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Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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DEPARTEMENT VAN LANDBOU.

Onderstaande Wetsontwerpe word ter algemene inligting gepubliseer:—

	BLADSY
Veebrandmerkwetsontwerp	2
Wetsontwerp op Siektes en Parasiete van Diere ...	18

DEPARTMENT OF AGRICULTURE.

The following Bills are published for general information:—

	PAGE
Livestock Brands Bill	3
Diseases and Parasites of Animals Bill...	19

WETSONTWERP

Om die wet betreffende die brandmerk van vee en bykomstige aangeleenthede te konsolideer en te wysig.

(Deur die MINISTER VAN LANDBOU ingedien te word.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en Volksraad van die Unie van Suid-Afrika, as volg:—

Kort titel en datum van in werking treding.

1. Hierdie Wet heet die Veebrandmerkwet 195—, en tree in werking op 'n datum wat deur die Goewerneur-generaal vasgestel en in die *Staatskoerant* bekendgemaak word. 5

Herroeping van Wette.

2. Die wette genoem in die Bylae van hierdie Wet word hiermee herroep vir sover hulle in die vierde kolom van die Bylae aangedui word.

Woordbepalings.

3. In hierdie Wet, tensy die inhoud anders aandui of 'n ander betekenis klaarblyklik is, beteken:

„brandmerk” as 'n selfstandige naamwoord 'n merk gemaak of geplaas op 'n veedier of bedoel om gemaak of geplaas te word op 'n veedier vir watter doel ookal maar sluit nie in nie— 15

(a) 'n sodanige merk gemaak of geplaas op die horing of die hoof; of

(b) 'n sodanige merk gemaak met verf op grootvee of volstruise; of

(c) 'n oormerk; of 20

(d) 'n knip, klinknael of etiket wat aan die oor vas is of 'n merk op sodanige knip, klinknael of etiket;

(e) 'n tattoeëermerk; of

(f) 'n ander merk wat die Minister by kennisgewing 25 in die *Staatskoerant* van hierdie woordbepalings uitsluit.

„brandmerk” as 'n werkwoord om 'n brandmerk op 'n veedier te maak of te plaas.

„brandyster” 'n instrument wat gebruik word of bedoel 30 word om veediere mee te brandmerk maar nie 'n sodanige instrument wat die Minister by kennisgewing in die *Staatskoerant* van hierdie woordbepaling uitsluit nie;

„kanselleer” ten opsigte van 'n brandmerk op 'n veedier 35 die uitwissing van sodanige brandmerk op die voorgeskrewe wyse;

„beeste” ook 'n bul, os, tollie, koei, vers en kalf;

„oormerk” 'n merk aan die oor aangebring in die vorm van 'n sny, stompsny, uitsny, gaatjieknip of slipsny; 40

„groep” ten opsigte van vee grootvee, kleinvee of volstruise al na die geval;

„huid” die huid of vel van 'n veedier;

„perd” ook 'n perd, donkie of muil;

„inspekteur” 'n inspekteur van brandmerke ingevolge 45 hierdie Wet;

„grootvee” beeste en perde en ander diersoorte of diere wat die Minister by kennisgewing in die *Staatskoerant* in hierdie woordbepaling kan insluit.

„vee of veediere” ook beeste, perde, skape, bokke, volstruise of ander diersoorte of diere wat die Minister by kennisgewing in die *Staatskoerant* in hierdie woordbepaling kan insluit;

„Minister” die Minister van Landbou of iemand wat in daardie hoedanigheid waarneem of optree; 55

„eienaar” ten opsigte van 'n geregistreerde brandmerk iemand in wie se naam die brandmerk geregistreer is;

„geregistreer” geregistreer ingevolge hierdie Wet;

„registrateur” die registrateur van brandmerke ingevolge hierdie Wet; 60

„kleinvee” skape en bokke en ander diersoorte of diere wat die Minister by kennisgewing in die *Staatskoerant* in hierdie woordbepaling kan insluit;

„tattoeëer” die merk van vee deur Oosindiese ink of ander kleurstof of kleursel in gaatjies daarop gemaak in te 65 vryf;

„hierdie Wet” ook regulasies daarkragtens gemaak.

BILL

To consolidate and amend the law relating to the branding of livestock and matters incidental thereto.

(To be introduced by the MINISTER OF AGRICULTURE.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and House of Assembly of the Union of South Africa, as follows:—

1. This Act may be cited as the Livestock Brands Act, 195—, and shall come into force on a date to be fixed by the Governor-General and notified in the *Gazette*. Short title and date of commencement.

2. The laws set forth in the Schedule to this Act are hereby repealed to the extent specified in the fourth column of the Schedule. Repeal of laws.

3. In this Act, unless the context indicates otherwise, or another meaning is clearly intended: Definitions.

“brand”, as a noun, means any mark made or placed or intended to be made or placed on any livestock for any purpose whatsoever, but does not include—

- (a) any such mark made or placed on the horn or hoof; or
- (b) any such mark made with paint on large stock or ostriches; or
- (c) any earmark; or
- (d) any clasp, rivet or tag attached to an ear, or any mark made on such clasp, rivet or tag; or
- (e) any tattoo mark; or
- (f) any other mark, which the Minister may by notice in the *Gazette* exclude from this definition.

“brand”, as a verb, means to make or place a brand on any livestock;

“branding iron”, means any instrument used or intended to be used for branding livestock, but does not include any such instrument which the Minister may by notice in the *Gazette* exclude from this definition;

“cancel” in relation to a brand on any livestock means to obliterate such brand in the prescribed manner;

“cattle” includes any bull, ox, steer, cow, heifer and calf;

“earmark” means any mark made on the ear of livestock by cutting, cropping, punching or slitting the ear;

“group” in relation to livestock means large stock, small stock or ostriches, as the case may be;

“hide” means the hide or skin of any livestock;

“horse” includes any horse, ass or mule;

“inspector” means an inspector of brands under this Act;

“large stock” means cattle and horses and any other species of animal which the Minister may by notice in the *Gazette* include in this definition;

“livestock” includes cattle, horses, sheep, goats, ostriches, and any other species of animal which the Minister may by notice in the *Gazette* include in this definition;

“Minister” means the Minister of Agriculture or any other person acting in that capacity;

“owner” in relation to any registered brand means the person in whose name the brand is registered;

“registered” means registered under this Act;

“registrar” means the registrar of brands under this Act;

“small stock” means sheep and goats, and any other species of animal which the Minister may by notice in the *Gazette* include in this definition;

“tattoo” means to mark any livestock by inserting indian ink or other pigment or colouring matter into punctures made thereon; and

“this Act” includes any regulations made thereunder.

Registrateur en inspekteur.

4. (1) Die Minister wys aan 'n beampte van sy Departement die bevoegdheid en pligte toe van 'n registrateur van brandmerke kragtens hierdie Wet en aan sodanige ander beamptes of persone as hy nodig en raadsaam ag die bevoegdheid en pligte van inspekteurs van brandmerke.

(2) Die registrateur het *ex officio* al die bevoegdheid van 'n inspekteur kragtens hierdie Wet.

Brandmerke-register.

5. Die registrateur hou in die voorgeskrewe vorm 'n register van al die brandmerke wat kragtens hierdie Wet geregistreer, oorgedra, laat vaar en gekanselleer is en ook ander aantekeninge wat die Minister vir die toepassing van hierdie Wet voorskryf.

Voorgeskrewe gelde.

6. Behalwe waar hierdie Wet anders bepaal of waar anders voorgeskryf word, word 'n voorgeskrewe bedrag geld betaal vir die registrasie of oordrag van 'n brandmerk en die registrateur registreer of dra geen brandmerk oor nie tensy die voorgeskrewe bedrag geld, indien enige, nie betaal is nie: Met dien verstande dat geen geld geëis word vir die registrasie van 'n brandmerk in die naam van 'n applikant daarvoor as hy—

(a) die registrateur tevrede stel dat hy by die aanvang van hierdie Wet die eienaar was van 'n brandmerk geregistreer ingevolge 'n wet wat deur hierdie Wet herroep is; en

(b) binne ses maande van die aanvang van hierdie Wet by die registrateur op die voorgeskrewe wyse aansoek doen om die registrasie van 'n brandmerk in sy naam ingevolge hierdie Wet om die een waarvan hy die eienaar is ingevolge die herroepe Wet te vervang.

Lyste van brandmerke.

7. Die Minister van lyste van brandmerke voorskryf vir gebruik op onderskeidelik—

- (a) grootvee;
- (b) kleinvee; en
- (c) volstruise;

en kan van tyd tot tyd byvoeg aan of sulke lyste wysig soos hy nodig ag: Met dien verstande dat geen brandmerk van so 'n lys verwyder word solank dit in die naam van iemand geregistreer is nie.

Aansoeke om die registrasie van brandmerke.

8. (1) Behoudens die bepalings van hierdie Wet kan 'n eienaar van vee van die groepe genoem in artikel sewe doen by die registrateur om die registrasie van 'n brandmerk vir gebruik op sy vee van die groep gespesifiseer in die aansoek. Sulke aansoeke word gemaak in die voorgeskrewe vorm en gaan vergesel van die bedrag geld voorgeskryf, indien voorgeskryf.

(2) Nadat die registrateur homself tevredegestel het dat die aansoeke in orde is registreer hy die eerste beskikbare brandmerk op die lys van brandmerke vir die betrokke groep in die naam van die applikant en reik aan hom 'n registrasiesertifikaat in die voorgeskrewe vorm uit en dan is die applikant kragtens hierdie Wet die eienaar van sodanige brandmerk.

Stamboekmerke.

9. (1) Die Suid-Afrikaanse Stamboektelersvereniging of 'n ras- of veeregistergenootskap daarmee geaffilieer en ingevolge die Registrasie van Stamboek Vee Wet, 1920 (Wet No. 22 van 1920) ingekorporeer kan op die voorgeskrewe vorm vergesel van die voorgeskrewe bedrag geld, indien voorgeskryf, by die registrateur aansoek doen om die registrasie in sy naam van 'n stamboekmerk.

(2) 'n Stamboekmerk kan 'n brandmerk, 'n oormerk, of 'n tatoeëermerk wees van 'n grootte fatsoen, ontwerp en samestelling soos die Minister goedkeur en dit word op die veedier geplaas op sodanige manier en op sodanige plek as die Minister voorskryf.

(3) Met die goedkeuring van die Minister registreer die registrateur in die naam van die vereniging of genootskap wat daarom aansoek doen 'n stamboekmerk, reik 'n registrasiesertifikaat uit en gee kennis van die registrasie in die *Staatskoerant*.

(4) Die sertifikaat en kennisgewing toon albei die naam van die vereniging of genootskap, 'n beskrywing van die stamboekmerk, die besondere diersoort en veeras wat daarmee gemerk kan word en die manier en plek waarop dit op die veedier gemaak kan word.

Gebruik van stamboekmerke.

10. 'n Geregistreerde stamboekmerk word nie gemaak of geplaas op 'n veedier nie ander as in ooreenstemming met die reëls en verordeninge wat die gebruik daarvan beheer wat die

4. (1) The Minister shall assign to an officer of his Department the powers and duties of registrar of brands under this Act, and to such other officers or persons as he may deem necessary and expedient the powers and duties of inspectors of brands. Registrar and inspectors.

(2) The registrar shall have *ex officio* all the powers of an inspector under this Act.

5. The registrar shall keep in the prescribed form a register of all the brands registered, transferred, surrendered, and cancelled under this Act, and such other records as the Minister may prescribe for the purposes of this Act. Brands register.

6. Save as is otherwise provided in this Act, or as may be prescribed, a prescribed fee shall be paid for the registration or transfer of a brand, and the registrar shall not register nor transfer any brand, in respect of which the prescribed fee, if any, has not been paid: Provided that no fee shall be charged for the registration of a brand in the name of an applicant therefor— Prescribed fees.

(a) who satisfies the registrar that at the commencement of this Act he was the owner of a brand registered under a law repealed by this Act; and

(b) who within six months after the commencement of this Act applies to the registrar in the prescribed form for the registration in his name of a brand under this Act to replace the one owned by him under the repealed law.

7. The Minister may prescribe lists of brands for use respectively on— Lists of brands.

- (a) large stock;
- (b) small stock; and
- (c) ostriches;

and he may from time to time add to and amend such lists as he may deem necessary: Provided that no brand shall be removed from any such list while it stands registered in the name of any person.

8. (1) Subject to the provisions of this Act any owner of livestock included in any of the groups mentioned in section seven may apply to the registrar for the registration in his name of a brand for use on his livestock of the group specified in the application. Such applications shall be made in the prescribed form, and shall be accompanied by the fee, if any, prescribed. Applications for the registration of brands.

(2) On being satisfied that the application is in order the registrar shall register in the name of the applicant the first available brand in the list of brands for the group in question, and issue to him a certificate of registration in the prescribed form, and thereupon the applicant shall be the owner of such brand under this Act.

9. (1) The South African Stud Book Association, or any breed or livestock record society affiliated thereto, incorporated under the Registration of Pedigree Livestock Act, 1920 (Act No. 22 of 1920), may apply to the registrar in the prescribed form, accompanied by the prescribed fee, if any, for the registration in its name of a pedigree mark. Pedigree marks.

(2) A pedigree mark may be a brand, or earmark, or tattoo mark, of such size, shape, pattern, and composition as the Minister may approve, and it shall be placed on livestock in such manner and position as he may direct.

(3) With the approval of the Minister the registrar shall register a pedigree mark in the name of the applicant association or society and shall issue to it a certificate of registration, and give notice of the registration in the *Gazette*.

(4) The certificate and notice shall both set out the name of the association or society, a description of the pedigree mark, the particular species and breed of livestock which may be marked therewith, and the manner and position in which the mark may be made on such livestock.

10. A registered pedigree mark shall not be made or placed on any livestock except in accordance with the rules or by-laws governing its use, which the association or society in whose Use of pedigree marks.

vereniging of genootskap in wie se naam dit geregistreer is met die goedkeuring van die Minister kan maak en dit kan gemaak of geplaas word op veediere saam met die eienaar se registreerde brandmerk wat nie daardeur gekanselleer word nie.

Gebruik van
brandmerke.

11. Tensy hierdie Wet anders bepaal of ingevolge hierdie 5
wet anders bepaal word—

- (a) brandmerk niemand vee met 'n ongeregistreerde brandmerk of met 'n geregistreerde brandmerk waarvan hy nie die eienaar is nie;
- (b) brandmerk niemand vee met 'n geregistreerde brand- 10
merk anders as in ooreenstemming met die wyse, posisie en groep in sy registrasiesertifikaat gemagtig nie;
- (c) brandmerk niemand vee waarvan hy nie die eienaar is nie met 'n brandmerk waarvan hy die eienaar is; 15
- (d) verkry niemand vir hom die registrasie van meer as een brandmerk of gebruik meer as een geregistreerde brandmerk vir die brandmerk van 'n groep van sy vee nie.

Oordrag van
brandmerke.

12. Onderworpe aan die bepalings van hierdie Wet kan 20
iemand wat die bevoegdheid het om die registrasie van 'n brandmerk ingevolge artikel *agt* te verkry by die registrateur aansoek doen om die oordrag van die brandmerk van die eienaar daarvan na homself. Sodanige aansoek word gedoen op die voorgeskrewe vorm vergesel van die voorgeskrewe 25
bedrag geld, indien voorgeskryf en van die skriftelike toestemming van die eienaar van die brandmerk tot die voorgenome oordrag en die registrateur nadat, hy tevrede gestel is dat die aansoek in orde is, dra die registrasie oor op die naam van die applikant en reik aan hom 'n registrasiesertifikaat op die voor- 30
geskrewe vorm uit. Die applikant word dan vir die toepassing van hierdie Wet die eienaar van die brandmerk.

Kansellasië van
brandmerkregis-
trasie na dood van
eienaar.

13. (1) Wanneer dit ter bevrediging van die registrateur bewys is dat die eienaar van 'n geregistreerde brandmerk oor- 35
lede is, kanselleer die registrateur die registrasie van daardie brandmerk: Met dien verstande dat sodanige kansellasië uit-
gestel kan word op versoek van die eksekuteur in die boedel in afwagting van 'n aansoek van die regsopvolger of iemand wat op 'n ander wyse eiendomsreg oor die vee van die oorledene verkry om oordrag van die brandmerk op homself. 40
(2) Die bepalings van artikel *twalf* is *mutatis mutandis* van toepassing op sodanige aansoek.

Laat vaar van
brandmerk.

14. Die eienaar van 'n geregistreerde brandmerk kan by skriftelik kennisgewing aan die registrateur die brandmerk laat vaar en op ontvangs van sodanige kennisgewing kanselleer 45
die registrateur sodanige brandmerkregistrasie.

Kansellasië van
brandmerk weens
nie-gebruik.

15. (1) Wanneer dit vir die registrateur blyk, ditsy op grond van 'n verslag van 'n inspekteur of andersins dat 'n geregis-
treerde brandmerk nie meer gebruik word nie kan hy in die voorgeskrewe vorm die eienaar in kennis stel dat hy binne 'n 50
tydperk van nie minder as drie maande rede moet toon waarom die registrasie van die brandmerk nie gekanselleer moet word nie en as binne die vasgestelde tydperk geen gronde ter bevrediging van die registrateur vir die behoud van die brandmerk getoon word nie kanselleer die registrateur die brandmerk- 55
registrasie.

(2) 'n Geregistreerde brandmerk word nie beskou as in onbruik nie solank as die eienaar vee besit waarop daardie brandmerk voorkom.

Kansellasië van
brandmerk weens
oortreding van
hierdie Wet.

16. Die Minister kan na goëddunke die registrateur opdrag 60
gee om die brandmerkregistrasie te kanselleer wanneer dit geregistreer is in die naam van iemand wat weens 'n oortreding van hierdie Wet veroordeel is en die registrateur kanselleer dan sodanige registrasie.

Hersiening van
brandmerke-
register.

17. (1) Na verstryking van vyf jaar van die inwerkingtreding 65
van hierdie Wet en daarna met sodanige tussenpose van hoogstens vyf jaar as die Minister vasstel gee die registrateur kennis in die *Staatskoerant* en op enige ander wyse wat die Minister voorskryf dat na 'n datum gespesifiseer in die kennis-
gewing wat nie vroeër is as ses maande na die publikasie van die 70
kennisgewing in die *Staatskoerant* die registrasie van alle brandmerke geag word verval en gekanselleer te wees, tensy dit deur die onderskeie eienaars van die brandmerke hernu word.

name it is registered may make with the Minister's approval, and it may be made or placed on livestock in addition to, and without the cancellation thereon of, the owner's registered brand.

5 11. Except as may be otherwise provided by or under this Act, no person shall— Use of brands.

- (a) brand any livestock with an unregistered brand, or with a registered brand of which he is not the owner;
- 10 (b) brand any livestock with a registered brand otherwise than in accordance with the manner, position and group, authorized in the certificate of its registration;
- (c) brand any livestock of which he is not the owner with a registered brand of which he is the owner; or
- 15 (d) procure for himself the registration of more than one brand, or use more than one registered brand, for the branding of any group of his livestock.

12. Subject to the provisions of this Act any person qualified to obtain the registration of a brand in his name under section *eight* may make application to the registrar for the transfer of a registered brand from its owner to himself. Such an application shall be made in the prescribed form, accompanied by the prescribed fee, if any, and by the consent in writing of the owner of the brand to the proposed transfer; and the registrar, on being satisfied that the application is in order, shall transfer the registration to the name of the applicant, and issue to him a certificate of registration of the brand in the prescribed form. The applicant shall thereupon become the owner of the brand for the purposes of this Act. Transfer of brands.

30 13. (1) Upon being satisfied with proof that the owner of a registered brand is dead the registrar shall cancel the registration of such brand: Provided that he may at the request of the executor of the estate of the deceased owner defer such cancellation pending an application by the person succeeding to, 35 or otherwise acquiring the ownership of the livestock of the deceased for the transfer of the brand to himself;

(2) To any such application the provisions of section *twelve* shall *mutatis mutandis* apply.

40 14. The owner of a registered brand may by written notice to the register surrender the same, and upon receipt of such notice the registrar shall cancel the registration of the brand. Surrender of brand.

15. (1) If it appears to the registrar, either upon the report of an inspector or otherwise, that a registered brand is not being used, he may give notice to the owner in the prescribed form to show cause within a period of not less than three months why the registration of such brand should not be cancelled; and if within the specified period cause is not shown to the satisfaction of the registrar he shall cancel the registration of such brand. Cancellation of brand for disuse.

50 (2) A registered brand shall not be deemed to be in disuse as long as the owner has any livestock lawfully bearing such brand.

16. The Minister may in his discretion direct the registrar to cancel the registration of any brand registered in the name of a person, who is convicted of a contravention of this Act; and the registrar shall thereupon cancel such registration. Cancellation of brand for contravention of this Act.

