilwane

22. Izithuthi kanye nazo zonke izinqola ezidonswa yizilwane ezihamba ngezinselo kumele zibe sesimweni esifanele ukuthi zidonswe yilezi zilwane futhi emgaqweni osesimweni esifanele.

23. Zonke izithuthi kanye nezinqola ezidonswayo okukhulunywe ngazo ohlamvini 22 kumele —

(a) zibe nephansi elingashibiliki elingezukuvimbela ukuhlanzeka kwephansi emotweni, izikhonkwane ezigudluzekayo noma izinsimbi ezinezikhala ezivulelekile;

(b) zingene kahle umoya kanye nokukhanya ngesikhathi zihamba noma zimile, ngaphandle kokuvaleka kwemoto;

(c) zivikeleke ngokufanelekile entuthwini yegesi, njengoba ukuba semoyeni othunqa igesi kungaphazamisa ukuphefumula kwezilwane noma kubangele ukukhathazeka;

(d) zibe nodonga olude ngokwanele oluvimbela izilwane ukuthi zingeqi noma ziwele ngaphandle kwemoto: Kuncike ekutheni —

(i) amacala kanye nezindonga, ezisetshenziswa emotweni ukuze kuhlukaniswe izilwane ezifakwe emotweni, kumele zibe nobude obungengaphansi kwehlombe lesilwane esikhulu kunezinye izilwane ezithuthwayo;

(ii) lapho kunezinkomo ngaphandle kwamathole, ubude kumele kube ngamamilimitha ayi-1 800; futhi

(iii) ubude kumele kube ngamamilimitha angama-750 uma kunezilwane ezincane;

(e) izimoto ezinamathayi amaningi, ubude phakathi kwamatilosi kumele kube ngokufanelekile, nalapho iziklabhu kanye nezingulube zingaphansi kwamamilimitha ayi-1000, ukuze izilwane ezinkulu zikwazi ukuma ngokujwayelekile, ngokukhululekile futhi zime ziqonde futhi kube nesikhala esanele sokungena komoya phezu kwezilwane;

(f) zibe nephansi eliqinile elingavuzi;

(g) ukuvuleka ngemuva kwemoto ukuze kulayishwe kuphinde kuthululwe kuvuleke ngokugcwele emotweni, lapho amacala, evuleka ububanzi obungekho ngaphansi kwamamilimitha angama-2 400; kanye

(h) namasango, anothango lokwahlukanisa nangenalo —

(i) akhiwe ngendlela eqinile futhi afaneleke ukuthutha okuthuthwayo okuhlosiwe; futhi

(ii) avuleke aphinde avuleke kalula futhi abopheke kahle.

24. Ukuhanjiswa kwezilwane ezibekwe endaweni ehlinzekelwe kumele kuqinisekise ukuphepha kanye nokukhululeka kwezilwane ngesikhathi zithuthwa, futhi ibe nendawo yaphansi eyanele ukuma isilwane —

(a) ingamasikwemitha angu-1,4 esilwane ngasinye esikhulu; kanye

(b) namasikwemitha angu-0,5 esilwane esincane.

INGXENYE V

Ukuphiwa kwezilwane amanzi nokudla ngaphambi kokulayishwa

25. Izilwane kumele zihlinzekelwe ngokudla okufanele kanye namanzi ahlanzekile kuze kube kuqalwa uhambo.

Inqubo yokulayisha kanye neyokuthutha

26. Ukulayisha kanye nokuthutha izilwane emotweni kumele kwenziwe ngokuthutha nangokuzotha, ngokubekezela futhi nangaphandle kokuhlukunyezwa, nokusatshiswa kwezilwane, ukuzilimaza, kanye nokuzikhathaza.

27. Asikho isilwane esiyolayishwa noma sithululwe ngokusiphakamisa ngekhandu, ngesiphanga, ngesikhumba, ngezindlebe, ngemisila, ngezimpondo noma ngemilenze.

28. Asikho isilwane esiyolayishwa noma sithululwe ngaphandle uma —

- (a) ummango unesisekelo esingashibiliki, uqine ngokwanele ukwesekela isisindo sezilwane ezithwelwe, onamacala noma izinsimbi eziqinile ukuvikela izilwane ukuthi zingeqi noma zingaweli ngaphandle kommango futhi nasendaweni eyehlela ibanga elingeqile kuma-25; noma
- (b) kwisisekelo sokulayisha esilingana nobude bephansi noma, lapho kuthululwa, amamilimitha angeqile kwayi-310 angaphansi kwezinga lemoto yokuthulula futhi nendawo eyehlelayo engekho ngaphezulu kwebanga elingama-25.

29. Lapho iloli lifakwe ummango ogudluzekayo kumele libe nesisekelo esingashibiliki futhi sibe nobude obufanele uma sehlisiwe, nokuthi ukwehlela kungehleli ngaphezulu kwendawo eyehlelayo okukhulunywe ngayo ohlamvini 28, enobude obusuka phansi buya ekugcineni kommango obungeqile kumamilimitha ayi-120.

