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STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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CAPE TOWN, 11 MARCH 1992

KANTOOR VAN DIE STAATSPRESIDENT

No. 776.

11 Maart 1992

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

No. 10 van 1992: Wysigingswet op Veebrandmerke, 1992.

STATE PRESIDENT'S OFFICE

No. 776.

11 March 1992

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

No. 10 of 1992: Livestock Brands Amendment Act, 1992.

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
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- Woerde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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WET

Tot wysiging van die Wet op Veebrandmerke, 1962, ten einde sekere uitdrukkings te skrap of nader te omskryf; die aanwysing van die registrator verder te reël, en af te sien van die aanwysing van inspekteurs; ander vereistes in verband met die register van brandmerke en die voorskryf van brandmerke te stel; die vereiste dat die Minister in 'n sekere geval met die Minister van Plurale Betrekkinge en Ontwikkeling oorleg moet pleeg, te skrap; ander vereistes te stel in verband met die pligte van die eiennaars van vee waar brandmerking verpligtend is; sekere bepalings aangaande die rojering van brandmerke te herroep; die vereiste aangaande die publikasie van sekere opgawes in verband met brandmerke en die hou van 'n brandmerkegids te herroep; bevoegdheid tot betreding, ondersoek en beslaglegging aan die registrator te verleen en verdere voorsiening te maak in verband met die besikking oor iets wat in beslag geneem is; ander voorsiening in verband met die pligte van 'n skutmeester te maak; ander voorsiening in verband met die verbode brandmerking van vee te maak; bykomende misdrywe te skep en boetes te verhoog; die vereiste dat voorgenome regulasies vooraf vir kennisname gepubliseer word, te skrap; en die gebied Suidwes-Afrika van die toepassing van die Wet uit te sluit; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Maart 1992.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 87 van 1962, soos gewysig deur artikel 1 van Wet 10 van 1973

1. Artikel 1 van die Wet op Veebrandmerke, 1962 (hieronder die Hoofwet genoem), word hierby gewysig— 5

(a) deur paragraaf (e) van die omskrywing van "brandmerk" (as 'n selfstandige naamwoord) deur die volgende paragraaf te vervang:

"(e) 'n tatoeëermerk op **[enige ander vee as kleinvee of op die oor van kleinvee]** beeste of perde;"

(b) deur die omskrywing van "gebied" te skrap;

(c) deur die omskrywing van "inspekteur" te skrap;

(d) deur die omskrywing van "registrator" deur die volgende omskrywing te vervang:

"'registrator' die beampete wat as registrator van brandmerke aangewys is ingevolge artikel 2 **[en in artikels 3, 5 tot en met 10, 13 tot en met 17, 21 en 23, behalwe artikel 23(6), ook, met betrekking tot die gebied, die assistent-registrator van brandmerke ingevolge artikel 2 aangewys];** en

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GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Livestock Brands Act, 1962, so as to delete or further define certain expressions; to further regulate the designation of the registrar, and to dispense with the designation of inspectors; to determine other requirements in connection with the register of brands and the prescription of brands; to delete the requirement that the Minister shall consult with the Minister of Plural Relations and Development in a certain case; to determine other requirements in connection with the duties of the owners of livestock where branding is compulsory; to repeal certain provisions concerning the cancellation of brands; to repeal the requirement concerning the publication of certain statements in connection with brands and the compilation of a brands directory; to confer a power of entry, investigation and seizure upon the registrar and to make further provision in connection with the disposal of any thing seized; to make other provision in connection with the duties of a pound master; to make other provision in connection with the prohibited branding of livestock; to create additional offences and to increase fines; to delete the requirement that proposed regulations be published in advance for notification; and to exclude the territory of South West Africa from the application of the Act; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 3 March 1992.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 87 of 1962, as amended by section 1 of Act 10 of 1973

5 1. Section 1 of the Livestock Brands Act, 1962 (hereinafter referred to as the principal Act), is hereby amended—

 (a) by the substitution for paragraph (e) of the definition of “brand” (as a noun) of the following paragraph—

 “(e) any tattoo on **[any livestock other than small stock or on the ear of any small stock]** cattle or horses;”;

10 (b) by the deletion of the definition of “inspector”; and

 (c) by the substitution for the definition of “livestock” of the following definition:

 “‘livestock’ **[in relation to the territory, means cattle, and, in relation to the Republic]** means cattle, horses, sheep, goats and

15 ostriches and any other species of animals which the Minister may by notice in the *Gazette* declare to be livestock for the purposes of this Act;”;

(e) deur die omskrywing van "vee" deur die volgende omskrywing te vervang:

"vee" [met betrekking tot die gebied, beeste, en, met betrekking tot die Republiek] beeste, perde, skape, bokke en volstruise en enige ander soort diere ten opsigte waarvan die Minister by kennisgewing in die Staatskoerant verklaar dat hulle vee vir die doeleindeste van hierdie Wet is;".