17. (1) At the end of five years after the commencement of this Act, and thereafter at such intervals of not less than five years as the Minister may determine, the registrar shall give notice in the *Gazette* and in such other manner as the Minister may prescribe that from a date specified in such notice, which shall not be earlier than six months after the publication of the notice in the *Gazette*, the registration of all brands will be deemed to have lapsed and be cancelled, unless renewed by their respective owners. Revision of brands register.

(2) Enige tyd na die publikasie van so 'n kennisgewing in die *Staatskoerant* en voor die vasgestelde datum kan die eienaar van 'n geregistreerde brandmerk die registrateur skriftelik in kennis stel dat hy voornemens is om die registrasie van sy brandmerk te hernu. Sodanige kennis kan op enige manier 5
gegee word en geen geld is betaalbaar vir die hernuwing van die registrasie nie.

(3) Na die afloop van die vasgestelde datum kan die registrateur sonder verdere kennisgewing die registrasie van 'n brandmerk waarvan hy nie kragtens sub-artikel (2) van hierdie 10
artikel in kennis gestel is nie, kanselleer.

Plig van voormalige eienaar van brandmerk by kansellasië van registrasie.

18. By kansellasië van die registrasie van 'n brandmerk is dit die plig van die voormalige eienaar van sodanige brandmerk om dit op die voorgeskrewe wyse uit te wis op sy veediere waarop dit gemaak of geplaas is en om te beskik oor sy brand- 15
ysters in verband met sodanige brandmerke in ooreenstemming met die regulasies.

Kwartaallikse opgawes.

19. (1) So gou moontlik na die sluiting van elke kwartaal van die kalenderjaar publiseer die registrateur in die *Staatskoerant* op die voorgeskrewe vorm 'n opgaaf van alle brand- 20
merke gedurende die kwartaal in sy register geregistreer oorgedra, laat vaar en gekanselleer.

(2) Totdat 'n brandmerkegids gepubliseer is lê afskrifte van die *Staatskoerant* waarin die kwartaallikse opgawes gepubliseer is ingevolge sub-artikel (1) van hierdie artikel, ter insage in die 25
kantoor van elke magistraat, naturellekommissaris, en inspekteur en in elke polisiekantoor en by elke skut en lede van die publiek kan dit op redelike tye gratis inspekteer en nasien.

Brandmerkegids.

20. (1) Op 'n tyd en met tussenpose deur die Minister beveel stel die registrateur 'n brandmerkegids op van besonderhede 30
van alle brandmerke waarvan die registrasie op 'n datum in sodanige gids genoem nog van krag is en publiseer dit op die voorgeskrewe vorm.

(2) Die registrateur verskaf 'n eksemplaar van die Brandmerkegids aan elke magistraat, naturellekommissaris, inspekteur, polisie-stasie en skut en 'n eksemplaar van die jongste uitgawe van die Brandmerkegids tesame met die afskrifte van die *Staatskoerant* wat die kwartaallikse opgawes bevat wat gepubliseer is na die datum gemeld in sodanige jongste uitgawe en die word beskikbaar gestel vir die publiek soos sub-artikel 40
(2) van artikel *negentien* in die geval van die eerste kwartaallikse opgawe bepaal.

Kennisgewing deur skutmeester aan eienaar van geregistreerde brandmerk.

21. Wanneer vee wat 'n ongekanselleerde geregistreerde brandmerk dra geskut word gee die skutmeester benewens ander kennisgewings, wat hy volgens wet moet gee, die eienaar van 45
sodanige brandmerk kennis van die feit op die voorgeskrewe vorm, en is geregtig om benewens gelde wat aan hom kragtens die skutwet betaalbaar is 'n voorgeskrewe bedrag geld ten opsigte van die kennisgewing ingevolge hierdie artikel op die eienaar te verhaal. 50

Kansellasië van brandmerke op vee by verkoop ens.

22. (1) Behalwe in die geval van 'n eienaar van 'n geregistreerde brandmerk wat al sy vee wat daardie brandmerk dra van die hand sit aan iemand anders en terselfdertyd sy skriftelike toestemming gee vir die oordra van die brandmerk aan so iemand kanselleer elkeen wat vee gee, verkoop of andersins 55
van sy vee afstand doen die brandmerk daarop op die voorgeskrewe wyse voordat die vee uit sy besit gaan en oorhandig hy tesame met die vee aan sodanige iemand 'n oordragstifikaat.

(2) Elkeen wat van sy vee wat 'n gekanselleerde geregistreerde brandmerk dra waarvan hy nie die eienaar is nie, 60
weggee, verkoop of andersins van die hand sit aan iemand anders handig tesame met die vee aan sodanige iemand 'n oordragstifikaat daarvan oor en endosseer op die oordragstifikaat deur hom saam met sodanige ontvang sodanige besonderhede oor die afstand daarvan as wat voorgeskryf word. 65

(3) 'n Skutmeester wat aan iemand geskutte vee verkoop of laat verkoop—

(a) wat 'n ongekanselleerde geregistreerde brandmerk dra, kanselleer die brandmerk op die voorgeskrewe wyse voor sodanige vee uit sy besit gaan en gee die koper 70
'n oordragstifikaat tesame met die vee: Met dien verstande dat hy nie vee verkoop of laat verkoop nie tensy hy die eienaar van die brandmerk ingevolge artikels *een-en-twintig* eers kennis gegee het en sodanige eienaar nie die vee binne die voorgeskrewe 75
tydperk gelos het nie; of

(2) At any time after the publication of such notice in the *Gazette* and before the specified date the owner of any registered brand may notify the registrar in writing that he desires the registration of his brand to be renewed. Such notification may be given in any form, and no fee shall be charged for the renewal of the registration.

(3) After the expiry of the specified date the registrar may without further notice cancel the registration of any brand, in respect of which he has not been notified in terms of sub-section (2) of this section.

18. Upon the cancellation of the registration of any brand it shall be the duty of the ex-owner of such brand to cancel the same in the prescribed manner on any of his livestock bearing the brand, and to dispose of his branding irons relating to such brand in accordance with the regulations.

Duty of ex-owner of brand on cancellation of registration.

19. (1) As soon as may be after the close of each quarter of the calendar year the registrar shall publish in the *Gazette* in the prescribed form a statement of all brands registered, transferred, surrendered, and cancelled in his register during such quarter.

Quarterly statements.

(2) Until a brands directory is published copies of the *Gazette* containing the quarterly statements published under sub-section (1) of this section shall be kept in the office of every magistrate, native commissioner, and inspector, and at every police station and every pound, and be open for inspection and reference by members of the public at all reasonable hours free of charge.

20. (1) At such time and at such intervals as the Minister may direct the registrar shall compile and publish a brands directory in the prescribed form containing particulars of all brands, the registration of which was still in force at a date specified in such directory.

Brands Directory.

(2) The registrar shall supply a copy of the Brands Directory to every magistrate, native commissioner, inspector, police station, and pound, and a copy of the latest edition of the Brands Directory, together with the copies of the *Gazette* containing the quarterly statements published after the date specified in such latest edition, shall be kept available to the public as provided in the case of the initial quarterly statements by sub-section (2) of section nineteen.

21. When any livestock bearing an uncancelled registered brand is impounded in a pound, the poundmaster shall, in addition to any notice which he may be required by law to give, forthwith give to the owner of such brand notice of the fact in the prescribed form, and he shall be entitled to recover from such owner, in addition to any fees which may be payable by him under the Pound Law, a prescribed fee in respect of the notice given under this section.

Notice by poundmaster to owner of registered brand.

22. (1) Except in the case of an owner of a registered brand disposing of all his livestock bearing that brand to another person, and at the same time giving his consent in writing to the transfer of the brand to that person, any person, who gives, sells, or otherwise disposes of any livestock bearing his registered brand to any other person, shall cancel the brand thereon in the prescribed manner before such livestock leaves his possession, and he shall deliver to such person together with the livestock a certificate of transfer thereof.

Cancellation of brand on livestock on sale, etc.

(2) Any person, who gives, sells, or otherwise disposes of any livestock, bearing a cancelled registered brand of which he is not the owner, to any other person, shall deliver to such other person together with the livestock a certificate of transfer thereof, and he shall endorse upon the certificate of transfer received by him with such livestock such particulars of its disposal by him as may be prescribed.

(3) Any poundmaster who sells or causes to be sold to any person any impounded livestock—

(a) which bears an uncancelled registered brand, shall cancel such brand in the prescribed manner before such livestock leaves his possession, and he shall furnish the purchaser with a certificate of transfer together with the livestock: Provided that he shall not sell such livestock, nor cause it to be sold unless he has first given to the owner of the brand the notice required under section twenty-one, and such owner has not released the livestock within the prescribed period; or

(b) wat 'n gekanselleerde geregistreerde brandmerk dra handig aan die koper tesame met die vee 'n oordrag-sertifikaat daarvan oor en in beide gevalle teken hy in die register van geskutte vee wat hy volgens wet moet hou op die voorgeskrewe vorm aan wat hy 5 gedoen het.

(4) Behoudens die bepalings van sub-artikel (1) van hierdie artikel, koop niemand of verkry andersins of neem oordrag van eiendom in vee wat 'n geregistreerde brandmerk dra tensy die brandmerk daarop op die voorgeskrewe wyse gekanselleer 10 is en hy van die iemand wat afstand doen van sodanige vee aan hom die oordragertifikaat ontvang wat hierdie artikel voorskryf.

(5) 'n Oordragertifikaat kragtens hierdie artikel gegee word op die voorgeskrewe vorm in duplikaat uitmaak en die 15 afskrif gehou deur die oordraer en die oorspronklike deur die ontvanger vir sodanige tydperk as voorgeskrif word en op aanvraag aan 'n inspekteur of lid van die Suid-Afrikaanse Polisie getoon.

Regulasies.

23. (1) Die Minister kan in verband met elkeen van die 20 volgende regulasies maak wat nie strydig is met die bepalings van hierdie Wet:

- (a) enigiets wat kragtens hierdie wet voorgeskrif moet of kan word;
- (b) die grootte, fatsoen, ontwerp en samestelling van 25 brandmerke en merke wat ingevolge hierdie wet geregistreer moet word;
- (c) die grootte, fatsoen en samestelling van brandysters;
- (d) elkeen deur wie en die voorwaardes waaronder brandysters gemaak, reggemaak, verander en verskaf kan 30 word;
- (e) die wyse waarop persone (of hul verteenwoordigers) wat opgehou het om eienaars van brandmerke te wees, brandysters met betrekking tot sulke brandmerke van die hand sit; 35
- (f) die minimum ouderdom waarop vee gebrandmerk kan word;
- (g) die wyse waarop, die dele waarop en die materiaal waarmee vee gebrandmerk of nie gebrandmerk word 40 nie;
- (h) die voorwaardes waaronder 'n eienaar van vee toegelaat kan word om die registrasie te verkry van meer as een brandmerk ten opsigte van 'n groep van sy vee;
- (i) die grootte, fatsoen, ontwerp en samestelling van merke wat nie brandmerke of merke is wat ingevolge 45 hierdie Wet geregistreer kan word nie, wat gemaak of op vee geplaas kan word en die wyse waarop, die dele waarop, die materiaal waarmee en die voorwaardes waaronder sulke merke op vee gemaak of geplaas kan word en in die algemeen; 50
- (j) 'n ander saak, of dit nou inpas by die alreeds genoem in hierdie artikel, al dan nie, wat hy nodig ag om te beheer, te reguleer, te beperk of te belet vir die naking en toepassing van hierdie Wet of om te verhoed dat die bepalings van die Wet ontduik of oortree 55 word.

(2) Die Minister kan regulasies maak wat verskil ten opsigte van verskillende soorte brandmerke of merke en van verskillende groepe of soorte vee en van verskillende streke.

(3) 'n Regulasie bedoel vir uitvaardiging ingevolge hierdie 60 artikel word in konsepvorm in die *Staatkoerant* gepubliseer tesame met 'n kennisgewing waarin versoek word om kommentaar daarop of beswaar daarteen wat binne 'n tydperk genoem in die kennisgewing wat nie minder as dertig dae na die publikasie van die ontwerpregulasie by die registrateur 65 ingedien moet word en na verstryking van sodanige tydperk en behoorlike oorweging deur die Minister van kommentaar en beswaar ingedien kan die regulasie met of sonder wysiging na gelang die Minister besluit in die *Staatkoerant* gepubliseer word. 70

(4) 'n Regulasie gemaak ingevolge hierdie artikel word binne veertien dae na die uitgevaardiging daarvan voor beide Huise van die Parlement gelê as die Parlement dan sit en indien die Parlement nie sit nie binne veertien dae na die aanvang van die volgende sitting en, as een van beide Huise binne veertig dae 75 nadat so 'n regulasie voorgelê is besluit dat die regulasie of 'n deel daarvan geskrap moet word, het sodanige regulasie of deel daarvan na die datum van publikasie van die besluit in die *Staatkoerant* geen regsgeldigheid nie.

(b) which bears a cancelled registered brand, shall deliver to the purchaser together with the livestock a certificate of transfer thereof;
and in either case he shall make in the record of impounded livestock, which he is required by law to keep, a note in the prescribed form of what he has done.

(4) Except as provided in sub-section (1) of this section no person shall buy, or otherwise acquire or accept a transfer of ownership of any livestock bearing a registered brand, unless such brand has been cancelled thereon in the prescribed manner and he obtains from the person disposing of such livestock to him the certificate of transfer required by this section.

(5) Any certificate of transfer given under this section shall be made in duplicate in the prescribed form, the copy being retained by the transferor and the original by the transferee for such period as may be prescribed, and shall be produced on demand to any inspector or to any member of the South African Police.

23. (1) The Minister may make regulations not inconsistent with the provision of this Act in regard to all or any of the following matters: Regulations.

- (a) anything which is required or permitted to be prescribed under this Act;
- (b) the size, shape, pattern, and composition of brands and marks registerable under this Act;
- (c) the size, shape, and construction of branding irons;
- (d) the persons by whom, and the conditions under which, branding irons may be made, repaired, altered, and supplied;
- (e) the manner in which persons (or their representatives), who have ceased to be owners of registered brands, shall dispose of the branding irons relating to such brands;
- (f) the minimum age at which livestock may be branded;
- (g) the manner in which, the parts on which, and the material with which, livestock shall or shall not be branded;
- (h) the conditions on which an owner of livestock may be allowed to obtain the registration of more than one brand in respect of any one group of his livestock;
- (i) the size, shape, pattern, and composition of marks, not being brands or marks registerable under this Act, which may be made or placed on livestock, and the manner in which, the parts on which, the material with which, and the conditions under which, such marks may be made or placed on any livestock; and generally
- (j) any other matter, whether similar to any of those already mentioned in this section or not, which he considers it necessary to control, regulate, restrict, or prohibit, for the purpose of carrying out and giving effect to this Act, or to prevent the evasion or violation of its provisions.

(2) The Minister may make different regulations in respect of different kinds of brands or marks, and of different groups or species of livestock, and of different areas.

(3) Any regulation which it is intended to make under this section shall be published in draft form in the *Gazette* with a notice inviting comment thereon or objection thereto to be lodged with the registrar within a period specified in the notice, which shall not be less than thirty days after the publication of the draft regulation, and after the expiry of such period and due consideration by the Minister of any comments and objections received the regulation may be promulgated in the *Gazette* with or without amendment as the Minister may decide.

(4) Any regulation made under this section shall be laid before both Houses of Parliament within fourteen days after promulgation, if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next session, and if either House within forty days after such regulation was laid before it resolves that the regulation or any part thereof be annulled, such regulation or such part of it shall cease to have effect as from the date of publication of the resolution in the *Gazette*.

Bevoegdhede van inspekteurs en polisie.

24. (1) 'n Inspekteur of 'n lid van die Suid-Afrikaanse Polisie met die rang van sersant of hoër kan te eniger tyd 'n werf, ditsy openbaar of privaat, betree en daar—

- (a) soek na en gelas dat die eienaar of die iemand in beheer vir inspeksie toon 'n veedier, karkas, huid, brandyster of ander instrument vir die brandmerk van vee en enige sertifikaat, dokument of ander aantekeninge wat uitgereik is of voorgegee word uitgereik te wees of kragtens hierdie Wet gehou moet word en wat op sodanige werf is; 10
- (b) hare of ander groeisel afknip of andersins verwyder van 'n veedier, karkas of huid om die ondersoek vir brandmerke of merke te vergemaklik;
- (c) ander ondersoek instel of navraag doen wat nodig is vir die toepassing van hierdie Wet; 15
- (d) op 'n ding wat hy vind en ten opsigte waarvan hy rede het om te vermoed dat die bepalings van hierdie Wet oortree is, beslag lê en vir aanhou verwyder;

(2) By die uitoefening van sy regsbevoegdheid ingevolge hierdie artikel kan sodanige inspekteur of polisiebeampte saam met hom sodanige assistente, ongeag of hulle beamptes is of nie en sodanige diere, voertuie, toestelle en ander toerusting neem as hy vir sy doel nodig ag en ingeval van dwarsboming of verset sodanige dwang gebruik as nodig is vir sy doel. As hy beslag lê op iets en dit aanhou kragtens hierdie artikel rap- 25 porteer hy onverwyld die feite aan die registrateur en kom die registrateur se opdrag na.

Verdere bevoegdhede van die Minister.

25. (1) Die Minister kan na goeddunke beveel dat 'n veedier of ding waarop beslag gelê is en wat aangehou word ingevolge hierdie Wet en ten opsigte waarvan hy van oordeel is dat die bepalings van hierdie Wet oortree is, gekonfiskeer, vernietig of anders oor beskik word: Met dien verstande dat waar 'n geregtelike proses ingestel word waarby, dit nodig kan wees om sodanige veedier of ding aan die hof te toon, hy geen bevel gee behalwe vir die vrylating en verdere aanhouding van sodanige vee of ding totdat die geding beëindig is of die hof aangedui het dat sodanige vertoning nie nodig is nie, wat ookal die eerste gebeur. 30

(2) Waar daar ingevolge hierdie Wet beslag gelê is op 'n ding of dit aangehou, gekonfiskeer, vernietig of andersins oor beskik is, is geen vergoeding opeisbaar of betaalbaar: Met dien verstande dat die Minister, na goeddunke vergoeding wat hy in die besondere geval goed ag, kan toeken. 35

(3) Iemand wat deur 'n besluit van die registrateur kragtens hierdie Wet geraak en benadeel word, kan teen sodanige besluit hom beroep op die Minister wie se beslissing finaal is. 45

Oortredings.

26. (1) Elkeen wat—

- (a) sonder wettige rede, waarvan die bewyslas op hom rus, 'n brandyster of ander instrument vir die merk van vee waartoe hy kragtens hierdie Wet nie geregtig is nie besit; of 50
- (b) vee brandmerk of merk wat hy nie ingevolge hierdie Wet geregtig is om te brandmerk of te merk nie of dit doen op 'n wyse nie deur hierdie Wet gemagtig nie; of 55
- (c) in sy besit vee het wat gebrandmerk of gemerk is anders as in ooreenstemming met die bepalinge van hierdie Wet: Met dien verstande dat dit 'n goeie verweer is as hy die hof tevrede stel dat sodanige brandmerk of merk gemaak is voor die aanvang van hierdie Wet of voordat die vee die Unie ingevoer is of onder omstandighede buite sy beheer; of 60
- (d) 'n geregistreerde brandmerk of merk verander, skend of kanselleer andersins as in ooreenstemming met hierdie Wet; of 65
- (e) sonder wettige rede (waarvan die bewyslas op hom rus) vee waarop 'n geregistreerde brandmerk of merk is wat verander, geskend of gekanselleer is anders as in ooreenstemming met hierdie wet, in sy besit het, verkoop, of daaroor beskik of vir verkoop of beskikking op 'n ander wyse aan iemand aanbied; of 70
- (f) 'n inspekteur of 'n lid van die Suid-Afrikaanse Polisie hinder of dwarsboom in die uitvoering van sy pligte of die uitoefening van sy bevoegdheid kragtens hierdie Wet; of 75
- (g) in gebreke bly of weier om, wanneer 'n inspekteur of 'n lid van die Suid-Afrikaanse Polisie dit eis, vee of 'n ander ding in sy besit of onder sy beheer te toon, waar sodanige inspekteur of 'n lid deur hierdie Wet gemagtig is om dit te eis; of 80

24. (1) Any inspector or any member of the South African Police Force of or above the rank of sergeant may at any time enter upon any premises, whether public or private, and there—

Powers of inspectors and police.