30. Ummango kumele ulungiseke ngokufanele ube nobude obufanayo nalobo bephansi lemoto.

31. Uhambo kumele luqale ngokushesha emuva kokulayishwa kwezilwane eziphilayo futhi nezilwane kumele zithululwe ngokushesha uma sekufikiwe lapho kuyiwa khona.

32. Ngaphandle uma kuhlinzekelwe ngezinto ezifanele zokuhlukaniswa kahle kwezilwane, izilwane ezinhlobonhlobo angeke zalayishwa futhi zithuthwe ndawonye esithuthwini esisodwa.

33. Izilwane ezineminyaka eyahlukahlukene, ezingalingani futhi ezihlukile ngobulili angeke zalayishwa futhi zithuthwe ndawonye esithuthwini esisodwa ngaphandle uma kuhlinzekwe ngezinto ezifanele zokuhlukaniswa kahle lezo zilwane.

34. Izinkomo ezindala ezinezimpondo angeke zathuthelwa ndawonye nezinkomo eziyizingqudulu kanti futhi kumele zibekwe ngokuhlukaniswa.

35. Uma kunesizathu esenza kukholelwe ngukuthi isilwane singase sizale ngesikhathi sohambo oluhlongoziwe, isilwane angeke salayishwa emotweni.

36. Esimweni lapho isilwane sizala ngesikhathi sohambo, izinyathelo ezifanele kumele zithathwe ukuqinisekisa ukuvikeleka kukamama kanye nengane ekunyathelweni noma ekulimaleni noma ekuhlukunyezweni ngezinye izilwane.

37. Esimweni lapho —

- (a) kuphuka imoto yokuthutha;
- (b) kunengozi noma kunokushayisana kwezimoto lapho kubandakanywa nemoto ethuthayo; noma
- (c) kulimala, noma kufa, noma yisiphi isilwane esithuthwayo,

umqhubi wazo kumele abike imininingwane ngokushesha, futhi acele nosizo —

- (i) esimweni ebekwe endimeni (a), usizo kwabadonsa izimoto eziphukile;
- (ii) esimweni esibekwe indimeni (b), amaPhoyisa aseNingizimu Afrika kanye namaphoyisa omgwaqo; noma
- (iii) esimweni esibekwe endimeni (c), uDokotela weziLwane.

INGXENYE VI

Ukukhulekwa kwezilwane ngesikhathi sokuthuthwa

38. Lapho ukukhulekwa kwezilwane kungabanga ukulimala kwazo noma ukulimala kwesinye isilwane, kumele sikhulekwe ngendlela ezokwazi ukugwema ukulimala.

39. Azikho izilwane eziyokhulekwa amahora angaphezulu kwama-4 kunoma yisiphi isikhathi esiphakathi kwamahora angama-24.

40. Alukho ucingo noma ijoka eliyosetshenziselwa ukubopha imilenze noma izinyawo zesilwane.

41. Ukugwema ukukhulekwa noma ukuphuka komqala, isihibe angeke sasetshenziswa lapho izilwane zikhulekelwe emotweni ngezimpondo noma ngomqala, kanti nentambo kumele iboshelwe emotweni ilingane namadolo esilwane ukuze lapho izilwane ziwela ngaphandle kwemoto, ukulimala kakhulu kanye nokufa kwazo kunciphe, nentambo ibe yinde ngokwanele ukuvumela isilwane ukuthi sikwazi ukulala ngokukhuleleka ngendlela ejwayelekile ikhanda laso libheke phezulu.

UHLELO 2

Imininingwane yerejista lesikidi

(Isigaba 12)

Irejista yesikidi kumele, okungenani, iqukathe le mininingwane elandelayo —

1. Igama lesikidi
2. Usuku lokulethwa kwesilwane
3. Inombolo kanye nencazelo yesilwane
4. Uphawu lwesilwane
5. Inombolo elengiswa endlebeni ekhishwe ngumgcinisikidi
6. Igama kanye nekheli lomuntu obegcine isilwane

7. Igama kanye nekheli lomuntu othe isilwane esikidi
8. Igama kanye nekheli lomnikazi wendawo
9. Igama kanye nekheli lomnikazi wesilwane
10. Igama kanye nekheli noma incazelo yendawo lapho isilwane sitholakale khona
11. Ibanga lendawo lapho isilwane besigciniwe esikidi
12. Imininingwane yomonakalo odalwe yisilwane
13. Imali yokuthutha ekhokhwayo
14. Imininingwane yokubulawa noma yokususwa kwesilwane
15. Imbangela yokufa noma yokulimala kwesilwane esivalelwe esikidi
16. Incazelo kanye nenani lezimali zesikidi
17. Umonakalo okhishwe yiNkantolo
18. Usuku lokukhululwa kwesilwane
19. Usuku lokudayiswa kwesilwane
20. Inqubo yokudayiswa kwesilwane
21. Igama kanye nekheli lomthengi
22. Imali eyeqile (uma ikhona) ekhokhelwa umnikazi noma umasipala
23. Inombolo yerisidi
24. Imininingwane yoMyalelo weNkantolo ephathelene nesilwane esingadayisekanga endalini