Vervanging van artikel 2 van Wet 87 van 1962, soos gewysig deur artikel 2 van Wet 10 van 1973

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang: 10

"Aanwysing van registrator

2. (1) Die Minister [moet] wys

[(a)] 'n beampete in sy departement as registrator van brandmerke aan [aanwys en, met betrekking tot die gebied, 'n beampete in sy departement as assistent-registrator van brandmerke aanwys om ten opsigte van die gebied] om, onderworpe aan die beheer en opdragte van die Minister, die bevoegdhede, pligte en werkzaamhede wat ingevolge hierdie Wet aan [hom] die registrator toegewys is, uit te oefen of te verrig [na gelang van die geval];

(b) dié ander beampetes in genoemde departement en dié ander persone wat hy nodig ag, as inspekteurs van brandmerke aanwys].

(2) (a) Die registrator kan 'n bevoegdheid, plig of werkzaamheid in subartikel (1) bedoel skriftelik aan 'n beampete onder sy beheer deleger of opdra, of so 'n beampete skriftelik magtig om so 'n bevoegdheid, plig of werkzaamheid uit te oefen of te verrig.

(b) 'n Beslissing of opdrag deur so 'n beampete geneem of gegee, kan deur die registrator ingetrek of gewysig word en word, totdat dit aldus ingetrek of gewysig is, behalwe by die toepassing van hierdie paragraaf, geag deur die registrator geneem of gegee te gewees het."

Vervanging van artikel 3 van Wet 87 van 1962

3. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

"Register van brandmerke en ander aantekeninge deur registrator gehou te word

3. (1) Die registrator moet 'n register van brandmerke [in die voorgeskrewe vorm] hou wat die voorgeskrewe besonderhede bevat asook die ander aantekeninge vir die doeleindeste van hierdie Wet wat die Minister gelas.

(2) Die registrator—

(a) stel die register tydens normale kantoorure by sy kantoor ter insae beskikbaar; en

(b) reik, op versoek van iemand wat daarby belang het, kosteloos 'n sertifikaat uit betreffende enige besonderhede daarin vervat.".

Vervanging van artikel 4 van Wet 87 van 1962

4. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

"Voorgeskrewe brandmerke

4. Die Minister moet brandmerke ten opsigte van elke groep vee voorskryf [asook die volgorde waarin sodanige brandmerke] wat toegeken moet word ingevolge artikel 5, en kan die toepaslike regulasie van tyd tot tyd wysig soos hy goedvind, mits die uitwerking

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- (d) by the substitution for the definition of "registrar" of the following definition:
- "registrar" means the officer designated as registrar of brands in terms of section 2 [~~and in sections 3, 5 to 10 inclusive, 13 to 17 inclusive, 21 and 23, other than section 23(6), includes, in relation to the territory, the assistant registrar of brands designated under section 2];"; and~~
- (e) by the deletion of the definition of "territory".

Substitution of section 2 of Act 87 of 1962, as amended by section 2 of Act 10 of 1973

2. The following section is hereby substituted for section 2 of the principal Act:

"Designation of registrar

2. (1) The Minister shall designate
- (a) an officer of his department as registrar of brands, [~~and, in relation to the territory, an officer of his department as assistant registrar of brands to]~~ who shall, subject to the control and instructions of the Minister, exercise or [as the case may be, to] perform [~~in respect of the territory~~] the powers, duties and functions assigned to [him] the registrar under this Act
- (b) such other officers of the said department and such other persons as he may deem necessary, as inspectors of brands].
- (2) (a) The registrar may in writing delegate or transfer to any officer under his control any power, duty or function referred to in subsection (1), or in writing authorize such officer to exercise or perform such power, duty or function.
- (b) Any decision made or order given by such officer may be withdrawn or amended by the registrar and shall, until it has been so withdrawn or amended, except for the purposes of this paragraph, be deemed to have been made or given by the registrar.".

Substitution of section 3 of Act 87 of 1962

3. The following section is hereby substituted for section 3 of the principal Act:

"Register of brands and other records to be kept by registrar

3. (1) The registrar shall keep a register of brands [in the prescribed form] containing the prescribed particulars as well as such other records for the purposes of this Act as the Minister may direct.
- (2) The registrar shall—
- (a) keep the register open for inspection at his office during normal office hours; and
- (b) at the request of any person having an interest therein, free of charge, issue a certificate regarding any particulars contained therein.".