- 5 (a) search for and require the owner or person in charge to produce for inspection any livestock, carcase, hide, branding iron or other instrument for marking livestock, and any certificate, document, or other record, issued or purporting to have been issued, or required to be kept under this Act, which may be upon such premises;
- 10 (b) clip or otherwise remove hair or other growth from any such livestock, carcase, or hide, in order to facilitate examination for brands or marks;
- 15 (c) make such other investigations and inquiries as may be necessary for giving effect to this Act; and
- (d) seize and remove for detention any thing found by him, in connection with which he has reason to suspect that the provisions of this Act have been contravened.
- 20 (2) In the exercise of his powers under this section such inspector or police officer may take with him such assistants whether officials or not, and such animals, vehicles, appliances, and other equipment, as he may deem necessary for his purpose, and in the event of obstruction or resistance he may use such
- 25 force as may be needful to effect his purpose. If he seizes and detains any thing under this section, he shall forthwith report the facts to the registrar and comply with the registrar's instructions.

25. (1) The Minister may in his discretion order the confiscation, destruction, or disposal otherwise, of any livestock or thing seized and detained under this Act, in respect of which in his opinion the provisions of this Act have been contravened: Provided that if any legal proceedings are instituted, in which the production of such livestock or thing to a court may be required, he shall make no order other than for the release or further detention of such livestock or thing, until such proceedings have been concluded or the court has indicated that it does not require such production, whichever may be the earlier.

Further powers of the Minister.

- 40 (2) No compensation shall be due or payable to any person in respect of the seizure, detention, confiscation, destruction, or disposal otherwise, of any thing under this Act: Provided that the Minister may in his discretion award such compensation as he may deem fit in any particular case.
- 45 (3) Any person who is affected by and aggrieved at any decision of the registrar under this Act, may appeal against such decision to the Minister, whose ruling shall be final.

26. (1) Any person who—

- 50 (a) has in his possession without lawful excuse (proof whereof shall be on him), any branding iron or other instrument for marking livestock, which he is not entitled under this Act to use; or
- (b) brands or marks any livestock, which he is not authorized by this Act to brand or mark, or in a manner not authorized by this Act; or
- 55 (c) has in his possession any livestock branded or marked otherwise than in accordance with the provisions of this Act: Provided that it shall be a good defence if he satisfies the court that such branding or marking was done before the commencement of this Act, or before such livestock was introduced into the Union, or in circumstances beyond his control; or
- 60 (d) alters, mutilates, or cancels otherwise than in accordance with this Act, any registered brand or mark; or
- 65 (e) without lawful excuse (proof whereof shall be on him) has in his possession, or sells, or disposes of, or offers for sale or disposal otherwise, to any other person any livestock, on which a registered brand or mark has been altered, mutilated, or cancelled otherwise than in accordance with this Act; or
- 70 (f) hinders or obstructs an inspector or member of the South African Police Force in the execution of his duty, or the exercise of his powers, under this Act; or
- 75 (g) fails or refuses to produce, when so required by an inspector or a member of the South African Police, any livestock or other thing in his possession or under his control, the production of which such inspector or member is authorized to demand by this Act; or

Offences.

- (h) 'n sertifikaat of ander dokument kragtens hierdie wet gemagtig of voorgeskryf in 'n besonderheid vervals om die bepalings van hierdie Wet te ontduik of te verydel; of
 - (i) 'n valse sertifikaat of ander dokument kragtens hierdie 5 Wet gemagtig of voorgeskryf in omloop bring of iemand aanbied om die bepalings van hierdie Wet te ontduik of te verydel; of
 - (j) op watter wyse ookal nog nie vantevore in hierdie artikel omskryf die bepalings van hierdie Wet oortree 10 deur te doen wat van hom geëis word nie te doen nie, of in gebreke bly of versuim om te doen wat deur hierdie Wet van hom geëis word;
- is skuldig van 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of by wanbetaling 15 met gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens een jaar of met beide sodanige boete en gevangenisstraf.

(2) 'n Magistraatshof het regsbevoegdheid om 'n aanklag gemaak kragtens hierdie Wet summier te verhoor en om die 20 strawwe wat hierdie Wet bepaal op te lê.

Wetlike ver-
onderstellings.

27. In 'n regsgeeding—

- (a) is 'n eksemplaar van die *Staatskoerant* wat die kwartaallikse state bevat ingevolge hierdie Wet, sodra dit getoon word, *prima facie* bewys van die feite uiteen- 25 gesit in sodanige kwartaallikse state;
- (b) 'n eksemplaar van die Brandmerkegids gepubliseer ingevolge hierdie Wet is, wanneer dit getoon word, *prima facie* bewys van die feite uiteengesit in sodanige Brandmerkegids; 30
- (c) 'n sertifikaat in die vorm van 'n beëdigde verklaring wat voorgee dat dit deur die registrateur gemaak is ten opsigte van die registrasie, oordrag, laat vaar of kansellasië van 'n brandmerk of merk ingevolge hierdie Wet of ten opsigte van die eienaarskap van 'n 35 geregistreerde brandmerk of merk is, wanneer dit getoon word *prima facie* bewys van die feite daarin gesertifiseer;
- (d) die feit dat 'n veedier 'n geregistreerde brandmerk dra— 40
 - (i) wat nie op die voorgeskrewe wyse gekanselleer is nie is *prima facie* bewys dat die veedier die eiendom is van die eienaar van sodanige brandmerk;
 - (ii) wat gekanselleer is op die voorgeskrewe wyse en 45 in besit is van 'n persoon wat 'n oordragertifikaat besit wat voorgee dat dit aan hom gegee is deur iemand van wie hy die veedier ontvang het is *prima facie* bewys dat sodanige veedier die eiendom is van eersgenoemde iemand. 50
- (e) die feit dat 'n veedier wat 'n geregistreerde brandmerk dra wat verander, geskend of gekanselleer is anders as op die voorgeskrewe wyse, gevind is in die besit van iemand of deur hom aangebied of van die hand gesit is aan iemand anders is *prima facie* bewys dat 55 sodanige brandmerk deur die eersgenoemde iemand verander, geskend of wederegtelik gekanselleer is.

Bepalings ten
opsigte van
brandmerke inge-
volge ander
wette.

28. Die bepalings van hierdie Wet vul die bepalings van 'n ander Wet of Ordonnansië wat nie uitdruklik deur hierdie Wet herroep word en wat die brandmerk van vee magtig of 60 voorskryf aan en vervang hulle nie: Met dien verstande dat—

- (a) elke brandmerk aldus gemagtig by die registrateur ingedien word deur die beambte of iemand wat kragtens die Wet of Ordonnansië daartoe opgedra is, of as daar nie in sodanige Wet of Ordonnansië 65 voorsiening voor gemaak is nie dan deur 'n beambte of iemand wat deur die Minister daartoe gelas word;
- (b) as die registrateur oortuig is dat sodanige brandmerk nie so sterk lyk op 'n geregistreerde brandmerk of 'n brandmerk in die lyste voorgeskryf ingevolge artikel 70 70 sewe dat dit maklik verwar kan word met of verander word na sodanige brandmerke nie registreer hy dit gratis;
- (c) as die registrateur nie oortuig is nie bring hy die saak onder die aandag van die Minister, wat 'n bevel wat 75 hy goed ag, kan uitreik vir die registrasie van die brandmerk of vir die vervanging daarvan en registrasie van 'n ander brandmerk in die plek daarvan;

- (h) forges or falsifies in any particular any certificate or other document authorized or required under this Act, with intent to evade or defeat the provisions of this Act; or
- 5 (i) utters or offers to any person any false certificate or other document authorized or required under this Act, with intent to evade or defeat the provision of this Act; or
- 10 (j) in any manner whatsoever not heretofore specified in this section contravenes the provisions of this Act by doing that which he is required not to do, or by failing or omitting to do that which he is required to do, by this Act;
- shall be guilty of an offence and be liable on conviction to a
15 fine not exceeding one hundred pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding one year, or to both such fine and such imprisonment.

(2) The court of a magistrate shall have jurisdiction to try summarily any charge laid under this Act and to impose the
20 penalties herein provided.

27. In any legal proceedings—

Legal
presumptions.

- (a) a copy of the *Gazette* containing a quarterly statement published under this Act shall upon production be
25 *prima facie* proof of the facts set forth in such quarterly statement;
- (b) a copy of the Brands Directory published under this Act shall upon production be *prima facie* proof of the facts set forth in such Brands Directory;
- 30 (c) a certificate in the form of an affidavit purporting to have been made by the registrar regarding the registration, transfer, surrender, or cancellation, of a brand or mark under this Act, or as to the ownership of a registered brand or mark, shall upon production be *prima facie* proof of the facts therein certified;
- 35 (d) the fact that any livestock bears a registered brand—
(i) which has not been cancelled in the prescribed manner, shall be *prima facie* proof that such livestock is the property of the owner of such brand, or
- 40 (ii) which has been cancelled in the prescribed manner, and is in the possession of a person who has a certificate of transfer purporting to have been given to him by the person from whom he obtained possession of such livestock, shall be *prima facie* proof that such livestock is the property of such
45 first-mentioned person;
- (e) the fact that any livestock, bearing a registered brand, which has been altered, or mutilated, or cancelled otherwise than in the prescribed manner, was found
50 in the possession of a person, or was offered or disposed of by him to any other person, shall be *prima facie* proof that such brand was altered, mutilated, or unlawfully cancelled, by the first-mentioned person.

28. The provisions of this Act shall be in addition to and Provisions as to
55 not in substitution for the provisions of any Act or Ordinance, brands under
not expressly repealed by this Act, authorizing or requiring other laws.
the branding of livestock: Provided that—

- (a) every brand so authorized or required shall be submitted to the registrar by the officer or person charged
60 in the Act or Ordinance so to do, or if there be no such provision in the Act or Ordinance then by the officer or person required by the Minister so to do;
- 65 (b) if the registrar is satisfied that such brand is not so similar to any existing registered brand or to any brand in the lists prescribed under section seven as to be easily confused with or convertible into such brands he shall register it free of charge;
- 70 (c) if the registrar is not so satisfied, he shall submit the matter to the Minister, who may make such order as he may deem fit for the registration of the brand or for the substitution and registration of another brand in its stead;

- (d) die registrasie van sodanige brandmerk ingevolge hierdie artikel onderwerp nie die brandmerk aan die ander bepalinge van hierdie Wet nie behalwe dat die registrateur dit insluit in sy kwartaallikse state en in die Brandmerkegids; en 5
- (e) die gebruik van sodanige brandmerk in ooreenstemming met die Wet wat die gebruik daarvan magtig of voorskryf nie die eienaar van die vee waarop dit geplaas is belet om sy eie geregistreerde brandmerk te behou of dit op sodanige vee te plaas nie. 10

Bylae.

Provinsie.	No. en jaar.	Titel of onderwerp.	In hoeverre herroep.
Kaap die Goeie Hoop.	Act No. 12 of 1890.	The Brands Registration Act, 1890	Die hele.
Kaap die Goeie Hoop.	Act No. 18 of 1892.	Brands Registration Act, 1890 Amendment Act, 1892.	Die hele.
Kaap die Goeie Hoop.	Act No. 4 of 1897.	The Brands Registration Amendment Act, 1897.	Die hele.
Natal	Law No. 22 of 1882.	To declare the law relating to fraudulent marking or branding of ostriches and cattle and the fraudulent obliteration or alteration of brands or marks on ostriches and cattle.	Die hele.
Natal	Law No. 13 of 1889.	To prevent the practice of cutting the ears of certain animals for the purpose of marking or obliterating distinguishing earmarks.	Die hele.
Natal	Act No. 42 of 1898.	To amend the law relating to the impounding of cattle.	Artikel <i>negen-en-dertig</i> so ver as dit brandmerke raak.
Natal	Act No. 40 of 1901.	For the protection of property in ostriches and ostrich feathers.	Artikel <i>drie</i> tot <i>ses</i> insluitend.
Transvaal ..	Ordinance No. 15 of 1904.	The Great Stock Brands Ordinance, 1904.	Die hele.
Oranje-Vrystaat	Ordinance No. 15 of 1903.	The Brands Registration Ordinance, 1903.	Die hele.

- (d) the registration of such a brand under this section shall not make the brand subject to the other provisions of this Act, save that the registrar shall include it in his quarterly statement and in the Brands Directory; and
- 5 (e) the use of any such brand in accordance with the law authorizing or requiring its use shall not preclude the owner of the livestock on which it is placed from placing or retaining his own registered brand on such livestock.

Schedule.

Province.	No. and year.	Title or subject.	Extent of repeal.
Cape of Good Hope.	Act No. 12 of 1890.	The Brands Registration Act, 1890	The whole.
Cape of Good Hope.	Act No. 18 of 1892.	Brands Registration Act, 1890 Amendment Act, 1892.	The whole.
Cape of Good Hope.	Act No. 4 of 1897.	The Brands Registration Amendment Act, 1897.	The whole.
Natal	Law No. 22 of 1882.	To declare the law relating to fraudulent marking or branding of ostriches and cattle and the fraudulent obliteration or alteration of brands or marks on ostriches and cattle.	The whole.
Natal	Law No. 13 of 1889.	To prevent the practice of cutting the ears of certain animals for the purpose of marking or obliterating distinguishing earmarks.	The whole.
Natal	Act No. 42 of 1898.	To amend the law relating to the impounding of cattle.	Section <i>thirty-nine</i> in so far as it refers to branding.
Natal	Act No. 40 of 1901.	For the protection of property in ostriches and ostrich feathers.	Sections <i>three</i> to <i>six</i> inclusive.
Transvaal ..	Ordinance No. 15 of 1904.	The Great Stock Brands Ordinance, 1904.	The whole.
Orange Free State.	Ordinance No. 15 of 1903.	The Brands Registration Ordinance, 1903.	The whole.

WETSONTWERP

Om die wet met betrekking tot die siektes en parasiete van diere te konsolideer, en te wysig.

(Deur die MINISTER VAN LANDBOU ingedien te word.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en Volksraad van die Unie van Suid-Afrika, as volg:—

Kort titel
en datum van
inwerking-
treding.

Wette herroep
met voorbehoud.

Woord-
bepalings.

1. Hierdie Wet heet die Wet op Siektes en Parasiete van Diere, 195—, en tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal word. 5

2. (1) Die wette genoem in die bylae van hierdie Wet word hierby herroep vir sover hulle in genoemde bylae aangedui word. 10

(2) Elkeen aan wie pligte toegewys of bevoegdheid gedelegeer is en die toegewese pligte of gedelegeer bevoegdheid uitvoer wanneer hierdie Wet in werking tree, word geag sodanige pligte bevoegdhede kragtens hierdie Wet uit te voer.

(3) Alle proklamasies, regulasies, bevele of kennisgewings opgestel of uitgereik kragtens een van genoemde wette en van krag by die inwerkingtreding van hierdie wet bly van krag totdat hulle gewysig, geskors of herroep word kragtens die bepalinge van hierdie Wet en word toegepas en uitgevoer asof hulle kragtens hierdie Wet opgestel of uitgereik is. 20

(4) Waar in 'n wet, ordonnansie, proklamasie, regulasie, bevel, verordening of kennisgewing of in 'n vorm of dokument wat na die inwerkingtreding van hierdie Wet gebruik word, verwys word na die bepalinge van 'n wetsvoorskrif deur hierdie Wet herroep word sulke verwysing vertolk as 'n verwysing na die ooreenstemmende bepalinge (indien enige) van hierdie Wet. 25

(5) Hierdie artikel word nie vertolk asof dit beperkings op voorbehoudbepalinge van die „Interpretatie Wet, 1910” (Wet No. 5 van 1910), oplê nie. 30

3. In hierdie Wet, tensy uit die samehang anders blyk of 'n ander bedoeling duidelik is, het onderstaande woorde en sinsgrepe die betekenis daaraan geheg, naamlik:

„dier”, 'n lid van die diereryk (die mens uitgesluit) wat vir die toepassing van hierdie Wet deur die Minister by kennisgewing in die *Staatskoerant* verklaar word 'n dier te wees; 35

„gemagtig”, wanneer op 'n persoon toegepas, gemagtig en gevolmagtig by en kragtens hierdie Wet om 'n bevoegdheid uit te oefen en enige daad te verrig; 40

„vervoermiddel”, 'n voertuig, vaartuig of vliegtuig;

„Departement”, die Departement van Landbou wat optree deur middel van die beamppte wat in beheer daarvan is;

„Direkteur”, die Staatsveearts wat die Afdeling Veeartsenydiens beheer; 45

„siekte”, 'n siekte waaraan diere onderhewig is en wat die Minister vir die toepassing van hierdie Wet by kennisgewing in die *Staatskoerant* verklaar 'n siekte te wees;

„besmette ding”, 'n ander ding as 'n dier, vervoermiddel of parasiet wat die Minister verklaar as iets wat vermoedelik 'n siekte of parasiet in die Unie kan inbring of versprei; 50

„grond”, benewens grond in die primêre betekenis 'n gebou of ander bouwerk, omheining, perseel, hawe, kaai, water of skeepswerf; 55

„plaaslike owerheid”, 'n stadsraad, afdelingsraad, munisipale raad, dorpsraad, plaaslike gesondheidsraad, dorpsbestuur, buitestedelike gesondheidsraad, plaaslike gesondheidskomitee en 'n dergelijke statutêre liggaam vir plaaslike bestuur; 60

„Minister”, die Minister van Landbou of 'n persoon wat wettiglik in daardie hoedanigheid optree;

„bewoner”, met betrekking tot—

(a) grond, in gebruik deur die Staat deur een van sy Departemente of administrasies, die beamppte of 65

BILL

To consolidate and amend the law relating to diseases and parasites of animals.

(To be introduced by the MINISTER OF AGRICULTURE.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. This Act may be cited as the Diseases and Parasites of Animals Act, 195—, and shall come into operation on a date fixed by the Governor-General by Proclamation published in the *Gazette*. Short title and date of commencement.
2. (1) The laws set forth in the Schedule to this Act are hereby repealed to the extent shown in the said Schedule. Acts repealed with certain savings.
- 10 (2) All persons assigned duties, or delegated powers, under any of the said laws, and performing the assigned duties, or exercising the delegated powers, at the commencement of this Act, shall be deemed to be performing such duties or exercising such powers, under this Act.
- 15 (3) All proclamations, regulations, orders, and notices made or given under any of the said Acts, and in force at the commencement of this Act, shall continue in force until amended, suspended, or revoked under the provisions of this Act, and may be acted upon and enforced as if they had been made or
- 20 given under this Act.
- (4) Where in any Act, Ordinance, proclamation, regulation, order, by-law, or notice, or in any form or document used after the commencement of this Act, reference is made to the provisions of any enactment repealed by this Act, such reference
- 25 shall be deemed to be made to the corresponding provisions, if any, of this Act.
- (5) This section shall not be construed as limiting any saving in the Interpretation Act, 1910.
3. In this Act, unless the context otherwise requires or some other meaning is clearly intended, the following words and phrases shall have the meanings herein assigned to them, that is to say: Definitions.
- 30 „animal” means any member of the animal kingdom, other than man, which the Minister declares by notice in the *Gazette* to be an animal for the purposes of this Act;
- 35 “authorized”, when applied to any person, means authorized and empowered by or under this Act to exercise any power or to do any act;
- 40 “conveyance” means any vehicle, vessel, or aircraft;
- “Department” means the Department of Agriculture acting through the officer for the time being in control thereof;
- 45 “director” means the state veterinarian for the time being in control of the veterinary division of the Department;
- “disease” means any disease to which animals are liable and which the Minister declares by notice in the *Gazette* to be a disease for the purposes of this Act;
- 50 “infectious thing” means any thing other than an animal, a conveyance, or a parasite, which the Minister declares to be likely to introduce into or spread within the Union any disease or parasite;
- “land”, in addition to its primary meaning, extends to and includes any building or other structure, enclosure, premises, harbour, jetty, water, and wharf;
- 55 “local authority” means any borough council, city council, divisional council, municipal council, town council, local health board, townshipboard, village management board, periurban health board, local health commission and any similar statutory body for local government;
- 60 “Minister” means the Minister of Agriculture or any person lawfully acting in that capacity;
- “occupier” means, in relation to—
- 65 (a) any land used by the State through any of its departments or administrations, the official or

- iemand wat belas is met die toesig, beheer of bestuur van sulke grond;
- (b) grond in besit of onder die beheer van die Naturelle Trust van Suid-Afrika of 'n lokasie soos omskryf by artikel *vyf-en-dertig* van die Naturelle Administrasie Wet, 1927, of 'n wysiging daarvan, die opperhoof of hoofman of iemand anders wat die Minister na beraad met die Minister van Naturellesake aanwys; 5
- (c) 'n meent of uitspanning, nie onder die beheer van 'n plaaslike owerheid nie, iemand wat die Minister, na beraad met die Administrateur van die betrokke Provinsie waarin die meent of uitspanning geleë is aanwys; 10
- (d) ander grond insluitende kroongrond wat gehou word onder huurkontrak, lisensie of toekenning, die iemand wat daarop woon of daarop teenwoordig is gedurende die normale tye waarop 'n bedryf waarvoor die grond gebruik word beoefen word en belas is met die toesig, beheer of bestuur van sulke grond of bedryf, indien daar nie so iemand is nie, die persoon wat kragtens die bepalinge van artikel *twintig* van hierdie Wet as bewoner aangewys is; 20
- „beampte”, 'n beampte van die Departement; 25
- „eienaar”, met betrekking tot—
- (a) (i) kroongrond gehou onder huurkontrak, lisensie of toekenning met 'n opsie om sulke grond te koop, geregistreer in die Kantoor van Aktes of 'n ander registrasiekantoor, die iemand wat geregistreer is as die houer van die huurkontrak, lisensie of toekenning; 30
- (ii) kroongrond gehou deur 'n verkoopakte, die koper onder so 'n akte;
- (iii) ander kroongrond, die Staatsowerheid belas met die administrasie of beheer van sulke grond; 35
- (b) grond gehou of beheer deur 'n plaaslike owerheid of die Naturelle Trust van Suid-Afrika, sulke plaaslike owerheid of Trust; 40
- (c) ander grond, die geregistreerde eienaar van die grond en sluit in, indien die eienaar—
- (i) afwesig is van die Unie of nie opgespoor kan word nie sy agent of wettige verteenwoordiger, indien enige, in die Unie; of 45
- (ii) minderjarig of swaksinnig of bankrot of anders onbevoeg is om sy besittings te bestuur of oorlede is, die iemand volgens wet gemagtig om sy boedel te bestuur; of
- (iii) 'n maatskappy onder geregtelike bestuur of in likwidasie, die geregtelike bestuurder of likwideerder, al na die geval; 50
- (d) 'n dier, vervoermiddel of besmetlike ding of ander los voorwerp, die iemand wat op die tyd belas is met die bestuur, bewaring of beheer daarvan; 55
- „parasiet”, 'n plant of insek of ander ongewerweld dier skadelik vir diere of in die vermoë om siekte in die Unie in te bring of te versprei en vir die toepassing van hierdie Wet deur die Minister by kennisgewing in die *Staatskoerant* verklaar 'n parasiet te wees; 60
- „regulasie”, 'n regulasie kragtens hierdie Wet opgestel of in werking gehou;
- „Staatsveearts”, 'n veearts in diens van die Departement met inbegrip van 'n ander veearts gemagtig om vir of namens die Departement in enige saak ingevolge hierdie Wet op te tree; 65
- „verdwaal”, met betrekking tot diere die beweging sonder oppasser na of van grond wanneer die beweging van sulke diere na of van sodanige grond verbied is of aan beperkings onderworpe is; 70
- „kragtens hierdie Wet” of „die bepalinge van hierdie Wet”, sluit in die bepalinge van hierdie Wet en die van 'n proklamasie, regulasie, bevel of kennisgewing wat kragtens hierdie Wet wetlike krag besit;
- „vaste veeartseny-installasie”, 'n onroerende dipbak, 75 bespuitingstoestel, drukgang, hok of kraal of bouwerk of voorwerp tesame met onderdele en bybehore wat voorgeskryf word vir gebruik vir die doen aan die diere van 'n handeling wat hierdie Wet eis.