UHLELO 3

Izimali kanye namanani akhokhelwa isilwane kanye nakhokhelwa umgcinisikidi (Isigaba 19)

Uhlobo lwemali noma inani	Inani lemali ekhokhwayo kanye nekhokhekayo
1. Imali yokuthutha	Imali yamakhilomitha esithuthi, okufanele ihambise isilwane esikidi, njengoba kunqume uSosesheni weziThuthi waseNingizimu Afrika (AA)
2. Zonke izimali zesiKidi, ezibandakanya — (a) imali yesikidi; (b) imali yokwalusa; (c) izimali zokudipha noma zokufuthwa kwesilwane; (d) izimali kanye namanani emithi; (e) izimali zikaDokotela weziLwane	(i) ama- R15-00 ngosuku, noma ingxenye yalokho, ingulube, isi klabhu noma imbuzi; kanye (ii) namarandi angama- R50-00 ngosuku, noma ingxenye ngalokho, yanoma yisiphi esinye isilwane.

UHLELO 4

Ukuchithwa kwemithetho (Isigaba 30)

Inombolo kanye nonyaka womthetho	Isihloko	Ubukhulu obuchithwayo
I-Odinensi No. 32 ka 1947	I-Odinensi yeziKidi, 1947 (<i>yaseNatali</i>)	Yonke
I-Odinensi No. 20 ka 1952	I-Odinensi yokuChitshiyelwa kweziKidi, 1952 (<i>yaseNatali</i>)	Yonke
I-Odinensi No. 8 ka 1954	I-Odinensi yokuChitshiyelwa kweziKidi, 1954 (<i>yaseNatali</i>)	Yonke
I-Odinensi No. 38 ka 1956	I-Odinensi yokuChitshiyelwa kweziKidi, 1956 (<i>yaseNatali</i>)	Yonke
I-Odinensi No. 31 ka 1964	I-Odinensi yokuChitshiyelwa kweziKidi, 1964 (<i>yaseNatali</i>)	Yonke
I-Odinensi No. 7 ka 1965	I-Odinensi yokuChitshiyelwa kweziKidi, 1965 (<i>yaseNatali</i>)	Yonke
I-Odinensi No. 32 ka 1969	I-Odinensi yokuChitshiyelwa kweziKidi, 1969 (<i>yaseNatali</i>)	Yonke
I-Odinensi No. 16 ka 1978	I-Odinensi yokuChitshiyelwa kweziKidi, 1978 (<i>yaseNatali</i>)	Yonke
I-Odinensi No. 20 ka 1983	I-Odinensi yokuChitshiyelwa kweziKidi, 1983 (<i>yaseNatali</i>)	Yonke
I-Odinensi No. 19 ka 1986	I-Odinensi yokuChitshiyelwa kweziKidi, 1986 (<i>yaseNatali</i>)	Yonke

KWAZULU-NATAL POUND ACT, 2006**(ACT NO. 3 OF 2006)****Assented to on 2006-10-04****ACT**

To regulate the establishment of municipal pounds and the impounding of animals; and to provide for matters connected therewith.

ARRANGEMENT OF SECTIONS*Section*

1. Definitions
 2. Application and administration of Act
 3. Establishment and operation of pounds
 4. Appointment of poundkeeper
 5. Trespassing or straying animals may be impounded
 6. Animals too vicious, intractable or wild to be impounded
 7. Release of animals before removal to pound
 8. Care of trespassing animals
 9. Pound to which animals must be taken
 10. Information to be supplied to poundkeeper of animals sent to pound
 11. Acceptance at pound of animals to be impounded
 12. Pound register
 13. Notice to owners of impounded animals
 14. Care of impounded animals
 15. Isolation of infected animals
 16. Treatment of Impounded animals
 17. Death of or injury to impounded animals
 18. Copies of Act to be made available
 19. Fees and costs payable to poundkeeper
 20. Release of impounded animals
 21. Sale of impounded animals
 22. Poundkeeper may not purchase impounded animals
 23. Animals unsuccessfully offered for sale
 24. Proceeds of sale
 25. Action for recovery of damages
 26. Procedure to be followed in applications to Court
 27. Offences and penalties
 28. Regulations
 29. Schedules 1, 2 and 3 form part of Act
 30. Repeal of laws
 31. Transitional arrangements
 32. Short title
- Schedule 1: Code of Good Practice on the Handling and Transportation of Impounded Animals
- Schedule 2: Pound register information
- Schedule 3: Fees and costs per animal due and payable to poundkeeper