Substitution of section 4 of Act 87 of 1962

4. The following section is hereby substituted for section 4 of the principal Act:

"Prescribed brands

4. The Minister shall prescribe brands in respect of each group of livestock [~~and the order in which such brands~~] which shall be allocated in terms of section 5, and may from time to time amend the

van so 'n wysiging nie is dat 'n brandmerk wat op iemand se naam geregistreer is, ophou om 'n aldus voorgeskrewe brandmerk te wees nie.”.

Wysiging van artikel 5 van Wet 87 van 1962, soos gewysig deur artikel 3 van Wet 10 van 1973

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5. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behoudens die bepalings van hierdie Wet kan 'n eienaar van vee of, indien hy die eienaar van vee [**in die gebied**] is [**of**] in 'n streek wat ingevolge artikel 5A verklaar is tot 'n streek waarin die brandmerk van vee verpligtend is, moet hy [**in die geval van die gebied, binne ses maande vanaf die datum van inwerkingtreding van die Wysigingswet op Veebrandmerke, 1973, of**], in die geval van die verklaring van bedoelde streek soos voormeld, binne ses maande vanaf die in die toepaslike kennisgiving bepaalde datum, op die voorgeskrewe wyse by die registrateur aansoek doen om die registrasie op sy naam van 'n brandmerk ten opsigte van sy vee wat behoort tot die groep in die aansoek vermeld.”.

Vervanging van artikel 5A van Wet 87 van 1962, soos ingevoeg deur artikel 4 van Wet 10 van 1973

6. Artikel 5A van die Hoofwet word hierby deur die volgende artikel vervang: 20

“Minister kan streek tot streek verklaar waarin die brandmerk van vee verpligtend is”

5A. Indien die Minister dit dienstig ag, kan hy, na oorlegpleging met die [**Minister van Plurale Betrekkinge en Ontwikkeling en die**] Suid-Afrikaanse Landbou-unie, by kennisgiving in die Staatskoerant 25 'n streek binne die Republiek omskryf en die aldus omskreve streek, met ingang vanaf 'n datum in die kennisgiving bepaal, tot 'n streek verklaar waarin die brandmerk van vee in die algemeen of van 'n in die kennisgiving vermelde groep vee verpligtend is.”.

Wysiging van artikel 5B van Wet 87 van 1962, soos ingevoeg deur artikel 4 van Wet 10 van 1973

7. Artikel 5B van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Elke eienaar van vee [**in die gebied of**] in 'n streek wat ingevolge artikel 5A verklaar is tot 'n streek waarin die brandmerk van vee verpligtend is, moet—”;

(b) deur die voorbehoudsbepaling by paragraaf (a) van subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat waar vee van 'n streek waarin brandmerking nie verpligtend is nie, om enige rede tydelik [**in die gebied of**] in 'n streek is waarin die brandmerk van vee verpligtend is, die registrateur, op die skriftelike aansoek van die eienaar van die betrokke vee, aan die eienaar, vir die tydperk en op die voorwaardes wat die registrateur bepaal, vrystelling kan verleen van die verpligting om die vee aldus te brandmerk;”; en

(c) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

“(b) sodanige vee verkry nie tensy die persoon wat die vee van die hand sit, aan die persoon wat die vee verkry 'n [**sertifikaat met die strekking dat die betrokke vee van die hand gesit word, op die voorgeskrewe vorm**]

dokument van identifikasie in artikel 6 van die Wet op Veediefstal, 1959 (Wet No. 57 van 1959), bedoel, verstrek.”.

relevant regulation in such manner as he may deem fit, provided such amendment does not have the effect of a brand registered in the name of any person ceasing to be a brand so prescribed.”.

Amendment of section 5 of Act 87 of 1962, as amended by section 3 of Act 10 of 5 1973

5. Section 5 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

10 “(1) Subject to the provisions of this Act any owner of livestock may or, if he is the owner of livestock [in the territory or] in an area declared under section 5A as an area in which the branding of livestock is compulsory, shall [in the case of the territory, within six months of the date of commencement of the Livestock Brands Amendment Act, 1973, or] in the case of the declaration as aforesaid of the said area, within six months of the date specified in the relevant notice, in the prescribed form apply to the registrar 15 for the registration of a brand in his name in respect of his livestock of the group specified in the application.”.