- person having the charge, control, or management, of such land;
- (b) any land owned by or vested in the South African Native Trust or any location as defined by section *thirty-five* of the Native Administration Act, 1927, or any amendment thereof, the chief, or headman, or any other person whom the Minister may designate as occupier after consultation with the Minister of Native Affairs;
- (c) any commonage or outspan not under the control of any local authority, such person as the Minister may designate as occupier after consultation with the Administrator of the Province in which such commonage or outspan is situated;
- (d) any other land, including any Crown land held under a lease, licence or allotment the person resident thereon, or present thereon during the normal hours of any business for which such land is used, and having the charge, control or management of such land or business and, if there be no such person, the person designated as occupier under the provisions of section *twenty* of this Act;
- "officer" means an officer of the Department;
- "owner" means, in relation to—
- (a) (i) any Crown land held under a lease, licence or allotment, registered in a deeds office or other registration office, and containing an option to purchase such land, the person registered as the holder of such lease, licence or allotment;
- (ii) any Crown land held under a deed of sale, the purchaser under such deed;
- (iii) any other Crown land, the State authority administering or controlling such land;
- (b) any land vested in or controlled by any local authority or the South African Native Trust, such local authority or trust;
- (c) any other land, the registered owner of such land, and includes, if such owner—
- (i) is absent from the Union, or cannot be traced, his agent or legal representative, if any, in the Union; or
- (ii) is a minor, or mentally disordered or insolvent or otherwise incompetent in law to administer his estate, or is deceased, the person authorized by law to administer his estate; or
- (iii) is a company under judicial management or in liquidation, the judicial manager or liquidator, as the case may be;
- (d) any animal, conveyance, or infectious or other movable thing, the person having for the time being the management, custody or control thereof;
- "parasite" means any plant or insect or other invertebrate injurious to animals or capable of introducing or spreading any disease into or within the Union and declared by the Minister by notice in the *Gazette* to be a parasite for the purposes of this Act;
- "regulation" means any regulation made under this Act or continued in force by this Act;
- "State Veterinarian" means any veterinarian of the Department, and includes any other veterinarian who is authorized to act for or on behalf of the Department in any matter under this Act;
- "stray" means in relation to any animal to move unattended by any person to or from any land, when the movement of such an animal to or from such land is prohibited or restricted under this Act;
- "under this Act" or "the provisions of this Act" extends to and includes the provisions of this Act and those of any proclamation, regulation, order, or notice given the force of law by this Act;
- "veterinary fixture" means any immovable dipping tank, spraying machine, crush, pen, race, or other structure or thing, together with such accessories and appurtenances thereof as may be prescribed, for use in the doing to animals of any thing required to be done under this Act.

Beheer van
invoer van
diere en
besmetlike
dinge.

4. (1) Behalwe op gesag van 'n permit uitgereik ooreen-
komstig die regulasies en onderworpe aan die voorwaardes in
sodanige permit gestel, voer niemand 'n dier in die Unie in of
'n ding wat die Minister by kennisgewing in die *Staatskoerant*
verklaar het 'n besmette ding te wees waarop hierdie artikel 5
van toepassing is of laat 'n dier of sodanige ding invoer nie.

(2) Geen permit om 'n dier of besmetlike ding in die Unie
in te voer word uitgereik aan iemand wat aan die Departement
geld skuld ten opsigte van 'n dier of besmetlike ding
wat hy tevore ingevoer het voordat sodanige geld nie betaal 10
is nie.

Pligte van
eienaars op
vervoermiddels
wat die Unie
binnekom.

5. (1) By aankoms in die Unie van 'n vervoermiddel van 'n
plek van vertrek buite die Unie is dit die plig van die eienaar
van sodanige vervoermiddel—

(a) om sonder versuim aan die voorgeskrewe beampte of 15
iemand alle besonderhede van diere of besmetlike
dinge in of op sy vervoermiddel skriftelik te verskaf,
ongeag of hulle 'n deel vorm van die lading, vrag,
toerusting of voorrade van die vervoermiddel of die
eiendom is of in bewaring is van 'n passasier of lid 20
van die bemanning of personeel van sodanige vervoer-
middel, ongeag of hulle of sommige van hulle bestem
is om in die Unie uitgelaat te word;

(b) om in sodanige verslag inligting te verskaf wat
aantoon— 25

(i) die name van alle hawens of plekke deur sodanige
vervoermiddel besoek op sy vaart of reis na die
Unie;

(ii) die diere en besmetlike dinge, indien enige, ver-
voer deur sodanige vervoermiddel tussen sodanige 30
hawens en plekke en die kontak, indien enige,
wat die diere en besmetlike dinge na die Unie
gebring met sodanige diere en besmette dinge
gehad het;

(iii) die tydelike uitlatings, indien enige, opweg van 35
die diere of besmetlike dinge deur die vervoer-
middel na die Unie gebring;

(iv) alle gevalle van siekte of dood onder die diere
op die vervoermiddel tydens die vaart of reis na
die Unie; 40

(v) die maatreëls, indien enige, geneem tydens die
vaart of reis vir die ontsmetting van die vervoer-
middel; en

(vi) sodanige ander besonderhede as wat die Minister
voorskryf; 45

(c) om alle diere die Unie ingevoer op te sluit en veilig
te bewaar op die vervoermiddel en te sorg dat hulle
nie ontsnap of verwyder word nie totdat 'n beampte
magtig dat hulle verwyder, vrygelaat of dat daar
andersins oor hulle beskik word; 50

(d) om onverwyld aan die voorgeskrewe beampte skriftelik
kennis te gee van die sterfte van 'n dier terwyl dit
opgesluit was en van die ongemagtigde verdwyning
van 'n dier uit sodanige bewaring; en

(e) om enige besmetlike ding wat in of op die vervoer- 55
middel is te behou totdat die verwydering, vrylating
of ander beskikking daaroor deur 'n beampte goed-
gekeur is.

(2) Vir die toepassing van hierdie artikel word die uitdrukking
„besmetlike dinge” vertolk as 'n verwysing na slegs die dinge 60
wat kragtens die bepalings van sub-artikel (1) van artikel vier
as sodanig verklaar is en sluit in al sodanige dinge, ongeag of
daar bedoel word dat hulle in die Unie uitgelaai moet word,
al dan nie.

Aanhou en
beskikking oor
diere en dinge
wat die Unie
ingevoer word.

6. (1) Wanneer 'n dier of ding die Unie ingevoer word en 65
'n Staatsveearts meen dat sodanige dier of ding 'n siekte in
die Unie kan invoer of versprei, kan hy, hangende die Minister
se opdrag insake die beskikking daaroor, sodanige dier of
ding in afsondering aanhou.

(2) Die Direkteur kan te eniger tyd en op enige plek beslag 70
laat lê op 'n dier of ding wat in die Unie ingevoer is en wat,
na sy mening, 'n siekte kan invoer of versprei en, hangende die
Minister se opdrag insake die beskikking daaroor, sodanige
dier of ding in afsondering aanhou.

(3) Die Minister kan met betrekking tot 'n dier of ding aldus 75
aangehou—

(a) beveel dat dit vernietig word; of

(b) beveel dat die eienaar dit uit die Unie verwyder binne
sodanige tyd en op sodanige manier en met sodanige
roete as hy voorskryf; of

4. (1) Except upon the authority of a permit issued in accordance with the regulations, and subject to the conditions imposed in such permit, no person shall import, or cause to be imported into the Union, any animal or any thing which the Minister may by notice in the *Gazette* declare to be an infectious thing to which this section shall apply.

Control of
importation of
animals and
infectious things.

(2) No permit to import an animal or infectious thing into the Union shall be granted to any person, who is indebted to the Department for any charges or fees in respect of any animal or infectious thing previously imported by him, until such charges or fees have been paid.

5. (1) Upon the arrival of any conveyance in the Union from any place of departure outside the Union it shall be the duty of the owner of such conveyance—

Duties of owners
on conveyances
entering the
Union.

(a) to report in writing without delay to the prescribed officer or person particulars of all animals and infectious things which are in or upon his conveyance, irrespective of whether or not they or any of them are part of the cargo, load, equipment, or stores of the conveyance, or are the property or in the custody of any passenger or member of the crew or staff on such conveyance, and irrespective of whether or not they or any part of them are intended to be landed in the Union;

(b) to include in such report information disclosing—

(i) the names of all ports or places visited by such conveyance in the course of its voyage or journey to the Union;

(ii) the animals and infectious things, if any, carried by such conveyance between such ports or places, and the contact, if any, which the animals and infectious things brought into the Union had with them;

(iii) the temporary landings, if any, *en route* of the animals or infectious things brought by the conveyance into the Union;

(iv) all cases of sickness and death among the animals on the conveyance during the voyage or journey to the Union;

(v) the measures, if any, taken during the voyage or journey for the disinfection of the conveyance; and

(vi) such other particulars as the Minister may prescribe;

(c) to confine and keep in secure confinement all animals brought into the Union upon the conveyance, and to prevent their escape or removal therefrom, until an officer has authorized their removal, or release, or disposal otherwise;

(d) to report forthwith in writing to the prescribed officer or person the death of any animal while so confined and the unauthorized disappearance of any animal from such confinement; and

(e) to retain any infectious thing, which is in or upon such conveyance, until its removal, or release, or disposal otherwise, is authorized by an officer.

(2) For the purposes of this section the expression "infectious things" shall be construed as referring only to the things declared to be such under the provisions of sub-section (1) of section *four*, and shall include all such things whether they are intended to be landed in the Union or not.

6. (1) If when any animal or thing is introduced into the Union it appears to a state veterinarian that such animal or thing may introduce or spread disease into the Union, he may detain the same in isolation pending the Minister's direction as to its disposal.

Detention and
disposal of
animals and things
introduced into
the Union.

(2) The Director may at any time and place cause to be seized and detained in isolation pending the Minister's direction as to its disposal any animal or thing, which has been introduced into the Union and which in his opinion may introduce or spread disease into the Union.

(3) The Minister may in respect of any animal or thing so detained—

(a) order that it be destroyed, or

(b) order the owner to remove it from the Union within such time and in such manner and by such route as he may prescribe, or

- (c) verlof toestaan dat dit, onderworpe aan sodanige voorwaardes as wat hy stel, in die Unie gehou word; of
 (d) 'n bevel gee omtrent die beskikking daarvoor, soos hy goed ag.

(4) Die eienaar word verantwoordelik gehou vir enige 5
 onkoste deur die Departement onder hierdie artikel aangegaan.

Beskikking oor
 dier of besmet-
 like ding wat die
 Minister beskou
 as onwettig
 ingevoer.

7. (1) Indien daar in die Unie 'n dier of besmetlike ding gevind word wat deur die Minister beskou word as in die Unie ingevoer te wees in stryd met die bepalings van hierdie Wet of van 'n verordening deur hierdie Wet herroep, kan hy dit 10
 laat konfiskeer, vernietig of na goeddunke daarvoor beskik en geen vergoeding word vir sodanige dier of ding betaal tensy die Minister anders gelas.

(2) 'n Beampte of gemagtigde iemand kan, hangende die Minister se besluit, beslag lê op en 'n dier of besmetlike ding 15
 aanhou waarvan hy bewus is of vermoed dat dit binne die Unie ingevoer is in stryd met die bepalings van hierdie Wet of van 'n verordening herroep by hierdie Wet.

Beskikking oor
 diere wat na die
 Unie verdwaal.

8. (1) Wanneer 'n bewoner van grond daarop, of wanneer 'n eienaar van diere tussen sy diere 'n dier vind ten opsigte 20
 waarvan hy weet of rede het om te vermoed dat sodanige dier na die Unie verdwaal het vanaf 'n plek buite die Unie moet hy, waar doenlik (die bewyslas rus op hom)—

- (a) onmiddellik so 'n verdwaalde dier afsonder;
 (b) onverwyld die feite op die voorgeskrewe manier 25
 meld; en
 (c) sodanige verdwaalde dier in afsondering aanhou, hangende die Minister se opdrag wat betref die beskikking daarvoor.

(2) Wanneer 'n beampte of 'n gemagtigde iemand binne die 30
 Unie 'n dier vind ten opsigte waarvan hy weet of rede het om te vermoed dat dit na die Unie verdwaal het, kan hy sodanige dier afsonder en in afsondering aanhou of kan hy 'n bewoner van grond waarop so 'n dier is gelas om dit te doen of, wanneer so 'n dier op 'n publieke pad of plek gevind word, kan hy 'n 35
 bewoner van grond in die nabyheid gelas om dit te doen en moet hy die feite onverwyld op die voorgeskrewe wyse meld.

(3) Die Minister kan gelas dat sodanige dier gekonfiskeer of vernietig word of dat daar andersins oor beskik word, soos hy goed ag en kan, na goedvinde, gelas dat vergoeding aan die 40
 eienaar van sodanige dier betaal word.

(4) Uit geld deur die Parlement beskikbaar gestel vergoed die Departement koste noodsaaklik deur 'n bewoner of eienaar aangegaan in die nakoming van die bepalings van sub-artikels (1) en (2) van hierdie artikel ten opsigte van die afsondering 45
 en aanhouding van verdwaalde diere en, ingeval die Minister gelas dat daar vergoeding aan die eienaar van sodanige verdwaalde diere betaal word, word die bedrag wat aldus uitbetaal word verminder deur aftrekking daarvan van 'n bedrag gelyk aan dié wat betaal moet word of betaalbaar is by wyse 50
 van vergoeding, soos voormeld en 'n bedrag gelykstaande aan enige verdere koste deur die Departement ten opsigte van sodanige dier aangegaan.

Besit van dier
 of ding die
 Unie onwettig
 binnegebring of
 gekom.

9. Wanneer iemand in besit gevind word van 'n dier of besmetlike ding en die Hof deur wie so iemand verhoor word, 55
 meen dat daar redelike grond bestaan om te vermoed dat dit die Unie binnegebring is in stryd met die bepalings van hierdie Wet of van 'n verordening deur hierdie Wet herroep of 'n proklamasie, regulasie of bevel daarkragtens, dan is so iemand skuldig aan 'n misdryf: Met dien verstande dat dit 'n genoegsame 60
 verweer teen 'n aanklag kragtens hierdie artikel is as die beskuldigde ter bevrediging van die hof kan bewys—

- (a) dat hy wettiglik die dier aangehou het ingevolge artikel agt; of
 (b) dat hy, nadat hy in besit van die dier of ding buite 65
 die Unie gekom het, dit wettiglik in die Unie ingebring het; of
 (c) dat, waar hy in die Unie in besit daarvan gekom het, hy dit verkry het deur aankoop by 'n openbare veiling of onder omstandighede wat geen redelike grond 70
 openbaar het om te vermoed dat dit in stryd met die genoemde bepalings was nie of nadat die Minister besluit het om nie so 'n dier of ding te konfiskeer of te vernietig nie.

Beheer van
 beweging van
 diere besmet of
 vermoedelik
 besmet met
 siekte.

10. Behalwe op gesag van 'n permit uitgereik kragtens hierdie 75
 Wet kan niemand 'n dier wat besmet is of vermoedelik besmet is met 'n siekte, wat die Minister by kennisgewing in die *Staatskoerant* verklaar het as 'n siekte waarop hierdie artikel betrekking het, van grond waarop dit hom bevind, vervoer nie.

- (c) grant permission for it to be kept in the Union subject to such conditions as he may impose, or
- (d) make such other order for its disposal as he may deem fit.

5 (4) The owner shall be liable for any expense incurred by the Department under this section.

7. (1) If there be found within the Union any animal or infectious thing, which in the opinion of the Minister has been introduced into the Union in contravention of the provisions of this Act or of any enactment repealed by this Act, he may cause the same to be confiscated, destroyed, or otherwise disposed of as he may deem fit, and no compensation shall be paid for such animal or thing, unless the Minister otherwise directs.

Disposal of animal or infectious thing which in Minister's opinion was unlawfully introduced into the Union.

15 (2) Any officer or authorized person may seize and detain pending the Minister's decision any animal or infectious thing, which he knows or suspects to have been introduced into the Union in contravention of the provisions of this Act or of any enactment repealed by this Act.

20 8. (1) If any occupier of land finds thereon, or if any owner of animals finds with his animals, any animal which he knows or has reason to suspect has strayed thither from some place outside the Union he shall, if practicable (and the onus of proving that it was not practicable shall be on him)—

Disposal of animals straying into the Union.

- 25 (a) immediately isolate such stray animal;
- (b) forthwith report the facts in the manner prescribed; and
- (c) detain such stray animal in isolation pending direction from the Minister as to its disposal.

30 (2) If an officer, or authorized person, finds within the Union any animal which he knows or has reason to suspect has strayed into the Union, he may isolate such animal and detain it in isolation, or he may require the occupier of any land whereon such animal may be so to do, or if such animal be found in a public road or place, he may require the occupier of any land in the vicinity so to do, and he shall report the facts forthwith in the manner prescribed.

(3) The Minister may order any such animal to be confiscated, or destroyed, or otherwise disposed of, as he may deem fit, and he may at his discretion order compensation to be paid to the owner of such animal.

(4) The Department shall out of money provided by Parliament reimburse the expenses necessarily incurred by any occupier or owner in complying with the requirements of sub-sections (1) and (2) of this section to isolate and detain stray animals, and if the Minister orders compensation to be paid to the owner of any such stray animals the amount to be so paid shall be reduced by deducting therefrom a sum equal to that paid or payable in reimbursement as aforesaid and a sum equal to any further expense incurred by the Department in respect of such animals.

9. If any person is found in possession of any animal or infectious thing, with regard to which there is in the opinion of the Court by which he is tried reasonable ground to suspect that it was introduced or came into the Union in contravention of the provisions of this Act or of any enactment repealed by this Act, or of any proclamation, regulation, or order made thereunder, he shall be guilty of an offence: Provided that it shall be a sufficient defence to a charge under this section if the accused proves to the satisfaction of the court—

Possession of animal or thing unlawfully brought or come into the Union.