Schedule 4: Repeal of laws

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:—

Definitions

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

“**animal**” means a horse, bovine, donkey, sheep, goat, pig, ostrich, dog, cat or the hybrid of any such animal, and “**animals**” has a corresponding meaning;

“**Court**” means a Magistrate’s Court as referred to in section 166(d) of the Constitution, 1996, having jurisdiction in the area in which the pound is situated;

“**Gazette**” means the official *Provincial Gazette* of KwaZulu-Natal;

“**municipality**” means a municipality contemplated in section 155 of the Constitution of the Republic of South Africa, 1996, and established by and under sections 11 and 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000), and “**municipalities**” has a corresponding meaning;

“**organised local government**” means the KwaZulu-Natal Local Government Association being that organisation in the Province of KwaZulu-Natal recognised in terms of section 2(1) of the Organised Local Government Act, 1997 (Act No. 52 of 1997), as representing the majority of municipalities in the Province;

“**owner**”, in relation to any —

(a) animal, means an owner who is known, or whose identity, with the exercise of reasonable diligence, can be ascertained, and includes the agent of the owner or other person having the lawful custody or possession of such animal; or

(b) land, means the owner, and includes a lessee or lawful occupier of such land or his or her agent;

“**pound**” means a pound established in terms of section 3, and “**pounds**” has a corresponding meaning;

“**poundkeeper**” means any person appointed in terms of section 4, and includes any person acting for or on behalf of the appointed poundkeeper;

“**regulations**” means any regulation made in terms of section 28;

“**responsible Member of the Executive Council**” means the Member of the Executive Council of the Province of KwaZulu-Natal responsible for local government;

“**service delivery agreement**” means a service delivery agreement as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“**this Act**” includes the regulations and the Schedules to the Act.

Application and administration of Act

2. This Act applies to all municipalities within the Province of KwaZulu-Natal, and is administered by the responsible Member of the Executive Council: Provided that the Act does not apply to a municipality which, in the opinion of the responsible Member of the Executive Council, has established a pound in terms of a municipal by-law that complies with the principles of this Act.

Establishment and operation of pounds

3.(1) Each municipality without a pound must, within 12 months after the commencement of this Act, establish and operate a pound to service its area of jurisdiction.

(2) Notwithstanding the provisions of subsection (1), a municipality may, within a period of 12 months after the commencement of this Act, enter into a service delivery agreement with an institution or person mentioned in section 76(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), to provide for the establishment and operation of a pound to service its area of jurisdiction.

Appointment of poundkeeper

4. Each municipality must, in terms of its human resource policy, appoint a suitably skilled and experienced person as a poundkeeper: Provided that a municipality may not appoint such poundkeeper if a pound is operated in terms of section 3(2).

Trespassing or straying animals may be impounded

5.(1) The owner of land upon which any animal is found trespassing may seize such animal for impounding: Provided that such animal may not be removed to a pound before notice is given to the owner in writing no less than 72 hours prior to the removal to the pound.

(2) Any animal found straying untended upon any public road or public place may be seized for impounding by —

(a) a member of the South African Police Services;

(b) a member of the South African National Defence Force;

(c) a member of the KwaZulu-Natal Road Traffic Inspectorate;

(d) a member of any municipal police or protection services; or

(e) the owner of any land through or alongside which such road passes or which abuts on such public place.

(3) A person may not keep an animal, seized for purposes of impounding in terms of in subsections (1) and (2), for a period longer than six hours without supplying such animal with adequate food and water.

(4) Any person who has seized an animal for purposes of impounding must comply with the provisions of the Code of Good Practice on the Handling and Transportation of Impounded Animals contained in Schedule 1.

Animals too vicious, intractable or wild to be impounded

6. If a Veterinarian, or in a situation where a veterinarian cannot be reached a member of the South African Police Services, is satisfied that an animal found trespassing on any land, or straying untended on a public road or public place, is too dangerously vicious, intractable or wild to be impounded, he or she may authorise the humane destruction or other disposal of the animal after giving written reasons and written notice thereof to the owner of the animal.

Release of animals before removal to pound

7.(1) The owner of an animal seized in terms of section 5(1) may apply to the owner of land referred to in section 5(1) for the release of such animal prior to its removal to the pound.

(2) The owner of land referred to in section 5(1) —

- (a) may release such animal forthwith; or
- (b) may refuse the release of the animal, whereupon he or she may apply to Court for authority to impound the animal or to claim any damages he or she may have suffered, in which event the Court may make any order, including an order as to costs that the Court deems just and equitable.

(3) The owner of an animal seized in terms of section 5(2) may apply to the relevant person referred to in S5(2) for the release of such animal prior to its removal to the pound, in which event the person who seized the animal must release such animal forthwith.

Care of trespassing animals

8. A person may not work, use or ill-treat an animal found trespassing on any land or whilst such animal is in the process of being removed to a pound.