Substitution of section 5A of Act 87 of 1962, as inserted by section 4 of Act 10 of 1973

20 **6.** The following section is hereby substituted for section 5A of the principal Act:

“Minister may declare area as area in which the branding of livestock shall be compulsory”

25 **5A.** If the Minister deems it expedient, he may after consultation with [the Minister of Plural Relations and Development and] the South African Agricultural Union, by notice in the *Gazette* define an area within the Republic and declare the area so defined, with effect from a date specified in the notice, as an area in which the branding of livestock specified in the notice shall be compulsory.”.

Amendment of section 5B of Act 87 of 1962, as inserted by section 4 of Act 10 of 30 1973

7. Section 5B of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

35 “Every owner of livestock [in the territory or] in an area declared under section 5A as an area in which the branding of livestock is compulsory, shall—”;

(b) by the substitution for the proviso to paragraph (a) of subsection (1) of the following proviso:

40 “Provided that where livestock from an area in which branding is not compulsory are for any reason temporarily [in the territory or] in an area in which the branding of livestock is compulsory, the registrar may, on the application in writing of the owner of the livestock in question, grant the owner, for such period and on such conditions as the registrar may determine, exemption from the obligation so to brand the livestock;” and

45 (c) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

50 “(b) acquire any such livestock unless the person disposing of the livestock furnishes the person acquiring the livestock with a [certificate in the prescribed form to the effect that the livestock in question are being disposed of] document of identification referred to in section 6 of the Stock Theft Act, 1959 (Act No. 57 of 1959).”.

Herroeping van artikel 9 van Wet 87 van 1962**8. Artikel 9 van die Hoofwet word hierby herroep.****Herroeping van artikel 10 van Wet 87 van 1962****9. Artikel 10 van die Hoofwet word hierby herroep.****Herroeping van artikel 11 van Wet 87 van 1962****10. Artikel 11 van die Hoofwet word hierby herroep.****Herroeping van artikel 12 van Wet 87 van 1962****11. Artikel 12 van die Hoofwet word hierby herroep.****Vervanging van artikel 14 van Wet 87 van 1962, soos gewysig deur artikel 5 van Wet 10 van 1973****12. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:****“Gelde betaalbaar ten opsigte van registrasie van brandmerke**

14. Behalwe soos anders in hierdie Wet bepaal word, mag die registrator geen brandmerk of die oordrag van die registrasie van 'n brandmerk registreer nie, tensy die voorgeskrewe gelde, indien daar is, betaal is: Met dien verstande dat geen sodanige gelde betaalbaar is nie ten opsigte van die registrasie van 'n brandmerk op die naam van iemand wat

[(a)] aansoek doen om die registrasie van 'n brandmerk op sy naam, in die geval van [die gebied, binne ses maande na die datum van inwerkingtreding van die Wysigingswet op Veebrandmerke, 1973, of, in die geval van] 'n streek wat ingevolge artikel 5A tot 'n streek verklaar is waarin die brandmerk van vee verpligtend is, binne ses maande na die datum wat in die betrokke kennisgewing bepaal is [en

(b) die registrator oortuig dat 'n brandmerk op bedoelde datum op sy naam geregistreer was, in die geval van die gebied, ingevolge 'n wet by artikel 9 van die Wysigingswet op Veebrandmerke, 1973, herroep, of, in die geval van 'n streek ingevolge artikel 5A tot 'n streek verklaar waarin die brandmerk van vee verpligtend is, ingevolge hierdie Wet].”.

Vervanging van artikel 15 van Wet 87 van 1962**13. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:****“Betredings-, ondersoek- en beslagleggingsbevoegdhede**

15. (1) [‘n Inspekteur] Die registrator of 'n lid van die Suid-Afrikaanse Polisie kan te eniger tyd enige openbare of private perseel betree en daar—

(a) na die eienaar daarvan of die persoon wat toesig daaroor het, soek, en eis dat hy aan hom vir ondersoek toon enige vee, karkas of vel van enige vee, of brandyster of ander instrument vir die merk van vee, en enige sertifikaat of dokument wat uitgereik is of heet uitgereik te wees kragtens hierdie Wet, wat op sodanige perseel mag wees;

(b) hare of ander uitgroeisel van enige sodanige vee, karkas of vel afknip of op 'n ander wyse verwijder ten einde ondersoek vir brandmerke te vergemaklik;

(c) die ander ondersoeke instel, en die ander navrae doen, wat hy nodig ag om aan hierdie Wet gevvolg te gee;