- (a) that he was lawfully detaining such animal in terms of section eight; or
- (b) that having acquired possession of such animal or thing outside the Union, he introduced it lawfully into the Union; or
- (c) that, having acquired such possession within the Union, he did so by purchase at a public sale, or in circumstances disclosing no reasonable grounds to suspect a contravention of the said provisions, or at a time after the Minister had decided not to confiscate or destroy such animal or thing.

10. No person shall except upon the authority of a permit issued under the Act move from the land where it is any animal infected or suspected of being infected with any disease, which the Minister may by notice in the *Gazette* declare to be a disease in respect of which this section shall apply.

Control of movement of animals infected or suspected of being infected with disease.

Verdwaal van diere besmet of vermoedelik besmet met siekte.

11. Die eienaar van 'n dier wat besmet of vermoedelik besmet is met 'n siekte, wat deur die Minister by kennisgewing in die *Staatskoerant* verklaar het tot 'n siekte ten opsigte waarvan hierdie artikel van toepassing is, verhoed dat sodanige dier verdwaal van die plaas waar dit hom bevind.

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Beheer van beweging en verdwaal van diere in beperkte of verbode gebiede.

12. (1) Niemand bring 'n dier of ding waarvan die beweging na, op, in, binne of van 'n grond of gebied kragtens hierdie Wet verbied of beperk is na, op, in, binne of van grond of 'n gebied behalwe op gesag van 'n permit uitgereik ooreenkomstig die regulasies.

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(2) Die eienaar van 'n dier waarvan die beweging na, in, op, binne of van grond of gebied kragtens hierdie Wet verbied of beperk is, verhoed dat sodanige dier na, op, in, binne of van sodanige grond of gebied verdwaal.

Skut van diere besmet of vermoedelik besmet met siekte.

13. Nieteenstaande andersluidende bepalings in 'n wet betreffende skutte sit niemand 'n dier, wat besmet of vermoedelik besmet is met 'n siekte wat deur die Minister by kennisgewing in die *Staatskoerant* verklaar kan word tot 'n siekte waarop hierdie artikel betrekking het in 'n skut of laat dit in 'n skut sit nie.

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Bepalings vir die aanhou van en beskikking oor diere wat vervoer was of verdwaal het in stryd met hierdie Wet.

14. (1) Die Minister kan voorskryf watter maatreëls en deur wie maatreëls geneem word vir die aanhou en afsondering van en beskikking oor diere wat in stryd met die bepalings van hierdie Wet binne die Unie verdwaal of vermoedelik verdwaal het of vervoer is.

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(2) Wanneer iemand anders as die eienaar van 'n dier, wat ingevolge hierdie artikel aangehou is, noodwendig koste aangaan met die uitvoer van pligte hom ten opsigte van sodanige dier ingevolge hierdie artikel opgelê, is sodanige koste aan hom verskuldig en betaalbaar deur sodanige eienaar en, onderworpe aan die bevoegdheid van die Minister wat betref die beskikking oor die dier, het so iemand die reg om die dier te hou saam met ander eiendom van die eienaar in sy besit totdat die skuld ten volle vereffen is.

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Bevryding of verwydering van 'n dier of ding aangehou.

15. (1) Niemand bevry of verwyder 'n dier of ding kragtens hierdie Wet aangehou van 'n plek van aanhouding of afsondering sonder 'n permit nie.

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(2) Geen sodanige permit word toegestaan ten opsigte van 'n dier of ding waarvoor gelde aan die Departement verskuldig en betaalbaar is nie, voordat sodanige gelde nie betaal is nie.

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Oprigting ens. van Veeartseny-installasies.

16. (1) Die Minister kan gelas dat 'n eienaar van grond waarop daar diere is waaraan iets gedoen moet word wat die gebruik van 'n veeartseny-installasie kragtens hierdie Wet verg om op sy eie koste daarop sodanige veeartseny-installasie binne 'n voorgeskrewe tydperk en volgens die planne en spesifikasies deur die Minister goedgekeur te bou, in stand te hou, te herstel of te verbeter: Met dien verstande dat, as sodanige grond aan iemand anders verpag of verhuur is of onderworpe is aan 'n vruggebruik of serwituut waardeur die eienaar ontbloom is van sy reg om die grond te bewoon op die tyd wanneer hy deur die Minister gelas word om sodanige veeartseny-installasie te bou of te verbeter, die eienaar na voltooiing van die werk, van die pagter, huurder, vruggebruiker of iemand wat die serwituut het, al na die geval, sodanige bedrag ten opsigte van die gebruik van die veeartseny-installasie en op sodanige voorwaardes van betaling as die Minister, met inagneming van die omstandighede, vasstel, kan vra: Met dien verdere verstande dat waar 'n veeartseny-installasie as gevolg van 'n Ministeriële bevel op staatskoste gebou, herstel of verbeter word op Kroongrond gehou deur iemand onder 'n huurkontrak, lisensie of toekenning sonder opsie van aankoop die Minister van Lande na voltooiing van die werk die huurgeld kan vermeerder met 'n bedrag wat hy, met inagneming van die koste van sodanige werk, redelik ag.

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(2) Wanneer twee of meer eienaars van grond deur die Minister beveel word om op hul onderskeie grond dieselfde tipe veeartseny-installasie op te rig en sulke grond grens of van mekaar geskei word deur grond waarop geen sodanige veeartseny-installasie is nie, kan hulle met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy stel, skriftelik ooreenkom om sodanige veeartseny-installasie op te rig op die grond van een van hulle vir die gesamentlike gebruik deur die eienaars van diere wat gehou word of wei op hul onderskeie gronde en hulle bou dan sodanige veeartseny-installasie volgens die bevel van die Minister op die grond in die ooreenkoms aangewys.

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11. The owner of an animal infected or suspected of being infected with any disease, which the Minister may by notice in the *Gazette* declare to be a disease in respect of which this section shall apply, shall prevent such animal from straying from the land where it is.

Straying of animals infected or suspected of being infected with disease.

12. (1) No person shall move into, within, or from any land or area any animal or thing, the movement of which into, within or from such land or area is prohibited or restricted under this Act, except upon the authority of a permit issued in accordance with the regulations.

Control of movement and straying of animals in restricted or prohibited areas.

(2) The owner of any animal, the movement of which into, within or from any land or area is prohibited or restricted under this Act shall prevent such animal from straying into, within, or from such land or area.

13. Notwithstanding any thing to the contrary in any law relating to pounds, no person shall impound or cause to be impounded in a public pound any animal infected or suspected of being infected with any disease, which the Minister may by notice in the *Gazette* declare to be a disease in respect of which this section shall apply.

Impounding of animals infected or suspected of being infected with disease.

14. (1) The Minister may prescribe what, and by whom, measures shall be taken for the detention, isolation, and disposal of animals which have, or are suspected of having strayed or been moved within the Union contrary to the provisions of this Act.

Provisions for detention and disposal of animals moved or straying in contravention of this Act.

(2) If any person other than the owner of an animal detained under this section is put to any necessary expenses in carrying out any duties imposed upon him under this section in respect of such animal, such expenses shall be a debt due and payable to him by such owner, and, subject to the Minister's power as to the disposal of such animal, such person shall have the right to retain such animal, together with any other property in his possession belonging to such owner, until the whole of the debt has been paid.

15. (1) No person shall rescue, or remove without a permit, from any place of detention or isolation any animal or thing detained or isolated under this Act.

Rescue or removal of detained animal or thing.

(2) No such permit shall be granted in respect of any animal or thing on account of which charges or fees are due and payable to the Department, until such charges or fees have been paid.

16. (1) The Minister may order the owner of any land, whereon there are animals to which any thing involving the use of any veterinary fixture is required to be done under this Act, to construct, maintain, repair, or improve such veterinary fixture thereon at his own expense and within a prescribed time and in accordance with plans and specifications approved by the Minister: Provided that, if such land is leased or let to another person or is subject to a usufruct of servitude, whereby the owner is divested of the occupation of the land at the time when he is ordered by the Minister to construct or improve such veterinary fixture, he may on completion of the work charge the lessee, tenant, usufructuary, or person having the servitude, as the case may be, such amount in respect of the use of the veterinary fixture and upon such terms as to payment as the Minister may, having regard to the circumstances, fix; and provided further that if in consequence of a Minister's Order any veterinary fixture is constructed, repaired or improved, at the expense of the State on Crown land held by any person under a lease, licence or allotment, which does not contain an option to purchase such land, the Minister of Lands may upon completion of the work increase the rent by such amount as he may deem equitable having regard to the cost of such work.

Construction, etc., of veterinary fixtures.

(2) If two or more owners of land are ordered by the Minister to construct on their respective lands the same type of veterinary fixture, and such lands are contiguous or separated from each other only by land on which there is no such veterinary fixture, they may with the approval of the Minister and subject to such conditions as he may impose agree in writing to construct such veterinary fixture on the land of any one of them for the common use of owners of animals kept or depastured on their respective lands, and they shall thereupon construct such veterinary fixture in accordance with the Minister's order upon the land stipulated in the agreement.

(3) 'n Ooreenkoms kragtens die bepalings van sub-artikel (2) aangegaan word vervat in 'n notariële akte wat die eienaars van die gronde onverwyld by die Registrateur van Aktes in-handig vir registrasie teen die transportaktes van sodanige grond en deponeer terselfdertyd 'n afskrif van sodanige akte by die Direkteur; sodanige ooreenkoms word nie sonder die skriftelike goedkeuring van die Minister gekanselleer of gewysig nie en solank dit van krag is, is dit bindend op die eienaars van die betrokke gronde sowel as op hul regsopvolgers.

(4) Die Minister kan in 'n bevel om 'n veeartseny-installasie op te rig eis dat die eienaar sodanige installasie oprig op 'n plek aangewys in sodanige bevel of op 'n plek uitgekies deur 'n beampte in sodanige bevel genoem.

(5) Geen veeartseny-installasie kan sonder die goedkeuring van die Minister afgebreek, gesloop, verwyder of in doel-treffendheid benadeel word nie.

Gebruik van
veeartseny-
installasie vir
diere op
grond waar dit
opgerig is.

17. Die Minister kan beveel dat die bewoner van grond waarop 'n veeartseny-installasie opgerig is sodanige installasie gebruik vir die doen van enigiets vereis kragtens hierdie Wet wat gedoen moet word aan 'n dier wat op sodanige grond gehou word of wei en die nodige materiaal en hulpmiddels vir sodanige gebruik voorsien: Met dien verstande dat, waar die installasie gebruik word vir 'n dier waarvan hy nie die eienaar is nie die bewoner betaling kan eis van die eienaar van sodanige dier teen 'n bedrag wat die Minister bepaal.

Gebruik van
installasie vir
diere op ander
gronde.

18. Die Minister kan met die toestemming van die bewoner van grond waarop 'n veeartseny-installasie opgerig is die eienaar van 'n dier wat gehou word of wei op grond waarop daar nie sodanige veeartseny-installasie is nie gelas om gebruik te maak van die installasie op eersgenoemde grond om iets te doen aan sodanige dier wat kragtens hierdie Wet vereis word: Met dien verstande dat die bewoner van die genoemde eienaar 'n bedrag kan eis wat deur die Minister vasgestel word.

Oprigting van
omheinings.

19. (1) Die Minister kan omheinings (insluitende hekke en motorhekke) laat oprig—

(a) langs of dwarsoor 'n publieke of private pad;

(b) langs die grenslyn van of dwarsoor grond;

en die koste van sodanige omheinings bestry met geld voorsien deur die Parlement vir die toepassing van hierdie Wet; en wanneer sodanige omheining nie meer nodig is vir die doel waarvoor dit opgerig is nie kan hy dit laat verwyder of in dele of as 'n geheel laat verkoop soos dit staan teen 'n prys deur hom goedgekeur of 'n ander bevel wat hy geskik ag oor die beskikking daarvan uitreik.

(2) Die Minister kan 'n eienaar van grond beveel om binne 'n voorgeskrewe tyd en volgens planne en spesifikasies deur die Departement goedgekeur en op sy eie koste omheinings (insluitende hekke en motorhekke) op te rig, in stand te hou, reg te maak of te verbeter op sodanige grond hetsy langs die hele of 'n gedeelte van die grenslyn of elders daarop as sodanige omheinings na die oordeel van die Minister nodig is vir die bestryding van 'n siekte of vir die voorkoming van die verspreiding daarvan en hy kan die eienaar van grond aan die grenslyn gelas om sodanige bydrae te maak as hy voorskryf of in geld, of arbeid, of materiaal of een van hierdie vorms vir die oprigting, instandhouding, regmaak of verbetering van die hele of 'n deel van die gesamentlike grensomheining. Die voorwaardes van sub-artikel (1) van artikel *sestien* is *mutatis mutandis* van toepassing ten opsigte van enige omheiningswerk ingevolge hierdie sub-artikel.

(3) Geen omheining opgerig kragtens die bepalings van hierdie artikel word sonder die toestemming van die Minister verwyder of minder doeltreffend gemaak.

Aanwysing van
'n bewoner
van grond.

20. (1) Die Minister kan by wyse van 'n kennisgewing aan die eienaar van grond waarop daar geen bewoner is nie gelas dat die eienaar binne 'n tydperk deur die Minister voorgeskryf, maar wat nie korter as 'n kalendermaand vanaf die datum van die kennisgewing is nie, iemand deur die Minister goedgekeur, benoem as bewoner van sodanige grond vir die toepassing van die Wet en by die Direkteur 'n skriftelike ooreenkoms deponeer van die besonderhede van die voorwaardes waarop sodanige iemand die benoeming aanvaar het. Sodanige ooreenkoms kan nie sonder die toestemming van die Minister verander of gekanselleer word nie.

(2) Wanneer 'n eienaar soos beskryf in sub-artikel (1) van hierdie artikel nie opgespoor kan word nie of, nadat aan hom kennis gegee is, in gebreke bly om 'n bewoner te benoem, soos

(3) Any agreement made under the provisions of sub-section (2) shall be embodied in a notarial deed, which the owners of the lands concerned shall forthwith deposit with the Registrar of Deeds for registration against the titles to such lands, and they shall at the same time lodge a copy of such deed with the Director; such agreement shall not be cancelled nor altered without the written consent of the Minister, and while it is in force it shall be binding upon the owners of the lands concerned and upon their successors in title.

(4) The Minister may in any order to construct a veterinary fixture require the owner to construct such fixture upon a site designated in such order, or upon a site selected by an officer named in such order.

(5) No veterinary fixture shall be demolished, dismantled, removed, or impaired in efficacy, without the consent of the Minister.

17. The Minister may order the occupier of any land whereon there is any veterinary fixture to use such fixture for the doing of any thing required under this Act to be done to any animal kept or depastured on such land, and to furnish the necessary materials and facilities for such use: Provided that, if the fixture is used for any animal of which he is not the owner, the occupier may charge the owner of the animal such fee for the use as the Minister may fix.

Use of veterinary fixture for animals on land where it is situated.

18. The Minister may, with the consent of the occupier of any land whereon there is any veterinary fixture, order the owner of any animal kept or depastured on land whereon there is no such veterinary fixture to make use of the fixture on the first-mentioned land for the doing to such animal of any thing required under this Act to be done to it: Provided that the occupier may charge the said owner such fee for the use as the Minister may fix.

Use of veterinary fixture for animals on other lands.

19. (1) The Minister may cause fences (including gates and grids) to be erected—

Construction of fences.

(a) along or across any road, whether public or private; and

(b) along the boundary of or upon or across any land;

defray the entire cost of any such fences out of money provided by Parliament for the purposes of this Act; and, whenever such a fence is no longer required for the purpose for which it was erected, he may cause it to be removed, or the whole or any part of it to be sold as it stands at a price approved by him, or make such other order for its disposal as he may deem fit.

(2) The Minister may order the owner of any land to erect, maintain, repair, or improve, within a prescribed time, and in accordance with plans and specifications approved by the Department and at his own expense, fences (including gates and grids) upon such land, whether along the whole or any part of the boundary thereof or elsewhere thereon, if in the opinion of the Minister such fences are necessary for the control of or for preventing the spread of any disease, and in the case of a boundary fence he may order the owner of any land adjoining such boundary to make such contribution as he may prescribe, either in money, or labour, or material, or any of them, towards the erection, maintenance, repair, or improvement of the whole or any part of the common boundary fence. The provisos to sub-section (1) of section sixteen shall *mutatis mutandis*, apply in respect of any fencing done under this sub-section.

(3) No fence erected under the provisions of this section shall be removed or impaired in efficacy without the consent of the Minister.

20. (1) The Minister may by notice to the owner of any land, of which there is no occupier, require such owner within a period of time fixed by the Minister, which shall be not less than one calendar month from the date of such notice, to designate a person approved by the Minister, to be the occupier of such land for the purposes of this Act, and to deposit with the Director an agreement in writing setting forth in detail the terms upon which such person has accepted the designation. Such agreement shall not be altered or cancelled without the Minister's consent.

Designation of occupier of land.

(2) If an owner referred in sub-section (1) of this section cannot be traced, or having been given notice fails to designate an occupier as required, the Minister may designate as occupier

gelas, kan die Minister vir die toepassing van hierdie Wet as bewoner van sodanige eienaar se grond enigiemand benoem wat gewillig is om in daardie hoedanigheid op te tree op voorwaardes waartoe ooreengekom is tussen die Departement en sodanige iemand en enige koste deur die Departement aangegaan is skuld wat die Departement op sodanige eienaar kan verhaal. Elkeen aldus benoem het die reg om sodanige grond te betree en om daar enigiets te doen waartoe 'n bewoner gemagtig is of wat van hom kragtens hierdie Wet vereis word.

Toewysing van pligte en delegering van bevoegdheide.

21. (1) Die Minister kan pligte kragtens hierdie Wet toewys aan beamptes of ander persone of afsonderlik of as lede van 'n klas, graad of groep en met betrekking tot 'n besondere saak of klas van sake en kan skriftelik onder sy handtekening van sy bevoegdheide (behalwe die bevoegdheid om regulasies te maak en hierdie delegeringsbevoegdheid) delegeer sodat aldus gedelegeerde bevoegdheid kan uitgeoefen word deur die gedelegeerde met betrekking tot 'n saak of klas van sake in die delegeringsakte uiteengesit.

(2) Elke delegering van bevoegdheide deur die Minister kan skriftelik na wens herroep word en geen delegering belet dat die Minister 'n bevoegdheid uitoefen nie.

(3) Wanneer iemand aan wie pligte toegewys of bevoegdheide gedelegeer word nie in diens van die Staat is nie kan die Minister uit gelde wat vir die toepassing van hierdie Wet deur Parlement voorsien is gebruik om te betaal vir die dienste van sodanige gevolmagtigde iemand teen 'n bedrag waartoe ooreengekom word met so iemand of sy werkgewer, al na die geval.

Reg van toegang ens. van beamptes en gemagtigde persone.

22. (1) Elke beampte en gemagtigde iemand is gemagtig en het die bevoegdheid om grond of 'n vervoermiddel te betree en saam met hom assistente, of hulle beamptes is al dan nie, en sodanige diere, voertuie, toestelle, instrumente, gereedskap, medisyne en ander dinge wat hy vir sy doel nodig ag, te neem en daar—

- (a) enige ding te doen waarvoor hy die bevoegdheid besit of wat hom kragtens hierdie Wet vereis word;
- (b) die verrigting van enige ding wat iemand anders kragtens hierdie Wet moet doen af te dwing, toesig daaroor te hou of dit te inspekteer;
- (c) te soek na, en die eienaar, bewoner of iemand anders in beheer daarvan te verplig om aan hom 'n dier of ding te toon wat daar mag wees en wat aan die bepalinge van hierdie Wet onderworpe is;
- (d) sodanige diere en dinge te verifieer, te tel, te inspekteer en hul identiteit vas te stel;
- (e) uit te vind of sulke diere of dinge met siekte besmet is;
- (f) om vas te stel of 'n ding wat kragtens hierdie Wet gedoen moet word, gedoen is of gedoen word;
- (g) op 'n dier of ding waarvan hy bewus is of vermoed dat die bepalinge van hierdie Wet oortree is of wat na sy oordeel waarskynlik siekte of parasiete sal versprei, beslag te lê en aan te hou, hangende die beslissing van die Minister insake die beskikking daaroor.

(2) Ten einde vas te stel of 'n dier of ding met 'n siekte besmet is, het 'n staatsveearts die regsbevoegdheid—

- (a) om te eis dat elkeen wat belang het by of enigsins te doen het met die oppas, beheer of bestuur van sodanige dier of ding, aan hom volle besonderhede verskaf van die feite in verband met sodanige dier of ding, vir sover hul kennis strek en dit na sy oordeel ter sake is wat betref die regte diagnose van die geval en die maatreëls wat geneem moet word vir die bestryding en verhoeding van die verspreiding van die siekte;
- (b) om so 'n dier of ding te ondersoek of te toets op sodanige wyse as hy nodig ag;
- (c) om 'n dooie dier te ondersoek en, indien hy dit nodig ag, om enige ander dier af te maak waarvan die nadoodse ondersoek, na sy mening, sal help om 'n behoorlike diagnose te maak;
- (d) om 'n orgaan of deel van 'n dooie dier of afgemaakte dier te verwyder vir verdere ondersoek; en oor die algemeen;
- (e) om verdere ondersoek wat hy nodig ag in te stel of te laat instel vir die behoorlike hantering van die geval kragtens hierdie Wet.