Pound to which animals must be taken

9. An animal seized for the purpose of impounding in terms of section 5, must be removed to the nearest accessible pound, by the shortest practical route, and within the shortest practical time: Provided that animals of different species must be separated at all times according to their species.

Information to be supplied to poundkeeper of animals sent to pound

10. A person sending animals to the pound must provide the poundkeeper of the nearest accessible pound with the following —

- (a) the number and description of the animals in writing;
- (b) the land upon which the animals were found trespassing in writing;
- (c) the distance in kilometers, by the shortest practical route, between the place on such land where the animals were seized and the pound in writing; and
- (d) a copy of the notice given in terms of section 5(1).

Acceptance at pound of animals to be impounded

11. A poundkeeper may not refuse to accept an animal for impounding.

Pound register

12.(1) Each poundkeeper must —

- (a) maintain a pound register containing the information contemplated in Schedule 2, which must be available for public inspection at all reasonable times; and
- (b) complete the pound register immediately upon the acceptance into the pound of any animal.

(2) A poundkeeper who —

- (a) neglects or refuses to comply with any of the provisions of subsection (1);
 - (b) knowingly makes a false entry in the pound register;
 - (c) fraudulently destroys or erases any previous entry in the pound register; or
 - (d) wilfully delivers a false copy or extract from the pound register to any person,
- is guilty of an offence.

Notice to owners of impounded animals

13. A poundkeeper must immediately notify the owner of an impounded animal in writing of the impounding of any animal.

Care of impounded animals

14.(1) A poundkeeper —

- (a) is responsible for the proper care of all impounded animals;
- (b) must ensure that fresh water and sufficient food is available to impounded animals at all times; and
- (c) is liable to the owner of an impounded animal for any damage caused by his or her wilful or negligent acts or omissions.

(2)(a) If the poundkeeper is of the opinion that an impounded animal is dangerously vicious, permanently disabled or terminally ill, he or

she must apply to the Court, who may authorise the destruction or other disposal of the impounded animal, if the Court is satisfied that the condition of such animal warrants its destruction or disposal.

(b) Where the Court authorizes the destruction or disposal of an animal on application by the poundkeeper, the poundkeeper must immediately notify the owner in writing of the order of Court and the destruction or disposal of the animal.

Isolation of infected animals

15. Any poundkeeper who suspects, or is aware, that an impounded animal, or an animal to be impounded, is infected with any disease contemplated in the Animal Diseases Act, 1984 (Act No. 35 of 1984), must —

- (a) provide separate accommodation for such animal;
- (b) immediately isolate the animal, and report the disease to the nearest State Veterinarian; and
- (c) immediately notify the owner of the animal of such disease in writing.

Treatment of impounded animals

16. A poundkeeper —

- (a) may not work or in any way make use of an impounded animal or permit any such animal to be worked or made use of by any other person; and
- (b) must ensure that all impounded male animals are at all times kept apart from female animals.

Death of or injury to impounded animals

17. If an impounded animal is injured or dies, the poundkeeper must —

- (a) record the injury or cause of death in the pound register referred to in section 12; and
- (b) notify the owner of the animal in writing of the injury or death.

Copies of Act to be made available

18. A poundkeeper must ensure that sufficient legible copies of the English, *isiZulu* and Afrikaans texts of this Act are available at the pound for inspection.

Fees and costs payable to poundkeeper

19. A poundkeeper may —

- (a) charge, and recover from, the owner of an impounded animal the fees; and
- (b) recover from the owner of an impounded animal the cost of any dipping, inoculation, medical care or other treatment that may be necessary or required in terms of this Act or any other law,

in accordance with Schedule 3.

Release of impounded animals

20.(1) A poundkeeper must immediately release an impounded animal, and give the owner a written receipt, upon the owner —

- (a) providing proof of ownership of such animal; and
- (b) paying to the poundkeeper any fee and costs due in terms of section 19.

(2) If the owner of an impounded animal is unable to pay the fees or costs due in terms of section 19, a poundkeeper may retain such animal to recover such fees or costs as may be due and payable.

Sale of impounded animals

21.(1) The poundkeeper must —

- (a) within 14 days of the impounding of an animal, apply to the Court for authority to sell the animal; and
- (b) in the application contemplated in paragraph (a), provide the Court with proof that the poundkeeper lodged a statement with the owner setting forth all the amounts, including fees, costs and damages, due in terms of this Act.

(2) The statement contemplated in subsection (1)(b) must include —

- (a) the fees and costs incurred by the poundkeeper; and
- (b) the amount of any damages that the owner of the land on which the impounded animal trespassed, may have suffered.

(3) Whether or not the amounts set forth in the statement contemplated in subsection (1)(b) are disputed, the Court must —

- (a) summarily enquire into the matter;
- (b) enquire whether notice was given to the owner of the animal by the poundkeeper; and
- (c) make such order as it considers just and equitable, including an order —
 - (i) as to costs; and
 - (ii) on the process to be followed by the poundkeeper in the sale of the animal.