Repeal of section 9 of Act 87 of 1962

8. Section 9 of the principal Act is hereby repealed.

Repeal of section 10 of Act 87 of 1962

9. Section 10 of the principal Act is hereby repealed.

5 Repeal of section 11 of Act 87 of 1962

10. Section 11 of the principal Act is hereby repealed.

Repeal of section 12 of Act 87 of 1962

11. Section 12 of the principal Act is hereby repealed.

Substitution of section 14 of Act 87 of 1962, as amended by section 5 of Act 10 of 10 1973

12. The following section is hereby substituted for section 14 of the principal Act:

"Fees payable in respect of registration of brands

14. Save as is otherwise provided in this Act the registrar shall not register any brand or transfer the registration of any brand unless the prescribed fee, if any, has been paid: Provided that no such fee shall be payable in respect of the registration of a brand in the name of any person who

(a) applies for the registration of a brand in his name **[in the case of the territory, within six months of the date of commencement of the Livestock Brands Amendment Act, 1973, or]**, in the case of an area declared under section 5A as an area in which the branding of livestock is compulsory, within six months of the date specified in the relevant notice **[and**

(b) satisfies the registrar that a brand was at such date registered in his name, in the case of the territory, in terms of any law repealed by section 9 of the Livestock Brands Amendment Act, 1973, or, in the case of an area declared under section 5A as an area in which branding of livestock is compulsory, in terms of this Act].".

Substitution of section 15 of Act 87 of 1962

13. The following section is hereby substituted for section 15 of the principal Act:

"Powers of entry, investigation and seizure

15. (1) [Any inspector] The registrar or any member of the South African Police may at any time enter upon any premises, whether public or private, and there—

(a) search for the owner or person in charge thereof, and require him to produce for inspection any livestock, carcase or hide of any livestock or branding iron or other instrument for marking livestock, and any certificate or document issued or purporting to have been issued under this Act, which may be upon such premises;

(b) clip or otherwise remove hair or other growth from any such livestock, carcase or hide in order to facilitate examination for brands;

(c) make such other investigations and inquiries as may be necessary for giving effect to this Act;

(d) beslag lê op enigiets wat hy gevind het en ten opsigte waarvan hy gronde het om te vermoed dat die bepalings van hierdie Wet oortree is **[en dit vir aanhouding verwwyder]**.

(2) Indien **[n inspekteur]** die **registrateur** **[enigiets aanhou]** op enigiets beslag gelê het kragtens subartikel (1), moet hy **dit** onverwyld **[n ontvangsbewys daarvoor gee, alle relevante feite onder die aandag van die registrateur bring en enige wettige opdragte uitvoer wat die registrateur daaromtrek]** aan 'n lid van die Suid-Afrikaanse Polisie oorhandig, wat oor daardie voorwerp beskik en daarmee handel ooreenkomsdig die toepaslike bepalings van die Strafproseswet, 1977 (Wet No. 51 van 1977), asof dit ingevolge die bepalings van genoemde Wet in beslag geneem is.

(3) **[n Inspekteur]** Die **registrateur** of 'n lid van die Suid-Afrikaanse Polisie kan by die uitoefening van sy bevoegdhede kragtens subartikel (1), die assistente, hetsy werknemers van die Staat al dan nie, en die diere, voertuie, toestelle of ander uitrusting wat hy vir sy oogmerke nodig ag, met hom saamneem.

(4) **[n Inspekteur]** Die **registrateur** of so 'n lid kan van die eienaar van enige vee of enigiets anders, of die persoon wat toesig daaroor het, alle redelike bystand vorder by die doen van enigiets wat die **[inspekteur]** **registrateur** of lid kragtens hierdie Wet kan of moet doen met betrekking tot sodanige vee of so iets.”.

Wysiging van artikel 17 van Wet 87 van 1962

14. Artikel 17 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Indien enige vee met een of meer geregistreerde brandmerke daarop geskut word, moet die betrokke skutmeester, benewens enige ander kennis wat hy volgens reg moet gee, die eienaar van daardie brandmerk of van die jongste brandmerk, na gelang van die geval, onverwyld en op die voorgeskrewe wyse in kennis stel van die skut daarvan deur middel van 'n kennisgewing gestuur aan hom by sy adres **[wat in 'n driemaandelikse opgawe of 'n brandmerkegids vermeld in onderskeidelik artikels 11 en 12 voorkom of, indien dit nie daarin voorkom nie, sy adres]** soos **op versoek van die skutmeester** deur die **registrateur** verstrek.”.