(3) Elke beampte en gemagtigde iemand is gemagtig en bevoeg om alle redelike hulp te eis van—

- (a) die eienaar van 'n dier, vervoermiddel of ding in verband met die verrigting van enigiets wat sodanige

of such owner's land for the purposes of this Act any person who is willing to act in that capacity upon such terms as may be arranged between the Department and such person, and any expenses thereby incurred by the Department shall be a debt recoverable from such owner. A person so designated shall have the right to enter upon such land and there to do anything authorized or required to be done by the occupier under this Act.

21. (1) The Minister may assign duties under this Act to officers and other persons either individually or as members of a class, grade, or group, and in relation to any particular matter or class of matters he may by writing under his hand delegate any of his powers under this Act (except the power to make regulations and this power of delegation), so that the delegated powers may be exercised by the delegate with respect to the matter or class of matters specified in the instrument of delegation.

Assignment of duties and delegation of powers.

(2) Every delegation by the Minister shall be revocable in writing at will, and no delegation shall prevent the exercise of any power by the Minister.

(3) If any person to whom duties are assigned or powers delegated under this section is not in the service of the State, the Minister may out of money provided by Parliament for the purposes of this Act pay for the services of such authorized person such amount as may be agreed upon either with him or with his employer, as the case may be.

22. (1) Every officer and every authorized person is authorized and empowered to enter upon any land or conveyance, and to take with him such assistants, whether officers or not, and such animals, vehicles, appliances, instruments, tools, drugs, and other things as he deems necessary for his purpose, and there—

Powers of entry, etc., of officers and authorized persons.

- (a) to do any thing, which he is empowered or required to do under this Act;
- (b) to enforce, supervise, and inspect the doing of any thing, which any other person is required to do under this Act;
- (c) to search for, and to require the owner, occupier, or any other person for the time being in charge there to produce to him, any animal or thing, which may be there and which is subject to the provisions of this Act;
- (d) to check, count, inspect, and establish the identity of any such animals and things;
- (e) to ascertain whether any such animals or things are infected with disease;
- (f) to ascertain whether any thing required to be done under this Act has been, or is being, done; and
- (g) to seize and detain pending the Minister's decision as to its disposal any animal or thing, in respect of which he knows or suspects that the provisions of this Act have been contravened, or which in his opinion is likely to spread disease or parasites.

(2) For the purpose of ascertaining whether any animal or thing is infected with disease a state veterinarian is empowered—

- (a) to call upon all persons concerned in or having any part in the care, control, or management of such animal or thing to furnish him with full information of the facts relating to such animal or thing within their knowledge, which are in his opinion relevant to the correct diagnosis of the case and to the measures which should be taken to control and prevent the spread of disease;
- (b) to examine and test such animal or thing in such manner as he may deem necessary;
- (c) to make an examination of any dead animal, and, if he deems it necessary, to slaughter any other animal, the post-mortem examination of which would in his opinion assist in reaching a proper diagnosis;
- (d) to remove any organ or part of a dead or slaughtered animal for further examination; and generally
- (e) to make or cause to be made such further investigation as he may deem necessary for the proper handling of the case under this Act.

(3) Every officer, and every authorized person, is authorized and empowered to require all reasonable assistance from—

- (a) the owner of any animal, conveyance, or thing, in the doing of anything which such officer or authorized

beampte of gemagtigde iemand gemagtig is om te doen of van hom kragtens hierdie Wet vereis word om te doen met betrekking tot sodanige dier, vervoermiddel of ding.

- (b) die bewoner van grond in verband met die verrigting van enigiets wat sodanige beampte of gemagtigde iemand gemagtig is om te doen of van hom kragtens hierdie Wet vereis word om te doen met betrekking tot 'n saak binne die beheer van sodanige bewoner ingevolge sy bewoning van sodanige grond; 10
- (c) die eienaar van grond in verband met die verrigting van enigiets wat sodanige beampte of gemagtigde iemand gemagtig is om te doen of van hom kragtens hierdie Wet vereis word om te doen met betrekking tot 'n saak binne die beheer van sodanige eienaar ingevolge sy eiendomsreg van sodanige grond. 15

Bevoegdheid om op te tree as eienaar of bewoner in gebreke bly of as saak dringend is.

23. (1) Wanneer die eienaar of bewoner van grond of die eienaar van 'n dier, vervoermiddel of ding in gebreke bly of weier om iets te doen wat hy kragtens hierdie Wet verplig is om te doen of wanneer in 'n geval waar dit nodig is om kennis te gee aan die eienaar of bewoner om iets te doen wat hy kragtens hierdie Wet verplig is om te doen en die dringendheid daarvan, na die mening van die Minister van so 'n aard is dat dit sonder versuim gedoen moet word, kan die Departement sonder verdere kennisgewing of sonder hoegenaamd kennis te gee, al na die geval, dit self doen of dit laat doen namens die Departement en die koste daarby aangegaan van die betrokke eienaar of bewoner verhaal op die wyse wat hierdie artikel bepaal. 20 25

(2) Koste deur die Departement ingevolge hierdie artikel aangegaan is verskuldig en betaalbaar by aanvraag nadat die werk in verband met die ding wat gedoen moes word afgehandel is en is verhaalbaar deur 'n aksie in 'n bevoegde Hof: Met dien verstande, dat wanneer die ding een van die is waarvoor daar in sub-artikel (1) van artikel *sestien* of in sub-artikel (2) van artikel *negentien* voorsiening gemaak is en die eienaar van die betrokke grond aansoek doen om die voordeel om in paaieimente te betaal, die Minister, indien hy die aansoek goedkeur, die paaieimente en die tydperk waarin die skuld betaal moet word, kan bepaal: Met dien verdere verstande dat die tydperk waarin sodanige skuld betaal moet word hoogstens tien jaar kan wees en dat rente teen 'n koers deur die Minister bepaal, opeisbaar is op die onbetaalde deel van die skuld en saam met elke paaieiment betaalbaar is. 30 35 40

(3) Wanneer die voordeel om in paaieimente te betaal ingevolge die bepaling van sub-artikel (2) toegestaan is, gee die Departement onverwyld die Registrateur van Aktes in wie se kantoor die grond geregistreer is skriftelik alle besonderhede wat aantoon— 45

- (a) die naam van sodanige eienaar en die beskrywing van die betrokke grond; 50
- (b) die aard en bedrag van die skuld; en
- (c) die voordeel wat toegestaan is vir die vereffening van die skuld;

en die Registrateur laat dit ten opsigte van die betrokke grond in sy register noteer en verskaf onverwyld 'n gesertifiseerde afskrif van die endossement aan die Departement. 55

(4) (a) Wanneer 'n skuld deur die Registrateur ingevolge sub-artikel (3) genoteer is, is die bedrag van die skuld (of die deel wat nog verskuldig is) 'n las op die betrokke grond en elke daaropvolgende eienaar is aanspreeklik vir die paaieimente en rente na gelang hulle verval, asof hy self die skuld gemaak het. 60

(b) ingeval sodanige grond verdeel of 'n deel daarvan oorgedra word bepaal die Minister of, en indien wel, watter mate die skuld 'n las is op elke afsonderlike deel van die grond en elke daaropvolgende eienaar van enige sodanige deel is aanspreeklik vir die paaieimente en rente, na gelang hulle opeisbaar word, ten opsigte van die eweredige bedrag wat daardie deel beswaar asof hy self die skuld gemaak het. 65 70

(c) Geen oordrag van sodanige grond of 'n gedeelte daarvan of die registrasie van verdelingsaktes van eiendomsreg of oordrag daarvan vind voor 'n registrateur van aktes plaas nie behalwe op gesag van 'n sertifikaat uitgereik deur die Departement en aan die Registrateur getoën wat aantoon— 75

- (i) dat alle paaieimente en rente op daardie tyd ten opsigte van die skuld opeisbaar betaal is;

person is authorized or required to do under this Act in relation to such animal, conveyance, or thing;

- (b) the occupier of any land, in the doing of anything which such officer or authorized person is authorized or required to do under this Act in relation to any matter within the control of such occupier by virtue of his occupation of such land;
- (c) the owner of any land, in the doing of anything which such officer or authorized person is authorized or required to do under this Act in relation to any matter within the control of such owner by virtue of his ownership of such land.

23. (1) If the owner or occupier of any land, or the owner of any animal, conveyance, or thing, fails or refuses to do anything which he is required under this Act to do, or if, in any case in which notice to do a thing is required under this Act to be given to any such owner or occupier, the urgency of the matter is in the opinion of the Minister such that the thing should be done without any loss of time, the Department may without further notice, or without any notice as the case may be, do such thing itself or cause it to be done on its behalf, and recover the cost thereby incurred from the owner or occupier concerned in the manner provided in this section.

Power to take action if an owner or occupier is in default or matter urgent.

(2) Any cost incurred by the Department under this section shall be due and payable on demand on completion of the thing to be done, and may be recovered by action in any competent court: Provided that, if such thing is one of those for the doing of which provision is made in sub-section (1) of section sixteen or in sub-section (2) of section nineteen, and the owner of the land concerned applies for the facility of payment by instalments, the Minister may, if he approves of such application, fix the instalments by which, and the period within which, the debt shall be paid: Provided further that any such period shall not exceed ten years, and that interest at a rate fixed by the Minister shall be due on the unpaid balance of the debt and payable with each instalment.

(3) Whenever facility to pay in instalments is granted to any owner of land under the provisions of sub-section (2) the Department shall forthwith transmit in writing to the Registrar of Deeds in whose office such land is registered full information showing—

- (a) the name of such owner and the description of such land;
- (b) the nature and amount of the debt; and
- (c) the facilities granted for the payment of the debt; and the Registrar shall cause a note thereof to be made in his register in respect of the land in question, and shall forthwith transmit to the Department a certified copy of such note.

(4) (a) Whenever a debt has been noted by the registrar under sub-section (3) the amount of such debt (or as much as may be owing) shall attach to the land concerned, and each successive owner of such land shall be liable for the instalments and interest as they fall due, as if the debt had been incurred by him.

(b) In the event of such land being partitioned, or a portion thereof transferred, the Minister shall determine whether, and, if so, the extent to which, the debt shall attach to each separate portion of the land, and each successive owner of any such portion shall be liable for the instalments and interest as they fall due in respect of the proportionate amount which attaches to that portion, as if the debt had been incurred by him.

(c) No transfer of any such land or any portion thereof, or registration of any partition deeds of title or transfer thereof, shall be passed before any registrar of deeds, except upon the production to him of a certificate issued by the Department and indicating—

- (i) that all instalments and interest then due in respect of the debt have been paid; and

(ii) watter bedrag van die skuld nog uitstaande is; en of die grond verdeel word of enige deel daarvan oorgedra word; en

(iii) watter bedrag van die skuld elke afsonderlike deel van die grond beswaar. 5

(d) Die sertifikaat genoem in paragraaf (c) hiervan is afdoende bewys van die feite daarin genoem en die registrateur teken op die dokument van eiendomsreg of transportakte van sodanige grond of betrokke deel daarvan die bedrag aan van 'n las wat volgens die sertifikaat op sodanige grond of enige deel daarvan rus, al na die geval. 10

(5) Dit staan die skuldenaar vry om te eniger tyd die onbetaalde balans van die skuld tesame met die rente nog daarop verskuldig te betaal en by ontvangs van 'n sertifikaat van die Departement dat die hele skuld en rente gedelg is, kanselleer die Registrateur die aantekening in sy register. 15

Minister se diskresie by uitreiking van permitte.

24. Niemand het 'n regmatige aanspraak op 'n permit vir 'n doel waarvoor die gesag van 'n permit kragtens hierdie Wet vereis word of 'n ander dokument kragtens hierdie Wet uitgereik moet word en geen regsgeding word in 'n geregshof ingestel om die Minister of iemand anders te verplig om sodanige permit of ander dokument uit te reik: Met dien verstande dat waar 'n beampte of gemagtigde iemand weier om 'n permit toe te staan of ander dokument uit te reik by die Minister appèl teen sodanige weiering aangeteken kan word en sy beslissing die saak afhandel. 25

Vergoeding.

25. Geen regsgeding kan teen die Goewerment of die Minister of 'n beampte of gemagtigde iemand ingestel word nie as gevolg van iets wat te goedertrou kragtens hierdie Wet gedoen is en geen vergoeding is betaalbaar aan iemand ten opsigte van sodanige saak tensy die Minister anders bepaal: Met dien verstande dat vergoeding vir diere wat kragtens hierdie Wet gekonfiskeer of vernietig is, onderworpe aan die bepalinge van artikel *ses-en-twintig*, aan die eienaar betaalbaar is volgens die regulasies en die skale van waardes deur die Minister voorgeskryf. 35

Vergoeding: Verdere bepalinge.

26. (1) Die Minister kan vir waarneming en behandeling 'n dier aanhou wat kragtens hierdie Wet aan vernietiging blootstaan: Met dien verstande dat die vergoeding betaal word wat betaalbaar sou gewees het as die dier inderdaad vernietig is. 40

(2) Wanneer 'n dier kragtens hierdie Wet op 'n bevel van die Minister of 'n daartoe gemagtigde beampte of iemand vernietig is, is die karkas van sodanige dier die eiendom van die regering en daar kan op so 'n wyse daarvoor beskik word as die Minister beveel of voorskryf: Met dien verstande dat waar vergoeding betaal word en indien daar oor sodanige karkas of 'n deel daarvan beskik word deur verkoop en die bedrag ontvang hoër is as die vergoeding aan die eienaar betaal, die Departement na aftrekking van redelike koste ten opsigte van die verkoop die balans van die oorskot aan die eienaar betaal: Met dien verstande verder dat, indien die Minister bepaal of voorskryf dat so 'n karkas of deel daarvan wat handelswaarde besit en wat na die mening van die Direkteur aan die eienaar teruggegee kan word sonder dat daar gevaar is dat die siekte daardeur versprei sal word, dit aan hom teruggegee word en 'n bedrag deur die Direkteur aangeslaan afgetrek word van die vergoeding betaalbaar aan die eienaar ten opsigte van die vernietiging van so 'n dier. 55

(3) Wanneer 'n dier of ding kragtens hierdie Wet gekonfiskeer is en die Minister bepaal dat vergoeding daarvoor aan die eienaar betaal word, is die bepalinge van sub-artikel (2) *mutatis mutandis* van toepassing as daar oor sodanige dier of ding of 'n deel daarvan beskik word deur verkoop of die dier aan die eienaar terug te gee. 65

(4) Indien die eienaar 'n versekeringspolis besit vir 'n dier wat kragtens hierdie Wet vernietig word en sodanige versekeringspolis betaalbaar is by vernietiging van so 'n dier kan die Minister van vergoeding aan die eienaar toegeken ten opsigte van so 'n dier 'n bedrag gelykstaande aan die versekeringsbedrag aftrek. 70

(5) Die Minister kan na goeë dunnke vergoeding ten opsigte van 'n dier kragtens hierdie Wet vernietig of gekonfiskeer gedeeltelik of ten volle terughou as die eienaar of iemand in beheer van sodanige dier na sy oordeel kragtens hierdie Wet skuldig was aan 'n misdryf ten opsigte van sodanige dier of as, na sy oordeel, sodanige dier in die Unie ingevoer is en tydens die invoer in die Unie aan 'n siekte gely het. 75

- (ii) the amount still owing in respect of the debt; and, if the land is being partitioned, or any portion thereof is being transferred;
- (iii) the amount of the debt which shall attach to each separate portion of the land.
- (d) The certificate mentioned in paragraph (c) hereof shall be conclusive proof of the facts stated therein, and the registrar shall note on the document of title or deed of transfer of such land, or of the relevant portion thereof, the amount of any liability which in terms of the certificate attached to such land or such portion, as the case may be.
- (5) It shall be competent for the debtor at any time to pay the balance of the debt still unpaid together with the interest then due, and upon receipt of a certificate from the Department that the whole of the debt and interest have been paid the Registrar shall cancel the note in his register.

24. No person shall be entitled as of right to obtain a permit for any purpose for which the authority of a permit is required under this Act, or any other document issuable under this Act; and no proceedings shall be instituted in any court of law to compel the Minister or any other person to issue any such permit or other document: Provided that if any officer or authorized person refuses to grant a permit or to issue such other document an appeal against such refusal shall lie to the Minister, whose decision shall be final.

Minister's discretion regarding issue of permits.

25. No action shall lie against the Government or the Minister or any officer or authorized person for anything done in good faith under this Act, and no compensation shall be payable to any person in respect of any such thing unless the Minister otherwise directs; provided that compensation for animals confiscated or destroyed under this Act shall subject to the provisions of section *twenty-six* be payable to the owner in accordance with the regulations and the scales of values prescribed by the Minister.

Compensation.

26. (1) The Minister may reserve for observation and treatment any animal liable to be destroyed under this Act, subject to the payment of such compensation as would have been payable if the animal had in fact been destroyed.

Compensation: further provisions.

(2) When any animal has been destroyed under this Act by order of the Minister or of any duly authorized officer or person, the carcase of such animal shall be the property of the Government, and may be disposed of as the Minister may direct or prescribe: Provided that if compensation is paid, and if such carcase or any part thereof is disposed of by sale and the sum received therefor exceeds the amount paid to the owner as compensation the Department shall, after deducting any reasonable expenses incidental to the sale, pay the balance of such excess to the said owner; and provided further that, if the Minister directs or prescribes that such a carcase or any part thereof, which has a commercial value and which in the opinion of the Director can be returned to the owner without danger of spreading disease, be so returned, such value as assessed by the Director shall be deducted from any compensation payable to the owner in respect of the destruction of such animal.

(3) When any animal or thing is confiscated under this Act, and the Minister directs that compensation therefor be paid to the owner, the provisos in sub-section (2) shall *mutatis mutandis* apply, if such animal or thing, or any part thereof, is disposed of by sale or is returned to the owner.

(4) If the owner of any animal destroyed under this Act has any insurance upon such animal, which is payable upon such destruction, the Minister may deduct from any compensation awarded in respect of such animal an amount equal to the sum of such insurance.

(5) The Minister may, if he thinks fit, withhold either wholly or in part any compensation in respect of an animal destroyed or confiscated under this Act, if in his opinion the owner or any person having charge of such animal has been guilty of an offence under this Act in respect of such animal, or if in his opinion such animal, having been imported into the Union, was diseased at the time when it entered the Union.

Fondse vir
vergoeding
en opgawes
aan Parlement.

27. (1) Vergoeding betaal deur die Departement kragtens hierdie Wet word betaal uit geld wat die Parlement vir daardie doel voorsien.

(2) Binne een-en-twintig dae na die afsluiting van die jaar eindigende op die een-en-dertigste dag van Maart as die Parlement dan sit of, indien nie, dan binne een-en-twintig dae na die aanvang van die volgende sitting lê die Minister voor altwee Huise van die Parlement 'n opgawe ten opsigte van die jaar wat aantoon—

- (a) die totale hoeveelheid diere van elke diersoort wat kragtens hierdie Wet vernietig of gekonfiskeer is; en
- (b) die totale bedrag uitbetaal as vergoeding met inbegrip van besonderhede wat aantoon die bedrag betaal ten opsigte van elke diersoort en elke soort siekte.

Gebruik van
grond vir
die vernietiging en die beskikking oor diere.

28. Die Minister kan beveel dat grond wat na sy oordeel geskik is vir die doel gebruik kan word vir die vernietiging van 'n dier wat kragtens hierdie Wet aan vernietiging onderworpe is en vir die beskikking oor die karkas ongeag of die grond in besit is van of bewoon word deur die eienaar van sodanige dier of nie.

Misdrywe
met die
doel om
siekte
te versprei.

29. Elkeen wat met die doel om siekte te versprei—

- (a) die virus of mikro-organisme van 'n siekte of 'n parasiet of watter ding ook al, wat in staat is om 'n siekte te verwek of oor te plant, die Unie binnebring; of
- (b) in 'n besmette streek of gebied gevind word besig om parasiete of ander dinge, lewend of dood, wat siekte kan verwek of oordra, te versamel; of
- (c) 'n dier besmet met siekte of 'n besmetlike ding vervoer of gebruik; of
- (d) op 'n plek binne die Unie gevind word in besit van 'n parasiet of 'n ander ding in staat om siekte te verwek of oor te dra;

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met tronkstraf met harde arbeid vir 'n tydperk van hoogstens vyf jaar.