Poundkeeper may not purchase impounded animals

22. The poundkeeper, or a family member or close associate of the poundkeeper, may not purchase an animal offered for sale at a sale of the relevant pound, either personally or through another person.

Animals unsuccessfully offered for sale

23. In the event that any animal is not sold as contemplated in section 21 —

- (a) the poundkeeper must immediately advise the Court and the owner of its estimated value and the fees and costs incurred; and
- (b) the Court may make such order as it may deem just and equitable.

Proceeds of sale

24. If any impounded animal is sold at a price in excess of —

- (a) the fees and costs incurred; and
- (b) any damages awarded in terms of section 21,

such excess must be paid by the poundkeeper to the owner within 30 days of the sale, unless the identity of the owner has not been established, in which event the excess must be paid by the poundkeeper into the municipal revenue fund.

Action for recovery of damages

25. Nothing in this Act prevents any person from instituting action in any court with jurisdiction for the recovery of damages suffered by reason of a trespassing animal.

Procedure to be followed in applications to Court

26. An application to Court for —

- (a) the impoundment of an animal in terms of this Act, must comply with the procedure referred to in Rule 55 of the Rules of Court; and
 - (b) the sale of an impounded animal in terms of this Act, must comply with the procedure referred to in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court,
- made by the Rules Board for Courts of Law in terms of of the Rules Board for Courts of Law Act, 1985 (Act), and published under Government Notice No. R.1108 in *Regulation Gazette* No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

Offences and penalties

27. A person who —

- (a) releases an animal that was lawfully seized for the purpose of being impounded or which has been lawfully impounded;
- (b) unlawfully seizes an animal for the purpose of impounding it;
- (c) unlawfully impounds an animal; or
- (d) contravenes any provision of this Act,

is guilty of an offence and is liable on conviction to a fine, or to imprisonment for a period not exceeding six months.

Regulations

28.(1) The responsible Member of the Executive Council may, by notice in the *Gazette* and after consultation with organised local government —

- (a) make regulations concerning any matter referred to in this Act which, in the opinion of the responsible Member of the Executive Council, is or may be necessary or expedient for the effective carrying out or furtherance of the provisions and objects of this Act; or
- (b) if in the application of this Act, administrative problems are being experienced, make regulations to remove such administrative problems.

(2) The regulations may provide that any person contravening any regulation or failing to comply therewith is guilty of an offence and liable on conviction to a fine, or to imprisonment not exceeding six months.

Schedules 1, 2 and 3 form part of Act

29.(1) Schedules 1, 2, and 3 to this Act form part of the Act for all purposes.

(2) The responsible Member of the Executive Council may, by notice in the *Gazette* and after consultation with organised local government, amend Schedules 1, 2 and 3 to this Act.

Repeal of laws

30. The laws mentioned in Schedule 4 are hereby repealed to the extent set out in the third column of the said Schedule.

Transitional arrangements

31.(1) A pound established in terms of the repealed Pound Ordinance, 1947 (Ordinance No. 32 of 1947 (*Natal*)), continues to exist and operate in terms of the corresponding provisions of this Act until the day immediately before the date of —

- (a) the establishment of a pound in terms of section 3(1) of this Act; or
- (b) the coming into operation of an agreement contemplated in terms of section 3(2) of this Act.

(2) In accordance with section 15 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), a municipal council of a municipality must, within six months from the date of the coming into operation of this Act, review the provisions of every municipal by-law relating to the establishment and operation of pounds which the municipality administers to ensure their consistency with the principles of this Act.

Short title

32. This Act is called the KwaZulu-Natal Pound Act, 2006.

SCHEDULE 1**Code of Good Practice on the Handling and Transportation of Impounded Animals**
(Section 5(4))**PART I****Paddock requirements**

1. Different species of animals must be kept in separate paddocks.
2. Animals may not be penned in overcrowded paddocks, and penning space provided for in each paddock must be sufficient to permit all animals to lie down at the same time and must not be less than 1,5 square metres of floor area for each animal.
3. Fractious animals may not be kept with other animals.
4. Young, weaned juvenile animals, may not be penned with adult animals, except in the case of mother and offspring.
5. Provision must be made in paddocks for —
 - (a) facilities such as racks, mangers or other suitable feed containers that are easy to clean, which will allow the feeding of an animal off the floor, and which can be serviced without disturbing the animals;
 - (b) water troughs with an adequate supply of suitable fresh water at all times;
 - (c) sufficient facilities for the adequate cleaning of paddocks; and
 - (d) facilities for the safe handling of animals.
- 6.(a) The paddocks must at all times be maintained in a good state of repair.
(b) Sharp points such as wire ends, broken boards, jagged ends or protruding hinges or bolts, which could cause injury to animals, must be removed or otherwise suitably covered.
7. The floor of the entire paddock, including the off-loading banks, races, and passages, must be so constructed as to provide adequate non-slip surfaces that can be efficiently and suitably cleaned and kept dry and in a condition fit for the holding of animals.