Wysiging van artikel 18 van Wet 87 van 1962, soos gewysig deur artikel 36 van Wet 25 van 1977

15. Artikel 18 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die bepalings van paragrawe (a) en (e) van subartikel (1) is nie van toepassing nie ten opsigte van—

(a) die brandmerk van vee ooreenkomsdig die reëls of verordeninge van die **[Suid-Afrikaanse Stamboek- en Veeverbeteringsvereniging, die Karakoeltelersgenootskap van Suid-Afrika]** Stamboekvereniging of 'n veetelersgenootskap soos omskryf in artikel 1 van die Veeverbeteringswet, 1977 (Wet No. 25 van 1977) **[of van enige ander liggaam ingevolge 'n wet ingestel]**; of

(b) die brandmerk, deur die teler daarvan, van vee **[waarvan die afstamming]** wat by genoemde vereniging **[of Karakoeltelersgenootskap van Suid-Afrika]** geregistreer of aangeteken is, na gelang van die geval **[of**

(c) die brandmerk van sy vee deur iemand wat 'n lid is van 'n groep persone, en woonagtig is in 'n gebied, deur die Minister by kennisgewing in die **Staatskoerant** bepaal,

mits sodanige brandmerk op die voorgeskrewe wyse geskied met 'n brandmerk wat deur die Minister goedgekeur is].”.

Wysiging van artikel 20 van Wet 87 van 1962, soos gewysig deur artikel 6 van Wet 10 van 1973

16. Artikel 20 van die Hoofwet word hierby gewysig—

(a) deur na paragraaf (a) van subartikel (1) die volgende paragraaf in te voeg:

- (d) seize **[and remove for detention]** any thing found by him in respect of which he has reason to suspect that the provisions of this Act have been contravened.
- 5 (2) If **[an inspector]** **the registrar** **[detains]** has seized any thing under subsection (1) he shall forthwith **[give a receipt therefore, report all relevant facts to the registrar and comply with any lawful instructions which the registrar may give in connection therewith]** deliver it to a member of the South African Police, who shall dispose thereof and deal therewith in accordance with the applicable provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as if it **has been seized in terms of the provisions of the said Act.**
- 10 (3) **[An inspector]** The registrar or a member of the South African Police may, in the exercise of his powers under subsection (1), take with him such assistants, whether State employees or not, and such animals, vehicles, appliances or other equipment as he may deem necessary for his purpose.
- 15 (4) **[An inspector]** The registrar or such member may require all reasonable assistance from the owner or person in charge of any livestock or other thing, in the doing of anything which such **[inspector]** **registrar** or member is authorized or required to do under this Act in relation to such livestock or thing.”.

Amendment of section 17 of Act 87 of 1962

- 25 14. Section 17 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- “(1) If any livestock bearing one or more registered brands are impounded in a pound, the poundmaster in question shall, in addition to any other notice which he may be required by law to give, forthwith and in the prescribed form notify the owner of such brand or of the latest brand, as the case may be, of such impoundment by notice sent to him at his address **[appearing in any quarterly statement or brands directory referred to in sections 11 and 12 respectively or, where it does not appear therein, his address]** as furnished by the registrar **at the request of the poundmaster.**”.

Amendment of section 18 of Act 87 of 1962, as amended by section 36 of Act 25 of 1977

- 35 15. Section 18 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
- “(2) The provisions of paragraphs (a) and (e) of subsection (1) shall not apply in respect of—
- 40 (a) the branding of livestock in accordance with the rules or by-laws of the **[South African]** Stud Book **[and Livestock Improvement]** Association **[the Karakul Breeder's Society of South Africa]** or a livestock breeders' society as defined in section 1 of the Livestock Improvement Act, 1977 (Act No. 25 of 1977) **[or of any other body established in terms of any law]; or**
- 45 (b) the branding, by the breeder thereof, of livestock **[the pedigree of]** which has been registered or recorded, as the case may be, with the said Association **[or Karakul Breeders' Society of South Africa; or**
- 50 (c) **the branding of his livestock by a person who is a member of a group of persons, and resident in an area, determined by the Minister by notice in the Gazette,** provided such branding is effected in the prescribed manner and with a brand approved by the Minister].”.