(2) In 'n vervolging ingevolge hierdie artikel word veronderstel dat die beskuldigde die verspreiding van die siekte beoog het, tensy en tot hy ter bevrediging van die hof die teenoorgestelde bewys.

Ander misdrywe.

30. Elkeen is skuldig aan 'n misdryf as hy—

- (a) sonder 'n permit 'n daad doen, vir die uitvoering waarvan die gesag van 'n permit kragtens hierdie Wet vereis word; of
- (b) 'n permit verkry onder valse voorwendsels; of
- (c) 'n permit in enige besonderheid verander of vervals; of
- (d) nadat hy 'n permit verkry het 'n daad doen wat 'n verbreking is van die voorwaardes waaronder die permit toegestaan is; of
- (e) 'n sertifikaat, permit of ander dokument deur hierdie Wet voorgeskryf, vervals; of
- (f) 'n vervalste sertifikaat, permit of dokument gebruik om die bepalinge van hierdie Wet te ontduik; of
- (g) in gebreke bly of versuim om 'n saak te rapporteer waar dit kragtens hierdie Wet sy plig is om dit te rapporteer; of
- (h) 'n valse verklaring maak in 'n verslag deur hierdie Wet voorgeskryf waar hy weet dat die verklaring vals is; of
- (i) as hy gemoeid is met of deels verantwoordelik is vir die oppas, beheer, of bestuur van 'n dier of ding wat besmet is of vermoedelik besmet is met 'n siekte en weier om inligting te verstrek of opsetlik verkeerde inligting gee aan 'n staatsveearts of ander gemagtigde iemand gee ten opsigte van feite waarvan hy kennis dra omtrent sodanige dier of ding; of
- (j) die eienaar van 'n dier is en, in stryd met die bepalinge van hierdie Wet in gebreke bly om te verhinder dat die dier verdwaal; of
- (k) in stryd met die bepalinge van hierdie Wet, 'n dier in 'n publieke skut skut of laat skut; of
- (l) waar dit kragtens hierdie Wet vereis word om 'n smeer, monster of orgaan van 'n dier te verskaf, in gebreke bly om dit te doen soos voorgeskryf of 'n vals smeer, monster of orgaan verskaf; of
- (m) sonder magtiging (die bewyslas waarvan by hom berus) 'n omheining of veeartseny-installasie vir die toepassing van hierdie Wet opgerig, verander, beskadig of daarmee peuter en sodoende die doeltreffendheid van sodanige omheining of installasie vir sodanige toepassing benadeel; of

27. (1) Any compensation paid by the Department under this Act shall be paid out of money provided by Parliament for the purpose. Funds for compensation, and returns to Parliament.

(2) Within twenty-one days after the close of each year ending on the thirty-first day of March if Parliament is then in session, or if not then within twenty-one days after the commencement of its next session, the Minister shall lay before both Houses of Parliament a return showing in respect of such year—

- 10 (a) the total number of each species of animals confiscated and destroyed under this Act; and
- (b) the total amount paid as compensation therefor, including details showing the amount paid in respect of each species of animals and each kind of disease.

15 28. The Minister may order the use of any land, which in his opinion is suitable for the purpose, for the destruction of any animal liable to be destroyed under this Act and for the disposal of its carcase, whether such land is owned or occupied by the owner of such animal or not. Use of Land for destruction and disposal of animals.

20 29. (1) Every person who with intent to spread disease—

- (a) introduces into the Union the virus or micro-organism of any disease or any parasite or any other thing whatsoever capable of producing or transmitting any disease; or
- 25 (b) is found collecting in any infected area any parasites, or any other thing animate or inanimate which is capable of producing or transmitting disease; or
- 30 (c) moves or uses any animal infected with disease or any infectious thing; or
- (d) is found anywhere within the Union in possession of any parasite or of any other thing capable of producing or transmitting disease;

Offences with intent to spread disease.

shall be guilty of an offence and liable on conviction to imprisonment with hard labour for a period not exceeding five years.

35 (2) In any prosecution under this section the accused shall be presumed to have had the intent to spread disease, unless and until he proves the contrary to the satisfaction of the court.

40 30. Every person shall be guilty of an offence who—

Other offences.

- (a) without a permit does any act, for the doing of which the authority of a permit is required under this Act; or
- 45 (b) obtains a permit by means of false representations; or
- (c) alters or falsifies a permit in any particular; or
- (d) having obtained a permit does any act in breach of the conditions subject to which the permit was granted; or
- 50 (e) forges any certificate, permit, or other document, required under this Act; or
- (f) uses any forged or falsified certificate, permit or other document, with intent to evade the provisions of this Act; or
- 55 (g) fails or neglects to report any matter which it is his duty under this Act to report; or
- (h) makes any false statement in any report required under this Act, knowing such statement to be false; or
- 60 (i) being concerned in or having any part in the care, control, or management of any animal or thing infected or suspected of being infected with disease, refuses to give information, or gives false information, knowing it to be false, to a state veterinarian or other officer or authorized person as to the facts within his knowledge relating to such animal or thing; or
- 65 (j) being the owner of an animal, fails to prevent that animal from straying contrary to the provisions of this Act; or
- (k) impounds or causes to be impounded in a public pound any animal contrary to the provisions of this Act; or
- 70 (l) being required under the Act to furnish a smear, specimen or organ of an animal fails to do as required, or furnishes a false smear, specimen or organ; or
- 75 (m) without authority (proof whereof shall rest on him) alters, damages, or interferes with any fence or veterinary fixture erected for the purposes of this Act, and thereby impairs the efficacy of such fence or fixture for such purposes; or

- (n) hom bemoei met of 'n beampte, of gemagtigde iemand of 'n assistent van die een of ander van hulle verhinder in die uitoefening van sy bevoegdhe of die uitvoering van sy pligte kragtens hierdie Wet; of
- (o) sonder magtiging (die bewyslas waarvan by hom 5 berus) 'n dier, voertuig, toestel, instrument, gereedskap, medisyne of ander ding beskadig, beseer of verwyder wat vir die toepassing van hierdie Wet in bewaring is van 'n beampte of 'n gemagtigde iemand of 'n assistent van die een of ander van hulle; of 10
- (p) weier of in gebreke bly om 'n bevel of opdrag kragtens hierdie Wet wettiglik uitgevaardig uit te voer of na te kom; of
- (q) kragtens hierdie Wet vergoeding verkry of probeer om te verkry of medepligtig is in die verkryging daarvan 15 onder valse voorwendsels; of
- (r) op 'n wyse nie vooraf hierin gespesifiseer nie 'n bepaling van hierdie Wet oortree of in gebreke bly om 'n bepaling na te kom as dit sy plig is om dit na te kom.

Wetlike vermoedens.

31. Waar dit in 'n vervolging kragtens hierdie Wet by 20 afwesigheid van wetlike vermoedens nodig is om, ter stawing van die aanklag, te bewys dat—

- (a) die beskuldigde kennis gedra het van 'n feit, saak of ding, word sodanige kennis by hom vermoed tensy en totdat hy, ter bevrediging van die hof, kan bewys 25 dat hy nie sodanige kennis gedra het nie en dat hy met redelike ywer en waaksaamheid nie sodanige kennis kon opgedoen het nie;
- (b) die beskuldigde vermoed het of redelike grond gehad het om te vermoed dat 'n feit bestaan, word daar 30 aangeneem dat hy dit wel vermoed het en dat daar redelike grond was waarvan hy kennis gedra het om te vermoed tensy en totdat hy, ter bevrediging van die hof, die teenoorgestelde bewys;
- (c) die beskuldigde ten tye van die pleging van die be- 35 weerde misdryf nie in besit van 'n permit of ander magtiging wat hom gemagtig het om die daad te doen wat hy, na bewering, gedoen het, was nie, word daar aangeneem dat hy destyds nie die houer van sodanige permit of magtiging was nie tensy en totdat hy, ter 40 bevrediging van die hof, die teenoorgestelde bewys;
- (d) die beskuldigde sekere diere vervoer het na of vanaf sekere grond en daar word bewys dat hy op 'n dag wat op die aanklag betrekking het op sodanige grond 'n sekere aantal diere gehad het van die soort wat, na 45 bewering, vervoer is en dat hy op 'n dag daarna, wat op die aanklag betrekking het, 'n groter of kleiner getal van sodanige diere op sodanige grond gehad het, word daar aangeneem dat hy 'n aantal diere gelykstaande aan die verskil in getal op die twee dae 50 na of vanaf sodanige grond vervoer het, al na die geval, en geen bewys word geverg om die identiteit van 'n besondere dier as vervoer vas te stel nie: Met dien verstande dat dit 'n genoegsame weerlegging van die vermoede is as die beskuldigde, ter bevrediging 55 van die hof, bewys dat hy nie die diere of een van hulle vervoer het nie en dat hy alle redelike maatreëls getref het om te verhoed dat hulle verdwaal of vervoer word;
- (e) die beskuldigde in gebreke gebly het om te verhoed 60 dat 'n ding plaasvind en daar word bewys dat die ding in werklikheid gebeur het, word daar aangeneem dat hy in gebreke gebly het om te verhoed dat die ding gebeur tensy en totdat hy, ter bevrediging van die hof, bewys dat hy alle redelike ywer aan die dag 65 gelê het en voorsorgmaatreëls getref het en nie die voorval daarvan kon verhoed het nie;
- (f) 'n dier verdwaal het en daar bewys is dat sodanige dier gevind is op grond waar dit kragtens die bepalings van hierdie Wet nie behoort te wees nie en dit toe dit 70 gevind is nie onder toesig van 'n wagter of iemand anders was nie of deur of namens sy eienaar weggedryf is, word daar aangeneem dat dit na sodanige grond verdwaal het tensy en totdat die teenoorgestelde, ter bevrediging van die hof, bewys word; 75
- (g) 'n beampte aangestel is of dat pligte aan hom toegewys of bevoegdheid aan hom gedelegeer is, word daar aangeneem dat so 'n beampte behoorlik aangestel is of dat sodanige pligte behoorlik aan hom

- (n) obstructs or interferes with any officer or authorized person, or any assistant of either of them, in the exercise of his powers or the performance of his duty under this Act; or
- 5 (o) damages, injures, or removes without authority (proof whereof shall rest on him), any animal, vehicle, appliance, instrument, tool, drug, or other thing, which is in the custody of an officer or authorized person, or an assistant of either of them, for the purposes of this Act; or
- 10 (p) refuses or fails to carry out or comply with any order or instruction lawfully given to him under this Act; or
- (q) obtains or attempts to obtain or aids or abets any other person to obtain by means of false representations any compensation under this Act; or
- 15 (r) in any manner whatsoever not hereinbefore specified contravenes any provision of this Act, or fails to comply with any such provision as and when it is his duty to comply therewith.
- 20 31. Where in any prosecution under this Act it would, in the absence of any legal presumption, be necessary in order to establish the charge, to prove that— Legal presumptions.
- (a) the accused had knowledge of any fact, matter, or thing such knowledge shall be presumed, unless and until he proves to the satisfaction of the court that he had no such knowledge and that he could not by the exercise of reasonable diligence and vigilance have gained such knowledge;
- 25 (b) the accused suspected or had reasonable grounds to suspect the existence of a fact, it shall be presumed that he did so suspect and that there were reasonable grounds, of which he had knowledge, so to suspect, unless and until he proves the contrary to the satisfaction of the court;
- 30 (c) the accused was not at the time of the commission of the alleged offence the holder of a permit or other authority empowering him to do the act which he is alleged to have done, it shall be presumed that at the time he was not the holder of such permit or authority, unless and until he proves the contrary to the satisfaction of the court;
- 35 (d) the accused had moved certain animals to or from any land, and it is proved that on a day relevant to the charge he had upon such land a certain number of animals of the kind alleged to have been moved and that on a subsequent day relevant to the charge he had a greater or a smaller number of such animals on such land, it shall be presumed that he moved to or from such land, as the case may be, a number of animals equal to the difference between the numbers on the two days, and no proof shall be required to establish the identity of any particular animal as having been moved: Provided that it shall be a sufficient rebuttal of this presumption if the accused proved to the satisfaction of the court that he did not move such animals, nor any of them, and that he took all reasonable measures to prevent them from straying or being moved;
- 40 (e) the accused failed to prevent the occurrence of any thing, and it is proved that such thing occurred, it shall be presumed that he failed to prevent its occurrence, unless and until he proves to the satisfaction of the court that he used all reasonable diligence and precautions and that he could not have prevented its occurrence;
- 45 (f) an animal had strayed, and it is proved that such animal was found upon land where under the provisions of this Act it should not be and, when so found, was unattended by any person, or was being driven off by or on behalf of its owner, it shall be presumed that such animal had strayed on to such land unless and until the contrary is proved to the satisfaction of the court;
- 50 (g) an officer has been appointed, or that duties have been assigned to him, or that powers have been delegated to him, it shall be presumed that such officer was duly appointed, or that such duties were duly assigned
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toegewys is of dat sodanige bevoegdheid behoorlik aan hom gedelegeer is tensy en totdat die teenoor-gestelde, ter bevrediging van die hof, bewys word;

- (h) iemand 'n gemagtigde iemand binne die bedoeling van hierdie Wet is, word daar aangeneem dat so iemand 5 behoorlik gemagtig is tensy en totdat die teenoor-gestelde, ter bevrediging van die hof, bewys word;
- (i) 'n kennisgewing wat die tyd of tussenpose bepaal vir die doen van iets wat gereeld op 'n vasgestelde tyd of na 'n gesette tussenpose gedoen moet word kragtens 10 hierdie Wet op iemand gedien is en dit word bewys dat hy sodanige ding by drie agtereenvolgende ge-leenthede op die vasgestelde tyd of na die gesette tussenpose gedoen het, is daar 'n onweerlegbare ver-moede dat die kennisgewing behoorlik op hom 15 gedien is.

Voorgeskrewe
state as
getuënis.

32. By 'n vervolging kragtens hierdie Wet word 'n voor- geskrewe staat deur 'n beampte of gemagtigde iemand in die uitoefening van sy ampsplig gehou, geag *prima facie* bewys te wees van die feite daarin opgeteken wanneer dit getoon word 20 deur die beampte of iemand in wie se bewaring dit is. Behalwe met die goedkeuring van die Minister het niemand behalwe 'n beampte of gemagtigde iemand insage in sodanige state wat kragtens hierdie Wet gehou word en geen sodanige state word in 'n regsgeding gebruik behalwe by vervolgings kragtens 25 hierdie Wet.

Dien van
kennisgewings.

33. (1) 'n Kennisgewing of ander dokument kragtens hierdie Wet kan gedien word—

- (a) deur 'n afskrif daarvan persoonlik af te gee aan die iemand op wie dit gedien moet word; of 30
- (b) deur so 'n afskrif te laat by sy gewone of laas bekende woonplek of plek waar hy sy beroep beoefen; of
- (c) deur so 'n afskrif per geregistreerde pos te stuur na sy gewone of laas bekende woonplek of plek waar hy sy beroep beoefen; of 35
- (d) op 'n ander manier wat die Minister voorskryf waar- onder metodes van dien wat nie eis dat die kennis- gewing of ander dokument of 'n afskrif daarvan afge- lewer word nie by die persoon of persone wat, na die mening van die Minister, die inhoud van sodanige 40 kennisgewing of dokument doeltreffend onder hulle aandag sal bring: Met dien verstande dat, waar die persone op wie sodanige manier van dien toepaslik gemaak is naturelle is, die Minister die Minister van Naturellesake daaromtrent raadpleeg voordat hy dit 45 voorskryf.

(2) Waar twee of meer persone grond gesamentlik besit, word 'n kennisgewing kragtens hierdie Wet op een van hulle as eienaar van die grond gedien, beskou as gedien op hulle 50 almal.

(3) By 'n vervolging kragtens hierdie Wet is blote voor- legging van 'n dokument wat voorgegee word 'n beëdigde ver- klaring te wees deur iemand wat beweer dat hy handelende op gesag aan hom kragtens hierdie Wet verleen ooreenkomstig 55 die bepalings van sub-artikel (1) van hierdie artikel 'n kennis- gewing of ander dokument (wat die besonderhede van sodanige kennisgewing of ander dokument en die tyd, plek en manier van dien uiteensit) maar met voorbehoud van sub-artikel (5) van artikel twee-honderd-ag-en-sestig van die „Wet op de Kriminele Procedure en Bewijslevering, 1917” (Wet No. 31 60 van 1917), of 'n wysiging daarvan *prima facie* bewys lewer dat sodanige kennisgewing op die beskuldigde gedien en deur hom ontvang is.

(4) By sodanige vervolging kan daar nie in verweer aan- gevoer word dat die beskuldigde in werklikheid nie 'n kennis- 65 gewing of ander dokument ontvang het nie as daar bewys word dat hy geweier het om so 'n kennisgewing of ander dokument te ontvang toe dit hom aangebied was of persoonlik of per geregistreerde pos of dat hy geweier het of in gebreke gebly het om iets te doen wat van hom geeis word onder 'n manier van 70 diening soos deur die Minister kragtens sub-artikel (1) (d) van hierdie artikel voorgeskryf tensy hy, ter bevrediging van die hof, bewys dat sy versuim om dit te doen nie aan gebrek aan ywer aan sy kant te wyte was nie.

Vrystelling
vir navorsing
ens.

34. Niks in hierdie Wet vervat word vertolk as die dade of 75 versuim aan die kant van 'n beampte of iemand deur die Minister daartoe gemagtig om ondersoek, proewe of navorsing uit te voer met betrekking tot 'n siekte vir so ver as sy optrede sodanige ondersoek, proef of navorsing bevorder te belet of te bestraf. 80

to him, or that such powers were duly delegated to him, as the case may be, unless and until the contrary is proved to the satisfaction of the court;

5 (h) any person is an authorized person within the meaning of this Act, it shall be presumed that such person was duly authorized, unless and until the contrary is proved to the satisfaction of the court;

10 (i) a notice fixing the time or interval of doing any thing required to be done regularly at a fixed time or interval under this Act was served upon any person, and it is proved that he did such thing on three consecutive occasions at such time or interval, it shall be presumed conclusively that such notice was duly served upon him.

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32. In any prosecution under this Act any prescribed record kept by any officer or authorized person in the course of his duty shall be *prima facie* proof of the facts therein recorded upon its production by the officer or person in whose custody it is. Except with the Minister's consent no person other than
20 an officer or authorized person shall be given access to any record kept under and for the purposes of this Act and no such record shall be used in connection with any legal proceedings other than prosecutions under this Act.

Prescribed records as evidence.

25 33. (1) Service of any notice or other instrument under this Act may be effected— Service of Notices.

- (a) by delivering a copy thereof personally to the person upon whom it is to be served; or
30 (b) by leaving such copy at his usual or last known place of residence or business; or
(c) by sending such copy by registered post to his usual or last known place of residence or business; or
35 (d) in such other manner as the Minister may prescribe, including such modes of service not requiring the notice or other instrument or a copy thereof to be delivered to the person or persons concerned as will in the opinion of the Minister effectively bring to their knowledge the contents of such notice or other instrument, provided that if the persons to whom
40 such mode of service is made applicable are natives the Minister shall consult with the Minister of Native Affairs thereanent before prescribing it.

(2) If any land is owned jointly by two or more persons any notice under this Act which is served upon any one of them as
45 owner of such land shall be deemed to have been served upon them all.

(3) In any prosecution under this Act a document purporting to be an affidavit made by a person who alleges therein that acting upon authority conferred upon him under this Act he
50 served upon the accused in accordance with the provisions of sub-section (1) of this section a notice or other instrument (setting forth the particulars of such notice or other instrument and the time, place, and manner of service) shall upon its mere production, but subject to the provisions of sub-
55 section (5) of section two hundred and sixty-eight of the Criminal Procedure and Evidence Act, 1917 (Act No. 31 of 1917), or any amendment thereof, be *prima facie* proof that such notice was duly served upon the accused and received by him.

(4) In any such prosecution it shall be no defence that the
60 accused did not in fact receive a notice or other instrument, if it is proved that he refused to accept such notice or other instrument when it was tendered to him either personally or by registered post, or that he refused or failed to do any act required of him under any mode of service prescribed by the
65 Minister under sub-section (1) (d) of this section, unless he proves to the satisfaction of the court that his failure was not due to any lack of diligence on his part.

34. Nothing in this Act contained shall be construed as prohibiting or penalizing the acts or omissions of any officer or
70 person authorized by the Minister to conduct investigations, experiments or research in connection with any disease in so far as his conduct is in furtherance of any such investigation, experiment, or research.

Exemption for research, etc.

Beperking van sake teen Administrasie van Spoorweë en Hawens.