PART II**Handling of animals**

8. Animals must at all times be handled humanely and with patience and tolerance.
9. The following must be kept in mind when handling animals —
 - (a) animals respond more readily to being driven when the driver stands behind the animal but within its field of vision; and
 - (b) herd animals respond more readily to being driven when in a group rather than singly.
10. Animals may not be dragged by their legs, or carried by their head, ears or tail.
11. Young calves must be carried if they cannot walk with ease, by lifting the calf around the chest and hindquarters, alternatively they must be guided with one hand on the hindquarters and the other near shoulder or neck, and walked in the required direction at an appropriate and comfortable pace.
12. Only sticks with canvas or belting flaps may be used when driving animals and it is preferable to strike the ground behind the animal rather than to hit the animal.
13. Electric prodders, sticks or goads may not be used on young calves.
14. Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

PART III**Movement of animals**

15. Animals driven on the hoof must at all times be under proper and competent supervision.
16. Animals on the hoof must be driven in a calm manner at a gait that is relaxed and comfortable, natural to that animal, and not faster than the pace of the slowest animal.
17. Animals may not be driven for periods in excess of 10 hours without being given rest of at least one hour and provided with sufficient suitable fresh water that is available to all the animals.
18. No animal on the hoof may be moved in excess of the following distances —

- (a) during a journey of not more than one day's duration —
 - (i) 20 kilometres for sheep and goats; and
 - (ii) 30 kilometres for cattle; and
- (b) during a journey of more than one day's duration —
 - (i) 20 kilometres during the first day and 15 kilometres during each subsequent day for sheep and goats; and
 - (ii) 25 kilometres during the first day and 20 kilometres during each subsequent day for cattle.

19. Animals must be watered and fed immediately on reaching their night camp or final destination, with sufficient food of a quality and of a type compatible with the species.

20. Animals may not be moved in the dark.

21. No sick, injured or disabled animal may be moved on the hoof.

PART IV

Vehicles used in transporting animals

22. Vehicles and all trailers used in the transport of hoofed animals must be suitable for the transport of such animals and in a road-worthy condition.

23. All vehicles and trailers referred to in item 22 must have —

- (a) a suitable non-slip floor which may not impede the cleaning of the floor of the vehicle, with hinged or removable battens or steel grids being permissible;
- (b) adequate ventilation and light whilst in motion as well as when stationary, with no vehicle being totally enclosed;
- (c) adequate protection from exhaust gasses, as exposure to exhaust fumes could interfere with the animals' respiration or cause distress;
- (d) sidewalls high enough to prevent animals from escaping or falling out of the vehicle: Provided that —
 - (i) the sides and partitions, when used in a vehicle to separate animals carried therein, must be of a height not lower than the shoulder joint of the largest animal being transported;
 - (ii) in the case of cattle other than calves, the minimum height must be 1 800 millimetres; and
 - (iii) the minimum height must be 750 millimetres in the case of any smaller animals;
- (e) in multi-tier vehicles, heights between decks must be adequate, and in case of sheep and pigs not less than 1 000 millimetres, to enable the largest animals to stand naturally, freely and fully erect and to allow adequate space for the free flow of air above the animals;
- (f) floors that are solid and impervious;
- (g) loading and offloading openings at the rear of the vehicle that are the full width of the vehicle or, if at the sides, a width not less than 2 400 millimetres; and
- (h) gates, with or without partitions —
 - (i) of a design and construction strong enough and suitable for the conveyance of the intended consignment; and
 - (ii) that open and close freely and are able to be well-secured.

24. The density of animals packed into any given space must be such as to ensure the safety and comfort of the animals during transport, and the recommended floor space per animal is —

- (a) 1,4 square metres per large animal; and
- (b) 0,5 square metre per small animal.

PART V

Watering and feeding of live animals prior to loading

25. Animals must be provided with sufficient and suitable food and fresh water until the commencement of the journey.

Loading and off-loading procedure

26. Loading and off-loading into or out of a vehicle must be accomplished as quietly and calmly as possible, with patience and tolerance and without undue harassment, terrifying of the animals, bruising, injury, suffering or undue stress.

27. No animal may be loaded or off-loaded by lifting by the head, fleece, skin, ears, tails, horns or legs.

28. No animals may be loaded or off-loaded otherwise than —

- (a) by means of a ramp with a non-slip surface, sturdy enough to support the weight of the species of animals being handled, with side panels or bars adequate to prevent animals escaping or falling off the ramp and of an incline not steeper than 25 degrees; or
- (b) at a loading bank equal to the height of the floor of the vehicle or, at off-loading, not more than 310 millimetres below the level of the off-loading vehicle and with an incline not exceeding 25 degrees.