Amendment of section 20 of Act 87 of 1962, as amended by section 6 of Act 10 of 1973

- 55 16. Section 20 of the principal Act is hereby amended—
- (a) by the insertion after paragraph (a) of subsection (1) of the following paragraph:

- “(aA) ’n bepaling van artikel 18 oortree;”;
- (b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- “(b) enige vee in sy besit het wat **[na die inwerkingtreding van hierdie Wet of, indien dit na sodanige inwerkingtreding die Republiek ingebring is, nadat dit aldus ingebring is, en onder omstandighede waaroor hy beheer het]** gebrandmerk is anders as ooreenkomsdig of op ’n wyse veroorloof deur die bepalings van hierdie Wet;”;
- (c) deur na paragraaf (d) van subartikel (1) die volgende paragraaf in te voeg:
- “**(dA)** sonder wettige rede vee waarvan enige oor afgesny is, besit of aan iemand anders verkoop of op ’n ander wyse van die hand sit, of aan iemand anders te koop of vir vervreemding op ’n ander wyse aanbied;”;
- (d) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:
- “**(e)** **[’n inspekteur]** die registrateur of ’n lid van die Suid-Afrikaanse Polisie by die verrigting van sy pligte of die uitoefening van sy bevoegdhede kragtens hierdie Wet hinder of belemmer;”;
- (e) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:
- “**(f)** versuim of weier om enige vee of iets anders wat hy in sy besit of onder sy beheer het, te toon wanneer **[’n inspekteur]** die registrateur of ’n lid van die Suid-Afrikaanse Polisie ingevolge hierdie Wet eis dat hy dit moet doen;”;
- (f) deur paragraaf (j) van subartikel (1) deur die volgende paragraaf te vervang:
- “**(j)** homself valslik as **[’n inspekteur]** die registrateur voordoen; of”; en
- (g) deur die woorde wat op paragraaf (k) van subartikel (1) volg deur die volgende woorde te vervang:
- “is aan ’n misdryf skuldig en by skuldigbevinding strafbaar **[met ’n boete van hoogstens tweehonderd rand of, by wanbetaling, met gevengenisstraf vir ’n tydperk van hoogstens een jaar, of met dié boete sowel as dié gevengenisstraf]**—”
- (i) in die geval van ’n misdryf in paragraaf (a), (e), (f), (h), (j) of (k) bedoel, met ’n boete van hoogstens R5 000 of met gevengenisstraf vir ’n tydperk van hoogstens ses maande, of met daardie boete sowel as daardie gevengenisstraf; of
- (ii) in die geval van ’n misdryf in paragraaf (aA), (b), (c), (d), (dA), (g), (hA), (hB) of (i) bedoel, met ’n boete van hoogstens R10 000 of met gevengenisstraf vir ’n tydperk van hoogstens een jaar, of met daardie boete sowel as daardie gevengenisstraf.”.

Wysiging van artikel 21 van Wet 87 van 1962

17. Artikel 21 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) In ’n geding

- [(a)]** is ’n afskrif van die brandmerkegids vermeld in artikel 12 of ’n afskrif van die Staatskoerant waarin vervat is ’n driemaandelikse opgawe vermeld in artikel 11, by oorlegging daarvan in daardie geding *prima facie*-bewys van die feite uiteengesit in dié gids of opgawe, na gelang van die geval;
- [(b)]** is ’n sertikaat wat deur die registrateur heet uitgereik te wees betreffende die registrasie of die oordrag of rojering van die registrasie van ’n brandmerk ingevolge hierdie Wet, of die eiendomsreg op ’n geregistreerde brandmerk, of enige ander besonderhede in die register vervat, by oorlegging daarvan in daardie geding, *prima facie*-bewys van die feite ten opsigte waarvan daarin gesertifiseer word.”.

Wysiging van artikel 22 van Wet 87 van 1962

18. Artikel 22 van die Hoofwet word hierby gewysig deur subartikel (3) te skrap.

- “*(aA)* contravenes a provision of section 18;”;
- (b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) has in his possession any livestock branded **[after the commencement of this Act or, if they were after such commencement introduced into the Republic, after such introduction, and in circumstances within his control]** otherwise than in accordance with or in a manner allowed by the provisions of this Act;”;
- (c) by the insertion after paragraph (d) of subsection (1) of the following paragraph:
- “*(dA)* without lawful reason has in his possession, or sells, or otherwise disposes of, or offers for sale or disposal in any other manner to any other person, stock of which any ear has been cut off;”;
- (d) by the substitution for paragraph (e) of subsection (1) of the following paragraph:
- “(e) hinders or obstructs **[an inspector]** the registrar or a member of the South African Police in the execution of his duties or the exercise of his powers under this Act;”;
- (e) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
- “(f) fails or refuses to produce, when required in terms of this Act by **[an inspector]** the registrar or a member of the South African Police to do so, any livestock or other thing in his possession or under his control;”;
- (f) by the substitution for paragraph (j) of subsection (1) of the following paragraph:
- “(j) falsely holds himself out to be **[an inspector]** the registrar; or;
- and
- (g) by the substitution for the words following paragraph (k) of subsection (1) of the following words:
- “shall be guilty of an offence and liable on conviction **[to a fine not exceeding two hundred rand or, in default of payment, to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment]**—
- (i) in the case of an offence referred to in paragraph (a), (e), (f), (h), (j) or (k), to a fine not exceeding R5 000 or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment; or
- (ii) in the case of an offence referred to in paragraph (aA), (b), (c), (d), (dA), (g), (hA), (hB) or (i), to a fine not exceeding R10 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.”.