35. Geen aksie kan ingestel word teen die Administrasie van die Suid-Afrikaanse Spoorweë en Hawens op grond van sy weiering om 'n dier of ding waarvan die vervoer kragtens hierdie Wet belet is of vir die verwydering waarvan kragtens die Wet 'n permit vereis word of op grond van sy aanhou of beskikking oor 'n dier of ding in ooreenstemming met 'n bevel deur die Direkteur uitgereik, wanneer die rede vir die weiering was sodanige verbod of die versuim van die afsender om die voorgeskrewe permit aan die Administrasie voor te lê of as die rede vir die aanhou of beskikking was die uitreiking van 'n bevel te dien effekte deur die Direkteur, al na die geval. 5 10

Strawwe.

36. (1) Elkeen wat kragtens hierdie Wet aan 'n misdryf skuldig is, is by afwesigheid van ander strafbepalings strafbaar—

(a) by 'n eerste skuldigbevinding met 'n boete van hoogstens vyftig pond en by wanbetaling met gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens ses maande: Met dien verstande dat as die skuldigbevinding is ten opsigte van— 15

(i) die onwettige invoer van 'n dier binne die Unie; of

(ii) die onwettige vervoer of verdwaal van 'n dier besmet of vermoedelik besmet met 'n siekte; of 20

(iii) die onwettige vervoer of verdwaal van 'n dier in of vanuit 'n gebied ten opsigte waarvan die vervoer van so 'n dier belet of beperk is;

hy strafbaar is met die gevangenisstraf sonder die keuse van 'n boete of met sowel die boete as die gevangenisstraf; 25

(b) by 'n tweede skuldigbevinding met 'n boete van hoogstens honderd pond en by wanbetaling met gevangenisstraf met of sonder harde arbeid vir 'n tydperk van hoogstens een jaar of met gevangenisstraf sonder die keuse van 'n boete of met sowel die boete as die gevangenisstraf; en 30

(c) by 'n derde of daaropvolgende skuldigbevinding met 'n boete van hoogstens twee honderd en vyftig pond en by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens twee jaar met of sonder harde arbeid of met gevangenisstraf sonder die keuse van 'n boete of met sowel die boete as die gevangenisstraf. 35

(2) 'n Skuldigbevinding weens die oortreding van die bepaling van 'n wet deur hierdie Wet herroep of van 'n proklamasie, regulasie of ministeriële bevel daarkragtens uitgevaardig, word geag 'n vorige skuldigbevinding kragtens hierdie Wet te wees. 40

(3) Ondanks andersluidende bepalinge in 'n wet het 'n Magistraatshof summierse regsbevoegdheid om die maksimum straf in hierdie paragraaf voorgeskryf op te lê. 45

Regulasies.

37. (1) Die Minister kan regulasies, wat nie in stryd met hierdie Wet is nie, maak wat voorskryf, beheer, reguleer of beperk wat moet of kan gedoen word en verbied wat nie gedoen kan word nie in een of almal van die volgende sake ten einde te belet dat siektes en parasiete die Unie binnegebring of in die Unie versprei word en te belet dat hulle in die Unie voorkom en hulle in die Unie uit te roei: 50

(a) die invoer, land, oorskeping, verwydering van die Unie, oorhandiging aan beamptes of gemagtigde persone, aanhouding, afsondering, inspeksie, nasien, tel, toets, ontsmetting, bevry van parasiete, immunisering, inenting, behandeling, monsterring, verseker, muilband, knip, skeer, vervoer brandmerk of merk van diere; 60

(b) die invoer, oorskeping, verwydering van die Unie, oorhandiging aan beamptes en gemagtigde persone, aanhouding, afsondering, inspeksie, toets, ontsmetting, skoonmaak van parasiete, merk, vervoer, beslag lê op, vernietiging, begrawe, opgrawe, en ander beskikking oor dinge deur hom tot besmetlike dinge verklaar; 65

(c) die invoer, vervaardiging, eenheid van standardisering, standaard van uitwerking, suiwerheid en gehalte, verpakking, etikettering, opberging, inspeksie, toets, adverteer, verkoop, uitreiking distribusie, gebruik, beslaglegging op, konfiskering, vernietiging en beskikking oor entstof, serum, toksien, anti-toksien, antigeen of ander produkte in die geheel of deels verkry van 'n mikro-organisme of van die kliere, organe, vloeistowwe of ander dele van diere en gebruik of vir gebruik bedoel in die of vir die toets, behandeling of immunisering van 'n dier vir of teen 'n siekte; 75

35. No action shall lie against the South African Railways and Harbours Administration by reason of its refusal to transport any animal or thing, the removal of which is prohibited under this Act, or for the removal of which a permit is required under this Act, or by reason of its detention or disposal of any animal or thing in accordance with an order issued by the Director, if the reason for its refusal was the fact of such prohibition or the failure of the consignor to produce to the Administration the requisite permit, or if the reason for such detention or disposal was the issue of an order to that effect by the Director, as the case may be.

Limitation of
actions against
railways and
harbours
administration.

36. (1) Any person who is guilty of an offence under this Act shall, if no other penalty is provided, be liable—

Penalties.

(a) on a first conviction, to a fine not exceeding fifty pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding six months: Provided that, if the conviction be in respect of—

(i) the unlawful introduction of an animal into the Union; or

(ii) the unlawful movement or straying of an animal infected or suspected of being infected with disease; or

(iii) the unlawful movement or straying of an animal into or out of an area, in respect of which the movement of such an animal is prohibited or restricted;

he shall be liable to such imprisonment without the option of a fine, or to both such fine and such imprisonment;

(b) on a second conviction, to a fine not exceeding one hundred pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment;

(e) on a third or subsequent conviction, to a fine not exceeding two hundred and fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding two years, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

(2) Any conviction for contravening the provisions of any law repealed by this Act or of any proclamation, regulation, or Minister's Order, made thereunder, shall be deemed to be a previous conviction under this Act.

(3) Any thing to the contrary in any law notwithstanding a magistrate's court shall have summary jurisdiction to impose the maximum penalties provided in this section.

37. (1) The Minister may make regulations not inconsistent with this Act prescribing, controlling, regulating, or restricting what shall or may be done, and prohibiting what shall not be done, in any and all of the following matters for the purpose of preventing the introduction or spread of diseases and parasites into the Union, and of preventing their occurrence or spread within, and of eradicating them from the Union:

Regulations.

(a) the importation, landing, transshipment, removal from the Union, production to officers and authorized persons, detention, isolation, inspection, checking, counting, testing, disinfecting, disinfesting, immunization, inoculation, treating, mustering, securing, muzzling, clipping, shearing, moving, and branding, or marking, of any animals;

(b) the importation, transshipment, removal from the Union, production to officers and authorized persons, detention, isolation, inspection, testing, disinfecting, disinfesting, marking, moving, seizure, destruction, burial, exhumation and disposal otherwise, of any things declared by him to be infectious things;

(c) the importation, manufacture, unit of standardization, standard of potency, purity, and quality, packing, labelling, storing, inspection, detention, testing, advertising, sale, issue, distribution, use, seizure, confiscation, destruction and disposal of, any vaccine, serum, toxin, antitoxin, antigen, or other product derived wholly or partly from any micro-organism, or from the glands, organs, fluids, or any other part of any animals, and used or intended for use in or for the testing, treatment, or immunization of any animal for or against any disease;

- (d) die aanmeld van 'n besmetting of vermoedelike besmetting met siekte van 'n dier, die aanmeld van die dood van 'n dier weens watter oorsaak ookal met inbegrip van slag en die verskaffing van smere, en ander monsters en organe van 'n dier wat besmet is of vermoedelik besmet is met 'n siekte, wat doodgaan weens watter oorsaak ookal met inbegrip van slag; 5
- (e) die verklaar van grond of 'n gebied as met siekte of met parasiete besmet;
- (f) die daarstelling, gebruik en beheer van kwarantynstasies en die beheer en bestuur van diere daarin met inbegrip van die voer, water gee en oppas van sodanige diere; 10
- (g) die registrasie van verkopings, markte, vendusiekrake, tentoonstellingsterreine, sirkusse, diereversamelings, dieretuine, wildtuine, voëlparke, troeteldierwinkels, hondehokke, dierehospitale, diereklinieke, dieretuistes, skutte, renbane, abattoirs, slagpale, en ander plekke waarheen diere gebring word of waar hul bymekaar gebring word vir verkoop, vertoning, sport, uitvoering van toertjies, huisvesting, skut, behandeling of slag; die rapporte wat ingedien moet word by die Departement deur diegene wat toesig hou oor sodanige plekke, die voorbehoedmaatreëls teen siektes wat op sodanige plekke geneem moet word teen die verspreiding van siekte waaronder die bepaling dat diere wat by abattoirs of slagpale aankom binne 'n voorgeskrewe tydperk geslag moet word; en die beperking of verbod op die bring en bymekaarmaak van diere na en by sodanige plekke wanneer, volgens sy oordeel, sodanige bring en bymekaarmaak waarskynlik siekte sal versprei; 25
- (h) die skoonmaak, ontsmetting en bevryding van parasiete van grond of vervoermiddels met inbegrip van die opruim en verbrand van plante en plantaardige materiaal op grond om te verhoed dat siekte versprei; 35
- (i) die beslaglegging op, aanhouding, konfiskering, vernietiging van en beskikking oor 'n dier wat besmet is of vermoedelik besmet is met 'n siekte of wat verdwaal het of in stryd met die bepalings van hierdie Wet vervoer is; of die beslaglegging, aanhouding, konfiskering, vernietiging of beskikking wat na sy oordeel nodig is om die verspreiding van siekte te voorkom of om siekte uit te roei en die betaling van vergoeding vir 'n dier aldus gekonfiskeer of vernietig; 40 45
- (j) die eis en gebruik van abattoirs, openbaar of privaat, vir die vernietiging van diere waarvan die vernietiging kragtens hierdie Wet geeis word;
- (k) die beperking of verbied van beweging van iemand op grond waar sodanige beweging, volgens sy oordeel, waarskynlik siekte sal versprei, die ontsmetting van die liggaam en klere van sodanige iemand en ander voorbehoedmaatreëls wat geneem moet word om die verspreiding van siekte deur sodanige iemand te verhoed; 50 55
- (l) die verpligte verwydering en uitsluiting van diere of diersoorte van grond of 'n gebied;
- (m) die skepping en instandhouding van kordonne waar hulle ookal na sy oordeel nodig is vir 'n doel kragtens hierdie Wet; 60
- (n) die verskaffing van inligting deur iemand aan beampes en gemagtigde persone in verband met 'n saak wat aan die bepalings van hierdie Wet onderworpe is;
- (o) die aantekenings wat deur beampes en gemagtigde persone, eienaars van diere, en ander persone gehou moet word, die bewaring, inspeksie, beslaglegging op, vernietiging van en beskikking oor sodanige aantekenings en die maak van uittreksels en die verskaffing van informasie daaruit;
- (p) die vorm van aansoeke, sertifikate, permitte en ander dokumente wat kragtens hierdie Wet gebruik moet word; 70
- (q) die gelde en koste wat betaal moet word vir iets wat kragtens hierdie Wet deur of namens die Departement gedoen moet word; en 75
- (r) in die algemeen, elke saak, hetsy van 'n aard alreeds hierin gemeld, al dan nie, wat deur hierdie Wet gemagtig is om voorgeskryf, beheer, reguleer, beperk of belet te word of wat hy mag nodig of raadsaam ag om voor te skryf, te beheer, te reguleer, te beperk of te belet vir die uitvoer of gevolg gee aan hierdie Wet.

- 5 (d) the reporting of the infection or the suspected infection of any animal with any disease, the reporting of the death of any animal from any cause whatsoever, including slaughter, and the furnishing of smears and other specimens and organs from any animal which is infected or suspected of being infected with any disease, or which dies from any cause whatsoever, including slaughter;
- 10 (e) the declaring of any land or any area as being infected with disease, or infested with parasites;
- (f) the establishment, use and control of quarantine stations and the control and management of animals therein, including the feeding, watering and tending of such animals;
- 15 (g) the registration of fairs, markets, saleyards, show-grounds, circuses, menageries, zoological gardens, game reserves, bird sanctuaries, pet shops, kennels, animal hospitals, animal clinics, animal homes, pounds, racecourses, abattoirs, slaughter poles, and other places to which animals are brought, or where they are assembled for sale, exhibition, sport, performance, boarding, impounding, treatment, or slaughter; the reports to be submitted to the Department by those in charge of such places; the precautions to be taken at such places against the spread of disease, including the requirement that animals arriving at any abattoir or slaughter pole shall be slaughtered there at or within a prescribed time; and the restriction or prohibition of the bringing and assembling of animals to and at such places, if in his opinion such bringing or assembling would be likely to spread disease;
- 20 (h) the cleansing, disinfection, and disinfestation of any land or conveyance, including the clearing and burning of any vegetation and vegetable matter on any land, to prevent the spread of disease;
- 25 (i) the seizure, detention, confiscation, destruction and disposal of any animal which is infected or suspected of being infected with any disease, or which has strayed or been moved contrary to the provisions of this Act, or the seizure, detention, confiscation, destruction, or disposal of which is in his opinion necessary to prevent the spread of or to eradicate any disease, and the payment of compensation for any animal so confiscated or destroyed;
- 30 (j) the requisitioning and use of abattoirs, whether public or private, for the destruction of animals ordered to be destroyed under this Act;
- 35 (k) the restriction or prohibition of the movement of any person upon any land, where in his opinion such movement would be likely to spread disease, the disinfection of the body and clothing of such a person, and other precautions to be taken to prevent the spread of disease by such a person;
- 40 (l) the compulsory removal and exclusion of animals or species of animals from any land or area;
- 45 (m) the establishment and maintenance of cordons wherever they are in his opinion necessary for any purpose under this Act;
- 50 (n) the furnishing of information by any person to officers and authorized persons on any matter which is subject to the provisions of this Act;
- 55 (o) the records to be kept by officers, authorized persons, owners of animals and other persons, the custody, inspection, seizure, destruction, and disposal of such records and the taking of extracts and the furnishing of information therefrom;
- 60 (p) the form of applications, certificates, permits and other documents, to be used under this Act;
- 65 (q) the fees and charges to be paid for any thing done by or on behalf of the Department under this Act; and
- 70 (r) generally, any and all matters, whether of the kind herein before mentioned or not, which are authorized by this Act to be prescribed, controlled, regulated, restricted, or prohibited, or which he deems it necessary or expedient to prescribe, control, regulate, restrict, or prohibit, for the purpose of carrying out and giving effect to this Act.
- 75

(2) Spesiale regulasies kan gemaak word ten opsigte van 'n klas dier, siekte, parasiet, ding, grond, gebied, persoon en omstandigheid of een of meer van hulle en algemene regulasies kan gewysig word om sodoende te onderskei in bepaalde opsig tussen verskillende dele van die Unie soos die Minister nodig of raadsaam ag vir beter administrasie van hierdie Wet en vir die verhoeding, beheer en uitroei van 'n siekte of parasiet. 5

(3) Die Minister kan 'n proklamasie, regulasie, bevel of kennisgewing wat van krag bly onder sub-artikel (3) van artikel twee van hierdie Wet wysig, skors of herroep. 10

Publisering
van konsep-
regulasies en
die voorlegging
daarvan aan die
Parlement.

38. (1) 'n Regulasie gemaak kragtens hierdie Wet word voor die afkondiging in die *Staatskoerant* gepubliseer tesame met 'n kennisgewing waarin versoek word om kommentaar en beswaar wat binne 'n bepaalde tyd in sodanige kennisgewing aan die Direkteur skriftelik voorgelê moet word en hierdie tydperk moet minstens een kalendermaand wees vanaf die datum van die kennisgewing en na die verloop van sodanige tydperk kan die regulasies afgekondig word met of sonder wysigings soos die Minister goedvind: Met dien verstande dat as, na sy oordeel, 'n vertraging in die afkondiging van regulasies die doel van sodanige regulasies sal verydel die regulasies sonder voorafgaande publikasie afgekondig kan word. 15

(2) Regulasies gemaak kragtens hierdie Wet word binne veertien dae na die afkondiging daarvan deur die Minister op die tafel van beide Huise van die Parlement gelê, indien die Parlement dan sit of as die Parlement nie sit nie dan binne veertien dae na die aanvang van die volgende sitting en as een van beide van die Huise van Parlement binne veertig dae nadat die regulasies voorgelê is, besluit om sodanige regulasies of 'n deel daarvan nietig te verklaar dan het sodanige regulasies of deel daarvan na drie maande gereken van die datum van publikasie van die nietigverklaringsbesluit in die *Staatskoerant* geen regsgeldigheid meer nie maar dit ontnem nie die Minister die reg om nuwe regulasies te maak oor die onderwerp van sodanig herroepe of gedeeltelik herroepe regulasies nie. 25 30 35

Wet bindend
op die
Kroon.

39. Hierdie Wet is bindend op die Kroon.

Bylae.

No. en jaar van wet.	Kort titel van wet.	In hoeverre herroep.
<i>Kaap die Goeie Hoop:</i>		
Wet No. 31 van 1908.	Cattle Cleansing Act, 1908 ..	Die hele wet.
Wet No. 43 van 1909.	Cattle Cleansing Act Amendment Act, 1909.	Die hele wet.
<i>Unie:</i>		
Wet No. 11 van 1910.	Kaap Provinsie Veereinigings Wet, 1910.	Die hele wet.
Wet No. 14 van 1911.	Veeziekten Wet, 1911	Die hele wet.
Wet No. 17 van 1912.	Omheiningswet, 1912	Hoofstuk II (artikels 9 tot 18).
Wet No. 25 van 1916.	Veeziekten Wet Wysigingswet, 1916.	Die hele wet.
Wet No. 31 van 1923.	Veeziekten Wet Wysigingswet, 1923.	Die hele wet.
Wet No. 18 van 1925.	Veeziekten Wet, 1911 Verdere Wysigingswet, 1925.	Die hele wet.
Wet No. 5 van 1930.	Veeziekten Wet (Wysigings) Wet 1930.	Die hele wet.
Wet No. 37 van 1937.	Veeziekten Wysigingswet, 1937	Die hele wet.
Wet No. 17 van 1940.	Veeziekten Wysigingswet, 1940	Die hele wet.

(2) Special regulations may be made with reference to any particular class of animal, disease, parasite, thing, land, area, person, and circumstance, or any one or more of them, and general regulations may be varied so as to differentiate between 5 different parts of the Union in any particular, as the Minister may deem necessary or expedient for the better administration of this Act and for the prevention, control, or eradication of any disease or parasite.

(3) The Minister may amend, suspend or repeal any pro- 10 clamation, regulation, order or notice which is continued in force under sub-section (3) of section two of this Act.

38. (1) Any regulations made under this Act shall before promulgation be published as a draft in the *Gazette* together with a notice inviting comment thereon or objection thereto 15 to be lodged in writing with the Director within a period specified in such notice, which period shall be not less than one calendar month from the date of the publication of such notice, and after the expiry of such period the regulations may be promulgated with or without modifications as the Minister may 20 deem fit: Provided that, if in his opinion the purpose of any regulation would be defeated by delay such regulation may be promulgated without prior publication as a draft.

Publishing draft regulations and submission of regulations to Parliament.

(2) All regulations made under this Act shall be laid on the table of both Houses of Parliament by the Minister within 25 fourteen days after promulgation, if Parliament is then in session or, if Parliament is not then in session, within fourteen days after the commencement of the next session, and if either House within forty days after any such regulation is so laid 30 before it resolves that such regulation or any part of it be annulled, such regulation or such part thereof shall cease to have effect at the end of three calendar months reckoned from the date of the publication in the *Gazette* of the resolution of annulment, but without prejudice to the power of the Minister 35 to make a new regulation on the subject matter of such annulled or partly annulled regulation.

39. This Act shall be binding on the Crown.

Act binding on Crown.

Schedule.

No. and year of law.	Short title of law.	Extent repealed.
<i>Cape of Good Hope:</i>		
Act No. 31 of 1908.	Cattle Cleansing Act, 1908 ..	The whole.
Act No. 43 of 1909.	Cattle Cleansing Act Amendment Act, 1909.	The whole.
<i>Union:</i>		
Act No. 11 of 1910.	Cape Province Cattle Cleansing Act, 1910.	The whole.
Act No. 14 of 1911.	Diseases of Stock Act, 1911 ..	The whole.
Act No. 17 of 1912.	Fencing Act, 1912	Chapter II (sections 9 to 18).
Act No. 25 of 1916.	Diseases of Stock Act Amendment Act, 1916.	The whole.
Act No. 31 of 1923.	Diseases of Stock Act Amendment Act, 1923.	The whole.
Act No. 18 of 1925.	Diseases of Stock Act 1911 Further Amendment Act, 1925.	The whole.
Act No. 5 of 1930.	Diseases of Stock (Amendment) Act, 1930.	The whole.
Act No. 37 of 1937.	Diseases of Stock Amendment Act, 1937.	The whole.
Act No. 17 of 1940.	Diseases of Stock Amendment Act, 1940.	The whole.