29. Where a truck is equipped with an onboard removable loading ramp it must have a non-slip surface and be of a sufficient length when lowered, that the inclination is no steeper than the inclines referred to in item 28, with the distance from the ground to the heel of the ramp not exceeding 120 millimetres.

30. Ramps must be correctly adjusted to the exact height of the vehicle's floor.

- 31.** Journeys must commence as soon as possible after the live animals have been loaded and the animals must be promptly off-loaded upon arrival at the destination.
- 32.** Unless adequate provision has been made for effective separation, different species of animals may not be loaded and transported in the same vehicle.
- 33.** Animals of different ages, sizes and sexes may not be loaded and transported in the same vehicle unless adequate provision has been made for the effective separation of such animals.
- 34.** A dult horned cattle may not be transported with polled cattle and they must also be penned separately.
- 35.** When there is reason to believe that an animal is likely to give birth in the course of a proposed journey, the animal may not be loaded onto a vehicle.
- 36.** In the case of an animal giving birth during transport, the necessary measures must be taken to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.
- 37.** In the event of —
(a) a breakdown of the transport vehicle;
(b) an accident or collision in which the transport vehicle is involved; or
(c) injury to, or death of, any animal in transit, the carrier must immediately report the details to, and request assistance from —
(i) in the case of paragraph (a), a breakdown service;
(ii) in the case of paragraph (b), the South African Police and the traffic authorities; or
(iii) in the case of paragraph (c), a veterinarian.

PART VI

Restraining of animals during transportation

- 38.** Where the transport of any animal may cause injury to itself or any other animal, it must be restrained in such a manner as to prevent such injury.
- 39.** No animals may be kept in restraint for more than 4 hours in any 24-hour period.
- 40.** No wire or bailing twine may be used for tying the animal's legs or feet.
- 41.** To avoid strangulation or neck-break, a slipknot may not be used where animals are secured to the vehicle by horns or neck, and the rope must be attached to the vehicle at the level of the animal's knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortably in a natural position with its head upright.

SCHEDULE 2

Pound register information (Section 12)

A pound register must, at least, contain the following information —

1. Name of pound
2. Date of receipt of animal
3. Number and description of animals
4. Brands or markings on animal
5. Ear tag number assigned by the poundkeeper
6. Name and address of person who seized the animal
7. Name and address of person who delivered the animal to the pound
8. Name and address of owner of land
9. Name and address of owner of animal
10. Name and address or description of place where animal was found
11. Distance from location where animal was seized to pound
12. Particulars of damage caused by the animal
13. Transport fees payable
14. Details of destruction or disposal of animal
15. Cause of death or injury of impounded animal
16. Description and amount of pound fees
17. Damages awarded by Court

18. Date of release of animal
19. Date of sale of animal
20. Proceeds of sale of animal
21. Name and address of purchaser
22. Excess amount (if any) paid to owner or municipality
23. Receipt number
24. Details of Order of Court with regard to animal not sold in execution

SCHEDULE 3

Fees and costs per animal due and payable to poundkeeper (Section 19)

Type of fee or cost	Amount of fee or cost due and payable
1. Transport fee	The kilometre tariff for the vehicle which, in the discretion of the poundkeeper, is reasonably necessary to transport the relevant animal to the pound, as determined by the Automobile Association of South Africa (AA) from time to time
2. All inclusive Pound fee, which includes — (a) the pound fee; (b) a tending fee; (b) dipping or spraying fees; (c) wound dressing costs and fees; (d) medication costs and fees; and (e) veterinarian fees	(i) R15-00 per day, or part thereof, for any pig, sheep or goat; and (ii) R50-00 per day, or part thereof, for any other animal

SCHEDULE 4

Repeal of laws (Section 30)

Number and year of law	Title	Extent of repeal
Ordinance No. 32 of 1947	Pound Ordinance, 1947 (<i>Natal</i>)	The whole
Ordinance No. 20 of 1952	Pound Amendment Ordinance, 1952 (<i>Natal</i>)	The whole
Ordinance No. 8 of 1954	Pound Amendment Ordinance, 1954 (<i>Natal</i>)	The whole
Ordinance No. 38 of 1956	Pound Amendment Ordinance, 1956 (<i>Natal</i>)	The whole
Ordinance No. 31 of 1964	Pound Amendment Ordinance, 1964 (<i>Natal</i>)	The whole
Ordinance No. 7 of 1965	Pound Amendment Ordinance, 1965 (<i>Natal</i>)	The whole
Ordinance No. 32 of 1969	Pound Amendment Ordinance, 1969 (<i>Natal</i>)	The whole
Ordinance No. 16 of 1978	Pound Amendment Ordinance, 1978 (<i>Natal</i>)	The whole
Ordinance No. 20 of 1983	Pound Amendment Ordinance, 1983 (<i>Natal</i>)	The whole
Ordinance No. 19 of 1986	Pound Amendment Ordinance, 1986 (<i>Natal</i>)	The whole