Amendment of section 21 of Act 87 of 1962

17. Section 21 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- “(1) In any legal proceedings
- [(a)]** a copy of the brands directory referred to in section 12 or a copy of the Gazette containing a quarterly statement referred to in section 11, shall upon production in such proceedings be *prima facie* proof of the facts set forth in such directory or such statement, as the case may be;
- [(b)]** a certificate purporting to have been issued by the registrar regarding the registration or the transfer or cancellation of the registration of a brand in terms of this Act, or the ownership of a registered brand, or any other particulars contained in the register, shall upon production in such proceedings be *prima facie* proof of the facts certified therein.”.

Amendment of section 22 of Act 87 of 1962

18. Section 22 of the principal Act is hereby amended by the deletion of subsection (3).

Wysiging van artikel 23 van Wet 87 van 1962, soos gewysig deur artikel 7 van Wet 10 van 1973

19. Artikel 23 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Indien ’n brandmerk ingevolge hierdie artikel geregistreer is, is die ander bepальings van hierdie Wet nie ten opsigte daarvan van toepassing nie [behalwe dat die registrateur dit moet insluit in die gepaste driemaandelikse opgawe en, vir solank die gebruik daarvan ingevolge die betrokke wet veroorloof of verpligtend is, in die brandmerkegids vermeld in onderskeidelik artikels 11 en 12].”.

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Vervanging van artikel 24 van Wet 87 van 1962

20. Artikel 24 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oordrag van bevoegdhede deur Minister

24. Die Minister kan ’n bevoegdheid wat deur hierdie Wet aan hom verleen is, behalwe ’n bevoegdheid verleent deur artikel 22, aan [die Sekretaris of] ’n [ander] beampie van die Departement van [Landbou-tegniese Dienste] Landbou oordra.”.

15

Herroeping van artikel 25A van Wet 87 van 1962, soos ingevoeg deur artikel 8 van Wet 10 van 1973

21. Artikel 25A van die Hoofwet word hierby herroep.

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Kort titel

22. Hierdie Wet heet die Wysigingswet op Veebrandmerke, 1992.

Amendment of section 23 of Act 87 of 1962, as amended by section 7 of Act 10 of 1973

19. Section 23 of the principal Act is hereby amended by the substitution for subsection (6) of the following subsection:
- 5 “(6) If a brand is registered in terms of this section the other provisions of this Act shall not apply in respect thereof [except that the registrar shall include it in the appropriate quarterly statement and, so long as the use thereof is authorized or required in terms of the law in question, in the brands directory referred to in sections 11 and 12 respectively].”.

10 Substitution of section 24 of Act 87 of 1962

20. The following section is hereby substituted for section 24 of the principal Act:

“Delegation of powers by Minister

- 15 24. The Minister may delegate to [the Secretary or] any [other] officer of the Department of [Agricultural Technical Services] Agriculture any of the powers conferred upon him by this Act, other than the powers conferred by section 22.”.

Repeal of section 25A of Act 87 of 1962, as inserted by section 8 of Act 10 of 1973

21. Section 25A of the principal Act is hereby repealed.

20 Short title

22. This Act shall be called the Livestock Brands Amendment Act, 1992.

26. The following section of section 73 of Act 87 of 1985, as amended by section 3 of Act 10 of
1985:

27. Section 73 of the principles Act is hereby amended by the substitution for
subsection (3) of the following provision:

"(3) If a person is convicted in terms of this section the court may grant him
the Act of 1985 to apply in respect thereof unless that is otherwise specifically
provided in the judgment or order, or if he has in the opinion of the
court it is reasonable to do so in respect of the circumstances, in the
opinion of the judge presiding over the trial in the case.

28. The following section is hereby substituted for section 24 of the principles:

29. The following section is hereby substituted for section 24 of the principles:

"24. The Minister may delegate to [the Minister of Justice]
any of the powers contained in the principles contained in this Act,
subject to the conditions contained in this Act, other than
the powers contained in section 25."

30. The following section of section 25A of Act 87 of 1985, as inserted by section 8 of Act 10 of 1985:

31. Section 25A of the principles Act is hereby repealed.

32. This Act shall come into operation on the first day of April, 1986.